Exhibit 31

City of Rockville
Get Into It

MEMORANDUM

June 13, 2019

TO: City of Rockville Planning Commission

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

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

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

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

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

JB/lms

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

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

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

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

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

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

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

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

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

Exhibit 32

Rockville 2040 Comments

On Land Use and Housing

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

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

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

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

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

On Walkability

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

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

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

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

Here is a very specific hyper local example:

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

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

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

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

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

On Retail Rocks

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

On Transportation

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

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

On Policy 17 - Pedestrian Master Plan
I would personally volunteer to assist this effort. I think this will be critical to achieving Vision Zero and making Rockville a truly walkabile city.

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

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

Exhibit 33

Ingleside at King Farm Resident Council
701 King Farm Blvd., Rockville, MD 20850
June 11, 2019

The latest draft of the Rockville 2040 Comprehensive Plan notes support of the Corridor Cities Transitway – the CCT - (Action 13.3, Policy 13, p73). This is disturbing news to Ingleside at King Farm Residents. The CCT, in spite of what is stated in the Plan, is no longer "... a central component to the development of King Farm." Time has passed it by. We strongly object to the CCT using King Farm Blvd.

You will recall that King Farm was developed over 22 years ago. This community was designed to be a walking community with easy access to the Community resources for all residents regardless of their limitations. The proposed CCT route would cut the community in half and limit access to our Community facilities and present unnecessary hardships on residents.

Further, when the CCT was first proposed in 1970, there was no King Farm development, only farmland. There was no Ride-On bus service. In the intervening years the need for the proposed CCT route vanished, being replaced by more practical routes to reach Upper County residents. Further, each proposed CCT stop is now served more efficiently by Ride-On buses. In all but one route, Ride-On reaches the Shady Grove metro faster than the proposed CCT bus. The CCT in its present form has been bypassed by events and does not meet the Community needs when first proposed in 1970.

We were assured by the County Executive and the Rockville City Mayor that the CCT would not go through King Farm and that there was a much more practical, more flexible and less costly plan using Shady Grove Road. Therefore we are in support of proposals by the County Executive to re-route the CCT onto Shady Grove Road which will support greater economic development in the north end of Rockville and further up the County. These proposals are more economically sound and far more environmentally consistent with community goals.

Thank you for the opportunity to comment on the Comprehensive Plan. We look forward to the City Staff and the Planning Commission taking appropriate action on this segment of the 2040 Plan and eliminating the King Farm Blvd route.

Barbara Murry, Resident Council President

Barbara Murry

Alan S. Kaplan, Member at Large

Alan S. Kaplan

Exhibit 34

Cynthia Kebba

From: David Levy <dlevy@rockvillemd.gov>
Sent: Monday, June 17, 2019 3:52 PM
To: Cynthia Kebba
Subject: FW: My Comments on the 2040 Plan

From: Chas Hausheer
Sent: Saturday, June 15, 2019 6:45 PM
To: masterplan <masterplan@rockvillemd.gov>; Andrea Gilles <agilles@rockvillemd.gov>
Subject: My Comments on the 2040 Plan

- Define "small apartment" in more detail; **Reference page 24.**
- I support quads and duplexes for more dense housing BUT that such dwellings **do not to exceed** the size, height and massing of a house as outlined in our (soon to be approved) East Rockville Design Guidelines or East Rockville neighborhood plan.
- I support the RA zone as aligned along South Stonestreet Avenue.; **Reference Page #20.**
- **I DO NOT support** the RA zone stretching down one full block into Reading Terrace, Highland Avenue and Croydon Avenue. **Reference Page #20.**
- I instead would support the RA zone change reaching down **TWO TO THREE LOTS into the aforementioned streets but no further. Reference Page #20.**

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Chas Hausheer [illegible]
"Think globally, act locally"
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Exhibit 35

Cynthia Kebba

From: President ERCA <president.erca@gmail.com>
Sent: Monday, June 17, 2019 7:54 PM
To: Planning Commission
Cc: Andrea Gilles
Subject: Rockville 2040 Comprehensive Plan Draft – Comments from ERCA

Rockville 2040 Comprehensive Plan Draft – Comments from East Rockville Civic Association

Dear Planning Commission,

I am writing on behalf of the East Rockville Civic Association (ERCA), to provide our comments and feedback on the 2040 Comprehensive Draft Plan. 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.

