

COUNCIL COMING ATTRACTIONS



Week of June 12, 2017

Short-term Rentals, Bus Rapid Transit on Veirs Mill Road, South County Regional Recreation and Aquatic Center, Energy Efficiency, and Taxicab Licenses



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 June 13, the Council session will begin at 9:30 a.m. Two proclamation presentations are scheduled.
 - Councilmember Floreen will recognize recipients of the DesignX Award.
 - Councilmember Rice will recognize Chesapeake Bay Awareness Week.

COUNCIL

- 🗓️ Zoning Text Amendment 17-03, Accessory Residential Uses – Short-term Rentals
The Council is scheduled to introduce ZTA 17-03. Council President Berliner is the lead sponsor, at the request of the County Executive. A Council public hearing is scheduled for July 18 at 7:30 p.m. The staff report can be found at: http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5028&meta_id=139736.
ZTA 17-03 would establish the following limitations on short-term residential rentals:
 - ✓ Allowed only on sites without either a farm tenant dwelling or an accessory apartment;
 - ✓ Allowed only if the site is the primary residence of the applicant;

- ✓ Maximum rentals in a calendar year, 90 days counting only when the applicant is absent;
 - ✓ The total number of adult overnight guests is limited to six;
 - ✓ The total number of adult overnight guests per bedroom is limited to two; and
 - ✓ Unless the online listing indicates that vehicle parking is prohibited, one off-street parking space must be provided for each rental contract.
- Zoning Text Amendment (ZTA) 16-03, Land Use – Bed and Breakfast was introduced on February 2, 2016. It would have amended the definition of a Bed and Breakfast and allowed a Bed and Breakfast as a limited use in all residential and mixed-use (Commercial/Residential) zones. Councilmember Riemer was the lead sponsor of ZTA 16-03. On March 22, after a public hearing, the sponsor and the Chair of the Planning, Housing, and Economic Development Committee asked the Planning Board to reconsider the ZTA and to provide additional time for public outreach.
 - On May 11, 2017, the Planning Board approved revised recommendations to ZTA 16-03. Staff recommended that the Council introduce a new ZTA to achieve the Planning Board's recommendations because these recommendations were significantly different than ZTA 16-03. In addition, many of the recommendations more clearly fall under licensing requirements. To that end, staff is recommending revisions to Bill 2-16, Transient Housing-Licensing and Registration, to incorporate some of the Planning Board's recommendations.

 **Resolution to Identify the Preferred Alternative for the Veirs Mill Road Bus Rapid Transit (BRT) Project**

The Council is scheduled to vote on a resolution to identify the preferred alternative for the Veirs Mill Road Bus Rapid Transit (BRT) project. The Transportation, Infrastructure, Energy and Environment Committee (3-0) recommends selecting Alternative 2.5 as the recommended option to carry forward into preliminary design. The Committee also recommends retaining Alternative 3 as the master plan option, thus protecting the right-of-way for a potential upgrade to a continuous dedicated lane in the long term, if it is eventually warranted. The staff report can be found at:





http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5028&meta_id=139738 .

The draft resolution can be found on ©38-39,

- In 2009 the Council appropriated \$6 million to conduct planning and preliminary engineering for the Veirs Mill Road (MD 586) BRT line, extending about 6.7 miles between the Rockville and Wheaton Metro Stations. The technical study has been led by the State Highway Administration (SHA) and the community outreach and local agency coordination has been led by the County Department of Transportation (DOT). During the past several years of analysis and community input, the staffs winnowed the alternatives retained for detailed study to four, and have documented the benefits, costs, and impacts. These four alternatives include:
 - Alternative 1: no build.
 - Alternative 2: minor improvements, including queue jumpers and transit signal priority. This alternative, and the next two, include limited stations, shelters, real-time information, larger branded rapid transit vehicles, and off-board fare collection. The cost estimate is \$34.9 million.
 - Alternative 3: widening or repurposing most of the existing curb lanes or shoulders to use exclusively for BRT and right-turning vehicles. The cost estimate is \$148.2 million.
 - Alternative 5B: create a single, two-way BRT lane in the median, with passing lanes at stations. The cost estimate is \$289.4 million.

