

MEMORANDUM

March 5, 2019

TO: Planning, Housing, and Economic Development (PHED) Committee

FROM: Pamela Dunn, Senior Legislative Analyst

SUBJECT: Veirs Mill Corridor Master Plan

PURPOSE: Worksession to development recommendations for Council consideration

Participants:

Casey Anderson, Chair, Montgomery County Planning Board
Gwen Wright, Director, Montgomery Planning Department
Carrie Sanders, Area 2 Chief, Montgomery Planning Department
Jessica McVary, Planner Coordinator, Montgomery Planning Department
Lisa Govoni, Housing Planner, Montgomery Planning Department

This is the Planning, Housing, and Economic Development (PHED) Committee's third worksession on the Veirs Mill Corridor Master Plan. This memorandum addresses Master Plan issues that were included in the staff report for the first worksession but were not discussed. The first worksession covered land use and zoning recommendations for three of the four districts that make up the Veirs Mill Corridor Master Plan area: Newport Mill, Connecticut/Randolph, and Robindale. This report covers recommendations on land use and zoning for the Twinbrook District, recommendations on parks, trails and open space, the environment and public facilities, and revisits the land use and zoning recommendation for the Department of Recreation Administrative Offices site. Testimony relevant to the report is attached on ©4-39.

Councilmembers may wish to bring their copy of the Plan to the meeting.
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PLAN GOALS AND RECOMMENDATIONS

Twinbrook District

The Twinbrook District extends from the Rock Creek crossing on Veirs Mill Road to the western Plan boundary along Twinbrook Parkway. The district is primarily characterized by the Rock Creek Stream

Valley Park and multiple garden-style apartments constructed within a park-like setting. The sites within the Twinbrook District that are recommended for rezoning include the following garden apartment complexes: Rock Creek Woods, Halpine View, Parkway Woods, and Halpine Hamlet. These developments provide a source of market-affordable rental housing to the community. Rock Creek Woods and Halpine View provide market-affordable rental housing to households earning less than 80 percent of the area median income. Parkway Woods and Halpine Hamlet, which are owned and operated by the Housing Opportunities Commission (HOC) and Montgomery Housing Partnership (MHP) respectively, provide subsidized rental housing within the District. The Twinbrook District is positioned near existing and future transit, including the Twinbrook Metrorail Station and a future BRT station on Veirs Mill Road. Due to this proximity and the age of these units, the apartments in this area are susceptible to redevelopment. Maps 24, 25, and 26 on pages 101-103 show the existing zoning and the proposed zoning and land use for this district.

Testimony (general): The Council received testimony from the County Executive regarding his concern with rezoning the four multi-family properties in the Twinbrook District, citing potential displacement of residents and loss of market-affordable housing. The Council also received testimony from the Sierra Club, advocating for even greater density at each of the Plan's six BRT stations while also praising the Plan's emphasis on preserving existing market-affordable housing.

Rock Creek Woods Apartments

Text in Master Plan: page 99

Map in Master Plan: page 102

Existing Zoning: R-20

Proposed Zoning: CRT1.25 C0.25 R1.25 H85

Plan Recommendation: The owners of the Rock Creek Woods Apartments have indicated that redevelopment of the property is highly likely due to the age of the buildings and challenges with the site's layout and utilities. The Plan recommends rezoning Rock Creek Woods from R-20 to CRT1.25 C0.25 R1.25 H85 to allow redevelopment of higher-density residential uses near the future BRT station.

Testimony: The Council received testimony from Bullis Tract LLC, owners of the Rock Creek Woods Apartments, supporting the Plan's recommended rezoning of its property. The owners emphasized the need to renovate their property due to aging and deteriorating utility infrastructure.

With the redevelopment of Rock Creek Woods, the Plan recommends maximizing residential development with a minimal amount of commercial density to fulfill the requirements of the Optional Method of Development of the CRT zone. The Plan also recommends that any optional method project including residential units provide a minimum of 15 percent MPDUs, and that providing two- and three-bedroom units be a priority for public benefit points.

Halpine View Apartments, Parkway Woods, and Halpine Hamlet

Text in Master Plan: page 100

Map in Master Plan: page 102

Existing Zoning: R-30

Proposed Zoning: CRT1.25 C0.25 R1.25 H85

Plan Recommendation: The Plan recommends rezoning the remaining properties in the Twinbrook District to a Commercial/Residential zone to facilitate higher density residential development near existing and future transit. Specifically, the Plan recommends rezoning the Halpine View Apartments, Parkway Woods, and Halpine Hamlet from R-30 to CRT1.25 C0.25 R1.25 H85.

For Halpine View¹, like Rock Creek Woods, the Plan recommends maximizing residential development with a minimal amount of commercial density to fulfill the requirements of the Optional Method of Development of the CRT zone. The Plan also recommends that any optional method project including residential units provide a minimum of 15 percent MPDUs and provide five percent market-affordable units pursuant to a rental agreement with the Department of Housing and Community Affairs (DHCA) for 20 years. The Plan states that redevelopment must be phased to ensure maintenance and/or creation of a minimum of five percent market-affordable units. The Plan also requires that, under redevelopment, a range in unit sizes must be provided; at a minimum, 17.5 percent of all new units must be two- and three-bedroom units, which includes replacement of the 307 two- and three-bedroom units existing today.

In addition, the Plan covers recent actions regarding Aspen Hill Road Extended. Consistent with previous master plans, the Veirs Mill Corridor Master Plan supports the abandonment of Aspen Hill Road Extended, recommending that the County return the land to the property owner. Testimony received from the property owner's representative clarifies that the parcel was conveyed by a deed in fee simple (at no cost). As such, the Aspen Hill Road Extended parcel can only be disposed of through the County's disposition process. The County and Halpine View have not been able to agree on a fair value for the return of the parcel (even though it was originally conveyed at no cost). The property owner has requested that the parcel be returned in exchange for the requirement that Halpine View provide 30 percent of the dwelling units attributable to the density of the 1.9-acre parcel in the form of MPDUs.

Testimony: The Council received testimony regarding Halpine View Apartments from Bob Dalrymple, the property owner's representative. This testimony supports the Plan's proposed rezoning for Halpine View, as well as all the affordable housing and unit type recommendations. The testimony also supports numerous design recommendations for the site and advocates for the return of Aspen Hill Extended in exchange for increased MPDUs. The Council received correspondence from the County Executive on February 28, 2019, regarding Aspen Hill Road Extended. The Executive supports the rezoning of the Aspen Hill Road Extended parcel consistent with the rezoning of the surrounding property, provided that any future use of the County parcel preserve market rate affordable units or increase affordable units.

With respect to Parkway Woods and Halpine Hamlet, representatives from HOC and MHP (the owners and operators of these properties, respectively) informed Planning staff that both properties were recently renovated under a tax credit program that prevents redevelopment of these properties for 10-15 years.

Testimony: The Council received testimony from Montgomery Housing Partnership (MHP), the developer of Halpine Hamlet Apartments, supporting the Plan's recommended rezoning of its property. MHP recognizes the potential for redevelopment to increase rental rates in the area – suggesting that the

¹ The Plan appears to include Parkway Woods and Halpine Hamlet in the more specific recommendations for Halpine View; however, there is also property-specific reference to Halpine View that contradicts this intent. Staff believes the recommendations related to affordable housing only apply to Halpine View. The text should be clarified.

best way to address the loss in market-affordable units is for the County to aggressively seek to identify County-owned sites where affordable housing can be located.

Council Staff Recommendation: There are six multi-family apartment complexes in the Veirs Mill Corridor Master Plan area. Two are not recommended for rezoning (Village Square – Wheaton and Rock Creek Terrace). Two, providing subsidized housing, have recently been renovated under a tax credit program making them ineligible for redevelopment for the next 10-15 years (Parkway Woods and Halpine Hamlet). Additionally, two complexes have requested rezoning to facilitate redevelopment due to the age of the units and condition of the infrastructure (Rock Creek Woods and Halpine View). Rock Creek Woods and Halpine View currently provide market-affordable housing to the community; however, none of the units are income-restricted.

The Council has faced the issue of rezoning market-affordable housing in other recent master plans, such as Lyttonsville and White Flint 2. The primary concerns with rezoning are the loss in market-affordable units, the potential displacement of current residents, and the loss of two- and three-bedroom units prevalent in older garden-style structures. However, these developments, given their age, face several challenges such as systemic problems with water and sewer infrastructure and mechanical systems nearing the end of their useful life. Rock Creek Woods and Halpine View, both built more than 50 years ago, have testified to these problems.

One option would be to retain the current zoning on these properties. This would ensure no displacement of residents in the near term and no loss in two- or three-bedroom units; however, as systemic infrastructure and utility issues worsen over time, property owners will most likely be required to upgrade and renovate existing buildings, even without an increase in density. This may necessitate vacating buildings. Once upgraded, there is no guarantee these units would remain affordable to families at or below 80 percent of the area median income (AMI). Additionally, there are no MPDUs in Rock Creek Woods or Halpine View, and renovation without a change in density would not require them. Retaining the current zoning doesn't necessarily result in no change to the affordability or tenure of residents in these units over the life of the Plan.

A second option would be to rezone these properties in conjunction with requirements to provide MPDUs, retain market-affordable rents through an agreement with the DHCA, and incentivize no loss in the number of two- and three-bedroom units. This is primarily what the Plan proposes, as described above.

A third option would be to split-zone these properties. This option would allow for the requirements associated with affordable housing to be implemented on the rezoned portion of the site during the redevelopment process. The portion of the site not rezoned would receive no increase in density; as such, any renovation or rehabilitation would not require MPDUs, retention of residents, or market-affordable rents. During the Planning Board worksessions on this Plan and during worksessions on the Lyttonsville Plan, the idea of split zoning was raised. In both Veirs Mill and Lyttonsville, it was decided (either by the Board or the Council, respectively) that the entire site should be rezoned. This would provide the property owner flexibility to redevelop all or part of the site, using the total density of the site to offset the cost of providing additional MPDUs, restricting rents on some units to a level affordable to residents earning 80 percent of AMI or less, and retaining/constructing the same number of two- and three-bedroom units available today.

Council Staff supports the second option with modifications. Staff supports the Plan recommendation for Rock Creek Woods to be rezoned from R-20 to CRT1.25 C0.25 R1.25 H85.

Staff also supports the recommendation that any optional method project including residential units provide a minimum of 15 percent MPDUs, and that providing two- and three-bedroom units be a priority for public benefit points. Given a primary land use goal of the Plan is to preserve and enhance market-affordable housing, Staff recommends that, with redevelopment, five percent of the units be provided at market-affordable rents pursuant to a rental agreement with the Department of Housing and Community Affairs (DHCA) for 20 years.

Council Staff supports the Plan recommendation for Halpine View, Parkway Woods, and Halpine Hamlet to be rezoned from R-30 to CRT1.25 C0.25 R1.25 H85. Staff also supports the recommendation that any optional method project including residential units provide a minimum of 15 percent MPDUs.

Council Staff recommends the following modifications to the other recommendations for Halpine View. According to CoStar data, for all new multi-unit developments in Montgomery County built between 2014 and 2018, the unit mix was 9% studios, 53% one-bedroom, 35% two-bedroom, and 4% three-bedroom. However, not all developments offer three-bedroom units: for new multi-unit developments in complexes that provided three-bedroom units, the mix was: 7% studios, 52% one-bedroom, 32% two-bedroom, and 9% three-bedroom. Requiring redevelopment of Halpine View to provide a minimum of 17.5 percent of all new units as two- and three-bedroom units is below what the market is currently providing. Today, 54% of the units in Halpine View are two- and three-bedroom units (44% two- bedroom, 10% three-bedroom). **Council Staff recommends that with redevelopment a minimum of 20 percent of the units be provided as two-bedroom units, and five percent of the units be provided as three-bedroom units.** This goes far above the number of these types of units available today while remaining conservatively below what the market is providing, on average.

Market-Affordable Units

In the previously posted staff report, Council Staff recommended increasing the percentage of units provided at market-affordable rents for Halpine View from 5 percent to 10 percent. On ©1, Table 1 compares the Plan recommendations for Rock Creek Woods and Halpine View under Options 1, 2, and 3 outlined above.

For Rock Creek Woods, it appears that almost 50 percent of the currently existing market-affordable units are retained in redevelopment under Option 2. For Halpine View, approximately 96 percent of the currently existing market-affordable units are retained in redevelopment. It should be noted, however, that achieving these percentages is dependent on the total number of units provided through redevelopment. This analysis assumes the maximum yield achievable under zoning in redevelopment.

An alternative to requiring that a certain percentage of units be retained as market-affordable is to require no net loss in affordable units. In the Greater Lyttonsville Sector Plan redevelopment of the Rollingwood Apartments, attempts to achieve this by requiring 176 existing units must be retained as market-affordable under a rental agreement with DHCA. This equals the number of existing units in the complex (283 units) minus the estimated number of MPDUs under redevelopment. It is roughly equivalent to requiring 20 percent of the units be provided at market-affordable rents.

However, since the Lyttonsville Plan was adopted, the MPDU law has changed to allow a 22 percent density bonus for providing 15 percent MPDUs – this change means that for the Rollingwood Apartments, if redevelopment maximizes potential density on the site, 134 MPDUs would be required,

and only 149 units would need to be under a market-affordable rental agreement in order to retain the 283 existing affordable units as income-restricted or market-affordable.

Under both the percentage requirement and the unit requirement, changes to the MPDU law or market conditions affecting the number of units constructed will impact the number of affordable units retained. An alternative would be to provide language in the master plan that requires at every phase of development the provision of affordable units (MPDUs plus market-affordable rent-agreed units) equal the number of existing units. This should result in no loss in market-affordable units; however, it may not be appropriate for every site. Table 3 (on ©2) shows the relative impact of this type of requirement on three properties. The size of the property and maximum residential density also play a role. A relatively large property with enough residential density may be able to absorb retaining all existing units as affordable under redevelopment, where a smaller property or one without much change in potential density may not.

Council Staff recommends for Halpine View that 10 percent of the units be provided at market-affordable rents under agreement with DHCA for 20 years. Combined with a 15 percent MPDU requirement, this means that 25 percent of the units constructed will be either income-restricted or market-affordable. **Staff also recommends that redevelopment be phased to minimize the displacement of residents and ensure maintenance and/or creation of a minimum of 10 percent market-affordable units. In addition, language should be added to the Plan that would ensure that priority would be given to existing residents for the units under rental agreement and the two- and three-bedroom units.**

Parks, Trails and Open Space Goals and Recommendations (pages 59, 88, 98, 104)

The *2017 Park, Recreation and Open Space (PROS) Plan*, developed by the Department of Parks, serves as the planning policy for parks and recreation in Montgomery County. The PROS Plan suggests that each master plan include an open space system that addresses specific needs, including active recreation destinations; a central “civic green” urban park; an interconnected system of sidewalks and trails to connect parks and open spaces; and wooded areas to provide a sense of contact with nature.

