

**MEMORANDUM**

March 22, 2019

TO: County Council

FROM: Pamela Dunn, Senior Legislative Analyst

SUBJECT: **Veirs Mill Corridor Master Plan<sup>1</sup>**

PURPOSE: Discuss 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

The Veirs Mill Corridor Master Plan is the first plan to be developed following Montgomery County's adoption of Vision Zero in 2016. The plan seeks to reimagine busy Veirs Mill Road as an integral component of the surrounding neighborhoods by improving connectivity and safety for the community. The plan's vision, goals and recommendations are reflective of an inclusive dialogue with residents, property owners, stakeholders and County agencies. The engagement strategies employed through the planning process were awarded the 2018 Harold Foster Award for Distinction in Community Outreach by the National Capital Chapter of the American Planning Association. The feedback and community advocacy initiated through the plan's outreach have led to important discussions regarding the role of major transportation corridors and the need for identified strategies to improve safety, connectivity and livability in the neighborhoods that line these corridors.

This report presents the recommendations of the Planning, Housing, and Economic Development Committee regarding the Veirs Mill Corridor Master Plan. A separate report from Glenn Orlin addresses the transportation issues in the Plan. Testimony relevant to the report is attached on © pages 1-41.

**Councilmembers may wish to bring their copy of the Plan to the meeting.**

---

<sup>1</sup> Keywords: #VeirsMillCorridor, plus search terms master plan, veirs mill, districts, zoning

## **BACKGROUND**

The Veirs Mill Corridor Plan stretches approximately four miles between the Wheaton Central Business District (CBD) and the City of Rockville, encompassing several post-World War II neighborhoods. These neighborhoods are predominantly characterized by single-family homes supported by neighborhood schools, religious and civic institutions, parks and open space. The northern and southern limits of the Plan include the quarter mile around the future Bus Rapid Transit (BRT) stations identified in the 2013 Countywide Transit Corridors Functional Master Plan, as well as properties adjacent to Veirs Mill Road, and several multi-unit residential properties along Twinbrook Parkway.

Nearly 75 percent of the residents within the Plan area are African American, Asian, or Hispanic with Hispanic and Latino residents representing approximately 41 percent. The vision of the Master Plan is to preserve and strengthen the communities of the Veirs Mill corridor by enhancing existing community resources, increasing connectivity, and promoting safety in the public realm.

## **LAND USE AND ZONING**

To support the Plan's vision, broad land use goals and recommendations are described on page 13 of the plan. With this as a guide, the following recommendations on land use and zoning are presented by district for specific properties. The Veirs Mill corridor has been split into four distinct districts: Newport Mill, Connecticut/Randolph, Robindale, and Twinbrook.

### **Newport Mill District**

The Newport Mill District begins at the eastern edge of the Plan area, at Galt Avenue and College View Drive extending to Valleywood Drive and Gail Street. The Newport Mill District is primarily characterized by single-family detached homes, although two townhouse communities are in the district: Town and Country Townhouses and Montclair Manor. Maps 15, 16, and 17 on pages 76-78 show the existing zoning and the proposed zoning and land use for this district.

#### **Town and Country Townhouses**

Text in Master Plan: page 75

Map in Master Plan: page 76

Existing Zoning: RT-10

Proposed Zoning: TMD

**Plan Recommendation:** The Town and Country townhouse community is currently zoned Residential Townhouse (RT-10). The RT-10 zone was retained during the rewrite of the County Zoning Ordinance in 2014 with the specification that during any master planning process the zone would not be confirmed. Instead, a townhouse zone created during the rewrite process should replace the existing RT-10 zone. The Plan recommends rezoning the Town and Country townhouses from RT-10 to the Townhouse Medium Density (TMD) zone.

#### **Montclair Manor Townhouses**

Text in Master Plan: page 75

Map in Master Plan: page 76

Existing Zoning: RT-12.5

Proposed Zoning: TMD

**Plan Recommendation:** The Montclair Manor townhouse community is currently zoned RT-12.5. Like the RT-10 zone, the RT-12.5 zone was retained during the rewrite of the County Zoning Ordinance in 2014 with the specification that during any master planning process the zone would not be confirmed. The Plan recommends rezoning the Montclair Manor townhouses from RT-12.5 zone to the Townhouse Medium Density (TMD) zone.

**Committee Recommendation: Support the Master Plan recommendation for these properties.**

### **Connecticut/Randolph District**

The Connecticut/Randolph District begins at Valleywood Drive, extending to the eastern edge of Matthew Henson State Park. The district includes a variety of housing types, including single-family, duplex, and multi-family units. In addition to the residential uses, the Connecticut/Randolph District is also the commercial center of the Veirs Mill corridor containing most of the commercial uses and employment establishments within the Plan area. Several community facilities and institutional uses are also located in this district, including Holiday Park Senior Center, Connecticut Belair Pool (private), the Department of Recreation Administrative Offices, and the Viers Mill Baptist Church.

Sites within the Connecticut/Randolph District that are recommended for rezoning include: the Stonemill Square Shopping Center, the Veirs Mill Village shopping center, the northeast quadrant of Veirs Mill Road and Randolph Road, and the Department of Recreation Administrative Offices. Maps 18, 19 and 20 on pages 84-86 show the existing zoning and the proposed zoning and land use for this district.

#### **Stonemill Square Shopping Center**

Text in Master Plan: page 79-80

Map in Master Plan: 84

Existing Zoning: CRT-0.75 C-0.75 R-0.25 H-45, and R-60

Proposed Zoning: CRT-1.25 C-0.75 R-1.0 H-75

**Plan Recommendation:** Stonemill Square, located between Veirs Mill Road and Colie Drive, is approximately 13.6 acres in size and offers about 130,000 square feet of commercial uses. Nearly 13 acres of the site are owned by one entity with a long-term ground lease on a significant portion of the property. The site is currently zone CRT-0.75 C-0.75 R-0.25 H-45, and R-60. The site presents an ideal opportunity for new or infill development that could transform the auto-oriented center into a walkable, transit-oriented environment with improved neighborhood amenities. Recognizing the potential for Stonemill Square to continue to provide neighborhood-serving uses and access to existing and future transit, the Plan includes long-term recommendations to guide the future redevelopment of this site. The Plan recommends rezoning the properties at the existing Stonemill Square site from Residential-60 (R-60) and Commercial Residential Town (CRT-0.75 C-0.75 R-0.25 H-45) to CRT-1.25 C-0.75 R-1.0 H-75 to encourage additional mixed-use development that includes housing.

**Veirs Mill Village**

Text in Master Plan: page 81

Map in Master Plan: page 84

Existing Zoning: CRT-0.75 C-0.75 R-0.25 H-45, and R-60

Proposed Zoning: CRT-1.25 C-0.75 R-1.0 H-75

**Plan Recommendation:** Veirs Mill Village is approximately 3 acres in size and offers about 50,000 square feet of neighborhood-serving retail. The site is owned by one property owner and is currently zoned CRT-0.75 C-0.75 R-0.25 H-45 and R-60. Veirs Mill Village, although significantly smaller than Stonemill Square, still provides an opportunity for redevelopment that could improve walkability, introduce limited housing, and provide community amenities such as publicly accessible open space or a plaza. Redevelopment could also improve the relationship between the site and the surrounding residential neighborhood. The Plan recommends rezoning the properties at the existing Veirs Mill Village site from Residential-60 (R-60) and Commercial Residential Town (CRT-0.75 C-0.75 R-0.25 H-45) to CRT-1.25 C-0.75 R-1.0 H-75 to encourage mixed-use development that includes housing.

**Northeast Quadrant of Veirs Mill Road and Randolph Road**

Text in Master Plan: page 82

Map in Master Plan: page 84

Existing Zoning: CRT-0.75 C-0.75 R-0.25 H-45 and CRN-0.5 C-0.5R-0.25 H-35

Proposed Zoning: CRT-1.25 C-0.75 R-0.75 H-65

**Plan Recommendation:** Five properties at the northeast quadrant of Veirs Mill Road and Randolph Road are approximately 5 acres in size, combined. These properties include a bank, a laundromat, a restaurant, and surface parking. The properties are zoned CRT-0.75 C-0.75 R-0.25 H-45. The property owner at 12125 Veirs Mill Road (the bank property) has stated an interest in pursuing a townhouse development on this 1.9-acre site. It is currently split-zoned CRT and CRN. The Plan recommends rezoning the properties at the northeast quadrant of Veirs Mill Road and Randolph Road (4100 Randolph Road, 12125 and 12135 Veirs Mill Road, and the vacant properties) from Commercial Residential Town (CRT-0.75 C-0.75 R-0.25 H-45) and Commercial Residential Neighborhood (CRN-0.5 C-0.5 R-0.25 H-35) to CRT-1.25 C-0.75 R-0.75 H-65 to encourage mixed-use development that allows for consolidation of properties if desired.

**Committee Recommendation: Support the Master Plan recommendation for these properties.**

**Department of Recreation Administrative Offices**

Text in Master Plan: page 83

Map in Master Plan: page 84

Existing Zoning: R-60

Proposed Zoning: CRN-1.0 -C0.0 R-1.0 H-65

**Plan Recommendation:** The Plan recommends rezoning the Department of Recreation Administrative Offices site from R-60 to CRN-1.0 C-0.0 R-1.0 H-65 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 CRN-1.0 C-0.5 R-1.0 H-65.

**Staff Comment:** Providing commercial density to allow flexibility for small-scale commercial uses on this site is not unreasonable; however, 0.5 FAR on this site could result in 130,000 square feet of commercial development (approximately the size of the Stoneyhill Shopping Center) abutting single-family homes. Council Staff suggests limiting the commercial FAR under rezoning to 0.25.

**Committee Recommendation:** Support the revised zoning requested by the County Executive to add commercial FAR to the site, rezoning the Department of Recreation Administrative Offices site from R-60 to CRN-1.0 C-0.5 R-1.0 H-65.

### **Robindale District**

The Robindale District begins at the eastern edge of the Matthew Henson State Park, extending to the Rock Creek crossing at Veirs Mill Road. It is characterized by parks, trails, institutional and civic uses such as the Kensington Volunteer Fire Department and St. Jude Catholic Church, as well as single-family and multi-family housing. Sites within the Robindale District that are recommended for rezoning include a handful of single-family properties at Robindale Drive, the Rock Creek Terrace Apartments, and parkland owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC). Maps 21, 22 and 23 on pages 93-95 show the existing zoning and the proposed zoning and land use for this district.

#### **Single-Family Properties at Robindale Drive**

Text in Master Plan: page 96

Map in Master Plan: page 94

Existing Zoning: R-60

Proposed Zoning: CRN-1.5 C-0.0 R-1.5 H-45, and CRNF-1.5 C-0.0 R-1.5 H-45

**Plan Recommendation:** Redevelopment of the single-family residential properties across Veirs Mill Road from the Rock Creek Terrace Apartments provide an opportunity to consider alternative housing types that could improve the relationship between the scale of the high-rise apartments and the single-family community. In addition, the Plan recommends relocating the Bus Rapid Transit (BRT) station at Parkland Drive to Robindale Drive to take advantage of proximity to higher density land uses. The Plan recommends rezoning two single-family residential properties near Robindale Drive, 12607 and 12615 Veirs Mill Road, from R-60 to Commercial Residential Neighborhood (CRN-1.5 C-0.0 -R1.5 H-45).

In addition, the Plan supports a future floating zone application for the Commercial Residential Neighborhood Floating zone (CRN-F1.5 -C0.0 R-1.5 H-45) for five properties: 12700 Robindale Drive, 4710 Adrian Street, 4714 Adrian Street, 12700 Weiss Street, and for the abutting outlot behind 12700 Weiss Street.

