

Park Hills Civic Association General Meeting – Summary

The Park Hills Civic Association (PHCA) held a General Meeting on **Wednesday, February 23, 2011** at the Sligo Creek Elementary School Cafeteria beginning at 7:30 pm. It is worth noting that this meeting had to be rescheduled twice due to inclement weather and power outage problems.

Attendees:

James Anderson; Christine Arnold-Lourie; Alan Bowser; Mary Clive; Leslie Downey; Sandra Fair; Anne Gavin; Paul Guinnessy; David Hartmann; Jeanette Honsa; Gary Klauber; Susan McCauley; Chris Richardson; Jim Riley; Don Slater; Stephanie Subramanian; Michael Ussury; William Vernola.

Guests:

Sgt. Mark Yaniga, Montgomery County Police Department (MCPD).
Aakash Thakkar, Vice-President of Development for EYA Developers.
Robert Harris, Attorney for EYA.
Ellen Bogue, CEO of Chesapeake Public Strategies.
Kathleen Samiy, President of Seven Oaks-Evanswood Citizens' Association (SOECA).
Anne Spielberg, Chair of SOECA's Chelsea School Redevelopment Project.
Pat Baptiste, Community Representative for the Planning Board's Zoning Advisory Panel.

Secretary's Report.

Chris Richardson, PHCA Secretary, reported that on October 13, 2010 the Association held its second Special Community Meeting devoted exclusively to MTA's proposed Purple Line station at Dale Drive. This meeting was a panel discussion composed of public officials and experts, who addressed some of the potential impacts of greatest concern to area residents - such as zoning & land use; crime & community safety - as a result of the proposed station for Wayne and Dale. The Civic Association solicited questions from the community ahead of time and disseminated them to the appropriate panel members to allow them to prepare answers prior to the meeting. Richardson compiled the answers to these questions from videotape and recently posted them on the PHCA listserv (with some questions to be answered in a future meeting with MTA and county DOT officials). Richardson also reported that the PHCA's Executive Committee met on November 15, 2010 to prepare for tonight's General Meeting.

Treasurer's Report.

Alan Bowser, PHCA Treasurer, reported a balance of \$1,079.96 in the Association's checking account.

President's Report.

Sandra Fair, PHCA President, informed residents about efforts to create a joint PHCA/SOECA Neighborhood Watch Program that will cover the neighborhoods on both sides of Wayne Avenue. Approximately 15 volunteers have already participated in two training sessions conducted by Officer Joy Patil of the MCPD. Throughout the year the Civic Association will keep residents informed via listserv announcements and meeting notices of Neighborhood Watch efforts; this will include information on how to report crime incidents and measures for improving safety at home, among other things.

New Business.

Crime & Community Safety.

Guest Speaker, Sgt. Mark Yaniga, Montgomery County Police Department.

Sgt. Mark Yaniga of the Montgomery County Police Department (MCPD) made a presentation about crime and safety in the PHCA/SOECA communities, as well as answered residents' questions from the floor. Sgt. Yaniga began his remarks with a brief crime report: since January 1st, there has been one home burglary (which might lead to closing a number of cases) and one car theft. Yaniga then advised residents as to these crime and safety tips:

- Most popular crime: theft from automobile.
- Most popular item stolen from automobiles: GPS (global positioning system) equipment.
- Most popular time for burglaries: early morning hours.
- Back door is the most common form of burglar entry – often preceded by a phony knock on the front door to determine if anyone is at home.
- Silver Spring is very fortunate to have an outstanding crime analyst on the police force – thus, **report all criminal acts, even unsuccessful ones, to help MCPD allocate resources based on actual criminal activity occurring in our community.**
- MCPD vs. Park Police: Park Police jurisdiction includes the area along Sligo Creek Park, as well as all other parks in Montgomery County (and Prince George's). MCPD, thus, has jurisdiction over all other areas in the county.

Yaniga then answered questions from Park Hills residents:

Q: Does the Park Police share information with MCPD?

A: Yes. Additionally, Park Police monitors MCPD police radio.

Q: Can you provide any additional information about the January 19th shooting and fatality at City Place Mall?