In general, ERCA supports the new Residential Attached (RA) zoning in East Rockville as detailed on Page 31. However, after several meetings and discussions, we have the following comments/suggestions about the zoning:

1) As per Page 24 "allowed Residential Attached types," we would like to exclude small apartment buildings. We would prefer nothing larger than a fourplex.
2) In general, allowed types for the RA zoning needs to be better defined.
3) The plan should clearly state that Adequate Public Facilities rules will apply to all construction, including in the new RA zoning.
4) ERCA does not support the RA zone stretching down one full block into Reading Terrace, Highland Avenue, and Croydon Avenue. ERCA instead would support the RA zone change reaching down two to three lots from S. Stonestreet Ave, but no further.
5) Off-street parking in the RA zone should be 1.5 spots per unit at minimum.
6) It should be explicitly stated that the East Rockville design guidelines currently under development will apply to the RA zone.

Thank you so much for your time and consideration.

Respectfully,

Deborah

Deborah Landau, President of East Rockville Civic Association
"Lift up your eyes and look beyond the sod" -Mary Trumbo

Exhibit 36

Cynthia Kebba

From: Sarah Salazar <mariposarah@gmail.com>
Sent: Monday, June 17, 2019 11:28 PM
To: Planning Commission
Subject: Testimony on the Rockville 2040: Draft Comprehensive Plan for Planning Commission Public Hearing

Hello, My name is Sarah Salazar, I live at 5941 Lemay Rd., Rockville, MD 20851. I am providing comments/testimony on the Rockville 2040: Draft Comprehensive Plan for Planning Commission Public Hearing. I have general comments and comments on the "Land Use," "Environment," and "Water Resources" elements of the plan.

General

- It would be helpful if the introduction included a flowchart that clearly illustrates the steps involved in this plan review, approval, and implementation, as well as how this plan is used to guide/inform other more specific land use plans in Rockville.
- The draft plan references Rockville's past Comprehensive Plans and provides some statistics describing progress that has been made in the goals under various elements over time. I think the plan could be more effective if it included more such measures of accountability. It could include more comparisons of data collected for the previous comprehensive plan and explicitly identify areas where we are achieving our ongoing goals and areas where we are falling short. This information would help us to capitalize on our successes and focus energy on addressing the shortfalls.
- The plan includes many maps displaying data used to describe all the elements as they exist as well as proposed changes. However, these data are not shown at a scale or in combinations that allow the public to fully understand how they overlap and may interact. It would be helpful if all of the GIS data used to develop the Draft Comprehensive Plan were available on an interactive map on the city's website. The city uses interactive maps on its website already to show the public the current zoning and land use information. A complementary interactive map with the data for the draft 2040 Comprehensive Plan would allow the public to: 1) better understand how proposed changes may affect all of the elements discussed in the plan, and 2) contribute more effectively on future decision-making opportunities.

Land Use

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- On page 63, Policy 5 discusses exploring opportunities for new east-west connections only briefly. I suggest elaborating on this brief paragraph to include a thorough explanation of the constraints, including costs, as well as specific opportunities that exist for new east-west connections across the metro and train tracks. This portion of the 2040 vision of Rockville is too vague as currently described, and is therefore unlikely to be effectively considered during future development projects. Providing more background information on the constraints could inspire innovation and collaboration from developers, residents, and the city to achieve this goal.

