



## MAYOR AND COUNCIL

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**Meeting No. 26-25**  
**Monday, November 3, 2025 - 5:30 PM**

### AGENDA

**Agenda item times are estimates only. Items may be considered at times other than those indicated.**

#### **Ways to Participate**

If you require a reasonable accommodation, for community forum or a public hearing and need reasonable accommodations, please contact the City Clerk's Office by the Wednesday before the Monday meeting at 240-314-8280 or [cityclerk@rockvillemd.gov](mailto:cityclerk@rockvillemd.gov) or by filling this form: <https://www.rockvillemd.gov/FormCenter/City-Manager-2/Request-a-Reasonable-Accommodation-50>

#### **Translation Assistance**

If you wish to participate in person at a Mayor and Council meeting during community forum or a public hearing and may need translation assistance in a language other than English, please contact the City Clerk's Office by the Wednesday before the Monday meeting at 240-314-8280, or [cityclerk@rockvillemd.gov](mailto:cityclerk@rockvillemd.gov), or by using this form: <https://www.rockvillemd.gov/FormCenter/City-Clerk-11/Sign-Up-for-Translation-Assistance-at-Co-368>

#### **In-Person Attendance**

Community members attending in-person who wish to speak during Community Forum, or a Public Hearing, should sign up using the form at the entrance to the Mayor and Council Chamber. In-person speakers will be called upon in the order they are signed to speak and before virtual speakers.

**Note: In-Person Speakers will be called upon to speak before those who have signed up to speak virtually for Community Forum and Public Hearings.**

#### **Viewing Mayor and Council Meetings**

The Mayor and Council are conducting hybrid meetings. The virtual meetings can be viewed on Rockville 11, Comcast, Verizon cable channel 11, livestreamed at [www.rockvillemd.gov/rockville11](http://www.rockvillemd.gov/rockville11), and available a day after each meeting at [www.rockvillemd.gov/videoondemand](http://www.rockvillemd.gov/videoondemand).

#### **Participating in Community Forum & Public Hearings:**

If you wish to submit comments in writing for Community Forum or Public Hearings:

- Please email the comments to [mayorandcouncil@rockvillemd.gov](mailto:mayorandcouncil@rockvillemd.gov) no later than 10:00 am on the date of the meeting.

If you wish to participate in-person or virtually in Community Forum or Public Hearings during the live Mayor and Council meeting:

1. Send your Name, Phone number, For Community Forum and Expected Method of Joining the

Meeting (computer or phone) to [mayorandcouncil@rockvillemd.gov](mailto:mayorandcouncil@rockvillemd.gov) no later than 10:00 am on the day of the meeting. Each speaker will receive 3 minutes.

2. Send your Name, Phone number, the Public Hearing Topic and Expected Method of Joining the Meeting (computer or phone) to [mayorandcouncil@rockvillemd.gov](mailto:mayorandcouncil@rockvillemd.gov) no later than 10:00 am on the day of the meeting.

3. On the day of the meeting, you will receive a confirmation email with further details, and two Webex invitations: 1) Optional Webex Orientation Question and Answer Session and 2) Mayor & Council Meeting Invitation.

4. Plan to join the meeting no later than approximately 20 minutes before the actual meeting start time.

5. Read for <https://www.rockvillemd.gov/DocumentCenter/View/38725/Public-Meetings-on-Webex> meeting tips and instructions on joining a Webex meeting (either by computer or phone).

6. If joining by computer, Conduct a WebEx test: <https://www.webex.com/test-meeting.html> prior to signing up to join the meeting to ensure your equipment will work as expected.

### Participating in Mayor and Council Drop-In (Mayor Ashton and Councilmember Myles)

The next scheduled Drop-In Session will be held by phone or in-person on Monday, November 10 from 5:15-6:15 pm with Mayor Ashton and Councilmember Myles. Please sign up by 10 am on the meeting day using the form at:

<https://www.rockvillemd.gov/formcenter/city-clerk-11/sign-up-for-dropin-meetings-227>

#### 1. Convene - 5:30 PM

#### 2. Pledge of Allegiance

#### 3. Proclamation and Recognition - 5:35 PM

- A. Proclamation Declaring November 2025, as Municipal Government Works Month in Rockville, Maryland
- B. Proclamation Declaring November 2025, as National Hospice and Palliative Care Month
- C. Proclamation Declaring November 2025, as Native American Heritage Month in Rockville, Maryland
- D. Proclamation Declaring November 2025, as Pancreatic Cancer Awareness Month in Rockville, Maryland
- E. Proclamation Declaring November 11, 2025, as Veterans Day in Rockville, Maryland
- F. Proclamation Declaring November 15, 2025, as America Recycles Day in Rockville, Maryland
- G. Proclamation Declaring November 16, 2025, as World Day of Remembrance for Road Traffic Victims
- H. Proclamation Declaring November 29, 2025, as Small Business Saturday in Rockville, Maryland

