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Subject: ZTA 26-04 (Mixed-Income Housing Community - Eligibility)
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Attachments: [image001.png](#)
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[Letter on ZTA 26-04.pdf](#)

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Good afternoon,

Please find the attached letter providing comments on ZTA 26-04 (Mixed-Income Housing Community – Eligibility). Kindly include this letter in the legislative record. Thank you very much.

Best,
Phil

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February 18, 2026

Artie Harris, Chair and
Commissioners of the Montgomery County Planning Board
2425 Reedie Drive, 14th Floor
Wheaton, Maryland 20902

Re: ZTA 26-04 – Mixed-Income Housing Community – Eligibility

Dear Chair Harris and Commissioners of the Montgomery County Planning Board,

Our firm represents Willco, which is a long-standing family business engaged in a wide range of professional real estate services, including acquisition and investment management, development property management and engineering, leasing, construction management, and structured finance. Willco also owns the 21.56-acre property commonly known as the Washington Science Center, which is in the White Flint 2 planning area and generally bounded by Josiah Henson Parkway, Towne Road, Executive Boulevard, and 6101 Executive Boulevard (the “Willco Property”). Willco submits this letter to comment on ZTA 26-04 – Mixed-Income Housing Community – Eligibility (the “ZTA”).

By way of background, the Montgomery County Planning Board (the “Planning Board”) approved Willco’s sketch plan application (Sketch Plan No. 320210120, the “Sketch Plan”) to redevelop the Willco Property with the Rose Village project. This transformative development will include new housing, a grid network of streets with sidewalks and bicycle facilities, and a new approximately one-acre civic green, all conveniently located near the North Bethesda Metrorail station. A key component of Rose Village is the incorporation of a significant amount of affordable housing, including moderately priced dwelling units (“MPDUs”). To further this goal, Willco amended its Sketch Plan (Sketch Plan No. 32021012A, approved by the Planning Board in 2024) to take advantage of the recently created Mixed-Income Housing Community Plan and the associated expedited approval plan process. Thus, Willco is particularly interested in the ZTA.

As introduced, ZTA 26-04 expands Mixed-Income Housing Community Plan eligibility to projects that receive an award of either 4% or 9% Low-Income Housing Tax Credits (“LITHC”) from the Maryland Department of Housing and Community Development. The change is intended to allow more projects to proceed under the expedited approval plan process. Willco strongly supports legislative efforts, such as the ZTA, that provide meaningful incentives for projects to incorporate much-needed affordable housing in Montgomery County.

In this spirit, Willco proposes an additional amendment to advance the ZTA’s intent of expanding Mixed-Income Housing Community Plan eligibility. Specifically, Willco requests the ZTA modify the Mixed-Use Housing Community definition to include projects that incorporate at least 50% of the units as MPDUs. Under the County’s MPDU law and regulations, MPDUs are affordable to households earning *up to 70% of area median income* (“AMI”) and provide a lengthy control period: 30 years for for-sale homes and 99 years for rental homes. Current Mixed-Income Housing Community Plan eligibility, however, only applies to projects where at least 50% of the units are affordable to households *earning up to 60% AMI*. See § 3.3.4.A.1 of the Montgomery County Zoning Ordinance. In other words, a unit can be eligible for MPDU designation *but not satisfy Mixed-Income Housing Community Plan eligibility*. This creates an undesirable inconsistency, especially for those projects offering for-sale homes.

Willco seeks to remedy this inconsistency by amending the ZTA as follows:

Division 3.3. Residential Uses

* * *

Section 3.3.4. Mixed-Income Housing Community

A. Defined

Mixed-Income Housing Community means new residential floor area containing 50 or more dwelling units of Multi-Unit Living under Section 3.3.1.E. A Mixed-Income Housing Community may contain non-residential uses allowed in the underlying zone. A Mixed-Income Housing Community must have:

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1. at least 50% of the units built under a government regulation or binding agreement that limits the price charged for at least 30 years and affordable to households earning incomes satisfying MPDU eligibility requirements under Chapter 25A60% or less of Area Median Income (AMI);

This amendment would expand Mixed-Income Housing Community Plan eligibility consistent with the intent of the ZTA and encourage projects to incorporate significant amounts of both rental and for-sale MPDUs with lasting control periods. Providing an expedited approval plan process for such projects is especially welcome during current challenging market conditions. The proposed change would also maintain the other existing deep affordability eligibility thresholds in the law (as modified in the ZTA to include 9% LIHTC projects).¹ See §§ 3.3.4.A.2, 3.3.4.A.3, & 3.3.4.A.4 of the Montgomery County Zoning Ordinance.

We appreciate your consideration of these comments. Willco looks forward to monitoring the ZTA as it proceeds through the legislative process.

Sincerely,

SHULMAN ROGERS, P.A.



Phillip A. Hummel

cc: Bob Mazzuca, Willco

¹ For background, Willco's proposed amendment is also consistent with the eligibility standards in the zoning text amendment creating the Mixed-Income Housing Community plan process as first introduced on March 28, 2023. See ZTA 23-02 (initially defining a Mixed-Income Housing Community Plan where "50% of the units must satisfy the requirements for an MPDU in Chapter 25A or a DHCA equivalent[.]"). It appears this language was subsequently changed to align with legislation establishing a payment in lieu of taxes for a housing development owned or controlled by the Housing Opportunities Commission or a nonprofit housing developer with at least 50% of the dwelling units affordable to households earning 60% or less of AMI. See Bill 26-21 (enacted December 14, 2021, effective March 28, 2022).