

Park Hills Civic Association General Meeting – Summary

The Park Hills Civic Association (PHCA) held a General Meeting on **Wednesday, October 26, 2011** at the Silver Spring International Middle School Cafeteria beginning at 7:30 pm.

Attendees:

Deanna Anderson; Jim Anderson; Adele Biancarelli; Alan Bowser; Mary Clive; David Ehrenstein; Sandra Fair; Don Grove; Paul Guinnessy; Michele Habicht; Steven Habicht; Christine Keck; Gary Klauber; Chris Richardson; Bruce Segal; Don Slater; George Stephens; Stephanie Subramanian; Karen Warburton (for Ruth Marchwicki).

Guests:

I.J. Hudson – Public Affairs Coordinator – Washington Suburban Sanitary Commission;
Michael J. Sullivan – Senior Vice-President of Operations – Pepco;
Tami Watkins – Public Affairs Manager – Pepco;
Marc Elrich – At-Large Member – Montgomery County Council.

Secretary’s Report.

Chris Richardson reported that on May 25, 2011 the Park Hills Civic Association held a General Meeting at the Silver Spring International Middle School in a classroom opposite the Library/Media Center:

- Rollin Stanley, Director of the Montgomery County Planning Board made a presentation about the County’s planning process that touched on the following topics –
 - Overview of the Planning Board structure and how decisions are made;
 - Overview of the zoning code rewrite process = how it evolved & current status;
 - CR zones = what they are, what is changed;
 - Smart & transit-oriented growth = especially for downtown SS area and Wayne Ave;
 - Future of community involvement in planning for county (i.e., future of master plans);
 - Financial pressures on the County and how it affects development.

The Civic Association’s Executive Committee previously met on August 14, 2011 to discuss preparations for the Park Hills Annual Barbecue. This year’s barbecue took place on Sunday, September 4th at the Dale Drive Neighborhood Park.

On September 25, 2011 Richardson also helped organize – in conjunction with the Friends of Sligo Creek’s “Sweep the Creek” event – clean up efforts for the stretch of Sligo Creek Parkway that has been “adopted” by the Park Hills Civic Association.

Finally, Richardson is happy to report that the County’s Department of Parks has completed the installation of the long-awaited playground equipment at Nolte Park.

Treasurer’s Report.

Alan Bowser, PHCA Treasurer, reported a balance of \$585 (after this summer’s BBQ expenses were deducted) in the Association’s checking account.

New Silver Spring Public Library Update.

Construction on the new Silver Spring Public Library is expected to begin July 2012 with the anticipated completion date Fall 2014.

Update on the Montgomery County Zoning Code Rewrite Process.

The County is currently in the process of rewriting its Zoning Ordinance, or Zoning Code, which can generally be described as a set of local rules regulating the use and development of property. Zoning ordinances typically divide a community into land use districts or "zones" and specify the allowable uses within each of those zones.

It has been 33 years since our County's Zoning Code was last comprehensively rewritten in 1977. It has been pointed out frequently that this 1152-page code is unwieldy and difficult to use. The number of zones has nearly tripled from 41 in 1977 to the current 120. There are over 400 footnotes and over 400 land uses enumerated. The time has come to update and modernize terms and simplify the organization of this document, as well as to clarify provisions that have been unclear. It is also the opportunity to incorporate a commitment to sustainability, address infill and redevelopment, and add more user-friendly features, like graphics, tables, hyperlinks and images.

Planners from the Montgomery County Planning Department are working in coordination with other County agencies and a team of nationally-recognized consultants to improve the zoning ordinance. The Rewrite began in 2008 and is projected to be complete by the end of 2012.

Some residents and political observers are concerned about policy shifts that are now taking place - how development zoning procedures will be followed and in how, and where, development will grow and increase. The County, which has long relied on Master Plans that show planned zoning almost block by block, is now shifting away from them. The new plans are shorter and, some say, harder to read. Zones are becoming more important than Master Plans. The new procedures lean toward allowing zoning changes "as of right," i.e., without public input, without Planning Board review, even for some intense uses. There is also a shift away from protection of single-family neighborhoods. One of the first proposals was to allow "tandem" housing (putting another house in the back yard), townhouses, "courtyard" housing (four houses on two lots, with a courtyard between), and corner stores in R-60/R-90 zones "near" transit; that proposal met a lot of resistance and was pulled for reconsideration, though not quashed.

