

Situated in the green hills & valleys of Sligo Creek & its tributaries, abutting the burgeoning downtown Silver Spring

Seven Oaks Evanswood



CITIZENS' ASSOCIATION
SILVER SPRING, MARYLAND

Next meeting: **THURSDAY, Jan. 12, 7:30 pm, SILVER SPRING INTERNATIONAL MIDDLE SCHOOL CAFETERIA**

Update on short-term rental legislation

At a Dec. 5 public meeting, Planning Staff proposed zoning code amendment recommendations on short-term rentals. The background:

In February 2016, the Council proposed a zoning text amendment (ZTA 16-03, at bit.ly/ZTA16-03) to allow short-term residential rentals (STRs) under certain parameters. The ZTA was introduced in conjunction with Bill 2-16 (bit.ly/Bill2-16), which would update the licensing requirements for all transient housing such as AirBNB, HomeAway, or Craigslist, and traditional bed and breakfasts. The Council asked the Planning Dept. to conduct public outreach and make zoning change recommendations for STRs.

Following review and recommendations from the Planning Board last spring, Planning Staff held additional public meetings, attended by SOECA representatives. Many SOECA residents run STR businesses out of their homes, which do not seem problematic, but other neighborhoods have had problems. There is also data from other cities showing that STRs remove long term rental housing from the market, a problem where affordable housing is in short supply. At the Nov. 17 SOECA meeting, members adopted resolution opposing the legislation and asking for changes (see Minutes for text).

The Planning Staff recommendations at the December meeting were mostly consistent with SOECA requests, but didn't address some areas, including enforcement, fees, or fines. The recommendations of the Planning Staff are:

- Allow as a "limited" use in all zones allowing residential development.
- Require proof that the home is the primary residence of the applicant by requiring proof of home address as established by Executive Regulation under Method 2 of Chapter 2 (2A-15).
- Require written proof that neighbors sharing a wall (cont'd on p. 2)

www.soeca.org | email: soeca.board@gmail.com

January 2017 Issue

Next meeting:
Thursday, Jan. 12
7:30 – 9:00 pm
Silver Spring International
Middle School Cafeteria

Want to participate in SOECA's inner workings? We need:

• A newsletter distribution coordinator.

• A Nominating Committee chair

If you'd like to help in these important ways, contact the Board at soeca.board@gmail.com.

AGENDA

- Business update
- Agenda review
- Unfinished business
- Subcommittee updates
- Bill Kaupert memorial
- Short-term rental legislation update
- New business

SOECA boundaries: Colesville Rd. on the West, Cedar and Fenton Sts. on the South, Bonifant and Wayne on the East, and Franklin and Caroline Aves. on the North.

or property line with the applicant's property have been notified about the application.

- Restrict rental occupancy to a maximum of 14 days per month and 90 days per year.
- Require a license under Chapter 54 (Transient Lodging Facilities) of the County Code.
- Limit occupancy of the dwelling unit to a "household" as defined in the zoning code (no more than 5 unrelated people).
- Require that: (1) one off-street parking space is available per two bedrooms or (2) the online listing must indicate that vehicle parking is not allowed.
- Prohibit parties and unregistered visitors.
- Require the host to post rules and regulations, including contact information for a mandatory designated representative (to be defined) inside the rental.
- Require a record of visitors, subject to audit.

The SOECA Board will follow up with the Planning Staff on the unaddressed items from the SOECA resolution.

Old library site update

The Request for Proposals was issued by the County in late November. Some language and one criterion were added from input from the last stakeholders meeting, but overall, the criteria and language are the same, with focus on development that will provide housing (with a portion affordable) and child care. Proposals are due in February 2017. If the selected proposal requires rezoning as expected, the process will involve Parks and Planning, the County Council, and a Hearing Examiner.

BRT: SOECA letter, public input:

The SOECA Traffic Committee created a letter that the Board has sent to the County asking it to consider the impact on SOECA streets in the current traffic studies.

The County has started a bus rapid transit (BRT) education campaign with booths in downtown Silver Spring and a website. Learn about BRT for Rte. 29 and vote on the name of the system at getonboardbrt.com.

At the Feb. 16 open house (Silver Spring Civic Building, snow date Feb. 21), learn about the two alternative running ways, with different traffic patterns and lane configurations, and about the impacts on our community.

Minutes of Nov. 17 meeting

The October minutes were accepted. Treasurer David Hartmann reported that October membership renewal was completed. We've received dues from 141 households (24 new); many others are paid up through previous submissions. The account balance is \$7521.54. October-November expenses were \$322.62 for room rental, membership flyer, and newsletter. Dues are now payable through PayPal, which has

been used by 16 households. However, PayPal passes only email and mailing addresses through, so we do not have phone numbers or other information.

