

Item 9 - Correspondence

From: [Paolin Tien](#)
To: [MCP-Chair](#)
Subject: development moratorium policy
Date: Wednesday, June 24, 2020 12:13:34 PM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County's growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn't severely overcrowded or neglected. Thanks for considering my requests.

Thank you,
Pao-Lin Tien

From: [Elena Kurushko](#)
To: [MCP-Chair](#)
Subject: Elimination of the Automatic Moratorium
Date: Wednesday, June 24, 2020 12:28:00 PM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County's growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn't severely overcrowded or neglected. Thanks for considering my requests.

Thank you,
Elena Kurushko

From: [Dvir Blivis](#)
To: [MCP-Chair](#)
Subject: Letter to the planning board
Date: Wednesday, June 24, 2020 1:19:33 PM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County’s growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn’t severely overcrowded or neglected. Thanks for considering my requests.

Thank you,
Dvir Blivis

From: [Jeff Contract](#)
To: [MCP-Chair](#)
Subject: School capacity issues
Date: Wednesday, June 24, 2020 1:23:17 PM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County’s growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn’t severely overcrowded or neglected. Thanks for considering my requests.

Thank you,
Jeff Contract
Parent of Farmland ES student

Sent from [Mail](#) for Windows 10

From: [Moore, Anne M](#)
To: [MCP-Chair](#)
Subject: Concerns about lack of new schools to keep up with growth
Date: Wednesday, June 24, 2020 1:39:54 PM

Dear Planning Chair Casey Anderson and Commissioners,

As a 30 year veteran MCPS teacher, I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

When I began teaching at Farmland Elementary School 23 years ago, we had approximately 550 students. We now stand just under 900 students, and our eight-year-old building has been supplemented by portable classrooms for two years, with more to come. The new growth in the Congressional Plaza neighborhood, which was billed by planners as being attractive to only adult singles and childless couples has led to an overwhelming number of students from those developments enrolling in our school. Our building and resources are totally overwhelmed as a result.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County’s growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn’t severely overcrowded or neglected. Thanks for considering my requests.

Thank you,

Anne M. Moore
Farmland Elementary School

From: [Howard Mann](#)
To: [MCP-Chair](#)
Subject: Please DO NOT eliminate the development moratorium policy until you can guarantee funding for school capacity!
Date: Wednesday, June 24, 2020 2:15:43 PM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County's growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn't severely overcrowded or neglected. Thanks for considering my requests.

Thank you,
Howard Mann
Rockville, MD

From: [Verónica Calderón](#)
To: [MCP-Chair](#)
Subject: Schools need adequate facilities and capacity as our county grows.
Date: Wednesday, June 24, 2020 3:46:07 PM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County's growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn't severely overcrowded or neglected. Thanks for considering my requests.

Thank you,

Veronica Calderon-Forrest

From: [Caitlin James](#)
To: [MCP-Chair](#)
Subject: Please do NOT eliminate the development moratorium policy!
Date: Wednesday, June 24, 2020 3:46:20 PM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County’s growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn’t severely overcrowded or neglected. Our neighborhood school, Farmland Elementary, is already over capacity. The class size often exceeds the county cap; we have to add more portables; and the Specials teachers will have to use carts because they no longer have their own classrooms. Action must be taken to slow down and reverse school overcrowding, not hasten it.

Thank you,
Caitlin and Nicholas James
Rolling House Rd, Rockville, MD

Sent from my iPhone

From: [Nabil Chemaly](#)
To: [MCP-Chair](#)
Subject: Prevent MORE overcrowded schools!
Date: Wednesday, June 24, 2020 6:11:26 PM

Dear Planning Chair Casey Anderson and Commissioners -

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County’s growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn’t severely overcrowded or neglected. Thanks for considering my requests.

Thank you -
Nabil Chemaly

From: [Jessie Carmack](#)
To: [MCP-Chair](#)
Subject: ATTENTION PLEASE READ.
Date: Thursday, June 25, 2020 10:26:41 AM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County’s growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn’t severely overcrowded or neglected. Thanks for considering my requests.

Thank you,
Jessie Carmack

From: [Alberto R](#)
To: [MCP-Chair](#)
Subject: ATTENTION PLEASE READ!
Date: Thursday, June 25, 2020 10:29:33 AM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County’s growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn’t severely overcrowded or neglected. Thanks for considering my requests.

Thank you,
Wilfredo Blanco

From: [Hava Anderson](#)
To: [MCP-Chair](#)
Subject: Subdivision Staging Policy
Date: Thursday, June 25, 2020 10:29:37 AM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County's growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn't severely overcrowded or neglected. Thanks for considering my requests.

Thank you,
Hava Shirazi

From: [deyaniraromero1366](#)
To: [MCP-Chair](#)
Subject: ATTENTION PLEASE READ
Date: Thursday, June 25, 2020 10:39:38 AM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County’s growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn’t severely overcrowded or neglected. Thanks for considering my requests.

Thank you,
Deyanira Romero

From: [Suzanne Thorpe](#)
To: [MCP-Chair](#)
Subject: Overcrowding
Date: Thursday, June 25, 2020 10:51:32 AM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed and overcrowded. Our children should not have to be pushed out of school buildings and into portable classrooms where healthy and safety are compromised; our schools require routine maintenance and improvements to keep our children learning in a productive and safe environment. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County's growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn't severely overcrowded or neglected.

While I understand developers bring money to the County with their new construction projects, these new multi-family developments are severely straining our schools. There should be a mechanism in place to require developers to assist with school construction/renovation to accurately account for the projected growth in population associated with their new projects. These new developments should not come at the cost of our children's education. Thank you for your consideration of my concerns on this manner.

Thank you,
Suzanne

From: [Ira Thorpe](#)
To: [MCP-Chair](#)
Subject: A parent's concerns regarding MCPS Growth Policy
Date: Thursday, June 25, 2020 10:52:00 AM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County's growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn't severely overcrowded or neglected. Thanks for considering my requests.

Thank you,

Dr. James Thorpe

parent of 2 current and one future MCPS students in the WJ cluster

From: [Sangha Lee](#)
To: [MCP-Chair](#)
Subject: Montgomery County places a moratorium on development
Date: Thursday, June 25, 2020 12:36:27 PM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County's growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn't severely overcrowded or neglected. Thanks for considering my requests.

Thank you,
Sangha Lee

나의 iPhone에서 보냄

From: [Tricia Friedman](#)
To: [MCP-Chair](#)
Subject: Subdivision Staging Policy
Date: Thursday, June 25, 2020 2:42:46 PM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County's growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn't severely overcrowded or neglected. Thanks for considering my requests.

Thank you,
Tricia Friedman
Farmland ES (WJ Cluster) Parent

From: [Alex Stanchfield](#)
To: [MCP-Chair](#)
Subject: Please help prevent overcrowding schools even more
Date: Thursday, June 25, 2020 3:37:21 PM

Dear Planning Chair Casey Anderson and Commissioners,

We are writing to ask that you help guarantee our schools have adequate capacity as the county continues to grow. We moved to Montgomery County last year and have seen our school(Farmland Elementary School) hit new student number highs two years in a row. They already have several mobile classrooms and his teacher had 26 students.

We oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County’s growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn’t severely overcrowded or neglected. Thanks for considering my requests.

Thank you,

Alex Stanchfield & Yendry Quesada Solano

This message may contain privileged and confidential information intended solely for the addressee. Please do not read, disseminate or copy it unless you are the intended recipient. If this message has been received in error, we kindly ask that you notify the sender immediately by return email and delete all copies of the message from your system.

From: ehimel@aol.com
To: [MCP-Chair](#)
Subject: Ensure our schools have adequate facilities and capacity
Date: Thursday, June 25, 2020 3:44:00 PM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County's growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn't severely overcrowded or neglected. Thanks for considering my requests.

Thank you,
Evan Himelfarb

From: [Jonathan Genn](#)
To: [MCP-Chair](#)
Cc: [Anderson, Casey](#); [Fani-Gonzalez, Natali](#); [Cichy, Gerald](#); [Patterson, Tina](#); [Verma, Partap](#); [Wright, Gwen](#); [Stern, Tanya](#); [Sartori, Jason](#); [Grave, Eric](#); [Govoni, Lisa](#); [Kronenberg, Robert](#); [Sanders, Carrie](#); [Butler, Patrick](#); [Baek, Hye-Soo](#)
Subject: PLEASE READ ATTACHED APPENDIX A TO CLARIFY SOME CONFUSION - Supplemental Testimony - June 25 SSP Work Session #2 (Item #9)
Date: Thursday, June 25, 2020 4:03:39 PM
Attachments: [Mont Co-SSP Quadrennial Update 2020-GLDC Testimony-Regarding Transportation-Work Session #2-Item 9 on June 25-2020-0623a.docx](#)

Good Afternoon, Chair Anderson, Vice Chair Fani-Gonzalez, and Distinguished Commissioners of the Montgomery County Planning Board!

Following up on today's SSP work session #2 conversation, and specifically regarding the County Council's specific designation of an "Economic Opportunity Center" as qualifying for classification in the "Red" category, *please, please* read carefully the **Appendix A** attached to this email (pages 6-8), which I previously submitted as my testimony.

To correct a misconception that may have led to some confusion during today's work session, the County Council's very specific and intentionally defined "Economic Opportunity Center" is **not** merely a general concept that today might open the flood gates for application to all over the County (e.g., such as for all proposed BRT stations or any general economic development opportunity that the County may want to encourage). Instead, for very specific reasons and as very deliberately defined, the County Council (to date) has specially designated **only one** master plan area in the entire County (namely, the White Oak Science Gateway Master Plan area) as an area that should (*quoting from the actual WOSG MP document at page 54, which is recopied in the attached document on page 8*):

"...be considered an Economic Opportunity Center similar in form and function to areas around a Metro Station or central business district with an ultimately urban character, and that the roadway and transit adequacy standards used in the Subdivision Staging Policy for areas that are currently designated as Urban be applied to the [WOSG Master] Plan area." (See pages 6-8 in attached document. Emphasis Added.)

Accordingly, because the County Council has uniquely determined that the WOSG Master Plan area is "similar in form and function to a Metro Station or central business district with an ultimate urban character," for purposes of an appropriate Transportation Policy Area, the WOSG MP area should be classified in the RED Transportation Policy Area.

[Please further note that the WOSG MP area was adopted prior to the creation of the color-coded Transportation Policy Areas (red, orange, etc.). So there could not have been any reference in the WOSG MP suggesting the WOSG MP area be in a "Red" category.) But, all the characteristics that the Council used in uniquely defining the WOSG MP area as a very specifically and intentionally defined "Economic Opportunity Center" fully justify the unique treatment of the WOSG MP area as classified in the RED category. Please, Please read the attached Appendix A (pages 6-9 of the attached document).]

As to Chair Anderson's suggestion for a new "**Transit Transitional**" Category --- which could be color-coded "**Pink**" (as Vice Chair Fani-Gonzalez mentioned during the May 28 public hearing in reference to a color other than "dark red"!)) --- **GREAT IDEAS!**; *provided, however*, that such a **Pink "Transit Transitional"** category has the exact same rate structure as a Red category (and that the only reason why that category is not actually RED is because such an area is not actually a Metro Station or central business district, although, for County Council policy reasons, the area has

been determined to be “similar in form and function as a Metro Station or central business district with an ultimate urban character”). If the Planning Board wanted to ensure further than the Planning Board’s new, innovative **Pink “Transit Transitional”** solution did not “open the floodgates” for every master plan area asking to be designated as a new “Economic Opportunity Center” that should then be worthy of the new **Pink “Transit Transitional”** designation, the following criteria could be established to qualify for such a designation:

1. The County Council has specifically and intentionally declared the master plan area as a special, strategic “Economic Opportunity Center” similar in form and function as a Metro Station or central business district with an ultimate urban character; and
2. To advance the County’s goals for Racial Equity and Social Justice for the lower socio-economic areas, the subject property’s median household income market is **below the Countywide median household income**, which is \$108,000 as of 2020 (*FYI: Per CoStar data, VIVA White Oak™ median household income is ~\$76,500, or ~30% BELOW the Countywide median household income of \$108,000*); and
3. To advance the goals of “Thrive Montgomery 2050,” the subject property is located within MWCOG’s designation for both “High/Highest Growth Jobs and Population Activity Centers” (see Public Hearing Draft Figures 4 and 5 on pages 11 and 12). This qualifying characteristic would be appropriate, because all the data show those areas that are both High/Highest Growth Jobs and Population Activity Centers proportionately generate fewer new students and fewer new SOV trips in peak periods in peak directions (relative to the “turnover effect” from older established neighborhoods and, regarding transportation, the “pass-through effects” from outside the County and/or outside the master plan area).

These three criteria would be most strategic and most appropriate to limit the areas qualifying for such a **Pink “Transit Transitional”** to those areas that truly merit it (which, as of now, is only the WOSG MP area; but could include others in the future, if recommended by the Planning Board and approved by the County Council based upon these suggested qualifying criteria).

Finally, as to Chair Anderson’s notion that any recommended change of the Impact Surtax rates (due to moving the WOSG MP area from Orange to this innovative **Pink “Transit Transitional”**) should be “revenue neutral,” I respectfully note the following factors:

1. As the facts outlined in the attached Appendix A show, this proposed change to the rates equivalent to the “Red” category is not really a change at all from what **should have originally applied** to the WOSG MP, when the color-coding was created after the adoption of the WOSG MP. Instead, changing the applicable rates to the same as the Red rates (although through a new **Pink “Transit Transitional”** category) is merely a **correction** of the oversight that transpired at the time the color-coding Transportation Policy Areas (created after the WOSG MP was adopted).
2. The notion of a “revenue neutral” change is merely an “on paper only” exercise (and is decoupled from the reality of what dollars actually go into the County’s coffers). If the “on paper only” set of rates makes the project cost-prohibitive --- which is most definitely the case for the lower socio-economic areas of the County that have suffered from the historic disinvestment/disparities (and are charged the most horrific form of regressive taxation that

such impact taxes represent) --- then those “paper” computation are never realized. Zero dollars are actually collected from the new development (while the infrastructure incapacity simply worsens from the “turnover effects” from existing neighborhoods and (in the case of transportation) the “pass-through effects” from outside the County and/or outside the applicable master plan area. This is precisely what happened in the U.S. Route 29 corridor from 1997 (i.e., from the prior set of master plans) to date. Furthermore, it is eminently foreseeable that the over-crowding of schools and roads will also be exacerbated in the future by the newly authorized Accessory Dwelling Units (that have not yet be factored into the “nexus and proportionality” equation for Impact Taxes and UMP/LATIP payments).

3. Moreover, and especially for a potential revitalization endeavor in the lower socio-economic area of the County such as the WOSG MP area, eliminating the Impact Surtax burden to allow the project to move forward would actually be **substantially revenue positive** in actually getting dollars into the County coffers, because of the exponentially accelerating set of property taxes, sales taxes, income taxes, amusement taxes, liquor taxes, etc., etc., etc. that the new development would create. This was exactly the result of the revitalization of Downtown Silver Spring 30+ years ago, which was COMPLETELY EXEMPT from Impact Taxes, layered on PILOT programs, and was awarded very, very substantial grants to attract United Therapeutics and Discovery Communication (and otherwise catalyze Downtown Silver Spring’s revitalization). RCLCO (who performed the economic study for Downtown Silver Spring 30+ years ago) performed a similar economic impact analysis of VIVA White Oak™, which concluded that the **net** fiscal benefit for the County (after taking out the added costs for schools, public safety, and all other County public services the development would require) was **over \$1.3 BILLION** (over a typical 30-year bond period) and the project would generate **over 10,000 new full-time jobs**. Just like for Downtown Silver Spring, the relatively few dollars that the Impact Surtaxes would have been “on paper” at the outset of the development (that would otherwise have operated as a barrier to jump-starting the project) would be an incredibly valuable “return on investment” for the County with respect to VIVA White Oak™ by **netting** for the County a fiscal benefit of **over \$1.3 BILLION** and creating **over 10,000 new full-time jobs** in an area of the County that hasn’t had much, if any, private sector investment for *decades*.

I thus respectfully request you read the attached Appendix A and give more thought to the points noted in this email. Please feel free to contact me at any time if you wish to discuss this matter further.

Respectfully Submitted.

Jonathan

Jonathan M. Genn, Esquire

Executive Vice President and General Counsel

**Global LifeSci Development Corporation
and Percontee, Inc.**

11900 Tech Road, Silver Spring, MD 20904
USA

Telephone: +1-301-622-0100; Telecopier: +1-301-622-3507
Mobile: +1-410-935-2599; Email: jonathan@percontee.com

Global LifeSci Development Corporation (“GLDC”)
11900 Tech Road, Silver Spring, MD 20904
Telephone (o): 301-622-0100; (m) 410-935-2599; Email: jonathan@percontee.com

June 23, 2020

VIA Email (MCP-Chair@mncppc-mc.org)

Casey Anderson, Chair
Natalie Fani-Gonzalez, Vice Chair
Commissioners of the Montgomery County Planning Board
Maryland-National Capital Park and Planning Commission (Montgomery County)
8787 Georgia Avenue
Silver Spring, MD 20910

RE: **June 25, 2020 (Item 9): Subdivision Staging Policy Work Session #2 - Transportation**

Dear Chair Anderson, Vice Chair Fani-Gonzalez, and Distinguished Commissioners of the Planning Board:

For reasons more fully explained in GLDC’s previously submitted written testimony dated June 7, 2020 (portions of which are attached to this letter for ease of reference), GLDC recommends adjusting the Public Hearing Draft relating to transportation elements as follows:

1. **Modify the definition of the “Red” Transportation Policy Area** so any applicable Impact Surtax rates in the Red category would apply to all:
 - a. Metro Stations and Central Business Districts;
 - b. Purple Line Stations (e.g., Lyttonsville, etc.); and
 - c. Council designated strategic “Economic Opportunity Centers” that the Council has determined to be “similar in form and function to areas around a Metro Station or central business district with an ultimately urban character.”¹ and
 - d. MWCOC Designated “High/Highest Growth Jobs and Population Activity Centers” (identified in Public Hearing Draft Figures 4 and 5 on pages 11 and 12).²

¹ Including such designated “Economic Opportunity Centers” in the Red Transportation category will rectify an oversight that took place when the color-coded transportation policy areas were created, as more fully described in attached Appendix A from GLDC’s June 7, 2020 written testimony (which is repeated here for ease of reference).

² Because of real qualitative differences in transportation impacts among the 3 different types of MWCOC Activity Centers --- namely, (a) NON-High Growth Activity Centers, (b) High Growth Jobs OR Population Activity Centers, and (c) High Growth Jobs AND Population Activity Centers --- the 3 types of Activity Centers should be categorized as follows:

“High Growth Jobs AND Population Activity Centers” = Red Transportation Policy Area
“High Growth Jobs OR Population Activity Centers” = Orange Transportation Policy Area
“NON-High Growth Activity Centers” = Yellow Transportation Policy Area

2. **More Appropriate Use of Historical Data.** To be better data-driven and context-sensitive, historical data is needed to see “how we arrived at the current conditions” of over-congested roads (just as with over-crowded schools), so that the Planning Board and County Council can determine how new development pays its proportionate share (*but not more than its proportionate share*, by paying for current school or road inadequacies that are vestiges or legacies of historic circumstances, which the new development did not generate in any way). Just as the Public Hearing Draft very appropriately studied (in the context of schools) the historical “turnover effect” of existing residential communities (e.g., sales of homes by “empty nesters” to new families, who then sent their children to the schools) versus new development in that same school cluster, even more robust historical data is even *more essential* in the transportation context than for schools. Decision-makers cannot possibly determine accurately what an appropriate proportionate share of infrastructure costs should be allocated to new development without knowing what proportion of the current over-capacity of roads is attributable to historic SOV trips in peak direction during peak hours generated by both (a) existing residential and commercial “turnover effect” (unrelated to the new development), and (b) pass-through SOV trips originating and with destinations to locations outside the relevant TAZs. Moreover, historical data on the long-term effect of disinvestment (i.e., the arrearages or delinquencies of the public sector over the prior decades) on future roadway capacity in the relevant TAZs is also necessary³.
3. **Factor Foreseeable FUTURE Trends** (especially the reasonably foreseeable effects of Accessory Dwelling Units (“ADUs”)). In order to be truly “context-sensitive,” so that any financial burden placed on new development would be proportionate, one cannot calculate accurately the proportionate share of new development’s new SOV trip generation (in peak directions during peak periods) and new student generation rates for schools in absolute terms based upon a 20-30 year prognostications. Instead, the calculations need to be in relative terms, based upon a comparative analysis of the proportion of new development’s generation of new students and new SOV trips in peak direction during peak periods (i.e., the numerator of the computation) in relation to all other external sources, including the “turnover effect” of existing residential communities in the same school cluster and in the same TAZs, and pass-through trips to/from outside the relevant TAZs (i.e., the denominator of the computation). In this regard, it is essential to factor in new students and new SOV

³ For example, for over 20 years (since the County’s adoption of the prior 1997 set of master plans for the area), the primary transportation corridor along U.S. Route 29 --- which, significantly, is the only U.S. Highway in all of Montgomery County --- has become over-crowded primarily on account of BOTH (a) pass-through SOV trips with originations from and destinations to locations outside of the WOSG area, whether to/from Howard County, Prince George’s County, the District of Columbia, and now more frequently (on account of the ICC opening) to/from other areas of Montgomery County AND (b) the “turnover effect” of existing neighborhoods and commercial users (and not due to new development planned within the WOSG MP area. Meanwhile, during those same past 20 years, of the costs associated for programmed public investments in transportation capacity infrastructure along U.S. Route 29 since those 1997 master plans, ~\$400 to \$500 Million remains unfunded (with little expectation on how the public sector will “bring to date” this arrearage/delinquency dating back to 1997). Compounding these problems, the UMP/LATIP program governing the WOSG MP merely took a static “snapshot in time” approach, prognosticating 20+ years into the future the exact set of transportation improvements needed in the future (without appropriately accounting for what proportion of the over-crowding of the road network seen in that “snapshot” was caused over a 20-year historic perspective, practically 0% of that 20-year historic growth of SOV trips adversely affecting the US Route 29 corridor’s over-capacity being generated by the new development planned for the WOSG MP. How can that be “proportionate”? It cannot be. The result of the WOSG MP UMP/LATIP is a disproportionate allocation to new development to contribute to the historic disinvestment (including the ~\$400 MM to \$500 MM arrearage/delinquency of the County/State/public sector from 20+ years ago).

trips that can reasonably be anticipated on account of the County recent “invention”/introduction of ADUs (such as the results of grandparents constructing an ADU annex to the home they have lived in for decades, moving into that ADU annex, and then having their children and grandchildren move into the family’s main part of the home). This is not a “turnover effect.” This is a reasonably foreseeable **future “accretive effect” caused by ADUs**. To the extent this “accretive effect” happens in older neighborhoods that do not have good access to transit and/or are located in already crowded school clusters, failing to account for ADU’s potential to generate substantial increases in new student population and new SOV trip generation (in peak directions during peak periods) would grossly distort the proportionality of impact surtaxes to be placed on new development. Even though ADUs would accumulate on a one-at-a-time basis, it is reasonably foreseeable that (particularly in areas where growth is less than desirable for a “smart growth” Thrive Montgomery 2050 General Plan), that the aggregation of ADU generation rates of new students in the school clusters and new SOV trips in the TAZs could completely dwarf the generation rates of new mixed-use developments (especially in MWCOG “High/Highest Growth Jobs and Population Activity Centers”) well ahead of year 2050.

4. **“Give Credit Where and When Credit is Due”**. An effective and efficient set of SSP/Impact Surtax Policies should not only assess premiums (or penalties) for adverse impacts caused by new development; but should also encourage, incentivize, and reward (including, as appropriate, financial rewards) for the structural benefits that new development in mixed-use communities (especially in the MWCOG “High/Highest Growth Jobs and Population Activity Centers) create. This should include the benefits of reducing overall SOV trips in peak direction during peak periods that would otherwise be generated off-site from the new development.⁴ This should also include the long-term and macro-scale infrastructure benefits (e.g., requiring fewer extensions of water lines, sewer lines, impervious surface construction of road networks, exurban schools, etc.). The updated 2020 SSP/Impact Surtax Policies (suggested to be renamed the 2020 “County Growth Policy) should include, therefore, appropriate “credits,” such as the following:
 - a. Any applicable Transportation Impact Surtax generation rate used in a Development Application Review should be further reduced by the governing NADMS goals (e.g., 25%, 30%, 50%, etc.) imposed on the new development area under the applicable master plan.
 - b. Design methodologies to credit “smart growth” new development in MWCOG “High/Highest Growth Jobs and Population Activity Centers” that will help to remove SOV trips in peak direction during peak periods from external sources (such as described in footnote 4 above).

