

COUNCIL COMING ATTRACTIONS



Week of Jan. 23, 2017

Victim Services, Public Historic Buildings, Bethesda Downtown Sector Plan & White Oak Redevelopment



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> .

Also 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> .

On Jan. 24 at 10:30 a.m. the Council will begin with an interview of the County Executive's appointment of Director for the Department of Liquor Control, Robert Dorfman. General business will begin at 11:15 a.m. with two proclamation presentations.

-  Councilmember Sidney Katz will present a proclamation recognizing January as Keeping Seniors Safe Month.
-  Councilmembers Tom Hucker and Craig Rice will present a proclamation recognizing National Human Trafficking Awareness Month.

COUNCIL

-  Zoning Text Amendment 16-14, Special Exception – Amendments
The Council is scheduled to vote on ZTA 16-14. The PHED Committee recommends approval

(3-0) with amendments. Councilmember Floreen is the lead sponsor. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=5008&meta_id=130314 .

ZTA 16-14 would clarify that a special exception approved under the prior Zoning Code may be expanded under the procedures and substantive provisions of the prior Zoning Code.

- The Hearing Examiner and the Board of Appeals need clarification on the Zoning Code's grandfathering provision. In the Hearing Examiner's opinion, all special exception expansions above 10 percent of the gross floor area or 30,000 square feet of floor area, require the development to proceed under the new Zoning Code (to the extent of the expansion above the grandfathered limits).
- The Board of Appeals believes that it must decide such expansions under the old Zoning Code unless the applicant chooses to proceed under the new Zoning Code.
- ZTA 16-14 would codify the Board of Appeal's understanding of the current Zoning Code and allow special exception expansions.
- The PHED Committee recommends the following amendments:
 - ✓ The phrase added in lines 17 and 18 of ZTA 16-14 as introduced ("and does not satisfy Subsection b") is incorrect. That phrase should be deleted.
 - ✓ The ZTA should be revised to reflect the possibility of approvals under all prior codes.
 - ✓ For clarity, in Section 7.7.1.B, a new subset should be added:
"Without regard to the limitations of this section, a special exception approved under the code in effect on or before October 29, 2014 may be expanded under the applicable standards and procedures of the code in effect on October 29, 2014."

COMMITTEE

 Supplemental Appropriation – State's Attorney's Office - \$271,872 for Victim Services Program
On Jan. 23 at 9:30 a.m. the Public Safety Committee will review a supplemental appropriation for the Victims of Crime Act (VOCA) Victim Services Program. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=5208&meta_id=130226 .

The appropriation would fund a bilingual victim-witness coordinator and a bilingual victim services specialist. This increase is needed because the State's Attorney's Office received a two year grant award to increase victim services. The source of funds is grant funding from the Governor's Office of Crime Control and Prevention.

- The Montgomery County State's Attorney's Office Victim Services Program assists in developing and implementing strategies intended to provide assistance to crime victims in Maryland. The program provides services to underserved populations, victims of sexual assault, domestic violence and child abuse.
- The Victim Services Program would fund one bilingual victim-witness coordinator and one bilingual victim services specialist who would assist crime victims throughout the judicial process and assure that mandated victim notifications are sent timely.

 Animal Services Division

The Committee will receive an update from the Animal Services Division of the Montgomery County Police on the Animal Services and Adoption Center from: Assistant Chief Betsy Davis, Montgomery County Police Department; Director Thomas Koenig, Animal Services and Adoption Center; Executive Director Chris Shaughness, MCPAW; and Board Chairman Kal Stein, MCPAW.

The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=5208&meta_id=130228 .

Animal Services officers are on-call seven days a week to investigate complaints and respond to animal emergencies 24 hours a day. These calls include animal-related matters such as: animal abuse and neglect; law enforcement; calls regarding stray, rabid or aggressive animals; and sick

or injured wildlife. In addition the Montgomery County Animal Services and Adoption Center is the region's largest eco-friendly animal services and adoption center.

Supervised Visitation Sites

The Committee also will receive an update on supervised visitation sites from Director Uma Ahluwalia, Department of Health and Human Services and Executive Director Tom Manion, Family Justice Center. During last year's operating budget review staff at the Family Justice Center (FJC) were working in collaboration with the Domestic Violence Coordination Council (DVCC) to bring supervised visitation and monitored exchange services to the County. This initiative is an effort to provide a safe and secure environment where parents can exchange and/or visit with their children. Ms. Ahluwalia and other County staff will provide a status update on the project, including a proposed plan design, time line and cost projections. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=5208&meta_id=130246 .

Zoning Text Amendment 16-21, Exemptions – Public Historic Buildings

On Jan. 23 at 2 p.m. the PHED Committee will review ZTA 16-21. The lead sponsor is Council President Berliner at the request of the County Executive. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=5209&meta_id=130232 .