VP Michael Gurwitz thanked all the SOECA volunteers for their work, especially Raul Camino, Charles Wolff, and Peter Perenyi for newsletter distribution.

Pres. Michael Bufalini asked whether we should activate or eliminate an Education Committee, a standing committee in the bylaws. Following Jean Cavanaugh's suggestion, it will be left dormant for now. Other committees need support (Technology, Social, Legislative, Safety) or a chair (Nominating Comm.).

Rachel Bowers has raised \$625 (goal: \$2300) for a bench and brass plaque in Sligo Creek Park as a memorial to Bill Kaupert, a SOECA officer for 50+ years. SOECA has tentatively pledged to give the last \$300.

On the topic of the short-term rental (STR) resolution that was a focus of the meeting [see text below], Michael described the background of the pending legislation which would loosen rules for STRs, e.g. for AirBnB and similar services, and the resolution critiquing the legislation. The legislation would permit such rentals in the neighborhood, currently not allowed, and allow owners to self-certify the property's safety.

Jean Cavanaugh explained the three kinds of zoning restrictions: by right, e.g., low impact business in one's home; by limited criteria – if you meet list of criteria you can do it; and by conditional use (as for B&B's now), which includes public notice and an appearance before a Hearing Examiner. The legislation would allow hourly or nightly rental. Currently, you can rent out a room only for 30 days or more. Jean explained that short-term rentals take away from the affordable housing market, e.g., apartments that now go to long-term renters might be more profitable as STRs. The legislation would put STRs in the limited-criteria category, with a hotel tax going to the County.

Other questions, responses, and points raised:

- Is one purpose to produce income so people can age in place? Currently, people can rent rooms out for 30 days or more.
- Our proposal would make sure that people would communicate their intent to their neighbors.
- The hotel industry doesn't oppose the legislation, but wants rules, e.g. civil rights laws, to apply to all.
- The "sharing economy" is currently unregulated; e.g., Uber says it isn't responsible for contractors.
- Would owners have to be in residence? Yes under current law, but not under the proposed law.
- What are some objections to the legislation? Reduces the affordable housing market; allows self-certification of safety; requires notifying neighbors.

- Most HOAs restrict short-term rentals.
- When STRs work well, no one notices, but they can go very bad, with complaints when homes are rented for loud parties.

The resolution was passed, 13 to 3. It reads:

“Seven Oaks-Evanswood Citizens Association (SOECA) recognizes that there is already a regulatory process in place for operating short term rental businesses in R60 neighborhoods when certain requirements are met. SOECA opposes the proposed legislation, and would reconsider support for this legislation only if the following modifications, many of which are present in existing law:

- Retaining the requirements for conditional use zoning and associated public notice requirement and review for short-term rental businesses for R-60 and all RT zoning as provided for in presently existing zoning ordinance (note that these are the only residential zoning areas in our Association boundaries, but should apply to other denser zones to match current code);
- Onsite verification of safety and health requirements;
- Ability for County officials to enter and inspect property as is the case for accessory apartments;
- Clear recourse to resolve violations and conflicts;
- Enforced penalties for operating without a license and for not paying lodging taxes on income;
- Required off-street parking; if it is not available, then make the business a conditional use and require a hearing examiner review and neighbor participation.

We suggest there are also other unanswered questions where additional language is needed if proposed bills move forward:

- Clarification on what other use can be allowed in the residence (accessory apartment or other rental, other business). We recommend that no other use but primary residential be allowed;
- Retaining the residential character of the neighborhood and protecting it from saturation by short term rental businesses;
- Preserving the stock of long term, often affordable, housing currently offered by people who rent rooms for longer than a month (currently permitted) or accessory apartments.”

Michael Bufalini updated us on the disposition of the old library. A final meeting was held in the Civic Center for input on the Request for Proposals (RFP). Affordable senior housing (30% of units) and daycare facilities were parts of the RFP criteria. SOECA resolved in 2010 that the parking lot become a park and the building a recreation center. The County, however, now plans a recreation facility in Elizabeth House. A clear majority attending favored a park and green space and opposed an apartment building, as did Mike Riley (Parks Dept.) and Councilmember Tom Hucker. David Dise, Dept. of General Services Director, was more supportive than before of a transfer to

Parks, but said that there would be no more public input and that the RFP would go out in November. Speaking for SOECA, Michael said that the best use is to transfer the property to the Parks Dept. as per the Master Plan, a course the Planning Board supports.

During our discussion, attendees noted that: preserving the historic building is important; the interior facilities have deteriorated; the County claims it doesn't have money to rehab the old building; the County could mothball the building until it could rehab it; third parties such as an early childhood education center or a non-ecumenical peace and justice group have expressed interest in the building and could provide daycare and programs for all ages; the YMCA offered to work with Parks for daycare and youth programs; and it is better to keep this parcel in the public domain and use it for parks and green space.