More detailed information can be found in the MD 586/Veirs Mill Road BRT Draft Corridor Study Report at:

http://apps.roads.maryland.gov/WebProjectLifeCycle/MO244_11/HTDOCS/Documents/Additional Documents/2016Sept6%20Revised%20Draft%20Corridor%20Report%20MD586%20BRT.pdf

-  **Montgomery County Economic Development Corporation**
The Council is scheduled to meet with the Executive's appointees to the Montgomery County Economic Development Corporation to learn more about their vision for growing the County's economy. The staff report can be found at:
http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5028&meta_id=139740 .
Those expected to attend the meeting include:
- James Brady, MedImmune (reappointment);
 - Terry Forde, Adventist HealthCare (reappointment);
 - Ronald Paul, EagleBank (reappointment, unavailable for the meeting);
 - Sanjay Rai, Montgomery College (reappointment); and
 - Carmen Larsen, AQUAS, Inc. (replacing an unexpired term).
- The Executive's appointments include four reappointments because their first one-year term will expire on June 30 and one new appointment will replace a board member who is no longer able to serve. The four reappointed board members will serve a three-year term, and the one new appointee will complete the two-year term for the previous board member.
-  **Special Appropriation to the FY17 Capital Budget and Amendment to the FY17-22 Capital Improvements Program, Montgomery County Public Schools: \$1,305,772 for Technology Modernization Project (Source of Funds - Federal E-rate Reimbursement)**
The Council is scheduled to hold a public hearing and vote on \$1,305,772 in E-rate reimbursement funding for Montgomery County Public Schools (MCPS). The staff report can be found at:
http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5028&meta_id=139756 .
The Education (ED) Committee discussed this appropriation request during its MCPS budget deliberations. The ED Committee recommends approval of the appropriation, so MCPS can spend the anticipated federal E-rate reimbursement funding that it requests, and the Council appropriates, as one of the funding resources for the MCPS Technology Modernization capital project.
-  **Expedited Bill 18-17, Special Capital Improvements Project – South County Regional Recreation and Aquatic Center**
The Council is scheduled to introduce Expedited Bill 18-17. Council President Berliner is the lead sponsor, at the request of the County Executive. The Council's public hearing and vote is scheduled for June 20 at 1:30 p.m. The staff report can be found at:
http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5028&meta_id=139758 .
Section 302 of the County Charter and Section 20-1 of the County Code require certain capital improvement projects to be individually authorized by law if the locally-funded cost is projected to exceed \$15,072,000 in FY18 dollars. Expedited Bill 18-17 would authorize the planning, design and construction of the South County Regional Recreation and Aquatic Center, Project No. 721701, in the Silver Spring Central Business District.
-  **Bill 19-17, Building – Energy Efficiency – Repeal**
The Council is scheduled to introduce Bill 19-17. Council President Berliner is the lead sponsor, at the request of the County Executive. The Council's public hearing is scheduled for June 27 at 1:30 p.m. At this public hearing, comments will also be accepted on Executive Regulation 21-15AM, Adoption of the 2012 International Green Construction Code (IGCC). The staff report can be found at:
http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5028&meta_id=139760 .
Bill 19-17 would repeal Article VII of Chapter 8 of the Montgomery County Code and amend the law related to buildings, energy efficiency, and environmental design. This code provision established the requirement for new large buildings to achieve Leadership in Environment and Energy Design (LEED) Silver certification (or an equivalent rating).

- The Executive is seeking to repeal of the LEED requirement in anticipation of adopting ER 21-16AM, which requires compliance with the International Green Building Code (IgCC) as amended by the regulation.
- The IgCC requires developers to choose, and comply with, provisions of the code called electives. The number of electives varies with the size of the proposed building:
 - ✓ under 10,000 gross floor area (GFA) requires two electives;
 - ✓ between 10,000 and 20,000 GFA requires three electives; and
 - ✓ over 20,000 GFA requires four electives.
- The amended regulation would allow LEED Silver certification to replace the requirement for any electives. The amended regulation also changes the effective date to December 1, 2017.

Expedited Bill 20-17, Taxicabs – Licenses

The Council is scheduled to introduce Expedited Bill 20-17. Council President Berliner is the lead sponsor. A Council public hearing is scheduled for June 27 at 1:30 p.m. The staff report can be found at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5028&meta_id=139763.

Expedited Bill 20-17 would provide that any applicants approved for issuance of a taxicab license, under Section 3 of Chapter 39 of the Laws of Montgomery County 2015, must be issued a license if the applicant:

- ✓ notifies the Department of Transportation of its intention to place a vehicle in service under this Section;
- ✓ is a qualified applicant under Chapter 53; and
- ✓ places a taxicab in service no later than January 31, 2019.
- On July 21, 2015, the Council enacted Expedited Bill 53-14, Taxicabs – Licenses – Vehicle Requirements – Driver Identification Cards. The Executive signed the act on July 31, 2015, and it became Chapter 39 of the Laws of Montgomery County 2015. The law substantially revised the County’s regulation of the taxicab industry. One of the objectives of the law was to increase the number of accessible taxicabs serving County residents by specifically providing for the issuance of additional licenses for accessible taxicabs, and requiring a plan to increase the number of accessible taxicabs Countywide.
- In addition to requiring a plan to increase the number of accessible taxicabs in the County, Section 3 of the law required the issuance of 100 new taxicab licenses, as follows:
 - ✓ 25 to individuals who do not hold a license under this Chapter, and of these, eight must be for accessible vehicles;
 - ✓ 25 to fleets that hold fewer than 100 licenses, and of these, eight must be for accessible vehicles; and
 - ✓ 50 accessible vehicle licenses to a driver-owned cooperative fleet that the Director determines is a qualified applicant under Chapter 53.
- Of these licenses, many were approved for issuance but never issued because taxicab vehicles were not placed in service. Thus, the number of accessible taxicabs operating in the County has not increased since the enactment of the 2015 law.

