

COUNCIL COMING ATTRACTIONS



Week of October 9, 2017

Minimum Wage, Bed and Breakfast Regulations, White Flint 2 Sector Plan, Satellite Dishes, and Ripley/Silver Spring South Overlay Zone



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> .

 **On October 10, the Council session will begin at 9:30 a.m.**

COUNCIL

Zoning Text Amendment 17-08, Bed and Breakfast – Historic Buildings

The Council is scheduled to introduce ZTA 17-08. Councilmembers Floreen and Leventhal and Vice President Riemer are the lead sponsors. A public hearing is scheduled for Nov. 14 at 1:30 p.m. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/Viewer.php?view_id=169&event_id=7207&meta_id=144039

ZTA 17-08 would revise the definition and requirements for bed and breakfast operations. It would provide more permissive standards for bed and breakfast establishments when this use is established in historic buildings. The ZTA would allow owners to provide up to ten rooms for bed and breakfast establishments and permit food services for guests.

 **Zoning Text Amendment 17-10, White Flint 2 – Overlay Zone**

The Council is scheduled to introduce ZTA 17-10. Council President Berliner is the lead sponsor, at the request of the Planning Board. A public hearing is scheduled for Nov. 14 at 1:30 p.m. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7207&meta_id=144041

ZTA 17-10 would establish a new overlay zone to implement the recommendation to the White Flint 2 Sector Plan. More information is found on page 5.

 **Zoning Text Amendment 17-11, Antennas on Existing Structures – Satellite Dishes**

The Council is scheduled to introduce ZTA 17-11. Councilmember Floreen is the lead sponsor. A public hearing is scheduled for Nov. 14 at 1:30 p.m. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7207&meta_id=144043

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.

 **Zoning Text Amendment 17-05, Ripley/Silver Spring South Overlay Zone – Standards**

The Council is scheduled to vote on ZTA 17-05. The Planning, Housing and Economic Development (PHED) Committee recommends approval. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7207&meta_id=144045

Councilmember Hucker is the lead sponsor. ZTA 17-05 would add building height flexibility in exchange for significant public benefits. According to the sponsor, the ZTA would create incentives for major public facilities and retail opportunities in the Ripley/Silver Spring South Overlay Zone area.

 **Zoning Text Amendment 17-03, Accessory Residential Uses - Short-term Rentals**

The Council is scheduled to vote on ZTA 17-03. The PHED Committee recommends approval with amendments. The amendments are as follows:

- The dwelling unit used as a short-term rental must be the property owner's or owner-authorized resident's primary residence, regardless of the dwelling unit type.
- If the property owner or owner-authorized resident is not present in the residence, the property can be used as a short-term residential rental for a maximum of 90 days in a calendar year. If the property owner or owner-authorized resident is physically present and occupies the residence during the rental stay, there is no limitation on the number of days the property can be used as a short-term residential rental.

In all other respects, the Committee agreed with the Planning Board recommendations to include the following limitations on short-term residential rental:

- Allow only owner on site, without either a farm tenant dwelling or an accessory apartment.
- Allow only if the site is the primary residence of the applicant.
- Limit the maximum rentals in a calendar year to 90 days, counting only when the owner or authorized resident is absent.
- Limit the total number of adult overnight guests to six.
- Limit the total number of adult overnight guests per bedroom to two.
- Require one off-street parking space for each rental contract, unless the online listing indicates that vehicle parking is prohibited.

The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7207&meta_id=144047

ZTA 17-03 would make a bed and breakfast a limited use in most residential and mixed-used zones. It would limit short-term residential occupancy through services like Airbnb, FlipKey, and HomeAway to 90 days when the owner is not present and residing at the property. It also would

establish limitations on the number of adult overnight guests per unit and per bedroom, and require that one off-street parking space be provided for each rental contract.

Bill 2-16, Transient Housing - Licensing and Registration

The Council is scheduled to vote on Bill 2-16. The PHED Committee recommends enactment with amendments. Council Vice President Riemer is the lead sponsor and Councilmember Rice is a cosponsor. The staff report can be found at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7207&meta_id=144047

Bill 2-16 anticipates, but does not require, the approval of ZTA 17-03. It would revise Chapter 54 of the County Code to update the provisions for hotels, delete forms of transient housing no longer allowed by the County's Zoning Code, establish a less burdensome method for licensing a bed and breakfast, and assign responsibilities for licensing between Executive departments.

Bill 27-17, Human Rights and Civil Liberties - Human Trafficking Prevention Committee - Established

The Council is scheduled to vote on Bill 27-17. The Health and Human Services (HHS) Committee recommends enactment with two amendments:

- add a requirement that the Executive appoint a designee of the Council instead of a Councilmember; and
- delete language that would authorize the Committee to solicit contributions from public and private sources.

