

COUNCIL COMING ATTRACTIONS



Week of December 4, 2017

Grosvenor-Strathmore Metro Area Minor Master Plan, White Flint 2 Sector Plan, Antennas on Existing Structures, Regulations for Swimming Pools, Payments for Service Providers and Montgomery College Workforce Development



Council Coming Attractions is a summary of some of the issues before the Council. All Council staff reports and additional information on each item scheduled for Council or Committee review can be viewed at:

<http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html> .

The Council meeting schedule may change from time to time. The current Council and Committee agendas can also be viewed at:

<http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html> .

-  The Council meeting will begin at 9:30 a.m. on Dec. 5 with proclamation presentations from Council President Roger Berliner recognizing the National Endowment for the Arts Big Read Montgomery and Councilmember George Leventhal recognizing Poplar Springs Animal Sanctuary.
-  The election of Council Officers is scheduled for 10 a.m.

COUNCIL

Bethesda Downtown Sector Plan Corrective Map Amendment

The Council is scheduled to vote on the Bethesda Downtown Sector Plan Corrective Map Amendment. The Planning, Housing and Economic Development (PHED) Committee's recommendation will be available on Dec. 4. The Planning Board has submitted Corrective Map Amendment (CMA) H-125 for Council approval. The purpose of CMA H-125 is to correct four technical errors that occurred in the Bethesda Downtown Sector Plan Sectional Map Amendment (SMA) (H-122). This SMA rezoned 208 different areas, some consisting of multiple properties. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7215&meta_id=146602 .

Resolution to Approve Advance Land Acquisition Fund (ALARF) for Public Park and Transit Purposes: two parcels at 4801 Bethesda Ave. in the Bethesda Row District

The Council is scheduled to vote on a resolution to use ALARF to acquire property on Bethesda Ave. for a public park and transit purposes. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7215&meta_id=146604 .

The Park and Planning Commission has negotiated a Land Purchase Agreement to acquire two parcels using the Advance Land Acquisition Revolving Fund (ALARF) that requires Council approval. The parcels are unimproved land located on the east side of Woodmont Avenue, the west side of Reed Street, and the south side of Elm Street in Bethesda. The primary address is 4801 Bethesda Avenue in the Bethesda Row District. The properties combined are 17,610 square feet or 0.4 acres, more or less, and will be used to create the Capital Crescent Civic Green. They are titled in the name of Street Retail, Inc., a corporation owned by Federal Realty Investment Trust (FRIT).

Grosvenor-Strathmore Metro Area Minor Master Plan

The Council is scheduled to vote on the Grosvenor-Strathmore Metro Area Minor Master Plan. The staff report contains a resolution that is consistent with the Council and PHED Committee's recommendations with two changes. The phrase "public amenity" is changed to "public benefit" to more accurately reflect the language used in the Zoning Ordinance. Also staff has recommended language indicating that the proposed new shared street that extends from the intersection of Strathmore Park Court and Strathmore Hall Street to the traffic light at Tuckerman Lane may be private.

The Planning Board draft plan can be viewed at:

http://montgomeryplanning.org/wp-content/uploads/2016/09/GSMMPA_Master_Plan_Book_low-res.pdf .

The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7215&meta_id=146607 .

The Grosvenor-Strathmore Metro Area Master Plan is an amendment to the 1992 North Bethesda/Garrett Park Master Plan. It builds on the recommendations of the 1992 Master Plan for the Grosvenor-Strathmore area and advances the County's goal of transit-oriented development at Metro stations to keep up with housing demand in a sustainable manner. The Plan area contains approximately 117 acres of land, including the Grosvenor-Strathmore Metro Station, Strathmore Hall, and the residential communities of Symphony Park, Strathmore Park Condominiums, Parkside Condominiums, Stoneybrook Townhouses, the Meridian at Grosvenor Station, and Avalon at Grosvenor Metro.

White Flint 2 Sector Plan

The Council is scheduled to vote on the White Flint 2 Sector Plan. The Council staff report contains a resolution that is consistent with the Council and PHED Committee's recommendation with a few changes related to the following:

- a pedestrian-bike bridge over the CSX tracks;
- the time period when the Council should amend the North Bethesda Policy Area to reflect the expansion of the White Flint Metro Station Policy Area to include the Guardian, Wilco, and Wilgus properties;
- limiting specific transportation demand management programs;
- limiting infrastructure items for the special taxing district to two items; and
- other minor changes, such as, changing the phrase "public amenity" to "public benefit."

The staff report can be viewed at:

http://montgomerycountymd.granicus.com/Viewer.php?view_id=169&event_id=7215&meta_id=146609 .