Environment

- The draft plan provides statistics on existing greenhouse gas emissions and discusses goals and actions to minimize the effects of climate change by reducing these emissions. Thank you for considering climate change in this plan and in future decisions. In addition, pages 139-143 includes statistics on the tree canopy in Rockville. Given the goals to preserve and enhance vegetation in the city and the fact that Rockville is a "Tree City USA", the plan should include not only estimates of Rockville's carbon emissions, but also estimates of how much carbon is sequestered in Rockville's city trees and natural areas, and in residential areas. The plan could also identify mowed areas that could be planted with native trees that could increase our rates of carbon sequestration. If the term carbon sequestration is included in the final plan, please include a definition to facilitate broad understanding.
- On page 128, action 3.4 states "Promote renewable energy systems, microgrids, energy storage, and district energy systems." It is unclear how the city will implement this action. Please clarify this statement with a description of how this would be done and provide potential examples. Also, to facilitate public review, it would be helpful to include definitions of "microgrids" and "district energy systems" in footnotes.
- On page 134, it would be helpful if the plan included a definition of "biophilic" in a footnote. Please elaborate on how the city would incorporate a "biophilic approach" in city greenspace management planning. Also, the associated actions on page 135 do not include any means to measure success. I suggest rephrasing them so that they are clearer and measurable to facilitate implementation and future evaluation.
- On page 141, the "Urban Tree Canopy and Forest Protection" table would be easier to understand if the UTC was reported at the bottom of the table (as a total). Also, the rows for FCE and Forest Preserves could be indented further to more clearly show that they are sub-categories/sub-totals of private property and city-owned, respectively.
- At the bottom of page 141, it states that "In order to balance between environmental goods, the number of required trees should be less in areas targeted for intense urban growth." To better "balance between environmental goods" in intense urban growth areas, the plan could include a goal to explore opportunities to create green spaces by requiring combinations of solar panels and types of vegetation

compatible with dense development, such as green rooftops, terraces with planters, and green walls within and outside of the buildings.

- The caption of figure 22 on page 142 refers to a "lease weasel". Should this instead be the "least weasel" (*Mustela nivalis*)?
- On page 143, as a companion to Action "12.5 Monitor and manage invasive species and enhance habitats on city-owned lands", I suggest adding this (or similar) action: "Monitor and remove litter on city-owned lands to protect and enhance wildlife habitat" because litter is a problem on some city-owned lands and it contributes to environmental degradation.

Water Resources

- The forested stormwater management area within the Twinbrook Metro station plot needs maintenance. During storm events litter floats in the ephemeral pond that forms there and it may be clogging this area. The comprehensive plan should include, as an action, regular monitoring of stormwater treatment areas and regular trash removal to prevent both damage of the systems and transport of litter downstream within the watershed. In addition, the trees within the Twinbrook Metro stormwater management area are covered in English ivy and other non-native invasive vines. The invasive vines could stress and eventually kill the trees, which could also damage or clog the stormwater treatment infrastructure and would adversely affect our ability to achieve various other goals in the comprehensive plan (e.g., preserve existing trees). The comprehensive plan should include requirements for wetland-appropriate treatments of non-native invasive plants as part of regular maintenance of the city's stormwater management areas.

Thank you in advance for considering these comments.

Sincerely,

Sarah Salazar

Sent from my iPhone

Exhibit (37)

KINGFARM

King Farm Citizens Assembly, Inc.
300 Saddle Ridge Circle
Rockville, MD 20850
301-987-0122

Rockville Planning Commission
c/o Cindy Kebba
111Maryland Avenue
Rockville, MD 20850

Cindy Kebba,

Re: Written testimony from the King Farm Citizens Assembly on the Rockville City 2040 Comprehensive Plan

The King Farm Citizens Assembly has had the opportunity to review the latest draft of the Rockville 2040 Comprehensive Plan. While KFCA is generally supportive of the elements of the Plan and the information presented in the Plan we are concerned about particular points in the plan.

Land Use and Urban Design. Policy 7 calls for the City to "review and enforce regulations on shared housing and develop standards for short-term residential rentals." The KFCA supports the intent of this Policy and looks forward to working together to "develop standards and regulations to address potential issues" of short-term rentals which, due to internet companies, seem to be a growing issue within King Farm.

We note that the King Farm Metro station falls outside of the city's boundary currently, and thus is not included in the Land Use and Urban Design portion of the plan. While the KFCA understands that planners focus is on Rockville as it currently is incorporated, we urge you to include the Shady Grove Station as part of your planning similar to the Twinbrook or Rockville stations. It is an integral part of the King Farm community and development around should take it into account.

Policy 20 calls for the city to "support retail uses along Rockville's commercial corridors and other shopping areas." KFCA is in agreement with the planners that "off-site signage, where deemed useful and beneficial, to direct customers to Rockville's shopping areas that are not visible from major arterials" as is the case with King Farm's Village Center.

Transportation. There is complete agreement by KFCA with the Rockville City 2040 Comprehensive Plan when it comes to implementing a Vision Zero plan. Pedestrian safety is an ongoing concern to the residents of King Farm and the recently created Pedestrian Advocacy Committee is a step in the right direction. KFCA looks forward to working with the city and others to implement a Vision Zero plan.