⁴ For example, the planned VIVA White Oak™ mixed-use development adjacent to both the consolidated FDA Headquarters (with currently ~10,000 employees, and expected to grow to ~18,000 employees) and the newly opened Adventist White Oak Medical Center (“WOMC”) Hospital (with ~1,500 employees) currently have little to no option to commute to/from work without traveling on the peripheral roads. With the planned VIVA White Oak™ development intending to offer discount incentives to FDA and WOMC employees to reside in VIVA White Oak™, those FDA and WOMC commuters would remain within the internal roads of the three contiguous properties and thus VIVA White Oak™ would thereby reduce the number of SOV trips to/from FDA HQ and WOMC that would otherwise travel on those external roads. Moreover, by having both residential and commercial uses located in a MWCOG “High/Highest Growth Jobs and Population Activity Center,” VIVA White Oak™ will attract commuters off of the peripheral roads, who may otherwise have had to pass-through to other activity centers. This is especially beneficial along US Route 29 (where for decades Howard County commuters have simply driven through to the District of Columbia or to the Colesville Road Beltway exist, who will now divert into VIVA White Oak™ and not clog US Route 29 south of the WOSG MP area. What credit should VIVA White Oak™ get for that benefit to the mobility network in the area?

- c. As part of any LATR or UMP/LATIP payment structure, rather than have a static set of capital improvements in transportation infrastructure that were prognosticated 20-30 years in advance, allow for (and credit) a dynamic set of evolutionary investments made by new development that are state-of-the-art transportation mitigation capital improvements OR trip mitigation programs. Over time, the 20-30 prognostications can become ineffective, inefficient, and ultimately obsolete. It is unwise policy to inadvertently force wasteful expenditures of precious resources on 20 to 30-year prognostications on account of those static prognostications being specifically prescribed requirements to be in compliance with the particular land use approval. It is wiser policy to be flexible and dynamic to be most cost-effective and efficient with constantly evolving state-of-the-art trip mitigation capital improvements and strategies/programs. In such a dynamic approach, credit should be given to those state-of-the-art investments (especially if those investments are made to any master planned complete streets with roads, bikeways, sidewalks, etc. serving more than just the new development).
5. **Avoid Unintended Double-Taxation**. To avoid unintended double-taxation, the Public Hearing Draft should clarify that any new development paying school and/or transportation impact surtaxes and/or any LATR or UMP/LATIP payments or UPP payments should be exempt from any subsequent recordation tax on transfer of title (for so long as those properties have or are contributing to pay their applicable SSP/Impact Surtaxes and/or LATR, UMP/LATIP, or UPP).
6. **Grandfathering the Validity Periods for any Preliminary Plan Approved Prior to June 1, 2020**. Especially needed for attracting private sector investment in **lower socio-economic areas** of the County, the need for “certainty” in the land use approval process is vitally important. Not only do the prescribed (and proscribed) requirements need to be fixed and certain; but also, the amount of surtaxes over the life of the new development must be predictable and certain (so that any pro-forma for “financially challenged” revitalization projects in the County’s lower socio-economic areas can “pencil out”). Without that predictability and certainty to help the project “pencil out,” the County’s lower socio-economic areas simply cannot compete to attract the otherwise risk-adverse private sector capital investment and institutional lending (the competition for whom is not just regional in the DC Capital Region, but nationwide). Most significantly in this regard, any new statute relating to Validity Period should have appropriate grandfathering provisions and be inapplicable to any new development that obtained Preliminary Plan approval on or before June 1, 2020.⁵ Any such uncertainties will put Montgomery County projects at a severe competitive disadvantage against other jurisdictions elsewhere in the DC Capital Region, as well as in other competitive jurisdictions around the country. All of these other jurisdictions are competing for the same quality commercial uses and competing for

⁵ Specifically relating to VIVA White Oak™, which obtained in 2019 Preliminary Plan approval for its entire ~280 acre, ~12 million square feet of development (which development requires “advance funding” of hundreds of millions of dollars of infrastructure to serve development perhaps years or decades into the future), in order to have the needed certainty to attract the private sector capital investment and institutional lenders for all that “up-front, advance funding” of on-site infrastructure with a pro-forma that shows the new community can “pencil out,” VIVA White Oak™ must be able to retain its Preliminary Plan approved phased Validity Period provisions, which would allow for each phase’s 10-year Validity Period (each with extension ability up to 22 years) to continue on a rolling basis. VIVA White Oak™ is marketing this new community nationally and internationally to prospective end users and prospective capital investors and institutional lenders, on an “entitlement approved” basis. VIVA White Oak™ thus needs to be grandfathered from any proposed changes to the Validity Period laws and regulations that would be effective after June 1, 2020.

the same quality capital sources (who seek reliably certain timelines to obtain land use approvals and reliably certain costs of development that can be calculated in a financial viability model)

The undersigned would welcome the opportunity to address any of the Commissioners' questions or comments or any requests for further information at that time.

Respectfully Submitted,

/s/ Jonathan M. Genn

Jonathan M. Genn, Executive Vice President and General Counsel

cc: Gwen Wright, Director
Tanya Stern, Deputy Director
Jason Sartori, Chief, Functional Planning & Policy
Eric Graye, Planning Supervisor, Functional Planning & Policy
Lisa Govoni, Research & Special Projects
Robert Kronenberg, Deputy Planning Director
Carrie Sanders, Chief, Area 2
Patrick Butler, Supervisor, Area 2
Hye-Soo Baek, Intern, Research & Special Projects

APPENDIX A

County Council's Authority to Designate (and the Transportation Impact Surtax Effect of) **Strategic "Economic Opportunity Centers"**

Whenever the County Council specifically designates a Master Plan area as a strategic "**Economic Opportunity Center**" with characteristics that are "similar in form and function to areas around a **Metro Station** or **central business district** with an ultimately **urban character**," that Plan area has all the applicable characteristics to be categorized within the "**Red**" Transportation Policy Areas. This is precisely what the County Council approved and adopted for the White Oak Science Gateway Master Plan ("WOSG MP") area in July of 2014 (see the language on page 54 of the WOSG MP, copied and shown on the following two pages of this Appendix A), which specifically states that the WOSG MP area should:

"...be considered an **Economic Opportunity Center** similar in form and function to areas around a **Metro Station** or **central business district** with an ultimately **urban character**, and that the roadway and transit adequacy standards used in the Subdivision Staging Policy for areas that are currently designated as Urban be applied to the [WOSG Master] Plan area."
(Emphasis added. See next two pages of this Appendix A.)

The adoption of the WOSG MP area predated the County adoption of the UMP and Transportation Policy Area categories. Obviously, therefore, there could be no reference to such a "**Red**" classification at the time of the WOSG MP adoption. However, when the UMP program was later adopted, with the associated color categories for Transportation Policy Areas (and the corresponding schedules of Impact Surtax rates), there was an unintended oversight which failed to factor that the County Council had, by that time, recently characterized the WOSG MP area as essentially similar to a Metro Station and CBD with urban character (which should have put the WOSG MP area in the "**Red**") category. Instead, the WOSG MP area was simply grouped with other "**Orange**" areas (which other areas do not have characteristics similar to a Metro Station or CBD).

During this 2020 quadrennial review and update of the SSP/Impact Surtax Policies, that original oversight can now be corrected, by including WOSG MP area into the "**Red**" category for all the reasons noted above. For similar reasons, the Purple Line Stations (e.g., Lyttonsville, etc.) should also be viewed as "similar in form and function as a Metro Station or CBD," and should thus also be accorded the same "**Red**" rate structure.

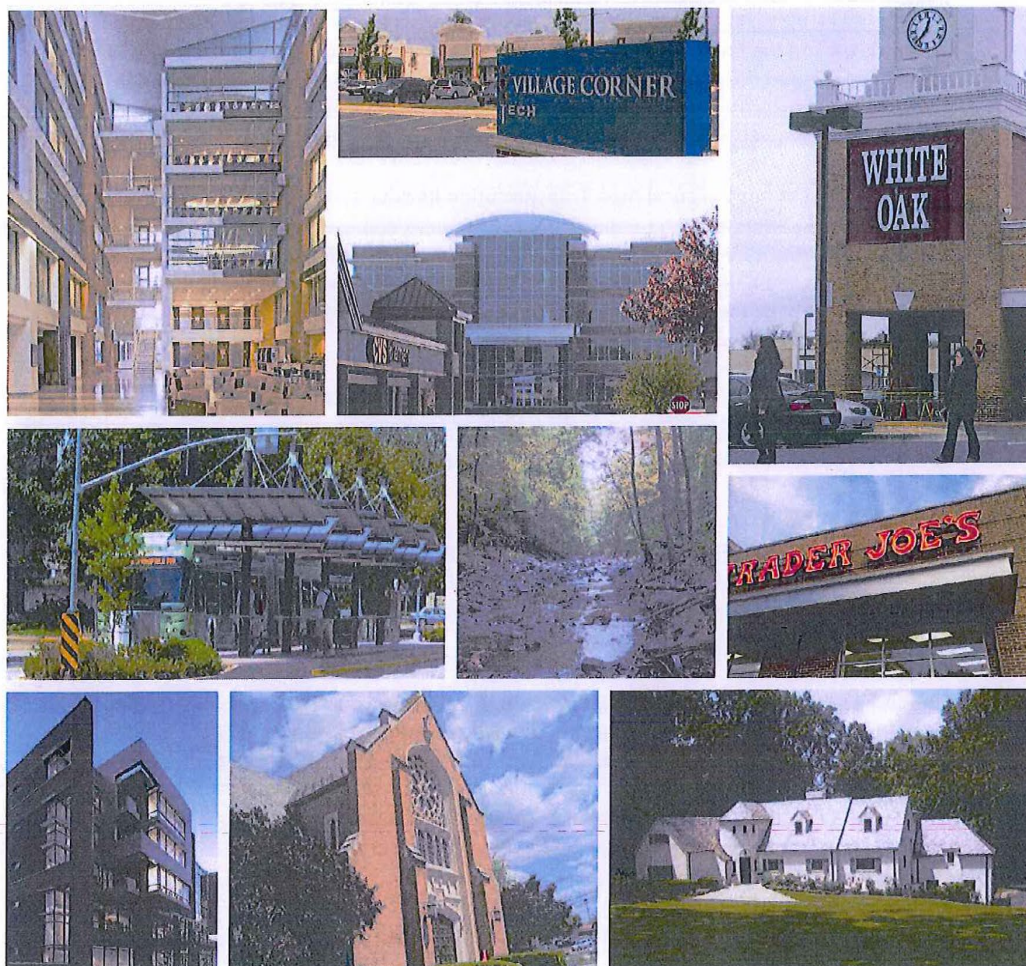
The easiest solution to this matter would be simply to change the description of the "**Red**" Transportation Policy Area category to apply to all "Metro Stations, Central Business Districts, Purple Line Stations, and Council designated Economic Opportunity Centers."

This preferential treatment would also act as an effective tool for the Planning Board to recommend and/or the County Council to approve future master plans for other lower socio-economic areas in the County, with similarly planned mixed-use and urban characteristics (such as in Aspen Hill, Glenmont/Wheaton, Burtonsville, etc.), using this special "**Economic Opportunity Center**" designation. In so doing, this "Economic Opportunity Center" tool would not only advance the Thrive Montgomery 2050 General Plan; but also, would help mitigate the horrifically regressive taxation effect that otherwise disproportionately burdens such lower socio-economic areas of the County.

JULY 2014

White Oak Science Gateway Master Plan

APPROVED AND ADOPTED



Transportation Standards

This Plan recommends that in light of the County's economic objectives and its ownership interest in the Life Sciences property, the Plan area be considered an economic opportunity center, similar in form and function to areas around a Metro Station or a central business district with an ultimately urban character, and that the roadway and transit adequacy standards used in the Subdivision Staging Policy for areas that are currently designated as Urban be applied to the Plan area. Currently the Urban roadway standard is a minimum 40 percent ratio of forecast speed to uncongested speed (the borderline between Levels of Service "D" and "E") averaged over all arterials and roads of higher classifications.

This Plan recommends the Local Area Transportation Review (LATR) standard be raised from 1475 critical lane volume (CLV) to 1600 CLV (1.00 volume/capacity) within the Plan area. The rationale for a 1600 CLV (1.00 volume/capacity) standard stems from the Plan-recommended BRT network that would serve the area and offer a viable alternative to automobile travel. This is consistent with the County's policy of accepting greater levels of roadway congestion in areas where high quality transit options are available.

Intersection performance, assuming the Master Plan Development Scenario with the *full complement* of un-programmed improvements, is described below and shown on Figure 5. The full complement of the un-programmed improvements assumed in support of the intersection analysis includes:

- BRT Network
- Old Columbia Pike Bridge opened to vehicular traffic
- Planned US 29 grade-separated interchanges
- New local roads proposed in the Life Sciences/FDA Village Center
- Intersection geometric improvements

This Plan includes the following intersection improvements:

- Cherry Hill Road at Broadbirch Drive/Calverton Boulevard: on Broadbirch Drive, add an eastbound left-turn lane and an eastbound through lane; on Calverton Boulevard, change the westbound right-turn lane to a westbound right-turn and through lane; and on Cherry Hill Road, add a northbound left-turn lane and a southbound right-turn lane.
- MD 650 at Powder Mill Road: from Holly Hall, add an eastbound left-turn lane; on Powder Mill Road, add a westbound right-turn lane; and on MD 650, add a southbound left-turn lane.
- MD 650 at Lockwood Drive: on Lockwood Drive, add an eastbound left-turn lane.
- Powder Mill Road at Riggs Road: on Powder Mill Road, add a second eastbound left-turn lane.
- Old Columbia Pike at Musgrove Road: on Old Columbia Pike, add a southbound left-turn lane; and on Musgrove Road, add a westbound right-turn lane.

These specific improvements are a guide to right-of-way reservations at these intersections. The need for each intersection improvement will be revisited as part of specific development plan LATR reviews.

From: [Shannon Lipp](#)
To: [MCP-Chair](#)
Subject: Moratorium on development - overcrowded schools
Date: Thursday, June 25, 2020 4:50:55 PM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County's growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn't severely overcrowded or neglected. Thanks for considering my requests.

Thank you,
Shannon Lipp

From: [Kathryn von Rajcs](#)
To: [MCP-Chair](#)
Subject: Development moratorium Policy
Date: Thursday, June 25, 2020 5:59:08 PM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County's growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn't severely overcrowded or neglected. Thanks for considering my requests.

Thank you,
Kathryn Sabersky
Concerned Parent

Sent from my iPhone

From: [Harris, Patricia A.](#)
To: [MCP-Chair](#)
Cc: [Sartori, Jason](#)
Subject: SSP - Worksessions on School and Transportation Elements and Taxes
Date: Thursday, June 25, 2020 6:15:39 PM
Attachments: [Wheaton Impact Zone Testimony draft for Jim Agliata 6-11-20 hearing..docx](#)
[Westfield Wheaton Impact and Real Estate Tax Estimate.pptx](#)

Dear Chair Anderson and Members of the Board,

In connection with the upcoming worksessions on the SSP on July 2 and 9 regarding the School and Transportation Elements and Taxes, attached please find the written testimony that Jim Agliata delivered to the Planning Board during the June 11 SSP hearing urging the Board to recommend not eliminating the impact tax exemption in Wheaton. I have also attached a corresponding exhibit that further supports Mr. Agliata's testimony.

Thank you.

Pat

Patricia A. Harris, Attorney

Lerch, Early and Brewer, Chtd. rising to every challenge for 70 years

7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814

T 301-841-3832 | F 301-347-3756 | Main 301-986-1300

paharris@lerchearly.com | Bio

Lerch Early COVID-19 Resource Center

Attention: This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.

www.lerchearly.com

Mr. Chairman and Planning Board Members, thank you for the opportunity to address you this evening.

My name is Jim Agliata and I am here on behalf of URW, formerly Westfield Corporation and I am here to speak on Recommendation 6.5 of the SSP (Subdivision Staging Policy) that proposes to Eliminate the current impact tax exemptions for development in former Enterprise Zones.

As you know, Wheaton's designation as an Enterprise Zone just expired in 2019. Given the economic environment of Wheaton coupled with the County's overall desire to see redevelopment in Wheaton, URW hopes that you will reconsider eliminating this exemption.

Even before the pandemic, it was clear to URW that traditional malls need to reinvent themselves to stay viable. As many of you know, over the past several years URW has focused on introducing mixed uses to our Montgomery Mall, and we are pleased that this will be before you next month. URW has also begun to focus on the redevelopment of Wheaton Mall, developing mixed use concept plans.

It is apparent to URW that redevelopment of Wheaton Mall will be much more challenging than Montgomery Mall. The economics of Wheaton are very different than that of Montgomery Mall. The apartment rents are much lower but unfortunately the costs to construct are much the same. The presence of the WMATA parking structure and ramp adds additional complications. Numerous meetings over the past few years and the help of Chairman Anderson have opened the door and we have made good progress with WMATA to potentially eliminating the ramp, which allows for a better connection between the Wheaton CBD and the mall.

The economic reality is that even when we have no impact taxes included it is difficult to create a project that is feasible. We appreciate that the SSP recommends lowering the school tax in areas such as Wheaton, but this is not enough. The additional school and transportation impact taxes of approximately \$6000 per unit adds a cost of \$4.2M on a 700-unit project. This cost could influence whether a project moves forward. If you consider a 700-unit project would generate an annual real estate tax of approximately \$2.5M it makes good economic sense to create the best opportunity for development in Wheaton by eliminating the impact taxes.

Wheaton is one of the areas of the County where development should be encouraged. The Opportunity Zone designation was put in place to encourage development. It has an active central business district, existing infrastructure, metro station, and the new County offices will generate a new demand for apartments and other businesses. But the Opportunity Zone by itself is not enough. There has not been much development in Wheaton over the years and that is mainly due to the economics I mentioned earlier. Elimination of the impact taxes now can be the catalyst needed for future development in Wheaton.

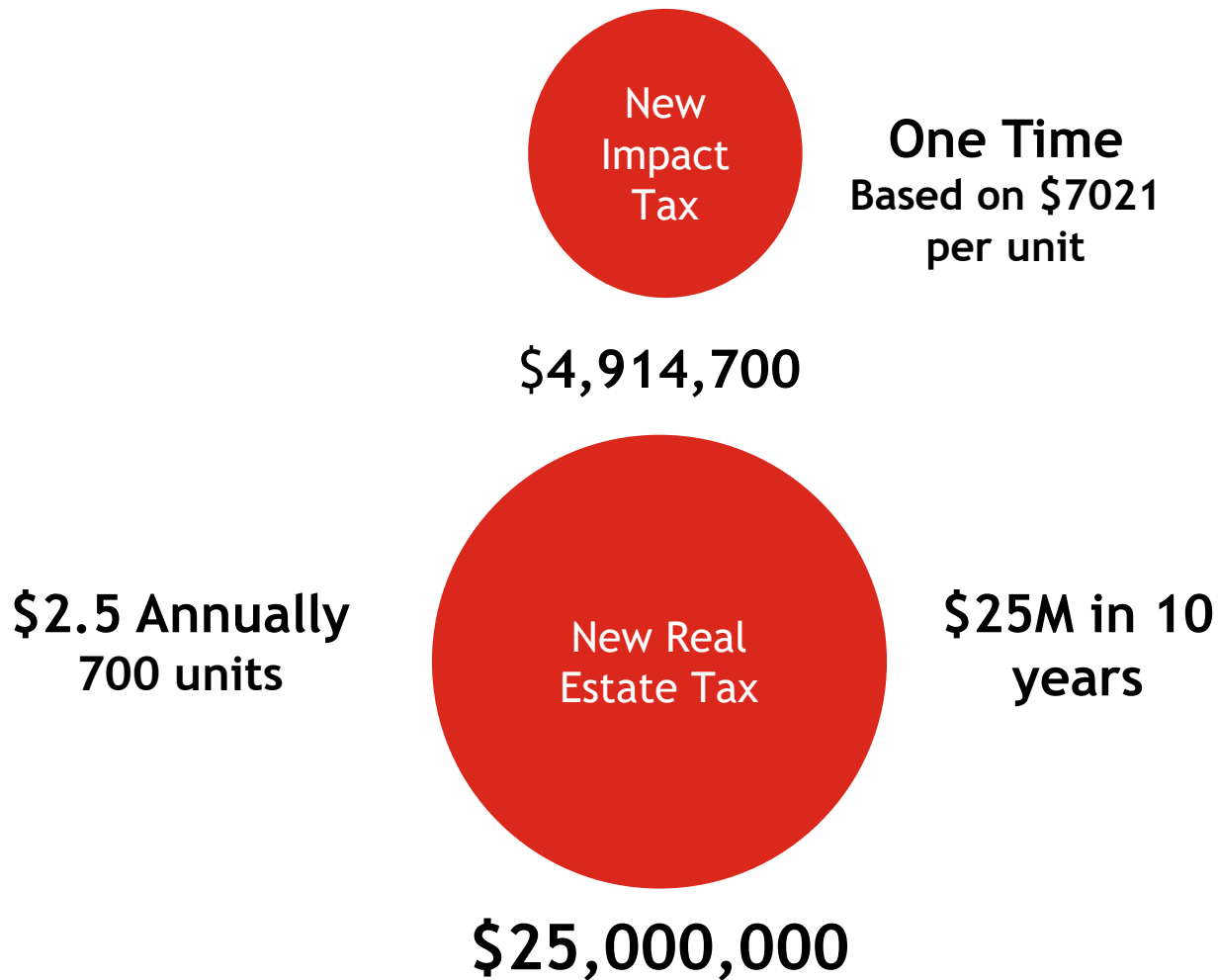
URW encourages the Planning Board to reinstate the Impact Tax Exemption for Wheaton. This could be justified on any of the following reasons:

- 1) Located in a recently expired Enterprise Zone
- 2) Located in a recently expired Enterprise Zone located within a CBD
- 3) Located in an existing Opportunity Zone

Thank you for your time and I would be happy to answer any questions you may have.

Westfield Wheaton

Economics based on 700 units including 105 MPDU's.



From: [Erin Luecking](#)
To: [MCP-Chair](#)
Subject: Montgomery County Schools
Date: Thursday, June 25, 2020 6:43:00 PM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County’s growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn’t severely overcrowded or neglected. Thanks for considering my requests.

I grew up in Montgomery county! I went to Farmland, Tilden and Walter Johnson. I want my children to have the same positive school experience that my siblings and I had.

Thank you,
Erin Luecking

From: [Dan Wilhelm](#)
To: [MCP-Chair](#); [Sanders, Carrie](#); [Wright, Gwen](#); [Sartori, Jason](#); [Grave, Eric](#); [Cichy, Gerald](#); [Stern, Tanya](#); [Patterson, Tina](#); [Fani-Gonzalez, Natali](#); [Verma, Partap](#)
Subject: SSP
Date: Thursday, June 25, 2020 7:53:25 PM

All

In addition to the points Jonathan Genn made in the email to you earlier today, which I support, I want to add another point. That had to do with the definition of red and orange categories. Per the LATR Guidelines on page 12, the definitions are:

Red: Down-county CBDs and Metro station policy areas characterized by high-density development and the **availability** of **premium transit** service (ie Metrorail and MARC)

Orange: Corridor cities, town centers and emerging TOD areas where **premium transit** (CCT, Purple Line and BRT) service is **planned**.

These statements thus define premium transit as being Metrorail, MARC, CCT, Purple Line, and BRT. The difference between these two categories is whether the premium service exists or is planned. Much has changed in the last four years relative to building premium transit. Today the Board decided that the Purple Line stations should be added since they are close enough to being operational to place them in the red category. By the same line of logic, the US29 BRT corridor should be added. If covid-19 had not occurred, US29 BRT would already be operational. I'm sure that US29 BRT will be made operational at some point over the next year as transit services are restored.

I am not saying that every BRT station should be added, but those with existing extensive development or planned development need to be added. To me that means at least Burtonsville, Briggs Chaney, Tech Road (close to Viva White Oak), and White Oak Transit Center for US29.

Dan Wilhelm

From: [Ebru Ertukel Kuran](#)
To: [MCP-Chair](#)
Subject: Dear Planning Chair Casey Anderson and Commissioners,
Date: Thursday, June 25, 2020 8:40:58 PM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County's growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn't severely overcrowded or neglected. Thanks for considering my requests.

Thank you,

From: [Eno Veshi](#)
To: [MCP-Chair](#)
Subject: Subdivision Staging Policy review
Date: Thursday, June 25, 2020 10:26:43 PM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed, and ensure that taxpayers are not bearing the financial burden of new development. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county. We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County’s growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students. New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn’t severely overcrowded or neglected. I appreciate the opportunity to participate in this democratic process and your listening to my voice.

Thank you,

Eno Veshi

Parent of a Westland MS and Bethesda ES students

From: [Verónica Marina](#)
To: [MCP-Chair](#)
Subject: School's Capacity
Date: Friday, June 26, 2020 7:50:49 AM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County's growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn't severely overcrowded or neglected. Thanks for considering my requests.

Thank you,

Veronica Borrás.
Sent from my iPhone

From: Elizabeth.Pollard@lw.com
To: [MCP-Chair](#)
Subject: School Overcrowding in Montgomery County
Date: Friday, June 26, 2020 7:58:43 AM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County's growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn't severely overcrowded or neglected. Thanks for considering my requests.

