

# COUNCIL COMING ATTRACTIONS



## **Week of October 8, 2018**

**Hispanic Heritage Commemoration, Affordable Housing, Accessory Apartments, Cellular Antennas, Forest Conservation, Climate Mobilization Report & Community Grants**



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 Tuesday, October 8.



### **Hispanic Heritage Month Commemoration**

On Tuesday, October 9 at 11:15 a.m. the Council will hold a Hispanic Heritage Month commemoration. The theme of this year's celebration is "Hispanics: One Endless Voice to Enhance our Traditions." The event will include a video presentation and a panel discussion about the contributions of Hispanic and Latino residents to the arts, music, food, culture and life in Montgomery County. The agenda can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181009/20181009\\_6.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181009/20181009_6.pdf)

 **Zoning Text Amendment 18-06, MPDU - Bonus Density**

The Council is scheduled to vote on ZTA 18-06, Moderately Priced Dwelling Units (MPDU) – Bonus Density. Councilmember Nancy Floreen is the lead sponsor. ZTA 18-06 would revise or establish MPDU density bonus standards for certain Residential, Commercial/Residential, Employment and Overlay Zones. The goal of ZTA 18-06 is to reduce barriers to creating more affordable housing. The Planning, Housing and Economic Development (PHED) Committee recommends enactment with amendments that can be found on pages 1 and 2 of the Council staff report. Those expected to attend the council meeting include the following: Gwen Wright, Director, Planning Department; Pam Dunn, Chief, Functional Planning and Policy, Planning Department; Greg Russ, Planner Coordinator, Planning Department; Clarence Snuggs, Director, Department of Housing and Community Affairs (DHCA); and Stephanie Killian, Division Chief, DHCA. The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181009/20181009\\_4A.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181009/20181009_4A.pdf)

 **Zoning Text Amendment 18-07, Accessory Residential Use - Accessory Apartments**

The Council is scheduled to vote on ZTA 18-07. Councilmembers Nancy Floreen and George Leventhal, Council President Hans Riemer and Councilmember Roger Berliner are the lead sponsors. Accessory dwelling units (also known as in-law suites, accessory units and by many other names), include living spaces constructed over garages, basement apartments and even tiny backyard homes. These types of units can provide environmental, life-style and financial benefits. The goal of ZTA 18-07 is to streamline the process to create more affordable housing options. ZTA 18-07 would remove the requirement for conditional use approval for all accessory apartments and revise the limited use provisions for attached and detached accessory apartments. The PHED Committee recommends enactment with an amendment to allow the hearing examiner to waive the separation requirements for detached accessory apartments. Those expected to attend include the following: Gwen Wright, Director, Planning Department; Pam Dunn, Chief, Functional Planning and Policy; Greg Russ, Planner Coordinator, Planning Department; and Stephanie Killian, Division Chief, DHCA. The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181009/20181009\\_4B.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181009/20181009_4B.pdf)

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

The Council will review ZTA 18-11, Telecommunications Towers – Approval Standards. Council President Hans Riemer is the lead sponsor, at the request of the County Executive. ZTA 18-11 would, in part, allow the replacement of poles taller than 22 feet to be approved as a limited use and poles up to 22 feet to be approved as a conditional use. A conditional use is one that requires a subjective finding of compatibility after a public hearing. It's decided by a County hearing examiner and can be appealed to the Board of Appeals. A limited use allows the Council to detail standards under which a use is acceptable. The goal of ZTA 18-11 is to ensure access to robust wireless broadband services by streamlining access to taller poles, while retaining a process to allow greater input for pole placement and visual appearance in residential areas. The PHED Committee recommends enactment with the following amendments:

- 1) For facilities that require a conditional use (where existing poles are less than 22 feet tall), require a 60-foot setback subject to the hearing examiner's determination that 30 feet is acceptable.
- 2) Require more assurance that Department of Permitting Services (DPS) permitting limits are followed.
- 3) Require that DPS has all the information in the application submitted to the Transmission Facility Coordinating Group (TFCG).

- 4) Make two editorial changes recommended by the Executive: a) Correct the name of the TFCG.  
b) Clarify the provision under which the hearing examiner is examining a new facility.