Council President Berliner is the lead sponsor, at the request of the Executive. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7207&meta_id=144051

Bill 27-17 would establish the Human Trafficking Prevention Committee as a permanent committee with 15 voting members appointed by the Executive subject to Council confirmation.

- The County currently has a Human Trafficking Task Force that meets to develop methods of preventing human trafficking in the County; however, it is unable to officially advise the Executive or the Council because it is not a permanent committee created by law.

Expedited Bill 29-17, Domestic Partners Survivor Benefits - LOSAP – Employees' Retirement System - Eligibility

The Council is scheduled to vote on Expedited Bill 29-17. The Government Operations and Fiscal Policy (GO) Committee recommends enactment. Councilmembers Navarro and Katz and Council Vice President Riemer are the lead sponsors. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7207&meta_id=144053

Expedited Bill 29-17 would clarify the definition of a domestic partner to receive County survivor benefits; limit County survivor benefits for a domestic partner of a local fire and rescue department volunteer to a domestic partner registered with the County on or before June 27, 2016; and limit County survivor benefits for a domestic partner of a County employee under the County retirement systems to a domestic partner registered with the County on or before June 27, 2016.

- In 2016 the Council enacted Bill 16-16, which repealed the law providing domestic partner benefits for County employees. The law included a grandfather clause that permitted a County employee receiving domestic partner benefits on June 27, 2016 to retain those benefits.
- Although Bill 16-16 generally repealed the County law authorizing domestic partner benefits, the Bill did not remove references to domestic partner survivor benefits for volunteer firefighters under the Length of Service Awards Program and County employee survivor benefits under the County retirement laws.
- Expedited Bill 29-17 would limit domestic partner survivor benefits to a person who registered a domestic partnership with the County on or before June 27, 2016, making these survivor benefits consistent with the general repeal of domestic partner benefits in Bill 16-16.

Hispanic Heritage Month Commemoration

The Council's Hispanic Heritage Month Commemoration will focus on "Shaping the Bright Future of Montgomery County." Panelists will share their life experiences and achievements and discuss issues of importance for Hispanic and Latino residents in the County. Those sharing their experiences include: Oscar Alvarenga, Community Activist; Nhora Barerra, President and CEO, The Media Network (dba) TMNcorp; Dr. Claudia Campos, Founder and Voice of Health, Sex and Domestic Violence; and Rafael Sanchez-Cruz, Reporter, Univision. The agenda can be found at: http://montgomerycountymd.granicus.com/Viewer.php?view_id=169&event_id=7207&meta_id=144055

COMMITTEE

Bill 28-17, Human Rights and Civil Liberties – County Minimum Wage – Amount-Annual Adjustment

On Oct. 9 at 9:30 a.m. the Health and Human Services (HHS) Committee will review Bill 28-17. Councilmember Elrich is the lead sponsor. Councilmembers Leventhal, Riemer, Hucker and Navarro are cosponsors. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/Viewer.php?view_id=169&event_id=7428&meta_id=143946

The fiscal and economic impact statement can be viewed at:

http://montgomerycountymd.granicus.com/Viewer.php?view_id=169&event_id=7428&meta_id=143970

Bill 28-17 would: increase the County minimum wage for many workers to \$15 per hour by 2020; require the Chief Administrative Officer to adjust the County minimum wage rate each year; and require the Office of Legislative Oversight to conduct an annual analysis of the impact of the County minimum wage. The current minimum wage in the County is \$11.50 per hour. There are no requirements in County law for further minimum wage increases.

- In January, by a vote of 5-4, the Council enacted Bill 12-16, which would have extended the incremental minimum wage increases in County law to \$15 by 2020 for many employees. The scheduled increases under Bill 12-16 were based on the size of the employer. Workers whose employers had 26 or more employees would reach \$15 per hour by 2020. Employers with 25 or fewer employees would reach \$15 by July 1, 2022. Bill 12-16 also would have required, beginning in 2023, annual adjustment to the minimum wage by the annual average increase, if any, in the Consumer Price Index for urban wage earners and clerical workers for the previous calendar year. The bill also included a "safety-valve" provision that would have allowed the Executive to pause the implementation of a scheduled increase under certain adverse economic conditions. On January 23, 2017 the Executive vetoed Bill 12-16.
- Bill 28-17 would replicate the changes that would have been implemented under Bill 12-16, with key differences.
 - Bill 28-17 provides that two additional classes of employers would be subject to a slower phase-in schedule for smaller employers (i.e., \$15.00/hour by 2022). This schedule would apply to employers who: (1) employ 25 or fewer employees; (2) have tax exempt status under Section 501(c)(3) of the Internal Revenue Code; or (3) provide "home health services" or "home or community-based services," as defined under federal Medicaid regulations, and receive at least 75 percent of gross revenues through state and federal medical programs. The third group (Medicaid funded employers) would have to be determined eligible by the Office of Human Rights.
- Bill 28-17 would retain the annual adjustment based on increases in the Consumer Price Index and the requirement that the Office of Legislative Oversight provide the Council with an annual analysis of the impact of the County minimum wage on the local economy. The Bill also includes the "safety-valve" provisions of Bill 12-16, which allows the Executive to temporarily suspend scheduled increases during the phase-in.