A: Unable to comment since this incident is still under investigation.

Q: There have been longstanding issues with noisy, troublesome and likely illegal behavior in the parking lot behind Sligo Creek Elementary School – will MCPD patrol this area, particularly at night?

A: Yes – we will begin to do so now.

Q: Downtown Silver Spring (DTSS) at closing time has the potential for crime and drinking-related activity – what patrol efforts have been deployed to pre-empt trouble in this area?

A: Crime in DTSS depends on circumstances and can be a hit-or-miss affair at times – not entirely predictable. Officers are deployed in DTSS when circumstances warrant, with police pulled in from surrounding jurisdictions if need be.

Q: What is your take on the quantity of crime in DTSS?

A: All in all, pretty good. Some crime categories have actually improved, e.g., burglaries are down.

Q: Why do burglars keep returning to this area?

A: Hard to say – not always the same individuals. SERIAL NUMBERS are the key for returning stolen property, so all residents are strongly advised to keep a serial number inventory of all valuables in a safe location.

Chelsea School Sale and Redevelopment.

Guest Speaker, Aakash Thakkar, EYA Developers.

Background: The Chelsea School property on Pershing Drive is being sold to developer EYA, who is seeking from the county a Local Map Amendment to change the existing zoning from R-60, which allows for approximately 25 single family homes to be built on the site, to RT-15, highest density townhouse zoning, to allow for 76 townhouses to be built on the site. There is concern among some of the neighborhood's residents about various quality-of-life impacts should the requested zoning change be granted by the county. 10 of the 76 units will be Moderately Priced Dwelling Units for those that cannot afford the County's high home prices. EYA asserts that the quality of life with the new EYA community would be superior to that of the current school or a new school on the site.

Aakash Thakkar, Vice-President of Development, describes EYA as a developer who specializes in "Smart Growth" projects long before the term became in vogue. EYA is a 20-year-old company that has built over 3,000 homes in the DC metro area *inside the beltway*, Thakkar emphasizes - not in the "suburbs" and not single-family detached nor multi-family, high-density structures. "Life within walking distance" is the motto for EYA, a company who has earned a reputation for good, reasonable development that is supported by communities and that bridges the gap between lower and higher density.

Thakkar stresses that the Chelsea School redevelopment plan would provide first-rate housing on a contiguous 5-acre parcel adjacent to the newly-developed downtown Silver Spring area. The site is currently zoned R-60 with an exemption for the school, which currently houses approximately 85 students. EYA's single-family townhouse proposal, Thakkar asserts, is the best fit within the residential neighborhood. Thakkar reassures there will be painstaking intent to craft a design that fits – as with all of EYA's other projects – the community. For the Chelsea School itself, the best option economically is not detached single-family structures but rather an "EYA-type" moderate townhouse development. Because of the economics, the Chelsea School cannot sell the school for single-family development. If the EYA proposal did not move forward, the Chelsea School would sell to another school, which could have 400+ students per its current "Special Exception". The neighborhood impact of a larger school (a smaller school would not be able to afford nor be able to fully utilize the property) would be far greater than the EYA proposal. It is worth noting that Chelsea School did receive a solicitation by a Catholic school with a 300+ student population that, had it been built, likely would have created a larger footprint and more traffic than the EYA proposal.

EYA acknowledges the debate within the community as to whether this parcel should be viewed as "residential" versus "transitional." Thakkar proposes that the Chelsea School site is transitional when you consider the adjacent properties: Springvale Terrace Retirement Center; the small businesses along Cedar, the large multi-family residential tower on Cedar and Ellsworth; the Silver Spring public library; and the (soon-to-be-built) 222-unit Ellsworth Apartment complex on Cedar behind the Civic Center. EYA also acknowledges community concerns about traffic related to this townhouse proposal.