Those expected to attend include the following: Joy Nurmi, Special Assistant to the County Executive; Mitsuko Herrera, Project Manager, ultraMontgomery; Diane Schwartz-Jones, Director, Department of Permitting Services (DPS); Ehsan Motazedi, Division Chief, DPS; Atiq Panjshiri, Manager, Right-of-Way Permitting, DPS; Pam Dunn, Chief, Functional Planning & Policy (FP&P), Maryland-National Park & Planning Commission (M-NCPPC); and Greg Russ, Planner Coordinator, FP&P, M-NCPPC. The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181009/20181009\\_4C.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181009/20181009_4C.pdf)

#### **Bill 26-18, Landlord-Tenant Relations - Accessory Apartment Licensing**

The Council is scheduled to vote on Bill 26-18, Landlord-Tenant Relations - Accessory Apartment Licensing. Councilmembers Nancy Floreen and George Leventhal and Council President Hans Riemer are the lead sponsors. Bill 26-18 would amend the licensing procedures for an accessory apartment rental license and amend the process for appeals, objections and waivers. This bill is associated with ZTA 18-07 (described above), which would remove the requirement for conditional use approval for all accessory apartments and revise the limited use provisions for accessory apartments. Approval of this bill in some form would be necessary to implement the core concepts in ZTA 18-07. The goal of Bill 26-18 is to be consistent with the approval process for accessory apartments required by County law. The PHED Committee recommends enactment. The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181009/20181009\\_5A.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181009/20181009_5A.pdf)

#### **Expedited Bill 24-18, Forest Conservation – Amendments**

The Council is scheduled to vote on Expedited Bill 24-18, Forest Conservation – Amendments. Council President Hans Riemer is the lead sponsor, at the request of the Planning Board. The bill would remove the following requirements from a forest conservation plan: modifications to an existing non-residential developed property, if the pending development application does not propose residential uses; modifications to an existing residential development property, if the pending development application does not propose new buildings or parking facilities; and certain demolition projects. Expedited Bill 24-18 also removes one's ability to pay as a factor for consideration when assessing an administrative penalty. The goal of Expedited Bill 24-18 is to update the current law for consistency, make clarifying changes consistent with law enacted earlier this year, and exempt property owners from having to submit a forest conservation plan if all they are doing is demolishing an existing building, as long as they are restoring the land back to its natural state. The Transportation, Infrastructure, Energy and Environment (T&E) Committee recommends enactment of the bill as introduced. The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181009/20181009\\_5B.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181009/20181009_5B.pdf)

#### **Climate Mobilization Work Group Report**

At 2 p.m. the Council will receive a briefing on the latest report of the Climate Mobilization Work Group. The Council adopted Resolution 18-974, Emergency Climate Mobilization, on December 5, 2017. This resolution accelerates the County's greenhouse gas (GHG) reduction goal to 80 percent by 2027 and to 100 percent by 2035 and calls upon the County Executive, Montgomery County Public Schools (MCPS) and the Maryland-National Capital Park and Planning Commission (M-NCPPC) to advise the Council on "specific methods for accelerating the County's greenhouse gas emissions reduction goal." The County Executive formed a workgroup comprised of 10 representatives from the Departments of General Services, Environmental Protection,

Transportation, MCPS and the Departments of Planning and Parks within the Maryland-National Capital Park and Planning Commission (M-NCPPC). The workgroup had two primary goals: 1) Identify solutions and specific methods that could advance the County's progress towards its GHG reduction goals and 2) Inventory existing efforts and measures to reduce GHG reductions across the County Government and County Agencies. The Council staff report can be viewed at:

 **Community Grants Process/Office of Legislative Oversight Report 2018-9: Montgomery County Council Community Grants**

At 7:30 p.m. the Council will hold a public forum on the community grants process and Office of Legislative Oversight (OLO) Report 2018-9: Montgomery County Council Community Grants. The Council and County Executive provide funding to nonprofit organizations in the County each year through noncompetitive Community Grants to provide health and human services and community services to Montgomery County residents. The purpose of this OLO report is to review the current Council community grants program and to identify opportunities to improve the accountability, transparency, accessibility, and fairness in the grants processes. The report has the following findings:

- Over the past five fiscal years, the number of grant applications funded, and the amount of funding awarded, annually has increased. During that time, Council grant funding has increased at a slower rate than Executive grant funding.
- A total of 134 organizations received community grants at least four out of the five years from FY15 to FY19.
- The Council has made changes to the Community Grants Program process over the years to address concerns identified in followup discussions about the grants.
- There are numerous models for similar grant programs and in other local jurisdictions. Most grant program staff report that they are constantly looking for ways to improve the accountability, transparency and efficiency of their programs.
- Both representatives from nonprofit organizations and volunteers on the Council Grants Advisory Group expressed confusion about the purposes and goals of the Council and Executive Grants programs and about the relationship between the two programs.
- Staff from several County departments think it would be beneficial to provide volunteers on the Grants Advisory Group background information about department programs, goals, and priorities prior to the panel making grant recommendations. Further, County staff reported that the execution and monitoring of community grants contracts is burdensome and challenging.

It further offers the following recommendations:

- Clarify and define the purpose and goals of the Council Community Grants Program and implement changes to the process to align with those goals.
- Implement changes to the Council's Community Grants selection process to improve accountability and fairness.
- Request an OLO followup report that examines contract execution, payment policies and monitoring of Council Community Grant contracts.