Thank you,
Elizabeth Pollard

This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, disclosure, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies including any attachments.

Latham & Watkins LLP or any of its affiliates may monitor electronic communications sent or received by our networks in order to protect our business and verify compliance with our policies and relevant legal requirements. Any personal information contained or referred to within this electronic communication will be processed in accordance with the firm's privacy notices and Global Privacy Standards available at www.lw.com.

From: [Khansel2](#)
To: [MCP-Chair](#)
Subject: Development and school impact
Date: Friday, June 26, 2020 9:07:58 AM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County’s growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn’t severely overcrowded or neglected. Thanks for considering my requests.

Thank you,
Karen Hansel

Sent from my iPhone

From: [Sears, Barbara A.](#)
To: [MCP-Chair](#)
Cc: [Fari-Gonzalez, Natali](#); [Gichy, Gerald](#); [Patterson, Tina](#); [Verma, Partap](#); [Wright, Gwen](#); [Kronenberg, Robert](#); [Mills, Matthew](#); [Sartori, Jason](#); [Harris, Robert R.](#); [Tom Natelli](#); [David DeMarco](#); [Wright, Gwen](#); [Sears, Barbara A.](#)
Subject: July 2, 2020 Planning Board Meeting, - Item 9, 2020-2024 Subdivision Staging Policy (SSP) - Comments on Schools Element -Clarksburg
Date: Friday, June 26, 2020 10:24:47 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image005.png](#)
[image006.png](#)

Chairman Anderson and Members of the Planning Board:

Both Bob Harris and I represent clients with projects in Clarksburg. We appreciate the efforts of the Planning Board over the last several days to deal with the issue that unexpectedly arose regarding the FY21 Annual School Test and that severely impacts these projects. We monitored the FY21 Annual School Test Board discussion on Thursday and are aware of the Board's decision that the issue must be dealt with in the SSP. We further understand that the Board will discuss schools during next Thursday's SSP work session. Therefore, we wanted to provide you with our recommendations for inclusion in the SSP that we believe would fairly allow the projects to proceed when the SSP is adopted in November and the bases for these recommendations. We would very much appreciate your favorable considerations of these recommendations.

Background Supporting Recommendations

- The recent and unexpected change in capacity projections for Clarksburg High School has unfortunately stalled two pending projects just before their approval (Ashford Woods and Creekside). Both projects were originally scheduled for hearings before the July 1 effective date of the FY 21 Annual School Test which changed the previously shown 119 available HS seats to 30. They include single-family, two-over-two and townhome units in an area with strong demand, of which 132 will be MPDUs.
- These units will provide opportunities for home ownership to many who cannot afford to purchase similar homes in other areas of the County.
- There has been very strong County support for addressing growing demand for new housing (COG Report, County Council efforts, Planning Board/Chairman advocacy, etc.)
- Moratoria conflict with stated County housing policies (housing supply gap, affordability, economic development, housing equity, etc.)
- Absence of moratoria in competing jurisdictions and, if the draft SSP is adopted, in all other areas of the County.
- There is sufficient elementary and middle school capacity for both projects but as a result of the July 1 change, Clarksburg HS has insufficient capacity (30 seats) for processing the two plans in question because of revised projections that were based on a very recent and unanticipated change in how the capacity made available from a boundary study for the new Seneca Valley HS was applied.
- The two projects together generate approximately 104 high school students but those students will not arrive for years to come given the time period required for remaining development approvals, permits, site preparation, home construction and gradual sales over a multi-year period of time.
- The Planning Board has been firm in its position that school moratoria have not worked, and the overwhelming testimony in the SSP hearing from the community at large was in favor of eliminating such moratoria. This same reasoning applies to Clarksburg. However, under the proposed SSP, the moratoria will be lifted for the entire rest of the County with the exception of Clarksburg High School.
- The anticipated high school student generation from these two projects at build out of 105 students will not be a significant number for a high school with capacity for more than 2000 students even if and when they begin at Clarksburg High School.
- The single-family, townhome and two-over-two units are important for the County's housing supply given their price point, the significant number of MPDUs, and the desire for build-out of Clarksburg to support existing retail and planned retail for the Clarksburg Town Center.

Recommendations

- The Clarksburg Area is recognized as one of the few remaining sources of new single family housing supply in the entire County. The draft policy proposes different treatment for this area by establishing a Greenfield Policy Area with different rules that apply to the rest of the County. If the Greenfield Area is established, then acknowledge the important role this area plays in the future of the County's housing supply by allowing a 125% utilization rate to be acceptable at the high school level, or by allowing available capacity from adjacent High School Clusters to be counted. Alternatively, whether or not the new Greenfield Policy Area is adopted, treat the area the same way the rest of the County is proposed to be treated with respect to meeting the SSP for schools, whereby moratoriums are no longer used as a method for managing staging.
- Given the delay these projects have incurred because of the Covid 19 Pandemic and other reasons, and the previous expectation that they would have been approved by now, as well as their importance to Clarksburg, have the SSP expressly provide that projects in Clarksburg that filed Preliminary Plans before July 1, 2020 may proceed to approval so long as increase in utilization caused by the projects does not exceed 125 %.
- Recognize in the SSP that Clarksburg High School is considered to have capacity in sufficient amounts to process the plans and the Planning Board should modify the FY21 Annual School Test upon adoption of the SSP to reflect this not to exceed 125% utilization rate based on the Council's ability to advance the Damascus High School project in the future or in recognition that any additional high school capacity necessary for these two projects could be added to Clarksburg High School by the time these projects begin generating students years from now.
- If one or more of these recommendations are included in the SSP, we would request that such provision(s) be effective upon the date of adoption of the SSP, allowing the balance of the SSP to state a different effective date if so desired.

Thank you for your consideration of our suggestions as ways of fairly dealing with the situation that has occurred in Clarksburg. We are available on Thursday to discuss or answer any questions the Planning Board may have.

Bob Harris and Barbara Sears

Barbara A. Sears

11 N. Washington Street | Suite 700 | Rockville, MD 20850-4229
D: +1 301.517.4812 | O: +1 301.762.1600 | F: +1 301.517.4812



[vCard](#) | bsears@milestockbridge.com



For COVID-19 information and resources, please visit our [Coronavirus Task Force page](#).

Confidentiality Notice:

This e-mail, including any attachment(s), is intended for receipt and use by the intended addressee(s), and may contain confidential and privileged information. If you are not an intended recipient of this e-mail, you are hereby notified that any unauthorized use or distribution of this e-mail is strictly prohibited, and requested to delete this communication and its attachment(s) without making any copies thereof and to contact the sender of this e-mail immediately. Nothing contained in the body and/or header of this e-mail is intended as a signature or intended to bind the addressor or any person represented by the addressor to the terms of any agreement that may be the subject of this e-mail or its attachment(s), except where such intent is expressly indicated.

Any federal tax advice provided in this communication is not intended or written by the author to be used, and cannot be used by the recipient, for the purpose of avoiding penalties which may be imposed on the recipient by the IRS. Please contact the author if you would like to receive written advice in a format which complies with IRS rules and may be relied upon to avoid penalties.

[Secure Upload/Download files click here.](#)

From: [Marty Babcock](#)
To: [MCP-Chair](#)
Subject: common sense
Date: Friday, June 26, 2020 4:46:40 PM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

Consistent with the position of the MCCPTA, I vehemently oppose Staff Recommendation 4.5 and find it outrageous that the Board's staff has recommended eliminating the automatic moratoria in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratoria have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county. We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County's growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students. New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn't severely overcrowded or neglected. I appreciate the opportunity to participate in this democratic process and your listening to my voice.

*Sincerely,
Marty Babcock
MCPS teacher and parent
Kensington, MD*

From: [Ekaterine Adeishvili](#)
To: [MCP-Chair](#)
Subject: Moratorium on development in a school cluster
Date: Friday, June 26, 2020 7:38:15 PM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County's growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn't severely overcrowded or neglected. Thanks for considering my requests.

Thank you,
Ekaterine Adeishvili

From: [Kristen Worch](#)
To: [MCP-Chair](#)
Subject: Overcrowded Schools
Date: Saturday, June 27, 2020 10:23:50 AM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County’s growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn’t severely overcrowded or neglected. Thanks for considering my requests.

Thank you,
Kristen & Ryan Worch

From: [Sarah Edmunds](#)
To: [MCP-Chair](#)
Subject: Automatic moratorium
Date: Sunday, June 28, 2020 2:38:54 PM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County's growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn't severely overcrowded or neglected. Thanks for considering my requests.

Thank you,

Sarah Edmunds

--

Sarah Edmunds, LCSW-C
301-710-9470
sredmunds@gmail.com

intended recipient(s). The information contained in this may be confidential. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient please contact the sender by reply email and destroy all copies of the original message. Thank You.

From: [Jonathan Genn](#)
To: [MCP-Chair](#)
Cc: [Anderson, Casey](#); [Fani-Gonzalez, Natali](#); [Cichy, Gerald](#); [Patterson, Tina](#); [Verma, Partap](#); [Wright, Gwen](#); [Stern, Tanya](#); [Sartori, Jason](#); [Grave, Eric](#); [Govoni, Lisa](#); [Kronenberg, Robert](#); [Sanders, Carrie](#); [Butler, Patrick](#); [Baek, Hye-Soo](#)
Subject: July 2, 2020 SSP Work Session ## (Item #9) - Supplemental Testimony
Date: Sunday, June 28, 2020 6:10:47 PM
Attachments: [Mont Co-SSP Quadrennial Update 2020-GLDC Testimony-Regarding School and Taxes-Work Session #3-Item 9 on July 2-Final Version-2020-0628a.docx](#)

Good Evening, Chair Anderson, Vice Chair Fani-Gonzalez, and Distinguished Members of the Planning Board:

My apologies for adding to your pile of reading “homework” relating to the upcoming SSP work session #3 on Thursday. But, it is a bit disappointing (and a bit frustrating) that Staff has failed on numerous occasions to bring to the Board’s attention numerous comments and analyses from community stakeholders in the Eastern part of the County --- and not just from development stakeholders; but perhaps even more disappointingly, from long-standing and respected neighborhood community leaders. (Please, however, see my “P.S.” below.)

Moreover, it is further disappointing (and not quite understandable) that Staff appears also to have failed to bring to the Board’s specific attention (even after the June 25 Staff Report for the July 2 Work Session) the specific recommendation from ULI (who the Planning Department expressly retained and paid to help in the SSP quadrennial review), which explicitly reinforces and advocates for the exact same kind of remedies that I have been trying to raise with Staff since at least March of this year. Specifically, on page 14 of ULI’s Final Report (the first bullet point on the right column, responding to Staff Recommendation 6.2), ULI explicitly recommends:

“To make property-value-based fees and taxes economically progressive, consider both the relative value of the property and the socioeconomic standing of the owner/tenant (make the policy more data-driven here).”
(Emphasis Added.)

This is precisely what I have stated on numerous occasions regarding the need to mitigate (as much as practicable) the horrific regressive taxation effect of the SSP/Impact Surtax Policies, which further perpetuate and exacerbate the historic economic disparities, Racial Inequalities, and Social Injustices. This issue is (once again) addressed in the attached document, as the proposed “Executive Summary Solution #2” (among the 4 sets of “Executive Summary Solutions” outlined in my attached testimony).

Again, my apologies for adding to your reading burden. But I imagine you would want to have the time and opportunity to read this material, reflect on these issues thoroughly, and thus be fully prepared to discuss the merits *vel non* with your colleagues on the Planning Board this coming Thursday.

Respectfully Submitted,

Jonathan

P.S. Notwithstanding the comments (or perceived tone) above, I very much wish to specifically acknowledge --- and thank --- Gwen Wright, who (toward the end of last Thursday’s work session

#2) requested Staff to go back over a slide they had skipped, which identified one of the many topics I have been trying to raise with Staff since March 30 of this year. In that particular instance, the topic was for a specially designated “Economic Opportunity Center,” deliberately determined by the Council to be “similar in form and function as a Metro Station or central business district” to be classified in the **Red** transportation policy area (which was an oversight from when the color-coded transportation policy areas were created after the WOSG MP was adopted). Ms. Wright brought that issue up shortly after I separately emailed Ms. Wright during that work session (in real time), after Staff had quickly skipped over that slide. I am grateful that, because of Ms. Wright’s raising the topic, the Board had a quick opportunity (albeit, “on the spot” and without any advantage of prior information or opportunity for reflection) to consider the issue preliminarily. Nevertheless, because the relevant facts and circumstances were not fully or accurately presented to the Board at that time, there were a number of misconceptions that necessitated my follow-up email to the Board on June 25 to be put into the record, and which hopefully cleared up some of the confusion and misunderstandings. The good news, for which I am grateful, is that Ms. Wright did in fact intervene, which created the opportunity for the Board to at least have a preliminary discussion on the topic. ...Always trying to look on the bright side!!....

Jonathan M. Genn, Esquire

Executive Vice President and General Counsel

**Global LifeSci Development Corporation
and Percontee, Inc.**

11900 Tech Road, Silver Spring, MD 20904
USA

Telephone: +1-301-622-0100; Telecopier: +1-301-622-3507
Mobile: +1-410-935-2599; Email: jonathan@percontee.com

Global LifeSci Development Corporation (“GLDC”)
11900 Tech Road, Silver Spring, MD 20904
Telephone (o): 301-622-0100; (m) 410-935-2599; Email: jonathan@percontee.com

June 28, 2020

VIA Email (MCP-Chair@mncppc-mc.org)

Casey Anderson, Chair
Natalie Fani-Gonzalez, Vice Chair
Commissioners of the Montgomery County Planning Board
Maryland-National Capital Park and Planning Commission (Montgomery County)
8787 Georgia Avenue
Silver Spring, MD 20910

RE: **July 2, 2020 (Item 9): Subdivision Staging Policy Work Session #3 – Schools/Taxes**

Dear Chair Anderson, Vice Chair Fani-Gonzalez, and Distinguished Commissioners of the Planning Board:

A number of public officials have specifically asked GLDC to comment on the effects of the County’s Subdivision Staging Policy (“SSP”) and associated Impact Surtax and UMP/LATIP/UPP policies (collectively, the “SSP/Impact Surtax Policies”) on the County’s desired VIVA White Oak™ community revitalization efforts. Kindly allow me to be very specific and blunt:

The planned VIVA White Oak™ community revitalization is **not financially viable** with either the existing or Public Hearing Draft set of SSP/Impact Surtax Policies. **Period.**

For all the reasons more fully set forth in GLDC’s written testimony of June 7 and June 23 (as well as my email submitted to the Planning Board and submitted into the Record on June 25), the existing and proposed Public Hearing Draft set of SSP/Impact Surtax Policies would:

- (a) perpetuate its horrifically regressive tax effects, which makes revitalization in the lower socio-economic areas of the County utterly cost-prohibitive (thus causing a *de facto* moratorium);
- (b) perpetuate and exacerbate the same policies that have (at least *de facto*, in the land use context) contributed to the County’s history of Racial Inequality and Social Injustice; and
- (c) for the County’s lower socio-economic areas, thwart the Planning Department and Planning Board’s desired “Thrive Montgomery 2050” goals, because, for these lower socio-economic areas:

Long, long before (i.e. 30 years) one could even imagine a “**THRIVE 2050,**”
these lower socio-economic areas first need to “**SURVIVE 2020.**”

The County's existing set of SSP/Impact Surtax Policies make it *unlikely* that the VIVA White Oak™ revitalization project could *survive 2020*. Those SSP/Impact Surtax Policies simply put VIVA White Oak™ too far “under water” and prevent it from “penciling out” sufficiently to attract the needed initial at-risk capital investors and institutional lenders. This reality --- that the VIVA White Oak™ revitalization effort will not “pencil out” --- is due primarily to the present VIVA White Oak™ market conditions¹, where:

The VIVA White Oak™ Market Conditions are
>29% BELOW
The Countywide Median Market Conditions

BUT THE GOOD NEWS!

The Good News, however, is that the Public Hearing Draft (with its very informative set of data and analyses) --- but only as further refined by the modifications proposed in this letter --- has laid an initial foundation upon which such a modified set of 2020-2024 SSP/Impact Surtax Policies could: (1) mitigate these regressive taxation effects, (2) advance the County's goals for Racial Equity and Social Justice, and (3) put those lower socio-economic areas of the County on a path to “survive 2020” (and thereby give some hope for their potential to “thrive 2050”). These modifications, as outlined in the Executive Summary Solutions below², are also necessary to help VIVA White Oak™ get closer to financial viability and “penciling out.”

EXECUTIVE SUMMARY: SOLUTION #1 (OOZs)

For all the same reasons, and similar to what was required to catalyze the revitalization of Downtown Silver Spring 25+ years ago, all U.S. Treasury certified “**Qualified Opportunity Zones**” in the County should be **exempted** from all Impact Surtaxes; but **not** exempted from appropriate LATR, UMP/LATIP, or UPP payments (although adjusted for property-value-bases, as ULI suggests in Solution #2.)

¹ The best metric to analyze the applicable “market conditions” is Median Household Income (averaged by 1-mile and 3-mile radius)(“Median HHI”) to know the consumer spending power in that market (which data can be easily obtained from CoStar's demographic database for every property). Note: For more urban areas, and because the policy goal is to reduce vehicles miles traveled (VMT) and encourage more walkable/bikeable communities, an average of the 1-mile and 3-mile Median HHI is the most appropriate measure. Measuring an area broader than 3-miles is a more suburban setting, encouraging more auto-dependency, more VMTs, and less walkable and bikeable.

Using this metric:	Countywide Median HHI Market is:	<u>\$108,000.</u>
	VIVA White Oak™ Median HHI Market is:	<u>\$ 76,565</u>
	Difference [(\$108,000 – \$76,565)/\$108,000]:	<u>29.1% BELOW</u> County Median HHI

² The Executive Summary solutions contained in this letter are focused primarily on the school issues, because that is the agenda topic for the Planning Board's July 2, 2020 work session #3. GLDC intends to submit an Executive Summary of solutions relating to the transportation and other broader issues next week, in advance of the Planning Board's July 9 work session #4 (all of which are also needed for VIVA White Oak™ to “pencil out”).

EXECUTIVE SUMMARY: SOLUTION #2 (ULI – Progressive Tax)

To mitigate the horrifically regressive taxation effect of the SSP/Impact Surtax Policies, and to help advance the County’s goals for Racial Equity and Social Justice, adopt ULI’s recommendation to R 6.2, (see page 14 of ULI’s Final Report), which explicitly states: “... make property-value-based fees and taxes economically progressive, consider both the relative value of the property and the socioeconomic standing of the owner/tenant (make the policy more data-driven here).”

To best implement this ULI recommendation, **all applicable School Impact Surtaxes and any UPP fees should be adjusted on a property-value-basis relative to the County’s Median Household Income.** (See Chart D below, which reflects this remedy.)

EXECUTIVE SUMMARY: SOLUTION #3 (Appropriate Rate Changes)

1. **Differentiate Low-Rise Multifamily from High-Rise Multifamily** (rather than combining them as one), because Staff’s own data show the differential is statistically significant. (See, e.g., Public Hearing Draft Appendix, Figures G1, G2, G16, G18 on pages 48, 49, 57, and 58, respectively, showing high-rise multifamily generating **>33% fewer students** than low-rise multifamily).
2. **Use only “Since 2010” Multifamily Student Generation Rates** (not “Since 1990” rates”) and adjust the rates accordingly, because Staff’s own data show the differential is statistically significant. (See Slide 53 of Mr. Sartori’s briefing PPT dated May 28, showing multifamily student generation rates “Since 2010” **is ~56% LOWER** than the student generation rates of multifamily units from 1990 – 2009!!).
3. **White Oak Science Gateway Master Plan should be categorized as INFILL** (not “Turnover”), because projects like VIVA White Oak™ will have **>85% of residences multifamily**, and Staff’s own data show (on pages 61 and 62 of the Public Hearing Draft Appendices) that such a high percentage of multifamily is the most dispositive attribute to qualify for **Infill** classification.

EXECUTIVE SUMMARY: SOLUTION #4 (MWCOG Activity Centers)

To encourage and advance the County’s “Thrive Montgomery 2050” goals, the best planning tool will be to differentiate the four **MWCOG designated “Activity Centers,”** because they are materially different in terms of generation rates. Therefore, apply the following discounts from the “standard rates” for School Impact Surtaxes and UPP Fees:

<u>Type of MWCOG Activity Center</u>	<u>% Discount off Standard Rate</u>
NON-High Growth Activity Centers:	15%
High/Highest Growth Population ONLY Activity Centers:	30%
High/Highest Growth Jobs ONLY Activity Centers:	45%
High/Highest Growth Jobs AND Population Activity Centers:	60%

THE RESULTS. For comparison, Solutions #3 & #4 are highlighted in yellow in Chart B below.

CHART A – AS PROPOSED IN PUBLIC HEARING DRAFT

CURRENT PUBLIC HEARING DRAFT RATE PROPOSAL		Calculation Factor	SF Detached	SF Attached	Multi-Family	
					Low-Rise	High-Rise
Current Rates		120%	\$26,207	\$27,598	\$21,961	\$6,113
Infill	Standard	100%	\$17,186	\$18,303	\$4,325	
	Activity Center	60%	\$10,312	\$10,982	\$2,595	
Turnover	Standard	100%	\$21,627	\$23,503	\$8,936	
	Activity Center	60%	\$12,976	\$14,102	\$5,362	
Impact Areas	AR Zone	120%	\$25,952	\$28,204	\$10,723	
	AR Zone (single unit)	60%	\$12,976	\$14,102	\$5,362	
Greenfield	Standard	100%	\$33,809	\$28,691	\$24,898	
	Activity Center	100%	\$33,809	\$28,691	\$24,898	
	AR Zone	120%	\$40,571	\$34,429	\$29,878	
	AR Zone (single unit)	60%	\$20,285	\$17,215	\$14,939	

CHART B – AS PROPOSED BY EXECUTIVE SUMMARY SOLUTIONS #3 and #4

EXECUTIVE SUMMARY'S PROPOSED RATE STRUCTURE (Changes Highlighted in Yellow)		Calculation Factor	SF Detached	SF Attached	Multi-Family	
					Low-Rise	High-Rise
Current Rates		120%	\$26,207	\$27,598	\$21,961	\$6,113
Infill	Standard (NOT an Activity Center)	100%	\$17,186	\$18,303	\$4,325	\$1,427
	Non-HG Activity Center	85%	\$14,608	\$15,558	\$3,676	\$1,213
	HG POP Only Activity Center	70%	\$12,030	\$12,812	\$3,028	\$999
	HG JOB Only Activity Center	55%	\$9,452	\$10,067	\$2,379	\$785
	HG JOB <u>AND</u> POP Activity Center	40%	\$6,874	\$7,321	\$1,730	\$571
	ADUs and Other Single Units	60%	\$10,312	\$10,982	n/a	n/a
Turnover	Standard (NOT an Activity Center)	100%	\$21,627	\$23,503	\$8,936	\$2,949
	Non-HG Activity Center	85%	\$18,383	\$19,978	\$7,596	\$2,507
	HG POP Only Activity Center	70%	\$15,139	\$16,452	\$6,255	\$2,064
	HG JOB Only Activity Center	55%	\$11,895	\$12,927	\$4,915	\$1,622
	HG JOB <u>AND</u> POP Activity Center	40%	\$8,651	\$9,401	\$3,574	\$1,180
	ADUs and Other Single Units	60%	\$12,976	\$14,102	n/a	n/a
	AR Zone	120%	\$25,952	\$28,204	\$10,723	\$3,539
	AR Zone (single unit)	60%	\$12,976	\$14,102	n/a	n/a
Greenfield	Standard (NOT an Activity Center)	100%	\$33,809	\$28,691	\$24,898	\$8,216
	NON-High Growth Activity Center	85%	\$28,738	\$24,387	\$21,163	\$6,984
	AR Zone	120%	\$40,571	\$34,429	\$29,878	\$9,860
	AR Zone (single unit)	60%	\$20,285	\$17,215	n/a	n/a

KEY:

Non-HG Activity Center = NON-High Growth Activity Center (as shown on Public Hearing Draft Figure 6, page 14)

HG POP Only Activity Cer = High/Highest Growth Activity Center for **Population ONLY** (see Public Hearing Draft Figure 4, page 11)

HG JOB Only Activity Cer = High/Highest Growth Activity Center for **Jobs ONLY** (see Public Hearing Draft Figure 5, page 12)

HG JOB AND POP Activit = High/Highest Growth Activity Center for **Jobs AND Population** (see Public Hearing Draft Figures 4 & 5, pages 11 & 12)

Chart B is more precisely data-driven and context sensitive, especially relating to 85% to 89% of the County that falls into the “Turnover” Impact Area (which only partially remedies the existing “one-size-fits-all” approach to a new “one-size-fits~85%” approach). Does anyone really think Poolesville, Damascus, Potomac, Aspen Hill, Glenmont (outside Metro), and Burtonsville (just for example) all experience the same “turnover effect” and should be grouped in the same 85%-89% “Turnover” category (especially when Staff and MCPS already have readily available Utilization Report data for each of the separate 35 school study areas)?