The first two sections of the rewrite have been drafted, presented to the County's Zoning Advisory Panel (a citizens' panel appointed by the Planning Board), and are available for public viewing and comment. 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 are being used in the White Flint Sector Plan.

Among more recent events: Council Staff, after eight work sessions and on the eve of what is supposed to be the final work session, has proposed gutting the requirement (Sec. 59-C-15.13) that CR Zones can only be used if they have been recommended in an approved and adopted master or sector plan. Rather than the deliberative process of the master plans where communities have notice and a role in shaping their community, Staff proposes that all commercial and mixed-use properties in the entire county be rezoned to the CR zones through a single legislative action, called a district map amendment.

Throughout the eight work sessions the Planning Housing & Economic Development Committee consistently reassured nervous citizens of their support for the master plan process. To this end the

PHED Committee unanimously supported Sec. 59-C-15.13, the requirement that the CR zones must be recommended in an approved master or sector plan before they can be used.

More information at the Planning Board's "Zoning Montgomery" website:

<http://www.montgomeryplanning.org/development/zoning/index.shtm>

Purple Line Update.

The Maryland Transit Administration received approval from the Federal Transportation Administration for the Purple Line light-rail project to enter its preliminary engineering phase. Also, MTA held a meeting on September 26, 2011 at the Silver Spring Civic Center about the proposed Manchester Place Station. At this meeting the MTA presented an overview of the current plans for the Manchester Place Station, explained what light rail stations are like and led detailed discussions about station issues such as community access. You can find more information about this meeting at the following web link:

<http://www.purplelinemd.com/public-involvement/work-sessions/82-manchester-place>

Chelsea School Development Update (thanks to SOECA newsletter).

Developer EYA's application to rezone the Chelsea School site from R-60, single-family zoning, to RT-15, the highest density townhouse zoning, has now been before the Montgomery County Planning Board and the Office of Hearing Examiner, with the Planning Board having voted 4-1 to recommend approval of the zoning change. The majority's decision rested on the proximity of the Chelsea property to the Silver Spring Central Business District ("CBD") and its location in a "transitional block." A live video of the Planning Board hearing (May 19, 2011) can be accessed at

http://mncppc.granicus.com/ViewPublisher.php?view_id=2

Five days of hearings were then held before the Hearing Examiner. Testimony was heard from EYA's witnesses, and opposition testimony was heard from Seven Oaks-Evanswood Citizens' Association (SOECA) witnesses and many residents. In response to EYA's arguments that its rezoning application is consistent with our North & West Silver Spring Master Plan and the purposes of the zoning ordinance and is compatible with the surrounding properties, opposition testimony emphasized that the proposed zoning change violates the specific language and intent of our Master Plan and ignores planning policies and documents that provide that this type of dense development should be placed within the boundaries of the CBD, not in single-family residential neighborhoods bordering the CBD. SOECA's urban planning and land use expert presented a possible alternative plan that, without changing the existing zoning, would result in a compatible development at less than half the density proposed (a total of 30 units comprised of single-family attached homes along Springvale Road and duplex homes on the interior of the site). Montgomery Preservation and SOECA's expert testified that the proposed development will severely intrude on the historic Riggs Thompson house - a rare Montgomery County pre-Civil War structure - and the proposed private internal townhouse road will cut through the historic environmental setting, threatening the long-term viability of the resource. SOECA's traffic expert showed that the density of the development precludes an adequate means of limiting traffic access to the neighborhood and subjects surrounding residential streets to at least double the traffic that would result from an R-60 development.

Transcripts of testimony before the Hearing Examiner:

<http://www.montgomerycountymd.gov/cs/templ.asp?url=/content/council/zah/ZoningTranscripts.asp>