Policy 8 makes mention of "restricted turning movements along MD 355." KFCA notes that "restricted turning" at the intersection of Redland Boulevard and MD 355 also leads to increased traffic along Elmcroft Boulevard as drivers cannot turn on MD 355 and must therefore cut-through King Farm to

continue on to MD 355. The KFCA asks that the Plan include advocating for SHA to investigate allowing a left-turn movement from westbound Redland Boulevard onto MD 355.

Policy 13 is to "Plan for implementation of bus rapid transit (BRT) lines in Rockville. The KFCA has no issue with this statement or the implementation of BRT in the City. However, Action 13.3 states: *"Support implementation of the Corridor Cities Transitway, which was a central component to the development of King Farm"*. It is with this statement that we disagree. The KFCA has been working with State, County and local officials to remove the CCT from King Farm for close to 10 years. King Farm is 22 years "old" and has for this many years survived quite well without a project which will adversely affect the functioning of the community, devalue properties along the route, impede traffic flow on King Farm Blvd and generally disrupt the ability of residents to traverse the community by vehicle and on foot. We are in support of proposals by the County Executive to re-route the CCT out of King Farm and on to Shady Grove Road which will support greater economic development in the north end of Rockville.

Policy 19 mentions "e-scooters" or other similar devices. While we are certainly in agreement that these devices are desirable in their overall impact of reducing carbon emissions recent experiences in other municipalities indicate that their use should be addressed sooner rather than later. KFCA urges the planners to add an action item in regard to safe usage of such devices.

Environment. The KFCA is supportive of your recommendations to commit Rockville to the preservation and protection of shared natural resources in the city's land, water resources and air. Policy 6, in particular, appears to hold particular interest to the KFCA as it will impact the updating of our own architectural standards. We look forward to working with you and the city on the action items and the pace with which they will be implemented.

Policy 7 touches upon the idea of community gardens and includes an action item (7.4) to "Identify community garden sites on public property, including parks, recreation and senior centers, public easements and right-of-ways, and surplus property." The KFCA supports the expansion of community gardens, but we would hope that the Plan will include the "preservation of existing community gardens" as a priority. King Farm is fortunate to have two existing community gardens that are both utilized by residents in the way envisioned by the planning commission.

Thank you for the opportunity to comment on the Comprehensive Plan. We hope that City Staff and the Planning Commission will take appropriate action on these segments of the 2040 Plan. If you would like to contact us, please email management@kingfarm.org.

King Farm Citizens Assembly

Barry Jackson, Board of Trustees Chair

Exhibit (38)

Cynthia Kebba

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

Dear Commissioners and PDS staff,

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

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

Sincerely,
David Hill
733 Beall Ave.

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

(38)

April 20, 2016

David Hill
733 Beall Ave.
Rockville, MD 20850

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

Re: Critical parcels in the 2040 Rockville Master Plan Cycle

Dear Madame Chair,

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

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

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

Sincerely,

David Hill

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

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

Recommended Critical Parcel definition, two parts:

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

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

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

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

38

June 17, 2019

David Hill
733 Beall Ave.
Rockville, MD 20850

Planning Commission
Gail Sherman, Chair
Rockville City Hall

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

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

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

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

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

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

Sincerely,

David Hill

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

(38)

June 17, 2019

David Hill
733 Beall Ave.
Rockville, MD 20850

Planning Commission
Gail Sherman, Chair
Rockville City Hall

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

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

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

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

Sincerely,

David Hill

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

June 17, 2019

David Hill
733 Beall Ave.
Rockville, MD 20850

Planning Commission
Gail Sherman, Chair
Rockville City Hall

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

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

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

Sincerely,

David Hill

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

RORZOR, Argument Against ADOs

April 2006

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

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

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

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

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

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

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

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

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

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

Exhibit 39

LerchEarlyBrewer 7600 Wisconsin Avenue, Suite 700 • Bethesda, MD 20814 • lerchearly.com

Robert R. Harris
Attorney
301-841-3826
rrharris@lerchearly.com

June 18, 2019

Ms. Gail Sherman
Chairman, Rockville Planning Commission
111 Maryland Avenue
Rockville, MD 20850

Re: Rockville 2040 Master Plan – Rockshire

Dear Ms. Sherman:

We represent the owners of the vacant Rockshire Shopping Center at the corner of Wootton Parkway and Hurley Avenue. The purpose of this letter is to provide written comments for this site with respect to the 2040 Master Plan and for the future Rockshire Neighborhood Plan. We believe both plans should contemplate zoning and land use designations for this property which acknowledge present and future demands and trends with respect to housing, retail and mixed-use development in the city.