Now, further adjusting the rates from Chart B above, consistent with ULI's recommendation to make *"property-value-based fees and taxes economically progressive"* and consider *"both the relative value of the property and the socioeconomic standing of the owner/tenant"* (See Executive Summary Solution #2):

CHART C – AS PROPOSED IN PUBLIC HEARING DRAFT (Horribly Regressive)

Examples of Egregiously Regressive Taxation Effect of School and Transportation Impact Surtax Policies (USING PUBLIC HEARING DRAFT PROPOSED RATES)							
	Examples of Areas Adversely Affected by Historic "Prosperity Disparity"				Examples of Historically Prosperous Areas		
	Mont Village	Aspen Hill	(outside CBD) Glenmont	Calverton	(inside CBD) Bethesda	(outside CBD) Bethesda/Chevy Chase	Potomac
Type of Home	SFA Townhome (3BR)	SF Detached (3BR)	SF Detached (3BR)	SFA Townhome (3BR)	Condo High-Rise (3BR)	SFA Townhome (4BR)	SF Detached (7 BR)
Value of Home	\$359,000	\$419,000	\$409,000	\$339,000	\$2,100,000	\$1,200,000	\$5,700,000
School Impact Zone	Turnover	Turnover	Turnover	Turnover	Infill	Turnover	Turnover
Activity Center?	No	No	No	No	Yes	Yes	No
Transportation Policy Area	Yellow	Yellow	Orange	Yellow	Red	Orange	Yellow
Median HHI (1 mile)	\$68,844	\$73,267	\$83,641	\$68,401	\$125,158	\$122,213	\$255,612
Median HHI (3 miles)	\$88,737	\$85,200	\$96,498	\$80,851	\$160,955	\$152,557	\$225,988
Avg Median HHI (1 & 3 mi avg)	\$78,791	\$79,234	\$90,070	\$74,626	\$143,057	\$137,385	\$240,800
School Impact Surtax	\$23,503	\$21,627	\$21,627	\$23,503	\$10,312	\$14,102	\$21,627
Transportation Surtax	\$20,038	\$24,490	\$19,591	\$20,038	\$3,561	\$16,030	\$24,490
Total Impact Surtaxes	\$43,541	\$46,117	\$41,218	\$43,541	\$13,873	\$30,132	\$46,117
(Before any UMP/UPP or Adjustments)							
Total Surtaxes as % of Value	12.13%	11.01%	10.08%	12.84%	0.66%	2.51%	0.81%
How Many Times Higher than:					Value exceeds highest of lower socio-econ examples by:	Value exceeds highest of lower socio-econ examples by:	Value exceeds highest of lower socio-econ examples by:
Bethesda 3BR Condo?:	18.36	16.66	15.26	19.44	\$1,681,000	\$781,000	\$5,281,000
Bethesda/CC 4BR Townhome?:	4.83	4.38	4.01	5.12	But Surtaxes are LOWER by:	But Surtaxes are LOWER by:	But Surtaxes are
Potomac 7BR SF Detached?:	14.99	13.60	12.46	15.87	\$32,244	\$15,985	THE SAME!!

NOTE: Any additional LATR or UMP/LATIP payments and/or proposed Utilization Premium Payments could even further exacerbate these horribly regressive taxation effects, if the historic disinvestment in those lower socio-economic areas are ignored, and the cost burden to "bring to date" the historic unfunded infrastructure is placed on new development that had nothing to do with those past public facility inadequacies.

CHART D – AS PROPOSED BY EXECUTIVE SUMMARY SOLUTION #2 (Partial Regressive Mitigation)

Partially Mitigating Effect of EXECUTIVE SUMMARY #2's PROPOSALS on Otherwise Eggeously Regressive Taxation Under the Public Hearing Draft							
	Examples of Areas Adversely Affected by Historic "Prosperity Disparity"				Examples of Historically Prosperous Areas		
	Mont Village	Aspen Hill	(outside CBD) Glenmont	Calverton	(inside CBD) Bethesda	(outside CBD) Bethesda/Chevy Chase	Potomac
Type of Home	SFA Townhome (3BR)	SF Detached (3BR)	SF Detached (3BR)	SFA Townhome (3BR)	Condo High-Rise (3BR)	SFA Townhome (4BR)	SF Detached (7 BR)
Value of Home	\$359,000	\$419,000	\$409,000	\$339,000	\$2,100,000	\$1,200,000	\$5,700,000
School Impact Zone	Turnover	Turnover	Turnover	Turnover	Infill	Turnover	Turnover
Activity Center?	No	No	No	No	Yes (HG J&P AC)	Yes (NON-HG AC)	No
Trans Policy Area	Yellow	Yellow	Orange	Yellow	Red	Orange	Yellow
Median HHI (1 mile)	\$68,844	\$73,267	\$83,641	\$68,401	\$125,158	\$122,213	\$255,612
Median HHI (3 miles)	\$88,737	\$85,200	\$96,498	\$80,851	\$160,955	\$152,557	\$225,988
Avg Median HHI (1 & 3 mi)	\$78,791	\$79,234	\$90,070	\$74,626	\$143,057	\$137,385	\$240,800
Countywide Med HHI	\$108,000	\$108,000	\$108,000	\$108,000	\$108,000	\$108,000	\$108,000
Plus/Minus from Co Med HHI	-\$29,210	-\$28,767	-\$17,931	-\$33,374	\$35,057	\$29,385	\$132,800
Regressive Tax Adjustment**	-27.0%	-26.6%	-16.6%	-30.9%	32.5%	27.2%	123.0%
Adjusted Surtax Amount:							
School Impact Surtax	\$17,146	\$15,867	\$18,036	\$16,240	\$756	\$25,413	\$48,220
Transportation Surtax	\$14,619	\$17,967	\$16,338	\$13,846	\$4,717	\$20,391	\$54,604
Total Impact Surtaxes	\$31,765	\$33,833	\$34,375	\$30,086	\$5,473	\$45,805	\$102,824
(After Adjustments)							
Adjusted Surtaxes: % of Value	8.85%	8.07%	8.40%	8.87%	0.26%	3.82%	1.80%
How Many Times Higher than:					Value exceeds highest of lower socio-econ examples by:	Value exceeds highest of lower socio-econ examples by:	Value exceeds highest of lower socio-econ examples by:
Bethesda 3BR Condo?:	33.95	30.98	32.25	34.05	\$1,681,000	\$781,000	\$5,281,000
Bethesda/CC 4BR Townhome?:	2.32	2.12	2.20	2.33	But Surtaxes are LOWER by:	Surtaxes are higher by only:	Surtaxes are higher by only:
Potomac 7BR SF Detached?:	4.90	4.48	4.66	4.92	\$28,360	\$11,971	\$68,990

NOTE: Any additional LATR or UMP/LATIP payments and/or proposed Utilization Premium Payments could even further exacerbate these horribly regressive taxation effects, if the historic disinvestment in those lower socio-economic areas are ignored, and the cost burden to "bring to date" the historic unfunded infrastructure is placed on new development that had nothing to do with those past public facility inadequacies.

**** Note: These adjustment do NOT make the Impact Surtaxes progressive (nor proportionate, as should be the case with ad valorem property taxes based on assessed values). Instead, these adjustment merely (and only partially) mitigate the horribly regressive taxation effect of the existing and the Public Hearing Draft's proposed Impact Surtaxes.**

This chart thus shows that, even with these adjustments to partially mitigate the regressive taxation, the higher valued homes are still not paying much more as a percentage of home values home values

***** Yes, the Bethesda CBD High Rise Condo School Impact Surtaxes would go down substantially --- making the rgressive effect look even worse --- but high-rise condos in the Infill CBDs by Metro Stations generate such a small fraction of new students and SOV trips, and are in High Growth Job AND Population Activity Centers, where future density is desirable and should be encouraged and incentivized**

As the above Charts A-D show, Executive Summary Solutions #2, #3, and #4 create a more equitable set of SSP/Impact Surtax Policies that would meaningfully help to: (1) mitigate the SSP/Impact Surtax Policies' most horrific form of regressive taxation (although these solutions does not eliminate the regressive tax, nor make them progressive, as ULI suggests); and (2) advance the County's goals for Racial Equity and Social Justice.

Nevertheless, and for all the same reasons and imperatives for the County using its toolbox to help "jump-start" and catalyze the revitalization of Downtown Silver Spring 25+ years ago --- namely, (a) completely exempting the areas from all Impact Taxes, (b) layering in PILOT programs, (c) awarded very substantial grants and other financial incentives to attract United Therapeutics and Discovery Communication (among others) --- the precisely targeted and strategic tool of exempting from the SSP/Impact Surtaxes all of the State designated Enterprise Zones and all the US Treasury certified "Qualified Opportunity Zones" located in the County (as described in Executive Summary Solution #1 above) is of critical importance to help these lower socio-economic areas overcome the decades of disinvestment and the vestiges of Racial Inequalities and Social Injustices (whether intended or not) that extend back in history for over half a Century.

These same historic disparities are the primary factors that have caused the VIVA White Oak™ market conditions today to be >29% below the Countywide Median Household Income³. Executive Summary Solution #1 is thus among the most consequential modifications to the Public Hearing Draft proposal that can help VIVA White Oak™ "survive 2020," get closer to "penciling out" to attract needed initial at-risk capital investors and institutional lenders, and help catalyze a revitalized VIVA White Oak™ community to have any hope to "Thrive 2050." Moreover, the RCLCO computation of the net fiscal benefits the County would enjoy from the VIVA White Oak™ project being financially viable and succeeding would represent an extraordinary "return" on the County's relatively nominal investment by exempting "Qualified Opportunity Zones" from the SSP/Impact Surtax Policies.⁴

Finally, to the extent the Planning Board has any reservations about making these better policy decisions over any concern that the Impact Surtax revenues might be reduced as a result, please note at least the following:

(1) simply applying Solution #2 above (adjusting to Median Household Income) would be a substantial revenue positive change, because more development is likely to happen in areas above the Countywide Median Household Income than those areas below; and

³ Why is it that analyzing the average 1-mile and 3-mile Median Household Income of a property is an accurate barometer to assess the historic disinvestment, economic disparities, and vestiges of Racial Inequality and Social Injustice? Because all those historic factors get fully "baked into" the current market conditions, as reflected by Median Household Income for the area (namely, the entire evolution of how the area has been valued by the public sector for investment in public infrastructure, as well as valued (or discounted) by the private sector (i.e., home buyers and employers) considering all those historic factors.

⁴ RCLCO (who performed the economic study for Downtown Silver Spring 30+ years ago) performed a similar economic impact analysis of VIVA White Oak™, which concluded that the net fiscal benefit for the County (even after accounting for the added costs for schools, public safety, and all other County public services the development would require) was over \$1.3 BILLION (over a typical 30-year bond period); and furthermore, VIVA White Oak™ is projected to generate over 10,000 new full-time jobs, which is especially significant in an area of the County that hasn't had much, if any, private sector investment for *decades*.

(2) please review the outline of the proposed “Build Montgomery” Revenue Bond program described in my June 7 written testimony on pages 19-22, which would be the most reliable, equitable, and timely source of capital for all public infrastructure the County needs in dollar amounts that would be many, many, many multiples of the entire aggregate of Impact Surtaxes and other land-use exactions presently in use.

I would welcome the opportunity to answer any questions or provide any additional information the Planning Board (or Planning Staff) wish to discuss.

Respectfully Submitted,

/s/ Jonathan M. Genn

Jonathan M. Genn, Executive Vice President and General Counsel
Global LifeSci Development Corporation

cc: Gwen Wright, Director
Tanya Stern, Deputy Director
Jason Sartori, Chief, Functional Planning & Policy
Eric Graye, Planning Supervisor, Functional Planning & Policy
Lisa Govoni, Research & Special Projects
Robert Kronenberg, Deputy Planning Director
Carrie Sanders, Chief, Area 2
Patrick Butler, Supervisor, Area 2
Hye-Soo Baek, Senior Planner, Functional Planning & Policy

Attachments: Charts A–D, **Enlarged for Easier Reading**

CHART A - AS PROPOSED IN PUBLIC HEARING DRAFT (ENLARGED)

CURRENT PUBLIC HEARING DRAFT RATE PROPOSAL		Calculation Factor	SF Detached	SF Attached	Multi-Family	
					Low-Rise	High-Rise
Current Rates		120%	\$26,207	\$27,598	\$21,961	\$6,113
Infill	Standard	100%	\$17,186	\$18,303	\$4,325	
	Activity Center	60%	\$10,312	\$10,982	\$2,595	
Turnover	Standard	100%	\$21,627	\$23,503	\$8,936	
	Activity Center	60%	\$12,976	\$14,102	\$5,362	
Impact Areas	AR Zone	120%	\$25,952	\$28,204	\$10,723	
	AR Zone (single unit)	60%	\$12,976	\$14,102	\$5,362	
Greenfield	Standard	100%	\$33,809	\$28,691	\$24,898	
	Activity Center	100%	\$33,809	\$28,691	\$24,898	
Impact Areas	AR Zone	120%	\$40,571	\$34,429	\$29,878	
	AR Zone (single unit)	60%	\$20,285	\$17,215	\$14,939	

CHART B - AS PROPOSED BY EXEC SUMMARY SOLUTIONS #3 and #4 (ENLARGED)

EXECUTIVE SUMMARY'S PROPOSED RATE STRUCTURE (Changes Highlighted in Yellow)		Calculation Factor	SF Detached	SF Attached	Multi-Family	
					Low-Rise	High-Rise (33% of Low Rise)
Current Rates		120%	\$26,207	\$27,598	\$21,961	\$6,113
		100%	\$17,186	\$18,303	\$4,325	\$1,427
Infill Impact Areas	Standard (NOT an Activity Center)	85%	\$14,608	\$15,558	\$3,676	\$1,213
	Non-HG Activity Center	70%	\$12,030	\$12,812	\$3,028	\$999
	HG POP Only Activity Center	55%	\$9,452	\$10,067	\$2,379	\$785
	HG JOB Only Activity Center	40%	\$6,874	\$7,321	\$1,730	\$571
	HG JOB AND POP Activity Center	60%	\$10,312	\$10,982	n/a	n/a
Turnover Impact Areas	ADUs and Other Single Units	100%	\$21,627	\$23,503	\$8,936	\$2,949
	Standard (NOT an Activity Center)	85%	\$18,383	\$19,978	\$7,596	\$2,507
	Non-HG Activity Center	70%	\$15,139	\$16,452	\$6,255	\$2,064
	HG POP Only Activity Center	55%	\$11,895	\$12,927	\$4,915	\$1,622
	HG JOB Only Activity Center	40%	\$8,651	\$9,401	\$3,574	\$1,180
	HG JOB AND POP Activity Center	60%	\$12,976	\$14,102	n/a	n/a
	ADUs and Other Single Units	120%	\$25,952	\$28,204	\$10,723	\$3,539
Greenfield Impact Areas	AR Zone	60%	\$12,976	\$14,102	n/a	n/a
	AR Zone (single unit)	100%	\$33,809	\$28,691	\$24,898	\$8,216
	Standard (NOT an Activity Center)	85%	\$28,738	\$24,387	\$21,163	\$6,984
	NON-High Growth Activity Center	120%	\$40,571	\$34,429	\$29,878	\$9,860
	AR Zone	60%	\$20,285	\$17,215	n/a	n/a
KEY:						
Non-HG Activity Center = NON-High Growth Activity Center (as shown on Public Hearing Draft Figure 6, page 14)						
HG POP Only Activity Cer = High/Highest Growth Activity Center for <u>Population ONLY</u> (see Public Hearing Draft Figure 4, page 11)						
HG JOB Only Activity Cer = High/Highest Growth Activity Center for <u>Jobs ONLY</u> (see Public Hearing Draft Figure 5, page 12)						
HG JOB <u>AND</u> POP Activit = High/Highest Growth Activity Center for <u>Jobs AND Population</u> (see Public Hearing Draft Figures 4 & 5, pages 11 & 12)						

CHART C – AS PROPOSED IN PUBLIC HEARING DRAFT (Horribly Regressive) (ENLARGED)

Examples of Egregiously Regressive Taxation Effect of School and Transportation Impact Surtax Policies (USING PUBLIC HEARING DRAFT PROPOSED RATES)							
	Examples of Areas Adversely Affected by Historic "Prosperity Disparity"				Examples of Historically Prosperous Areas		
	Mont Village	Aspen Hill	(outside CBD) Glenmont	Calverton	(inside CBD) Bethesda	(outside CBD) Bethesda/Chevy Chase	Potomac
Type of Home	SFA Townhome (3BR)	SF Detached (3BR)	SF Detached (3BR)	SFA Townhome (3BR)	Condo High-Rise (3BR)	SFA Townhome (4BR)	SF Detached (7 BR)
Value of Home	\$359,000	\$419,000	\$409,000	\$339,000	\$2,100,000	\$1,200,000	\$5,700,000
School Impact Zone	Turnover	Turnover	Turnover	Turnover	Infill	Turnover	Turnover
Activity Center?	No	No	No	No	Yes	Yes	No
Transportation Policy Area	Yellow	Yellow	Orange	Yellow	Red	Orange	Yellow
Median HHI (1 mile)	\$68,844	\$73,267	\$83,641	\$68,401	\$125,158	\$122,213	\$255,612
Median HHI (3 miles)	\$88,737	\$85,200	\$96,498	\$80,851	\$160,955	\$152,557	\$225,988
Avg Median HHI (1 & 3 mi avg)	\$78,791	\$79,234	\$90,070	\$74,626	\$143,057	\$137,385	\$240,800
School Impact Surtax	\$23,503	\$21,627	\$21,627	\$23,503	\$10,312	\$14,102	\$21,627
Transportation Surtax	\$20,038	\$24,490	\$19,591	\$20,038	\$3,561	\$16,030	\$24,490
Total Impact Surtaxes	\$43,541	\$46,117	\$41,218	\$43,541	\$13,873	\$30,132	\$46,117
(Before any UMP/UPP or Adjustments)							
Total Surtaxes as % of Value	12.13%	11.01%	10.08%	12.84%	0.66%	2.51%	0.81%
How Many Times Higher than:					Value exceeds highest of lower socio-econ examples by:	Value exceeds highest of lower socio-econ examples by:	Value exceeds highest of lower socio-econ examples by:
Bethesda 3BR Condo?:	18.36	16.66	15.26	19.44	\$1,681,000	\$781,000	\$5,281,000
Bethesda/CC 4BR Townhome?:	4.83	4.38	4.01	5.12	But Surtaxes are LOWER by:	But Surtaxes are LOWER by:	But Surtaxes are
Potomac 7BR SF Detached?:	14.99	13.60	12.46	15.87	\$32,244	\$15,985	THE SAME!!
NOTE: Any additional LATR or UMP/LATIP payments and/or proposed Utilization Premium Payments could even further exacerbate these horrifically regressive taxation effects, if the historic disinvestment in those lower socio-economic areas are ignored, and the cost burden to "bring to date" the historic unfunded infrastructure is placed on new development that had nothing to do with those past public facility inadequacies.							

CHART D - PROPOSED BY SOLUTION #2 (Partial Regressive Mitigation) (ENLARGED)

Partially Mitigating Effect of EXECUTIVE SUMMARY #2's PROPOSALS on Otherwise Egregiously Regressive Taxation Under the Public Hearing Draft							
	Examples of Areas Adversely Affected by Historic "Prosperity Disparity"				Examples of Historically Prosperous Areas		
	Mont Village	Aspen Hill	(outside CBD) Glenmont	Calverton	(inside CBD) Bethesda	(outside CBD) Bethesda/Cherry Chase	Potomac
Type of Home	SFA Townhome (3BR)	SF Detached (3BR)	SF Detached (3BR)	SFA Townhome (3BR)	Condo High-Rise (3BR)	SFA Townhome (4BR)	SF Detached (7 BR)
Value of Home	\$359,000	\$419,000	\$409,000	\$339,000	\$2,100,000	\$1,200,000	\$5,700,000
School Impact Zone Activity Center?	Turnover No	Turnover No	Turnover No	Turnover No	Infill Yes (HG J&P AC)	Turnover Yes (NON-HG AC)	Turnover No
Trans Policy Area	Yellow	Yellow	Orange	Yellow	Red	Orange	Yellow
Median HHI (1 mile)	\$68,844	\$73,267	\$83,641	\$68,401	\$125,158	\$122,213	\$255,612
Median HHI (3 miles)	\$88,737	\$85,200	\$96,498	\$80,851	\$160,955	\$152,557	\$225,988
Avg Median HHI (1 & 3 mi)	\$78,791	\$79,234	\$90,070	\$74,626	\$143,057	\$137,385	\$240,800
Countywide Med HHI	\$108,000	\$108,000	\$108,000	\$108,000	\$108,000	\$108,000	\$108,000
Plus/Minus from Co Med HHI	-\$29,210	-\$28,767	-\$17,931	-\$33,374	\$35,057	\$29,385	\$132,800
Regressive Tax Adjustment**	-27.0%	-26.6%	-16.6%	-30.9%	32.5%	27.2%	123.0%
Adjusted Surtax Amount:							
School Impact Surtax	\$17,146	\$15,867	\$18,036	\$16,240	\$756	\$25,413	\$48,220
Transportation Surtax	\$14,619	\$17,967	\$16,338	\$13,846	\$4,717	\$20,391	\$54,604
Total Impact Surtaxes	\$31,765	\$33,833	\$34,375	\$30,086	\$5,473	\$45,805	\$102,824
(After Adjustments)							
Adjusted Surtaxes: % of Value	8.85%	8.07%	8.40%	8.87%	0.26%	3.82%	1.80%
How Many Times Higher than:					Value exceeds highest of lower socio-econ examples by:	Value exceeds highest of lower socio-econ examples by:	Value exceeds highest of lower socio-econ examples by:
Bethesda 3BR Condo?:	33.95	30.98	32.25	34.05	\$1,681,000	\$781,000	\$5,281,000
Bethesda/CC 4BR Townhome?:	2.32	2.12	2.20	2.33	But Surtaxes are LOWER by:	Surtaxes are higher by only:	Surtaxes are higher by only:
Potomac 7BR SF Detached?:	4.90	4.48	4.66	4.92	\$28,360	\$11,971	\$68,990
NOTE: Any additional LATR or UIMP/LATIP payments and/or proposed Utilization Premium Payments could even further exacerbate these horrifically regressive taxation effects, if the historic disinvestment in those lower socio-economic areas are ignored, and the cost burden to "bring to date" the historic unfunded infrastructure is placed on new development that had nothing to do with those past public facility inadequacies.							
** Note: These adjustment do NOT make the Impact Surtaxes progressive (nor proportionate, as should be the case with ad valorem property taxes based on assessed values). Instead, these adjustment merely (and only partially) mitigate the horrifically regressive taxation effect of the existing and the Public Hearing Draft's proposed Impact Surtaxes).							
This chart thus shows that, even with these adjustments to partially mitigate the regressive taxation, the higher valued homes are still not paying much more as a percentage of home values home values							
*** Yes, the Bethesda CBD High Rise Condo School Impact Surtaxes would go down substantially --- making the regressive effect look even worse --- but high-rise condos in the Infill CBDs by Metro Stations generate such a small fraction of new students and SOV trips, and are in High Growth Job AND Population Activity Centers, where future density is desirable and should be encouraged and incentivized							

From: [Sears, Barbara A.](#)
To: [MCP-Chair](#)
Cc: [Vincent, Gwen](#); [Kronenberg, Robert](#); [Sertori, Jason](#); arismardrossian@comcast.net; hutchandy@gmail.com; [Herb Patterson](#); [Sears, Barbara A.](#)
Subject: Comments on 2020-2024 County Growth Policy, pp. 84-85 - Impact Taxes - Staff Recommendation on 25% Affordable Housing Exemptions
Date: Monday, June 29, 2020 11:08:31 AM
Attachments: [image007.png](#)
[image008.png](#)
[image010.png](#)
[image011.png](#)

Dear Chairman Anderson and members of Members of the Planning Board-

We represent Bethmont LLC and Bethesda Land LLC ("Owners"), who own 7815 and 7820 Wisconsin Avenue (the "Property"), respectively, in Downtown Bethesda. Since the start of the Downtown Bethesda Sector Plan in 2016, the Owners have worked together on a project that would incorporate 25% MPDUs in new high-rise construction to be built by private developers ("Project"). The Project confronts Veterans Park and is proximate to the new Marriott Headquarters. It is well connected to the Bethesda Metro, Purple Line Station and a planned BRT station. The land and construction costs of the Project are very high and the project is possible because of the provisions in the impact tax law that would not impose impact taxes on projects providing 25% MPDUs. As noted by staff, this provision was adopted in 2015 and considered with reference to the Project when the Downtown Bethesda Sector Plan was debated as was the fact that 15% MPDUs would be required as part of the Overlay Zone. Indeed, it was acknowledged that several incentives, including the impact tax exemption and additional height, were necessary for the Project to produce 25% MPDUs and also meet the necessary public benefit points and High Performance Area standards. All of these factors were fully discussed and understood when the Plan and Zone were adopted. These anticipated costs have only increased since 2017.

