



Patricia A. Harris, Esq.
(301) 841-3832
paharris@lerchearty.com

June 10, 2021

Via Electronic Mail

The Honorable Bridget Newton, Mayor
and Members of the Rockville City Council
City of Rockville
111 Maryland Avenue
Rockville, MD 20850

Re: Rockville 2040 Comprehensive Plan Update – 5906 Halpine Drive

Dear Mayor Newton and Members of the City Council:

On behalf of Pulte Homes, the contract purchaser of the Twinbrook Community Church property located at 5906 Halpine Road (“Property”), we appreciate the opportunity to provide further comment on the draft Rockville 2040 Comprehensive Plan.

Representatives of Pulte testified before the Planning Commission and the Mayor and Council with respect to the Comprehensive Plan in favor of recommendations that would support multi-family development on the Property. This testimony included support of the recommended MXNC zoning for the Property and an allowable height of 60 feet¹ in order to accommodate two multifamily buildings containing a total of 64 condominium units. Based upon the success of Pulte’s condo flat buildings at Tower Oaks, Pulte continues to believe that this proposed type of development is appropriate for the Property in that it will provide:

- Needed density at a metro station location
- An appropriate transition from the high rise buildings approved on the WMATA property to the nearby townhouse and single family homes
- Opportunity for affordable housing – MPDUs
- Diversity of housing in the form of condominiums
- Housing options attractive to empty-nesters, thus little to no impact on schools

Despite both the smart growth character of the proposed development and the need for additional housing in the City, the Mayor, the Planning Commission and representatives of the adjacent Cambridge Walk townhouse community homeowners association expressed reservation regarding the proposed multi-family development, given the townhomes and single family homes located to the east and north of the Property. In an effort to be responsive to these expressed concerns, Pulte proposes for the Mayor and Council’s consideration an alternative,

¹ Pulte testified in support of the Staff Draft’s recommendation of 65 feet of height at the Planning Commission.

lower density residential program for the Property. This program involves a “two-over-two” residential building type that would read as townhouses, with each “townhouse” containing two two-story stacked residential units. The maximum height of the structure would be 45 feet and the density would be 40 percent less than the originally proposed multi-family project – 38 units instead of 64 units. Pulte understands that the Mayor and Council may find this less intensive program to be more in keeping with the building form of the adjacent townhouses than the previously proposed multi-family building.

Importantly, while the proposed two-over-two building form may be determined to be appropriate for the Property, it does not appear that the MXNC Zone contemplated this building type at the time the MXNC Zone was established. As a result, the current development standards of the MXNC Zone relating to setbacks and layback slope would need to be modified in order to accommodate the proposed building type.

More specifically, the MXNC Zone requires a setback equal to the height of the building when abutting residential land. In the case of the proposed use, this would require a 45 foot side setback – an overly excessive distance given the proposed building type. In comparison, the setback in the RMD 10 and 15 zones, with respective heights of 35 and 40 feet, is only 25 feet. Accordingly, we would request that the MXNC development standards be revised to provide for a comparable setback of 25 feet adjacent to residential land when building heights do not exceed 45 feet. In addition to the overly onerous existing setback requirement, compliance with the Zoning Code’s 30 degree layback slope provision would require that the building be setback 78 feet from the adjacent Cambridge Walk townhouse community – clearly an unintended result given the building type, and a distance that would make such development infeasible. We would request that the lay back slope provisions be revised to address this unintended result.

If the Mayor and Council determines that the recommendations of the Comprehensive Plan should support the two-over-two program, we respectfully request that language be added to the Comprehensive Plan acknowledging that the existing development standards of the MXNC Zone relating to setbacks and the layback slope will need to be modified to accommodate such development. In this regard and for your convenience, we have attached proposed recommended language.

We appreciate this additional opportunity to comment on the Comprehensive Plan. As indicated, we continue to believe that smart growth principles and the need for additional housing in the City firmly support multi-family development up to 60 feet on the Property. We also recognize however that the majority of the Mayor and Council may not share this position and thus Pulte has proposed as an alternative, the two-over-two building type for your consideration and support.