The parks located within and near the Veirs Mill Corridor Master Plan area fulfill the need for active recreation destinations. The Plan area also includes prominent trails that enhance connectivity between parks and open spaces. The Rock Creek Stream Valley Park and the Matthew Henson State Park also offer wooded areas to put visitors in contact with nature. While the existing park, open space and trail network addresses many of the needs within the Plan area, the community noted that the Veirs Mill Plan area lacks a central “civic green” or open space for public gathering and community events.

Plan Recommendations: The Plan offers one corridor-wide recommendation related to parks, trails and open space to improve the visual presence of existing and future community destinations, such as parks, trails, open space and community facilities within and adjacent to the Plan area through enhanced connections and wayfinding. **Council Staff supports this recommendation.**

The Plan also makes property-specific recommendations with respect to parks, trails and open space, providing details regarding the types of elements to include in each facility/location.

For Stonemill Square, Veirs Mill Village, and the Department of Recreation Administrative Office site, the Plan recommends creation of a public open space, similar to a neighborhood green urban park (as

defined in the PROS Plan), when the property redevelops. For Stoney Mill Square, the public open space should be at least one acre in size. For Veirs Mill Village, the public open space should be at least a quarter-acre in size, and for the Department of Recreation Administrative Offices site, the public open space should be at least a half-acre in size.

In the Robindale District, the Plan recommends Parklawn Local Park be redesigned when Bus Rapid Transit and/or improved pedestrian and bicycle facilities are constructed. In the Twinbrook District, the Plan recommends that with the redevelopment of Rock Creek Woods, a public open space totaling a minimum of 1.2 acres in size (to be divided between the two properties) be provided when the complex redevelops. With the redevelopment of Halpine View, Parkway Woods, and Halpine Hamlet, the Plan recommends a paved trail connection to the new Twinbrook Trail connector to the Rock Creek Trail and public open space totaling a minimum of 4.5 acres in size (including at least three open spaces a minimum half-acre in size) be provided.

While the Plan envisions these properties redeveloping in a coordinated fashion, that may not occur. Council Staff suggests that with the redevelopment of Halpine View, a paved trail connection to the new Twinbrook Trail connector to the Rock Creek Trail and public open space totaling a minimum of 3.75 acres in size (including at least three open spaces a minimum half-acre in size) should be provided. With the redevelopment of Parkway Woods, public open space totaling a minimum of a quarter-acre in size should be provided, and with the redevelopment of Halpine Hamlet, public open space totaling a minimum of a half-acre in size should be provided. **Council Staff supports the property-specific recommendations for parks, trails and open spaces; however, the combined recommendation for Halpine View, Parkway Woods, and Halpine Hamlet should be separated into property-specific recommendations, as noted above.**

Environmental Goals and Recommendations (pages 60-61)

The Veirs Mill Corridor Master Plan is in the Rock Creek watershed and crosses five sub-watersheds: Veirs Mill Mainstream, Turkey Branch, Kengar, Joseph's Branch, and Kensington Branch. Most of the development in the corridor occurred before stormwater management regulations were established. The long-term goal of transforming Veirs Mill Road into a multimodal complete street with bus rapid transit offers opportunities to add green infrastructure such as street trees and stormwater management.

The Plan sets environmental goals that provide a basis for the Plan's recommendations. These goals include increasing tree canopy cover and diversity of tree species; improving water quality through stormwater management retrofits and impervious surface reduction; reducing energy consumption/increasing air quality; and protecting and improving natural resources. To achieve these goals, the Plan makes several recommendations.

Plan Recommendations: To increase tree-canopy cover, the Plan recommends incorporating street trees along Veirs Mill Road, using advanced planting techniques to increase the soil area for tree roots, and establishing a minimum 30 percent tree canopy cover for new or retrofitted surface parking areas.

Council Staff supports these recommendations with one modification. The Zoning Ordinance currently requires that each parking lot maintain a minimum tree canopy of 25 percent coverage. While a 5 percent increase in coverage may seem like a small increase, it is unclear whether this, in combination with significant stormwater management retrofits, would be feasible on every site. **Staff**

recommends adding “where feasible” to this requirement and allowing for a case-by-case evaluation at the time of redevelopment.

To minimize and mitigate stormwater run-off from paved, impervious surfaces, the Plan recommends encouraging compact development, reducing sediment load from existing development through stormwater management retrofits, and incorporating site-specific innovative stormwater management practices into the development of the BRT lanes and stations. These actions are all likely to occur through the development or redevelopment process and provide reasonable flexibility in their implementation. The Plan also recommends retrofitting unused rights-of-way and private institutional and commercial properties with easements to provide stormwater retention facilities. **Council Staff supports these recommendations.**

To reduce energy consumption and increase air quality, the Plan recommends prioritizing safe pedestrian connections to existing and proposed transit, locating existing and proposed transit stops to provide safe access to communities on both sides of Veirs Mill Road, and working with private institutional and commercial property owners to promote shared parking facilities. **Council Staff supports these recommendations.**

Testimony: The Council received testimony from the Rock Creek Palisades Citizens Association advocating for improved air quality, greater stormwater management, and maintenance of tree cover in the Plan area. Wheaton Hills Civic Association also provided testimony to support improved stormwater management and protection of Joseph’s Run (the stream that flows into Wheaton-Claridge Park).

To protect and improve natural resources, the Plan recommends avoiding stream crossings and other impacts to natural resources as much as possible when altering or adding to the transportation network; enhancing and expanding existing natural areas with forest and tree plantings required by new development; and minimizing grading to preserve areas of steep slopes and highly erodible soils. **Council Staff supports these recommendations.**

Community Facilities Recommendations (pages 62-67)

Plan Recommendations: The residents of the Veirs Mill Corridor Plan area are well-served by community facilities, including parks, trails, community centers, libraries and schools. The Plan does not recommend any new facilities but recommends improved connectivity between transit and existing facilities to strengthen, enhance, and promote these facilities and their services. The Plan also recommends improving the gateway to the Holiday Park Senior Center from Veirs Mill Road to enhance its visibility and integrating evening programming for youth should the facility modernization plans, as recommended in the Recreation Facility Development Plan, be undertaken. **Council Staff supports these recommendations.**

The Veirs Mill Corridor Master Plan area includes parts of the Downcounty Consortium of schools and three other MCPS high school clusters—Richard Montgomery, Rockville, and Walter Johnson. Tables 6 and 7 on page 65 of the Plan list all the schools in the Plan area and the projected enrollment impact of the Plan. Full build out of the Plan’s development potential is estimated to result in approximately 286 elementary students, 116 middle school students, and 162 high school students. It is estimated that build out of the Plan, requiring redevelopment of several properties, will take 20-30 years. During this timeframe school enrollment and student generation rates will fluctuate, making it impossible to precisely gauge the impact on schools. Nevertheless, the Planning Department will evaluate

development applications for school adequacy against the available capacity identified through the Adequate Public Facilities annual school test.

Should the need arise to accommodate additional students as a result of this plan, MCPS would determine if space is available at nearby schools within the cluster or in adjacent clusters; if not, an addition or additions would be considered. If capacity of existing schools (with additions) is insufficient, then opening a new school would be evaluated. A new school could be provided either by reopening a former school site or as a newly-constructed facility. The Plan provides a detailed list of numerous former school sites within and near the Plan area. In addition, it is noted that MCPS is currently planning for a significant addition to Northwood High School and is planning for the reopening of Woodward High School. Both facilities will provide high school capacity to the Plan area. The Plan's recommendation with respect to school facilities is to ensure options for providing adequate student enrollment capacity within the Richard Montgomery Cluster and the Downcounty Consortium, particularly at the high school level. **Council Staff supports this recommendation.**

Connecticut/Randolph District

Department of Recreation Administrative Office

Text in Master Plan: page 83

Map in Master Plan: page 84

Existing Zoning: R-60

Proposed Zoning: CRN1.0 C0.0 R1.0 H65

Plan Recommendation: The Plan recommends rezoning the Department of Recreation Administrative Offices site from R-60 to CRN1.0 C0.0 R1.0 H65 to allow the construction of medium density residential development near the commercial center. Rezoning to CRN with a residential density of 1.0 would allow approximately 110 townhouses, 200 multi-family units, or some combination to be built on this site.

Testimony: The Council received testimony from Montgomery Housing Partnership (MHP) suggesting this County-owned property should be used to its maximum potential to provide affordable housing in this area. The Council also received correspondence from the County Executive stating he concurs with the Planning Board recommendation, with a slight adjustment to the commercial FAR, requesting the parcels be rezoned to CRN1.0 C0.5 R1.0 H65.

Council Staff Recommendation: The Executive's request for commercial density of 0.5 FAR on this property could result in more than 130,000 square feet of commercial uses. This is approximately equal to the amount of commercial development on the Stonemill Square site today. Council Staff does not believe this amount of potential commercial development is appropriate for this location as the site abuts single-family detached homes and is adjacent to many existing commercial uses; however, allowing for the flexibility for small-scale commercial uses with redevelopment is not unreasonable. **Council Staff supports rezoning the Department of Recreation Administrative Offices site to CRN1.0 C0.25 R1.0 H65.** This would allow for up to approximately 65,000 square feet of commercial uses. If the Committee supports CRN1.0 C0.25 R1.0 H65, Council Staff recommends modifying the accompanying text in the Master Plan as follows:

“The Plan recommends rezoning the Department of Recreation Administrative Offices site from R-60 to CRN1.0 C0.25 R1.0 H65 to allow the construction of ~~medium-density~~ residential and small-scale commercial development near the commercial center.”

“Redevelopment on this cluster should deliver a mix of uses near the corner of Veirs Mill Road and Randolph Road, and transition to residential uses along Bushey Drive compatible with the single-family neighborhood. ~~residential scale toward the south and east along Bushey Drive.~~”

Table 1

		The Plan	Option 1 (No change in zoning)	Option 2 (Council Staff recommendation)	Option 3 (n/a)	
Rock Creek Woods	Units	525	269	649		
	MPDUs	79	0	98		
	Guaranteed Market Affordable ¹	0	0	33		
	MPDUs + Market-Affordable	79	0	131		
	% Existing Units Guaranteed Affordable	29%	100% (not guaranteed)	49%		
		The Plan	Option 1 (No change in zoning)	Option 2 (Council Staff recommendation)	Option 3 (Split Zone) R-30 CRT	
Halpine View²	Units	1880	564	2099	282	1108
	MPDUs	282	0	333	0	184
	Guaranteed Market Affordable ¹	94	0	210	0	55
	MPDUs + Market-Affordable	376	0	543	0	239
	% Existing Units Guaranteed Affordable	67%	100% (not guaranteed)	96%	100% (not guaranteed)	42%

(Note: Options 2 and 3 include 22% bonus density associated with providing 15% MPDUs.)

The Plan: Rezone to CRT1.25 C0.25 R1.25 H85, require 15% MPDUs, Guarantee Market-Affordable Rents: 5% Halpine View

Option 1: No change in zoning

Option 2: Rezone to CRT1.25 C0.25 R1.25 H85, 15% MPDUs, Guarantee Market-Affordable Rents: 5% Rock Creek Woods, 10% Halpine View

Option 3: Split Zone Halpine View – Retain R-30 half the site, CRT other half (require 15% MPDU, 5% Guaranteed Market-Affordable)

①

¹ Market-Affordable – Affordable for Families Earning < 80% Area Median Income

² Options 2 and 3 include 30% MPDUs on density associated with Aspen Hill Rd Extended

Table 2

	Lyttonsville	Halpine View	Rock Creek Woods
Zoning (FAR)	1.5	1.25	1.25
Site size in acres ¹	13.96	39.21	12.21
Site size in SF	608,098	1,707,988	531,868
Proposed Zoning	912,146	2,134,985	664,835
Total Number of Units ²	730	1,708	532
Total Units w/ Bonus Density ³	890	2,099	649
15% MPDUs	134	333	98
Units existing prior rezoning	283	564	269
Units w/ reqd rental agreemnt	176	210	33
% requiring rental agreemnt (by number or percent)	20%	10%	5%
% requiring rental agreemnt for no net loss	17%	11%	26%

¹Site size - Halpine View includes current property and Aspen Hill Rd Extended

²Maximum zoning yield methodology

³Bonus Density - Lyttonsville - 22% for 15% MPDUs, Halpine View - 22% for 15% MPDUs + 40% for Aspen Hill Rd parcel, Rock Creek Woods 22% for 15% MPDUs

Table 3

Halpine View	Existing	The Plan	Option 1	Option 2	Option 3	
					R-30	CRT
Total Units	564	1880	564	2099	282	1108
Two Bedrooms Units	250	250	250	420	125	222
Three Bedroom Units	57	57	57	105	29	55
Change in Two- and Three-Bedrooms	0	0	0	218	0	123

(Note: Options 2 and 3 include 22% bonus density associated with providing 15% MPDUs.)

The Plan: Require 17.5% of total units must be two- and three-bedroom, at a minimum replacing existing 307 two- and three-bedroom units

Option 1: No rezoning; no loss in two- and three-bedroom units less redevelopment without additional units or renovation – no loss not guaranteed

Option 2: Require 20% two-bedroom units, and 5% three-bedroom units

Option 3: Split zoned (half site remains R-30, other rezoned to CRT); R-30 portion – no loss in units, CRT portion apply 20% and 5% requirements



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

MEMORANDUM

Marc Elrich
County Executive

February 28, 2019

TO: Hans Reimer, Chair
Planning, Housing and Economic Development Committee

FROM: Marc Elrich, County Executive *ME*

SUBJECT: Veirs Mill Corridor Master Plan

The purpose of this memorandum is to provide my land use recommendations for two County-owned properties within the Veirs Mill Corridor Master Plan: the Department of Recreation Administrative offices located on Bushey Drive and the former Aspen Hill Road extension or 'paper street'.

In anticipation of the Department of Recreation relocating to Wheaton in 2020, Executive staff is currently developing options for reuse of the properties consistent with my administration's initiatives and objectives. Further, any future use of the properties must consider the surrounding residential community as well as the commercial uses adjacent to the site. In doing so, it is important that the Master Plan recommendation provides flexibility in considering possibilities for this County asset. I concur with the Planning Board's recommendation, with a slight adjustment to the commercial FAR, and request rezoning of these parcels to *CRN-1.0, C-0.5, R-1.0, H-65*.