**Testimony:** The Council received testimony from the homeowners of both single-family properties on Veirs Mill Road recommended for rezoning. The brother and sister owners are in full support of the proposed rezoning.

**Rock Creek Terrace Apartments**

Text in Master Plan: page 97

Map in Master Plan: page 94

Existing Zoning: R-H

Proposed Zoning: R-10

**Plan Recommendation:** The Rock Creek Terrace Apartments, located at 12630 Veirs Mill Road, are zoned R-H. This zone was retained during the rewrite of the County Zoning Ordinance in 2014 with the specification that during any master planning process the zone would not be confirmed. The Plan recommends rezoning the Rock Creek Terrace Apartments from R-H to R-10, the closest applicable zone to the R-H zone.

**M-NCPPC Parkland**

Text in Master Plan: page 97

Map in Master Plan: page 94

Existing Zoning: R-H

Proposed Zoning: R-200

**Plan Recommendation:** Existing parkland owned by the M-NCPPC on Gaynor Road is currently zoned R-H. As stated above, the R-H zone was retained during the rewrite of the County Zoning Ordinance with the specification that, during any master planning process, the zone would not be confirmed. The Plan recommends rezoning the M-NCPPC property from R-H to Residential 200 (R-200), consistent with adjacent zoning for the Rock Creek Stream Valley Park.

**Committee Recommendation: Support the Master Plan recommendations for properties in the Robindale District.**

**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. 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 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: CRT-1.25 -C0.25 R-1.25 H-85

**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 CRT-1.25 C-0.25 R-1.25 H-85 to allow redevelopment of higher-density residential uses near the future BRT station. The Plan also 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 where any optional method project including residential units provide a minimum of 15 percent MPDUs, and provide two- and three-bedroom units as a priority for public benefit points.

**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.

**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: CRT-1.25 C-0.25 R-1.25 H-85

**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 CRT-1.25 C-0.25 R-1.25 H-85.

For Halpine View<sup>2</sup>, 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

---

<sup>2</sup> 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.

five percent market-affordable units<sup>3</sup>. 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 provides an historical account of the Aspen Hill Road extension. Consistent with previous master plans, the Veirs Mill Corridor Master Plan supports the abandonment of the Aspen Hill Road extension. The Plan also notes that the Planning Board approved a limited preliminary plan amendment in 2013 approving the abandonment and return to Halpine View, provided the property owner secure a deed of transfer and conveyance from the County. 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 extension 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 the Aspen Hill extension in exchange for increased MPDUs. The Council received correspondence from the County Executive on February 28, 2019, regarding the Aspen Hill Road extension. The Executive supports the rezoning of the 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. The Council received testimony from Montgomery Housing Partnership (MHP), the developer of Halpine Hamlet Apartments, supporting the Plan's recommended rezoning of its property.

**Committee Discussion:** At the outset of the PHED Committee worksession Committee Chair Riemer, expressed his strong desire to achieve no net loss in market-rate affordable units. Recognizing that retaining the existing zoning doesn't necessarily result in preserving the affordability or tenure of residents in these units over the life of the Plan, the Committee focused on rezoning these properties in conjunction with requirements to provide MPDUs, retain market-affordable rents on a certain number of units, and provide a significant number of two- and three-bedroom units. The Committee and Council President Navarro, in attendance, were unanimous in stating their commitment to the policy of no net loss in market-affordable housing, evaluated on a case by case basis moving forward.

## **Rock Creek Woods**

---

<sup>3</sup> Market-affordable means units affordable to households earning 80% or less of the Area Median Income adjusted for household size.

Council Staff supported the Plan recommendation to rezone the property from R-20 to CRT-1.25 C-0.25 R-1.25 H-85 and the recommendation that any optional method project including residential units provide a minimum of 15 percent MPDUs. Council Staff further recommended that, with redevelopment, five percent of the units be provided at market-affordable rents for 20 years. This would result in approximately 50 percent of existing units becoming regulated affordable units for at least 20 years.

**The Committee asked Rock Creek Woods to evaluate what it would take to retain 100 percent of their current units as market/income affordable.**

A letter from Tim Dugan, the owner's representative, was received on March 20, 2019 (©37-41). In it he outlines unique site constraints, such as underground stormwater box culverts and significant sewer easements that traverse the property, as well as market realities that limit the extent of potential redevelopment of this property. The property owner supports the Plan recommendation for zoning, and the requirement to provide 15 percent of the units in the form of MPDUs. The owners also support Staff's recommendation to provide five percent of the units as market-rate affordable units for 20 years. In addition, the owners have offered to provide 20% of the units as two-bedroom units, and 5% of the units as three-bedroom units. These requirements would result in approximately 50 percent of existing units becoming regulated affordable units for at least 20 years and would produce more two- and three- bedroom units than exist today. The property owner also requested that the Plan state that satisfying the affordable housing requirements are the highest priority for this property.

**Council Options:**

- 1. Do not rezone the property:** Retaining the current zoning on this property would ensure no displacement of residents in the near term and no loss in currently market-affordable units; however, as systemic infrastructure and utility issues worsen over time, the property owner will most likely be required to upgrade and renovate existing buildings, even without an increase in units. This would most likely 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 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.
- 2. Rezone the property with enough density to cover the cost of providing no net loss in affordable units:** The property owner has evaluated the potential for redevelopment and, as noted above, stated that redevelopment using steel and concrete construction that could produce a significant number of new units is not environmentally nor economically feasible for at least the next 20-25 years. Providing the density to produce a steel and concrete development and requiring no net loss in market-affordable units would be equivalent to not rezoning the property if the property owner cannot feasibly redevelop under this scenario.
- 3. Rezone as recommended in the Plan with the requirement to provide 15 percent of the units as MPDUs and five percent of the units as market-affordable units for 20 years. Also require 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, and that priority be given to existing residents for the two- and three-bedroom units and the units under market-affordable rents.**

It is important to note that, while on a case by case basis no net loss in market-affordable units may not always be achievable, for the Twinbrook District as a whole there is a potential **net gain** in market-affordable units (MPDU and market-affordable rents) which would be guaranteed affordable.

<b>Property</b>	<b>Existing Units (market-affordable)</b>	<b>Potential New Units</b>	<b>Regulated Affordable Units (MPDUs + market-affordable under rental agreement)</b>
Parkway Woods	24	87	87
Halpine Hamlet	67	203	203
Rock Creek Woods	269	649	131
Halpine View	564	2,099	564
<b>Total Units</b>	924	3,038	985

**Halpine View, Parkway Woods, and Halpine Hamlet**

Council Staff supported 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 and, for Halpine View, the recommendation that any optional method project including residential units provide a minimum of 15 percent MPDUs. However, Council Staff recommended increasing the percentage of units provided at market-affordable rents from five percent to 10 percent and also recommended 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, to increase the number of two- and three- bedroom units available under redevelopment. In addition, Staff suggested that language be added to the Plan that would ensure that priority would be given to existing residents for the two- and three-bedroom units and the units under rental agreement.

**Committee Recommendation: Support the Master Plan recommendation with respect to zoning for all three properties and for Halpine View the recommendation that any optional method project including residential units provide a minimum of 15 percent MPDUs. To achieve no net loss in market-rate affordable units, require each phase of development to provide a number of affordable units (MPDUs plus market-affordable units) equal to the number of units being removed. Support the Staff recommendation 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, and that priority be given to existing residents for the two- and three-bedroom units and the units under rental agreement.**

A recommendation for the disposition of the Aspen Hill Road extension was also discussed.

**Committee Recommendation: A majority of the Committee (CM Riemer and CM Friedson) support Halpine View’s request that the Aspen Hill Road extension be returned to Halpine View through Montgomery County’s disposition process in exchange for the requirement to provide a minimum of 30 percent of the dwelling units attributable to the density of the 1.9-acre parcel in the form of Moderately Priced Dwelling Units. The Committee felt the terms of the disposition are a significant contributing factor to the requirement for no net loss in market-affordable units for this property.**

**Councilmember Jawando proposed an alternative disposition of the property whereby the portion of the Aspen Hill Road extension abutting the existing Parkway Woods property be conveyed to the Housing Opportunities Commission through Montgomery County’s disposition process to achieve additional affordable housing with the long-term redevelopment of Parkway Woods. The remainder of the parcel would be returned to the Halpine View property, also through the disposition process for consolidated redevelopment with Halpine View. A minimum of 30 percent of the dwelling units attributable to the density of the 1.9-acre parcel should be provided as Moderately Priced Dwelling 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.

**Committee Recommendation: Support the Master Plan 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 Stonemill 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 with one at least one-half acre in size) be provided when the complex redevelops.

In addition, the Plan recommends one open space should connect to the future Bus Rapid Transit station near Twinbrook Parkway. 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 one-half acre in size) be provided.

Testimony: The Council received a letter from Tim Dugan, representing Rock Creek Woods, stating the potential difficulty in siting an open space area one-half acre in size, and potential privacy and safety concerns with the BRT connection. He requested the Plan recommend a preference for consolidation of open space without requiring a specific amount and that a connection from the open space to the BRT station be evaluated during the regulatory process.

**Committee Recommendation: The Committee primarily focused its discussion on the recommendation for Halpine View, Parkway Woods and Halpine Hamlet. They felt the specific requirement for a certain amount of open space should be replaced with a broader recommendation that encourages consolidation of required open space either through synergistic redevelopment or within a single property.**

Below is suggested language. The first paragraph would replace the bullet under Section 3.4.3 (page 104) for Rock Creek Woods, and the second paragraph would replace the second bullet for Halpine View, Parkway Woods, and Halpine Hamlet on the same page.

Provide public open space on both sides of the Rock Creek Woods apartments, under the requirements of the CRT zone. Consolidate open space, as site constraints allow, to create significant open spaces that may include play structures, shaded seating and/or flexible lawn areas. A connection to the future Bus Rapid Transit station should be considered at the time of development review.

Provide public open space under the requirements of the CRT zone. Consolidate open space, as site constraints allow, to create significant open spaces that may include play structures, shaded seating and/or flexible lawn areas.

### **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.

**Committee Recommendation:** Support the Plan recommendations with one modification; add “where feasible” to the tree canopy requirement 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.

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.

**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.

**Committee Recommendation:** Support the remaining environmental 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.

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.

**Committee Recommendation: Support the recommendations on community facilities, provide updated information on the student generation calculations to reflect the change in the MPDU law allowing bonus density.**

#### **Implementation (page 107)**

A section on preservation of market-affordable units should be added with a recommendation to amend Chapters 25 and 59 of the County Code to implement preservation of market-affordable units under a rental agreement with DHCA for optional method projects in the C/R zone.



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*.