The Hearing Examiner issued her decision in mid-September. In her 128-page recommendation to the District Council, she found that the density and massing are not compatible with the neighborhood and that the matter should be remanded (sent back) to her for consideration of a more compatible plan. The Hearing Examiner had to consider four elements: (1) compatibility with the North and East Silver Spring Master Plan; (2) appropriateness for the zone; (3) need for a transition from higher density nearby; and (4) compatibility with the neighborhood. The SOECA position prevailed on all but the appropriateness issue. The Hearing Examiner found that not only the proposal was incompatible because of its density and massing but also due to the size of the “environmental setting” of the historic Riggs-Thompson house on the property: should it be 0.85 acres (the EYA position) as provided by the Special Exception granted to the Chelsea School, or should it revert to 1.4 acres (the SOECA position) because the School did not satisfy the conditions of the Special Exception and is now leaving? The Hearing Examiner accepted the SOECA position but said that the question should be reconsidered and the Council’s intentions clarified. Finally, the Examiner felt that the street layout in the proposed development was sufficiently important that it could not be left to the site development stage, and that the effects on the neighborhood — cut-through traffic that might use the new development’s streets, and increased traffic, generally — should be evaluated. It is worth noting that EYA and the Chelsea School Board could have chosen to build about 30-35 townhouses on the land within the current zoning, since R-60 Single-Family Home Zone allows “cluster housing” with extra density bonus for moderately-priced dwelling units; this allows the ability to develop townhouses at 5-6 townhouses per acre.

The County Council - sitting as the quasi-judicial District Council - then met on October 18th and considered the Hearing Examiner’s recommendation. After hearing oral arguments, the Council decided to accept the Hearing Examiner’s recommendation to remand [voting to remand: Elrich, Ervin, Andrews, Leventhal, and Berliner; voting to approve the LMA RT-15 Zone: Floreen, Riemer, Rice, Navarro] and added that some form of townhouse zoning is appropriate, which means that the zoning would not end up as R-60, the current single-family zoning. Townhouse zones are RT-6, RT-8, RT-10, RT-12.5, and RT-15, where the number indicates the number of units per acre.

Dale & Colesville Road Improvement Project.

The county is preparing to begin construction on a road improvement project that is designed to improve traffic flow on Dale Drive at the intersection with Colesville Road (US 29), lying within the Thirteenth Election District. Plans showing the proposed work along with other project related data are available for examination in the offices of the Department of Transportation (Executive Office Building, 101 Monroe Street [9th floor] in Rockville; phone number is 240-777-7194). Total estimated cost of the project, including engineering, land acquisition, site improvements and construction is \$3,495,000.00. (CIP Project No. 508716).

Washington Suburban Sanitary Commission: Current Services & Future Challenges.

I.J. Hudson, Public Affairs Coordinator for the Washington Suburban Sanitary Commission, presented a slide show overview of the water authority’s services to our community.

WSSC’s Mission:

1. to provide safe, reliable water
2. to return clean water to the environment.

Your Water:

- Did you know, in most cities, a month’s supply of water costs less than premium cable or a generous cell phone plan?

Water Source:

In the bi-county area - Montgomery and Prince George's - the two primary water sources are:

- Potomac River (70%)
- Patuxent River (30%)

The Story of Bottled Water:

- Tap water = regulated by the EPA;
- Bottled water = regulated by the FDA – in effect, much less regulated.
- Infamous moment in advertising history:

Fiji Pulls Cleveland Ad Campaign

7/28/2006

CLEVELAND — Fiji Water has dropped its ad campaign that poked fun at Cleveland after tests by the city's water department revealed the bottled water had high levels of arsenic, according to a July 28 report on UPN 21.

Fiji Water boasted that "The label says Fiji because it's not bottled in Cleveland," the station reported. The company's water is bottled in Fiji at a state-of-the-art plant and contains higher levels of arsenic and other contaminants than Cleveland-based Lake Erie, the report said.

Fiji Water has e-mailed an apology to Cleveland officials, saying the ad was supposed to be funny but clearly didn't meet that goal, UPN 21 reported.

WSSC Infrastructure:

- WSSC is big (#8) and old (1912)
- 5500 miles of water pipe
- 5400 miles of waster pipe

Old & Older - Aging Infrastructure:

- 26% of pipe = 50 years or older
- 45% of pipe = 25-50 years old
- 29% of pipe = under 25 years old

Constant Need to Upgrade:

- 41 miles of pipe replacement per year
- Trend – more breaks, more frequently, hard to keep up (plus, older pipes are more brittle)

Costly to Fix – Dollars & Sense:

- \$300 billion to fix USA water/sewer pipes (1,000,000 miles)
- \$2.5 billion – 10 years
- \$1.4 million per mile

Anticipated Completion Date for Local Construction:

- December 2013 to finish current project in Park Hills area.

What We're Doing in Park Hills:

- Help current infrastructure last as long as possible.

Bi-County Water Tunnel

- 5.3 miles in length – 10 feet in diameter
- Completion Date: 2013
- \$168 million

Energy & Innovation

- Solar Photo Voltaic
- Biofuel-based Generator
- Wind Farm in SW Pennsylvania

CAN THE GREASE!