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- I. Certificates of Recognition for the Latino Youth Development Soccer Program 2025 Finals
  4. **Agenda Review - 6:30 PM**
  5. **City Manager's Report - 6:35 PM**
  6. **Boards and Commissions Appointments and Reappointments - NONE**
  7. **Community Forum - 6:40 PM**
  8. **Special Presentations - 7:00 PM**
    - A. Special Presentation to the Mayor and Council by the Arts and Humanities Council of Montgomery County (AHCMC) about the development of the County's new Cultural Plan.
  9. **Consent Agenda - 7:20 PM**
    - A. Authorize the City Manager to Execute Amendment Number 1 Between the City of Rockville and the State of Maryland, Maryland Energy Administration to Provide a No Cost Extension of Contract No. 2024-11-420S1 to March 27, 2026
    - B. Approval of Memory Walk Park Public Art Proposal by Artist Dina Fisher
    - C. Authorization for the City Manager to sign a Supplemental Agreement with the Maryland Department of Transportation State Highway Administration for the Scott-Veirs Drive Shared-Use Path Design Project
    - D. Approval of Minutes
  10. **Public Hearing - NONE**
  11. **Action Items - NONE**
  12. **Worksession - 7:25 PM**
    - A. Chapter IV Arts and Cultural Affairs Ordinance Revisions
    - B. Inclusionary Zoning Research Presentation and Moderately Priced Dwelling Unit (MPDU) Program
  13. **Mock Agenda - 9:25 PM**
    - A. Mock Agenda
  14. **Old / New Business - 9:30 PM**
  15. **Adjournment - 9:45 PM**



MAYOR AND COUNCIL Meeting Date: November 3, 2025  
Agenda Item Type: PROCLAMATION  
Department: CITY CLERK/DIRECTOR OF COUNCIL OPERATIONS OFFICE  
Responsible Staff: DANNY WINBORNE

## **Subject**

Proclamation Declaring November 2025, as Municipal Government Works Month in Rockville, Maryland

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## **Department**

City Clerk/Director of Council Operations Office

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## **Recommendation**

Staff recommends the Mayor and Council read, approve, and present the proclamation to Linda Moran, Assistant to the Rockville City Manager.

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## **Discussion**

Local government offers residents an opportunity to be heard and to influence the course of their community. The Maryland Municipal League promotes Municipal Government Works Month every year to increase residents' awareness of and engagement with their local government.

Celebrating Municipal Government Works Month is also one of the requirements to be designated a "Banner City" by MML. The MML Banner City Program was established in 2007 to encourage and reward exceptional participation by cities and towns in MML programs and activities, and to foster teamwork among municipal officials to achieve program criteria. The Banner City Program runs from June 1 to May 25. The City of Rockville earned its first designation in June 2011 and has received the designation each year since then.

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## **Mayor and Council History**

The Mayor and Council present this proclamation annually.

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## **Attachments**

Proclamation Declaring November 2025 as Municipal Government Works Month in Rockville, Maryland



**WHEREAS**, the City of Rockville was incorporated in 1860; and

**WHEREAS**, Maryland is home to 156 other municipalities; and

**WHEREAS**, Municipal Government represents the most responsive form of government, with individuals being able to directly access their elected officials; and

**WHEREAS**, in an effort to educate residents on what Municipal Government is all about and the need for their involvement, the City of Rockville is proud to promote Municipal Government Awareness; and

**WHEREAS**, Rockville, like many other municipalities, enhances the quality of life in and around the City, through a variety of programs, services, and initiatives, which help to make Maryland a great place to live, work, play, and explore.

**NOW, THEREFORE**, the Mayor and Council of the City of Rockville, Maryland, do hereby join the Maryland Municipal League in declaring the month of **November 2025** as **Municipal Government Works Month** in Rockville, Maryland, and call upon the people of Rockville to join others across the United States in recognizing and participating in this special observance.



  
Monique Ashton, Mayor

  
Kate Fulford, Councilmember

  
Izola (Zola) Shaw, Councilmember

  
Barry Jackson, Councilmember

  
Manssa Valeri, Councilmember

  
David Myles, Councilmember

  
Adam Van Grack, Councilmember

**November 3, 2025**



MAYOR AND COUNCIL Meeting Date: November 3, 2025  
Agenda Item Type: PROCLAMATION AND RECOGNITION  
Department: CITY CLERK/DIRECTOR OF COUNCIL OPERATIONS OFFICE  
Responsible Staff: DANNY WINBORNE

## Subject

Proclamation Declaring November 2025, as National Hospice and Palliative Care Month

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## Department

City Clerk/Director of Council Operations Office

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## Recommendation

Staff recommends the Mayor and Council read, approve, and present the proclamation to Karen Brubaker Miller, President and CEO, Montgomery Hospice.

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## Discussion

November is National Hospice and Palliative Care Month, sponsored by the National Hospice and Palliative Care Organization.

Hospice care in the United States began in 1974, with the creation of a Medicare benefit in 1982. In 2019, the last year for pre-pandemic reliable data, 1.61 million Medicare beneficiaries living with life-limiting illness and their families received care from the nation's hospice programs in communities across the United States.