The full report can be viewed here:

[https://www.montgomerycountymd.gov/OLO/Resources/Files/2018%20Reports/OLOReport2018\\_9.pdf](https://www.montgomerycountymd.gov/OLO/Resources/Files/2018%20Reports/OLOReport2018_9.pdf)

The Council staff report can be viewed at:

## PUBLIC HEARINGS

All public hearings will be held on October 9 at 1:30 p.m.



### **Bill 31-18, New Home Warranty and Builder Licensing - Amendments**

The Council will hold a public hearing on Bill 31-18, New Home Warranty and Builder Licensing – Amendments. Bill 31-18 would require new home builders and new home sellers to register with the Office of Consumer Protection, require new home builders and new home sellers to provide buyers with a new home warranty, and require the Office of Consumer Protection to administer and enforce County law related to new home builders and new home sellers. The goal of this bill is to bring the County into greater uniformity with the State of Maryland’s builder registration law. A Public Safety Committee meeting is tentatively scheduled for October 29. The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181009/20181009\\_7.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181009/20181009_7.pdf)



### **Bill 30-18, Finance-Accessibility Features Supplement - Established**

The Council will hold a public hearing on Bill 30-18, Finance-Accessibility Features Supplement - Established. Bill 30-18 would provide for a supplement to a nonprofit organization for meeting a Level I or Level II accessibility standard on a single-family residence. The goal of this bill is to make home improvements that provide accessibility more affordable and available to seniors and to those who have differing abilities. A Government Operations and Fiscal Policy (GO) Committee meeting is tentatively scheduled for October 18. The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181009/20181009\\_8.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181009/20181009_8.pdf)



### **Special Appropriation to the FY19 Capital Budget and Amendment to the FY19-24 Capital Improvements Program, Montgomery County Government, Department of Transportation - \$1,565,000 for Teachers Way Extended**

The Council will hold a public hearing on a special appropriation to the FY19 Capital Budget and Amendment to the FY19-24 Capital Improvements Program, Montgomery County Government, Department of Transportation of \$1,565,000 for Teachers Way, which is a road in Gaithersburg. This funding will provide reimbursement to the City of Gaithersburg. The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181009/20181009\\_7.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181009/20181009_7.pdf)

## COMMITTEE



### **Community Grants Program**

On October 11 at 9:30 a.m. the Health and Human Services (HHS) and GO Committees will meet jointly to review the Council’s Community Grants Program. Council staff and representatives of the Office of Management and Budget (OMB) will discuss the recommendations in OLO Report 2018-9: Montgomery County Council Grants and feedback from the October 9 public forum on community grants in preparation for the introduction of the resolution to the County for the fiscal year (FY) 2020 Council Grants Process. See pages 2 and 3 for more information on OLO Report 2018-9. Josh Watters from OMB is expected to attend the meeting. The Council staff report will be available on October 9.

-  **OLO Report 2018-9: Montgomery County Council Community Grants**  
The HHS and GO Committees also will review OLO Report 2018-9: Montgomery County Council Community Grants. See pages 2 and 3 for more information on this report. Josh Watters from OMB is expected to attend the meeting. The Council staff report will be available on October 9.
  
-  **WSSC FY20 Spending Control Limits**  
On October 11 at 2 p.m. the Transportation, Infrastructure, Energy and Environment (T&E) Committee will meet to review Washington Suburban Sanitary Commission (WSSC) Fiscal Year 2020 spending control limits. WSSC's spending control limits process was established in April 1994 via resolution by both Montgomery and Prince George's County Councils, with the goal of both Councils agreeing upon certain budgetary limits by November 1 of each year. The Council expects to have received recommendations for spending control limits from the County Executive in advance of this meeting. Those expected to attend include the following WSSC representatives: Carla Reid, General Manager; Jaclyn Vincent, Chief of Staff; Joseph Beach, Deputy General Manager for Administration; Monica Johnson, Deputy General Manager for Strategic Partnerships; Letitia Carolina-Powell, Budget Division Leader, and Julie Pohutsky, Budget Section Manager; as well as Trevor Lobaugh, Management and Budget Specialist for OMB. The Council staff report will be available on October 9.
  
-  **Memorandum of Understanding (MOU) on Development Impact Tax for Transportation Improvements in the City of Gaithersburg**  
The T&E Committee also will review a memorandum of understanding on the Development Impact Tax for transportation improvements in the City of Gaithersburg. The Council staff report will be available on October 9.
  
-  **Facility Planning Review - Summit Avenue Extended**  
The T&E Committee also will hold a facility planning review of the extension of Summit Avenue in Kensington. The Council staff report will be available on October 9.
  
-  **Facility Planning Review - Tuckerman Lane Sidewalk/Bikeway**  
The T&E Committee will close out its meeting with a facility planning review of the Tuckerman Lane sidewalk and bikeway in Rockville. The Council staff report will be available on October 9.