Sincerely,



Patricia A. Harris

cc: Mr. David DeMarco
Mr. David Levy
Ms. Andrea Gilles



**Recommended Language
Rockville Comprehensive Plan
Planning Area 8, Page 333-4**

**AREA 9
5906 Halpine Road**

This property is used as a church and daycare. During Rockville 2040, the possibility of redevelopment of the site to a residential project was raised by the property owner, Twinbrook Community Church.

Land Use Policy Map

The area is planned for a range of residential development with the RF (Residential Flexible) land use designation, though the existing church and daycare use are also allowed under this designation.

Zoning Recommendation

Rezone the property from R-60 (Single Unit Detached Dwelling) to MXNC (Mixed-Use Neighborhood Commercial) to allow for attached residential or multi-unit residential development and ancillary commercial uses. A church and/or daycare is allowed in both zones. Modify the existing MXNC development standards to provide for a 25 foot setback adjacent to residential land when heights do not exceed 45 feet and eliminate the layback slope requirements in order to allow for modest development in the MXNC zone.

Urban Design Recommendations

Allow a maximum height of up to 45 feet as an urban infill project within a quarter-mile of a high frequency transit station, the Twinbrook transit station. Any redevelopment of the property should provide a sensitive transition to the adjacent and confronting residential uses through height step-downs, massing articulation, and landscaping. Established forest conservation areas adjacent to this property should be protected.

Judy Penny

From: Stephen Wang <wang@stephen.tw>
Sent: Friday, June 18, 2021 4:03 PM
To: mayorcouncil
Cc: Hyunjin Chelsey Cho
Subject: Comment on Draft Comprehensive Plan Update

Madam Mayor and Members of the Council:

Thank you for the opportunity to comment on the draft comprehensive plan update.

As residents of Planning Area 9, we are writing in support of increasing the walkability of our city, particularly along Rockville Pike. While we appreciate the city's efforts to revamp the Pike to be more friendly to pedestrians and cyclists, the 2016 Rockville Pike Neighborhood Plan's suggested 10 to 12 lanes for cars, in addition to two sets of two-way bicycle lanes, is excessive and hostile to pedestrians. Any plans to revamp the Pike should not increase the amount of space allotted to cars. In fact, adding more lanes only encourages drivers to speed through the Pike even more quickly than they already do, increasing the danger for pedestrians in an area where many walk to and from businesses, Metro stations, and bus stops.

To provide a brief example, every day we see young children and parents with strollers walking around our neighborhood and along Rockville Pike to visit stores and restaurants in Congressional Plaza. As development progresses adjacent to the Twinbrook Metro Station, many of these young families, including ours, will cross Rockville Pike more often to patronize new businesses. Crossing the eight lanes of the Pike can be somewhat daunting, if not unsafe, especially at night. It is difficult to imagine that crossing even more lanes with young children, during a brief walking signal, would be an improvement.

We hope that Rockville can continue its growth as a vibrant community with more mixed-use development, higher density, more pedestrian-friendly areas, and greater use of public transit. By expanding the size of Rockville Pike, the city, we believe, would be thwarting its own efforts to encourage sustainable growth and development.

This is not to say that there shouldn't be changes to Rockville Pike. We believe, for example, that requiring separation between sidewalks and roadways along the Pike would go a long way towards improving pedestrian safety. However, we urge the Mayor and Council to ensure that any changes will actually improve the safety, walkability, and character of the neighborhoods around Rockville Pike, especially in our neighborhood in Planning Area 9 adjacent to the busiest commercial corridor of the city.