As you are aware, the City has been engaged in outreach discussions with the community about new zoning and land use for this property for about one year. The work began with a City survey focused on community requests for some type of community center or meeting space on the west side of I-270. In response, the owner of the vacant Rockshire Shopping Center expressed an interest in working with the City in the form of some type of public/private partnership in which a site for such community space might be provided as part of residential redevelopment of this property. In the interest of facilitating such a possibility, the City then retained an outside planning organization (Rhodeside & Harwell) to engage the community and the property owner in discussions about new zoning and land use for this property. That work is progressing, but the deadline for written comments on the 2040 Master Plan requires us to submit these comments at the present time. Subject to further work with the community, City Staff and the consultant, we offer these initial comments.

I. Overview

We want to begin by commending the Planning Commission Staff and the Planning Commission for the initial Draft of the 2040 Plan. It includes a good foundation for a document that will guide development for the next 20 years and beyond. It recognizes the anticipated population growth and the need for new housing opportunities of all types. It notes that the response to this demand will largely come from redevelopment of existing properties, particularly former commercial sites. The Plan also reflects the need for parks, community centers and other amenities for the public and the importance of improving environmental protection measures, including stormwater management. The Rockshire Shopping Center site can respond directly to each of these goals.

II. Retail

The Rockshire Shopping Center was planned approximately 50 years ago, at a time when planned communities like Columbia and Reston were under construction. Like those communities, the planning concept at the time was to include small, village retail centers among housing "neighborhoods." Due to huge changes in the retail world, however, particularly in the past 10 years, the demise of small village retail centers conceived in the 1960's and 1970's has happened throughout the region and the country. From larger planned communities like Columbia and Reston, down to smaller projects like Montgomery Village and Rockshire, many have seen small retail centers struggle to survive. The common denominator in these closings has been undersized village centers, not located with great visibility on major highways. With increasing competition from bigger centers that are better located and attract newer, more competitive retailers, these old centers have struggled. Village centers in Columbia have closed and recently the Tall Oaks Village Center in Reston has been a victim of the changing retail patterns. There, the Giant Food vacated the site 10 years earlier and alternative retail uses struggled. (A study undertaken for that property by the Robert Charles Lesser Company, like a study done by Streetsense for the Rockshire Center, documented the lack of retail demand for such sites in today's economy.) That 7.5 acre site, almost the same size as Rockshire, has now been slated for redevelopment with 156 dwelling units and limited accessory uses. Other village centers in Columbia and elsewhere, and older, under-sized shopping centers, are increasingly being converted to residential use as the region's housing demands continue to grow. Widespread land use planning policies call for more complete use of existing land resources where major new infrastructure is not required, while avoiding more scattered development.

Rockshire presents an excellent opportunity for redevelopment to meet today's housing and community gathering needs, while acknowledging that retail demands for the area have been addressed better by newer centers such as FallsGrove, Travilah , Park Potomac and, most recently, the Foulger Pratt retail center, only a few minutes away on Research Boulevard.

Among the most significant changes in the closure of small retail centers like Rockshire has been the total transformation of the grocery world. Whereas Giant Food was once the most significant grocer in the Washington area, its market has been completely eclipsed by large discount grocers like Walmart, Target and Costco, and supersize grocers like Wegmans with a wide variety of prepared foods and numerous selections of all products. (The Wegmans in Germantown is doing phenomenally well and a new Wegmans in Rockville will further affect the viability of small grocery sites). Discount groceries like LIDL and Aldi who locate their stores on major highways and attract buyers from a wide geographic area, also have affected the grocery business.

In the same way that these evolutions have affected the grocery business, online shopping has replaced major elements of general retail services. Studies indicate that with Amazon leading the way, the ability to buy pretty much anything online, and with next day delivery, online sales are growing exponentially each year. "Clicks" have taken a huge bite out of the need for "bricks" for retail.