According to EYA, traffic generated by the EYA townhouse development would actually be less than not only what is produced by the existing Chelsea School but also for other school settings where the student population would be as high as 423 students - the maximum allowable for a religious/parochial school (see chart below):

		AM Peak Hour	School PM Peak Hour	PM Peak Hour	Total AM/PM Peak Hour
Existing Chelsea School	88 students	67	117	15	82
Chelsea School Special Exception Maximum (non-sectarian school)	200 students	156	166	34	190
Maximum Allowable for a Religious / Parochial School	423 students	330	261	72	402
EYA Proposal	76 townhouses	36	N/A	63	99

[Note: Local area transportation rates used for school AM peak hour and townhomes; Institute for Transportation Engineers, 8th Edition used for school PM peak and PM adjacent street peak hour]

The EYA proposal has received a Smart Growth Recognition Award from the Washington Smart Growth Alliance because of its environmental sustainability and proximity to retail amenities, job centers, and public transportation. The Chelsea School receives a score of 92 (a “walker’s paradise”) from the website www.walkscore.com, a national website which tracks the “walkability” of any geographic location in the County. The reality is that the County is growing and new housing and tax base is needed in the County, the question is where should it go? All indicators point to development in areas that have existing infrastructure, retail amenities, places of employment, and good quality of life. The Chelsea School site is such a place. Because single-family home is not an option and because EYA type townhomes have been shown to blend with single-family detached homes and the other uses around the site, EYA hopes to work with the neighborhood to put forth a first rate new community that all can be proud of. More information is available at the following website: www.eyachelseacourt.com

Chelsea School Sale and Redevelopment.

Guest Speaker, Anne Spielberg, SOECA Chelsea School Project Task Force.

Spielberg is a long-time resident of the Seven Oaks Evanswood neighborhood, which borders Park Hills, and lives on Greenbrier Drive, not far from Wayne Avenue. The Chelsea School property, which will be the site of EYA’s proposed development, sits in the midst of the Seven Oaks-Evanswood community. Since April 2010, SOECA has spent a significant amount of time and energy considering and investigating EYA’s proposal to rezone the property from its current zoning, R-60, single family residential, to RT-15, the highest density townhouse zoning. The process included: 6 hours of EYA presentations to our residents, a formal task force of 10 persons, discussions with zoning experts and Planning Department staff, review of other like-kind zoning densities, preparation of task force reports, polling of the affected neighbors, presentations, and a publicized vote on Sept 30 of the SOECA membership. SOECA and its Chelsea School Task Force have diligently investigated and assessed the impact of the proposed zoning change and a proposed three-fold increase in density for the site. Based on that review, our community, at a widely attended meeting in September, voted overwhelmingly to preserve our existing zoning and oppose EYA’s application to rezone this property.

Why SOECA Opposes Rezoning:

The Seven Oaks-Evanswood Citizens’ Association voted to preserve the existing zoning because of the important land use issues at stake; we believe these apply not only for the Seven Oaks-Evanswood

community but also for other neighborhoods, such as Park Hills, that border urban centers. SOECA raises the following concerns related to the EYA proposal:

- concern about the increased density that is being pushed beyond the boundaries of the Silver Spring Central Business District and into our community;
- concern about the implications of the rezoning for the vitality and integrity of the established residential neighborhoods that surround the Central Business District;
- concern about upholding the planning reflected in our master plan; and
- concern about the precedent allowing such a zoning change will create within SOECA and within other neighborhoods.

Expanding on Concerns:

- EYA's plans involve building 76 townhouses on the Chelsea School site. This amounts to three times the approximately 25 single family homes that the existing zoning would allow. Such an increase in density would result in three times more traffic, trash, waste water, noise, and congestion than if the site remained zoned for single family homes. This means approximately 150 additional cars (all have 2 car garages), emptying onto our residential streets where there are many children who play and many elderly residents who walk. This density would have a huge impact on neighborhood traffic, as large numbers of cars traverse the neighborhood trying to get out towards the beltway or downtown Silver Spring and then back into the development. While this area would have additional cars and other impacts if the site were developed with the number of single family homes now allowed, the scale is completely different; the surrounding neighborhood would still absorb growth, but not in a way that overwhelms nearby residents. SOECA understands that the site will change, but that change can occur within the existing zoning. The existing R-60 zoning for the Chelsea School site allows a reasonable and viable level of development for the property in a manner that is consistent with, but does not overwhelm, the surrounding neighborhood. EYA's proposal amounts to packing the site with development that is too tight and too dense.