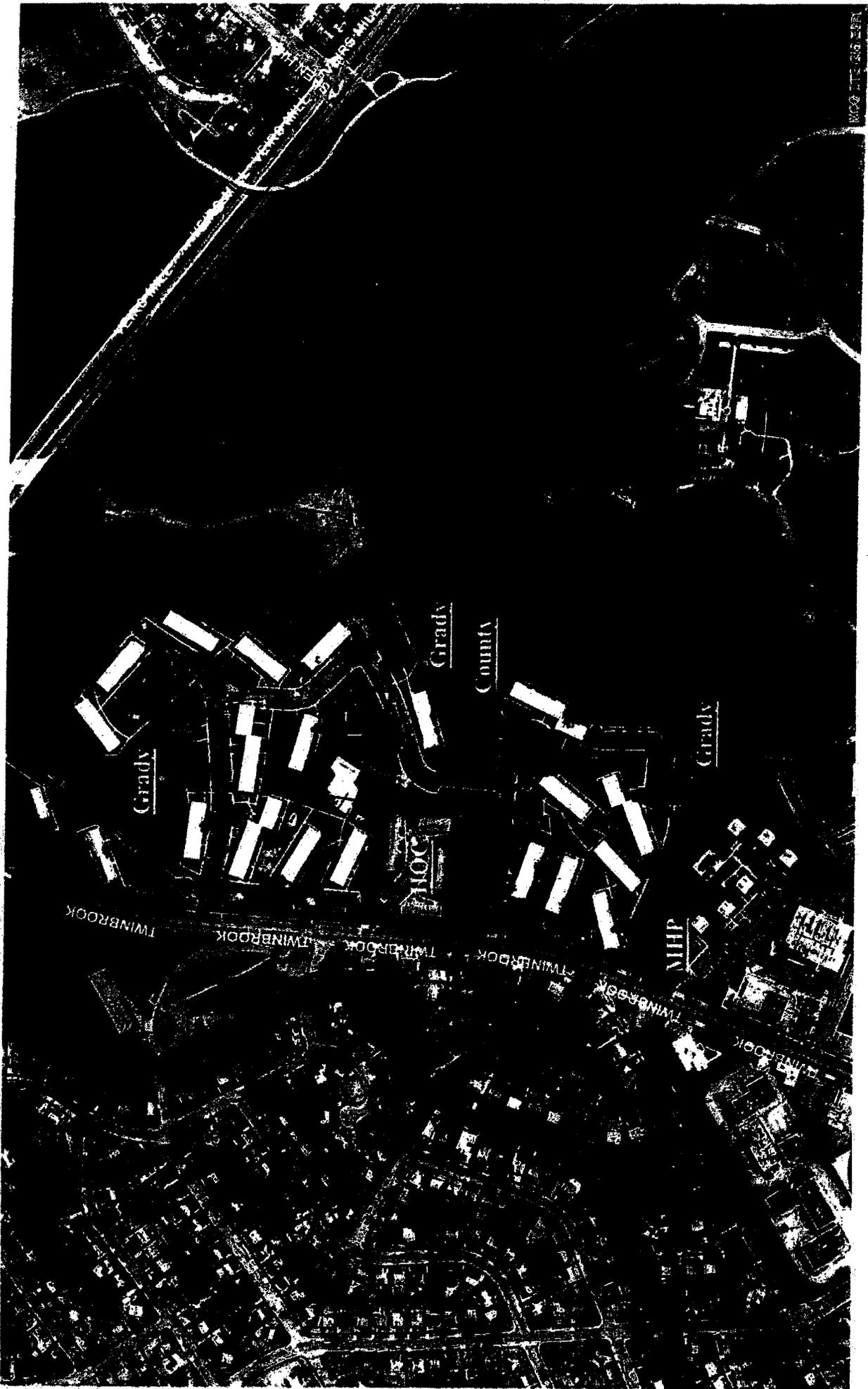
Additionally, it is important to note that the Aspen Hill Road extension 'paper street' currently has no zoning. Should the PHED Committee decide to rezone the surrounding parcels, I support an identical zoning for the County parcel street. Again, any future use of the property must consider the surrounding 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

①

①



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.<sup>1</sup> 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"<sup>2</sup> – there is not enough information here to really understand what the end results will be, although it will most

---

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

<sup>2</sup> 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

Dedham's New Community Building

Rental Housing Deep-Dive

## POPULATION

Montgomery County is the most populous county in Maryland and is home to 1,088,100 residents. Most of these residents live in urban or suburban areas within the County.

Montgomery County is a member of the Metropolitan Washington Council of Governments (MCOG).

## INCOME

Montgomery County ranks 10th in the nation for per capita income. The median household income is \$73,310. The Median Home Value is \$167,000.

Montgomery County is a member of the Metropolitan Washington Council of Governments (MCOG).

## EDUCATION

Montgomery County is one of the most educated counties in the United States. 58.3% of residents have attained a Bachelor's degree and 37.6% have attained a post graduate degree.

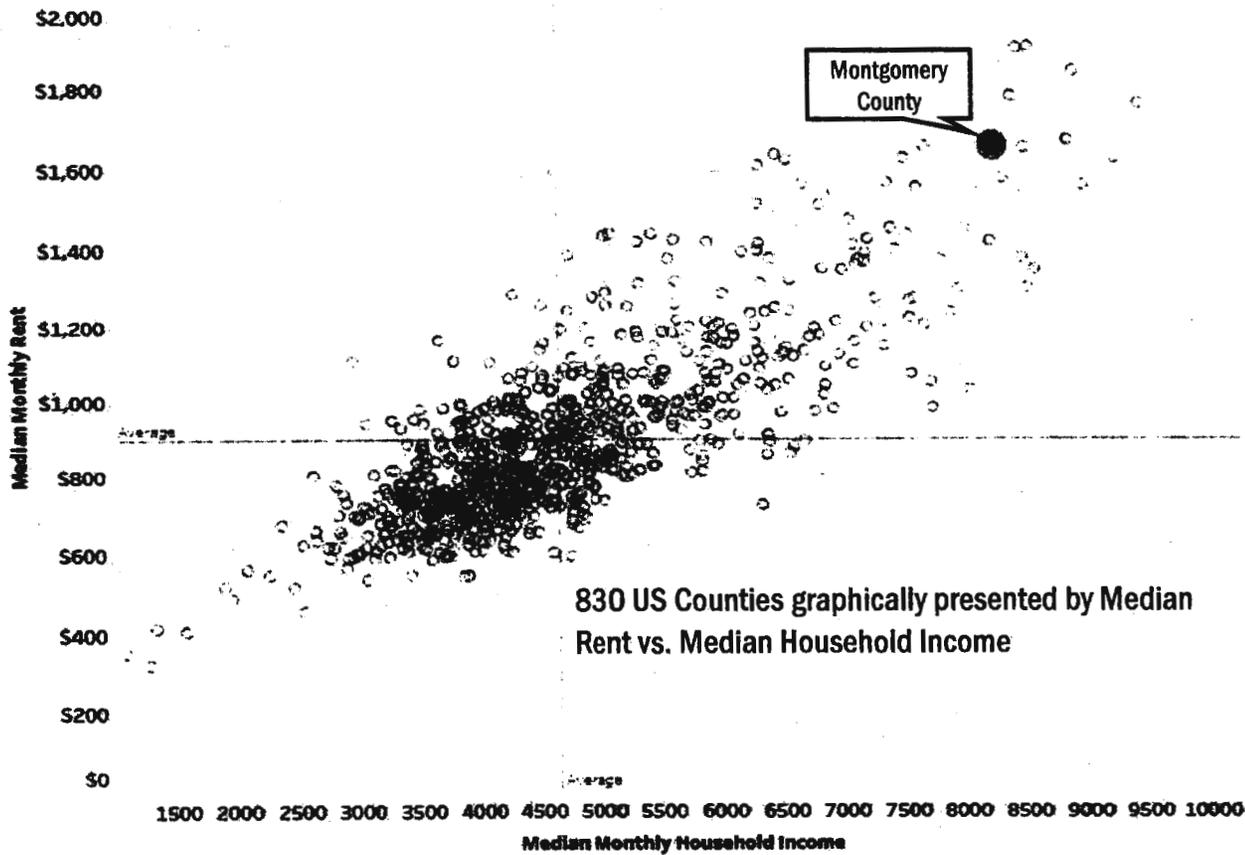
Montgomery County is a member of the Metropolitan Washington Council of Governments (MCOG).



# 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

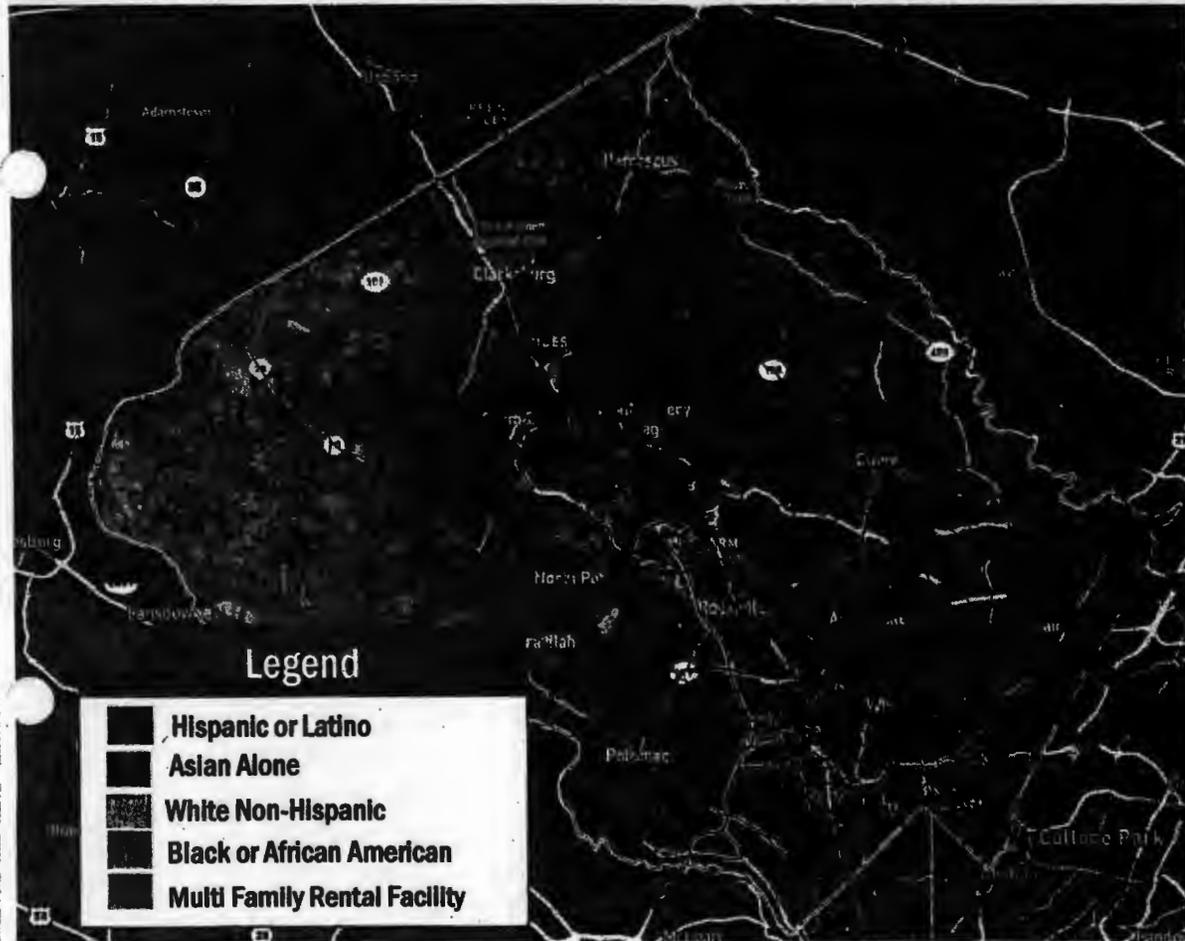
**A Diverse County**  
**304 of the County's 614 Census**  
**Block Groups are Minority**  
**Majority**