Following adoption of the Downtown Plan and Overlay Zone, the Owners designed the Project and in December of 2017 made an initial filing of a sketch plan containing 25% MPDUs (estimated to produce approximately 80 MPDUs). Since that time the acceptance and processing of the sketch plan has been delayed due to the uncertainty of the location and acquisition of land for the expansion of Veterans Park. The Owners have worked cooperatively and patiently with staff during its deliberations on the location of the Park, negotiations with others to acquire land for the expansion and very recent approval by the Planning Board of an agreement to purchase land from an abutting land owner for Veterans Park. The staff and Owners are now engaged in further discussions and negotiations relating to implementing the Park in a cost-effective manner in accordance with the Board's direction. With the major decisions regarding location and the securing of a contract to purchase the Park complete, it is the Owners' understanding that, after approximately two and one-half years since the initial filing of the sketch plan, the Project may proceed. However, the Project will not secure necessary approvals before the FY 2000-2024 SSP is effective and a change to the impact tax law made if the draft recommendation to raise the 25% MPDU threshold to 30% in areas required to provide 15% MPDUs is approved. Such a decision would render the ability of the Owners to provide 25% MPDUs infeasible, negating the recommendations of the Downtown Plan for the Property, rendering the costs and expenses of the Owners on the Project (approximately \$1 million) of little or no value and limiting the abilities of the Owners to work with staff regarding possible reduction of costs of Veterans Park.

The Owners request that the Planning Board not recommend the changes to the impact tax law which would require areas of the County requiring 15% MPDUs to have 30% MPDUs to be entitled to the affordable housing impact tax exemption as contained in the Draft Growth Policy and instead maintain the provisions of the law as they currently exist. As the Planning Board strongly emphasized in the Downtown Bethesda Plan and every sector and master plan it compiles, the production of MPDUs throughout the County needs to be of high priority. Not only does this priority provide much needed housing in new developments, but promotes diversity in all areas of the County. To accomplish this goal through private sector construction, especially in high cost areas of the County such as Downtown Bethesda and other areas where the 15% requirement applies and for other areas where new construction is proposed, the current exemption is of critical importance. If, however, the Planning Board decides to recommend this change in the law, we would request that, because of the resulting inequities that would result to the Owners as outlined above, the changes not apply to any property such as the Owners' Property for which an initial submission of a sketch plan or preliminary plan has been filed prior to the effective date of the change.

Thank you for your consideration of our comments. Please let us know if we can answer any questions you may have.

Barbara Sears

Barbara A. Sears

11 N. Washington Street | Suite 700 | Rockville, MD 20850-4229
D: +1 301.517.4812 | O: +1 301.762.1600 | F: +1 301.517.4812



vCard | bsears@milesstockbridge.com



For COVID-19 information and resources, please visit our [Coronavirus Task Force page](#).

Confidentiality Notice:

This e-mail, including any attachment(s), is intended for receipt and use by the intended addressee(s), and may contain confidential and privileged information. If you are not an intended recipient of this e-mail, you are hereby notified that any unauthorized use or distribution of this e-mail is strictly prohibited, and requested to delete this communication and its attachment(s) without making any copies thereof and to contact the sender of this e-mail immediately. Nothing contained in the body and/or header of this e-mail is intended as a signature or intended to bind the addressee or any person represented by the addressee to the terms of any agreement that may be the subject of this e-mail or its attachment(s), except where such intent is expressly indicated.

Any federal tax advice provided in this communication is not intended or written by the author to be used, and cannot be used by the recipient, for the purpose of avoiding penalties which may be imposed on the recipient by the IRS. Please contact the author if you would like to receive written advice in a format which complies with IRS rules and may be relied upon to avoid penalties.

[Secure Upload/Download files click here.](#)

From: [Noa Strobach](#)
To: [MCP-Chair](#)
Subject: Overcrowded schools
Date: Monday, June 29, 2020 9:23:59 PM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County's growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn't severely overcrowded or neglected. Thanks for considering my requests.

Thank you,
Noa Strobach

From: [Kevin Lewis](#)
To: [MCP-Chair](#)
Subject: Adequate School Facilities
Date: Tuesday, June 30, 2020 12:31:30 AM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County’s growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn’t severely overcrowded or neglected. Thanks for considering my requests.

Thank you,

Kevin Lewis

From: [Paige Nerenberg](#)
To: [MCP-Chair](#); [Anderson, Casey](#); [Fani-Gonzalez, Natali](#); [Cichy, Gerald](#); [Patterson, Tina](#); [Verma, Partap](#); [Wright, Gwen](#); [Sartori, Jason](#)
Subject: Comments for the SSP Work Session
Date: Tuesday, June 30, 2020 8:32:56 AM

Dear Planning Chair Casey Anderson and Commissioners,

As you continue to discuss the 2020 Growth Policy Recommendations, please make sure that there are mechanisms to meaningfully support adequate school infrastructure as Montgomery County continues to grow.

- **I support a reduction of Impact Taxes to 110%** of estimated costs using applicable student generation rates. This includes an allocation for land, which is not contemplated in the cost-per-student. Impact Taxes should not be discounted in activity centers, which already have lower impact taxes and are already incentivized in other ways. Giving up Impact Taxes for necessary school capacity only means that infrastructure will need to be subsidized by other strained revenue sources.

- **I support Utilization Premium Payments.** They should be triggered when schools are forecast to be at or above 105% of capacity. Our schools should not be allowed to get to 120% capacity without intervention.

- **I support a three-year test window as recommended by Planning Staff** and supported by the urban land Institute. Historically, the standard deviation of forecasting errors across all individual MCPS schools increases from 1.7%-4.6% for 1-3 year forecasts, to 6.5%-10.5% for 4-6 year forecasts. As such, forecasting is only reliable in the early years of any given CIP; using a 4-year forecast is not an acceptable "compromise," it only sustains the inaccuracies we are trying to avoid. Similarly, projects in the out years of the CIP don't always materialize, therefore the three-year window for capital projects is also more reliable and appropriate for testing available capacity.

- **I support cumulative tracking of development impacts against available capacity.** Greenlighting all development for a given year has the potential to overwhelm a school cluster. At the very least, a 120% threshold should be set, beyond which any applications would be subject to applicable procedures and/or supplemental payments.

We need systemic alignment between the Planning Board and MCPS. Planning for Montgomery County's growth MUST include a plan for our schools, and the Growth Policy cannot leave MCPS fending for itself. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students. New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn't severely overcrowded or neglected. I appreciate the opportunity to participate in this democratic process and your listening to my voice.

Thank you,

Paige Nerenberg

From: [Sarah Huston Kessler](#)
To: [MCP-Chair](#); [Anderson, Casey](#); [Fani-Gonzalez, Natali](#); [Cichy, Gerald](#); [Patterson, Tina](#); [Verma, Partap](#); [Wright, Gwen](#); [Sartori, Jason](#)
Subject: Planning Board SSP Schools Work Session
Date: Tuesday, June 30, 2020 9:11:31 AM

Dear Planning Chair Casey Anderson and Commissioners,

As an MCCPTA Board member, I strongly support mechanisms to ensure adequate school infrastructure as Montgomery County continues to grow.

- I support a reduction of Impact Taxes to 110% of estimated costs using applicable student generation rates. This includes an allocation for land, which is not contemplated in the cost-per-student. Impact Taxes should not be discounted in activity centers, which already have lower impact taxes and are already incentivized in other ways. Giving up Impact Taxes for necessary school capacity only means that infrastructure will be further subsidized by residents.
- I support Utilization Premium Payments to be triggered when schools are forecast to be at or above 105% of capacity. Our schools should not be allowed to get to 120% capacity without intervention.
- I support a three-year test window as recommended by Planning Staff and supported by the urban land Institute. Since forecasting is only reliable in the early years of any given CIP; using a 4-year forecast is not acceptable and sustains inaccuracies. A three-year window for capital projects is also more reliable and appropriate for testing capacity.
- I support cumulative tracking of development impacts against available capacity. Greenlighting all development for a given year has the potential to overwhelm a school cluster. A minimum 120% threshold should be set and additional applications be subject to procedures and/or supplemental payments.

We need coordination between the Planning Board and MCPS. Planning for Montgomery County's growth MUST include our schools, the Growth Policy cannot disregard MCPS. Please create a policy that helps the Board meet the Adequate Public Facilities Requirements for our current and future residents, particularly students. New families moving into a neighborhood expect that schools will accommodate their children in a facility that isn't severely overcrowded or neglected. Thank you for your consideration.

Thank you,

Sarah Kessler
MCCPTA Area VP for Clarksburg, NW, SV & QO Clusters

From: [Lisa McCabe](#)
To: [MCP-Chair](#); [Anderson, Casey](#); [Fani-Gonzalez, Natali](#); [Cichy, Gerald](#); [Patterson, Tina](#); [Verma, Partap](#); [Wright, Gwen](#); [Sartori, Jason](#)
Subject: County staging Policy 2020
Date: Tuesday, June 30, 2020 9:38:53 AM

Dear Planning Chair Casey Anderson and Commissioners,

As a parent in the MCPS system as well as a resident who moved to Bethesda for the schools and urban environment, I am supportive of growth but want to make sure our schools have adequate capacity and funding. As outlined below, things seem to change quickly and having the ability to test for school capacity every three years is important as a lot can change in that time.

As you continue to discuss the 2020 Growth Policy Recommendations, please make sure that there are mechanisms to meaningfully support adequate school infrastructure as Montgomery County continues to grow.

- I support a reduction of Impact Taxes to 110% of estimated costs using applicable student generation rates. This includes an allocation for land, which is not contemplated in the cost-per-student. Impact Taxes should not be discounted in activity centers, which already have lower impact taxes and are already incentivized in other ways. Giving up Impact Taxes for necessary school capacity only means that infrastructure will need to be subsidized by other strained revenue sources.
- I support Utilization Premium Payments. They should be triggered when schools are forecast to be at or above 105% of capacity. Our schools should not be allowed to get to 120% capacity without intervention.
- I support a three-year test window as recommended by Planning Staff and supported by the urban land Institute. Historically, the standard deviation of forecasting errors across all individual MCPS schools increases from 1.7%-4.6% for 1-3 year forecasts, to 6.5%-10.5% for 4-6 year forecasts. As such, forecasting is only reliable in the early years of any given CIP; using a 4-year forecast is not an acceptable "compromise," it only sustains the inaccuracies we are trying to avoid. Similarly, projects in the out years of the CIP don't always materialize, therefore the three-year window for capital projects is also more reliable and appropriate for testing available capacity.
- I support cumulative tracking of development impacts against available capacity. Greenlighting all development for a given year has the potential to overwhelm a school cluster. At very least a 120% threshold should be set, beyond which any applications would be subject to applicable procedures and/or supplemental payments.

We need systemic alignment between the Planning Board and MCPS. Planning for Montgomery County's growth MUST include a plan for our schools, and the Growth Policy cannot leave MCPS fending for itself. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students. New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn't severely overcrowded or neglected. I appreciate the opportunity to participate in this democratic process and your listening to my voice.

Sincerely,

Lisa McCabe
4608 Highland Avenue
Bethesda MD 20814

From: [Sears, Barbara A.](#)
To: MCP-Chair
Cc: [Fani-Gonzalez, Natali](#); [Cichy, Gerald](#); [Patterson, Tina](#); [Verma, Partap](#); [Wright, Gwen](#); [Kronenberg, Robert](#); [Mills, Matthew](#); [Sartori, Jason](#); [rharris@lerchearly.com](#); [Tom Natelli](#); [david.demarco@pultegroup.com](#); [Sears, Barbara A.](#)
Subject: FW: July 2, 2020 Planning Board Meeting.- Item 9, 2020-2024 Subdivision Staging Policy (SSP)- Comments on Schools Element -Clarksburg
Date: Tuesday, June 30, 2020 11:06:05 AM
Attachments: [image007.png](#)
[image008.png](#)
[image011.png](#)
[image012.png](#)
[image001.png](#)

Chairmen Anderson and Members of the Planning Board.

Since sending you our below email on Friday, we have received the staff report for Thursday's SSP discussion. The report contains a possible solution involving the limited borrowing of capacity from a high school within 10 miles so long as utilization rate in that school does not exceed 110% when the needed seats are considered. This provision would be placed in the SSP and available for use by our plans. It would appear that this provision would allow both our plans to be approved and we have asked staff to confirm that this is the case. Assuming our conclusion is correct, we are hoping that the Board will support staff's proposal and will recommend to the Council that this particular provision be effective upon adoption of the SSP in November, although the other SSP portions would not be effective until later (likely January 1).

Thank you for your continued consideration and efforts to address this situation.

Barbara Sears and Bob Harris



Barbara A. Sears
Miles & Stockbridge
direct: +1 (301) 517-4812

For COVID-19 information and resources, please visit our [Coronavirus Task Force page](#).

From: Sears, Barbara A.
Sent: Friday, June 26, 2020 10:25 AM
To: Casey Anderson <mcp-chair@mncppc-mc.org>
Cc: 'natali.fani-gonzalez@mncppc-mc.org' <natali.fani-gonzalez@mncppc-mc.org>; 'Gerald.cichy@mncppc-mc.org' <Gerald.cichy@mncppc-mc.org>; 'Tina.Patterson@mncppc-mc.org' <Tina.Patterson@mncppc-mc.org>; 'Partap.Verma@mncppc-mc.org' <Partap.Verma@mncppc-mc.org>; 'Gwen.Wright@montgomeryplanning.org' <gwen.wright@montgomeryplanning.org>; 'robert.kronenberg@montgomeryplanning.org' <robert.kronenberg@montgomeryplanning.org>; 'Matthew.Mills@mncppc.org' <Matthew.Mills@mncppc.org>; 'Jason.Sartori@montgomeryplanning.org' <jason.sartori@montgomeryplanning.org>; 'Harris, Robert R.' <rharris@lerchearly.com>; 'Tom Natelli' <tomnatelli@natelli.com>; 'David DeMarco' <David.DeMarco@PulteGroup.com>; 'Wright Gwen' <gwen.wright@montgomeryplanning.org>; Sears, Barbara A. <bsears@milesstockbridge.com>
Subject: July 2, 2020 Planning Board Meeting.- Item 9, 2020-2024 Subdivision Staging Policy (SSP)- Comments on Schools Element -Clarksburg

Chairman Anderson and Members of the Planning Board:

Both Bob Harris and I represent clients with projects in Clarksburg. We appreciate the efforts of the Planning Board over the last several days to deal with the issue that unexpectedly arose regarding the FY21 Annual School Test and that severely impacts these projects. We monitored the FY21 Annual School Test Board discussion on Thursday and are aware of the Board's decision that the issue must be dealt with in the SSP. We further understand that the Board will discuss schools during next Thursday's SSP work session. Therefore, we wanted to provide you with our recommendations for inclusion in the SSP that we believe would fairly allow the projects to proceed when the SSP is adopted in November and the bases for these recommendations. We would very much appreciate your favorable considerations of these recommendations.

Background Supporting Recommendations

- The recent and unexpected change in capacity projections for Clarksburg High School has unfortunately stalled two pending projects just before their approval (Ashford Woods and Creekside). Both projects were originally scheduled for hearings before the July 1 effective date of the FY 21 Annual School Test which changed the previously shown 119 available HS seats to 30. They include single-family, two-over-two and townhome units in an area with strong demand, of which 132 will be MPDUs.
- These units will provide opportunities for home ownership to many who cannot afford to purchase similar homes in other areas of the County.
- There has been very strong County support for addressing growing demand for new housing (COG Report, County Council efforts, Planning Board/Chairman advocacy, etc.)
- Moratoria conflict with stated County housing policies (housing supply gap, affordability, economic development, housing equity, etc.)
- Absence of moratoria in competing jurisdictions and, if the draft SSP is adopted, in all other areas of the County.
- There is sufficient elementary and middle school capacity for both projects but as a result of the July 1 change, Clarksburg HS has insufficient capacity (30 seats) for processing the two plans in question because of revised projections that were based on a very recent and unanticipated change in how the capacity made available from a boundary study for the new Seneca Valley HS was applied.
- The two projects together generate approximately 104 high school students but those students will not arrive for years to come given the time period required for remaining development approvals, permits, site preparation, home construction and gradual sales over a multi-year period of time.
- The Planning Board has been firm in its position that school moratoria have not worked, and the overwhelming testimony in the SSP hearing from the community at large was in favor of eliminating such moratoria. This same reasoning applies to Clarksburg. However, under the proposed SSP, the moratoria will be lifted for the entire rest of the County with the exception of Clarksburg High School.
- The anticipated high school student generation from these two projects at build out of 105 students will not be a significant number for a high school with capacity for more than 2000 students even if and when they begin at Clarksburg High School.
- The single-family, townhome and two-over-two units are important for the County's housing supply given their price point, the significant number of MPDUs, and the desire for build-out of Clarksburg to support existing retail and planned retail for the Clarksburg Town Center.

Recommendations

- The Clarksburg Area is recognized as one of the few remaining sources of new single family housing supply in the entire County. The draft policy proposes different treatment for this area by establishing a Greenfield Policy Area with different rules that apply to the rest of the County. If the Greenfield Area is established, then acknowledge the important role this area plays in the future of the County's housing supply by allowing a 125% utilization rate to be acceptable at the high school level, or by allowing available capacity from adjacent High School Clusters to be counted. Alternatively, whether or not the new Greenfield Policy Area is adopted, treat the area the same way the rest of the County is proposed to be treated with respect to meeting the SSP for schools, whereby moratoriums are no longer used as a method for managing staging.
- Given the delay these projects have incurred because of the Covid 19 Pandemic and other reasons, and the previous expectation that they would have been approved by now, as well as their importance to Clarksburg, have the SSP expressly provide that projects in Clarksburg that filed Preliminary Plans before July 1, 2020 may proceed to approval so long as increase in utilization caused by the projects does not exceed 125 %.
- Recognize in the SSP that Clarksburg High School is considered to have capacity in sufficient amounts to process the plans and the Planning Board should modify the FY21 Annual School Test upon adoption of the SSP to reflect this not to exceed 125% utilization rate based on the Council's ability to advance the Damascus High School project in the future or in recognition that any additional high school capacity necessary for these two projects could be added to Clarksburg High School by the time these projects begin generating students

years from now.

· If one or more of these recommendations are included in the SSP, we would request that such provision(s) be effective upon the date of adoption of the SSP, allowing the balance of the SSP to state a different effective date if so desired.

Thank you for your consideration of our suggestions as ways of fairly dealing with the situation that has occurred in Clarksburg. We are available on Thursday to discuss or answer any questions the Planning Board may have.

Bob Harris and Barbara Sears

Barbara A. Sears

11 N. Washington Street | Suite 700 | Rockville, MD 20850-4229
D: +1 301.517.4812 | O: +1 301.762.1600 | F: +1 301.517.4812



For COVID-19 information and resources, please visit our [Coronavirus Task Force page](#).

Confidentiality Notice:

This e-mail, including any attachment(s), is intended for receipt and use by the intended addressee(s), and may contain confidential and privileged information. If you are not an intended recipient of this e-mail, you are hereby notified that any unauthorized use or distribution of this e-mail is strictly prohibited, and requested to delete this communication and its attachment(s) without making any copies thereof and to contact the sender of this e-mail immediately. Nothing contained in the body and/or header of this e-mail is intended as a signature or intended to bind the addressor or any person represented by the addressor to the terms of any agreement that may be the subject of this e-mail or its attachment(s), except where such intent is expressly indicated.

Any federal tax advice provided in this communication is not intended or written by the author to be used, and cannot be used by the recipient, for the purpose of avoiding penalties which may be imposed on the recipient by the IRS. Please contact the author if you would like to receive written advice in a format which complies with IRS rules and may be relied upon to avoid penalties.

[Secure Upload/Download files click here.](#)

From: [David Lee](#)
To: [MCP-Chair](#); [Anderson, Casey](#); [Fani-Gonzalez, Natali](#); [Cichy, Gerald](#); [Patterson, Tina](#); [Verma, Partap](#); [Wright, Gwen](#); [Sartori, Jason](#)
Date: Tuesday, June 30, 2020 11:45:40 AM

Dear Planning Chair Casey Anderson and Commissioners,

As you continue to discuss the 2020 Growth Policy Recommendations, please make sure that there are mechanisms to meaningfully support adequate school infrastructure as Montgomery County continues to grow.

- I support a reduction of Impact Taxes to 110% of estimated costs using applicable student generation rates. This includes an allocation for land, which is not contemplated in the cost-per-student. Impact Taxes should not be discounted in activity centers, which already have lower impact taxes and are already incentivized in other ways. Giving up Impact Taxes for necessary school capacity only means that infrastructure will be further subsidized by residents.

- I support Utilization Premium Payments. They should be triggered when schools are forecast to be at or above 105% of capacity. Our schools should not be allowed to get to 120% capacity without intervention.

- I support a three-year test window as recommended by Planning Staff and supported by the urban land Institute. Historically, the standard deviation of forecasting errors across all individual MCPS schools increases from 1.7%-4.6% for 1-3 year forecasts, to 6.5%-10.5% for 4-6 year forecasts. As such, forecasting is only reliable in the early years of any given CIP; using a 4-year forecast is not an acceptable "compromise," it only sustains the inaccuracies we are trying to avoid. Similarly, projects in the outyears of the CIP don't always materialize, therefore the three-year window for capital projects is also more reliable and appropriate for testing available capacity.

- I support cumulative tracking of development impacts against available capacity. Greenlighting all development for a given year has the potential to overwhelm a school cluster. At very least a 120% threshold should be set, beyond which any applications would be subject to applicable procedures and/or supplemental payments.

We need systemic alignment between the Planning Board and MCPS. Planning for Montgomery County's growth MUST include a plan for our schools, and the Growth Policy cannot leave MCPS fending for itself. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students. New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn't severely overcrowded or neglected. I appreciate the opportunity to participate in this democratic process and your listening to my voice.

Thank you,

David Lee
Clarksburg, MD

From: [Laurie Ehrlich](#)
To: [MCP-Chair](#)
Subject: We Oppose the Recommended Elimination of the Automatic Moratorium
Date: Tuesday, June 30, 2020 12:27:31 PM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county continues to grow.

During the 2019-2020 school year, Farmland Elementary, for example, where my rising 1st grader goes to school, had 855 students. One entire grade is in portable classrooms. There were 26 kids in his Kindergarten class and SIX classes total. Part of the Kindergarten shared the playground during recess with part of the 2nd grade--resulting in over 200 kids on the playground at one time. My good friend teaches at Ashburn Elementary School, where there are SEVEN Kindergarten classes. Large schools like these, and others, cannot continue to grow in this way without additional measures.

My husband and I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County’s growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn’t severely overcrowded or neglected.

Thank you for your consideration.

Best,
Laurie Ehrlich

From: [Lisa Lacritz](#)
To: [MCP-Chair](#); [Anderson, Casey](#); [Fani-Gonzalez, Natali](#); [Cichy, Gerald](#); [Patterson, Tina](#); [Verma, Partap](#); [Wright, Gwen](#); [Sartori, Jason](#)
Subject: SSP
Date: Tuesday, June 30, 2020 3:37:43 PM

Dear Planning Chair Casey Anderson and Commissioners,

As you continue to discuss the 2020 Growth Policy Recommendations, please make sure that there are mechanisms to meaningfully support adequate school infrastructure as Montgomery County continues to grow.

- I support a reduction of Impact Taxes to 110% of estimated costs using applicable student generation rates. This includes an allocation for land, which is not contemplated in the cost-per-student. Impact Taxes should not be discounted in activity centers, which already have lower impact taxes and are already incentivized in other ways. Giving up Impact Taxes for necessary school capacity only means that infrastructure will be further subsidized by residents.
- I support Utilization Premium Payments. They should be triggered when schools are forecast to be at or above 105% of capacity. Our schools should not be allowed to get to 120% capacity without intervention.
- I support a three-year test window as recommended by Planning Staff and supported by the urban land Institute. Historically, the standard deviation of forecasting errors across all individual MCPS schools increases from 1.7%-4.6% for 1-3 year forecasts, to 6.5%-10.5% for 4-6 year forecasts. As such, forecasting is only reliable in the early years of any given CIP; using a 4-year forecast is not an acceptable “compromise,” it only sustains the inaccuracies we are trying to avoid. Similarly, projects in the outyears of the CIP don’t always materialize, therefore the three-year window for capital projects is also more reliable and appropriate for testing available capacity.
- I support cumulative tracking of development impacts against available capacity. Greenlighting all development for a given year has the potential to overwhelm a school cluster. At very least a 120% threshold should be set, beyond which any applications would be subject to applicable procedures and/or supplemental payments.

We need systemic alignment between the Planning Board and MCPS. Planning for Montgomery County’s growth MUST include a plan for our schools, and the Growth Policy cannot leave MCPS fending for itself. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students. New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn’t severely overcrowded or neglected. I appreciate the opportunity to participate in this democratic process and your listening to my voice.