Additionally, it is important to note that the Aspen Hill Road extension 'paper street' currently has no zoning. Should the PHED Committee decide to rezone the surrounding parcels, I support an identical zoning for the County parcel street. Again, any future use of the property must consider the surrounding residential community and I remain concerned about the potential for a net loss of affordable units in this area. Any future use of the County parcel should preserve market rate affordable units or increase affordable units. I remain concerned about rezoning properties and facilitating redevelopment projects that result in a net loss of affordable units, particularly units available to households at or below MPDU levels.

I hope this information is helpful. Executive staff will be available to answer any questions during the upcoming worksession.

ME/go



Good evening. Greg Ossont testifying on behalf of County Executive Elrich.

The County Executive is pleased to see that the Veirs Mill Corridor Master Plan recognizes the diversity of the master plan area, with its majority-minority demographic and a varying range of income levels. He also applauds the Plan's strong support of Bus Rapid Transit (BRT).

The Executive wants to focus on two major elements of the Plan: one is the importance of pedestrian, cycling, and auto safety along the corridor; the other is maintaining affordable rental housing opportunities for the hundreds of residents of the area below the 60% AMI range.

He has two major concerns: one is the very significant costs of the public safety projects recommended in the plan; the other is the likely displacement of current residents and a net loss of affordable housing for a population already burdened by rental housing costs.

The 15 pedestrian incidents since 2015 that seriously injured 9 people and resulted in 6 fatalities is simply unacceptable, and the Executive wants to take steps to address this horrific situation. Given the county's fiscal constraints, the Executive asks that you separately identify and prioritize short-term safety improvements so that we can begin to budget for the most critically needed near-term solutions.

As many of you already know, the County Executive has made clear that fundamental to any successful strategy to increase affordable housing is preservation of market-rate affordable housing. He has tasked DHCA with developing innovative options for creating and maintaining housing affordability and family-sized apartments without assuming that older garden style apartments or other naturally occurring affordable housing must be torn down and redeveloped.

That is why he is concerned about the Plan's recommendation to rezone the four multifamily properties in the Twinbrook District. These currently provide almost 1,000 rental units, including many 2- and 3-bedroom apartments with rents that range from a low of \$746 for a studio apartment to a high of \$1,985 for a 4-bedroom unit. And according to data provided by CountyStat (see attached document), about 45% of the residents in this area are below the 200% of the federal government's poverty level, (which is \$51,500 for a family of four) and about half of the residents are rent-burdened.¹ Viewed through a racial equity lens, this plan threatens to reduce available affordable housing in an area where approximately 80% of the population is nonwhite.

These concerns have raised questions for the County Executive: If you rezone these properties, how many units will the redeveloped sites provide? What is the net loss in the number of units that now serve this population? How many residents will be displaced and never come back? For the Twinbrook district, the Plan calls for 15% MDPUs, 5% "market-rate affordable" units (which disappear after 20 years), and "a minimum 17.5% of two- and three-bedroom units"² – there is not enough information here to really understand what the end results will be, although it will most

¹ Rent burdened is defined as paying more than 30% of household income for rent.

² Page 100 of the Planning Board Draft of the Veirs Mill Corridor Master Plan

certainly mean fewer truly affordable units appropriate for families. Concern about the "missing middle" in the housing market must not over-ride the need for maintaining and expanding housing for the working poor. The plan as currently presented threatens to reduce the existing stock of available family-size apartments. Not only, is there is no requirement to replace the existing number of 2-, 3- and 4-bedroom units, there is no requirement to expand beyond what exists now. In other words, this plan threatens to increase the affordable housing crisis. The Executive urges you to address the growing affordability gap by preserving the existing unit mix and rents and increasing the supply for the most vulnerable in the rental housing market.

Briefly, on other subjects, the Plan recognizes that opportunities for environmental enhancements are not limited to redevelopment or expensive transportation related capital improvements. The Executive encourages strong language that supports environmental enhancements to existing neighborhoods and the County's parks and open spaces as a means of reducing flooding in the Turkey Branch area and improving the quality of life for the Veirs Mill Corridor communities.

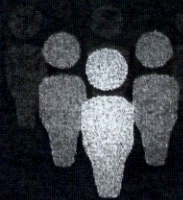
Finally, the Executive asks for more time to weigh in on the proposed rezoning of the two county-owned sites near the commercial core of the Connecticut/Randolph District (currently occupied by the Department of Recreation administrative offices, a surface parking lot, and a small playground).

Thank you for the opportunity to speak. The Executive branch looks forward to participating in the upcoming work sessions.



HEALTHY VIBRANT SAFE

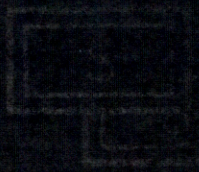
Data-Informed Community Building
Rental Housing Deep-Dive



POPULATION

Montgomery County is the most populous county in Maryland and is home to 1,058,810 residents. Most of these residents live in unincorporated areas within the County.

Montgomery County has grown an estimated 89% since 2010.



INCOME

Montgomery County is one of the most prosperous counties in the US with a median household income of \$103,128. The Median Home Value is \$467,500.

#17 highest median household income among all US counties.



EDUCATION

Montgomery County is one of most educated counties in United States. 58.3% of Resident have attained a Bachelors degree and 31.6% have attained a post graduate degree.

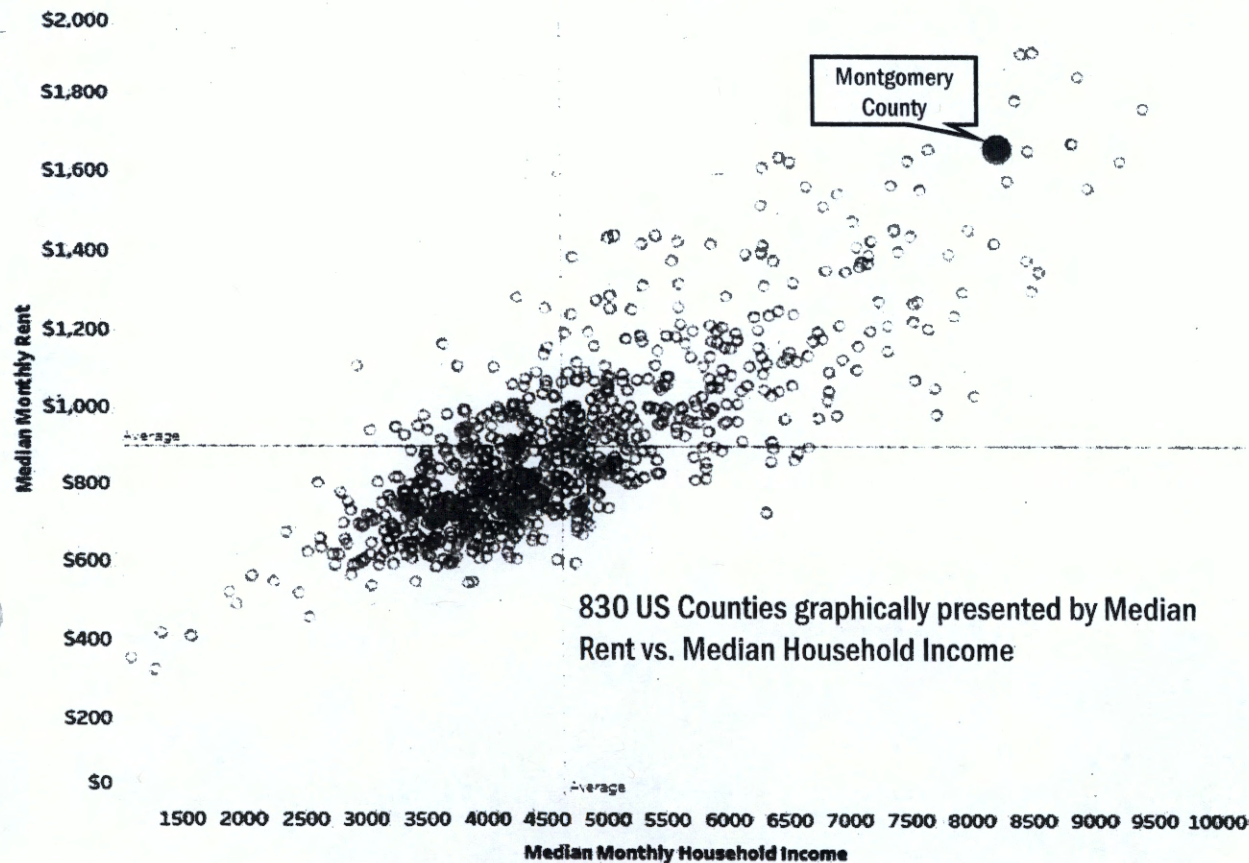
#7 highest in percent attaining post graduate degree among US counties.



Montgomery County, Maryland

Rental Housing Market

Overview of Rental Housing



Summary Data

Estimated Renter Occupied Units
126K or 34.4%

Renter Housing Burdened
51.1%

75% of Units Reside in:
Silver Spring, Rockville, Gaithersburg, & Bethesda

Average 2 Bedroom Rent:
\$1,714/month

Source

Source: Census Bureau ACS 5yr estimates DP04 2016
Montgomery County Rental Survey 2018

Demographics of the County

Census Block Groups that are Majority Non-White Hispanic



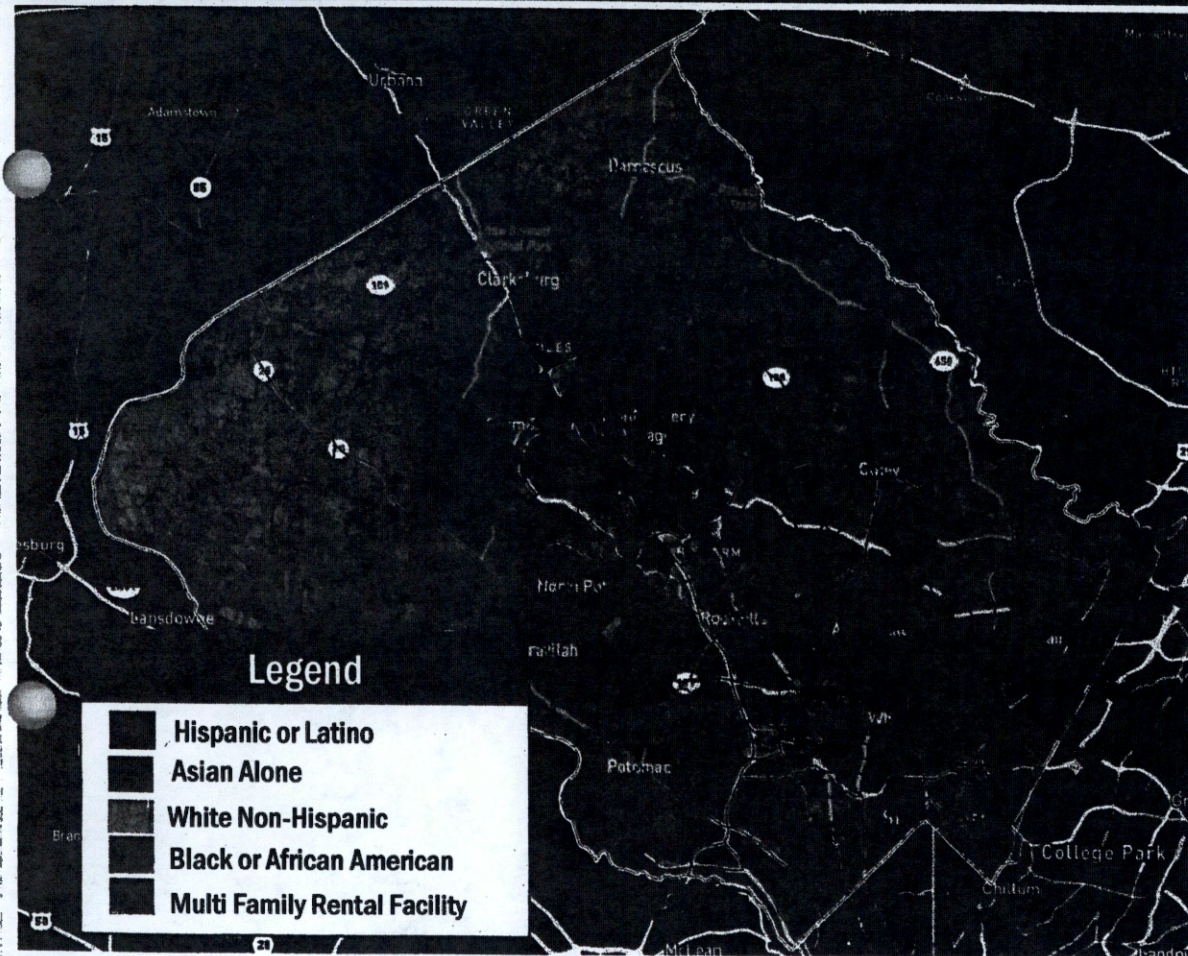
Overview

A Diverse County
304 of the County's 614 Census
Block Groups are Minority
Majority

Renters are Diverse
An estimated 70% of the
County's renters live within these
Minority Majority Census Tracts

Demographics of the County (cont.)