Respectfully submitted,

Stephen Wang and Hyunjin Cho
1315 Templeton Place

Judy Penny

From: Samuel Deutsch <sldeutsch@usc.edu>
Sent: Friday, June 18, 2021 11:55 AM
To: mayorcouncil
Subject: Comment on the ROCKVILLE 2040: COMPREHENSIVE PLAN UPDATE

Dear Rockville Mayor and Council,

My name is Sam Deutsch, and I grew up in Montgomery county and went to Richard Montgomery High School (class of 2013!). After going to USC for college and spending the past eight years on the West Coast, I have just returned to Montgomery County.

I am writing to express my support for the comprehensive plan updates to make Rockville more dense, more walkable, and more transit/bike friendly. Specifically, I support legalizing much denser housing near the metro station, which would allow for people to live sustainable, car-free lifestyles. I didn't have a driver's license in high school and enjoyed the transit connectivity of the Rockville area, one of the city's unique advantages. In addition, the city should move to abolish parking minimums, as there is an overwhelming body of academic research showing that parking minimums increase rents, reduce affordability, increase carbon emissions, and create more congestion by incentivizing car ownership.

Furthermore, I specifically support plans to better connect the metro station with Rockville town center, as I remember many scary walks across 355 to get to bus stops or the metro.

After living in San Francisco and Los Angeles, I have witnessed first-hand the horrors of low-density, car-centric sprawl. I have been stuck with inadequate transit, hit by a car in an unprotected bike lane, and forced to pay exorbitant rents that are far more expensive than what can be found in Rockville due to the poor, NIMBY land-use policies in California. I hope that Rockville and Montgomery County as a whole will embrace growth, rather than trying to fight it, which means legalizing high-density transit-oriented development as well as missing middle housing elsewhere.

Best,
Sam Deutsch

June 21, 2021

Dear Madam Mayor and Rockville City Councilmembers,

We write to you today, as Twinbrook community members who care about and love our neighborhood, to urge you to support the Twinbrook portion of the Draft Rockville 2040 Master Plan. We support the 2040 plan because it represents a true vision for Twinbrook. **We believe that it charts a course that will allow our unique neighborhood to realize its potential well into the future.**

Rockville 2040 presents a bold opportunity for us as a community to imagine what is possible for Twinbrook. We all come to the neighborhood from different places in life: from neighbors who have lived here many decades to neighbors who have just moved here. Some of us rent our homes and some of us own our homes. We come from all walks of life but we have one common goal - to make Twinbrook even better not just for us but for the generations after us.

We understand that Rockville 2040 is not a prescriptive plan but rather a set of ideas for us to consider moving forward. We support the plan because of this fact. We would like to see more options for others to live here as we do. We would like to see more amenities and destinations within the neighborhood that are easily accessible. We desire to be reconnected with the rest of the city. We want anyone living here or visiting here to be able to safely traverse the streets and sidewalks without fear of injury or worse. We would like to see our Metro station designed in an inviting and welcoming way. In essence, we want to see a neighborhood that is functional as well as visually pleasing and engaging - and this plan brings us one step closer to that. We look forward to working together to implement this plan in the best way possible over the coming decades.

We have attended the workshop sessions on the Twinbrook portion of the Rockville 2040 plan. If we were unable to do so, we passed along questions and comments to our community association. Some of us heard directly from the City at our community association meetings. The draft plan before you is reflective of our community's input and sincere wishes, and we hope that you respect and honor this.

Twinbrook was built in the post-WWII era as a place that returning soldiers and their families could call home. Much of our infrastructure and housing reflects this fact. However, we are living in a modern era with endless options and opportunities to create an environmentally friendly community that is welcoming and sustainable for all. Let's update our community's master plan to reflect this.