- EYA's proposed development violates the Master Plan for this neighborhood (the North and West Silver Spring Master Plan). That plan, developed by urban planning and community development experts in 2000 in conjunction with the planning well under way for the new Downtown Silver Spring, recommends townhouse development *only* along Georgia Avenue, specifically rejects townhouse encroachment on interior neighborhood sites, and explicitly reconfirms the *existing* zoning for this neighborhood. Here the proposed townhouse development would be on interior neighborhood streets and not on any street that remotely could be considered anywhere near in size to Georgia Avenue. It also would be placed in the middle of existing single family structures. Rezoning for townhouses on the Chelsea School property flies in the face of the principles reflected in the master plan – to protect interior neighborhoods from increased development. It in no way provides a transition from “dense, mixed use surroundings,” as EYA claims. Instead, the development would insert high-density development in the midst of a neighborhood that is outside of the Silver Spring Central Business District.

- SOECA recognizes that the Central Business District was purposely planned to absorb additional growth. Indeed, a number of new high density developments in Downtown Silver Spring have already increased the available housing, and a number of additional ones are in the works over the next few years, including a 222-unit condominium complex now going up on Cedar Street between Pershing and Ellsworth and the proposed building on Fenton Street at Wayne Avenue, which will include well over 100 apartments. However, just as the CBD was planned to absorb this level of growth, the Seven Oaks-Evanswood neighborhood was purposely planned to absorb growth consistent with its existing character, rather than the high density development contemplated by EYA's proposal. Smart growth requires

respecting Master Plans, which set forth the long-term planning objectives for this community, and rejecting proposed development that violates those objectives. EYA is trying to overturn the balance struck in the North and West Silver Spring Master Plans between allowing higher density in downtown Silver Spring and preserving the bordering communities and the livable qualities of the Seven Oaks-Evanswood neighborhood – including the stability, cohesiveness, density and scale.

- If EYA's proposed change in zoning is approved, the first to cross the line into our neighborhood from the Silver Spring CBD, it creates a dangerous precedent that can be used to justify further zoning changes in our neighborhood and in other neighborhoods that border more urban areas. For decades, Cedar Street has been the boundary between our neighborhood and the Silver Spring Central Business District. Residents have just been promised by the Council that only about 5 blocks away from the Chelsea School site, where a Dale and Wayne Avenue Purple Line station may be built, there is no intent or plan to change our existing zoning. If those kinds of representations and these master plans have any meaning, then there should be no change in the zoning here.

- EYA's proposal does not create any more open and green space than is required for townhouse developments by the zoning ordinance and there is no real "publicly accessible park," as it claims. A comparable amount of open and green space would exist if the current R-60 zoning is maintained. In addition, if you look carefully at the site plan EYA has distributed, most of the so called parkland is really no more than the front lawns of the townhouses and the yard of the historic property on the site. And on its plans submitted as part of its application for a zoning change, EYA states the open and recreational space is just over one and half acres, not the nearly two acres it has claimed in communications to residents.

- This community – specifically, the nearby neighbors who would be most directly affected by EYA's proposed zoning change and our community association – has overwhelmingly expressed strong opposition to changing the zoning. Opposition to the development is the official position of the Citizens' Association, and EYA has been informed about that since July 2010.

Introduction to the Montgomery County Zoning Code Rewrite Process.

Guest Speaker, Pat Baptiste, Community Representative for the Montgomery County Planning Board's Zoning Advisory Panel.

Background: Pat Baptiste is a former member of the Montgomery County Planning Board (1991-1998) and currently serves on the Planning Board's Zoning Advisory Panel. Baptiste is also a member of The Chevy Chase Village Municipal Board, a ten-year member of the Board of the Capital Crescent Trail, and former member of the Walter Reed BRAC (Base Realignment & Closure) Task Force, as well as a member of the Planning Board's advisory group for the Purple Line Functional Master Plan. Baptiste has also served for 10 years on the Board of the National Park Seminary in Forest Glen. A native of Montgomery County, Baptiste spent her teenage years hanging out in 1950's Silver Spring. In a past life Baptiste was also an attorney with the U.S. Department of Justice.