The theme for National Hospice and Palliative Care Month November 2025 is:

**“We See the Whole You.”**

Palliative Care and Hospice Care have similar components; however, each has a different focus. Palliative Care is the field of medicine that helps give you more good days by providing care for those quality-of-life issues. It includes treating symptoms like pain, nausea, or sleep problems. But it can also include helping you and your loved ones to:

- Understand your illness better
- Talk more openly about your feelings
- Decide what treatment you want or don't want
- Communicate better with your doctors, nurses, and each other

Some doctors and nurses specialize in this field, and many other types of experts may help you, such as social workers, counselors, therapists, and nutrition experts.

Hospice Care: This is a type of palliative care. But it's for people who are near the end of life. Here's how the two kinds of care are different. The goal is to help patients feel better and to

keep the patient as comfortable as possible, even though there is no longer a need to seek treatment or try to cure the illness. Hospice care can be done in the place where the patient calls "home." This is often the person's home, but it could also be a place like a nursing home or retirement center. This care can be provided in hospitals, hospice centers, and other facilities, where care is provided by doctors, nurses, and others who specialize in hospice care. If it occurs in the home, a family member is usually the main caregiver; however, the family member typically gets help from care experts who are on-call 24 hours a day.

Source: <https://www.uofmhealth.org/health-library/abq0033>

**Palliative Care:** The Focus is on improved care, comfort, and quality of life for the patient as well as the family. Palliative care is “whole person” care that relieves symptoms of a disease or disorder, whether or not it can be cured.

**Hospice Care:** Hospice is a specific type of palliative care for people who are likely to have 6 months or less. This care helps relieve the physical, mental, emotional, and spiritual suffering of patients and those who care for them. It promotes the dignity and independence of patients to the greatest extent possible. It helps support patients and their families to find personal fulfillment as they deal with end-of-life challenges.

The four levels of Hospice Care are:

- Hospice Care at Home (supports patients and families who choose hospice care at home, wherever home is)
- Continuous Hospice Care
- Inpatient Hospice Care
- Respite Care

Hospice care and palliative care have benefits for patients and caregivers. The decision to seek hospice care and palliative care can be very stressful for everyone including the patient, loved ones, and other family members, and friends. Working with trained teams of nurses, doctors, social and case workers, clergy, hospice aides and volunteers can offer comfort and compassion to everyone concerned, especially the patient and those close to the patient.

There are networks of professionals and volunteers who are prepared to assist families in managing the process and helping to make potentially major life-altering decisions. Many hospitals and senior living facilities offer progressive care areas, dedicated wings, specialized facilities, and services devoted to hospice and palliative care needs. Many specialists and trained technicians are needed to help to cope with these life changes.

Many families and patients benefit from counseling, group therapy, and support. There are many innovative ways of helping patients deal with their situations. Music therapy, art therapy, and even animal therapy benefit a patient’s mood, demeanor, well-being, and pain level. Simply holding someone’s hand can go a long way to add to the level of comfort and help to

ease discomfort. There is empirical data that show the benefits of many of these techniques. These and other practices can ease the burden, pain, and suffering.

Families will need help managing the emotional toll that illness may bring, as well as dealing with the potential loss of a loved one and the grief that will come. Palliative care helps to lessen the effects of symptoms of illness, along with treatment and potential cures, where hospice can be offered to make patients' symptoms less severe and help to reduce pain and discomfort during end-of-life situations.

Several locations in and around Montgomery County offer comfort and support to patients and families facing these challenging decisions, which offer compassion, dignity, and respect. Facilities in Montgomery County include Montgomery Hospice, Inc., Rockville (Piccard Drive), Casey House (Montgomery Hospice and Prince George's Hospice's inpatient acute-care facility. It is the only all-hospice, acute-care inpatient medical facility in Montgomery County), Carriage Hill of Bethesda (full-service nursing, rehabilitation, and hospice care) and the Jewish Social Services Agency (offers full-service care, including hospice and palliative care).

Palliative care is one of the fastest-growing fields of health care in the United States, as upwards of 90% of hospitals in America have units devoted to palliative care. Hospice care facilities tend to be standalone buildings from hospitals.

**Sources:**

The source of the National Hospice and Palliative Care Month 2025 proclamation is the National Hospice and Palliative Care Organization.

What Are Palliative Care and Hospice Care? | National Institute on Aging (nih.gov)

<https://www.vitas.com/hospice-and-palliative-care-basics/about-hospice-care/the-4-levels-of-hospice-care>

<https://www.hrrv.org/blog/how-hospice-care-became-my-calling/>

<https://www.hrrv.org/blog/coping-with-another-persons-suffering/>

<https://www.nhpco.org/>

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## **Mayor and Council History**

The Mayor and Council present this proclamation annually.