Sincerely,

Alan Bowser, Deerfield Avenue

Aristotle Evia, Gainsboro Road

Ben Peck, Gail Avenue

Benjamin Holmes, Grandin Avenue

Blaise Rastello, Spatz Place
Brian Persse, Midway Avenue
Brigitta Mullican, Lewis Avenue
Caren Class, Marcia Lane
Carol Hannaford, Wainwright Avenue
Christine Manor, Grandin Avenue
Clark Reed, Crawford Drive
Colleen Reed, Crawford Drive
Cynthia Hernan, Henry Road
Dave Carter, Pinneberg Avenue
Debby Berlyne, Marshall Avenue
Elaine Joselovitz, Lemay Road
Elizabeth A Reid, Rockland Avenue
Elke Herzfeld, Denfield Road
Gayle Skinner, Thompson Crescent
Greg Potter, Scott Ave
Halley Holmes, Grandin Avenue
James Cole, Debeck Drive
James Hedrick, Gruenther Avenue
Janet Garry, Vandegrift Avenue
Jasmin Ukoha, Lewis Avenue
Jennifer Cohen, Gail Avenue
Jennifer Khouri, Ridgway Avenue
Jennifer Wood, Coral Sea Avenue
Jessica Thorpe, Denfield Road
Jonny Sickles, Parrish Drive
Jose Ortuzar, Simmons Dr

Joseph McClane, Halpine Walk Court
Juliana Luke, Ardennes Avenue
Julie Harrison, Thompson Crescent
Julie Wallace, Agnew Drive
Kayla Sickles, Parrish Drive
Lindsay Clegg, Forbes Street
Liz Ortuzar, Simmons Dr
Loren Scherbak, Wainwright Avenue
Lou Kallas, Gainsboro Road
Marguerite Frampton, Gainsboro Road
Marissa Valeri, Midway Avenue
Michael Coppersmith, Forbes Street
Michael Dutka, Shetland Street
Michael Ukoha, Lewis Avenue
Mike Stein, Atlantic Avenue
Monte Fisher, Ardennes Avenue
Nancy Brantner, Gainsboro Road
Nancy McLean-Cooper, Debeck Drive
Nathaniel Tipton, Midway Avenue
Pat Kallas, Gainsboro Road
Paul Westlake, Baltimore Road
Rachel Hedrick, Gruenther Avenue
Rolf Winch, Pumphrey Avenue
Ruth Calistrat, Rockland Avenue
Samantha Cole, Debeck Drive
Samuel Balboa, Ring Street
Sarah Pascual, Lemay Road

Sarah Salazar, Lemay Road

Scott Baron, Henry Road

Shawn Murphy, Atlantic Avenue

Sonia Pruneda-Hernandez, Shetland Street

Staci Wade, Atlantic Avenue

Susan Adams, Paul Drive

Susan Pickell, Henry Rd

Susan Potter, Scott Avenue

Suzanne Kapust, Lewis Avenue

Tyler McClenithan, Veirs Mill Road

Vincent D. Russo, DeBeck Drive

Yvette Murphy, Atlantic Avenue

Judy Penny

From: Woodley Willie <williamlosttail@gmail.com>
Sent: Thursday, June 17, 2021 12:49 PM
To: mayorcouncil
Subject: Redgate Park

Please continue to acknowledge the unique qualities of Redgate Park. Enhance the park by planting native species. Be aware of the contemporary disease of horror vacui. Allow the good medicine of open space to be available to all Rockvillians, young and old.

Regards,
William P. Clark
603 Azalea Dr, Apt 3
Rockville, MD 20850

Judy Penny

From: Carla Dinowitz <carladinowitz@gmail.com>
Sent: Wednesday, June 16, 2021 4:40 PM
To: mayorcouncil
Subject: RedGate park

Thank you for keeping RedGate a park! Natural open places like RedGate Park are essential to the health and well-being of our community.

As you work on the 2040 Comprehensive Plan for the City, please make sure that it includes the protection and expansion of natural green spaces and wildlife corridors, the trees in our communities, and the planting of native species.

Having green spaces makes MoCo a desirable place to live. Already too many green spaces have been turned into housing or multi-use buildings. As a beekeeper and gardener I am aware of the difference it makes for our well being and the effect on the climate is documented. ..and try to use native plants in the plans if you can. Much appreciation for positive steps to keep our area liveable.