- + 40% of sewer overflows are due to cooking grease – so, CAN the grease, please!

Helping Out Others in Need:

- WSSC Roundup Water Fund

How to Reach Us @ WSSC:

- 301-206-4001 Customer Service
- 301-206-4002 Report Emergencies

PEPCO: Rebuilding for the Future

Michael J. Sullivan, Vice-President of Operations for Pepco, presented a slide show overview of the power company's electrical services to our community.

Pepco: We Have Reputation to Rebuild

One-year Reliability Progress Report for Montgomery County:

- Customers expect reliable service – Pepco is committing to meet expectations
- Working hard to improve reliability

Making improvements to restoration process:

- Accelerating tree trimming service
- Upgrading priority feeders
- Replacing aging infrastructure
- Installing advanced technologies
- Meeting increased customer demand for energy
- Selectively undergrounding overhead lines
 - \$3.5-11 million per mile to underground
 - 14,000 miles of overhead lines

Pepco is the most dense network in USA next to ConEd

In MoCo in 2011, Pepco has:

- Trimmed 1,525 miles of trees
- Upgraded 29 feeders

Trees are single largest cause of outages in major weather events: Trees, trees, tree

- Black locust & white pine are notoriously weaker species.

2011 tree trimming budget – increased from \$4.3 – \$7.3 million

- 240 additional crews, some from as far away as Missouri
- Focus areas for 2011 include Silver Spring

Park Hills: work on Mansfield has begun, should be done by end of 2011.

- 5,000 ft. primary cable replaced
- 4,000 ft. secondary cable replaced

Installing advanced control systems and smart meters

- Read meters
- Power quality assessment (voltage)

3 key areas of improvement:

- storm response
- customer communications
- reliability focus

3 asks from Pepco:

1. Be receptive to Pepco arborists
2. Take care of trees – pruning is key
3. Take care of service drops (single truck roll)

Q & A with Marc Elrich: Open Forum.

Marc Elrich, At-Large Member of the Montgomery County Council, led an informal discussion with residents about issues facing the community, county, and metropolitan region.

Year 4 of the continuing economic meltdown:

- 3 years of gradually contracted budget
- Eliminating union contracts & benefits
- Reducing services in faced of increased demand for housing and medical services, et al.
- Refusal to consider “revenue” (i.e., taxes)
- 5-10% departmental cuts
- County is way under-policed (forget earlier demand for 300 new officers)

Last spring 2011 = low point: County Executive Leggett said \$33 million cut in midyear.

- 2011 supplement to sunset energy tax
- \$140 million revenue hole

MoCo especially hard hit – 1% of population provides \$33 capital gains tax

- Bracing for what comes next:
- Libraries
- Police
- Youth programming

No blank check for government per se but rather specific program with specific costs

Retail model not optimal economic development engine

- Low-paying retail jobs (e.g., Walmart) – middle class subsidizes low-wage labor.
- 4-6 million Class A office space vacancies currently exist in the county.
- Bio-tech is a low-growth industry
- Loans to small businesses have dried up

Lower development fees do not fill office vacancies

Civic groups + Environmental groups + Business groups = all support BRT (Bus Rapid Transit)

- Critical Lane Volume = 1650 > 2100 in CBD (central business district)
- State of Maryland is amenable to purchasing median strips =
 - single-track system, AM vs. PM
 - cuts right-of-ways in half
- 110 mile initial BRT proposal has since been increased to 170 miles – to do what Metro cannot do
- 2 segments – 40,000 riders per day
- BRT largely funded by developer tax
- BRT would serve Science Triangle:
 - JHU (north – rt. 29)
 - NIH (west – Bethesda)
 - FDC (east – White Oak)

Random Issues & Info:

- Fillmore/Live Nation = \$7500 monthly rent vs. \$6000 rental fee to others (despite large public subsidy)
- Library tax probably has great probability of passing vs. millionaire's tax.
- Civic Center – like recreation centers in the county system – has no staffing plan.
- One-mile “developer bonus” does NOT equal Transit-Oriented Development
 - California ½ mile rule, like the Maryland Smart Growth ½ mile rule, makes sense.

Adjournment.

The meeting was adjourned at 10:05 pm.

Respectively submitted.

Chris Richardson, PHCA Secretary.