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

8

# Demographics of the County (cont.)

## Census Block Groups by the Plurality Race



### Overview

## Disparities Across Ownership

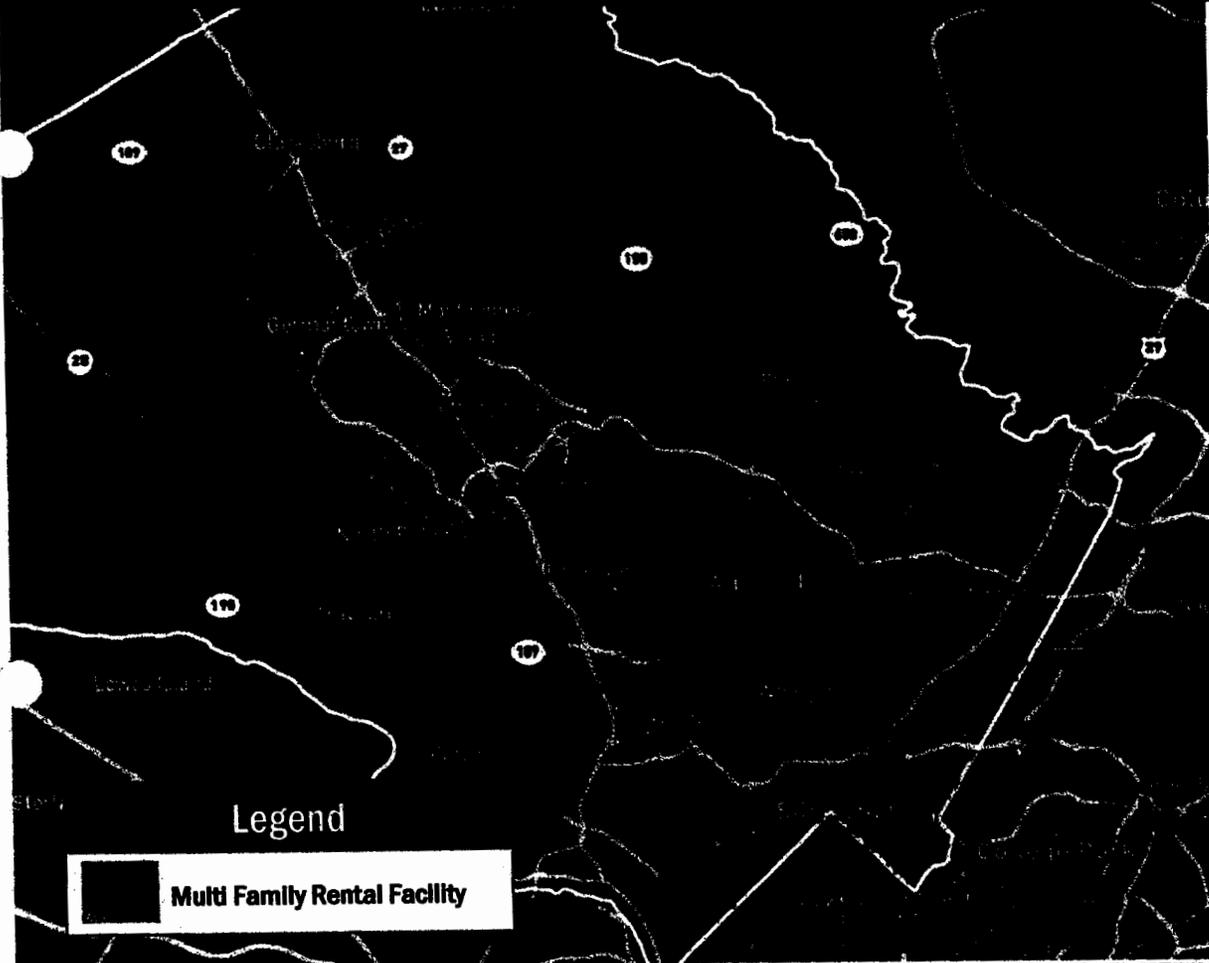
**Black or African American**  
37.2k of the 65k Black or African American-Headed  
Households are Renters (57%)

**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

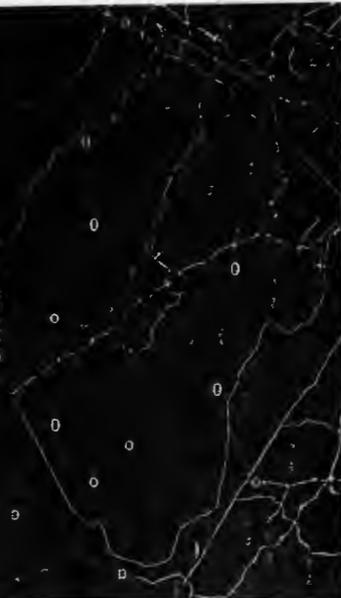
## Purpose

**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

## Methodology

**STEP 1: Import All Rental Facilities  
Units > 4**



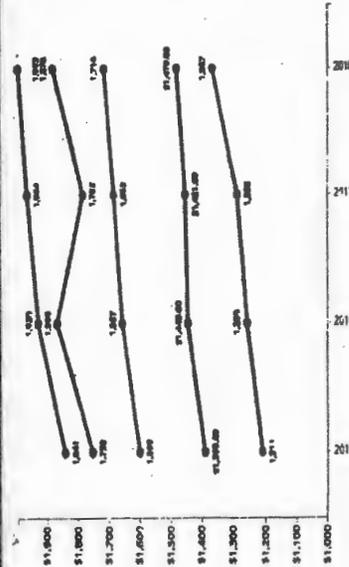
**STEP 2: Create Buffers 250 meters to  
produce high density rental communities**  
(Approximately from the EOB to Starbucks or 2.25 Football Fields)



**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**



## 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.



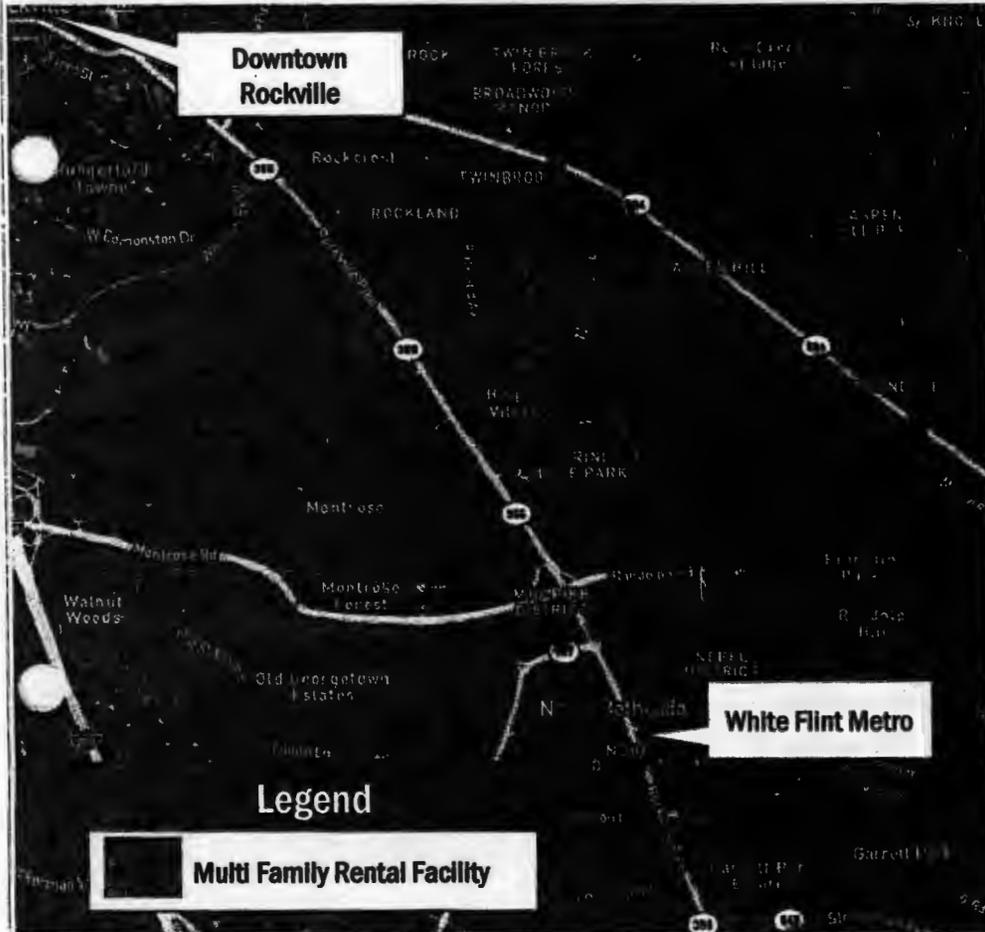


# Priority HDRCs

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

# Priority HDRCs

## Twinbrook/Halpine/Rock Creek Terrace



### Cluster: Twinbrook/Halpine/Rock Creek Terrace

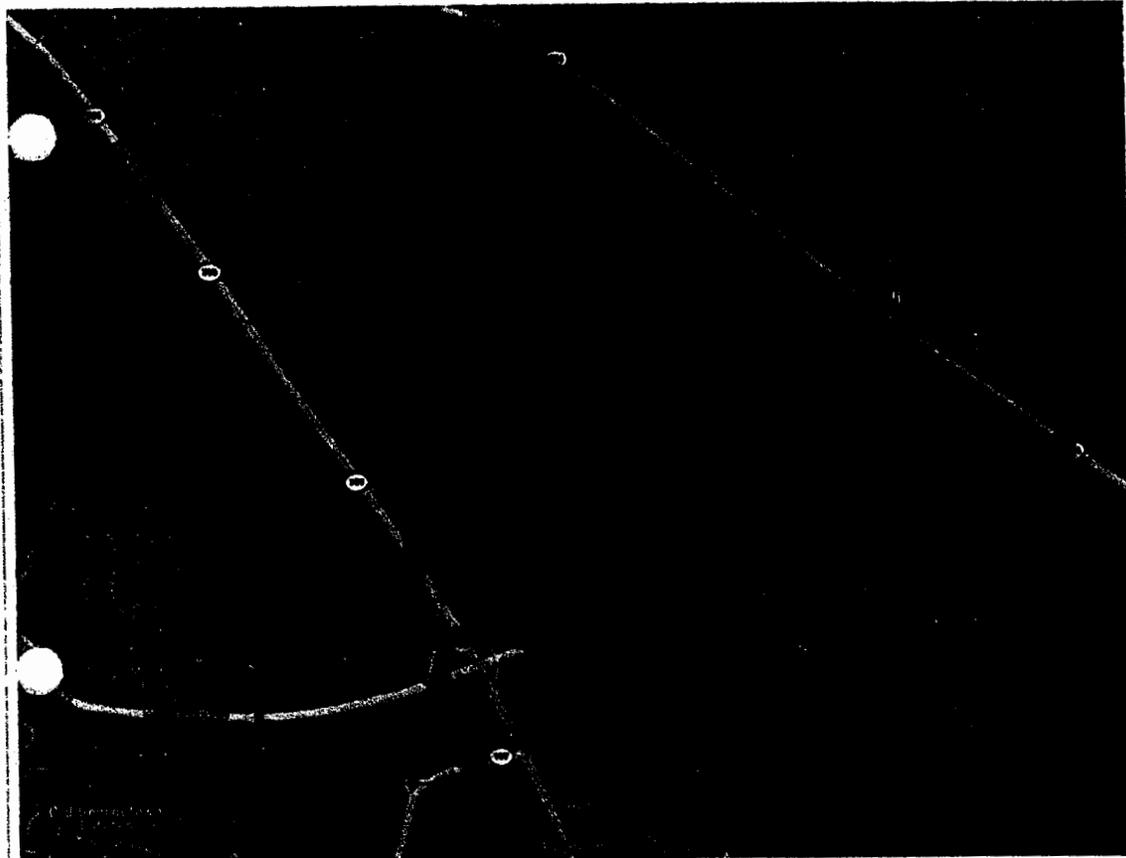
Facilities: 7  
 Units: 2,130 (304.3 unit avg)  
 Violations per 100 Units (FY17&FY18): 12.4