Thank you,

Carla Dinowitz 11921 Goya Dr. , Potomac, MD

Judy Penny

Subject: FW: Comp Plan Update

From: Eugene Amegash <eamegash@gmail.com>
Sent: Monday, June 7, 2021 11:16 PM
To: mayorcouncil <mayorcouncil@rockvillemd.gov>
Subject: Comp Plan Update

Good evening, I would like to propose that the following properties be zoned RA or RF.

17 North Street, Rockville, MD 20850
19 North Street, Rockville, MD 20850
21 North Street, Rockville, MD 20850

Thank you,
Eugene A

Judy Penny

From: Michael Dutka <ditko86@gmail.com>
Sent: Monday, June 21, 2021 9:02 PM
To: mayorcouncil; Planning Commission
Subject: Please support the Rockville 2040 plan as it is currently written

I live in the Twinbrook Forest neighborhood and I support the 2040 plan as it is written now. In fact I would support even more upzoning! Please do not only upzone only half the block from Viers Mill to Grandin, that is a surefire way to get 0 new units! Upzone the full block from Veirs Mill to Grandin! We're in the midst of a dire housing shortage. We need as much upzoning as possible!!! This is about allowing, not mandating.

Michael S. Dutka
713 Shetland St, Rockville, MD 20851

Judy Penny

From: Natasha Hurwitz <natashahurwitz@gmail.com>
Sent: Friday, June 25, 2021 5:44 PM
To: mayorcouncil; David Levy; Andrea Gilles
Cc: susan zemsky; montrose civicassociation; Natasha Hurwitz
Subject: 2040 Plan - Montrose Feedback

June 24, 2021

Dear City of Rockville Mayor and Council,

We represent the Montrose Civic Association and we are delighted to provide input on the 2040 plan in regards to our Montrose Neighborhood. We spoke with David Levy and Andrea Gillis on June 21st.

Two issues are in the 2040 plan for our neighborhood. Project 1 is the community center at Montrose Park. Project 2 is the traffic in and around our neighborhood.

The neighborhood is sorely in need of a community center that is available to the residents. Currently the building is used exclusively by an early childhood program. We understand and support programs that provide quality day care. Having said that one has to recognize that in this construct residents are denied the use of the building, they are also asked not to use the playground that is appropriate for young children during certain hours. This building at one time had many programs that the neighbors took advantage of. These included exercise classes for adults, after school supervised activities for children who might otherwise be home alone, neighborhood meetings, ability to rent the space for parties and a voting location that people could walk to. The last of these is particularly poignant in midterm and local elections in that it's a hassle to get to St. Elizabeth's and that location is not convenient. We have a number of elderly who this would apply to. Our residents in many cases choose the Montrose neighborhood because of the proximity to public transportation and all would be well served if voting were to take place close to home. We implore you to provide our neighborhood with the community space that we once had.

We recognize and are pleased that the Community Center improvement is mentioned in the 2040 document; it appears to our leadership that attention should be paid sooner. Portables could work as an interim facility until serious renovations could be made. Clearly there is enough real estate in the area to expand the building or even build up. The most important thing is to make this facility accessible to the neighbors. If that is not happening perhaps you might consider taking the sign "community center" off of the facade of the building given the current usage.

The second issue is the traffic in and around our neighborhood. We have neighbors with many different opinions on left turns and cut-throughs from Montrose Road and East Jefferson Street. Some neighbors would like to be able to turn left

into their own neighborhood. Some neighbors do not want to allow any cut-through traffic. Our neighborhood is working to gather more information from our neighbors regarding their opinions. In the meantime, we ask that you add the following sentence to the 2040 plan:

The City of Rockville will work with the Montrose neighborhood before proposing any changes to Montgomery County regarding traffic in and around the Montrose neighborhood.

Thank you for the opportunity to give feedback and we look forward to working with you on these issues addressed in the 2040 plan.