The White Flint 2 Sector Plan complements the 2010 White Flint Sector Plan by recommending opportunities for infill and transitional development at key locations. This 460-acre sector plan includes large commercial shopping centers, an office park, industrial and institutional properties, and established residential communities. Major roadways, including Rockville Pike (MD 355) and Montrose Parkway, bisect the plan area north to south and east to west, respectively. The CSX rail tracks divide the eastern part of the plan area from the western portion of the plan area. The plan's adjacency to the City of Rockville and two areas undergoing significant changes, White Flint and Twinbrook, contributes to the uniqueness of the area.

Zoning Text Amendment 17-11, Antennas on Existing Structures

The Council is scheduled to vote on ZTA 17-11. The PHED Committee recommends approval with an amendment to add the definition of "Media Broadcast Studio" as follows:

Media Broadcast Studio: Any facility used to create or produce radio, television or other electronic media programming. A broadcast studio may include studios, stages, editing facilities, post production facilities, and equipment for program distribution and receipt via satellite, wire, or fiber optic cable. A Media Broadcast Studio does not include a Media Broadcast Tower. Councilmember Floreen is the lead sponsor. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/Viewer.php?view_id=169&event_id=7215&meta_id=146611 .

ZTA 17-11 would allow a satellite dish of 22 feet in diameter to be used on an existing structure that includes a broadcast studio. Consistent with existing law, satellite dishes on any other building would be limited to eight feet in diameter.

Hearing Examiner's report and recommendations: Local Map Amendment H-119, Rezoning Property at 10 Olney Sandy Spring Road in Sandy Spring

Local Map Amendment H-119 is to rezone five parcels (approximately 2.57 acres) from R-90 (residential) and CRT (commercial/residential) C-.075 R-0.25 H-35 to TF 10.0 (Townhouse Floating) for property located at 10 Olney Sandy Spring Road. The current density permitted for R-90 parcels is 4.84 dwelling units per acre. CRT zone permits .75 Floor Area Ratio (FAR) for commercial and .25 FAR for residential density. The proposed density is nine units per acre (20 townhouses for three Moderately Priced Dwelling Units provided either provided on-site or on adjacent property). The Hearing Examiner recommended approval of the application in the report published on November 8, 2017. The report can be viewed at:

http://montgomerycountymd.granicus.com/Viewer.php?view_id=169&event_id=7215&meta_id=146615 .

 **Resolution to adopt Bill 26-12, Swimming Pools – Defibrillators as a Board of Health Regulation**

The Council is scheduled to vote on a resolution to implement Bill 26-12. Councilmember Leventhal is the lead sponsor of this regulation. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7215&meta_id=146590 .

In 2012, the Council enacted Bill 26-12, Swimming Pools – Defibrillators, which required public swimming pools to have an automated external defibrillator (AED) on the premises. Councilmember Leventhal was the lead sponsor. Council staff has advised the Council to adopt a companion Board of Health regulation for this bill.

 **Resolution to adopt Bill 16-17, Swimming Pools – Lifeguards – Amendments as a Board of Health Regulation**

The Council is scheduled to act on a resolution to implement Bill 16-17. Councilmember Katz is the lead sponsor of this regulation. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7215&meta_id=146592 .

In October, the Council enacted Expedited Bill 16-17, Swimming Pools – Lifeguards – Amendments. Councilmember Katz was the lead sponsor. Bill 16-17 exempts hotel pools from the requirement to have a lifeguard on duty when the pool is open for use, except from 11 a.m. to 7 p.m. on Saturdays and Sundays and requires exempted pools to have an emergency alert system and a person certified in CPR on premises anytime that a pool is open without a lifeguard.

COMMITTEE

 **Bill 35-17, Finance - Payments to Service Providers**

On Dec. 4 at 9:30 a.m. the Health and Human Services (HHS) Committee will review Bill 35-17. Council President Berliner is the lead sponsor. All other Councilmembers are co-sponsors. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7492&meta_id=146448 .

Expedited Bill 35-17 would:

- define terms related to the annual supplement to certain providers of services to persons with developmental disabilities (currently provided through the budget resolution);
- require that a payment be made to eligible providers each year, to the extent that funds are appropriated;
- require the Director of Finance, in setting the amount of the payment, to consider the State reimbursement rates to service providers and the additional operating support needed to allow each service provider to pay direct service workers, on average, 125 percent of the County minimum wage;
- establish eligibility standards for a provider to receive the payment, including demonstrating to the Department of Health and Human Services that it pays direct service workers at a rate specified in the Council’s current operating budget resolution; and
- provide for the issuance of method (2) regulations to administer the law.

For many years, the Council has appropriated funding to pay a supplement to certain providers of direct services to individuals with developmental differences because the State’s reimbursement rates do not take into account the higher cost of living in the County. While most organizations used the additional funding to increase wages, there was no requirement or reporting on whether the funds were being used for this purpose.