Census Block Groups by the Plurality Race



Overview

Disparities Across Ownership

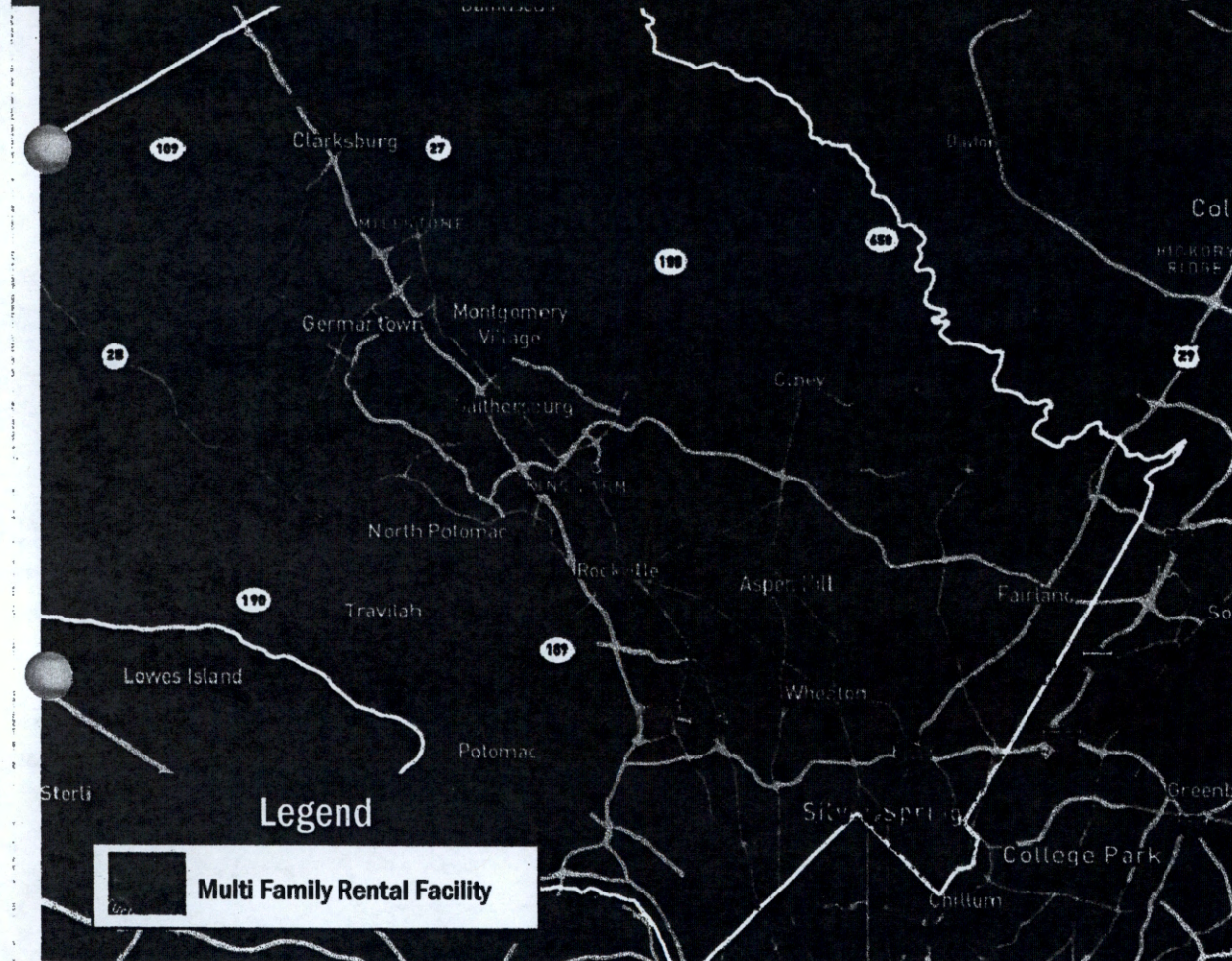
Black or African American
37.2k of the 65k Black or African American-Headed
Households are Renters (57%)

Hispanic or Latino
25.3k of the 49.7k Hispanic or Latino-Headed
Households are Renters (51%)

White Alone
48.3k of the 196.2k White Alone-Headed
Households are Renters (25%)

Rental Housing Market

All Multi-Family Buildings



Overview

- 80-90K rental units are licensed by DHCA each year as licensed multi-family facilities.
- Another 30-40K+ units reside in private condominium/townhouse/single-family rentals and “grey-market” rentals that go unlicensed.
- Municipal Multi-Family Facility data that is not administrated by DHCA may be less accurate than rental facility data in our purview.

Notes/Source

Source: Montgomery Planning Department



Deep Dive into High Density Renter Communities (HDRC)

data-driven performance ▪ strategic governance ▪ government transparency ▪ culture of accountability

Deep-Dive Analysis

Purpose

Purpose: The purpose of this analysis is to take a deep-dive look into high-density rental communities (HDRCs) in the County to identify community characteristics and possible objective indicators of distress. The following analysis will use multiple datasets to provide a holistic view into the demographics, fiscal, and physical characteristics of specific rental communities.

Deep-Dive Analysis



CountyStat
Performance Measurement and Management

Methodology

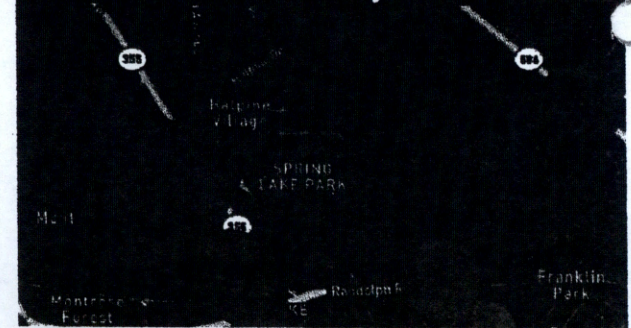
STEP 1: Import All Rental Facilities Units >4



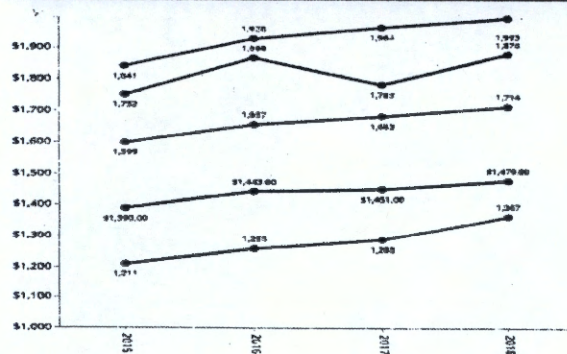
STEP 2: Create Buffers 250 meters to produce high density rental communities (Approximately from the EOB to Starbucks or 2.25 Football Fields)



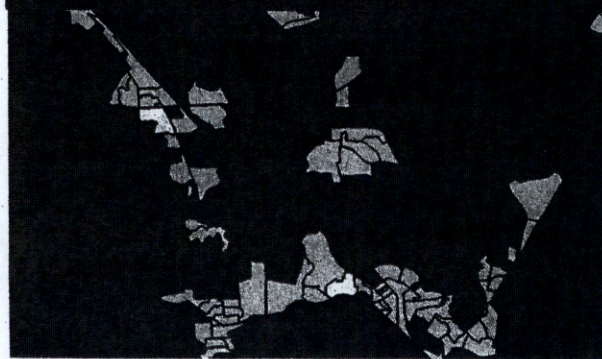
STEP 3: Filter Out any HDRC's that are less than 400 units & manually group where necessary



STEP 4: Join in Rental Survey Information and Code Enforcement data



STEP 5: Join by location HDRC's and census blockgroup Information for contextual demographic information



STEP 6: Join by location HDRC's and Crime Data for further contextual insight



Deep-Dive Analysis

Output

45 High-Density Rental Communities

Overview

- The steps on the previous slide provide us with an objective way of defining HDRCs
- The product of these steps generate 45 communities ranging from 400-13,131 in Downtown Silver Spring.
- Median Units= 969 Units



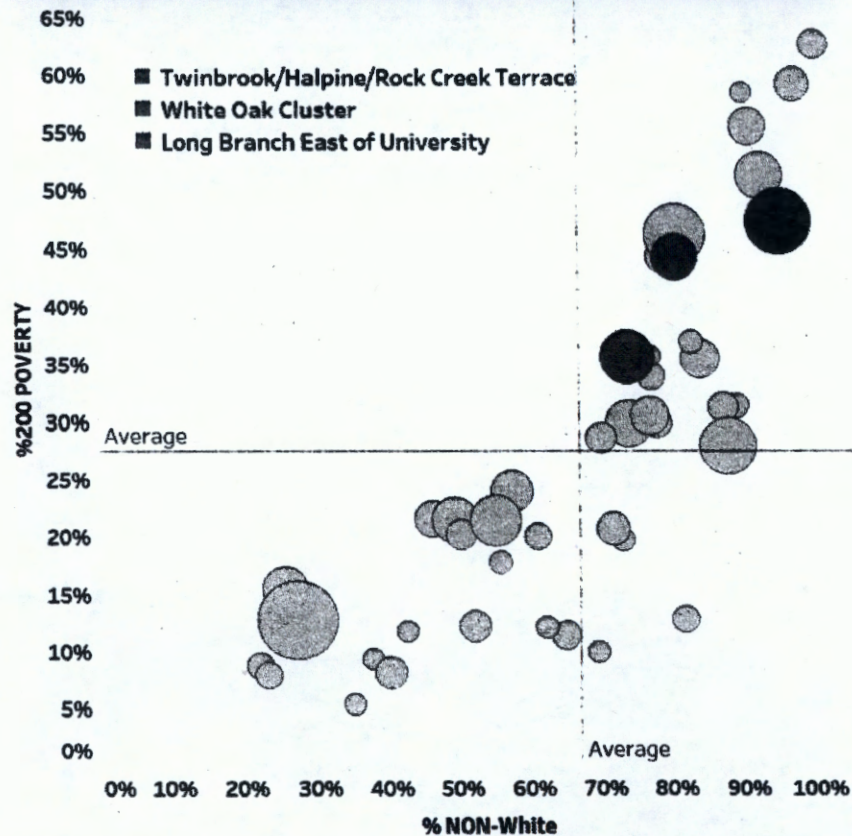
Notes/Source

Source: MCG Department of Housing and Community Affairs
Note: Please find the 3 manual alterations in the Appendix, Municipalities TP, Rockville, Gaithersburg may have less accurate than rental facilities administrated by DHCA.

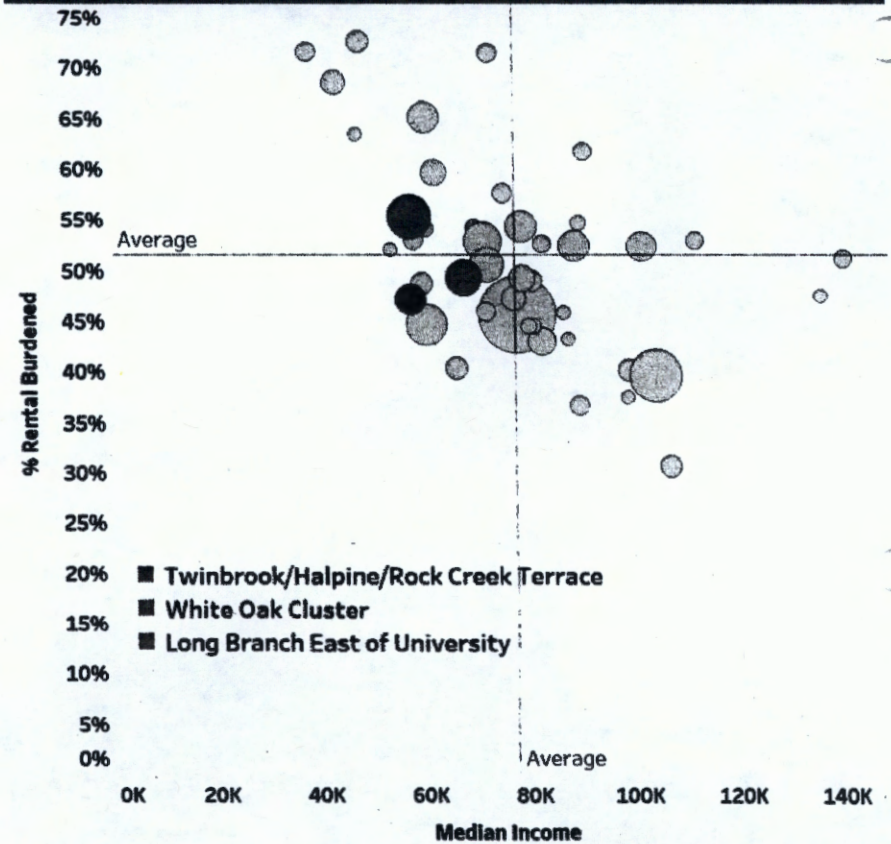
Deep-Dive Analysis

45 HDRCs by insightful data points

Percent of Residents below 200% of Poverty vs
Percent Non-White Residents



Percent of Households paying 30% or more of HH Income in Rental Costs vs
Household Median Income



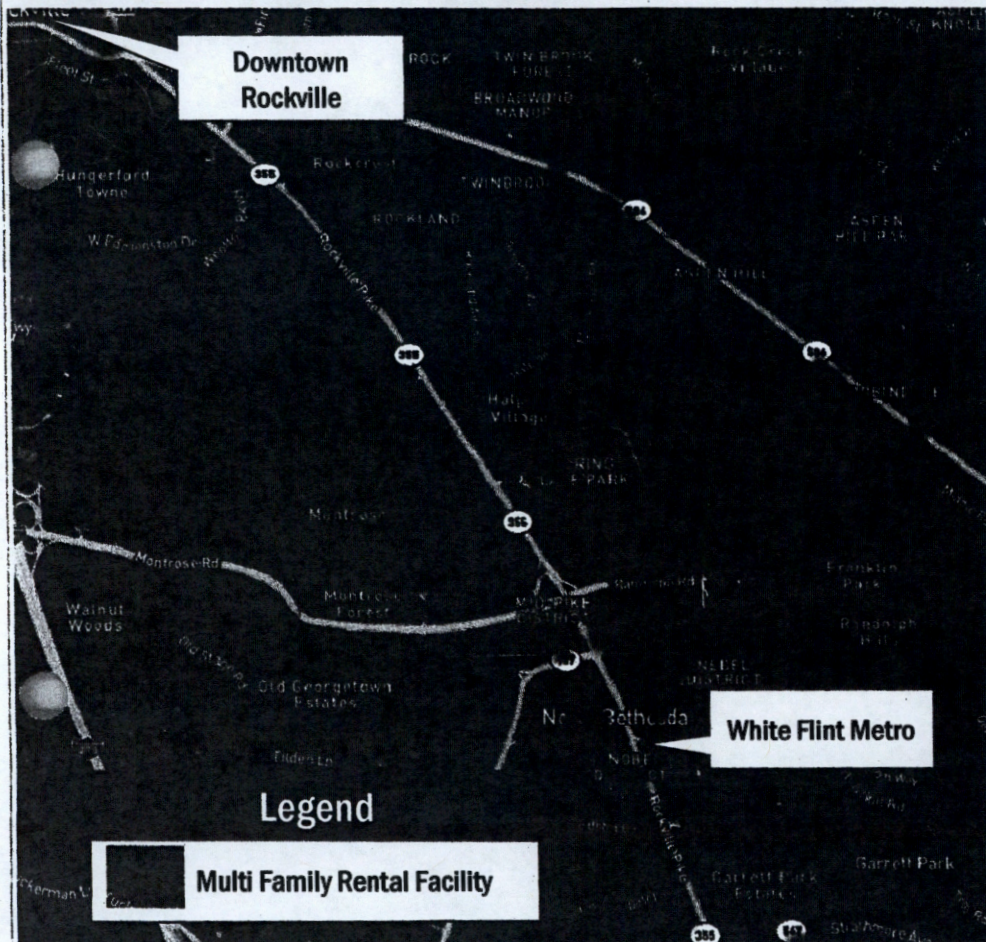


Priority HDRCs

data-driven performance ▪ strategic governance ▪ government transparency ▪ culture of accountability