Sincerely yours,

Susan Zemsky, 1622 Martha Terrace

Natasha Hurwitz, 1708 Lorre Drive

Judy Penny

Subject: FW: East Rockville comments of 2040 Plan

From: President ERCA <president.erca@gmail.com>
Sent: Saturday, June 26, 2021 10:58 AM
To: mayorcouncil <mayorcouncil@rockvillemd.gov>
Subject: East Rockville comments of 2040 Plan

Dear Mayor and Council,

I am writing to reiterate East Rockville's support for the 2040 plan, specifically as it pertains to East Rockville. I would also like to apologize for the flurry of letters from East Rockville residents that were recently submitted, some of which seemed to demonstrate a poor understanding of the process that has been underway. I had reached out to the neighborhood last month, after noticing several new submitted comments suggesting that additional density and more height be added to the East Rockville section of the 2040 Plan. My concern was that if there were only new letters in favor of additional height and density to the plan, modifications might be made in that direction. My intention had been to emphasize the fact that additional density had already been addressed and captured in the Stonestreet Plan, and additional height will likely be included in the upcoming WMATA plan.

What was evident from many of the resulting letters was how easily people can get confused between these plans, and what elements we had already discussed. It was also clear that many people had largely or entirely missed the planning process, and were just now trying to understand what was going on. This was made more obvious when Andrea Gilles offered East Rockville an additional presentation on June 22nd, in which she did an excellent job of surmising all the plans we've participated in to date: the East Rockville Design Guidelines, the Stonestreet Plan, the 2040 Plan, and now the upcoming WMATA plan. At this meeting, I was struck by how many people in attendance had never participated in a single planning meeting, for any of these plans, despite the many opportunities the City had given us to learn about and offer input on these plans. I know it's impossible to reach everyone in our community, and equally unrealistic to think a plan can ever be developed that will please everyone, but I think the City has done about as good a job as anyone could hope for in terms of reaching out to its residents.

Thank you again for being so open to community feedback. I hope you're able to move the plan forward, and I'll continue to do my best to try to keep our residents informed and engaged in the process.

Sincerely,

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

Judy Penny

From: Ethan Goffman <goffmane@yahoo.com>
Sent: Tuesday, June 29, 2021 6:06 PM
To: mayorcouncil; Andrea Gilles; Robert DiSpirito
Subject: Housing in East Rockville

Dear Mayor and Council, Andrea Gilles, and Rob DiSpirito,

I am a resident of East Rockville as well as a member of the Rockville Pedestrian Advocacy Committee and a long-time Sierra Club member. I commented regarding the Rockville 2040 plan advocating for greater density east of the Rockville Metro Station and then, a week ago, attended a virtual meeting on the same subject. It seems that the plan for greater density east of the station, which, as I understand it, was already a compromise, has been stripped down. Because East Rockville is so near a major Metro station, and so accessible on foot, I do not believe it should be zoned so heavily for single family houses.

I understand the argument that there was a process over many years and that advocates of density were largely absent. However, I believe that the process was flawed in not doing more to reach out to different communities and make clear what was at stake. This means that a small, self-selected group has caused changes that affect a much wider community.

Many residents of East Rockville would likely disagree with the decision to lower density but were not aware of the pertinent meetings. In the long run, people outside of the community will also be affected by the lack of housing. For instance, there might be children of Rockville residents who would love to move into affordable housing near transit but simply can't. Older people ready to downsize and single people will also find themselves with fewer options.

Since the entire DC area is in the midst of a housing shortage, any additional density in prime locations is helpful. Furthermore, density near transit lowers traffic congestion as well as greenhouse gas emissions and local pollution.

It is important to note that no one is advocating for eminent domain to take houses and force density—I certainly would never support that position. Instead, because zoning laws force owners to limit what they can do with their property, I believe the onus should be on those who support single-family zoning to prove that this creates a wider social good.

I am hoping that it is still possible to roll back the changes that led to zoning for decreased density near the Metro station in East Rockville. This is one of many such decisions by localities that will help provide needed housing, lower congestion, and improve the environment.

Thank you very much.

Sincerely,

Ethan Goffman
523 N Horners Ln.
301-710-0230