On the topic of Saturday meetings, David Hartmann explained the difficulties: SSIMS is expensive (\$150 on a weekend), and the new library is open only until 4:00. He will poll the group. On that, we adjourned.

Water Watchdogs

If you see water pollution, send email, and a photo if you can, to ReportSligoPollution@fosc.org. It goes instantly to the Dept. of Environmental Protection water quality inspectors' phones. After 5pm and on weekends also call the Park Police: 301-949-3010. Give your name and contact info, location of the pollution; describe pollution in the creek—color, clarity, smell, debris—on a street—paint, construction sediment, muddy/soapy water, dumpster leaks, sewage.

To learn about the creek and becoming a steward and a Friend of the creek, come to a Watchdogs workshop, presentation, or bike ride. Upcoming:

- Sat. or Sun., Feb 4 or 5, 8-11 am, location TBA: WWD Pollution ID and Reporting Workshop & Sligo Creek visit. Presented by Lori Lilly, water quality scientist.
- Mon. Feb 27, 7:30 - 9 pm, Silver Spring Civic Building: Water Quality & Pollution Identification, presented in partnership with the Environment Committee, Silver Spring Citizen's Advisory Board by Lori Lilly.
- Sun. June 4 (June 11 rain date): 2nd Annual family-friendly Bike Ride for Clean Water. Sligo Creek Trail & Parkway, from the headwaters (near Arcola Elem. School) to the Anacostia (Bladensburg Waterfront Park for a 45 min. Pontoon ride). Ride part or all the way with Friends of Sligo Creek. Info to come.

Saturday SOECA meeting?

A poll has been created to gauge interest in holding some SOECA meetings on a Saturday, to encourage

meeting attendance for those who can't make week-night meetings. Vote at bit.ly/SaturdaySOECA.

Next Happy Hour

The Social Committee is planning the next Happy Hour at Mrs. K's in February, at the "Love Your Neighbor" event for Valentine's Day. More info will be on the listserv.

Bill Kaupert memorial

Rachel Bowers is collecting contributions for a memorial bench in Sligo Creek Park for our late Treasurer Bill Kaupert. Since the Nov. 11 SOECA meeting, the fund has grown to \$1312 of the \$2300 goal, not counting SOECA's \$300 pledge. Contributions are now coming in from Bill's Church community. Rachel will work with

Bill's family to identify a location. To contribute send a check to Rachel at 207 Leighton Ave., Silver Spring MD 20901, noting "Bill Kaupert Memorial" in the memo section. She will send a confirmation and give updates via the listserv.

Board actions since last meeting

- Reaffirmed the 2010 resolution favoring using the old library for parks/open space/recreation center.
- Agreed to have Michael B. sign Traffic Committee letter to SHA to include BRT effects on local streets.
- Agreed to form an Outreach Subcommittee on outreach & participation under the Membership Committee.

SOECA officers

Michael Bufalini, President
Michael Gurwitz, Vice President
Tom Armstrong, Secretary
David Hartmann, Treasurer
Jonathan Shurberg, Past President

Committee chairs

Education – TBD
Land Use - Jonathan Shurberg
Legislative - Jonathan Shurberg
Membership - David Hartmann
Nominating - TBD
Social - Leslie Hansley
Safety - Lynn Bailes
Technology - Jonathan Bernstein
Traffic - Jean Cavanaugh

Volunteers

Jonathan Bernstein, listserv & web site manager, SSCAB rep
Lori Zeller, BRT Committee rep
Beth Jewell & Kathleen Samiy, Wayne Working Group/Purple Line CAT

To join SOECA's listserv:

- Via email: Email soeca-subscribe@yahoogroups.com with "subscribe" in the subject line. The moderator will ask for your name and address and will add you after you respond. You will receive confirmation from "YahooGroups."
- If you have a Yahoo Groups account: Click "Join group" at groups.yahoo.com/soeca, fill in the form, include the email address you wish to use, add a comment about yourself and why you would like to join, and click on "Send request." The moderator will ask for your name and address and will add you after you respond. You will receive confirmation from Yahoo.

Post messages by emailing soeca@yahoogroups.com

SOECA Membership: pay by check or PayPal

Annual dues of \$20 per household (seniors and single members: \$10) are due in October.

- **PayPal:** from the "About" drop-down menu at www.soeca.org, select "Join SOECA" and follow the instructions at the bottom of the page.
- **Check:** make it payable to SOECA and send it with this form to:
David Hartmann, SOECA Treasurer, 407 Ellsworth Dr., Silver Spring, MD 20910

Name: _____ Today's Date: _____

Address: _____

Telephone: Home _____ Cell _____ Email _____

Note: Resident email addresses, street addresses, and phone numbers are not shared.