

COUNCIL COMING ATTRACTIONS



Week of July 23, 2018

Proposed Charter Amendments, Moderately Priced Housing, Telecommunications Towers, Accessibility Tax Credit and Master Plan of Highways



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 10:30 a.m. on Tuesday, July 24 with the following proclamation presentations:

-  Council President Hans Riemer and Councilmember Sidney Katz present proclamation recognizing Peace Day.
-  Council Vice President Nancy Navarro presents proclamation recognizing the Reading and Educating to Advance Lives (R.E.A.L.) Program by the Heyman Interages Center.
-  Council President Riemer presents proclamation recognizing the 50th Anniversary of the Open Housing Law.

COUNCIL

Zoning Text Amendment 18-10, Townhouse Living – Accessibility Tax Credit

On July 24 at 11 a.m. the Council will introduce Zoning Text Amendment (ZTA) 18-10, Townhouse Living – Accessibility Tax Credit. Councilmember Craig Rice is the lead sponsor. The staff report can be viewed: http://montgomerycountymd.granicus.com/Viewer.php?view_id=169&event_id=8011&meta_id=160193

ZTA 18-10 would allow the owner of a project that was approved as an accessible, conditional use with increased density to be eligible for tax credits. The goal of ZTA 18-10 is to help make accessibility improvements more affordable.

Zoning Text Amendment 18-11, Telecommunications Towers – Approval Standards

The Council will introduce ZTA 18-11, Telecommunications Towers – Approval Standards. Council President Hans Riemer is the lead sponsor, at the request of the County Executive. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/Viewer.php?view_id=169&event_id=8011&meta_id=160195

The Council approved ZTA 18-02 on May 15, 2018. ZTA 18-02 principally focused on telecommunications in mixed use and non-residential zones. ZTA 18-11 has residential zones as its primary focus. ZTA 18-11 would, in part, allow replacement taller than 22 feet to be approved as a limited use and shorter poles to be approved as a conditional use. The Executive's transmittal letter summarizes the need for ZTA 18-11 as follows:

- Small cell antennas on existing streetlights, utility and parking lot light poles taller than twenty-two feet would be able to proceed using the Limited Use process if they meet specific conditions.
- Taller poles are typically farther from residents, often located on wider streets and usually require little to no height increase. Because the shorter poles will always require a height increase, and are typically in neighborhoods with underground utilities where there are no existing tall utility poles, they are less likely to be compatible with neighborhoods and should require a Conditional Use.
- Retaining a process to allow greater residential input into placement and visual appearance, while allowing streamlined access to taller poles, strikes a reasonable balance between the concerns of residents and our interest in ensuring access to robust wireless broadband services.

Technical Update to the Master Plan of Highways and Transitways

The Council is scheduled to review and vote on a technical update to the Master Plan of Highways and Transitways. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/Viewer.php?view_id=169&event_id=8011&meta_id=160197

The Master Plan of Highways and Transitways is an effort that classifies each Montgomery County road in the transportation network. The plan updates the road network with current classifications, incorporates road changes and aligns these changes with the County Road Code, which was comprehensively updated in 2008 and 2014. The update will consolidate all roadway amendments that have been approved as part of Master Plans as well as limited functional Master Plan of Highways amendments. The new plan includes transitways, rail stations and other transit centers. The Transportation, Infrastructure, Energy and Environment (T&E) Committee recommends approval with amendments. The recommended amendments can be found on pages two through five of the staff report.

Proposed Charter Amendments

At 11 a.m. the Council will vote on resolutions to place proposed amendments to the County Charter on the ballot in November's general election and to approve the ballot language. The staff report can be viewed: :

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=8011&meta_id=160199

At its July 17 meeting, the Council directed staff to prepare a resolution to place three proposed amendments on the November ballot (see the Council staff report on ©35-39). The amendments to be placed on the ballot are:

- Charter amendment to Section 104, concerning the composition and appointment of the Redistricting Commission, recommended by the Charter Review Commission in its 2018 Report.
- Charter amendment to Section 305, concerning the vote required to raise the property tax rate in certain circumstances, recommended by the Charter Review Commission in its 2018 Report.
- Charter amendment to Section 401, concerning Councilmembers' legislative aides.