Giant vacated the Rockshire Center more than seven years ago although it had to continue paying rent until just recently when the property owner bought out the lease in order to enable future

redevelopment of the property under the 2040 Master Plan. Although some residents in the immediate area had hoped for a new grocery store and other retail, the evidence is clear that newer, better positioned retail nearby eroded the community's support for the Rockshire Shopping Center when it was functioning, and the long vacancy and leasing efforts for the center since then affirm the infeasibility of this option. At best, redevelopment of the property with a residential use might include some limited "mom-and-pop" retail consisting of a coffee shop/deli/ice cream store or very small retail services for the immediate neighborhood. This would almost certainly require a devoted local retailer who could build a relationship with the community and even then the owners probably would need to provide financial incentives such as below market rent in order to make it work.

A possible alternative to such limited retail might be a small community center/gathering space for the Rockshire neighborhood. The City, however, does not have the funding to purchase land and build such a center but the property owner has indicated a willingness to provide some land to the City without cost if the zoning and land use recommendations enable them to develop residential on the property in a form and density similar to the surrounding residential, or otherwise in a compatible manner.

III. Residential/Mixed-Use

This is a master plan exercise making a recommendation for a zoning category and a use or range of uses for the property. It does not require preparation of a specific design concept because that level of detail has not been studied at this time and the City has a comprehensive process for doing so later on. As noted above, one thing is clear, however, and that is having it continue solely for retail use will result in it remaining vacant/abandoned which serves no one's purpose. Based on the experience with other failed retail centers throughout the region, combined with changing retail trends and housing demands, Rockshire presents an excellent opportunity for residential redevelopment. Among many other indications of the need for new housing at sites like this, recent Metropolitan Council of Governments data indicate an increased housing demand in Rockville of approximately 34% by the year 2040. Given that much of the City's land is already developed, there are relatively few opportunities to meet this large future demand. Rockshire provides an excellent opportunity. The adjoining town home development on two sides of the property is at a density of approximately 11 dwelling units per acre. (The original Planned Community approval for the entire Rockshire neighborhood (PRU-4M-88) also allowed 75 additional dwelling units that never were built). In order to provide potential space for some limited "mom-and-pop" retail or a small community center, Rockshire Shopping Center should be designated for residential attached development at a density of 10 units per acre under a mixed-use zone that would allow a small amount of retail or a community center.

Cordially yours,

Robert R. Harris

cc: David Levy
Cindy Kebba
John Rhoad

Exhibit 40

June 18, 2019

Rockville Planning Commission
111 Maryland Avenue
Rockville, MD 20850

Re: Comments on the Draft Rockville 2040 Comprehensive Plan Update

The Washington Metropolitan Area Transit Authority (Metro) offers the following comments on the Public Hearing Draft of the Rockville 2040 Comprehensive Plan Update. Metro appreciates the opportunity to review the proposed revisions to the City of Rockville's land use and transportation policies. If you have any follow-up questions or require further clarifications, please contact Nina Albert, Vice President for Real Estate and Parking (LAND), by email at nmalbert@wmata.com or by phone at (202) 962-2616.

Rockville and Metro

We commend the City for drafting a plan that affirms Metro's role as an anchor for Rockville's prosperity and future growth. In addition to its call to "actively support" WMATA's bus and rail services (Transportation Policies 10 and 12), the plan's land use elements will strengthen Rockville's transit-oriented communities and leverage the value of its three Metrorail stations (i.e. Twinbrook and Rockville within city limits and Shady Grove just beyond the city limits).

General Land Use Policies

In late 2018, Metro eliminated the 'Grosvenor turnback' service pattern on the Red Line, thereby doubling service to Rockville stations during peak hours. This investment in service, in tandem with the region's commitment to Metro's capital needs, demonstrates Metro's support for transit-oriented growth in Rockville. Metro is therefore pleased that the plan allows for greater densities near Metrorail stations. Allowing more high-density development next to Rockville and Twinbrook stations (Land Use Policies 4, 8, 10) maximizes the benefits of transit-oriented development where denser land use contexts are already well-established.