1 Bedroom Avg Rent: \$1,255
2 Bedroom Avg Rent: \$1,430

5

# 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).

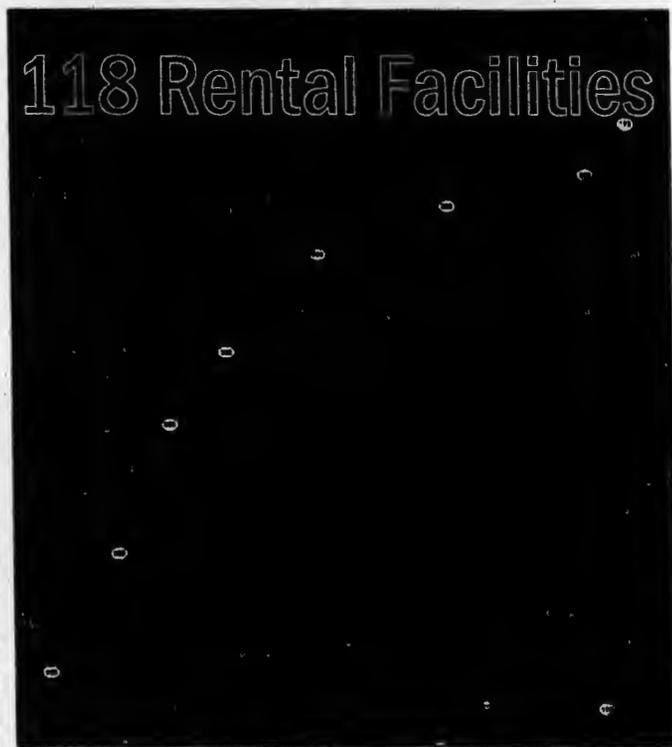
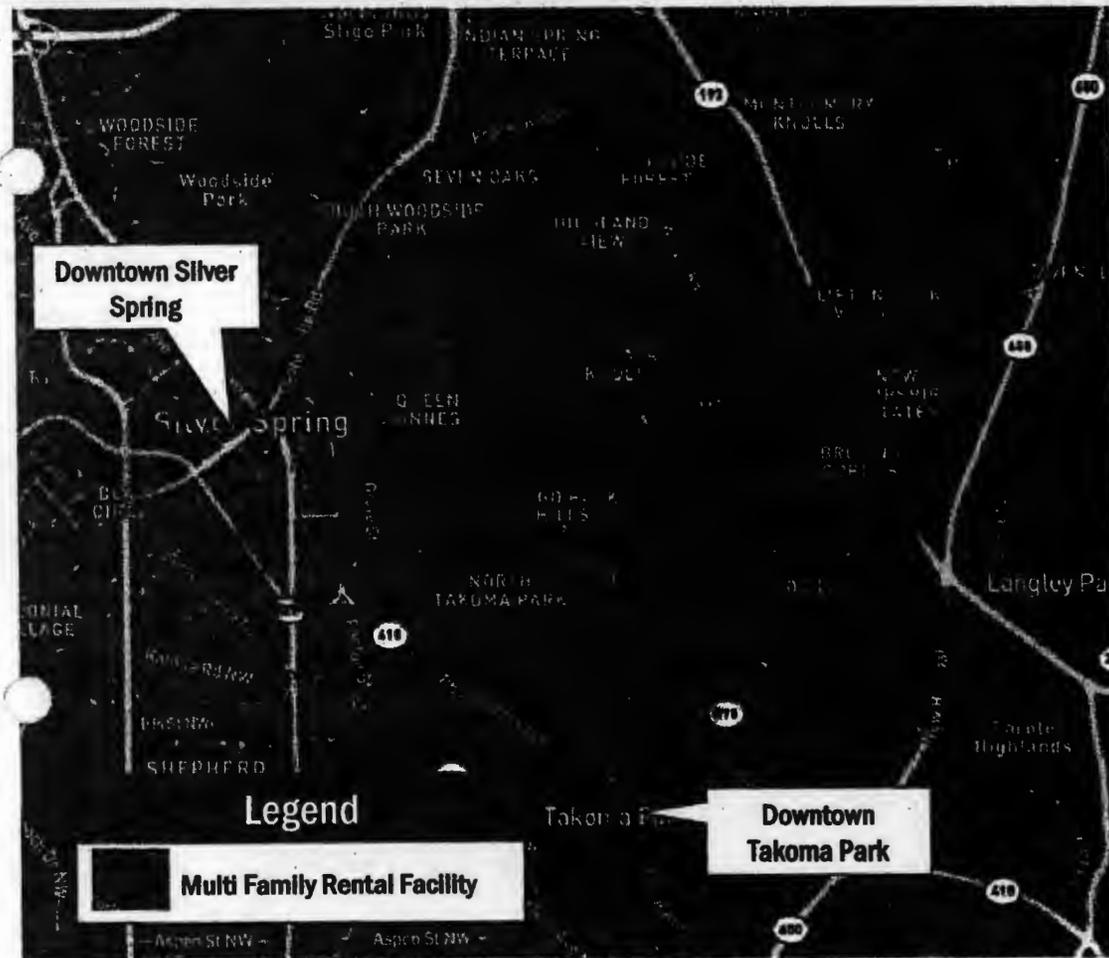
### Cluster: Twinbrook/Halpine/Rock Creek Terrace

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

# Priority HDRCs

## Long Branch East of University



118 Rental Facilities

### Cluster: Long Branch East of University

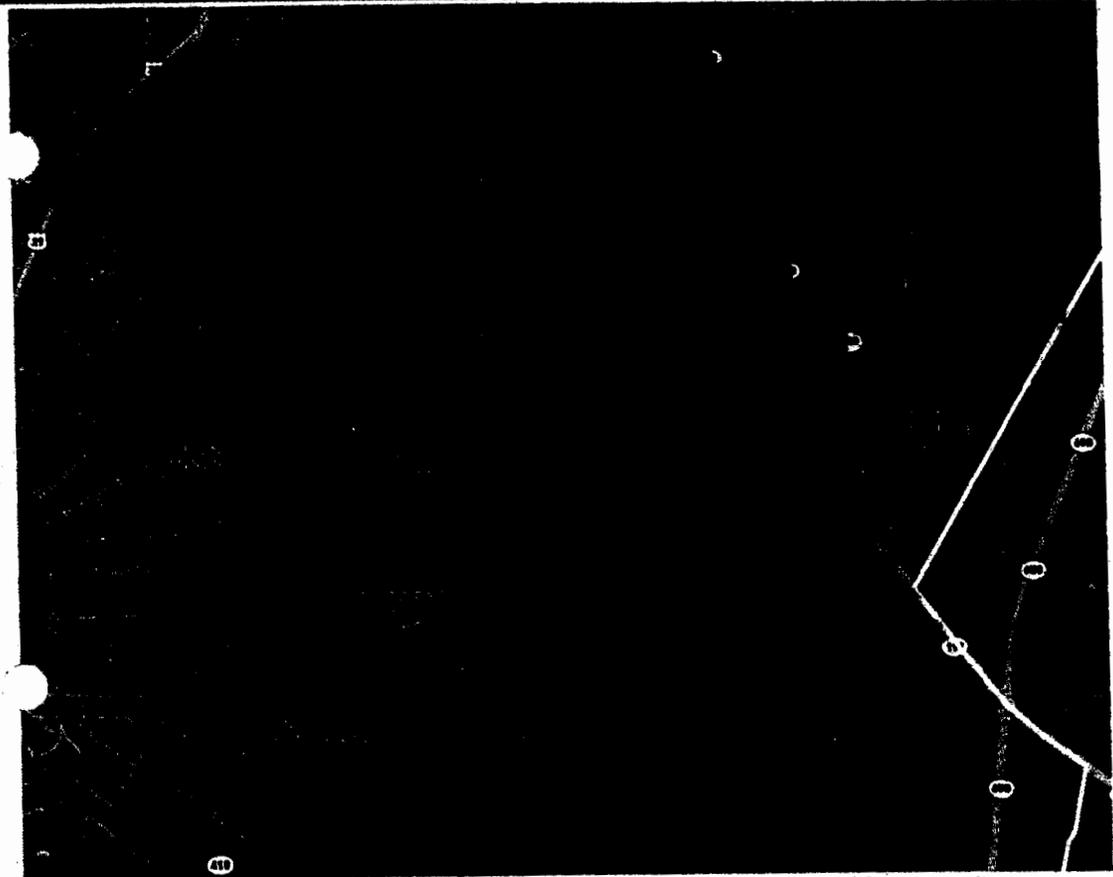
Facilities: 118  
 Units: 2,828 (23.9 unit avg)  
 Violations per 100 Units (FY17&FY18): 95.5

1 Bedroom Avg Rent: \$1,069  
 2 Bedroom Avg Rent: \$1,314

19

# 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

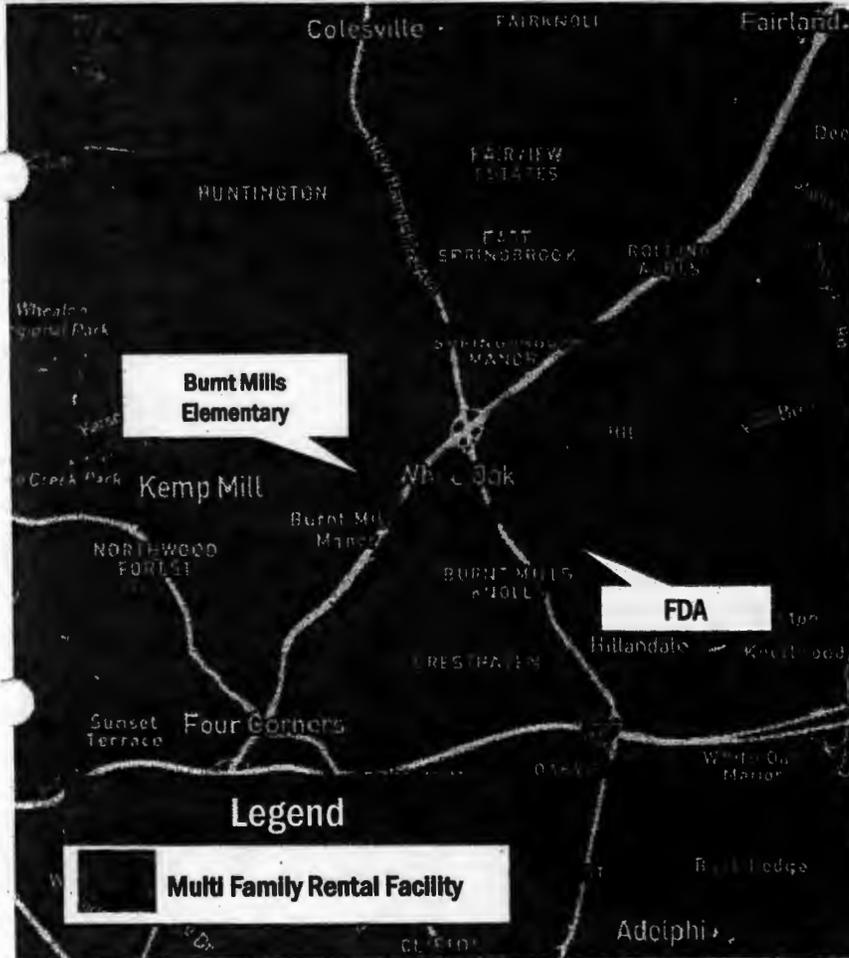
Variable	Value	Rank among 45 HDRCs
%Rental Burdened Households	49%	25
Median Income	\$67,337**	30
% At or Below 100% of Poverty	15%	14
% At or Below 200% of Poverty	36%	12
% Black	25%	19
% Hispanic	40%	8
% Non-White	74%	22
%Foreign Born	38%*	
% LEP HH	17%	11
Crime per Capita 10K	393	23