ZTA 16-21 would exempt buildings that are historic and are located on County property from the use and development standards of the zoning code. Although the provisions of ZTA 16-21 would apply to all similarly situated historic buildings, this ZTA would specifically allow for the relocation of the historic CP & H Store that is currently adjacent to the APEX Building at 7250 Wisconsin Avenue. The CP & H Store is being relocated to accommodate the demolition of the APEX Building for the Purple Line.

- The County has agreed to Carr's relocation of the CP & H Store to Lot 41 on Middleton Lane in the Bethesda Parking Lot District if Lot 41 is rezoned to accommodate uses other than governmental uses to maximize the potential for the building.
- Once Carr relocates the CP & H Store to Lot 41, Carr is contractually obligated to restore the building, install appropriate landscaping and make the building ADA compliant. Carr recently obtained an historic area work permit to relocate the CP & H Store to Lot 41.
- To accommodate the Purple Line construction milestones, the CP & H Store must be moved. The demolition of the APEX Building must start in March.

Bethesda Downtown Sector Plan

The Committee also will hold its first worksession on the Bethesda Downtown Sector Plan. The Council staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=5209&meta_id=130234 .

The Planning Board's July 2016 Draft Bethesda Downtown Sector Plan can be viewed at:

http://montgomeryplanning.org/wp-content/uploads/2016/12/BDP-Planning-Board-Draft_lowres2.pdf .

A summary of the Planning Board's Draft Plan presentation can be viewed at:

http://www.montgomeryplanning.org/community/bethesda_downtown/documents/BDP_PlanningBoardDraftPresentation_091416.pdf .

Downtown Bethesda is located along Wisconsin Ave. between Friendship Heights and the Capital Beltway, centered on the intersection of Wisconsin Ave., Old Georgetown Rd. and East-West Hwy. The Bethesda Downtown Plan retains the Plan Area boundary of the 1994 Bethesda Central Business District (CBD) Sector Plan, including the areas covered by both the 2006 Woodmont Triangle Amendment and the 2014 Planning Board Draft Bethesda Purple Line Station Minor Master Plan Amendment. The area covers approximately 451 acres and is bounded by the National Institutes of Health campus on the north; Tilbury St., Sleaford Rd., Cheltenham Rd., Capital Crescent Trail, 46th St. and West Ave. on the east; Norwood Park and Nottingham Dr. on the south; and Arlington Rd. and Old Georgetown Rd. on the west.

Some of the goals of the proposed Plan include:

- Coordinating and aligning the Central Business District (CBD), Urban District (UD) and Parking Lot District (PLD) boundaries.
- Preserving and enhancing the community's existing affordable housing throughout the Sector Plan area by leveraging proximity to transit stations and supporting flexible zoning and density incentives and expanded economic programs.
- Making the increased provision for moderately priced dwelling units (MPDUs) from 12.5 percent to 15 percent a priority amenity in all optional method projects.
- Consolidating retail in appropriate places within the Sector Plan area through designated retail centers or nodes.
- Strengthening the centers of activity through economic, social and environmental aspects of sustainability.
- Encouraging mixed-use development to allow development to adapt to market conditions.
- Creating new civic gathering spaces in the expanded centers of activity.

 **Declaration of No Further Need related to the disposition of Site II Property on Industrial Parkway in Silver Spring**

On Jan. 26 at 9:30 a.m. the GO and PHED Committees will meet jointly to review the declaration of no further need for the Site II Property on Industrial Parkway in Silver Spring. The staff report will be available on Jan. 24. On June 23, 2015, the Council approved Resolution No.18-195 for the disposition of Site II Property on Industrial Parkway in Silver Spring. The resolution was approved by the Council based on the material terms submitted by the Executive on November 13, 2014.

- The Council received a memorandum, dated November 15, 2016, from the Executive outlining revised material terms for the disposition of the property. The Council must consider the declaration of no further need based upon the revised material terms because the Executive was unable to negotiate an agreement with the developer under the terms approved by the Council in Resolution No. 18-195.

 **Supplemental Appropriation – Department of General Services - \$47,200,000 for White Oak Science Gateway Redevelopment Project**

The Committees also will review a \$47.2 million supplemental appropriation of the White Oak Science Gateway Redevelopment Project. The staff report will be available on Jan. 24. The County Executive is recommending an amendment to the Capital Improvements Program (CIP) and supplemental appropriation to the FY17 Capital Budget in the amount of \$47.2 million. This amendment and appropriation are necessary to fund the demolition of on-site buildings and infrastructure improvements for redevelopment.

- These funds would fulfill the County's obligations under the General Development Agreement, including demolition and clean-up of the existing structures, revisions to WSSC easements and designing and constructing roadway infrastructure.
- These investments would support the County's shared economic development goals for the creation of a new community with homes, retail and entertainment opportunities and would facilitate research and development efforts with federal agencies and the bioscience industry.
- The recommended amendment is consistent with the criteria for amending the CIP because the project supports significant economic development initiatives.