Priority HDRCs

Twinbrook/Halpine/Rock Creek Terrace



Cluster: Twinbrook/Halpine/Rock Creek Terrace

Facilities: 7

Units: 2,130 (304.3 unit avg)

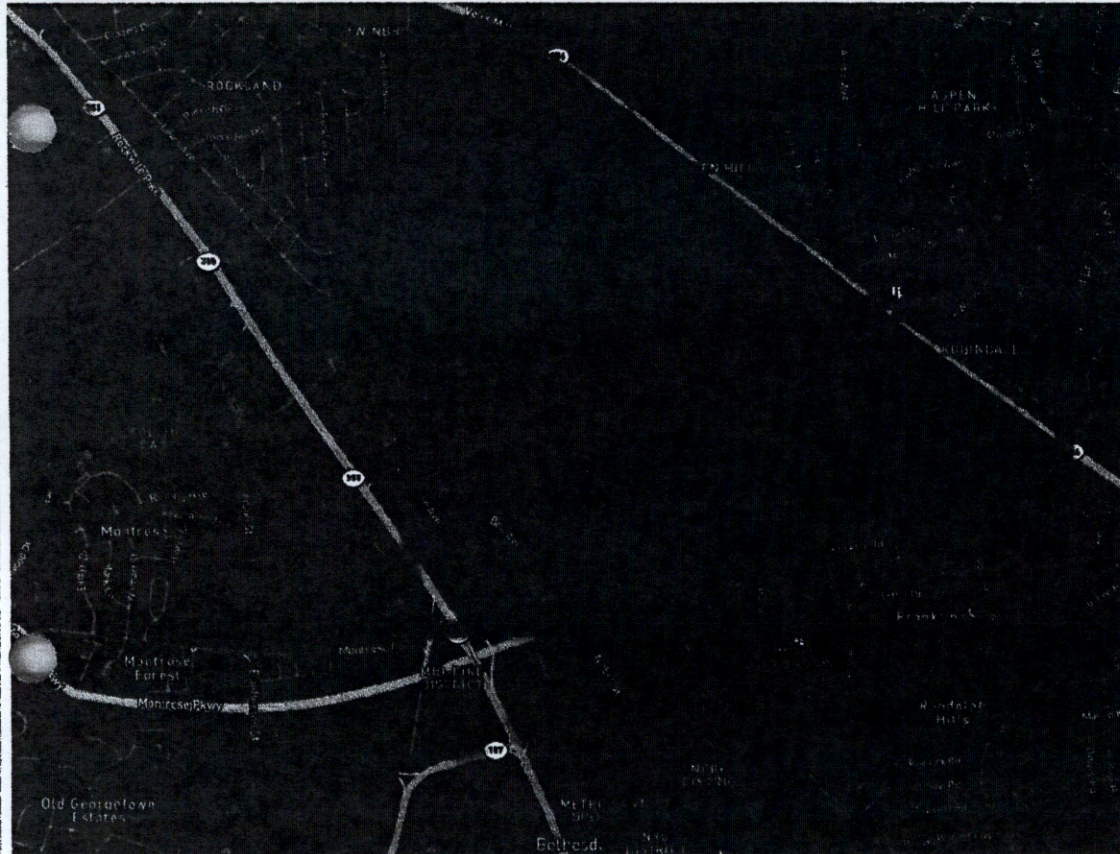
Violations per 100 Units (FY17&FY18): 12.4

1 Bedroom Avg Rent: \$1,255

2 Bedroom Avg Rent: \$1,430

Priority HDRCs

Twinbrook/Halpine/Rock Creek Terrace: Demographics



Note: All demographic information is presented as a representation of the HDRC's surrounding community. Demographic information and crime data are aggregated figures of each HDRC's corresponding census block groups (shown in blue above).

Cluster: Twinbrook/Halpine/Rock Creek Terrace

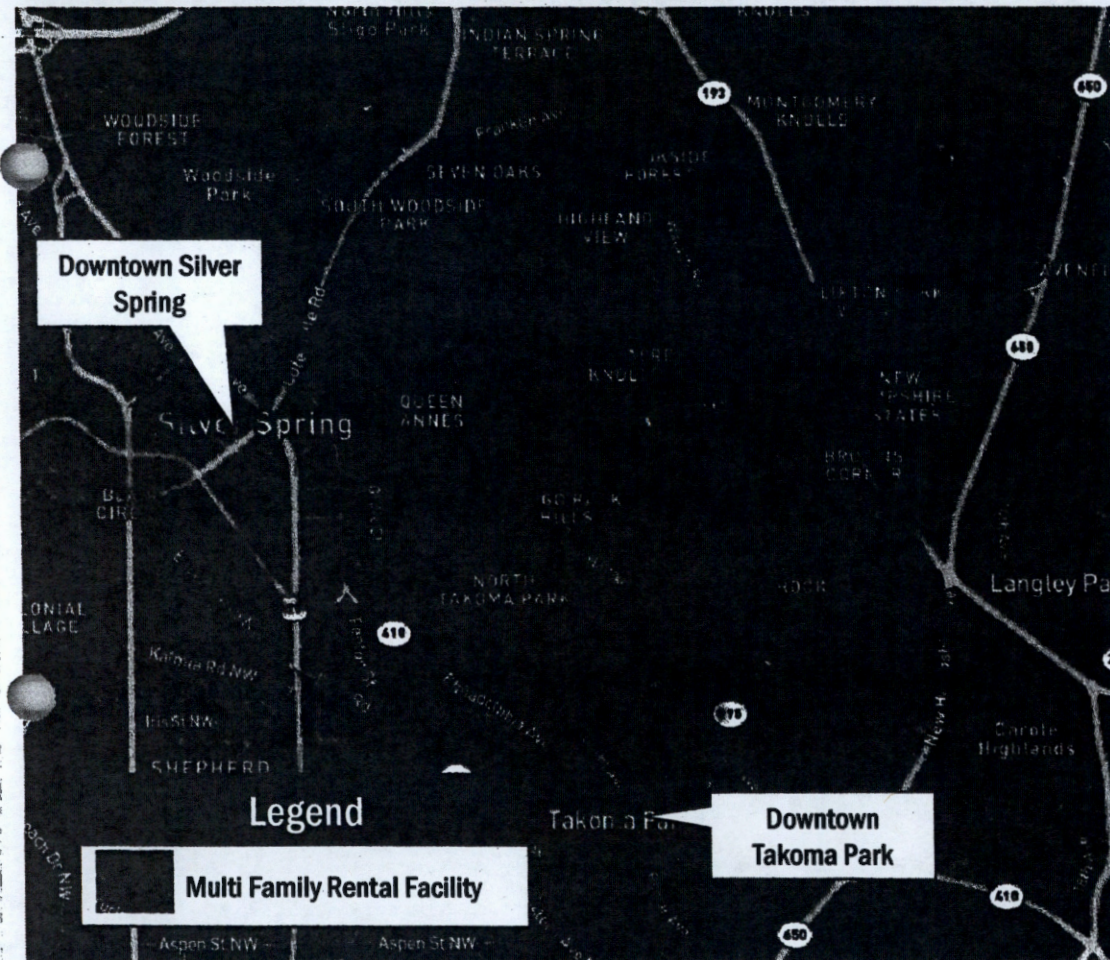
Variable	Value	Rank among 45 HDRCs
%Rental Burdened Households	47%	31
Median Income	\$57,230	39
% At or Below 100% of Poverty	16%	11
% At or Below 200% of Poverty	44%	9
% Black	24%	21
% Hispanic	33%	13
% Non-White	80%	15
%Foreign Born*	53%*	
% LEP HH	19%	8
Crime per Capita 10K	291	29

* Census Tract level aggregation

2

Priority HDRCs

Long Branch East of University



118 Rental Facilities

Cluster: Long Branch East of University

Facilities: 118

Units: 2,828 (23.9 unit avg)

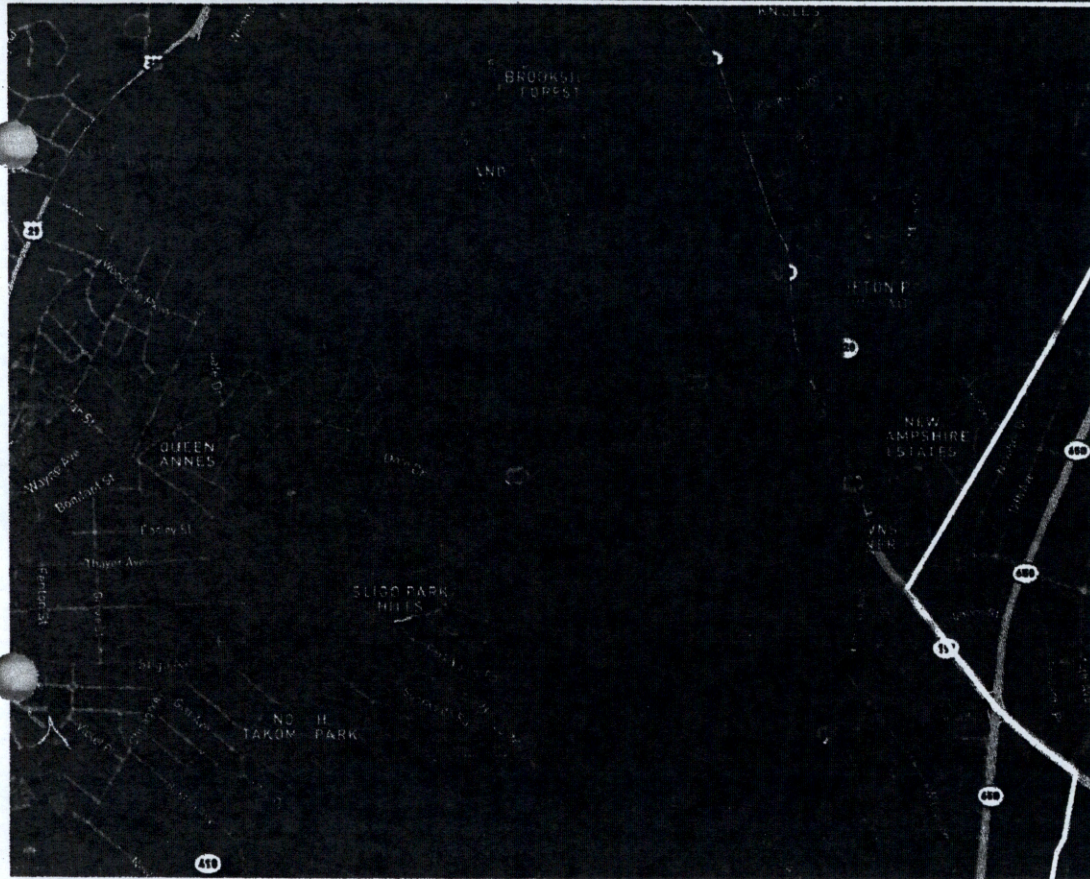
Violations per 100 Units (FY17&FY18): 95.5

1 Bedroom Avg Rent: \$1,069

2 Bedroom Avg Rent: \$1,314

Priority HDRCs

Long Branch East of University: Demographics



Note: All demographic information is presented as a representation of the HDRC's surrounding community. Demographic information and crime data are aggregated figures of each HDRC's corresponding census block groups (shown in blue above).

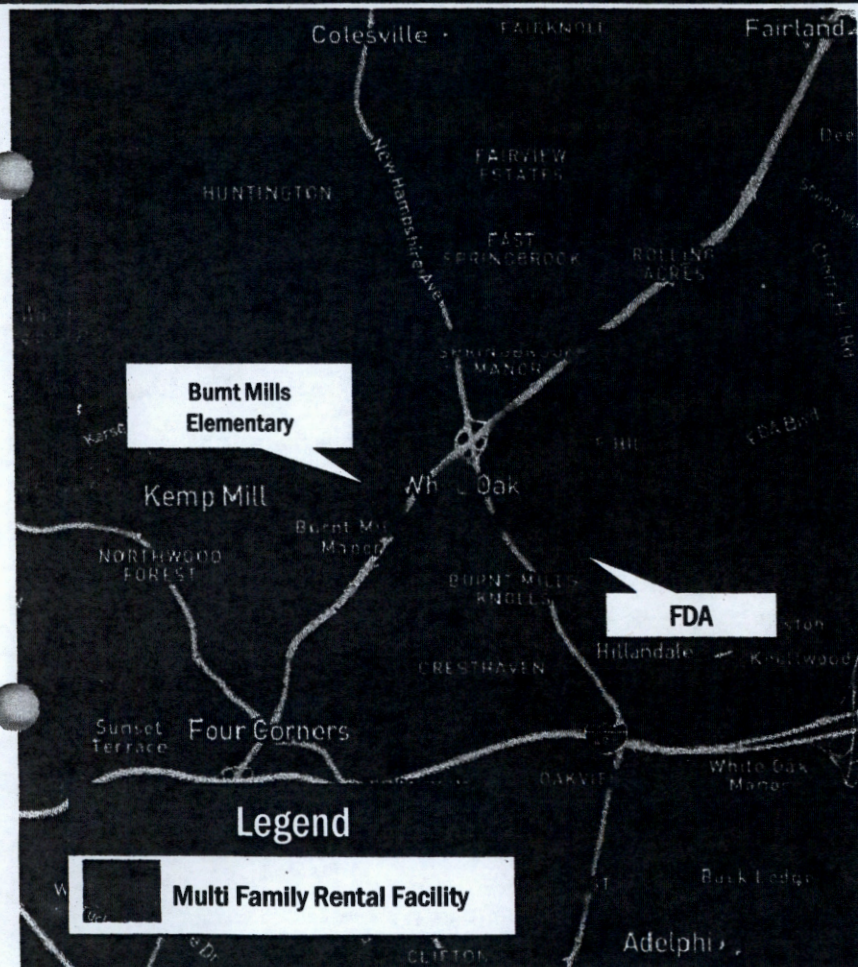
Cluster: Long Branch East of University

Variable	Value	Rank among 45 HDRCs
%Rental Burdened Households	49%	25
Median Income	\$67,337**	30
% At or Below 100% of Poverty	15%	14
% At or Below 200% of Poverty	36%	12
% Black	25%	19
% Hispanic	40%	8
% Non-White	74%	22
%Foreign Born	38%*	
% LEP HH	17%	11
Crime per Capita 10K	393	23