## **Attachments**

Proclamation Declaring November 2025 as National Hospice and Palliative Care Month





**WHEREAS**, for more than 40 years, hospice has helped provide comfort and dignity to millions of people, allowing them to spend their final months at home, surrounded by the people important to them; and

**WHEREAS**, the hospice model is built on an interdisciplinary, team-oriented approach to treatment and support, including expert medical care, quality symptom control, and comprehensive pain management as a foundation of care; and

**WHEREAS**, beyond providing clinical treatment, hospice attends to the patient's emotional, spiritual, and social needs, and provides family services like caregiver training, respite care, and bereavement support; and

**WHEREAS**, community-based palliative care, which delivers expertise to improve quality of life through pain and symptom control and other support, can be provided at any time during a serious illness, and given that hospice organizations are some of the best providers of community-based palliative care; and

**WHEREAS**, over the course of the last two decades, we have seen increased access to hospice care for people of color, yet we recognize that continued efforts to improve care to diverse communities are essential; and

**WHEREAS**, hospice and palliative care organizations are advocates and educators for advance care planning, which helps individuals make informed decisions about the care they need.

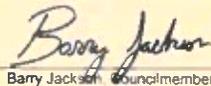
**NOW, THEREFORE**, be it resolved that the Mayor and Council of Rockville, Maryland, do hereby proclaim **November 2025 as National Hospice and Palliative Care Month** and encourage all residents to increase their knowledge about person-centered, holistic care for all individuals facing serious and life-limiting illness, discuss their health care wishes with those they care about, and mark this month with appropriate learning, sharing, caring, and outreach.



  
Monique Ashton, Mayor

  
Kate Fulton, Councilmember

  
Izola (Zola) Shaw, Councilmember

  
Barry Jackson, Councilmember

  
Malissa Valeri, Councilmember

  
David Myles, Councilmember

  
Adam Van Grack, Councilmember

November 3, 2025



MAYOR AND COUNCIL Meeting Date: November 3, 2025

Agenda Item Type: PROCLAMATION

Department: CITY CLERK/DIRECTOR OF COUNCIL OPERATIONS OFFICE

Responsible Staff: DANNY WINBORNE

## **Subject**

Proclamation Declaring November 2025, as Native American Heritage Month in Rockville, Maryland

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## **Department**

City Clerk/Director of Council Operations Office

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## **Recommendation**

Staff recommends the Mayor and Council read, approve, and present the proclamation.

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## **Discussion**

Native American Heritage Month in 2025 will be observed throughout November, starting on Saturday, November 1st. It's a time to honor the rich history, diverse cultures, and significant contributions of Native Americans to the United States, while also raising awareness about the challenges they have faced and continue to face.

The month is dedicated to celebrating the heritage, traditions, languages, and contributions of Native Americans. It's also a time to educate the public about the historical and ongoing challenges faced by Native communities.

Native American Heritage Day will be observed on November 28, 2025.

Various events and activities are typically organized throughout the month, including educational programs, cultural events, and community gatherings. The observance evolved from American Indian Week (1986) to American Indian Heritage Month (1990), eventually becoming Native American Heritage Month.

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## **Mayor and Council History**

The Mayor and Council present this proclamation annually.

## **Attachments**

Proclamation Declaring November 2025 as Native American Heritage Month in Rockville,  
Maryland



**WHEREAS**, Native Americans were first to carve out cities, domesticate crops, and establish great civilizations; and

**WHEREAS**, when the Framers gathered to write the United States Constitution, they drew inspiration from the Iroquois Confederacy, and in the centuries since, American Indians and Alaskan Natives from hundreds of tribes have shaped our national life; and

**WHEREAS**, during **Native American Heritage Month**, we pledge to maintain the meaningful partnerships we have with tribal nations, and we renew our commitment to our nation-to-nation relationships as we seek to give all our people the future they deserve; and

**WHEREAS**, this year **Native American Heritage Day** is **November 28, 2025**, and this day is an opportunity to learn about the hundreds of different tribes of indigenous peoples; and

**WHEREAS**, during **Native American Heritage Month**, we affirm our commitment to the celebration of the unique traditions, diverse cultures, languages, rich stories, and heritage of our continent's indigenous peoples and first inhabitants.

**NOW, THEREFORE**, the Mayor and Council of Rockville, Maryland, do hereby proclaim **November 28, 2025**, as **Native American Heritage Day** and **November 2025** as **Native American Heritage Month** and urge all members of the community to commemorate this month with appropriate programs and activities.



  
Monique Ashton, Mayor

  
Kate Fulton, Councilmember

  
Izola (Zola) Shaw, Councilmember

  
Barry Jackson, Councilmember

  
Marissa Valeri, Councilmember

  
David Myles, Councilmember

  
Adam Van Grack, Councilmember

**November 3, 2025**



MAYOR AND COUNCIL Meeting Date: November 3, 2025

Agenda Item Type: PROCLAMATION

Department: CITY CLERK/DIRECTOR OF COUNCIL OPERATIONS OFFICE

Responsible Staff: DANNY WINBORNE

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## Subject

Proclamation Declaring November 2025, as Pancreatic Cancer Awareness Month in Rockville, Maryland

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## Department

City Clerk/Director of Council Operations Office

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## Recommendation

Staff recommends the Mayor and Council read, approve, and present the proclamation to Carl Young, City of Rockville Fire Marshal.

## Discussion

November is Pancreatic Cancer Awareness Month.