White Flint 2 Sector Plan

On October 9 at 2 p.m. the Planning, Housing and Economic Development (PHED) Committee will review the White Flint 2 Sector Plan. The staff reports can be viewed at:

http://montgomerycountymd.granicus.com/Viewer.php?view_id=169&event_id=7429&meta_id=143948 and
http://montgomerycountymd.granicus.com/Viewer.php?view_id=169&event_id=7429&meta_id=143950

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 and 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.

- Most of the plan area is included in the 1992 North Bethesda/Garrett Park Master Plan area and a smaller portion (Nicholson Court) is in the 2010 White Flint Sector Plan area. The 1992 Master Plan identified several properties that are within the White Flint 2 Plan area: Montrose Crossing, Wilgus, Tri-Rock, Loehmann's Plaza and light industrial zoned properties along Parklawn Drive. The Montrose Crossing Shopping Center was viewed as a significant opportunity to facilitate mixed-use development given the size of the property. The 1992 plan did not introduce any other mixed-use zoning to the plan area.
- The White Flint 2 Sector Plan recommends the retention of existing multi-family residential development to support the broad range of affordable housing options in the plan area.
- The retention of light industrial properties will continue to provide needed services for down-County residents and places for small businesses and entrepreneurs.
- New development in White Flint 2 will be compatible with existing residential neighborhoods, which will continue to have access to new public amenities and bikeway connections.
- White Flint 2 will provide mobility options via future Bus Rapid Transit (BRT), new bikeway linkages to adjacent areas, and new parks and open spaces for recreation and enjoyment. White Flint 2 will contribute to the future transformation of Rockville Pike (MD 355) into an urban boulevard with BRT and by providing linkages to the City of Rockville. New streets will provide enhanced pedestrian and bikeway connections throughout the Plan area, and Montrose Parkway East-Phase II will improve east-west connectivity.
- The plan recommends up to 5,700 new dwelling units primarily focused along Rockville Pike, a portion of the Executive Boulevard office park and limited areas east of the CSX rail tracks.



Montgomery College Renovations to Takoma Park/Silver Spring Campus

On Oct. 11 at 10 a.m. the Education (ED) Committee will receive an update from Montgomery College representatives on the renovation of the Math and Science Center at the Takoma Park/Silver Spring Campus. The staff report will be available on Oct. 9. The Montgomery College Facilities Master Plan for the Takoma Park/Silver Spring Campus can be found at:

file:///C:/Users/HEALYS/Downloads/FMP%202013-2023_2016-02-01_2%20TPSS.pdf



Water Quality Protection Charge

On October 12 at 9:30 a.m. the Transportation, Infrastructure, Energy & Environment (T&E) Committee and PHED Committee will meet jointly to receive an update on the County's Water Quality Protection Charge (WQPC), which is included in County property tax bills. The WQPC raises funds to improve the water quality of streams and reduce the impacts of stormwater runoff. All property owners in the County pay the WQPC including businesses, homeowners associations, and non-profit organizations. The WQPC is calculated based on the potential for a property to contribute to stormwater runoff. Generally, a larger or more developed property produces more runoff and receives a higher charge. The staff report will be available on Oct. 10.



Amendments to Ten-Year Comprehensive Water Supply and Sewerage Systems Plan: Water and Sewer Category Changes

On October 12 at 10:30 a.m. the T&E Committee will continue to review amendments to the County's Ten-Year Comprehensive Water Supply and Sewerage Systems Plan: Water and Sewer Category Changes. On March 13, 2017, the Council received the Executive's Recommended Montgomery County 2017-2026 Comprehensive Water Supply and Sewerage Systems Plan. State law requires that each governing body review its county plan at least once every three years. The last comprehensive revision was approved by the Council in November 2003. Since the last comprehensive update, the Council has approved amendments to the plan. The staff report will be available on Oct. 10.