In existing low-density areas near transit, the plan (specifically Land Use Policies 2, 3, and 9) proposes three land use classifications, Residential Detached (RD), which would allow up two dwelling units, and Residential Attached (RA) and Retail and Residential Mixed (RRM), which would allow at least three or four dwellings per parcel and retail in RRM zones. Given the importance of transit-accessible housing to the region's affordability these policies will maximize the opportunities for housing production in low-density areas within the ½-mile station walkshed while preserving neighborhood character.

Washington Metropolitan Area Transit Authority

600 Fifth Street, NW
Washington, D.C. 20001
202/962-1234

By Metrorail:
Judiciary Square-Red Line
Gallery Place-Chinatown
Red, Green and Yellow Lines

A District of Columbia Maryland and Virginia Transit Partnership

By taking these reasonable steps to meet demand for homes and jobs near transit, the city will also maximize the value of taxpayers' existing investments in Metro. Transit-oriented development helps to secure Metro's future by growing our customer base and supporting operating cost recovery.

Walkability

Walkable streets are fundamental to transit-oriented communities. Even if a Metro station or bus stop is nearby, fewer people use transit if walking there is inconvenient, unsafe, or uncomfortable. Therefore, WMATA strongly supports the proposed policies to ensure the built environment fosters walking, biking, and transit-oriented lifestyles (Land Use Policies 11, 12, 13; Transportation Policies 16, 17, and 18). While the city lacks direct control over the design of major roadways like MD-355, its planning authority offers tools to create more walkable places through pedestrian-friendly urban design and land use. Metro is pleased that the plan seeks to take advantage of these opportunities.

Development Review Standards

Metro strongly supports the proposed reforms to the city's Comprehensive Transportation Review (CTR) and parking requirements (Land Use Policy 9). From a transit perspective, minimum parking ratios and traffic impact mitigation requirements can be highly problematic. In modeling future parking and car trip generation, these tools often overestimate the traffic and parking needs of transit-oriented communities. These projections trigger mitigation requirements, which themselves can be based on standards that are unrealistic and inappropriate for a walking- and transit-oriented area (e.g. ensuring free-flow traffic at rush hour or ample free parking on Black Friday). The resulting changes – increased parking supply and vehicular capacity – directly undermine transit and transit-oriented development by facilitating more driving and detracting from the walkability of the area. Metro is therefore pleased that the plan calls for a reevaluation of these requirements.

WMATA Property

Rockville Metrorail Station

The proposed Land Use Policy Map (page 35, figure 5) classifies the west side of the Rockville Metrorail Station as Office (O). WMATA recommends a change to Office Residential Retail Mix (ORRM). This classification will allow more flexibility in determining the final uses and enables the property to better respond to real estate market conditions, which may vary over time. Flexibility will also support development of a multi-use project that enhances the experience for passengers using this central transit hub for connections and transfers or as their destination. This approach is also essential to ensure the property can adapt to future transit facility needs such as expansion of local bus services or the proposed Rockville Pike and Veirs Mill Bus Rapid Transit (BRT) projects.

Twinbrook Metrorail Station

The proposed Land Use Policy Map (page 29, figure 4) classifies four parcels on the west side of the Twinbrook Metrorail Station area as Park (P). One of these parcels is owned by WMATA and is being considered as a joint development site. Therefore, WMATA recommends a change to Office Residential Retail Mix (ORRM) for all four parcels. This classification would align with the greater station area and not eliminate development potential, particularly when funding sources for the park have not yet been identified or compensation negotiated. Since this location is a greenfield site, it presents an immediate opportunity for WMATA to increase access to housing and jobs within 400 feet of the Metrorail entrance without disrupting existing bus and transit parking facilities. Such types of development within the ½-mile station walkshed are crucial for WMATA to grow its ridership base and to sustain its operations and service frequency.

The Authority does agree with the intent of the proposal to increase the availability of open space for social and civic uses. However, WMATA believes this could be better accomplished by enhancing the plaza directly in front of the Metrorail station entrance and by incorporating public green spaces as part of any new development projects within the ½-mile station walkshed. This approach would provide greater community benefits by spreading park land across the station area rather than concentrating it to one side of the station. Park space for recreational purposes that requires larger footprints could additionally be provided by utilizing the rooftops of public or private parking garages. While not traditional park space, these locations could create a special attraction and vantage point to observe the new offerings and growth of the Twinbrook Station neighborhood.