Pancreatic Cancer Awareness Month was established to address the challenges associated with pancreatic cancer, including its low survival rates and limited treatment options. It was initiated by advocacy organizations, healthcare providers, and individuals impacted by pancreatic cancer.

Over time, Pancreatic Cancer Awareness Month has grown into a global movement that seeks to improve early detection, support patients and their families, and advance research to find more effective treatments for this challenging disease.

Pancreatic cancer is the fourth leading cause of cancer death in the United States. In **2025**, more than **67,440** Americans are expected to be diagnosed with pancreatic cancer in the United States, and **51,980** will die from the disease, which accounts for **8.4%** of all cancer deaths. Currently, there is no cure for pancreatic cancer, and there have been no significant improvements in survival rates in the last **50** years, remaining below **20%** for major cancers. When symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis.

## What Is Pancreatic Cancer?

Pancreatic cancer is a type of cancer that starts in the pancreas. (Cancer starts when cells in the body begin to grow out of control. To learn more about how cancers start and spread, see [What Is Cancer?](#))

Pancreatic adenocarcinoma is the most common type of pancreatic cancer. Pancreatic neuroendocrine tumors (NETs) are a less common type and are discussed in [Pancreatic Neuroendocrine Tumors](#).

## Where pancreatic cancer starts

### The pancreas

The pancreas is an organ that sits behind the stomach. It's shaped a bit like a fish with a wide head, a tapering body, and a narrow, pointed tail. In adults, it's about 6 inches (15 centimeters) long but less than 2 inches (5 centimeters) wide.

- The head of the pancreas is on the right side of the abdomen (belly), behind where the stomach meets the duodenum (the first part of the small intestine).
- The body of the pancreas is behind the stomach.
- The tail of the pancreas is on the left side of the abdomen next to the spleen.

The most common type of pancreatic cancer, adenocarcinoma of the pancreas, starts when **exocrine cells** in the pancreas start to grow out of control. Most of the pancreas is made up of exocrine cells which form the exocrine glands and ducts. The exocrine glands make pancreatic enzymes that are released into the intestines to help you digest foods (especially fats). The enzymes are released into tiny tubes called ducts which eventually empty into the pancreatic duct. The pancreatic duct merges with the common bile duct (the duct that carries bile from the liver) and empties into the duodenum (the first part of the small intestine) at the ampulla of Vater.

**Endocrine cells** make up a smaller percentage of the cells in the pancreas. These cells make important hormones like insulin and glucagon (which help control blood sugar levels) and release them directly into the blood. Pancreatic neuroendocrine tumors start in the endocrine cells. See [Pancreatic Neuroendocrine Tumor](#) for more about this type.

If you are diagnosed with pancreatic cancer, it's very important to know if it's an endocrine cancer (see [Pancreatic Neuroendocrine Tumor](#)) or exocrine cancer (discussed here). They have distinct risk factors and causes, have different signs and symptoms, are diagnosed with different tests, are treated in different ways, and have different outlooks.

### Types of pancreatic cancer

Exocrine cancers are by far the most common type of pancreas cancer. If you are told you have pancreatic cancer, it's most likely an exocrine pancreatic cancer.

**Pancreatic adenocarcinoma:** About 95% of cancers of the exocrine pancreas are adenocarcinomas. These cancers usually start in the ducts of the pancreas. Less often, they

develop from the cells that make the pancreatic enzymes, in which case they are called *acinar cell carcinomas*.

**Less common types of exocrine cancer:** Other, less common exocrine cancers include adenosquamous carcinomas, squamous cell carcinomas, signet ring cell carcinomas, undifferentiated carcinomas, and undifferentiated carcinomas with giant cells.

**Ampullary cancer (carcinoma of the ampulla of Vater):** This cancer starts in the ampulla of Vater, which is where the bile duct and pancreatic duct come together and empty into the small intestine. Ampullary cancers aren't technically pancreatic cancers, but they are included here because they are treated much the same.

Ampullary cancers often block the bile duct while they're still small and have not spread far. This blockage causes bile to build up in the body, which leads to yellowing of the skin and eyes (jaundice). Because of this, these cancers are usually found earlier than most pancreatic cancers, and they usually have a better prognosis (outlook).

### **Benign and precancerous growths in the pancreas**

Some growths in the pancreas are simply benign (not cancer), while others might become cancer over time if left untreated (known as *precancers*). Because people are getting imaging tests such as [CT scans](#) more often than in the past (for a number of reasons), these types of pancreatic growths are now being found more often.

**Serous cystic neoplasms (SCNs)** (also known as *serous cystadenomas*) are tumors that have sacs (cysts) filled with fluid. SCNs are almost always benign, and most don't need to be treated unless they grow large or cause symptoms.

**Mucinous cystic neoplasms (MCNs)** (also known as *mucinous cystadenomas*) are slow-growing tumors that have cysts filled with a jelly-like substance called *mucin*. These tumors almost always occur in women. While they are not cancer, some of them can progress to cancer over time if not treated, so these tumors are typically removed with surgery.

### **What's New in Pancreatic Cancer Research?**

Research into the causes, diagnosis and treatment of pancreatic cancer is underway in many medical centers throughout the world.

