



Isiah Leggett
County Executive

Ana L. van Balen
Director

WHEATON URBAN DISTRICT ADVISORY COMMITTEE

December 15, 2011

The Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Dear Council President Berliner:

The Wheaton Urban District Advisory Committee (WUDAC) represents a diverse cross-section of Wheaton, including small business, large business, and residents. It is our collective opinion that Bill 33-11 regarding Community Benefits Agreements (CBA) is untenable in its current form, and does not adequately balance business and community interests.

Bill 33-11 will foster distrust and promote hesitation in the business community. Large and small businesses that enter Montgomery County should feel that they are entering a stable legislative environment; an environment that does not add or subtract requirements under law after a project has already reached a certain point. WUDAC advocates exemptions for projects already under development. Another issue concerns regional malls, such as Wheaton Westfield. Much of the infrastructure is already in place, and the departure of one anchor store and the arrival another should not necessarily trigger the CBA requirement. In fact, it is possible that by exempting regional malls, large retail will take advantage of occupying *already* available square footage at a regional mall, thereby preserving precious undeveloped County land for “greener” or mixed-use development.

The text of Bill 33-11 is vague and provides unclear authority to the County Executive. WUDAC requests a clear definition of good faith under the Bill and an explanation of the process to be utilized by the County Executive. If Bill 33-11 comes to fruition, we urge a clearer and more collaborative path on the part of Montgomery County to determine whether a large retail store has met its requirements under this law.

Bill 33-11 is too broad regarding the types of civic organizations eligible to negotiate with developers. While the bill by design aims to not exclude civic organizations, WUDAC asks the Council to consider some requirements that represent a cross-section of the community. The bill for example can seek for a contingency of civic organizations consisting of a homeowners association, PTA, and/or neighborhood organization. This contingency can be broad based while ensuring that the organizations represent as much of the community as possible.

As mentioned before, WUDAC is a diverse group. WUDAC urges Montgomery County to stay competitive with our neighbors by providing a stable and clear development process for business, yet at the same time including civic organizations that have the most to contribute to the discussion.

Sincerely,

Jeannette Feldner, Chair