

SUMMARY OF PUBLIC HEARING TESTIMONY Adequate Public Facilities Standards September 30, 2013	
Speaker	Testimony
Peter Mork	See submitted testimony. Notes that the Board of Appeals needs particular direction on findings necessary to grant waivers.
Nadia Azumi	Opposes the waivers. See submitted comments.
Pat Harris – Federal Realty Investment Trust	Requests a modification to the Hall-Moore proposal to exempt small multi-family projects that don't generate more than two new students at any school level. See submitted comments.
Drew Powell	Modifications were based on the wrong version of the APFS. Needs to be re-done. See submitted comments.
Jon Cox – Avalon Bay	Today, the APFO is a perpetual moratorium on new development. It needs to help more development in a controlled way and allow most growth near Metro stations.
Chas Hausheer	Cites traffic current traffic congestion and school overcrowding, especially at Maryvale E.S. This proposal by-passes the BOA, the Planning Commission and the Mayor and Council. Would be receptive to modifying the proposed 2,000 foot radius.
Scott Wallace – EYA	Requests consideration for the proposed revisions to the school capacity issues. See their letter with the proposed revisions.
James Farrelly	Objects to the proposed revisions. Asks why exempt schools from the APFS. Need to define exactly where the Metro entrances are. The waivers would substantially overload Twinbrook E.S.
Anne Goodman	The waivers are not tied to school capacity, and there are no criteria for granting waivers
Linda Moulten – King Farm	The city needs patience to let the problems be solved. Don't do this now.
Kevin Zaletsky	The current APFS is an absolute control – keep it that way. Don't make decisions optional.
Melanie Zeltsky	Don't change the standards. The schools can't take any more. No more traffic, even near Metro and along the Pike. It is not fair and not acceptable to the residents.
Jack Gellin	Opposes the waivers. Rockville is not, London, Paris, or Rome. Around Rockville, people must drive. There is no convenient shopping. Building new schools is OK.
Tom Gibney	Asks why the APFS study committee report not included here. Says that the school system student generation projections are not accurate. Is concerned about health of students attending Julius West M.S. while construction is going on.
Robin Corridon	Opposes the revisions.
Peter Witzler	Opposes the revisions. Concerned about school capacity issues.
Erica Leatham	The revisions are generally technical in nature and will aid in administering the APFO
Patricia Casillas	
Ray Whalen	Development needs synergy and balance. Please take note of the Economic Summit 2012 report. The city needs to increase the tax base and bring the APFO into closer alignment with the County's system.

Jesse Stahr	Opposes the revisions. No waivers.	
Andrea Jolly – C of C	The Chamber is OK with the proposed revisions. They will allow the kind of growth the city needs.	
Sam Stiebel (Erica Leatham speaking)	They are looking at new residential development in the town center. The office market is essentially dead. Support the safety valve. OK to development findings for eligibility for waivers. The city needs to meet its economic goals.	
Chetan Sabnis	Opposes the proposal. Don't rush any legislation.	
Marion Hall	The APFO may have some issues. It needs to go back to the drawing board for further work.	
Dalton Potter	Notes that the city has almost no control over the schools.	
William Morgan	Opposes the waivers. The schools and traffic are already overcrowded. See written testimony.	
Mr. Whitfield	Has had an issue with property acquisition by the city. Opposes the revisions.	
Edward Matos – Twinbrook	The waivers attack the rule itself. Put these types of changes on the ballot.	
James Vitol	The APFO has been a success. It is doing what it is supposed to do. The proposed waivers have vague provisions and they eliminate the public due process.	
Christina Ginsberg – Twinbrook C.A.	TCA does not support the proposed revisions.	
Judy Miller	The Metro trains are already over-capacity. Being near a Metro station is not a magic solution to our problems.	
Alice Vonsant	Opposes the changes. They weaken the original intent of the APFO.	
Brigitta Mullican	Schools and traffic have been issues since the 1990's. The schools are a county problem. The city should be more compatible with the county standards. We need more balance in the system.	
Susan Prince – WECA	See submitted testimony. They oppose the waivers in the town center. The 2,000 foot radius impacts single family neighborhoods. There are vague standards for granting waivers.	
Jean Rosenberg	Comments on schools and taxes.	
Don Hadley	Opposes the amendment. We need to have a deep discussion of the issues. This really should go through an ordinance-type process with full review.	
Jack Leiderman	The waiver provisions were not before the Planning Commission. Notes the Planning Commission's letter of opposition. The proposal weakens the APFO and betrays the "contract" with the citizens.	
Stuart Bauman	Opposes the waivers.	
Margaret Chao	Opposes the waivers.	
Victoria McMullin	The new waiver if very consequential. The current waivers are OK because they have no impact. The revisions would result in more conflict, not less.	