 **White Oak Planning Coordinator**

The Committees will also receive an update on activities from White Oak Planning Coordinator Peter Fosselman. He will discuss development opportunities and marketing activities to attract new businesses to the White Oak area. The staff report will be available on Jan. 24.

 **White Oak Local Area Transportation Improvements Program**

The Committees also will review White Oak Local Area transportation improvements. The staff report will be available on Jan. 24. The 2016-2020 Subdivision Staging Policy adopted on

November 15, 2016 states that the Planning Board may approve a subdivision in the White Oak Policy Area conditioned on the applicant paying a fee to the County commensurate with the applicant's proportion of the cost of a White Oak Local Area Transportation Improvement Program, including the costs of design, land acquisition, construction, site improvements and utility relocation.

- The applicant's proportion of the cost is based on a subdivision's share of net additional peak-hour vehicle trips generated by all master-planned development in the White Oak Policy Area approved after January 1, 2016. The components of the White Oak Local Area Transportation Improvement Program and the fee per peak-hour vehicle trip will be established by Council resolution after a public hearing.
- On December 8, 2016 the Department of Transportation transmitted to the Council its recommended White Oak Local Area Transportation Improvement Program, which totaled \$131.7 million. DOT calculates that the master-planned development occurring after January 1, 2016 would generate 20,323 vehicle-trips. The cost per vehicle trip would be approximately \$6,500. A draft adoption resolution reflecting DOT's recommended program and mitigation payment is included in the staff report.

 Expedited Bill 51-16, Taxation – Development Impact Tax – Local Area Transportation Review Mitigation Payment – Established

The Committees will close out the meeting by reviewing Expedited Bill 51-16. Council President Berliner is the lead sponsor. The staff report will be available on Jan. 24. Bill 51-16 would establish a local area transportation review mitigation payment; authorize the Council to set the rates by resolution after a public hearing; and amend the law concerning the development impact tax for transportation improvements. Bill 51-16 also would require the Department of Finance to retain funds collected in an account to be appropriated for transportation improvements that result in added transportation capacity or improved mobility in the area where the development for which the funds were paid is located.

- When the Council replaced the Policy Area Transportation Review payments in the 2016-2020 Subdivision Staging Policy (SSP), with a higher transportation impact tax, it also deleted the Transportation Mitigation Payment section of the transportation impact law believing it was no longer needed. This assumption was incorrect. Expedited Bill 51-16 would reinstate the Transportation Mitigation Payment section in the County Code and provide the legal authority to impose Local Area Transportation Review payments.

 New York City's Move to Universal Pre-Kindergarten

On Jan. 26 at 2 p.m. the HHS and ED Committees will meet jointly for a briefing on New York City's move to universal pre-kindergarten (UPK) from: Richard Buery, Deputy Mayor for Strategic Policy Initiatives, New York City; Josh Wallack, Deputy Chancellor of Strategy and Policy, New York City Department of Education; and Charissa Townsend, Policy Advisor, Office of the Deputy Mayor for Strategic Policy Initiatives. Monica Ortiz, Officer for Early Care and Education, DHHS and MCPS representatives are also expected to attend the joint Committee meeting. The staff report will be available on Jan. 24.

In 2016, 70,430 four-year olds were enrolled in pre-kindergarten programs in New York City with 60 percent of these children receiving services in nonprofit preschools.

- According to *The New York Times*, "New York City enrolls more children in full-day pre-K than any state except Georgia and its preschool enrollment exceeds the total number of students in San Francisco or Boston." New York City's Deputy Mayor Richard Buery notes that two thousand teachers were recruited, three thousand classrooms were opened and three hundred community providers are serving as pre-kindergarten partners. The full article can be viewed:

<https://www.nytimes.com/2016/02/14/opinion/sunday/how-new-york-made-pre-k-a-success.html? r=0> .

- The Center for American Progress and the National Institute for Early Education Research published a report in April 2016, which noted the following evidence based results with UPK:
 - ✓ “Evidence suggests that a high-quality UPK program would significantly reduce achievement gaps at kindergarten entry.”
 - ✓ “Based on the average effect that two largescale, highly effective programs in different parts of the country had on participating children’s achievement scores, it is estimated that high-quality UPK would reduce the achievement gap at kindergarten entry in math 45 percent for African American children and 78 percent for Hispanic children, while essentially closing the entire gap in reading for both groups.”
 - ✓ “Estimated effects on kindergarten entry achievement gaps between low-income and higher-income children were also large: The math gap would reduce by an estimated 27 percent and the reading gap would reduce by an estimated 41 percent.
 - ✓ “Establishing a high-quality UPK program is a critical first step toward creating equity in access to early education and ensuring that all children begin kindergarten with an equal opportunity to succeed.”

The full report can be viewed at:

<https://cdn.americanprogress.org/wp-content/uploads/2016/04/01115656/NIEER-AchievementGaps-report.pdf> .