Thank you,
Lisa Lacritz

From: [Jennifer Young](#)
To: [MCP-Chair](#)
Subject: SSP on schools
Date: Tuesday, June 30, 2020 5:00:37 PM

To the Planning Board;

I write to voice my opposition to the following exception to a moratorium policy in the SSP:

S4.1.3 Nearby Capacity When a moratorium is imposed in a Greenfield Impact Area, the Planning Board may nevertheless approve a subdivision in the subjected area if a school located within ten network miles of the subdivision (at the same level as any school causing the moratorium) has a projected utilization rate in the current Annual School Test of no more than 110% (and less than a 55-seat deficit if at the elementary school level; less than a 90-seat deficit if at the middle school level).

This proposal makes no sense when considered in the reality of how MCPS considers any changes to its school utilizations. Only MCPS, not the Planning Board, County Council or anyone else has jurisdiction over school boundaries. Just because an adjacent school district has a lower utilization does not mean that a boundary change will take place. In fact, as we have seen over the years, it has NOT been an indication that a boundary change would take place. While the FAA-RA has been recently changed to allow adjacent school utilization to be considered WHEN a boundary adjustment is taking place, that is only when a boundary change is undergoing. It is not a consideration for starting a boundary change. Adjacent capacity without a planned boundary change is merely hypothetical. This proposal should not be added because it purports to count capacity where there really is none by conjuring a hypothetical boundary change when there is none indicated will ever happen. This situation of overutilization next to underutilization can last for years. In fact, it has in my cluster of RM next to Wootton. Capacity has to be based on reality, not some hypothetical.

Thank you for considering my views.

Jennifer Young

From: [Pam Bruce-Staskal](#)
To: [Anderson, Casey](#); [Fani-Gonzalez, Natali](#); [Cichy, Gerald](#); [Patterson, Tina](#); [Verma, Partap](#); [MCP-Chair](#); [Wright, Gwen](#); [Sartori, Jason](#)
Cc: [Marin, Katya](#)
Subject: Proposed moratorium exception
Date: Tuesday, June 30, 2020 6:45:55 PM

Dear Planning Commission,

I am writing to oppose allowing any exception to the moratorium on projects of **S4.1.3 Nearby Capacity** When a moratorium is imposed in a Greenfield Impact Area, the Planning Board may nevertheless approve a subdivision in the subjected area if a school located within ten network miles of the subdivision (at the same level as any school causing the moratorium) has a projected utilization rate in the current Annual School Test of no more than 110% (and less than a 55-seat deficit if at the elementary school level; less than a 90-seat deficit if at the middle school level).

Allowing this exception to be based on a distance of 10 miles is absurd as 10 miles during rush hour can easily take an hour in a car, much less a school bus with stops. That distance alone should be reason to deny this proposal.

I understand this exception is proposed with regard to Clarksburg. Many at Clarksburg HS are currently fighting a reassignment to Seneca Valley HS that was instituted to alleviate overcrowding starting this Fall. A lawsuit has been filed with the goal of eliminating all reassignments. Without reassignments, CHS is predicted to be close to 150% capacity in just two years, which is equal to just under 1000 too many students (Dr. Smith's Recommendation for the Upcounty Boundary Study - Oct 15, 2019). If the lawsuit fails and reassignments are forced, CHS is predicted to still be around 120% capacity or about 400 seats short - without any new developments.

One of the major complaints about the reassignment to SVHS was that the added transit time was too great because Clarksburg does not have the proper roads and infrastructure to accommodate the current population, much less additional developments.

Developers are well known for underestimating the number of students that will come to new developments, which is likely the major reason that CHS is overcrowded today. Developers should not be allowed to argue for development of an area that is already overcrowded. This especially applies to Clarksburg as there is no land to build another high school Upcounty. That means there is no relief in sight for the current overpopulation, again much less with more development.

Lastly, capacity should not be viewed only in terms of percentage points, but also in the number of students. CHS has hundreds of students more than they have seats. Allowing more development in this area without a proven plan for accommodating the students in schools is irresponsible at best and potentially negligent.

Please do not allow any exceptions to this moratorium, particularly for Clarksburg.

Thank you,
Pam Bruce-Staskal, PhD
Seneca Valley HS PTSA Treasurer

From: [Teresa Jerman](#)
To: [MCP-Chair](#)
Subject: Stop building homes in Clarksburg NOW
Date: Tuesday, June 30, 2020 7:50:56 PM

Dear Planning Chair Casey Anderson and Commissioners,

As you continue to discuss the 2020 Growth Policy Recommendations, please make sure that there are mechanisms to meaningfully support adequate school infrastructure as Montgomery County continues to grow.

- I support a reduction of Impact Taxes to 110% of estimated costs using applicable student generation rates. This includes an allocation for land, which is not contemplated in the cost-per-student. Impact Taxes should not be discounted in activity centers, which already have lower impact taxes and are already incentivized in other ways. Giving up Impact Taxes for necessary school capacity only means that infrastructure will be further subsidized by residents.

- I support Utilization Premium Payments. They should be triggered when schools are forecast to be at or above 105% of capacity. Our schools should not be allowed to get to 120% capacity without intervention.

- I support a three-year test window as recommended by Planning Staff and supported by the urban land Institute. Historically, the standard deviation of forecasting errors across all individual MCPS schools increases from 1.7%-4.6% for 1-3 year forecasts, to 6.5%-10.5% for 4-6 year forecasts. As such, forecasting is only reliable in the early years of any given CIP; using a 4-year forecast is not an acceptable "compromise," it only sustains the inaccuracies we are trying to avoid. Similarly, projects in the outyears of the CIP don't always materialize, therefore the three-year window for capital projects is also more reliable and appropriate for testing available capacity.

- I support cumulative tracking of development impacts against available capacity.

Greenlighting all development for a given year has the potential to overwhelm a school cluster. At very least a 120% threshold should be set, beyond which any applications would be subject to applicable procedures and/or supplemental payments.

We need systemic alignment between the Planning Board and MCPS. Planning for Montgomery County's growth MUST include a plan for our schools, and the Growth Policy cannot leave MCPS fending for itself. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students. New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn't severely overcrowded or neglected. I appreciate the opportunity to participate in this democratic process and your listening to my voice.

Thank you,

Teresa Jerman

--

Regards,

Teresa Jerman

From: [Emily Beckman](#)
To: [MCP-Chair](#); [Anderson, Casey](#); [Cichy, Gerald](#); [Patterson, Tina](#); [Verma, Partap](#); [Wright, Gwen](#); [Sartori, Jason](#)
Cc: [Nermine Demopoulos](#); [Sara Cortes](#); [Debby Orsak](#); [Marin, Katya](#); [Rose M. Hacking](#)
Subject: Growth Policy Comments from the Walter Johnson Cluster
Date: Tuesday, June 30, 2020 8:52:50 PM
Attachments: [SSP Growth Plan Comments from Walter Johnson Cluster.pdf](#)

Attached, please find, in PDF format, comments of the Walter Johnson Cluster PTAs on the 2020 Growth Policy Recommendations. Please feel free to contact me with any questions or concerns.

Sincerely,
Emily Beckman

Walter Johnson PTA Cluster

Walter Johnson High School – North Bethesda Middle School – Tilden Middle School – Ashburton Elementary School – Farmland Elementary School – Garrett Park Elementary School – Kensington-Parkwood Elementary School – Luxmanor Elementary School – Wyngate Elementary School – Rock Terrace School

Dear Planning Chair Casey Anderson and Commissioners,

On behalf of the nearly 10,000 students, and their families, who make up the Walter Johnson Cluster community, we write to express our concerns with the discussions thus far on the 2020 Growth Policy Recommendations. Specifically, we are concerned that the Planning Board is not ensuring that there are mechanisms in place to meaningfully support adequate school infrastructure as Montgomery County continues to grow.

As you are well aware, our region has seen substantial growth in student populations from turnover of existing housing and development throughout our area. Coupled with significant new residential development that is in process, about to begin, or under review for approval, we see continuing pressure on the capacity of our school facilities. We fully understand that the Walter Johnson Cluster is not the only area experiencing capacity pressures. It is crucial that the Growth Policy include a plan for our schools. It cannot leave MCPS fending for itself.

The Walter Johnson cluster has been in or on the brink of housing moratorium for many years. The existing moratorium policy has not halted development within our cluster, but it has brought the needs of our schools, and the need for funding for capital expansions, to the attention of County actors, including the County Council. If the Planning Board is to support eliminating the tie between school overcrowding and building moratoria, it must include other measures to ensure school capacity remains a priority in areas where new development is planned and schools are already overcrowded and/or dilapidated.

To that end, we support:

- Utilization Premium Payments. They should be triggered when schools are forecast to be at or above 105% of capacity. Our schools should not be allowed to get to 120% of capacity without intervention.
- A three-year test window as recommended by Planning Staff and supported by the Urban Land Institute. Historically, the standard deviation of forecasting errors across all individual MCPS schools increases from 1.7%-4.6% for 1-3 year forecasts, to 6.5%-10.5% for 4-6 year forecasts. As such, forecasting is only reliable in the early years of any given CIP; using a 4-year forecast is not an acceptable “compromise” as it only sustains the inaccuracies we are trying to avoid. Similarly, projects in the outyears of the CIP don’t always materialize, therefore the three-year window for capital projects is also more reliable and appropriate for testing available capacity.
- Cumulative tracking of development impacts against available capacity. Greenlighting all development for a given year has the potential to overwhelm a school cluster. At the very

least, a 120% threshold should be set, beyond which any applications would be subject to applicable procedures and/or supplemental payments.

We need systemic alignment between the Planning Board and MCPS. Planning for Montgomery County's growth MUST include an adequate plan for our schools. It is our sincere hope that you create a policy that meets the Adequate Public Facilities Requirements for all of our current and future residents, including our students. New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn't severely overcrowded or neglected.

Thank you,

Emily Beckman, Sara Cores, and Nermine Demopoulos
Walter Johnson Cluster Coordinators

From: [David Murray](#)
To: [MCP-Chair](#)
Subject: Comments for the Record
Date: Tuesday, June 30, 2020 9:35:29 PM
Attachments: [2020.06.29 - PlanningBoardSupplementalComments.pdf](#)

Dear Chairman Anderson,

I have attached written comments on the proposed County Growth Policy and request that the attachment be included in the record and provided to Board Members.

If you have any questions or need additional information, please feel free to contact me.

Regards,
David Murray

To: Montgomery County Planning Board Chair Casey Anderson
From: David Murray, Montgomery County resident
Subject: 2020-2024 Subdivision Staging Policy (SSP)

Thank you for the opportunity to comment again on the proposed County Growth Policy (the “Proposal”). I am grateful that during the 18 June meeting the Planning Staff shared additional detail on the statistics that it provided in the Proposal, and I urge the Planning Board to include these detailed breakdowns in the final Proposal.

However, I remain concerned that the Proposal, if adopted, will cause Montgomery County to take great fiscal risks without adding more affordable housing. During the 18 June meeting, several Planning Board members suggested that adjustments to impact fees should be revenue neutral. I strongly agree with this sentiment.

The Proposal in its current state is very unlikely to be revenue neutral. It suggests cutting school impact fees dramatically. During the 11 June meeting and the 18 June meeting, several commenters and Board Members suggested calculating school impact fees more precisely. To allocate costs more precisely, the Planning Board should seek more precision throughout the calculation process, if it seeks to change the formula at all. Without more precision across the board, the Proposal is very unlikely to be revenue neutral or allocate costs efficiently. For example:

- If the Planning Board decides to recommend using different student generation for greenfield, infill, and turnover zones, it should also differentiate school construction costs among these areas.
- If the Planning Board decides to set school impact fees at 100 percent of construction costs, then it should work with MCPS to forecast school construction costs accurately. Currently, costs are calculated using backward-looking data. Even the current 120 percent fee basis often falls short of covering actual costs of adding seats.
- If the Planning Board decides to shorten the duration over which student generation rates are calculated, the new calculation should account for units that have never been occupied as well as units that are leased as short-term rentals when determining the denominator for student generation rates.

There is no question that the County’s impact fees are high, but our school buildings are expensive. School impact fees do not currently cover new development’s school impact costs. It was pointed out several times during the 11 June meeting and the 18 June meeting that new housing has generated 23 percent of enrollment growth and accounts for 8 percent of the CIP budget. Another way to look at these statistics is that existing housing pays for 92 percent of the CIP but only generates 77 percent of the new students. Is the difference between the actual impact on schools being passed on to consumers as savings on housing costs, or are developers passing the difference to investors as profits? If the answer is the latter, then funds are effectively being transferred from other critical needs — including affordable housing and classrooms — to investors.

From: [Dr. M.C. Green](#)
To: [MCP-Chair](#); [Anderson, Casey](#); [Fani-Gonzalez, Natali](#); [Cichy, Gerald](#); [Patterson, Tina](#); [Verma, Partap](#); [Wright, Gwen](#); [Sartori, Jason](#)
Subject: Request to the Planning Board
Date: Tuesday, June 30, 2020 10:43:42 PM

Dear Planning Chair Casey Anderson and Commissioners,

As you continue to discuss the 2020 Growth Policy Recommendations, please make sure that there are mechanisms to meaningfully support adequate school infrastructure as Montgomery County continues to grow.

- I support a reduction of Impact Taxes to 110% of estimated costs using applicable student generation rates. This includes an allocation for land, which is not contemplated in the cost-per-student. Impact Taxes should not be discounted in activity centers, which already have lower impact taxes and are already incentivized in other ways. Giving up Impact Taxes for necessary school capacity only means that infrastructure will be further subsidized by residents.

- I support Utilization Premium Payments. They should be triggered when schools are forecast to be at or above 105% of capacity. Our schools should not be allowed to get to 120% capacity without intervention.

- I support a three-year test window as recommended by Planning Staff and supported by the urban land Institute. Historically, the standard deviation of forecasting errors across all individual MCPS schools increases from 1.7%-4.6% for 1-3 year forecasts, to 6.5%-10.5% for 4-6 year forecasts. As such, forecasting is only reliable in the early years of any given CIP; using a 4-year forecast is not an acceptable "compromise," it only sustains the inaccuracies we are trying to avoid. Similarly, projects in the outyears of the CIP don't always materialize, therefore the three-year window for capital projects is also more reliable and appropriate for testing available capacity.

- I support cumulative tracking of development impacts against available capacity. Greenlighting all development for a given year has the potential to overwhelm a school cluster. At very least a 120% threshold should be set, beyond which any applications would be subject to applicable procedures and/or supplemental payments.

We need systemic alignment between the Planning Board and MCPS. Planning for Montgomery County's growth MUST include a plan for our schools, and the Growth Policy cannot leave MCPS fending for itself. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students. New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn't severely overcrowded or neglected. I appreciate the opportunity to participate in this democratic process and your listening to my voice.

Thank you,

Dr. Green Parker, MCPS Parent

"Life is 100% what happens to us and 90% how we react to it!"

From: [Bill Matarazzo](#)
To: [MCP-Chair](#); [Anderson, Casey](#); [Fani-Gonzalez, Natali](#); [Cichy, Gerald](#); [Patterson, Tina](#); [Verma, Partap](#); [Sartori, Jason](#); [Wright, Gwen](#)
Subject: Planning board SSP schools work seaaion
Date: Tuesday, June 30, 2020 11:46:19 PM

When the Upcounty boundary study gets overturned due to willful violations of policies and procedures boundary there will be much room open at SVHS when the 2019/2020 boundary assignments are out back in place. Therefore new developments coming in or currently permitted then should be required to move to the adjacent cluster that has the space that they're looking to fill It's really a no brainer. This promotes transparency for new home buyers who won't get screwed over by MoCo and BOE boundary studies after moving in. These issues need to be resolved prior to Moco permits being handed out like candy for a cash grab on taxes and recordation fees on top of impact fees..of which Clarksburg is already the highest .

Stop making our children suffer through the emotional stress of boundary studies...do you homework in advance...it's really that easy.

Builders who are given green light on permits should be only permitted to build if they are automatically rezoned to adjacent HS cluster at or less than 100% utilization.

No new builder or existing permits where homes haven't been sold yet should be allowed be zoned into a cluster that is already above 100%. They should be rezoned to an adjacent cluster at or less than 100% utilization. In Clarksburg, this impacts many developments where ground has not yet been broken or ground has been broke. But no homes have been sold. This means many including 355/old balt road, cabin branch at creek side, old Baltimore road near Clarksburg road, 355/comus and and a other on Clarksburg road near ES no. 9...just to name a few.

This will ensure transparency on school assignments for potential buyers and alleviate Costs from BOE for new boundary studies, portables and new schools due to over utilization

I am specifically referring to all construction currently ongoing or potential permits (applications) in Cburg and they must be rezoned to SVHS (who needs students) or NW, poolesville, Damascus...space permitting

Stop disrespecting the resident of Clarksburg and using as as a cash cow to infuse money into Moco fiscally irresponsible ways. You haven't built ES no. 9, exit 17 was pulled, and the BOE lied on utilization rates and did an incompetent boundary "study" by ignoring the will of the existing reaidents. Stop putting politics over families and kids.

Bill Matarazzo
301-221-3383

From: [Bev Thoms](#)
To: [MCP-Chair](#)
Subject: Say No to Harmful Developer Requested Exception
Date: Wednesday, July 1, 2020 9:25:47 AM

Dear Planning Board,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

Respectfully,

Bev Thoms
21700 Big Woods Rd
Dickerson, MD 20842

From: [Forrest](#)
To: [MCP-Chair](#)
Subject: Say No to Harmful Developer Requested Exceptions
Date: Wednesday, July 1, 2020 9:32:19 AM

Dear Planning Board,

Please say no to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation.

Do not approve the requested exception.

Respectfully,

Forrest Miller

From: [Kathie Hulley](#)
To: [MCP-Chair](#)
Subject: Say No to Harmful Developer Requested Exceptions
Date: Wednesday, July 1, 2020 9:35:06 AM

21809 Diller Lane

Boyd's, MD 20841

July 1, 2020

Casey Anderson, Chair

Montgomery County Planning Board

8787 Georgia Avenue

Silver Spring, Maryland 20910

I have been a resident of Clarksburg Planning Area for 40 years and in that time have seen a well designed Master Plan be undermined by developers and builders being allowed waivers and last minute proposals which benefit them, to the detriment of present and future residents.

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation.

Our quality of life is being greatly downgraded by these continued requests.

Do not approve the requested exception.

Kathie Hulley

301-580-4896



Virus-free. www.avg.com

From: [Lee Langstaff](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning!
Date: Wednesday, July 1, 2020 9:35:34 AM

To the Montgomery County Planning Board,

Once again we are seeing developers requesting exceptions to policies that have been carefully and soundly crafted based on real numbers and science. Many of us participate in good faith in the process of establishing the standards for environmental protection - in particular water quality - and appropriate capacities of our schools and roads. It feels as if the M.O. now for developers, and the Planning Board too(?) is to just include applying for an exception as part of the normal process for getting what they want, even when it clearly undermines the policies established and agreed upon. We would like to trust the Planning Board to uphold the policies that are well supported by real facts. Each time an exception is made that flies in the face of sound policies, the Planning Board is engaging in piecemeal erosion the effectiveness of having any of these ACCEPTED policies in place. Your job is to stick to the plan, especially when to do otherwise has irreversible consequences to important natural resources and quality of life in the area. Each "little" exception counts. Please don't do it.

Please deny the requested exceptions that are coming before you on July 2. The criteria for making exceptions should have a very high bar and not simply cater to those who want more, bigger profits via inappropriate development allowances.

I hope you do the right thing.
Respectfully,

Lee Langstaff
Dickerson, MD.

From: [Dana Bleiberg](#)
To: [MCP-Chair](#)
Subject: Say No to Harmful Developer Requested Exceptions
Date: Wednesday, July 1, 2020 9:37:03 AM

Dear Planning Board,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation.

Do not approve the requested exception.

Respectfully,

Dana Miller

From: [Christy Bumanis](#)
To: [MCP-Chair](#)
Subject: Subject Line: Say No to Harmful Developer Requested Exceptions
Date: Wednesday, July 1, 2020 9:38:41 AM

Dear Planning Board,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation.

Do not approve the requested exception.

Respectfully,

Christy Bumanis, Germantown, MD

From: [Carolyn McAllister](#)
To: [MCP-Chair](#)
Subject: Say No to Harmful Developer Requested Exceptions
Date: Wednesday, July 1, 2020 9:41:07 AM

Dear Planning Board,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

Respectfully,

Carolyn A. McAllister
Clarksburg Town Center Resident

[Sent from Yahoo Mail on Android](#)

From: [Dorothy Herman](#)
To: [MCP-Chair](#)
Subject: Say No to Harmful Developer Requested Exceptions
Date: Wednesday, July 1, 2020 9:42:44 AM

Dear Planning Board,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal were developed based on sound metrics and established science and underwent full vetting and public participation.

Do not approve the requested exception

Respectfully,

Dorothy Herman

Sent from my iPhone

From: [Kim Haden](#)
To: [MCP-Chair; Anderson, Casey; Fani-Gonzalez, Natali; Cichy, Gerald; Patterson, Tina; Verma, Partap; Wright, Gwen; Sartori, Jason](#)
Subject: Planning Board SSP Schools Work Session
Date: Wednesday, July 1, 2020 9:56:39 AM

Dear Planning Chair Casey Anderson and Commissioners,

As you continue to discuss the 2020 Growth Policy Recommendations, please make sure that there are mechanisms to meaningfully support adequate school infrastructure as Montgomery County continues to grow - particularly in the Clarksburg area.

As you may be aware, Clarksburg High School was the original Rocky Hill Middle School - it was not intended to be a High School when it was built. This presents significant capacity issues. An addition was built to provide a larger school to accommodate the student population growth. It should come as no surprise that the growth in the area has caused CHS to hold the most portables in the entire county and it's still growing due to the development in the area. The fact that nearly half of the student body is in temporary structures presents security challenges and has a direct impact on the success of the students in Montgomery County. MCPS planning office has told the community that there is no space to build another addition on to CHS, and they cannot build up because the existing structure cannot support another level. **PLEASE keep this in mind as you consider decisions that would allow for overgrowth of the area without demanding the infrastructure to support it.**

I support Utilization Premium Payments. They should be triggered when schools are forecast to be at or above 105% of capacity. Our schools should not be allowed to get to 120% capacity without intervention. This is a particularly big problem in Clarksburg, where Clarksburg Elementary School is currently already at 200% capacity and nearly all new development is happening in that school service area. All other area elementary schools are at or above capacity.

During the Upcounty Boundary study, student voice was gathered to share the student's lived experience of being in an overcrowded school. Listen to what they say:

When Clarksburg students shared their experiences with attending overcrowded schools, they told us they often bump into other students as they try to navigate to their next class, particularly in areas where two hallways meet. The crowded hallways result in bad attitudes and inflame physical conflicts as they transition. Some reported feeling anxiety due to hallway conflicts as they have to push and shove their way to their classes. One student compared it to, "270, during rush hour." Students reported that overcrowding forces them to take longer routes to avoid the jams making them even later to class. We can probably all relate to that as well as we opt to take back roads over 270 during rush hour, even when we know it will make us late, it's better than 270. So while the parents fight traffic to get to work, the students are fighting traffic to get to class. Overpopulation also impacts access to activities and services. Students expressed that clubs are often full before they are able to sign up because so many students are competing for the limited spots. Lunch lines are long and the cafeteria is crowded requiring students to sit on the floor in hallways or find a teacher willing to open their rooms to them. Teachers need breaks too! We can do better.

The summary of the data collected is included in my November 2019 email to SMOB, Nate Tinbrite

: <https://docs.google.com/document/d/1ZQ1BRlne7bJnkpmFSXeq7TINuXFOdHw9knOKKBY2uI/edit>

The actual data collected can be seen

here: <https://docs.google.com/spreadsheets/d/19DsIZwNXs8E0c9amws5eDU4ZEvZzpbWqfbZjA1G3cMU/edit#gid=964323184>

· I support a three-year test window as recommended by Planning Staff and supported by the urban land Institute. Historically, the standard deviation of forecasting errors across all individual MCPS schools increases from 1.7%-4.6% for 1-3 year forecasts, to 6.5%-10.5% for 4-6 year forecasts. As such, forecasting is only reliable in the early years of any given CIP; using a 4-year forecast is not an acceptable "compromise," it only sustains the inaccuracies we are trying to avoid. Similarly, projects in the outyears of the CIP don't always materialize, therefore the three-year window for capital projects is also more reliable and appropriate for testing available capacity.

· I support cumulative tracking of development impacts against available capacity. Greenlighting all development for a given year has the potential to overwhelm a school cluster. At very least a 120% threshold should be set, beyond which any applications would be subject to applicable procedures and/or supplemental payments.

We need systemic alignment between the Planning Board and MCPS. Planning for Montgomery County's growth MUST include a plan for our schools, and the Growth Policy cannot leave MCPS fending for itself. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students. New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn't severely overcrowded or neglected. I appreciate the opportunity to participate in this democratic process and your listening to my voice.