#### **Genetics and early detection**

Scientists are learning more about some of the gene changes in pancreas cells that cause them to become cancer. [Inherited changes](#) in genes such as *BRCA2*, *p16*, and the genes responsible for Lynch syndrome can increase a person's risk of developing pancreatic cancer.

Researchers are now looking at how these and other genes may be altered in pancreatic cancers that are not inherited. Pancreatic cancer develops over many years in a series of steps known as pancreatic intraepithelial neoplasia or PanIN. In the early steps, such as PanIN 1,

there are changes in a small number of genes, and the duct cells of the pancreas do not look very abnormal. In later steps such as PanIN 2 and PanIN 3, there are changes in several genes and the duct cells look more abnormal.

Researchers are using this information to develop tests for detecting acquired (not inherited) gene changes in pancreatic pre-cancerous conditions. One of the most common DNA changes in these conditions affects the *KRAS* oncogene, which affects regulation of cell growth. New diagnostic tests are often able to recognize this change in samples of pancreatic juice collected during an [ERCP](#) (endoscopic retrograde cholangiopancreatography).

For now, imaging tests like endoscopic ultrasound (EUS), ERCP, and genetic tests for changes in certain genes (such as *KRAS*) are options for people with a strong family history of pancreatic cancer. But these tests are not recommended for widespread testing of people at average risk who do not have any [symptoms](#).

Other tests are looking to see if groups of proteins found in the blood might be used to find pancreatic cancer early, when it is likely to be treated easier. Some early results with this approach have been promising, but more research is needed to confirm its usefulness.

## **Treatment**

A lot of research is focused on finding better treatments for pancreatic cancer. Improving surgery and radiation therapy are major goals, as is determining the best combination of treatments for people with certain [stages](#) of cancer.

### **Surgery**

[Surgery](#) to remove pancreatic cancer (most often a Whipple procedure) is a long and complex operation that can be hard both for the surgeon and the patient. It often requires a long hospital stay, at least in part because of the long incision (cut) made in the belly.

A newer approach now used at some major medical centers is to do the operation laparoscopically. For this approach, the surgeon makes several small incisions in the belly instead of one large one. Long, thin surgical tools and a tiny video camera are then inserted through these cuts to do the operation. One advantage of this surgery is that people often recover from it more quickly. But this is still a difficult operation. Surgeons are looking to see how it compares to the standard operation, and which patients might be helped the most by it.

### **Radiation therapy**

Some studies are looking at different ways to give [radiation](#) to treat pancreatic cancer. These include intraoperative radiation therapy (in which a single large dose of radiation is given to the area of the cancer in the operating room at the time of surgery) and proton beam radiation (which uses a special type of radiation that might do less damage to nearby normal cells).

### **Chemotherapy**

Many clinical trials are testing new combinations of [chemotherapy](#) drugs for pancreatic cancer. Many studies are seeing if combining gemcitabine with other drugs can help people live longer. Other newer chemo drugs are also being tested, as are combinations of chemo drugs with newer types of drugs.

### Targeted therapies

[Targeted drugs](#) work differently from standard chemo drugs in that they attack only specific targets on cancer cells (or nearby cells). Targeted therapies may prove to be useful along with, or instead of, current treatments. In general, they seem to have different side effects than traditional chemo drugs. Looking for new targets to attack is an active area of cancer research.

**Growth factor inhibitors:** Many types of cancer cells, including pancreatic cancer cells, have certain proteins on their surface that help them grow. These proteins are called *growth factor receptors*. One example is epidermal growth factor receptor (EGFR). Several drugs that target EGFR are now being studied. One, known as erlotinib (Tarceva), is already approved for use along with gemcitabine.

**Anti-angiogenesis factors:** All cancers depend on new blood vessels to nourish their growth. To block the growth of these vessels and thereby starve the tumor, scientists have developed anti-angiogenesis drugs. These are being studied in [clinical trials](#) for patients with pancreatic cancer.

### Immune therapy

[Immune therapies](#) attempt to boost a person's immune system or give them ready-made components of an immune system to attack cancer cells. Some studies of these treatments have shown promising results.

#### Monoclonal antibodies:

One form of immune therapy uses injections of man-made [monoclonal antibodies](#). These immune system proteins are made to home in on a specific molecule, such as carcinoembryonic antigen (CEA), which is sometimes found on the surface of pancreatic cancer cells. Toxins or radioactive atoms can be attached to these antibodies, which bring them directly to the tumor cells. The hope is that they will destroy cancer cells while leaving normal cells alone. For use in pancreatic cancer, these types of treatments are available only in clinical trials currently.

#### Cancer vaccines:

Several types of [vaccines](#) for boosting the body's immune response to pancreatic cancer cells are being tested in clinical trials. Unlike vaccines against infections like measles or mumps, these vaccines are designed to help treat, not prevent, pancreatic cancer. One possible advantage of these types of treatments is that they tend to have very limited side effects. Currently, vaccines are available only in clinical trials.