Board of Health Update

The Montgomery County Council sits as the County's Board of Health. At 11 a.m. the Council will meet with Dr. Travis Gayles, County Health Officer, to discuss County health issues and initiatives. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=8011&meta_id=160203

The Board will discuss the Health in Montgomery County 2008-2016 Report published by the Office of Planning and Epidemiology in the Montgomery County Department of Health and Human Services' Public Health Services. The full Health in Montgomery County Report can be viewed at:

<https://www.montgomerycountymd.gov/HHS/Resources/Files/Reports/PopHealthReportFINAL.pdf>



Bill 34-17, Housing – Moderately Priced Dwelling Units (MPDU)

The Council is scheduled to vote on Bill 34-17. Councilmember Nancy Floreen is the lead sponsor. The Planning, Housing and Economic Development (PHED) Committee recommends enactment with amendments. Councilmember Craig Rice is a cosponsor. Pages three through eight of the Council staff report provide detailed information on Bill 34-17, as amended by the PHED Committee. Pages nine and ten contain additional amendments for the Council's consideration. Bill 34-17 would clarify certain provisions of law related to moderately priced dwelling units (MPDUs); amend certain provisions of law related to the satisfaction of MPDU requirements; and amend certain provisions of law related to the sale and rental of MPDUs. Key components of Bill 34-17, **as introduced**, include:

- clarifying existing provisions of the law and requiring developments of less than 20 homes to make a payment to the Housing Initiative Fund;
- broadening the authority of the director of the Department of Housing and Community Affairs to accept payments into the Housing Initiative Fund in lieu of including MPDUs in a development, when it serves the goal of increasing the availability of affordable housing; and
- increasing the flexibility of the director in determining MPDU obligations to better meet the demands for affordable units.

The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=8011&meta_id=160207



Bill 38-17, MPDU – Requirement to Build

The Council is scheduled to vote on Bill 38-17. The PHED Committee recommends enactment with amendments. Council President Hans Riemer is the lead sponsor. Councilmember Sidney Katz is a cosponsor. **As introduced**, Bill 38-17 would increase the minimum percentage of moderately priced housing units (MPDUs) that are required to be built in new residential developments from 12.5 to 15 percent in a MCPS High School Service Area with an eligibility rate for free and reduced meals (FARMS) of 15 percent or less. The Planning Board would make the determination about the number of affordable homes required at the time an applicant submits a preliminary plan of subdivision.

The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=8011&meta_id=160209

The Committee recommends changes to Bill 38-17 (2-1, with Councilmember Floreen opposed) by amending lines 33-40 as follows:

- The minimum number of MPDUs required under this Chapter, as a percentage of the total number of dwelling units at that location, not counting any workforce housing units built under Chapter 25B, is:
 - for development in a Planning Area designated by the Planning Board, in which at least 45 percent of the United States Census Tracts have a median household income of at least 150 percent of the County-wide median household income, at the time the applicant submits a preliminary plan of subdivision, 15 percent; or
 - for any other development subject to this Chapter, 12.5 percent. The Planning Board must update the Planning Area designations under this subsection at least annually.

PUBLIC HEARINGS

Amendment to the FY19-24 CIP and Supplemental Appropriation to the FY19 Capital Budget, Montgomery County Government, Department of Transportation, \$7,000,000 for Streetlighting

The Council is scheduled to hold a public hearing and vote on this supplemental appropriation. The Transportation, Infrastructure, Energy, and Environment (T&E) Committee recommends approval. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=8011&meta_id=160205

The County Executive recommends this \$7 million special appropriation, which consists of \$6,105,000 in long-term financing and \$895,000 in utility incentives, to fund the first phase of upgrading approximately 26,000 streetlight fixtures to light-emitting diodes (LED). This project will leverage utility cost savings to finance the required capital investment. Appropriating funds for the first phase of this project will provide the County with the opportunity to maximize the incentives offered by PEPCO for this activity. Funding for the second phase of work is expected to be requested once a contract with the selected vendor is finalized later this year.

COMMITTEE

Crime Statistics

On July 23 at 9:30 a.m. the Public Safety (PS) Committee will receive an update from Montgomery County Police Department (MCPD) representatives on crime statistics in the County. Assistant Chief Russ Hamill and other MCPD staff will brief the Committee. The staff report can be found at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=8030&meta_id=160126

MCPS Dual Language Program Update

On July 23 at 2 p.m. the Education (ED) Committee will receive an update on the Montgomery County Public Schools (MCPS) Dual Language Program. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=8032&meta_id=160116

Dual language or two-way immersion is an educational model in which students develop high levels of speaking, reading, writing and listening in English and in Spanish (or another non-English language). MCPS currently offers two-way immersion programs (Spanish-English) at three schools and will be opening two additional two-way immersion sites for the 2018-2019 school year.



ZTA 18-03, Farm Alcohol Production – Standards

On July 23 at 3 p.m. the PHED Committee will continue its review of ZTA 18-03. Council President Hans Riemer and Councilmember Craig Rice are the lead sponsors. Councilmembers George Leventhal, Sidney Katz and Nancy Floreen are cosponsors. Currently wineries are specifically allowed in Agricultural and Rural Residential Zones. **As introduced**, ZTA 18-03 would incorporate many of the standards that were applicable to wineries and apply those standards and others to breweries, cideries and distilleries. In addition to the manufacture of alcoholic beverages, ZTA 18-03 would allow tasting rooms, the sale of food (to the extent allowed by the state manufacturing license) and up to nine events a year with 300 or more people. A larger number of events would be allowed only if the use is approved as a conditional use. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=8031&meta_id=160118