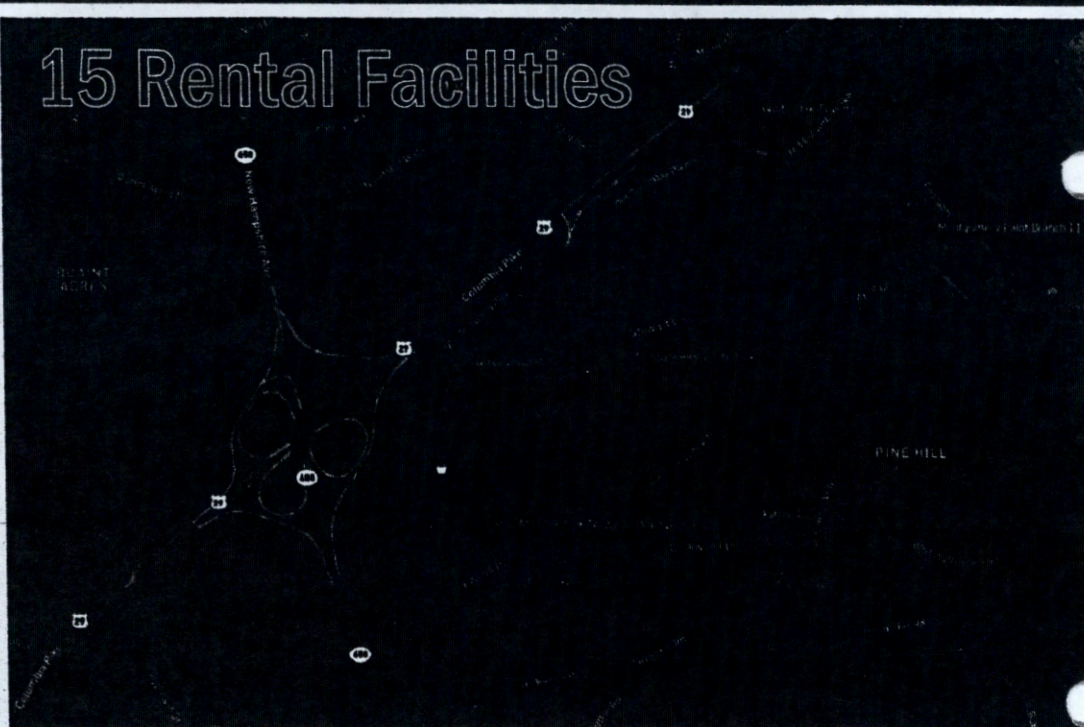
* Census Tract level aggregation ** weighted average of 10/11 block groups

Priority HDRCs

White Oak Cluster



15 Rental Facilities



Cluster: White Oak

Facilities: 15

Units: 4,239 (283 unit avg)

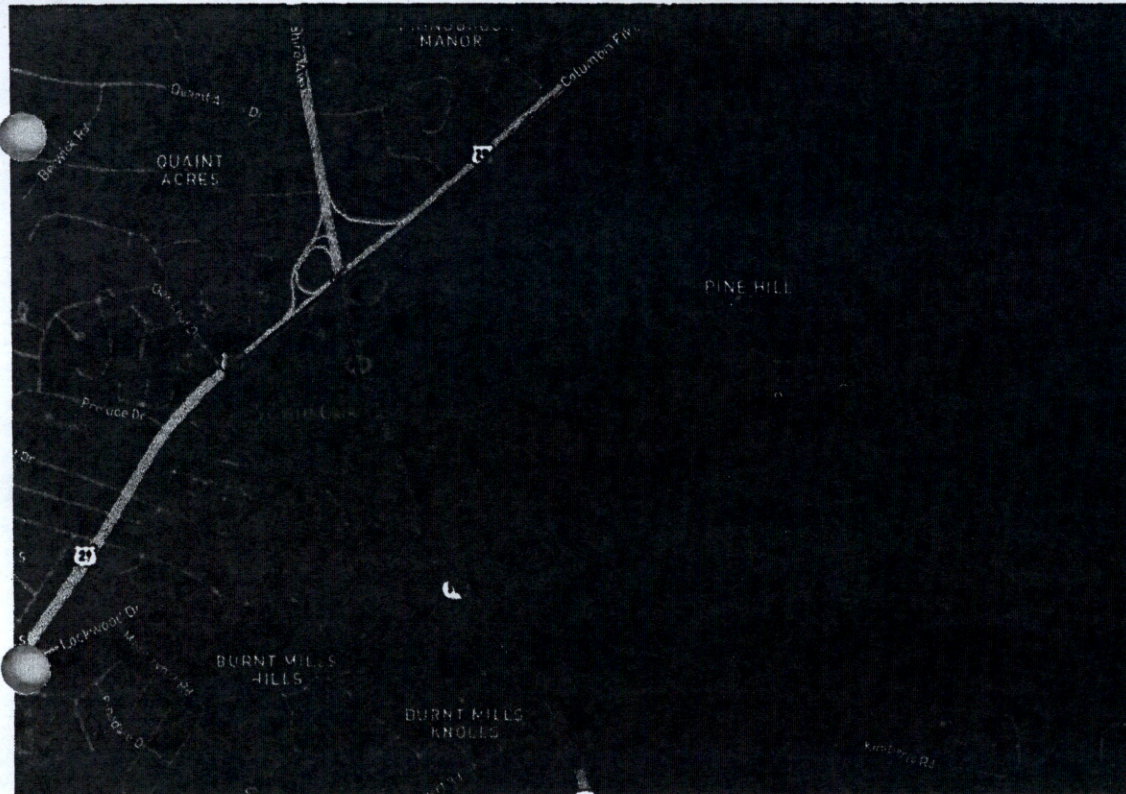
Violations per 100 Units (FY17&FY18): 55.4

1 Bedroom Avg Rent: \$1,346

2 Bedroom Avg Rent: \$1,538

Priority HDRCs

White Oak Cluster: Demographics



Note: All demographic information is presented as a representation of the HDRC's surrounding community. Demographic information and crime data are aggregated figures of each HDRC's corresponding census block groups (shown in blue above).

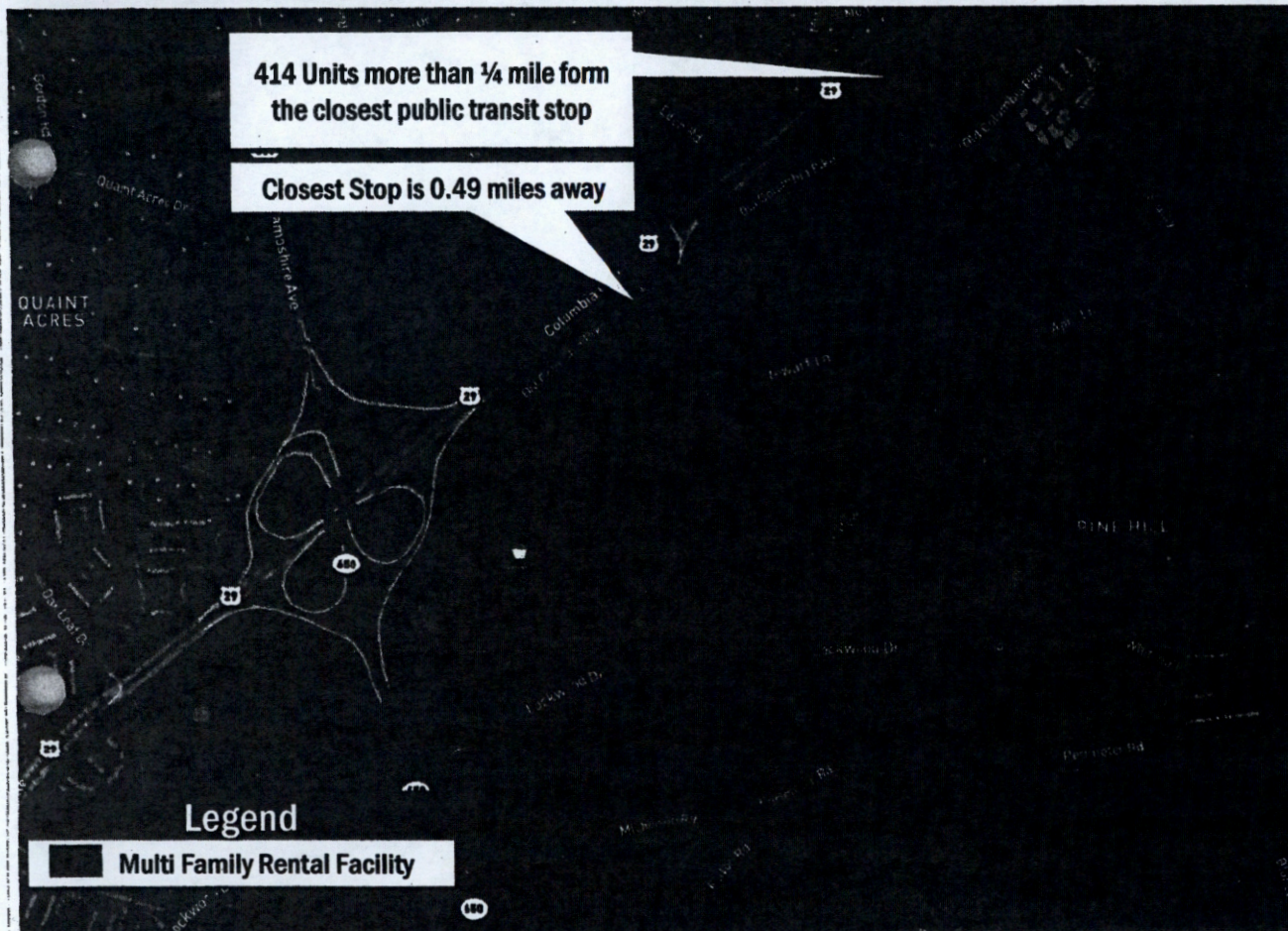
Cluster: White Oak Cluster

Variable	Value	Rank among 45 HDRCs
%Rental Burdened Households	55%	11
Median Income	\$57,143	40
% At or Below 100% of Poverty	16%	13
% At or Below 200% of Poverty	47%	6
% Black	61%	2
% Hispanic	26%	17
% Non-White	95%	3
%Foreign Born	42%*	
% LEP HH	7%	27
Crime per Capita 10K	603	13

* Census Tract level aggregation

Public Transit Access: White Oak Cluster

Accessibility to Public Transit on SUNDAYS (lowest frequency day of the week)



Source/Note

- **Note:** Shown are the White Oak Cluster Households that are disconnected from public transportation on weekends(Sundays).
- **Source:** Maryland National Capital Parks and Planning, Montgomery County Department of Transportation, Montgomery County Department of Housing and Community Affairs, Washington Metropolitan Area Transit Authority

Legend

Single-Family Transit Accessible Residences by Trip Frequency

10

Single-Family Households **outside** 1/4 mile from Public Transit

- Active Bus Stops on Sunday
- Multi-Family Property **outside** of 1/4 mile of public transit access point
- Multi-Family Property **inside** 1/4 mile of public transit access point

Sierra Club testimony to MoCo Council

On Veirs Mill Corridor Master Plan

February 7, 2019

Good evening! I'm Tina Slater, Transportation Chair of the MoCo group of Sierra Club, standing in for our Chair, Dave Sears, who is unable to attend this rescheduled hearing.

Overall, we are pleased and impressed with the current draft of this important plan.

Sierra Club's starting point in our review of such plans is – How will this plan help to address Climate Change? – which is the number one environmental issue facing our community and our planet.

In MoCo, one important way to address climate change is to work hard to give residents and workers more and better opportunities to get where they want and need to go without getting in the car and driving. This plan is consistent with that approach. The stated transportation goals (page 31) are commendable – “a safe, efficient and comfortable complete street that serves pedestrians, bicyclists, transit users and motorists.”

We applaud the focus on improving pedestrian and bicycling infrastructure.

We urge the Council to bring BRT to Veirs Mill Road as quickly as possible. And be sure that BRT includes dedicated lanes – without dedicated lanes, the R (for Rapid) is false advertising. A truly rapid BRT is the core of this plan; without BRT, the rest of the plan falls apart.

We know that this corridor is a state highway; and thus the State Highway Administration will need to be a willing partner in several aspects of plan implementation. Please let Sierra Club know where you think we could be helpful in urging SHA to do the right things to ensure plan success.

A second important way that MoCo can address climate change is to take full advantage of transit stations as locations for mixed use, mixed income, attractive, high density neighborhoods. Here we think the plan is too timid. Don't get us wrong – we are not suggesting that the BRT stop at the corner of Veirs Mill and Randolph should have Bethesda-level densities. But we do think it's imperative that the county take full advantage of our investment in a shiny new BRT by providing many more BRT customers who can easily walk to the BRT stations. These higher density neighborhoods at each of the corridor's six BRT stations will also make great locations for affordable housing (MPDUs and other) – enabling many lower income families to have access to first rate transit.

And speaking of housing – we applaud the plan's emphasis on the preservation of existing market-rate affordable housing.

In all, this is a good plan. We think it could be made even better with a stronger push for higher density neighborhoods within walking distance of each of the six new BRT stations.

And I repeat – a truly rapid BRT is the core of this plan. Let's get the Veirs Mill BRT designed and in place as quickly as possible. And let's be sure that it's running in dedicated lanes, so that it's truly rapid.

Contact info – davidwsears@aol.com or slater.tina@gmail.com

LYNOTT, LYNOTT & PARSONS, P. A.

ATTORNEYS AT LAW

11 NORTH WASHINGTON STREET

SUITE 220

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JAMES L. PARSONS, JR.
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(301) 279-0346 (fax)

writer's e-mail:

jlynott@LLPawfirm.com

January 25, 2019

Hon. Nancy Navarro
Council President
100 Maryland Avenue
Rockville, Maryland 20850
countycouncil@montgomerycountymd.gov

Re: Rock Creek Woods Apartments and the Veirs Mill Corridor Master Plan

Dear Ms. Navarro and members of the council:

I am a member of Bullis Tract LLC, a family-owned entity t/a Rock Creek Woods Apartments ("RCW"), which owns a 270 unit garden apartment complex located at the intersection of Veirs Mill Road and Twinbrook Parkway. On behalf of RCW, I am writing in support of the recommendation of the Montgomery County Planning Board in its draft of the Veirs Mill Corridor Master Plan to rezone its property from R-20 (multiple family, medium density) to CRT-1.25, C-0.25, R-1.25, H-85.

The RCW property consists of two parcels totaling 12.21 acres at the northern gateway of the Veirs Mill Corridor located on the southeast and southwest corners of the intersection of Veirs Mill Road and Twinbrook Parkway (see Exhibit "A"). The property is immediately adjacent to the proposed Twinbrook Bus Rapid Transit Station recommended in the Countywide Transit Corridor's Functional Master Plan (2013). The southern portion of the property lies within three quarters of a mile of the Twinbrook Metro Station. The property is adjacent to Rock Creek Park to its east and the City of Rockville, with its concentration of neighborhood-serving retail uses, to the north.