\* Census Tract level aggregation \*\* weighted average of 10/11 block groups 16

20

# Priority HDRCs

## White Oak Cluster



### Cluster: White Oak

**Facilities: 15**

**Units: 4,239 (283 unit avg)**

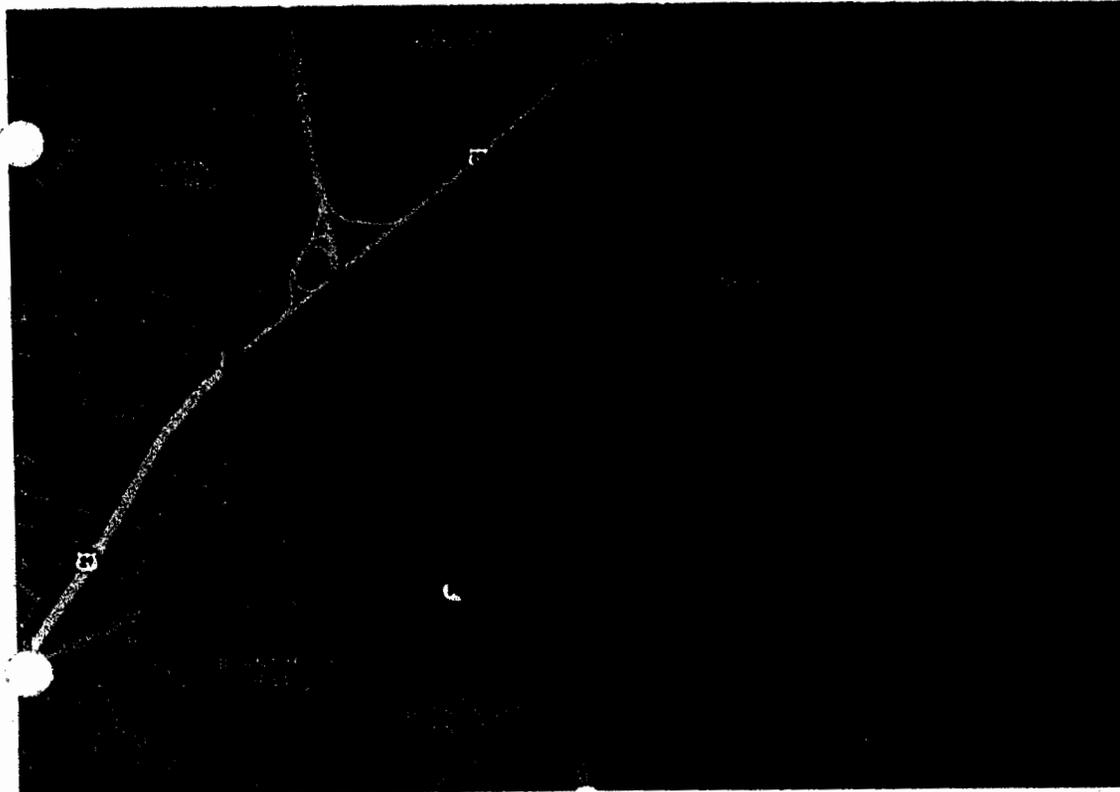
**Violations per 100 Units (FY17&FY18): 55.4**

**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

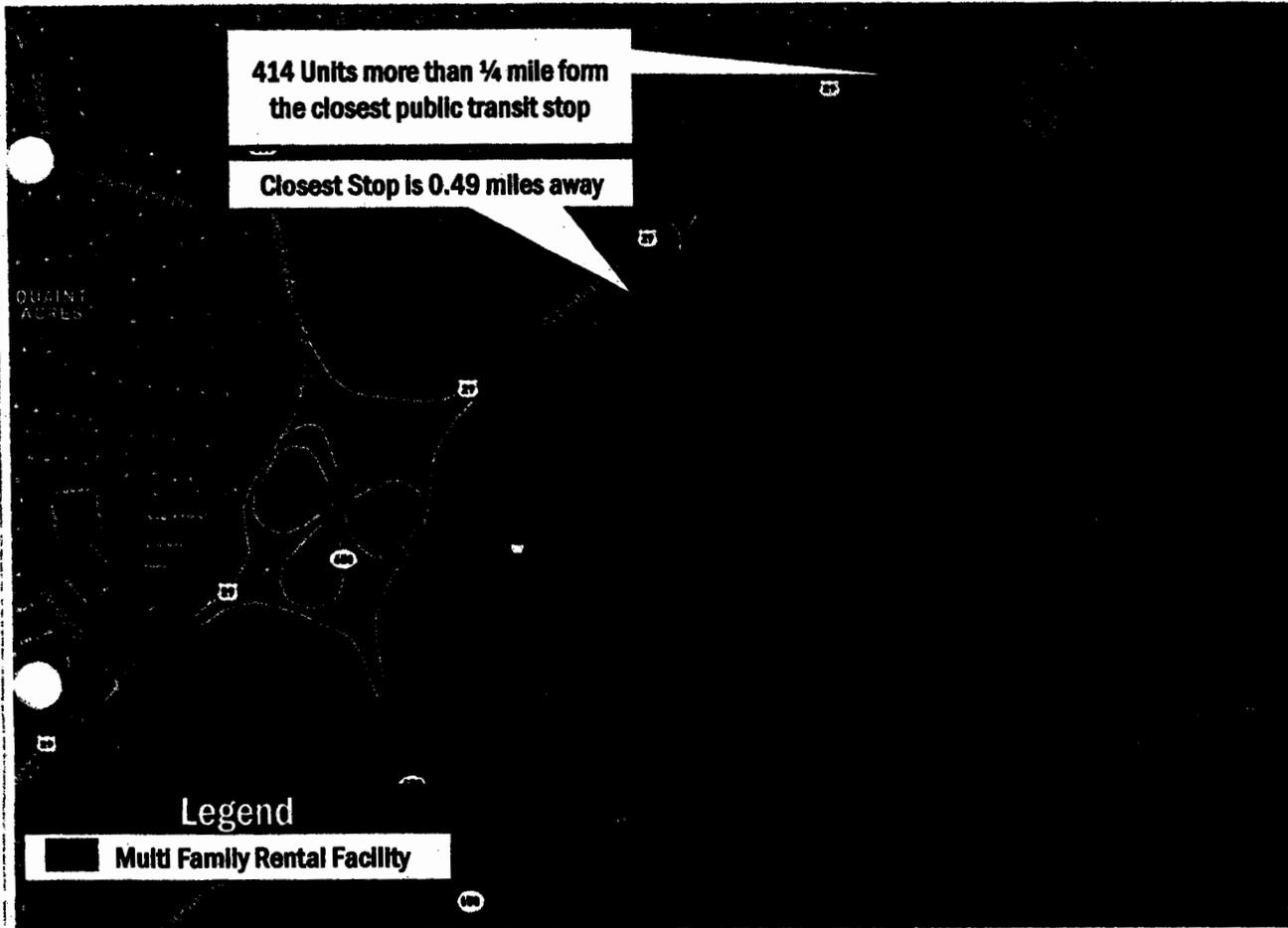
Variable	Value	Rank among 45 HDRCs
%Rental Burdened Households	55%	11
Median Income	\$57,143	40
% At or Below 100% of Poverty	16%	13
% At or Below 200% of Poverty	47%	6
% Black	61%	2
% Hispanic	26%	17
% Non-White	95%	3
%Foreign Born	42%*	
% LEP HH	7%	27
Crime per Capita 10K	603	13

\* Census Tract level aggregation

22

# 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

23

17

**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](mailto:davidwsears@aol.com) or [slater.tina@gmail.com](mailto:slater.tina@gmail.com)**

20

LYNOTT, LYNOTT & PARSONS, P. A.

ATTORNEYS AT LAW

11 NORTH WASHINGTON STREET

SUITE 220

JOSEPH A. LYNOTT, III  
JAMES L. PARSONS, JR.  
JOSEPH A. LYNOTT (1928 - 2018)

ROCKVILLE, MARYLAND 20850-4208

(301) 424-5100 (phone)

(301) 279-0346 (fax)

writer's e-mail:

[jlynott@LLPlawfirm.com](mailto:jlynott@LLPlawfirm.com)

January 25, 2019

Hon. Nancy Navarro  
Council President  
100 Maryland Avenue  
Rockville, Maryland 20850  
[countycouncil@montgomerycountymd.gov](mailto: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  
Page 2

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.

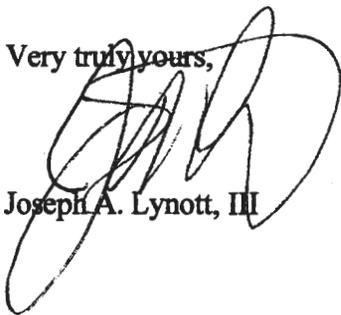
The recommendations of the Planning Board recognize that the RCW project cannot be economically redeveloped as a multi-family project if the land is limited to its existing density, and in the absence of redevelopment, the project will gradually decline into obsolescence and disrepair depriving its residents 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