Thank you,
Kim Haden
23821 Burdette Forest rd.
Clarksburg, MD 20871

From: [Anne James](#)
To: [MCP-Chair](#)
Subject: NO to harmful developer requested exceptions
Date: Wednesday, July 1, 2020 9:57:06 AM

To the Planning Board:

Granting developer requests for exceptions is not the correct way forward. Of primary consideration, given the nature of the fragile Ten Mile Creek watershed and its utmost importance to Montgomery County and its residents, should be full protection. Standards for schools, roads and water protection have been based on established science and public participation. The requested exemption **should not be approved.**

Sincerely,

Anne James, President, Friends of Ten Mile Creek and Little Seneca Reservoir

From: [Minter Farnsworth](#)
To: [MCP-Chair](#)
Cc: info@mocoalliance.org
Subject: Ten Mile Creek - Clarksburg
Date: Wednesday, July 1, 2020 10:00:45 AM

Dear Planning Board,

Please say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

Respectfully,

Kaja Farnsworth

Kaja Farnsworth
25101 Peach Tree Road
Clarksburg, MD 20871
301-370-8626

From: [Carol L.](#)
To: [MCP-Chair](#)
Subject: July 2 - Item #9 -Say NO to Harmful Developer Requested Exceptions
Date: Wednesday, July 1, 2020 10:12:24 AM

Dear Planning Board:

This is to express my support for denying the developer requested exceptions that undermine important public policies, including adequate schools, roads, and protection of water resources. Standards for these elements in Montgomery County were developed over the past many years based on sound metrics and established science, and have undergone full vetting with public participation. The requested exception has the potential for serious negative impact on our schools, and secondarily on our roads and natural environment.

Please do not approve the requested exception.

Thank you for your consideration,
Carol Linden
Bethesda

From: [Maria Fernanda McClure](#)
To: [MCP-Chair](#); [Anderson, Casey](#); [Fani-Gonzalez, Natali](#); [Cichy, Gerald](#); [Patterson, Tina](#); [Verma, Partap](#); [Wright, Gwen](#); [Sartori, Jason](#)
Subject: Concerns about additional development in Clarksburg MD
Date: Wednesday, July 1, 2020 10:25:38 AM

Dear Montgomery County Planning Team,

I'm writing you today as a concerned resident of Clarksburg, MD. As you are aware our area is struggling with overcrowded schools and an inadequate road infrastructure which is only exacerbated by additional development. The measures that exist to help mitigate problems are regularly circumvented by actions that undermine process and everyone keeps looking the other way.

Last year we underwent a year-long Upcounty Study to reduce overcrowding at Clarksburg High School. The final decision did not sufficiently reduce enrolment numbers, but it came with a suggestion that an expansion at Damascus High School might help. The Damascus expansion is included in the CIP which is yet to be funded. Despite all this, Montgomery County Planning staff and two lawyers for developers seeking permits to build more homes in Clarksburg will likely point to the promise of an expansion as a reason to disregard thresholds which would otherwise put Clarksburg into a temporary moratorium.

Last week Casey Anderson allowed Barbara Sears and Bob Harris to participate in a phone call intended to discuss Subdivision Staging Policy (SSP) Revisions. They were allowed to take up 45 minutes of that call for their own concerns, but the community was not involved. During this call there was a willingness on the part of Montgomery County Planning staff to consider changing the moratorium threshold from 110% to 125%.

Why would this adjustment be acceptable for developers, but not for communities seeking relief? That the conversation even occurred is unacceptable. Further, the lawyers suggested MCPS can change boundaries any time they want. I would argue that the events of the past 2 years suggest otherwise. Just look at the appalling opposition to the Countywide Boundary Analysis. Just look at the lawsuit which protests the results of the Upcounty study. It is a falsehood to say MCPS can change boundaries any time they want.

Please take a moment to consider how back room accommodations for builders will have a negative impact on our schools, on our community and on trust in our leadership. It is time to stop allowing developers to drive your decisions.

We count on you to hold planners and developers accountable for commitments made. Instead, Clarksburg has empty promises and not enough roads, not enough transportation options and not enough seats in schools.

- There is NO need for these developers to be green lighted or expressed through the

process right now.

- They are trying to circumvent process and must be held to the same standard every other area in Montgomery County faces.
 - If they don't like those rules they can advocate for change as the SSP policy is being revised right now.
- Sears and Harris are land use attorneys representing the developers:
 - Barbara Sears and Bob Harris have both been around Clarksburg development for some time.
 - Ms. Sears was part of the developer/builder legal team during CTC's violation and development hearings before the Planning Board and of the team which negotiated the settlement with the county and residents. (Before Elm Street ("Third Try")).
 - In other words, she was aligned with Newland and was part of their strategy.
- We should not be considering exemptions/grace periods etc. for these developers or developments.
 - Their homes are not critically needed
 - They are referring only to the townhomes or housing program homes),
 - There is no capacity for their students in the schools.
- Builders claiming they are going to build affordable housing
 - How many and what type are we talking about here?
 - Not that many —and this is key— and nowhere near transportation or services.
 - Without a car, homes at the northern end of the county on a farm field don't serve lower-income people well.
 - We do not have a critical shortage of homes.
- These same legal teams have pushed every boundary in Clarksburg and manipulated the system.
 - The developments here haven't actually triggered functional moratorium in the past, because they were already approved/grandfathered/exempted.
- We DO have a critical shortage of seats and infrastructure.
 - Solutions for Clarksburg schools aren't easy nor are they in the immediate future, despite what the developers say.
 - There is no expansion capacity nor another HS site.
 - Our elementary school is over 200% capacity
- The area where their clients' developments are was ALWAYS intended to be

developed last, if at all.

- AFTER every other area of Clarksburg...and ONLY IF...there was capacity, infrastructure and need.

Thank you for your consideration,

Maria Fernanda McClure
12847 Murphy Grove Terrace
Clarksburg, MD 20871

From: [Laren Rusin](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 10:39:41 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

Laren Rusin
Larenrusin@hotmail.com
22115 slidell road
Boyds, Maryland 20841

From: [Claire Wolfe](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 10:39:44 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

Claire Wolfe
c_wolfe2003@yahoo.com
14305 Long Channel Drive
Germantown, Maryland 20874

From: [Diane Cameron](#)
To: [MCP-Chair](#)
Subject: Just say No to harmful developer exceptions & exemptions
Date: Wednesday, July 1, 2020 10:40:16 AM

Dear Planning Board,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation.

We have a family member who teaches in Montgomery County Public Schools, and other family members in the Upcounty, who are students in our schools. When the covid pandemic is over, they will experience worse crowding of classrooms and trailers. Allowing developers to escape our adequate public facilities requirements, and to exceed our wise limits on growth, is a recipe for disaster.

Do not approve the requested exception.

Respectfully,

Diane Cameron and Joseph Horgan
Kensington, Maryland

From: [Donna Schuster](#)
To: [MCP-Chair](#)
Subject: No More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 10:44:50 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources.

Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation.

Do not approve the requested exception. Once we have started down this slippery slope, there is no return!

Donna Schuster
Donna.Schusyer@verizon.net
17105 Spates Hill Road
Poolesville, Maryland 20837

From: [Robert Goldberg](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 10:45:26 AM

Casey Anderson,

Dear Sir/Madam:

Re: Clarksburg Stage 4 + Ten Mile Creek + Impervious Surface

A cap on impervious (paved) surfaces was set as part of the Clarksburg Master Plan in 2014 but now the developers are coming back and asking that the cap not apply to the bike lanes they are required to build. In response, on March 26, the Montgomery County Planning Board voted to recommend that the County Council amend the Zoning Text Amendment (ZTA) in order to exempt impervious surfaces of planned bikeways from the Ten Mile Creek protections. Scientists tell us that each addition of pavement to this sensitive watershed threatens both the quality of Ten Mile Creek, and the health of our region's only nearby back-up drinking water supply, Little Seneca Reservoir.

Both the science-based caps that limit runoff to the creek and the requirement for bike lanes to benefit local residents were established in 2014 by the County Council and Planning Board. Because Ten Mile Creek is a unique, high-quality stream and drinking water supply, the amount of runoff the stream can take remains unchanged and last we checked, water continues to run downhill. The caps on impervious surfaces must remain in force as well.

The choice is not between clean water and bike paths. We can, and must, have both. The mandate of the 2014 Clarksburg Master Plan Amendment set clear caps to protect the creek. Please stick by this mandate.

Sincerely,

Robert N. Goldberg
21404 Davis Mill Road
Germantown, MD 20876

Robert Goldberg
r.n.goldberg@att.net
21404 Davis Mill Road
Germantown, Maryland 20876-4422

From: [Robins, Steven A.](#)
To: [MCP-Chair](#)
Cc: [Sartori, Jason](#); [Robins, Steven A.](#); [Bob Elliott \(belliott@lantiandevelopment.com\)](#); [Wright, Gwen](#); [Cichy, Gerald](#); [Verma, Partap](#); [Patterson, Tina](#); [Fani-Gonzalez, Natali](#); [Kronenberg, Robert](#)
Subject: Subdivision Staging Policy (Growth Policy)
Date: Wednesday, July 1, 2020 10:45:30 AM
Importance: High

Dear Chair Anderson and Members of the Board:

Our firm represents **Lantian Development**, the owners of the **204-acre Comsat Site** located on the east side of I-270, south of the I-270/MD-121 Interchange in Clarksburg, Maryland. I would like to reiterate a few points for the Board's consideration (for inclusion in the public record) as you discuss the SSP this Thursday at your upcoming worksession. Bob Elliott, the CEO of Lantian, submitted a letter dated June 10, 2020, into the public hearing record. Please consider the following:

- The Comsat site unquestionably is an extremely valuable resource with significant development potential, including residential uses. The site, which serves as a gateway into Montgomery County, will provide the County with much needed development opportunities well into the future. Lantian has long planned to redevelop the property with a new mixed use development project including significant residential uses. The SSP, as drafted, could thwart this opportunity.
- As you know, the SSP Public Hearing Draft divides the county into "Greenfield Impact Areas," "Turnover Impact Areas," and "Infill Impact Areas." All of these areas are critically important to providing the County and its citizens with much needed housing and affordable housing opportunities. The SSP recommends eliminating moratoria in all impact areas, except Greenfield Impact Areas. The Board heard an overwhelming amount of testimony rejecting moratoria and instead suggesting that the automatic moratoria be eliminated entirely to address inadequate school capacity issues. We concur with this approach, as doing so would more equitably address school capacity issues and help fulfill the County's housing goals and priorities, including providing more affordable housing.
- The SSP Hearing Draft identifies that most of the County's housing growth occurs in Greenfield Impact Areas. Yet, we all understand that turnover of existing housing stock really impacts enrollment, not new housing. The SSP appears to conclude that most of the County's new housing growth occurs in Greenfield Impact Areas. However, looking at Figure 5 on p. 34 of the SSP, Greenfield Impact Areas generated 2,237 new students while Turnover Impact Areas generated 6,232 new students. What is interesting about these statistics is that both areas generate a roughly proportionate number of new students when each area is divided by their population and housing units. Placing the Greenfield Impact Area into potential moratoria doesn't seem to be the answer.
- In lieu of automatic moratoria, inadequate school capacity in Greenfield Impact Areas would be better addressed by applying the flexibility recommended for Turnover and Infill Impact Areas – more specifically, the Utilization Premium Payments.
- Greenfield Impact Areas will help the County achieve its housing policies. Being less developed, Greenfield Impact Areas represent a significant opportunity to provide new housing in the County at a more reasonable cost, which obviously also creates the opportunity for more affordable housing. Greenfield Impact Areas, if developed, will help

meet long term housing goals set by the Metropolitan Washington Council of Governments, which involve adding 41,000 new housing units in Montgomery County over the next 10 years. Curtailing development in Greenfield areas would dramatically impact the creation of new housing units for middle-income households, particularly younger families.

- Given the most recent COVID 19 experience, providing housing opportunities in Greenfield Impact Areas will allow for more single family attached and detached units with more space. Why stymie this type of growth?
- Moratoria has long stood for failure on the part of government to address infrastructure and growth needs. Moratoria in any form is bad for business and growth in Montgomery County. It sets our County apart in an unhealthy, business unfriendly way and also affects our citizens negatively by not providing needed housing and a more robust tax base. Montgomery County cannot compete with our surrounding jurisdictions (and fall behind) if we are faced with policies like the imposition of moratoria. Again, the Board heard significant opposition to moratoria from a broad cross section of the community. Please eliminate it.

Thank you for considering our comments. And thanks to your Staff for their efforts on the SSP as well.

Best regards,

Steve Robins

Steven A. Robins, Managing Partner

Lerch, Early and Brewer, Chtd. rising to every challenge for 70 years

7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814

T 301-657-0747 | F 301-347-1778 | Cell 301-252-1904

sarobins@lerchearly.com | [Bio](#)

Lerch Early COVID-19 Resource Center

Attention: This message is sent from a law firm and may contain information that is privileged or confidential. If you received this communication in error, please notify the sender by reply e-mail and delete this message and any attachments. Thank you.

www.lerchearly.com

From: [Susan Davis](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 10:45:43 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

Susan Davis
susandavis_6@me.com
17601 Conoy Rd
Barnesville, Maryland 20838

From: [Michael Yarrington](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 10:45:50 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

Michael Yarrington
mlyarrington@yahoo.com
24001 Old Hundred Rd
Comus, Maryland 20842

From: [David Schuster](#)
To: [MCP-Chair](#)
Subject: No More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 10:46:18 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

David Schuster
David.Schuster@verizon.net
17105 Spates Hill Rd
Poolesville, Maryland 20847

From: [Bill Matarazzo](#)
To: [Councilmember.Albornoz@montgomerycountymd.gov](#); [Councilmember.Friedson@montgomerycountymd.gov](#); [Councilmember.Glass@montgomerycountymd.gov](#); [Councilmember.Hucker@montgomerycountymd.gov](#); [Councilmember.Jawando@montgomerycountymd.gov](#); [Councilmember.Katz@montgomerycountymd.gov](#); [Councilmember.Navarro@montgomerycountymd.gov](#); [Councilmember.Rice@montgomerycountymd.gov](#); [Councilmember.Riemer@montgomerycountymd.gov](#); [MCP-Chair](#); [Anderson, Casey](#); [Fani-Gonzalez, Natali](#); [Cichy, Gerald](#); [Patterson, Tina](#); [Verma, Partap](#); [Wright, Gwen](#); [Sartori, Jason](#)
Subject: Planning board SSP schools work Session
Date: Wednesday, July 1, 2020 10:48:00 AM

I object to the moratorium exception

When the Upcounty boundary study gets overturned due to willful violations of policies and procedures by the BOE and MCPS staff and MoCo Planning committee manipulating data (how 5 yr projection for CHS mysteriously declined to 118.5% so it would not trigger a building moratorium this year with new boundaries) and private meetings that only prioritize sections of the MoCo population instead of treating everyone as equals there will be much room open at SVHS when the 2019/2020 boundary assignments are put back in place. Therefore any and all new developments currently permitted, grandfathered or seeking permits, must be required to move to the adjacent cluster (SVHS) that has the space that they're looking to fill...It's really a no brainer. This promotes transparency for new home buyers who won't get screwed over by a BOE in future "boundary studies" after moving in the year after they move into the new community. These issues need to be resolved prior to MoCo permits being handed out like candy for a cash grab on taxes and recordation fees on top of impact fees..of which Clarksburg is already the highest.

Stop making our children suffer through the emotional stress of boundary studies...make sure planning and development is doing their homework in advance and not punting solvable issues that should be remedied in the application for development process to the BOE who has consistently shown their inability to solve these complex problems....it's really that easy.

To be clear: builders who are given green light on permits should be only permitted to build if they are automatically rezoned to adjacent HS cluster at or less than 100% utilization and their development will not be permitted to attend the current cluster that geographic location falls within if that school is already at or above 100%. In Clarksburg, this impacts many developments where ground has not yet been broken or ground has been broken but no homes are yet to have been sold. This means many including 355/old balt road, cabin branch at creekside, old Baltimore road near Clarksburg road, 355/comus and and a other on Clarksburg road near ES no. 9, Town Center...just to name a few. These developments must be rezoned to SVHS (who needs students) or NW, poolesville, Damascus...space permitting

By following the steps I recommend, not only will this restore transparency for BOE (and MoCo government including Planning/Development) on school assignments, real estate laws/ethics for the potential buyers who are choosing to lay roots in MoCo and are the very fabric of the MoCo community as they do not have the ease and convenience to move from one rental to another. Further, if you follow this logic, it will alleviate costs from BOE for new and unnecessary boundary studies, create savings from less reliance on portables and postpone the capacity relief projects due to over utilization in neighborhoods.

Please stop disrespecting the residents of Clarksburg and using them as a cash cow to allow construction at the expense of our schools to solve MoCo's fiscally irresponsible ways.

Specifically, CES is at 200% utilization and yet the proposed Clarksburg ES Number 9 keeps getting postponed and is now still 3 years out. With the new construction occurring that will continue to balloon and the school, whenever is built, will be well over 150% utilization on day 1 (due to the outdated algorithms on student per household being used in this multi generational family dwelling days). This is why we need to ensure that when the new ES No.9 is built, that CES remains open.

Additionally, we need infrastructure, we need exit 17. There are not enough arteries and secondary roads. You want us to move here, we did. So put in the infrastructure so we can go back/forth to work in Bethesda, DC, and NVA. Stop putting politics and greed over families and kids. We need to be near one another in case of emergencies and for community and school engagement including athletics and extracurricular activities (SGA, Debate, Math/Chess teams, and more)

Bill Matarazzo (Walter Johnson HS '94) Cell 301-221-3383

Louella Matarazzo (Rockville HS '92)

Parents of Sophia (5th grader at CES) and Malia (7th grader NMS-- because BOE forced 6th graders from RHMS to move to NMS their 7th grade year...who does that? Even the MCCPTA, MCPS Counselors, Jill Ortman-Fouse and many others opposed).

From: [Dot Drake](#)
To: [MCP-Chair](#)
Subject: NO More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 10:48:17 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including more-than-adequate public facilities such as schools and roads and, most importantly, protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. In other words, do what's right and just for all for a change, instead of benefiting whomever's pockets are getting bigger. Why does this keep happening whereby the average person gets stuck with these absurd decisions? Do not approve the requested exception.

Dot Drake
drakedottie@hotmail.com
4082 Olive School Rd
Knoxville, Maryland 21758

From: [Stephanie Egly](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions for Developers that impede sound planning practices
Date: Wednesday, July 1, 2020 10:50:35 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

Stephanie Egly
segly2016@gmail.com
15115 Mount Nebo Rd
Poolesville, Maryland 20837

From: [Victoria Wegener](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 10:51:17 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

Victoria Wegener
v_wegener@yahoo.com
804 Violet Place
Silver Spring, Maryland 20910

From: [Janet Davies](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 10:51:54 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

I am watching what you do.

Janet Davies
davies_262@hotmail.com
16015 Hughes Road
Poolesville , Maryland 20837

From: [G. Countryman-Mills](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 10:52:35 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

G. Countryman-Mills
gaylelcm@gmail.com
11906 Oden Court
Rockville, Maryland 20852

From: [David Hickson](#)
To: [MCP-Chair](#)
Subject: Please Protect our Schools and Support Thoughtful Planning
Date: Wednesday, July 1, 2020 10:54:00 AM

Casey Anderson,

MoCo schools still rank among the best in the country. Do not let developer requested exceptions undermine important public policies, including adequate public facilities such as schools and roads and protection of water resources.

Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation.

Please do not approve the requested exception.

David Hickson
david.hickson100@gmail.com
1600 Gamewell Rd
Silver Spring, Maryland 20905

From: [Linda Marks](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 10:54:33 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

Linda Marks
lwhelanmarks@gmail.com
10600 Montrose Ave, #1
Bethesda, Maryland 20814

From: [Rachel Rosenfeld](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 10:55:21 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

Rachel Rosenfeld
marlenamancuso@aol.com
16315 budd road
Poolesville , Maryland 20837

From: [John Fedota](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 10:55:59 AM

Casey Anderson,

We are long time residents of Boyds who have a son starting in the MCPS system this fall. We moved out here to take advantage of the ag reserve while still being in MoCo.

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

John Fedota
jfedota@hotmail.com
22115 Slidell Rd
Boyds, Maryland 20841

From: [Linda Marks](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 10:56:20 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

Linda Marks
lwhelanmarks@gmail.com
10600 Montrose Ave, #1
Bethesda, Maryland 20814

From: [Abbe Milstein](#)
To: [MCP-Chair](#)
Cc: [Anderson, Casey](#); [Fani-Gonzalez, Natali](#); [Cichy, Gerald](#); [Patterson, Tina](#); [Verma, Partap](#); [Wright, Gwen](#); [Sartori, Jason](#)
Subject: 2020 Growth Policy Recommendations
Date: Wednesday, July 1, 2020 10:59:47 AM

Dear Planning Chair Casey Anderson and Commissioners,

As you continue to discuss the 2020 Growth Policy Recommendations, please make sure that there are mechanisms to meaningfully support adequate school infrastructure as Montgomery County continues to grow.

- I support a reduction of Impact Taxes to 110% of estimated costs using applicable student generation rates. This includes an allocation for land, which is not contemplated in the cost-per-student. Impact Taxes should not be discounted in activity centers, which already have lower impact taxes and are already incentivized in other ways. Giving up Impact Taxes for necessary school capacity only means that infrastructure will be further subsidized by residents.
- I support Utilization Premium Payments. They should be triggered when schools are forecast to be at or above 105% of capacity. Our schools should not be allowed to get to 120% capacity without intervention.
- I support a three-year test window as recommended by Planning Staff and supported by the urban land Institute. Historically, the standard deviation of forecasting errors across all individual MCPS schools increases from 1.7%-4.6% for 1-3 year forecasts, to 6.5%-10.5% for 4-6 year forecasts. As such, forecasting is only reliable in the early years of any given CIP; using a 4-year forecast is not an acceptable “compromise,” it only sustains the inaccuracies we are trying to avoid. Similarly, projects in the outyears of the CIP don’t always materialize, therefore the three-year window for capital projects is also more reliable and appropriate for testing available capacity.
- I support cumulative tracking of development impacts against available capacity. Greenlighting all development for a given year has the potential to overwhelm a school cluster. At very least a 120% threshold should be set, beyond which any applications would be subject to applicable procedures and/or supplemental payments.

We need systemic alignment between the Planning Board and MCPS. Planning for Montgomery County’s growth MUST include a plan for our schools, and the Growth Policy cannot leave MCPS fending for itself. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students. New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn’t severely overcrowded or neglected. I appreciate the opportunity to participate in this democratic process and your listening to my voice.

Thank you,

Abbe Milstein

Sent from my iPhone

From: [Sarah Defnet](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 11:01:10 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception. Clarksburg overdevelopment has already taken construction dollars from other parts of the county school system because models favored their manufactured overcrowding. Enough .. buyers must realize the true cost of their purchase ... if that pushes the price up and the market doesn't support it then so be it ... but the taxpayers are not funding it.

Sarah Defnet
defnet@verizon.net
18010 Elgin Rd
Poolesville , Maryland 20837

From: [Marsha Vonduerckheim](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 11:01:41 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

Marsha Vonduerckheim
VONDURCKHEIMMD@HOTMAIL.COM
21610 Beallsville Road
Barnesville, Maryland 20838

From: [Michael Honig](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 11:01:42 AM

Casey Anderson,

These exceptions set a dangerous precedent for our county and threaten our best "selling point"; excellence in our school system.

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources.

Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation.

Do not approve the requested exception.

Michael Honig
mikehonig@aol.com
14013 Saddlevue Dr.
Gaithersburg, Maryland 20878

From: [Joanna Krantz](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 11:02:11 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

Joanna Krantz
askita@hotmail.com
5510 Ridgefield Rd
Bethesda, Maryland 20816

From: [Laura Stewart](#)
To: [Anderson, Casey](#); [Cichy, Gerald](#); [Fani-Gonzalez, Natali](#); [Verma, Partap](#); [Sartori, Jason](#); [Patterson, Tina](#); [Wright, Gwen](#); [MCP-Chair](#)
Subject: Proposed moratorium exception
Date: Wednesday, July 1, 2020 11:02:58 AM

Dear Planning Board and Staff,

I am writing today to strongly recommend that the planning board's staff recommendation, S4.1.3 Nearby Capacity, NOT be included in the upcoming Growth Policy. Using the 110% utilization rate for a nearby school does nothing to ensure adequacy for the children in the subdivision. It is only offered in order to avoid moratoria so certain projects may move forward.

I am concerned that this rule will set a precedent and expectations that we should redistrict children into schools that are already overcrowded. This is irresponsible and we must come up with a better solution. I understand that Damascus HS renovation could be a potential solution to the overcrowding issue at Clarksburg HS. Utilization Premium Payments (UPP) could contribute to that particular project. I am not advocating for one particular solution, but we can do better than this particular exception.

