



CITY OF TAKOMA PARK

City Manager Comments

Report for City Council Meeting of November 28, 2018

Information to Share

NDC and TDRs

The City has received questions about NDC attempting to buy "transferable development rights" (TDRs) and what that means. Here is our understanding: NDC has initiated discussions with property owners adjacent to the Takoma Junction site to gauge their interest in selling any development rights (up to a full allowable size for a building on a property) that they may be unable to use due to their historic or architectural designation, or are willing not to use because they have no intention of expanding their building on their property. The TDRs are intended to address any floor area ratio gaps that may be identified during the County's development review process. It is a standard zoning practice but had not been raised as a possibility by NDC while preparing their site plan for Council consideration.

How did this happen? In 2014, Montgomery County revised the Zoning Ordinance, including a change in the commercial zoning in the historic district commercial area to "Neighborhood Retail" zoning. During this process, many, though not all of the Takoma Junction properties, including the City lot, were initially identified as a "CRT - Commercial Residential Town" zone. The properties were later reclassified and essentially "down zoned" to "NR - Neighborhood Retail" prior to the County's adoption of the new zoning map. The primary difference between the two zones lies within the types of uses that are permitted and the allowable floor area ratio (FAR) used to determine the size of the building.

Evidently, NDC did not realize the impacts of this change until after approval by the City when they had a zoning specialist review the calculations in their draft application they were preparing for the County.

Property owners throughout the County have the option of selling their rights to fully develop their property to the extent permitted by the underlying zoning. They also have the right to acquire additional or "unwanted" or "unused" development rights. Properties considered outstanding or contributing resources located in designated historic districts such as Takoma Junction are limited in their expansion options and are unlikely to use all of their development rights. In an NR zone, the transfer of these "rights" is limited to adjacent and adjoining properties with the same zoning located within 80 feet of each other. The wooded parcel fronting on Columbia Avenue will not be developed but the development rights cannot be included for the NDC project because of the residential zoning of that parcel. What I have been told is that under the previous zoning it could have been included and NDC had been assuming that it would be so that no transfer of development rights would have been needed.

To be clear, this does not mean NDC can increase the size or density of the development beyond what has already been approved by the City Council. In fact, if they are unable to obtain the necessary rights, the building may have to decrease in size.

We are continuing to monitor the situation and will share any new information as it becomes available.

Coalitions/Lawsuits in Opposition to FCC

Cities across the country have been invited to participate in two lawsuits: 1) to address the challenge of the recent FCC order regarding small cell antennas in the courts, including an effort to obtain a stay; and 2) to participate in a Franchise Fee Further Notice of Proposed Rulemaking proceeding and oppose the FCC's proposals in that proceeding. The law firms representing the two coalitions have requested \$5,000 and \$6,000, respectively. These fees were proposed by representatives of the law firms based on our size, but we may be able to contribute less.

The City would stand to benefit if the efforts are successful whether or not we are a named party in the suits. With a few exceptions, most of the municipalities who have expressed an intent to join these lawsuits are much larger than Takoma Park, and better suited to shoulder the costs. For these reasons, it is staff's recommendation that we do not officially join the coalitions, but perhaps submit comments on our own as appropriate. Of the two issues, I am particularly concerned about the item regarding franchise fees and how it could affect our PEG channel and City budget, but both issues radically challenge local government authority.

There has been interest expressed by Councilmembers in possibly joining the coalitions, so we wanted to take an opportunity to permit the Council to weigh in. If we choose to join either, we need to submit a retainer letter this week.

Resident Survey Update

Just a heads up that randomly-selected residents should start receiving pre-notification postcards about the upcoming survey this week. The first wave of surveys will be sent later this week with a reminder and second wave going out in December. Residents will have the option of completing the survey online or in hard copy.

Please encourage residents in your wards to be on the lookout and to complete the survey if they were selected!

Issues at Multi-family Properties

Over the past few months, City staff have been made aware of a number of issues at multi-family buildings in Takoma Park that have resulted in hardship for the residents. HCD staff have been working to assist residents and building managers as appropriate, but frequently we have learned of the problems only after they have been going on for an extended period of time. The most recent incident involves the Takoma Overlook condominium building on New Hampshire Avenue. Besides needing significant systems investments that exceed the reserves of the condominium association, flooding in the building resulted in the displacement of a number of residents, leaving some in very poor circumstances, and with areas of mold. We learned of the problems yesterday, but apparently the County's Department of Housing and Community Affairs has known of them for some time, but did not alert us. We have expressed our significant disappointment to the County for its lack of notice. Residents of multi-family buildings are often hesitant to complain, for a variety of reasons. Please encourage multi-family building residents, owners and managers to contact our staff for assistance if needed.

Recreation Department to Host Esports league

Recreation Department staff will be offering a new and exciting opportunity for City teens. Esports, or electronic sports, is the term used to describe the sport of competitive video gaming. Currently, more than 475 of the nation's colleges now support esports, providing more than \$9 million in scholarships to talented gamers!

The City's esports program will provide our teens (grades 6-12) the opportunity to participate in competitive esports and compete for college scholarship opportunities. This program will run from February 4 to May 26. Standards that are covered in the esports league include Gaming

Appreciation, Interpersonal Communication (Personal and Social Behavior), Influence of Culture, Media, and Technology, and Advocating for esports.

Esports League Important Dates:

- January 16, 2019, 7 pm - Parent Info Session
- February 25 - March 10, 2019 - League Pre Season
- March 11 - May 12, 2019 - Regular Season

This program will include trips to gaming industry leaders, gaming industry and collegiate team guest speakers, and an outing to the MAGFest (Mid Atlantic Gaming Festival) which is held at the National Harbor. Stay tuned for more details.

Recreation Winter Sports Leagues

After one month of registration, the Winter Basketball League is 70% full (over 640 registrants) and the younger divisions, Kindergarten - 3rd/4th grade, are already at capacity with a waiting list. The league is currently looking for one coach in the 3rd/4th grade girls division. The basketball league is slated to begin practices on January 2 and games will begin Saturday, January 12.

The Futsal league is 97% full with only one spot remaining in the 10-12 year old division. The 7-9 year old division has a waitlist of 24 participants. All of the volunteer coaches are secured and practices will begin Saturday, January 6th and games will start Sunday, January 27th.

Kudos

Since 1993, Maryland's cities and towns have celebrated Municipal Government Works (MGW) Month each November in an effort to promote citizens' awareness of and interest in the government in their communities. Throughout the month, **Danielle Murphy, Recreation Department Office Manager**, has scheduled group photos for all of the departments. Each department was featured on social media with a blurb about what that department does and the hashtag #MGWMonth. Thanks for taking on this extra task for the City and doing such a great job of it Danielle!

Hiring Update

We are currently advertising and/or interviewing for a number of positions including Economic Development Manager, Recreation Program Leaders, Contract CDL Driver, Police Officer, HR Intern, and Police Intern.

My Schedule

I will be on vacation out of town December 6-15. During that time Deputy City Manager Jason Damweber is authorized to act on my behalf. I plan to be here over the winter holidays.

On a different note, tomorrow marks my 25th anniversary with the City of Takoma Park – it has been an adventure and a pleasure to serve the City every one of those years!