Montgomery County's zoning code - it is universally acknowledged - is long overdue for an update, as well as revision, streamlining, and conversion to digital with hyperlinked text. The need for this task is not in dispute, as the current code is unwieldy, difficult to manipulate, hard to read, and inordinately complicated. An outsourced firm from Austin, Texas, is leading the zoning code rewrite process. Assisting with assistance from the Zoning Advisory Panel – a group formed by the Planning Board in March 2009 and comprised of community representatives, architects, developers, and other land use

specialists. Citizen participation in the Zoning Code Rewrite is through the Zoning Advisory Panel (ZAP), a 22-member body that serves to review, recommend, and provide feedback on new ideas and propose direction for the Montgomery County Zoning Code Rewrite process. ZAP meets monthly to discuss emerging ideas that span all aspects of the revision project.

Unfortunately, a “funny” – actually an alarming – thing happened in the course of the Zoning Code Rewrite process: an intent to radically alter all the zones to the point of making them unrecognizable. For instance, new residential zones were drafted to allow “tandem” housing (two houses on a single parcel), duplex housing, townhouses, apartments, courtyard and cluster housing, even corner stores, in the middle of existing single-family neighborhoods located ½ to ¼ mile from existing and planned public transportation facilities, including County bus lines. Because of citizen outcry, the Planning Board dropped these controversial housing patterns and will study them separately. The Planning Board staff has also drafted three new “mixed-use” zones that would allow both residential and commercial uses on the same parcel:

- a high-density “CR” zone;
- a medium-density CR Town, or “CRT,” zone;
- and a lower-density CR Neighborhood, or “CRN” zone.

The three new “CR” zones are intended initially for areas to be covered by new master plans – Kensington, Wheaton Central Business District, and Takoma-Langley. Furthermore, these new CR zones were enacted in 2010 and used in the White Flint Sector Plan. The County Council is now in the process of amending them. However, the bigger concern is that these new CR zones could be applied to any area of the County that the planners believe should be “upzoned” to higher densities and heights. Much of the new development under the CR zones will be approved “by right” under a “standard method of development,” pursuant to which the developers will not have to provide communities with any advance notice of their development proposals or with any public benefits and amenities to justify the higher densities and increased building heights permitted by the new zones.

The new zones, as drafted, raise serious questions as to whether master plans will play the same critical role in the County’s planning process as they have historically, and whether citizens will be able to participate meaningfully in the development process. It is also unclear just how the new zones will be implemented; whether developers will have to justify higher densities by providing sufficient public benefits; and whether the Council will have to find that the development under the new zones are compatible with nearby communities.

Residents can participate in the Zoning Code Rewrite by taking the following actions:

- Attend the Zoning Advisory Panel meetings, usually the third Wednesday of each month, at the County’s Planning Board auditorium (8787 Georgia Avenue) beginning at 7:00 pm. You can find the ZAP meeting schedule, as well as links to videos of past meetings, at the following web link: <http://www.montgomeryplanning.org/development/zoning/meetings.shtm>
- Check the District 1 Community Caucus website for regular updates on what is happening – click on the tab for “Zoning Code Rewrite” to access various Planning Board documents, as well as reactions from various citizens and civic associations: <http://www.d1cc.org>
- Consult the Planning Board’s “Zoning Montgomery” website for more information about how you can get involved: <http://www.montgomeryplanning.org/development/zoning/interact.shtm>
- Attend meetings of the Planning Board (www.montgomeryplanningboard.org), as well as the County Council (www.montgomerycountymd.gov/council).
- Send your comments to the Planning Board Chair, Françoise Carrier: MCP-Chair@mncppc-mc.org.

Also, express your views to the County Council President, Valerie Ervin:
Councilmember.Ervin@montgomerycountymd.gov. The Chair and the President will automatically distribute your emails to the other Planning Board and Council members.

Adjournment. The meeting was adjourned at 9:40 pm.

Respectively submitted.
Chris Richardson, PHCA Secretary.