In my personal opinion, speaking only for myself, I believe it is better to have no moratoria at all than this proposal. We could instead implement the UPP on all projects that affect schools that are at 105% utilization and do not have a nearby (defined by a reasonable commute time, not miles) capacity solution.

Thank you,
Laura Stewart
Silver Spring

From: [Emily Williams](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 11:04:51 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

Emily Williams
emily.williams89@gmail.com
22030 Big Woods Road
Dickerson, Maryland 20842

From: [Elizabeth Hisle-Gorman](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 11:04:52 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

Elizabeth Hisle-Gorman
hislegorman@yahoo.com
7134 Carroll Ave
Takoma Park, Maryland 20912

From: [Naomi Spinrad](#)
To: [MCP-Chair](#)
Subject: SSP concerns - school infrastructure
Date: Wednesday, July 1, 2020 11:05:29 AM

Dear Planning Chair Casey Anderson and Commissioners,

As you continue to discuss the 2020 Growth Policy Recommendations, please make sure that there are mechanisms to meaningfully support adequate school infrastructure as Montgomery County continues to grow. Especially with the budget constraints now facing the county, it is important that there be an appropriate balance between growth and infrastructure capacity - particularly in light of our education system as a driving force to attract skilled jobs.

- I support a reduction of Impact Taxes to 110% of estimated costs using applicable student generation rates. This includes an allocation for land, which is not contemplated in the cost-per-student. Impact Taxes should not be discounted in activity centers, which already have lower impact taxes and are already incentivized in other ways. Giving up Impact Taxes for necessary school capacity only means that infrastructure will need to be subsidized by other strained revenue sources.

- I support Utilization Premium Payments. They should be triggered when schools are forecast to be at or above 105% of capacity. Our schools should not be allowed to get to 120% capacity without intervention.

- I support a three-year test window as recommended by Planning Staff and supported by the urban land Institute. Historically, the standard deviation of forecasting errors across all individual MCPS schools increases from 1.7%-4.6% for 1-3 year forecasts, to 6.5%-10.5% for 4-6 year forecasts. As such, forecasting is only reliable in the early years of any given CIP; using a 4-year forecast is not an acceptable "compromise," it only sustains the inaccuracies we are trying to avoid. Similarly, projects in the out years of the CIP don't always materialize, therefore the three-year window for capital projects is also more reliable and appropriate for testing available capacity.

- I support cumulative tracking of development impacts against available capacity. Greenlighting all development for a given year has the potential to overwhelm a school cluster. At very least a 120% threshold should be set, beyond which any applications would be subject to applicable procedures and/or supplemental payments.

We need systemic alignment between the Planning Board and MCPS. Planning for Montgomery County's growth MUST include a plan for our schools, and the Growth Policy cannot leave MCPS fending for itself. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students. New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn't severely overcrowded or neglected. I appreciate the opportunity to participate in this democratic process and your listening to my voice.

Thank you,

Naomi Spinrad

From: [Nadiya Shahreen](#)
To: [MCP-Chair](#)
Subject: Farmland Cluster
Date: Wednesday, July 1, 2020 11:09:37 AM

Dear Planning Chair Casey Anderson and Commissioners,

I am writing to ask that you ensure our schools have adequate facilities and capacity as our county grows.

I oppose the recommended elimination of the automatic moratorium in most of the county without including any new mechanisms to ensure adequate school infrastructure. The proposed policy fails to acknowledge that moratorium have almost always resulted in funding for affected schools in areas of desired growth.

As you review the Subdivision Staging Policy (Growth Policy) in the coming weeks, please make sure that there are mechanisms to prevent our schools from being overwhelmed. Impact taxes should cover 100% of the costs associated with the new development, and they should be consistent and fair across the county.

We need systemic alignment between the Planning Board and MCPS – planning for Montgomery County's growth MUST include a plan for our schools. It is my sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students.

New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn't severely overcrowded or neglected. Thanks for considering my requests.

Thank you,
Nadiya Shahreen

From: [Felicia Eberling](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 11:11:09 AM

Casey Anderson,

By all means, say NO to developer-requested exceptions that undermine important public policies including adequate public facilities (i.e., schools and roads) and protection of water resources.

Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation.

Do NOT approve the requested exception.

Felicia Eberling
feberling06@yahoo.com
1001 Spring Street, Apt. 924
Silver Spring, Maryland 20910

From: [Susan Dankoff](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 11:13:10 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

Susan Dankoff
susan.dankoff@verizon.net
6434 wishbone ter
Cabin John , Maryland 20818

From: [W. E. "Rick" Meyer](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 11:13:25 AM

Casey Anderson,

Imploring the Planning Board to Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources.

PLEASE DO NOT ALLOW DEVELOPERS TO OVERLOAD OUR SCHOOLS, WATERSHED and ROADS.

Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation.

Urgently request the Planning Board to NOT approve the requested exception.

W. E. "Rick" Meyer
wemeyer@yahoo.com
11644 Parsippany Ter
North Potomac, Maryland 20878

From: [Adam Blankinship](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 11:15:02 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

Adam Blankinship
okipenoki@gmail.com
24604 Marlboro Dr
Damascus, Maryland 20872

From: [Jane Lehrman](#)
To: [MCP-Chair](#)
Subject: Exemptions to 10 mile creek developers (aka how not to be the Once-ler from the Lorax)
Date: Wednesday, July 1, 2020 11:21:13 AM

Good morning,

I want to advise you of my opposition to any exceptions, exemptions, or expansion of development in the 10-Mile Creek area of Clarksburg. Please note that I do not live in Clarksburg but oppose further development because:

1. Clarksburg schools are already overcapacity.
2. Further development will jeopardize the watershed and by extension our water supply.
3. It destroys micro-ecosystems, especially with the removal of trees.
4. It will increase pollution, again, with the removal of trees.
5. The last-minute nature of the proposal makes you look like pawns of the developers who do not care about a sustainable Clarksburg.

For those you have forgotten your Dr. Seuss:

The Once-ler is the narrator, the hidden main antagonist of The Lorax and the former secondary antagonist of the 2012 film of the same name. He was a greedy industrialist who cut down all of the beautiful, multi-colored Truffula Tree to make a peculiar garment known as a Thneed, 'a Fine-Something-That-All-People-Need'.

(Substitute developer for industrialist and Thneed for really expensive housing that only rich people can afford. Both of y'all seem to be against trees.)

Sincerely,
Jane Halliburton Lehrman
Gaithersburg

From: [Diane Sheldon](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 11:22:32 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

Diane Sheldon
Dcs1043@gmail.com
4401 Custis Drive
Rockville , Maryland 20853

From: [James Ballard](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 11:23:11 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

James Ballard
comusmail-ballard@yahoo.com
17401 Ryefield Ct.
Dickerson, Maryland 20842

From: [Ann Connor](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 11:26:29 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

Ann Connor
conrfam@aol.com
17325 Soper St
Poolesville, Maryland 20837

From: [Arthur Slesinger](#)
To: [MCP-Chair](#)
Subject: Say no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 11:27:48 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Every exemption just destroys the whole purpose of controlling growth and overtaxing our infrastructure. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. At the end of the day the TAX PAYERS have to deal with the problem and the builders vanish.

Do not approve the requested exception.

Arthur Slesinger
aes44.busn@gmail.com
12821 Tern Drive
North Potomac, Maryland 20878

From: [Laura Stewart](#)
To: [from: Laura Stewart](#); [Anderson, Casey](#); [Cichy, Gerald](#); [Fani-Gonzalez, Natali](#); [Verma, Partap](#); [Sartori, Jason](#); [Patterson, Tina](#); [Wright, Gwen](#); [MCP-Chair](#)
Subject: 2020 Growth Policy - Einstein Cluster
Date: Wednesday, July 1, 2020 11:29:41 AM

Dear Planning Chair Casey Anderson and Commissioners,

As you continue to discuss the 2020 Growth Policy Recommendations, please make sure that there are mechanisms to meaningfully support adequate school infrastructure as Montgomery County continues to grow. Reducing impact taxes as a whole, while continuing the practice of exemptions, will further constrain the school construction budget. The end result will mean much needed renovations will be delayed in areas that are not in the high growth areas. The Einstein HS community is depending on a healthy construction budget so that the current high school project solutions can stay on track.

- We recognize that the current SSP is not ensuring school adequacy and we believe it is prudent to change the way moratoria and impacts taxes have been implemented over the last four years.
- We support Utilization Premium Payments. They should be triggered when schools are forecast to be at or above 105% of capacity. Our schools should not be allowed to get to 120% capacity without intervention.
- We support a three-year test window as recommended by Planning Staff and supported by the Urban Land Institute. Historically, the standard deviation of forecasting errors across all individual MCPS schools increases from 1.7%-4.6% for 1-3 year forecasts, to 6.5%-10.5% for 4-6 year forecasts. As such, forecasting is only reliable in the early years of any given CIP; using a 4-year forecast is not an acceptable “compromise,” it only sustains the inaccuracies we are trying to avoid. Similarly, projects in the out-years of the CIP don’t always materialize, therefore the three-year window for capital projects is also more reliable and appropriate for testing available capacity.
- We support cumulative tracking of development impacts against available capacity. Greenlighting all development for a given year has the potential to overwhelm a school cluster. At very least a 120% threshold should be set, beyond which any applications would be subject to applicable procedures and/or supplemental payments.
- We recognize that MCPS should consider available capacity in adjacent schools when those schools are forecasted to be underutilized in the current CIP, but we strongly discourage the planning board to expect MCPS will move children to a different over utilized school as suggested by the exception proposed by staff in the proposed S4.1.3 Nearby Capacity.

We need systemic alignment between the Planning Board and MCPS. Planning for Montgomery County’s growth MUST include a plan for our schools, and the Growth Policy cannot leave MCPS fending for itself. It is our sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students. New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn’t severely overcrowded

or neglected. We thank you for considering our comments.

Thank you,

Kristy Daphnis

Laura Stewart

Einstein Cluster Coordinators

From: [Marie Dean](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 11:38:07 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

Marie Dean
marie_dean@verizon.net
10720 Middleboro Drive
Damascus, Maryland 20872

From: [Jason Makstein](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 11:39:20 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

Jason Makstein
jasmak@gmail.com
1 Cherry Grove Ct
North Potomac, Maryland 20878

From: [Christine Rai](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 11:41:01 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

Christine Rai
sunny_rai@verizon.net
17320 Whitaker Rd
Poolesville, Maryland 20837

From: [Irene Eckstrand](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 11:41:21 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

Irene Eckstrand
ieckstrand@verizon.net
13717 Valley Drive
Rockville, Maryland 20850

From: [Anne Sturm](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 11:46:55 AM

Casey Anderson,

I am really surprised at this requested exception.

Please say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation.

Do not approve the requested exception.

Anne Sturm
annets1@aol.com
P.O. Box 341
Barnesville, Maryland 20838

From: [Katherine Longbrake](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 11:47:52 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

Katherine Longbrake
klongbrake@gmail.com
19400 Beallsville Rd
Beallsville, Maryland 20839

From: [Vyjoo Krishnan](#)
To: [MCP-Chair](#)
Subject: Please NO More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 11:48:51 AM

Casey Anderson,

Clarksburg is already struggling without the planned and promised infrastructure in terms of traffic, pollution, quality of life, adding more development without considering impact on school capacity and proximity to the communities so they can be involved in school etc is just more insult to injury to Clarksburg and Germantown area. Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation.

Do not approve the requested exception. You are OUR elected representatives, please act on our behalf , not developers.

Vyjoo Krishnan
vyjoo1@gmail.com
12800 Gorman cir
Boyd's, Maryland 20841

From: [Catherine Reddington](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 11:48:53 AM

Casey Anderson,

To Whom it May Concern,

I am writing to urge you to Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation.

As a parent of two MCPS students at Clarksburg ES, where the school has more than doubled it's size in less than 3 years, as well as an educator Hallie Wells MS, which will be filled to capacity within the next two years, I can give first-hand impressions of the impact development has had on the Clarksburg schools. The staff at both schools are hard working, but resources are stretched and tensions are high. Overcrowding leads to less attention to individual student needs there is definitely a sense that Montgomery County is putting wealth over kids and families.

I believe at heart everyone wants what's best and sometimes it IS best to slow down and make informed decisions. I cannot see any reason why already well-thought out rules should be changed, other than to help developers make more money. Please send a message to your community members that you put their needs first.

Do not approve the requested exception.

Thank you for your time,
Catherine & Kenny Reddington

Catherine Reddington
catherinereddington@gmail.com
15500 Comus Rd
Clarksburg, Maryland 20871

From: [Brooke Willson](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 11:50:11 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

Brooke Willson
brookando@yahoo.com
26317 Forest Vista Dr
Clarksburg, Maryland 20871

From: [Sheri Weiss](#)
To: [MCP-Chair](#); [Anderson, Casey](#); [Fani-Gonzalez, Natali](#); [Cichy, Gerald](#); [Patterson, Tina](#); [Wright, Gwen](#); [Verma, Partap](#); [Sartori, Jason](#)
Subject: Adequate Facilities/2020 Growth Policy Recommendations
Date: Wednesday, July 1, 2020 11:50:31 AM

Dear Planning Chair Casey Anderson and Commissioners,

On behalf of the Luxmanor Citizens Association (LCA), I am writing to support the comments of both the Walter Johnson Cluster and MCCPTA regarding the proposed 2020 Growth Policy recommendations. Established in 1938, LCA represents almost 900 households in the communities of Luxmanor, the Oaks and Windermere. Our children attend Luxmanor Elementary School, Tilden Middle School and Walter Johnson High School. It is critically important that the growth policy ensure that there is adequate school infrastructure.

Our community's students have experienced significant school overcrowding, especially at Walter Johnson High School. Because of increased growth, both from turnover of existing housing and from development throughout our area, our community has been at the brink of housing moratorium and reached moratorium this past year. The moratorium shined a light on the impact of school overcrowding on our students. It has brought the needs of our schools and the need for funding for capital expansion to the attention of appointed and elected policymakers.

As you review the recommendations, we urge you to ensure that there is much more coordination between MCPS and the Planning Board. It is critical that the growth policy include a plan for our schools. School capacity must remain a priority in areas where new development is planned and schools are already overwhelmed or neglected. We support the following recommendations:

- We support a reduction of Impact Taxes to 110% of estimated costs using applicable student generation rates. This includes an allocation for land, which is not contemplated in the cost-per-student. Impact Taxes should not be discounted in activity centers, which already have lower impact taxes and are already incentivized in other ways. Giving up Impact Taxes for necessary school capacity only means that infrastructure will be further subsidized by residents.
- We support Utilization Premium Payments. They should be triggered when schools are forecast to be at or above 105% of capacity. Our schools should not be allowed to get to 120% capacity without intervention.
- We support a three-year test window as recommended by Planning Staff and supported by the Urban Land Institute. Historically, the standard deviation of forecasting errors across all individual MCPS schools increases from 1.7%-4.6% for 1-3 year forecasts, to 6.5%-10.5% for 4-6 year forecasts. As such, forecasting is only reliable in the early years of any given CIP; using a 4-year forecast is not an acceptable "compromise," it only sustains the inaccuracies we are trying to avoid. Similarly, projects in the outyears of the CIP don't always materialize, therefore the three-year window for capital projects is also more reliable and appropriate for testing available capacity.
- We support cumulative tracking of development impacts against available capacity. Greenlighting all development for a given year has the potential to overwhelm a school

cluster. At very least a 120% threshold should be set, beyond which any applications would be subject to applicable procedures and/or supplemental payments.

We need systemic alignment between the Planning Board and MCPS. Planning for Montgomery County's growth MUST include a plan for our schools, and the Growth Policy cannot leave MCPS fending for itself. It is our sincere hope that you can create a policy that helps the Board meet the Adequate Public Facilities Requirements for all of our current and future residents, including our students. New families moving into a neighborhood expect that schools will be able to accommodate their children in a facility that isn't severely overcrowded or neglected.

Thank you,
Sheri Steisel Weiss
President
Luxmanor Citizens Association (LCA)
President@luxmanor.org

From: [Bhaskar patel](#)
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 11:52:06 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

Bhaskar patel
bhaskarpatelus@yahoo.com
12625 Falconbridge Drive
N.. Potomac, Maryland 20878

From: Virginia Quesada
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 10:39:28 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation.

Do not approve the requested exception.

Virginia Quesada
vq@qmediainc.com
400 Center Street - P.O. Box No.1070
Washington Grove, Maryland 20880

<<https://u1584542.ct.sendgrid.net/ss/o/sKxQ9Tusut-gXiwfMaIEaQ/333/rgQukoUFTdqWou5933j6fQ/ho.gif>>

From: Taina Litwak
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 10:53:01 AM

Casey Anderson,

Say NO to the developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, were developed based on sound metrics and established science and underwent full vetting and public participation.

PLEASE do not approve the requested exception. It will lower our quality of life in the long run.

Taina Litwak
litwak@his.com
13029 CHESTNUT OAK DR
Gaithersburg, Maryland 20878

<<https://u1584542.ct.sendgrid.net/ss/o/sKxQ9Tusut-gXiwfMaIEaQ/333/P5nZjEQCSrqsLKUVmtmcw/ho.gif>>

From: Ellen Gordon
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 10:56:54 AM

Casey Anderson,

I am hard pressed to understand why you are even considering this proposal??! Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation. Do not approve the requested exception.

Ellen Gordon
ellen@gordonballard.com
17401 Ryefield Ct
Dickerson, Maryland 20842

<<https://u1584542.ct.sendgrid.net/ss/o/sKxQ9Tusut-gXiwfMaIEaQ/333/4gIMfXZcQlutlQ6FqOuXfA/ho.gif>>

From: Matt Kendall
To: [MCP-Chair](#)
Subject: Even MORE crowded schools due to S4.1.3?
Date: Wednesday, July 1, 2020 10:59:11 AM

Casey Anderson,

The S4.1.3 exception under consideration today sounds an awful lot like a recipe for EVEN MORE overcrowding in my local schools. My kids are in a private school already precisely because of this overcrowding. The wording in the exception is very opaque and hard to decipher exactly what the impact will be, which makes me suspicious of its intent. If it means more and larger subdivisions and more kids crowding our already stuffed beyond capacity schools, then please say NO to developer requested exceptions that undermine adequate public facilities such as schools.

Matt Kendall
matt.kendall@noaa.gov
12340 Kingsley Rd
Clarksburg, Maryland 20871

<<https://u1584542.ct.sendgrid.net/ss/o/sKxQ9Tusut-gXiwfMaIEaQ/333/QHwB2IFqT5OapV-HIJV9pA/ho.gif>>

From: Abigail Adelman
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 11:07:48 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation.

Do not approve the requested exception.

Abigail Adelman
avtdesigngroup@erols.com
3206 Univ Blvd West
Kensington, Maryland 20895

<<https://u1584542.ct.sendgrid.net/ss/o/sKxQ9Tusut-gXiwfMaIEaQ/333/Zr2rzzEfRHGI352rmlQfGg/ho.gif>>

From: Jose de Arteaga
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 11:38:19 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation.

Do not approve the requested exception.

Jose de Arteaga
kenn.jose@comcast.net
2014 31st Place SE
Washington DC, District of Columbia 20020

<https://u1584542.ct.sendgrid.net/ss/o/sKxQ9Tusut-gXiwfMaIEaQ/333/_R-x1sccR1GtBS-LvL9emg/ho.gif>

From: James Fremont
To: [MCP-Chair](#)
Subject: Please support sound planning--no more exemptions
Date: Wednesday, July 1, 2020 11:39:37 AM

Casey Anderson,

Dear Chair Anderson and Planning Board Members:

Please say no to Clarksburg Stage 4 developers who seek more exceptions to standing policies to maximize the size of projects, in this case adequate school capacity, the metric that limits new development to a level that local schools can handle, preventing overcrowding in classrooms.

This affects folks in Clarksburg but more broadly, and of great concern, is where else might these exceptions be given. Wouldn't they affect important public interest policies such as adequate infrastructure and environmental protection?

Exemptions would undermine important public policies, including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation.

Please, no more exceptions.

Thank you for your time and consideration.

James Fremont
jimfremont@earthlink.net
2421 Evans Dr
Silver Spring, Maryland 20902-4938

<<https://u1584542.ct.sendgrid.net/ss/o/sKxQ9Tusut-gXiwfMaIEaQ/333/scVjN8AEQk-C7pzBu5G9kg/ho.gif>>

From: Joan Clement
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 11:40:32 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation.

Do not approve the requested exception.

Joan Clement
joan@chears.org
7124 Carroll Ave. Apt 4
Takoma Park, Maryland 20912

<<https://u1584542.ct.sendgrid.net/ss/o/sKxQ9Tusut-gXiwfMaIEaQ/333/NbFHZzEzRwqA9x5g5VL6gQ/ho.gif>>

From: Carla Myers
To: [MCP-Chair](#)
Subject: Please no More Exceptions to Well-supported and Sound Planning
Date: Wednesday, July 1, 2020 11:48:56 AM

Casey Anderson,

Say NO to developer requested exceptions that undermine important public policies including adequate public facilities such as schools and roads and protection of water resources. Standards for schools, roads, water protection, unlike this proposal, were developed based on sound metrics and established science and underwent full vetting and public participation.

Do not approve the requested exception.

Carla Myers
carla@sierrapeaks.com
15232 Turkey Foot Rd
Gaithersburg, Maryland 20878

<<https://u1584542.ct.sendgrid.net/ss/o/sKxQ9Tusut-gXiwfMaIEaQ/333/ZqpLejjaReqedqtwI34f7A/ho.gif>>

From: [Lauren Berkowitz](#)
To: [MCP-Chair](#)
Cc: [Anderson, Casey](#); [Fani-Gonzalez, Natali](#); [Cichy, Gerald](#); [Patterson, Tina](#); [Verma, Partap](#); [Sartori, Jason](#)
Subject: Re: New SSP comment
Date: Thursday, July 2, 2020 9:39:49 AM

Hi,

I submitted this comment yesterday at 8:59AM and it was not included in the packet. It is important that schools like Southlake are considered. Please add it to the packet before today's discussion of item 9.

Thank you,
Lauren

Sent from my iPhone

> On Jul 1, 2020, at 8:59 AM, Lauren Berkowitz <lberkowitz@outlook.com> wrote:

>

> Dear Esteemed Planning Board and Staff,

>

> Thank you for the hard work you do informing this new version of the growth policy for the county.

> This is a challenging task and I'm glad that you are up for it.

>

> The fundamental premise of SSP is to ensure adequate facilities for the community. While this new draft policy has a lot of good points, ending moratoria where housing is needed, providing a boost to the economy, and identifying differences in generation rates in different areas to name a few, I'm concerned that it does not address and provide for adequate capacity in our schools.

>

> Our schools are overcrowded under the current system where moratoria are in place. Any new planning policy should address this problem Head on. As you know, the County Council was not able to fund the MCPS Superintendent's full CIP request As a result, new school construction was put off. One of the new projects was new building for Southlake Elementary. Their current building is in very bad condition and serves many students who the county's equity initiatives aim to uplift.

>

> Ending the moratoria benefits builders. Discounts to impact taxes in activity centers benefit builders. Imposing impact tax premiums only when schools are at 120% capacity benefits builders and is too late to help students overcrowded.

>

> This policy helps builders and the community in beneficial ways, but more tweaks need to be made to help our students and overcrowded schools. More tweaks need to be made to this policy to help students in trailers, students that don't have proper ventilation systems, students in overcrowded schools, and students that are in buildings with asbestos for example.

>

> Please consider changing the premium payment rate trigger back to 105% where it was in the past so we can support our schools further when they are overcrowded. Especially due to COVID-19, space is valued even more within schools to provide a safe educational space for our students. Please also consider creating a hybrid zone as recommended by MCCPTA. Over 300 homes were just approved in the WJ cluster for example. Such construction is more like a greenfield area. Further, please consider a "yellow light" in areas until we review this SSP in 4 more years so that we protect our valuable school infrastructure. Also, due to COVID-19, school enrollments are likely to be unpredictable the next few years. Please ask the builders if they would be willing to contribute a bit more in impact tax or materials or construction in ways permissible by law that can help our schools.

>

> Today you are considering an exception to allow builders in greenfield areas to be able to build if a nearby school in another cluster is under 110% capacity. It is unclear if MCPS and the community would agree to such boundary changes. Will the construction be permitted to occur even if MCPS and the community don't agree? In such a case,

would a school that is already very overcrowded would then become more overcrowded?

>

> If you are considering this amendment, could you please consider some additional amendments to the new draft SSP that will benefit students and adequate school capacity? Perhaps, builders could be strongly encouraged and they may want to provide community service hours to building schools in a number of hours per number of hours spent building new homes or in proportion of revenue (of course if this could be done within the law and I'm not providing legal advice on this point)? This would also require agreement from MCPS, but could get schools built quicker and more affordably. It is imperative that we provide adequate school capacity. I hope that more of the discussion on Thursday is focused on meeting this goal.

>

> Respectfully,

> Lauren Berkowitz

>

>

>

> Sent from my iPhone