Expedited Bill 12-17, Fire and Rescue Services – Length of Service Awards Program for Volunteers - Amendments

The Council is scheduled to vote on Expedited Bill 12-17. Council President Berliner is the lead sponsor, at the request of the Executive. The staff report can be found at:


http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5028&meta_id=139765.

The Length of Service Awards Program (LOSAP) for the Montgomery County Volunteer Fire Rescue Association (MCVFRA) is an existing program that provides a small lifetime pension to local fire and rescue department volunteers who complete a certain amount of service. LOSAP provides a retirement benefit, a service-connected disability benefit, a survivor benefit, and a death benefit to qualified volunteers. Bill 12-17 would increase the retirement benefits for

qualified volunteers, clarify the conditions for earning credits for stand-by duty, and require all payments to be made by direct deposit.

- On April 3, 2017, the Executive submitted a negotiated agreement between the Executive and the MCVFRA, effective July 1, 2017 through June 30, 2020, for Council review and action. The agreement includes a provision to recommend legislation amending the LOSAP. The Council approved the negotiated agreement with the MCVFRA.
- OMB estimated that the increased LOSAP for MCVFRA's retirement benefits would cost the County an additional \$23,385 in FY18 and \$150,722 over the next six years. The requirement to pay benefits by direct deposit would save the County \$25,200 over the next six years.


COMMITTEE

 Executive Regulation 21-15AM, Adoption of the 2012 International Green Construction Code
On June 12 at 2 p.m. the Planning, Housing and Economic Development (PHED) Committee will review Executive Regulation 21-15AM. This meeting will be used to get an overview of Executive Regulation 21-15AM and to discuss issues associated with the proposed regulation. The Committee is not expected to take any position at this meeting. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5926&meta_id=139707 .

Pages 2-4 of the staff report detail the proposed changes recommended in the regulation.

- The Executive transmitted Bill 19-17, Building – Energy Efficiency – Repeal, to delete the requirements for new large buildings to have LEED certification or its equivalent. The Council's June 27 public hearing on Bill 19-17 will also seek public comments on ER 21-15AM. Since Executive Regulation 21-15AM is a Method 2 Regulation, if the Council does not extent time for action, the regulation will become effective on July 1, 2016.
- Executive Regulation 21-15AM, as recommended by the Executive, would repeal the Green Building Law (Chapter 8, Article VII), which requires new buildings (or extensively modified buildings) larger than 10,000 square feet of gross floor area to obtain a Silver rating under the Leadership in Energy and Environmental Design (LEED) rating system (or an energy and environmental design standard that the Department of Permitting Services Director identifies as equivalent).
- The International Green Construction Code (IgCC) is the first model code that includes sustainability measures for the entire construction project and its site — from design through construction, certificate of occupancy, and beyond. The new code intends to make buildings more efficient, reduce waste, and have a positive impact on health, safety, and community welfare.
 - ✓ The IgCC offers flexibility to jurisdictions that adopt the code by establishing several levels of compliance, starting with the core provisions of the code, and then offering “jurisdictional requirement” options that can be customized to fit the needs of a local community.
 - ✓ The IgCC addresses energy use, water use, material and resource use, indoor environment quality, and building impacts on the environment such as greenhouse gas emissions, site design, exiting buildings, and sustainability education for owners and facility management.
 - ✓ The IgCC is not designed to compete with other codes or standards, but to coordinate or integrate with existing International Codes to provide minimum regulations for buildings and systems using prescriptive and performance-related provisions.

 Zoning Text Amendment 16-17, Height Encroachments - Townhouses
The PHED Committee also will review ZTA 16-17. Councilmember Elrich is the lead sponsor. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5926&meta_id=139709 .

ZTA 16-17 would include structures on townhouse rooftops in calculating the height of a townhouse building.

- Currently structures such as rooftop decks, patios, shade structures, and walls are excluded from building height measurements for all building types. ZTA 16-17 would include such structures for measuring the height of townhouses.
- In the opinion of the sponsor, these structures should be included in the height calculation of a townhouse because they add to the perceived height of the building and increase shade on other buildings.