The project consists of nine garden apartment buildings constructed in mid-1960s with a total of 270 units. The property is encumbered by two tributaries of Rock Creek and the eastern portion of the property has a sharply rolling terrain with occasional abrupt grade changes (see Existing Site Plan - Exhibit B). The apartment buildings and associated mechanical systems are nearing the end of their useful life, and the apartment units are approaching the point of functional obsolescence. The supporting utility infrastructure of the project, most notably its aging water and

LYNOTT, LYNOTT & PARSONS, P. A.

Hon. Nancy Navarro
January 25, 2019
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sewer lines, are a frequent source of service interruptions. Despite substantial capital expenditures for repairs in recent years, the project's water and sewer lines are in need of replacement.

Although the property has been well maintained, the project is lacking modern market necessities and amenities. Among other matters, the project lacks ADA accessibility, modern fire code protection, energy efficient construction, building security and storm water management and forest conservation protections. Because of the age and design of this 1960s era project, the buildings and their apartment units cannot be physically retrofitted to modern standards, nor can the project be economically redeveloped or revitalized at its current development density.

In addition, because the project was constructed many years prior to the MPDU law, none of the 270 units are MPDUs.

The recommendations of the Planning Board recognize that the RCW project cannot be economically redeveloped as a multi-family project if the land is limited to its existing density, and in the absence of redevelopment, the project will gradually decline into obsolescence and disrepair depriving its residents of ADA accessibility, MPDUs, fire code and security protections and other modern amenities.

In recognition of the project's physical constraints and its close proximity to public transportation, the Planning Board has recommended rezoning the RCW property from R-20 to CRT-1.25, C-0.25, R-1.25, H-85 "to permit strategic redevelopment of higher density residential uses near the future potential BRT Stations" (P.B. draft, p.99). As also recognized by the Planning Board, redevelopment of the project can better protect the natural resources and green space of this uniquely situated property while at the same time facilitating a significant increase in affordable housing.

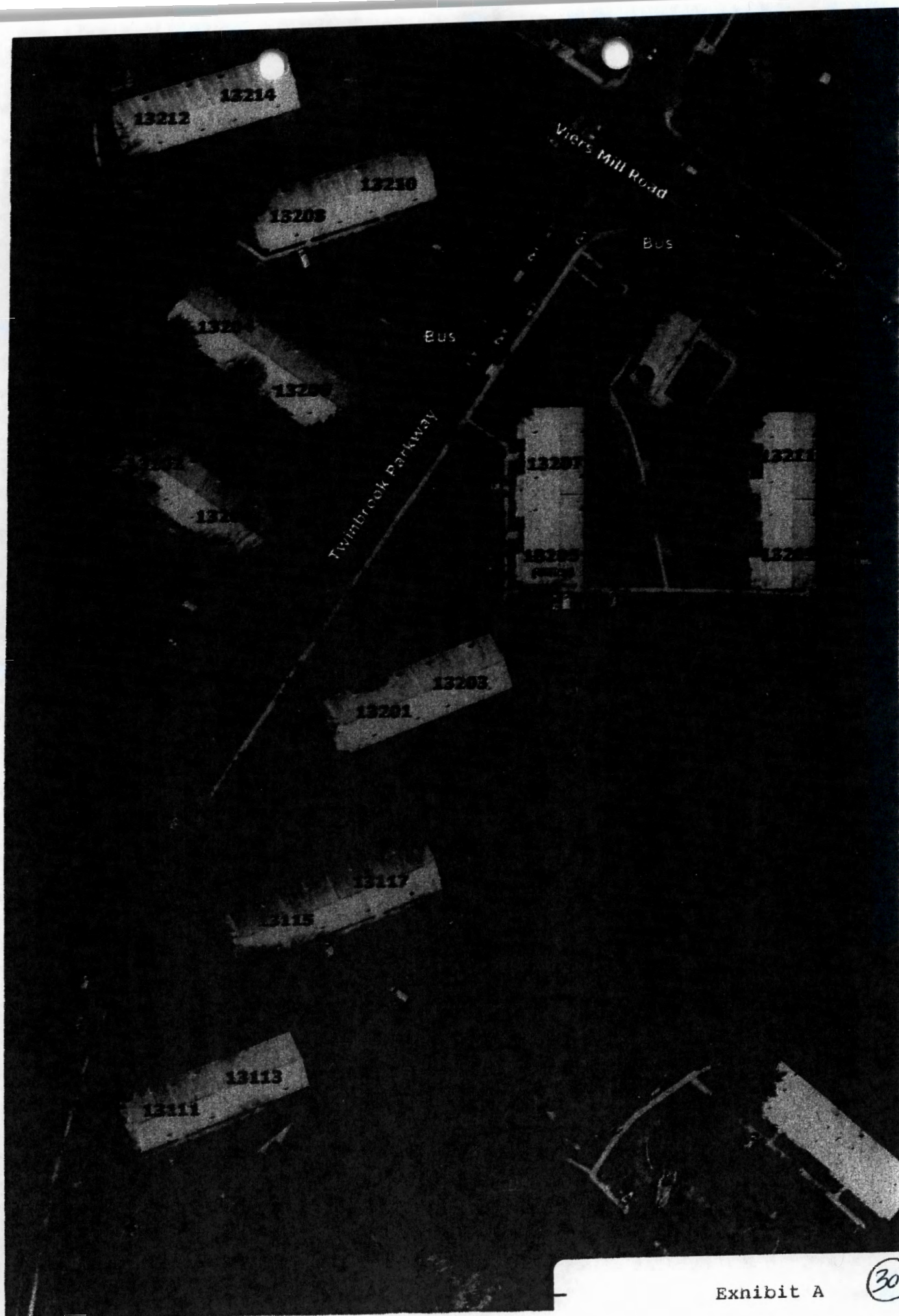
For the foregoing reasons, RCW respectfully requests that the County Council adopt the recommendation of the Planning Board and rezone its property to CRT-1.25, C-0.25, R-1.25, H-85.

Thank you for your consideration of this request.

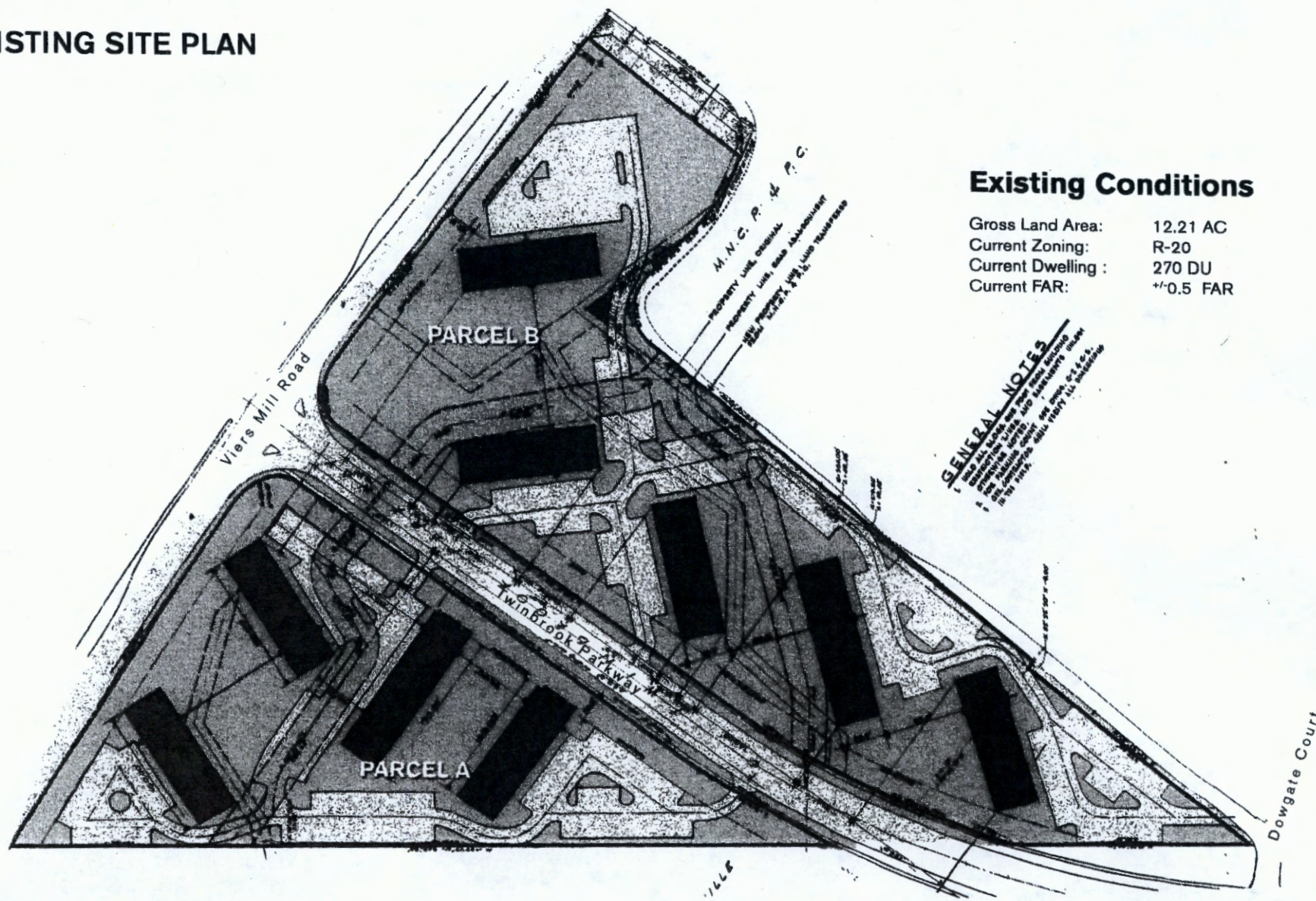
Very truly yours,

Joseph A. Lynott, III

JAL,III/dk



EXISTING SITE PLAN



Existing Conditions

Gross Land Area:	12.21 AC
Current Zoning:	R-20
Current Dwelling :	270 DU
Current FAR:	±0.5 FAR

GENERAL NOTES
 1. ALL EXISTING UTILITIES AND LANDSCAPE SHALL BE MAINTAINED OR REPLACED AS NECESSARY.
 2. ALL EXISTING UTILITIES AND LANDSCAPE SHALL BE MAINTAINED OR REPLACED AS NECESSARY.

Rock Creek Woods Apartments

Rockville, MD

BULLIS TRACT LLC. | **herd | coplan | machi**
 April 20, 2018

LINOWES
AND BLOCHER LLP
ATTORNEYS AT LAW

February 4, 2019

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bdalrymple@linowes-law.com
Matthew Gordon
301.961.5233
mgordon@linowes-law.com

By Email Delivery

Council President Nancy Navarro
and Members of the County Council
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

Re: Halpine Park LLC's Written Testimony for the Montgomery County Council's Public Hearing Record on the Veirs Mill Corridor Master Plan (the "Master Plan")

Dear President Navarro and Members of the County Council:

On behalf of Halpine Park LLC ("Halpine"), owner of the Halpine View apartments located at 12813 Twinbrook Parkway, 13001 Twinbrook Parkway, and 5508 Dowgate Court in Rockville ("Halpine View" or the "Property" – shown on the attached tax map), we are submitting this letter as our written testimony for the Montgomery County Council's (the "Council") February 7th public hearing on the Master Plan (specifically, the Planning Board Draft dated December 2018 – the "Public Hearing Draft"). Halpine worked closely with M-NCPPC Staff and the Planning Board on the Public Hearing Draft and is in general agreement with it as it pertains to the Property, but there remains one issue that should be addressed and resolved through the Master Plan, that being the return of a small parcel of land conveyed in 1964 at no cost from the Property by the Property owners to Montgomery County for the construction of Aspen Hill Road Extended, but which parcel is no longer needed for this purpose and thus should be recommended in the Master Plan for redevelopment by Halpine as part of the redevelopment of the remainder of Halpine View (as described herein).

The Property is located in the northeast quadrant of the intersection of Twinbrook Parkway and Halpine Road, and confronts the City of Rockville's municipal limits to the west of Twinbrook Parkway. The Twinbrook Metrorail station is approximately ½ mile from the Property, and the proposed Bus Rapid Transit ("BRT") station at the intersection of Twinbrook Parkway and Veirs Mill Road is located within ¼ mile of the Property. The Property consists of approximately 37.31 acres and was developed with 564 garden-style apartments and ancillary surface parking in the mid-1960's. The Property is currently zoned R-30 (Residential Multi-Unit Low Density – 30) pursuant to the Countywide District Map Amendment that took effect on October 30, 2014, stemming from the County's comprehensive re-write of the Montgomery County Zoning

Council President Navarro

and Members of the County Council – Veirs Mill Corridor Master Plan Public Hearing Record

February 4, 2019

Page 2

Ordinance (Chapter 59 of the Montgomery County Code). The District Map Amendment confirmed the Property's existing R-30 zoning which was last evaluated through the Approved and Adopted 1992 North Bethesda/Garrett Park Master Plan. All of the existing 564 dwelling units at Halpine View pre-date the County's Moderately Priced Dwelling Unit ("MPDUs") regulations and thus no MPDUs or other regulated affordable dwelling units presently exist at Halpine View.

As highlighted in blue on the attached Tax Map Excerpt, the Property is divided by a narrow, vacant parcel of land owned by Montgomery County that was previously part of the Property but was acquired by the County from the owners of the Property at no cost (nominal consideration of \$10.00) in 1964 for the intended construction of Aspen Hill Road Extended (totaling approximately 1.9 acres in size, the "Aspen Hill Road Extended Parcel"). As is confirmed in the Public Hearing Draft, the Aspen Hill Extended Parcel is no longer needed or feasible for construction of a public street. As explained more fully below, the process of trying to have this parcel returned to the Property from which it came at no cost has proven to be more difficult than we believe it needs to be, and Halpine is looking at this Master Plan as an appropriate opportunity to facilitate the return to private ownership and the redevelopment of the parcel, with the rest of the Property as the highest and best use, generating tax revenue for the public benefit from a parcel otherwise generating none. As discussed more below, this would also provide additional affordable housing (MPDUs), providing even greater return to the public over existing circumstances.