- In FY16, the Council added supplemental funds so organizations could pay workers at least 25 percent above the minimum wage. In FY17, the Council specified that 100 percent of the supplement was to be used to ensure that workers received, on average, at least 125 percent of the County’s minimum wage.

 **ZTA 17-12, Definitions – Rear Building Line**

On Dec. 4 at 2 p.m. the PHED Committee will review ZTA 17-12. Councilmember Leventhal is the lead sponsor. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7493&meta_id=146450 .

Currently, the County Zoning Ordinance exempts fences and walls from setback requirements if the height of the structure is 6.5 feet or lower. A landowner who wants a higher fence is required either to meet the setback requirement or to apply for a variance. The sponsor believes that when the owner of residentially zoned property abuts a non-residentially zoned property (in commercial/residential, employment, or industrial zones), an 8-foot fence should be allowed without a setback or variance.

 **Executive Regulation 13-17, Unmaintained Vacant Dwellings**

The Committee also will review Executive Regulation 13-17 that implements recent Council legislation on standards and fines for unmaintained vacant dwellings. During an inspection of a vacant dwelling the County’s Department of Housing and Community Affairs conducts a visual assessment for compliance with the County Code. Any violation of these standards is considered non-compliant. Also, any citation that remains uncorrected ultimately can result in the determination that a building is an unmaintained vacant dwelling. Executive Regulation 13-17 sets the fees associated with inspection and provides guidance on the appeals process. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7493&meta_id=146452 .

In May the Council enacted Bill 39-16, Housing and Building Maintenance Standards - Registration of Vacant Property. Councilmember Hucker was the lead sponsor. Councilmembers Leventhal, Navarro, Berliner, Elrich, Riemer, Rice, and Floreen were co-sponsors. Bill 39-16 cracks down on empty, deteriorating houses that drag down a neighborhood’s property values and quality of life. It requires owners of vacant houses to register with the County. It also requires owners of unmaintained homes to pay inspection and other fees. Bill 39-16 was a companion bill to Bill 38-16, Housing and Building Maintenance Standards - Foreclosed Property Registration Penalty, that imposed a civil penalty for failure to register a foreclosed property. Councilmember Hucker was the lead sponsor. Councilmembers Navarro, Berliner, Elrich, Riemer, Leventhal, Floreen and Rice were co-sponsors.

 **Montgomery Coalition for Adult English Literacy**

On Dec. 4 at 2 p.m. the Montgomery Coalition for Adult English Literacy (MCAEL) will provide the Education Committee with its annual update. The organization is a community coalition of public, nonprofit and business partners that support more than 60 adult ESOL and literacy service programs, 800 instructors and staff, and approximately 15,000 adult learners. The mission of the organization is to strengthen countywide adult English literacy and support a thriving community and effective workforce. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7494&meta_id=146540 .

 **Montgomery College Workforce Development**

The Committee also will receive a briefing on Montgomery College’s Workforce Development & Continuing Education (WD&CE) programs. The College will provide a set of proposed WD&CE output data to be included in their annual performance measures report. Representatives from the College expected to attend the meeting include:

- Dr. Sanjay Rai, Senior Vice President for Academic Affairs;
- George Payne, Vice President/Provost, Workforce Development & Continuing Education;
- Ed Roberts, Instructional Dean, Applied Technologies & Gudelsky Institute for Technical Education;
- Steve Greenfield, Instructional Dean, Business, Information Technology & Safety; and

- Dr. Donna Kinerney, Instructional Dean, Adult ESOL & Basic Skills for College and Careers
The staff report can be viewed at:
http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7494&meta_id=146456 .

Inspector General's Four-Year Plan

On Dec. 7 at 1:30 p.m. the Audit Committee will meet with Inspector General Edward Blansitt to review the Office of the Inspector General's Four-Year Plan. The staff report will be available on Dec. 5. The Office of Inspector General reviews the effectiveness and efficiency of programs and operations of County government and independent County agencies. The Office is also responsible for preventing and detecting fraud, waste, and abuse in government activities. In addition, it proposes ways to increase the legal, fiscal, and ethical accountability of County government departments and County-funded agencies. The FY18-21 Work Plan can be viewed at:
http://www.montgomerycountymd.gov/OIG/Resources/Files/PDF/oig_work_plan_fy_2018-2021.pdf .

Staffing Levels and Implementation Reporting in the Office of the Inspector General

The Committee will also continue its review of the staffing levels and implementation reporting in the Office of the Inspector General. Edward Blansitt will be joined by Fariba Kassiri, Assistant Chief Administrative Officer, and William Broglie, Manager, Office of Internal Audit, to discuss best practices on staffing and the Council's process for receiving reports from the Office of the Inspector General. The staff report will be available on Dec. 5.