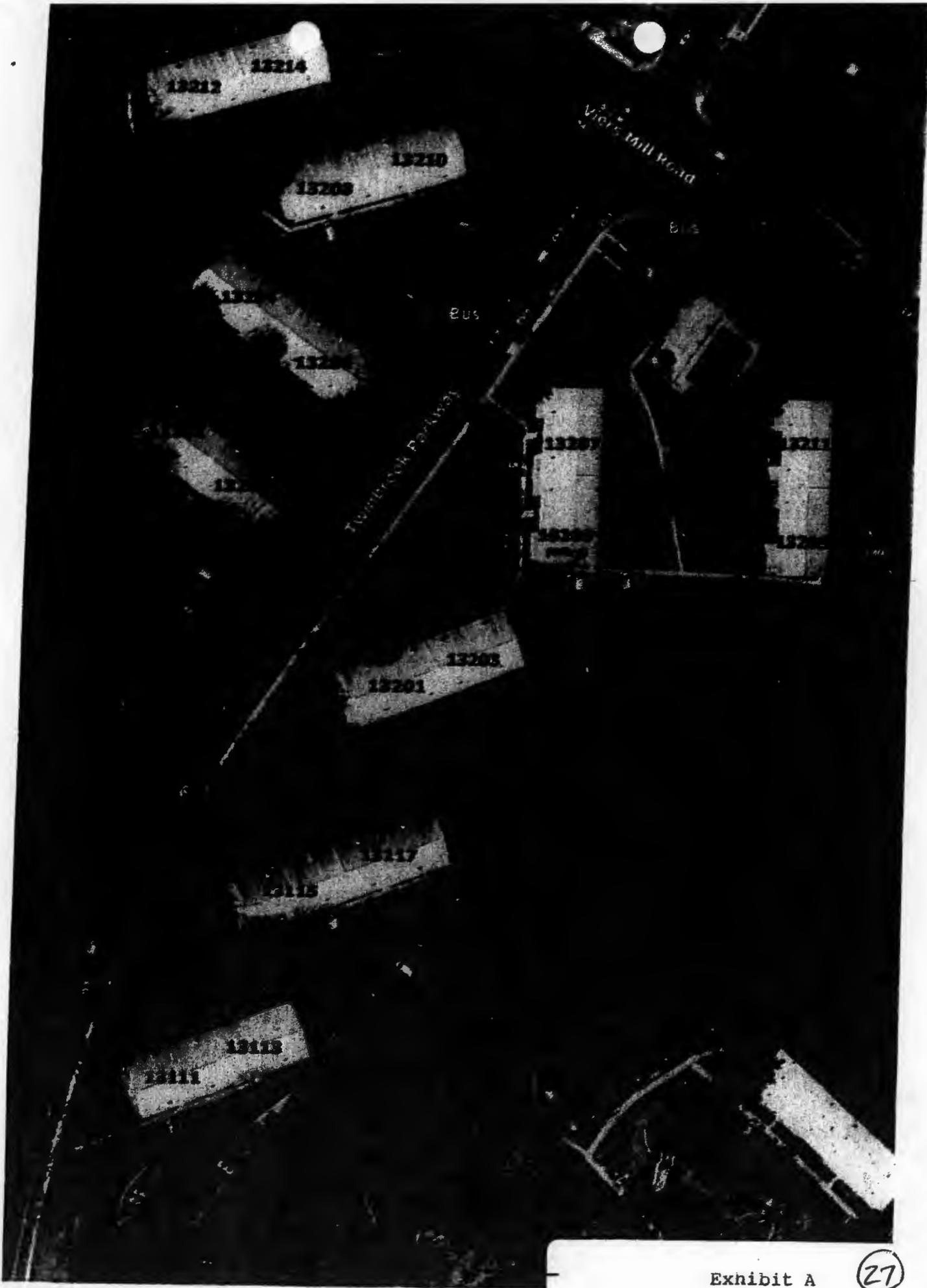
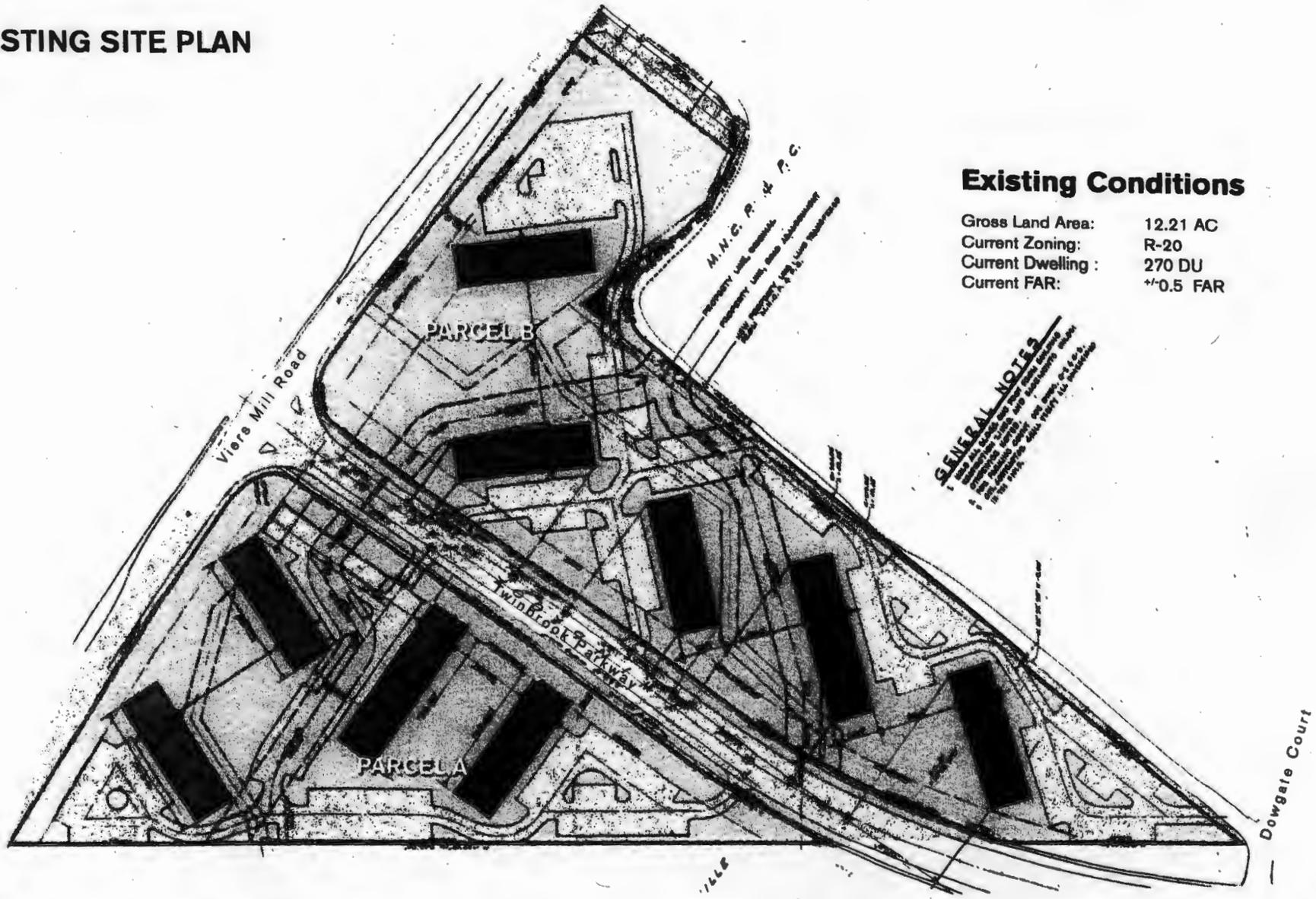


Exhibit A

# EXISTING SITE PLAN



## Existing Conditions

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

**Rock Creek Woods Apartments**  
Rockville, MD

BULLIS TRACT LLC. | hord | caplan | machs  
April 20, 2018

82

Exhibit B

**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW

February 4, 2019

C. Robert Dalrymple  
301.961.5208  
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 7<sup>th</sup> 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  
Page 3

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 Property<sup>1</sup>. As the Aspen Hill Road Extended

<sup>1</sup> 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-

Council President Navarro  
and Members of the County Council – Veirs Mill Corridor Master Plan Public Hearing Record  
February 4, 2019  
Page 4

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 7<sup>th</sup> 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.

Council President Navarro  
and Members of the County Council – Veirs Mill Corridor Master Plan Public Hearing Record  
February 4, 2019  
Page 5

Very truly yours,

**LINOWES AND BLOCHER LLP**

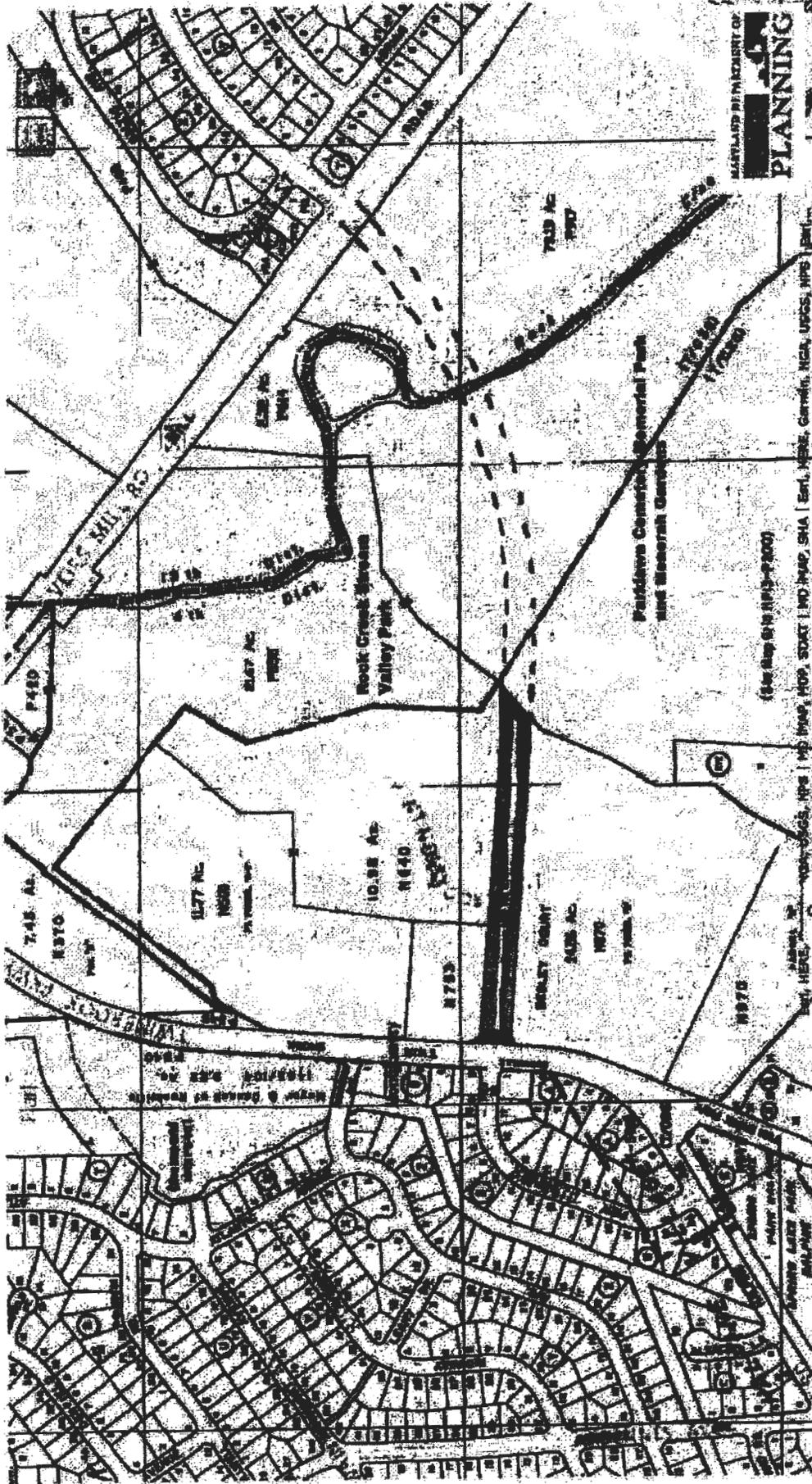


C. Robert Dalrymple



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



- = Halpine View property (+/- 37.31 acres)
- = Aspen Hill Road Extended Parcel (+/- 1.9 acres)



12200 Tech Road, Suite 250, Silver Spring, MD 20904 • Phone: 301-622-2400 • Fax: 301-622-2800

19

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

35

utility of this road extension at 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.

## Dunn, Pamela

---

**From:** Timothy Dugan <TDugan@shulmanrogers.com>  
**Sent:** Wednesday, March 20, 2019 6:32 AM  
**To:** Riemer's Office, Councilmember; Friedson's Office, Councilmember; Jawando's Office, Councilmember  
**Cc:** Dunn, Pamela; Silverman, Ken; Mitchell, Kathleen; Gwen Wright (Gwen.Wright@montgomeryplanning.org); Carrie.Sanders@montgomeryplanning.org; Joseph A. Lynott III (jlynott@llplawfirm.com); Patricia Bonan; Cjones@bmcproperty.com; Jessica McVary (Jessica.McVary@montgomeryplanning.org)  
**Subject:** Rock Creek Woods Apartments and the Veirs Mill Corridor Master Plan  
**Attachments:** Recommended Changes to the Draft Plan Language = Rock Creek Woods[42725771v7].PDF; Rock Creek Woods - Horizontal Constraints & Illustration of 2 New Bldg\_s Development[42723626v2].PDF  
**Importance:** High

To:  
Mr. Hans Riemer, Chair  
Mr. Andrew Friedson  
Mr. Will Jawando

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

Dear Members of the PHED Committee:

I am writing on behalf of the Bullis Tract, LLC, a family-owned entity t/a Rock Creek Woods Apartments ("RCW"), which owns the approx. 265-rental unit garden apartment complex (4 additional units are used for employee apartments and 1 unit is used for an office, for a total of 270 units.) that is located on both sides of Twinbrook Parkway, at the intersection of Veirs Mill Road and Twinbrook Parkway. Preliminarily, I am enclosing a copy of our recommended changes to the draft Plan language and a rendered plan that shows both the properties' imposing horizontal constraints and illustrated possible future stick-built buildings fronting on Veirs Mill Road.