Halpine View has been successful as a rental community for many years; however, the age and condition of these dwelling units do not support continued long range investment by Halpine. The cost of continued maintenance of these aging units is substantial given that many of these units do not have amenities that are comparable to many of the more recently developed multifamily housing properties in the near vicinity, with such amenities being necessary and critical to competitively respond to market demands. In addition to the existing condition of the garden style apartments that comprise Halpine View, there is currently no meaningful pedestrian or bicycle connectivity either internal to the community or linking the community to the surrounding neighborhoods, parks, or transit. Furthermore, the existing improvements do not respect the important natural environmental features on the Property (the existing improvements at Halpine View pre-date many of the environmental regulations now in effect, e.g., stormwater management, forest conservation, floodplain, etc.), which a planned and phased redevelopment of the Property would incorporate and feature as an amenity. Given these circumstances, Halpine is seeking zoning and land use recommendations for the Property that will allow for a long-term redevelopment strategy for the Property to include new dwelling units (including market-rate, MPDUs and market-rate affordable units) to replace existing improvements in a phased manner that will ultimately result in a project with the amenities and modern features that can compete

Council President Navarro
and Members of the County Council – Veirs Mill Corridor Master Plan Public Hearing Record
February 4, 2019
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for market share into the future. The Public Hearing Draft is consistent with this desire of Halpine.

Halpine thus fully supports the Public Hearing Draft's recommendation to rezone Halpine View from the R-30 zone to CRT-1.25, C-0.25, R-1.25, H-85, to include the following residential components: (a) a minimum of 15 percent MPDUs as the highest priority public benefit; (b) 5 percent market-rate affordable units in the form of existing or new units (or some combination thereof) pursuant to a rental agreement with the Department of Housing and Community Affairs for 20 years; and (c) a range of unit sizes, including those that accommodate larger families in the form of 17.5% of all new units comprising two- and three-bedroom dwelling units. See *Public Hearing Draft*, p. 100. In summary, the Public Hearing Draft's land use and zoning recommendations will facilitate a transit-oriented redevelopment that would also result in the delivery of regulated affordable housing (where none presently exists), enhanced pedestrian and vehicular connectivity, a centralized public open space, and conformance with environmental regulations that presently are not addressed (as the existing improvements pre-date many of the regulations now in effect). Halpine also supports the "design guidelines" recommended for redevelopment of the Property as reflected on page 100 of the Public Hearing Draft.

While Halpine supports the Public Hearing Draft as it relates to the Property, Halpine is requesting that the County Council specifically include in the Master Plan the appropriate disposition and redevelopment of the vacant Aspen Hill Road Extended Parcel (again acquired by the County from the Halpine owners at no cost in 1964). Even more specifically, the Master Plan should identify that the Aspen Hill Road Extended Parcel be returned to Halpine so that it can be integrated into a comprehensive redevelopment of the Property with additional MPDUs and all of the other public benefits and enhancements described above and provided for in the Public Hearing Draft. As it became obvious over the years that Aspen Hill Road would never be extended through Rock Creek Park (and the Parklawn Cemetery), and thus that Aspen Hill Road Extended Parcel would not be utilized for the purpose for which it was originally acquired (at no cost), Halpine has attempted to no avail to reacquire this 1.9 acre Aspen Hill Road Extended Parcel from Montgomery County through extensive process over the last several years, including through a formal abandonment petition which resulted in a Planning Board Resolution approving the return of the "paper" street right-of-way to the Property¹. As the Aspen Hill Road Extended

¹ The Planning Board approved Preliminary Plan No. 11964054A on December 19, 2013, which allows for the abandonment of the unbuilt Aspen Hill Road Extended right-of-way that currently divides the Property such that this abandoned area of approximately 1.9 acres could be incorporated into the Property for redevelopment. In addition to this abandonment process, Halpine has previously requested that the Property be included in planning boundaries of the Twinbrook Sector Plan, White Flint II Master Plan Amendment, a Minor Master Plan Amendment for the Property, and the planned Aspen Hill Master Plan Amendment. In addition to these comprehensive planning and zoning processes, Halpine filed Pre-

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Parcel was conveyed by a deed in fee simple (at no cost) rather than through the more typical record platting process in 1964 (for reasons unknown), the County has taken the position that the abandonment process was of no consequence (though the County participated in that process) and that instead as a fee simple parcel the Aspen Hill Road Extended Parcel can only be disposed of through the County's disposition process set forth in Article X of Chapter 11B of the County Code. Furthermore, the County and Halpine have not been able to agree on a fair value for the return of the Aspen Hill Road Extended Parcel to Halpine (even though it was conveyed to the County by Halpine at no cost), and the County (through the Department of General Services) has essentially suspended all discussion relating to the disposition of the right-of-way parcel until after the Master Plan process is completed (also for reasons not clear to Halpine).

Halpine believes that this disposition process and the best result thereof can and should be provided for through the Master Plan. Halpine proposes that the Master Plan recommend that the Aspen Hill Road Extended Parcel be returned to Halpine and be redeveloped with the original Property, with consideration for this return being a requirement that Halpine provide 30% of the dwelling units attributable to the density of this 1.9 acre site being MPDUs. By identifying this disposition as part of the Master Plan, this unbuilt Aspen Hill Road Extension Parcel will be developed appropriately and in accord with the Public Hearing Draft along with the remainder of the Property, allowing the coordinated redevelopment of the ±37 acre Halpine View site, adding more affordable housing and the delivery of the important public benefits identified above (e.g., MPDUs, 5% market-rate affordable units regulated through an agreement with DHCA, 17.5% new and updated 2- and 3-bedroom units, public open space, pedestrian and vehicular connectivity improvements, and compliance with modern environmental regulations).

Therefore, we respectfully request that the County Council revise Page 100 of the Public Hearing Draft to specifically recommend that the unbuilt Aspen Hill Road Extension Parcel be returned to the Property from which it came (at no cost) in exchange for Halpine's commitment to provide 30% MPDUs as part of its inclusion of this 1.9 acre site, bringing the revenue and public benefits from this currently non-productive parcel of land that will never be used for its originally intended use as a public street.

We thank you for consideration of these comments, and we look forward to continuing to work with you, the Council staff and other stakeholders on the Master Plan. We will be present at the February 7th public hearing to supplement these comments with oral testimony. If you have any questions or require any additional information, please do not hesitate to contact us.

Preliminary Plan No. 720110090 in 2011, which sought the Planning Board's advice and feedback on a potential rezoning application from the R-30 Zone to the PD-60 (Urban High Density Category) Zone. Halpine has exhausted significant resources in these failed efforts to have the Property reviewed as part of either a comprehensive planning and zoning exercise or a piecemeal zoning approval.

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Very truly yours,

LINOWES AND BLOCHER LLP

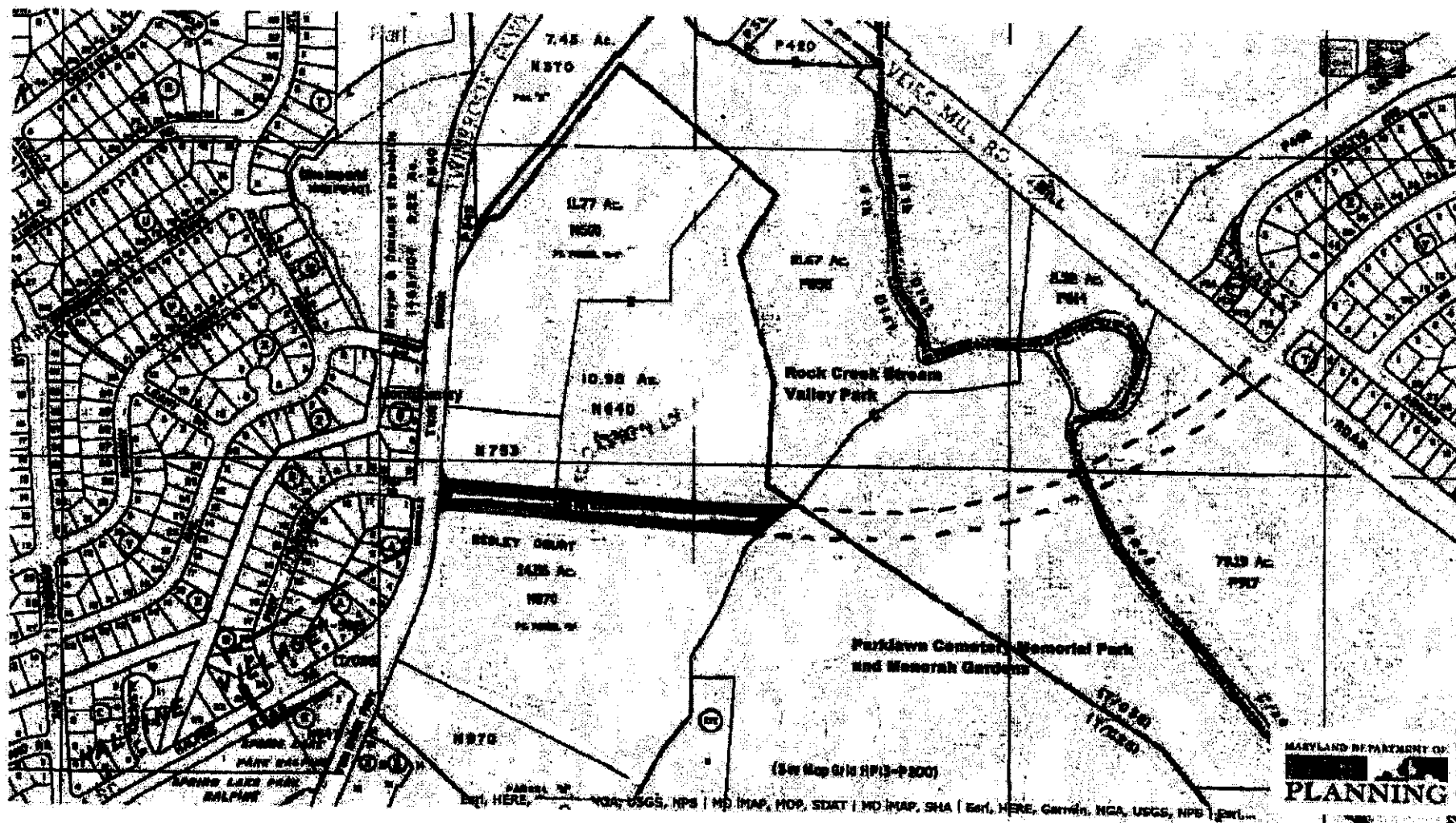


C. Robert Dalrymple



Matthew Gordon

cc: Members, Montgomery County Council
Ms. Marlene Michaelson, Executive Director of the County Council
Ms. Pamela Dunn, Senior Legislative Analyst
Mr. Timothy Goetzinger, Acting Director of DHCA
Mr. Ronnie Warner, Depart. of General Services
Mr. Casey Anderson, Chair, Montgomery County Planning Board
Ms. Jessica McVary, M-NCPPC
Ms. Carrie Sanders, M-NCPPC
Mr. Brian Alford, Grady Management
Mr. George Covucci, Halpine Park LLC





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TESTIMONY ON THE VEIRS MILL CORRIDOR MASTER PLAN
BY STEPHANIE ROODMAN OF MONTGOMERY HOUSING PARTNERSHIP, INC.
FEBRUARY 7, 2019

February 7, 2019

Good evening, Council President Navarro and members of the Council. My name is Stephanie Roodman, and I am testifying on behalf of Montgomery Housing Partnership, the largest non-profit housing developer in Montgomery County.

MHP is the developer of Halpine Hamlet Apartments, a community of 67 mainly affordable one and two-bedroom apartments, located just off of Twinbrook Parkway. We support the Planning Board's recommendations to rezone our property from R-30 to CRT 1.25, with a maximum height of 85 feet. While we have no near-term plans to redevelop the property, several other market-affordable housing communities north of ours in the Twinbrook District may wish to demolish and redevelop sooner rather than later. A recent study released by the Planning Department provides new insights into what could happen if these properties are redeveloped. While redevelopment of existing multifamily buildings has been rare in the last 25 years, demolition and redevelopment by market rate developers does tend to result in a loss of affordable units. When affordable housing developers such as MHP or HOC are involved and when the County has found county owned land, additional affordable units have been developed to offset what would otherwise be a reduction in affordable housing from redevelopment. By upzoning the garden style apartments for redevelopment, the affordability of rental housing in the Twinbrook corridor will be lost if there is not a concerted effort to preserve or replace them. To the extent that the sector plan is incentivizing redevelopment along this corridor, the plan should ensure a one for one replacement of the potential loss of market rate affordable housing – this can best be done by the county aggressively seeking to identify county-owned sites where affordable housing can be located in this plan.

For example, the plan contemplates the redevelopment of the Department of Recreation's administrative offices near the intersection of Veirs Mill Road and Randolph Road once the department relocates to the county office building that is currently under construction in downtown Wheaton. However, under the design guidance section, the plan recommends the site for "attached single-family building types or stacked townhouses to transition to adjacent single-family neighborhoods." Any redevelopment of the property should be compatible with the existing neighborhood, but we would put forward that midrise multifamily construction is also appropriate for the site and can be configured such that it is in keeping with the surrounding neighborhood. We therefore request that the design guidance be amended to give equal consideration to multifamily housing. Also, language should be included to encourage affordable housing on the site. As many of you know, only 1500 units of new housing came online in 2018 in the county, which is woefully short of our county's needs. We must maximize the use of county-owned land for housing if we hope to increase housing production in Montgomery County.

Another barrier to building affordable housing at this site is the planned extension of Gannon Road to Randolph Road. The plan anticipates that the extension of this road would be the responsibility of the private developer. This would add significant costs to any redevelopment of the site and pose a serious challenge in particular to building affordable housing at the site. We request that the Council assess the

utility of this road extension and the unintended consequences that it may create for redevelopment of the property.

Another county-owned property which the Council should target for affordable housing is the Holiday Park Senior Center. The plan recommends that the zoning remain at R-60, or detached single family housing. We believe the surface parking lots surrounding the senior center are a prime opportunity for housing, especially senior housing given its immediate adjacency to a senior center. Notwithstanding the fact that solar canopies were constructed on the parking lot two years ago, the county could accomplish both its housing and sustainability goals by utilizing the surface parking lots for housing with solar on the rooftop. And again, language should be included to identify this site for affordable housing.

Lastly, we would ask that the Council take a close look at the zoning recommendations for houses of worship along Veirs Mill Road. Many churches, both locally and nationally, are experiencing declining congregations, and they may not have as much need for the amount of land that is currently dedicated towards parking or other uses. In light of these realities, we should provide religious institutions with zoning that allows them to remain in place, but which also encourages them to serve out their mission by providing affordable housing to members of our community.

Thank you for the opportunity to share our thoughts on the plan.