#### Drugs that target immune system checkpoints:

The immune system normally keeps itself from attacking other normal cells in the body by using “checkpoints” – proteins on immune cells that need to be activated (or inactivated) to start an immune response. Cancer cells sometimes find ways to use these checkpoints to avoid being attacked by the immune system. Newer drugs that target these checkpoints have shown a lot of promise in treating some types of cancer. Some of these are now being studied for use in pancreatic cancer.

### **Individualization of therapy:**

Some drugs seem to work better if certain types of mutations can be found in the patient’s tumor. For example, erlotinib may work better in patients whose tumors have a particular change in the *EGFR* gene. This concept is an area of intense study. There might also be some gene alterations that affect how well gemcitabine will work in a particular patient. Identifying markers that can predict how well a drug will work before it is given is an important area of research in many types of cancer.

### **Pancreatic Cancer Risk Factors**

A risk factor is anything that increases your chance of getting a disease such as cancer. Different cancers have different risk factors. Some risk factors, like smoking, can be changed. Others, like a person’s age or family history, can’t be changed. In some cases, there might be a factor that may decrease your risk of developing cancer or has an unclear effect. That is not considered a risk factor, but you may see them noted clearly on this page as well.

Having a risk factor, or even many, does not mean that you will get cancer. And some people who get cancer may have few or no known risk factors.

**Here are some of the risk factors known to increase your risk for pancreatic cancer:**

#### **Risk factors that can be changed**

##### **Tobacco use**

[Smoking](#) is one of the most important risk factors for pancreatic cancer. The risk of getting pancreatic cancer is about twice as high among people who smoke compared to those who have never smoked. About 25% of pancreatic cancers are thought to be caused by cigarette smoking. Cigar smoking and the use of smokeless tobacco products also increase the risk. However, the risk of pancreatic cancer starts to drop once a person stops smoking.

#### **[Can Pancreatic Cancer Be Prevented?](#)**

##### **Being overweight**

[Being very overweight \(obese\)](#) is a risk factor for pancreatic cancer. Obese people (body mass index [BMI] of 30 or more) are about 20% more likely to develop pancreatic cancer. Gaining weight as an adult can also increase risk.

Carrying extra weight around the waistline may be a risk factor even in people who are not very overweight.

### **Diabetes**

Pancreatic cancer is more common in people with diabetes. The reason for this is not known. Most of the risk is found in people with type 2 diabetes. This type of diabetes is increasing in children and adolescents as obesity in these age groups also rises. Type 2 diabetes in adults is also often related to being overweight or obese. It's not clear if people with type 1 (juvenile) diabetes have a higher risk.

### **Chronic pancreatitis**

Chronic pancreatitis, a long-term inflammation of the pancreas, is linked with an increased risk of pancreatic cancer. Chronic pancreatitis is often seen with heavy alcohol use and smoking.

### **Workplace exposure to certain chemicals**

Heavy exposure at work to certain chemicals used in the dry cleaning and metalworking industries may raise a person's risk of pancreatic cancer.

### **Risk factors that can't be changed**

#### **Age**

The risk of developing pancreatic cancer goes up as people age. Almost all patients are older than 45. About two-thirds are at least 65 years old. The average age of diagnosis is 70.

#### **Gender**

Men are slightly more likely to develop pancreatic cancer than women. This may be due, at least in part, to higher tobacco use in men, which raises pancreatic cancer risk (see above).

#### **Race**

African Americans are slightly more likely to develop pancreatic cancer than whites. The reasons for this aren't clear, but it may be due in part to having higher rates of some other risk factors for pancreatic cancer, such as diabetes, smoking, and being overweight.

#### **Family history**

Pancreatic cancer seems to run in some families. In some of these families, the high risk is due to an inherited syndrome (explained below). In other families, the gene causing the increased risk is not known. Although family history is a risk factor, most people who get pancreatic cancer do not have a family history of it.

#### **Inherited genetic syndromes**

Inherited gene changes (mutations) can be passed from parent to child. These gene changes may cause as many as 10% of pancreatic cancers. Sometimes these changes result in

syndromes that include increased risks of other cancers (or other health problems). Examples of [genetic syndromes](#) that can cause pancreatic cancer include:

- **Hereditary breast and ovarian cancer syndrome**, caused by mutations in the *BRCA1* or *BRCA2* genes
- **Hereditary breast cancer**, caused by mutations in the *PALB2* gene
- **Familial atypical multiple mole melanoma (FAMMM) syndrome**, caused by mutations in the *p16/CDKN2A* gene and associated with skin and eye melanomas
- **Familial pancreatitis**, usually caused by mutations in the *PRSS1* gene
- **Lynch syndrome**, also known as *hereditary non-polyposis colorectal cancer* (HNPCC), most often caused by a defect in the *MLH1* or *MSH2* genes
- **Peutz-Jeghers syndrome**, caused by defects in the *STK11* gene. This syndrome is also linked with polyps in the digestive tract and several other cancers.

Changes in the genes that cause some of these syndromes can be found by genetic testing. For more information on genetic testing, see [Can Pancreatic Cancer Be Found Early?](#)

#### **Chronic pancreatitis (due to a gene change)**

Chronic pancreatitis is sometimes due to an [inherited gene mutation](#). People with this inherited (familial) form of pancreatitis have a high lifetime risk of pancreatic cancer.