Many thanks to the PHED Committee members for your thoughtful consideration of our March 7, 2019 request to allow us some time to consider how Rock Creek Woods could strive for the "no net loss" ideal. We report that because of Rock Creek Woods' particular site constraints (Please see the attached rendered plan.), and in light of the realities of the Twinbrook/Veirs Mill Road rental market, new stick-built construction would be the feasible alternative for providing new units over the next 10-15 years. A concrete and steel project simply is not feasible for at least 20-25 years. Such construction is not even seen next to the Twinbrook Metro Station. Thus, the following discussion concerns the details of providing new units using stick-built construction.

None of the existing RCW affordable apartment unit have any government imposed restrictions. None are MPDU's or guaranteed market rate affordable units ("MRA's"). But, new stick-built buildings could provide, guaranteed, 15% MPDU's and 5% MRA's. New stick-built buildings could provide a minimum of 20% two-bedroom units and 5% percent three-bedroom units. Although the project cannot reach the "no net loss" ideal of replacing, one for one, each existing, non-guaranteed, rental unit, the number of new, guaranteed, MPDU's and MRA's, is significant.

Please see attached a copy of our proposed changes to the draft Plan language. Consistent with the draft Plan language, we propose that the Plan language read that the RCW property be rezoned to: **CRT 1.25, C 0.25, R-1.25, H-85**. However, other changes to the draft Plan language are necessary to address the properties' horizontal and other site constraints, and to provide the MPDU's and MRA's, as explained below.

Draft Plan Page 100; Zoning Recommendation concerning Rock Creek Woods

We propose that the zoning classification be: CRT 1.25, C-0.25, R-1.25, H-85. Also, we recommend adding language to the draft Master Plan that the provision of MPDU's and MRA's will be accorded the highest priority.

Draft Plan Page 104 Public Open Space

The overriding horizontal constraints are caused by the presence of: (1) large underground storm water box-culverts; (2) significant City of Rockville and WSSC sewer easements that traverse the heart of both properties; (3) Twinbrook Parkway bisecting the property; (4) slope easements along Twinbrook Parkway; and (5) the irregular and inefficient shapes of the two lots. The same horizontal constraints limit the available surface parking area and require constructing structured parking, also expensive construction.

Horizontal constraints make it impossible to provide a large, contiguous, minimum one-half acre, neighborhood green (as defined in PROS) on either of the two properties, and, at the same time, provide a feasible stick-built building with 15% MPDU's and 5% MRA's. The Plan language should be flexible, not rigid, and provide that considerations of designing open space on both sides of the property should include consideration of consolidating open space, as site constraints allow.

Future residents will certainly appreciate living conveniently close to the BRT. At the same time, they will appreciate their home having some outdoor privacy, safety, quiet and comfort, especially after sundown. Their children will need a visible and convenient place to play outdoors. The BRT access should be considered, of course, but on the same footing as the residents' peace and privacy. The objectives should be evaluated at the time of regulatory review, when an actual plan is being considered. Providing a pathway leading to new streetscape along Twinbrook Parkway and ultimately to the BRT might be quite suitable for meeting the BRT access objective. We simply recommend that the Plan leave to regulatory review whether or how public open space might communicate with the BRT. We oppose preempting, through the Plan, the valid concern of the residents' peace and privacy, by inserting a mandatory connection to the BRT.

Page 60 Environmental Recommendations

Regarding the goal of providing tree canopy, we recommend adding to the first bullet item the phrase, "where feasible," just as the PHED Committee saw fit to add the same phrase to the third bullet item. The aspiration of increasing tree canopy should not override providing adequate building footprints in order to accommodate an economically feasible apartment building yielding MPDU's and MRA's. Incorporating trees along Veirs Mill Road near the BRT might be difficult along the RCW properties because of available space and topography, as well as proximity to: stream valley buffers, the stormwater outfalls of the existing box culverts, and steep slopes. For example, the BRT plan proposes constructing a retaining wall along its right of way running along RCW's frontage. (Please see "Alternative 5B," at sheet 6 of 11 of the Bus Rapid Transit project.) Adding the words "if feasible" would provide some additional and necessary flexibility.

As noted earlier, we recommend adding Master Plan language that at time of regulatory review, the provision of MPDU's and MRA's will be accorded the highest priority. The environmental recommendations include language about enhancing and expanding forest resources, especially in stream valley buffers and about minimizing grading and preserving areas of steep slopes and highly erodible soils. The future plans for the BRT include a retaining wall, to be constructed close to the stream valley buffer and close to the stormwater outfalls of RCW's existing box culverts. The BRT's retaining wall and the stormwater outfalls also will pose development constraints for the Rock Creek Woods Apartments. Implementing affordable housing at Rock Creek Woods might involve designing buildings that require construction near stream valley buffers and steep slopes, and yet we acknowledge that new stick buildings at Rock Creek Apartments must comply with all statutory requirements.

Finally, perhaps although outside the immediate scope of the PHED Committee's consideration of the Plan, we observe that it would be useful to consider legislation addressing future uses of automobile parking spaces for appropriate commercial or residential uses, if and when automobile parking spaces become nearly obsolete.

Thank you for your consideration.

Timothy Dugan

Attachments:

Recommended Changes to the Draft Plan Language

Rendered Plan Showing the Horizontal Constraints & Illustration of 2 New Buildings

132805.00002

**TIMOTHY DUGAN**  
ATTORNEY AT LAW

[TDugan@shulmanrogers.com](mailto:TDugan@shulmanrogers.com) | T (301) 230-5228 | F (301) 230-2891

12505 PARK POTOMAC AVENUE, 6<sup>TH</sup> FLOOR, POTOMAC, MD 20854

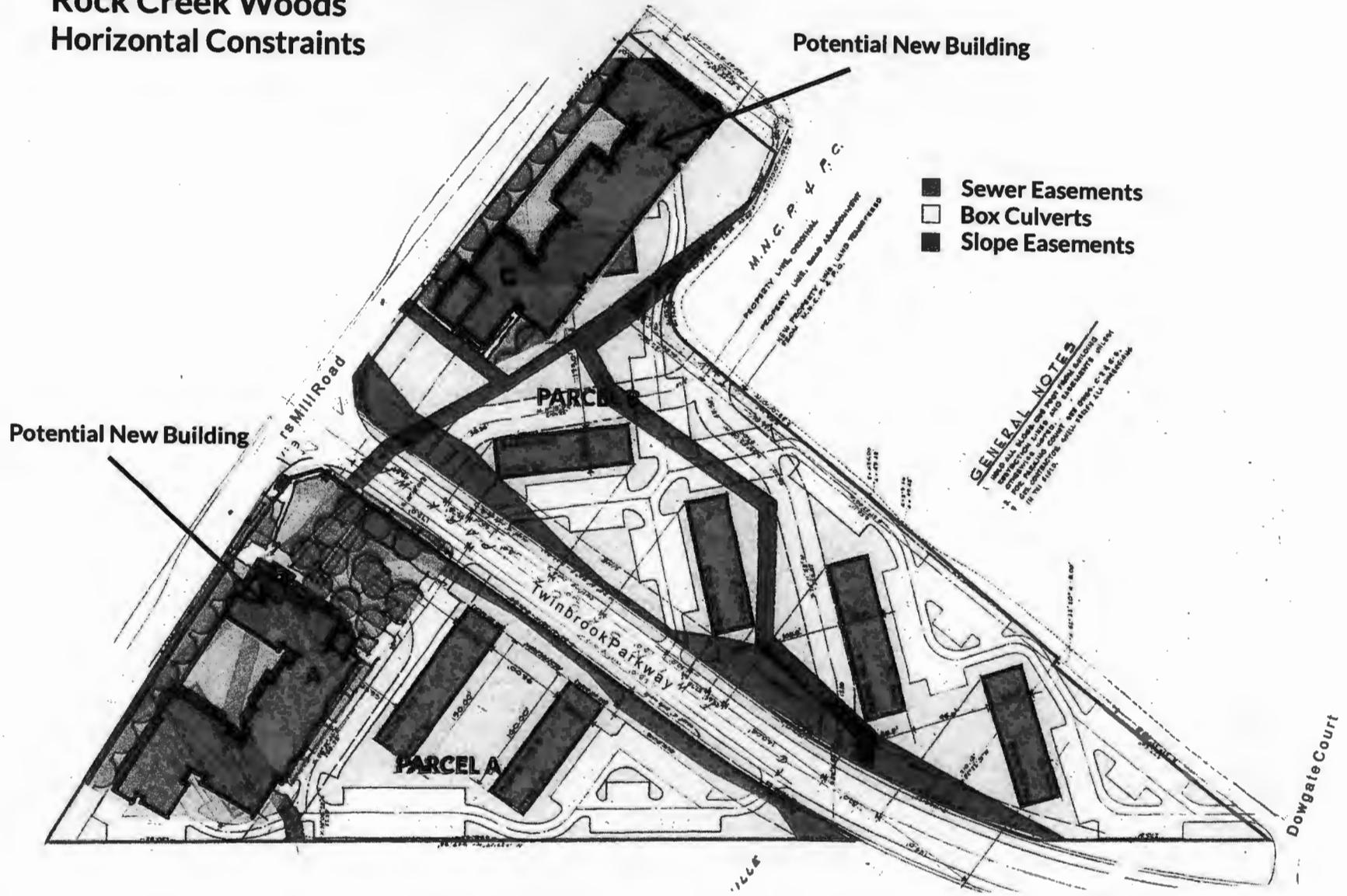
VCARD | BIO   



*A Professional Association*

The information contained in this electronic message and any attached documents is privileged, confidential, and protected from disclosure. It may be an attorney-client communication and, as such, is privileged and confidential. If you are not the intended recipient, note that any review, disclosure, copying, distribution, or use of the contents of this electronic message or any attached documents is prohibited. If you have received this communication in error, please destroy it and notify us immediately by telephone (1-301-230-5200) or by electronic mail ([LawFirm@ShulmanRogers.com](mailto:LawFirm@ShulmanRogers.com)). Thank you.

# Rock Creek Woods Horizontal Constraints



10

Rock Creek Woods  
Recommended Changes to the Draft Plan Language  
December 2018 Planning Board Draft Veirs Mill Corridor Master Plan

**Draft Plan Page 100**  
Recommendations

- Rezone the Rock Creek Woods Apartments from R-20 to:  
CRT-1.25, C-0.25, R-1.25, H-85
- Maximize residential development on the site, with a minimal amount of commercial density to fulfill the requirements of the Optional Method Development of the CRT zone.
- Any optional method project that includes new residential dwelling units should provide among the new residential dwelling units MPDU's and MRA's, defined below, as follows:
  - 15 percent Moderately Priced Dwelling Units (MPDUs); and
  - 5 percent market rate-affordable units pursuant to a rental agreement with the Department of Housing and Community Affairs (DHCA) for 20 years, where market rate-affordable is defined as affordable to households earning under 80 percent of the Washington, DC metropolitan region's area median income ("MRA").
  - Among regulatory considerations, the provision of MPDU's and MRA's will be accorded the highest priority.
- This plan also prioritizes two- and three-bedroom units for public benefit points. With any new residential redevelopment, a minimum of twenty percent of the new units are to be provided as two-bedroom units and a minimum of five percent of the new units are to be provided as three-bedroom units. The provision of such percentages for new two-bedroom and new three-bedroom units will entitle the redevelopment applicant to the maximum public benefit points of ten points for dwelling unit mix, provided the minimum percentages are provided for new efficiency units and new one-bedroom units.

**Draft Plan Page 104**

With the redevelopment of Rock Creek Woods:

- Provide open space on both sides of the Rock Creek Woods Apartments, pursuant to the CRT zone requirements, and include consideration of consolidating open space, as site constraints allow.

**Draft Plan Page 60**

2.7.2 Environmental Recommendations

- Increase tree canopy cover through the following actions:
  - Incorporate street trees along Veirs Mill Road to enhance the pedestrian environment where feasible.

c:\users\tim\desktop\recommended changes to the draft plan language = rock creek woods[42725771v6].docx