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October 7, 2013

*Via E-mail*

Mayor and Council of Rockville  
111 Maryland Avenue  
Rockville, Maryland 20850

Re: City of Rockville Adequate Public Facilities Standards

Dear Mayor and Council:

On behalf of several property owners within the City of Rockville, we submit the following comments for your consideration of revisions to the Adequate Public Facilities Standards (the "Standards").

As has been addressed in the past Citizen's Forums and at the public hearing by the development community, there is a need for consistency and transparency in the application of the Standards. Specifically, the technical application of the school capacity test has been made ambiguous by the Beall's Grant ruling and the stated intentions of the Mayor and Council in its aftermath and the rolling capacity issues that plaque this cluster under the City's Standards. In response to the evolution of the City and the schools, a clarification of the method of counting school capacity is necessary. Consequently, we endorse the three suggestions made in the correspondence from Avalon Bay and EYA:

1. Clarify that school capacity is reserved at the time of conditional approval for each school with capacity and not re-test those same schools at a later date.
2. Clarify that the school test applies in the second year following approval, not both years following approval.
3. Include the capacity from ES No. 5 in the Richard Montgomery cluster beginning July 1, 2015.

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As noted by EYA and Avalon Bay, these three elements reflect the reasonable implementation of the Standards and provide clear and direct guidance to Staff, the community and applicants. As a result of the codification of current practice, the City will ensure consistency as applicants plan new projects and proceed through the development process.

The public hearing elicited a substantial amount of testimony in opposition to the idea of a waiver provision, either as proposed by Councilmembers Hall and Moore or as proposed by Avalon Bay and EYA. The concern was that the waiver would allow the further overcrowding of Rockville schools and enrich the land owners. However, while the concern over the capacity of schools in the Richard Montgomery cluster is real, it ignores several mitigating factors. First, MCPS is currently programming improvements to alleviate the elementary and middle school overcrowding. Second, residential development of under-utilized sites generates impact taxes that help fund school construction and property taxes that maintain those schools; artificially imposing a moratorium suppresses these revenue-generating tools. And, finally, while noting that adopting a provision to allow a waiver is not the same thing as approving a waiver, the Mayor and Council is charged with the delicate balance of promoting the City's land use and economic development plans against other matters impacting the quality of life. In some cases, there may be a strategic purpose to allow a residential development to proceed and the Mayor and Council may want to preserve that right for itself (or the other Approving Authority).

Therefore, we support the concept of a waiver, but given the importance of consistency through the development process, the waiver must be more broad than simple geography. The City's goals reflect more than just a desire for development near Metro stations and the waiver provision should reflect those same broad goals. For example, many of the City's residents are priced out of buildings near the Metro stations; therefore, sites with significant access to other modes of transit, specifically, buses, should also be eligible for a waiver to further the City's workforce housing goals. Similarly, there are multiple under-utilized sites within the City that would benefit the immediate community and the tax rolls alike by development of any kind. We urge the Mayor and Council to consider these factors in the proposed waiver provision:

"The following uses or classes of uses are eligible for a waiver from the APFO requirements:

\* \* \* \*

Residential uses that (1) are located within 2,000 feet of a Metro station entrance or within two blocks of three or more bus routes; (2) contribute to the economic development of the City, such as, but not limited to, reuse of an underutilized site to generate greater tax revenue, fulfill a strategic goal of the master plan, or act as a marquee project for the City; and (3) would be required to pay the School Facilities payment charged by Montgomery County.

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Finally, we note that certain uses currently eligible for waivers of the Standards, such as Houses of Worship, Nursing Homes and Senior Housing do not, by definition, generate school children or peak hour trips and, therefore, should properly be exempt from the Adequate Public Facilities Ordinance, rather than have to come before an Approving Authority for a super-majority vote on a waiver. The action wastes the resources of the City and the usually non-profit requesting the waiver.

Thank you for your time.

Very truly yours,

  
Erica A. Leatham

EAL/rp