#### **Factors with an unclear effect on risk**

##### **Diet**

[Diets](#) with red and processed meats (such as sausage and bacon) and saturated fats may increase the risk of pancreatic cancer. Sugary drinks may also increase this risk. More research is needed in this area.

##### **Physical inactivity**

Some research has suggested that [lack of physical activity](#) might increase pancreatic cancer risk. But not all studies have found this. Regular physical activity may help reduce the risk of pancreatic cancer.

##### **Coffee**

Some older studies have suggested that drinking coffee might increase the risk of pancreatic cancer, but more recent studies have not confirmed this.

##### **Alcohol**

Some studies have shown a link between [heavy alcohol use](#) and pancreatic cancer. Heavy alcohol use can also lead to conditions such as chronic pancreatitis, which is known to increase pancreatic cancer risk.

##### **Infections**

Some research suggests that infection of the stomach with the ulcer-causing bacteria *Helicobacter pylori* (H. pylori) or infection with Hepatitis B may increase the risk of getting pancreatic cancer. More studies are needed.

Source: American Cancer Society - <https://www.cancer.org/cancer/pancreatic-cancer/causes-risks-prevention/risk-factors.html>

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### **Mayor and Council History**

The Mayor and Council present this proclamation annually.

### **Public Notification and Engagement**

For more information, visit [www.pancan.org](http://www.pancan.org) or call 877.435.8650

### **Attachments**

Proclamation Declaring November 2025 as Pancreatic Cancer Awareness Month in Rockville, Maryland



**WHEREAS, Pancreatic Cancer Awareness Month** is recognized each November as a time to bring understanding and response to the disease and the individuals and families affected by it; and

**WHEREAS,** pancreatic cancer is the fourth leading cause of cancer death in the United States; in 2025, more than 67,440 Americans are expected to be diagnosed with pancreatic cancer in the United States, and 51,980 will die from the disease; and

**WHEREAS,** currently, there is no cure for pancreatic cancer, and there have been no significant improvements in survival rates in the last 46 years, when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis. Pancreatic cancer accounts for about 3% of all cancers in the US and about 8.4% of all cancer deaths, and is slightly more common in men than in women; and

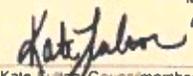
**WHEREAS,** the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer; and

**WHEREAS,** the City of Rockville, Maryland, is fortunate to have the Pancreatic Cancer Action Network in our community to offer support to those individuals and families affected by pancreatic cancer.

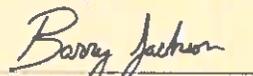
**NOW, THEREFORE,** the Mayor and Council of the City of Rockville, Maryland, do hereby proclaim November 2025 as **Pancreatic Cancer Awareness Month** and call upon the people of Rockville to join their fellow residents in the community and across the region to participate in raising awareness and moving towards finding a cure.



  
Monique Ashton, Mayor

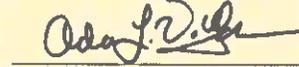
  
Kate Fulton, Councilmember

  
Izola (Zola) Shaw, Councilmember

  
Barry Jackson, Councilmember

  
Manissa Valeri, Councilmember

  
David Myles, Councilmember

  
Adam Van Grack, Councilmember

November 3, 2025



MAYOR AND COUNCIL Meeting Date: November 3, 2025

Agenda Item Type: PROCLAMATION

Department: CITY CLERK/DIRECTOR OF COUNCIL OPERATIONS OFFICE

Responsible Staff: DANNY WINBORNE

## Subject

Proclamation Declaring November 11, 2025, as Veterans Day in Rockville, Maryland

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## Department

City Clerk/Director of Council Operations Office

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## Recommendation

Staff recommends the Mayor and Council read, approve, and present the proclamation to Timothy Graber, US Army Major (retired), accepting on behalf of Henderson-Smith-Edmunds American Legion Post 86.

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## Discussion

Veterans Day in 2025 will be observed on November 11, which is a federal holiday in the United States dedicated to honoring military veterans. This day commemorates the service of all U.S. veterans and includes various ceremonies and events across the country.

## Historical Background

- **Origin:** Originally called Armistice Day, it commemorated the end of World War I on November 11, 1918.
- **Name Change:** In 1954, the name was changed to Veterans Day to honor all veterans, not just those who died in service.

## Observance and Ceremonies

- **National Ceremony:** The main event takes place at Arlington National Cemetery, starting at 11:00 a.m. with a wreath-laying ceremony at the Tomb of the Unknowns.
  - **Local Events:** Many communities hold parades and ceremonies to honor veterans.
- 

## Mayor and Council History

The Mayor and Council present this proclamation annually.

## Attachments

Proclamation Declaring November 11, 2025, as Veterans Day in Rockville, Maryland



**Whereas**, America has long stood as a beacon of hope and opportunity, and few embody that spirit here at home and beyond our borders more than the members of our Armed Forces. Army, Navy, Air Force, Marines, and Coast Guard are part of an unbroken chain of brave patriots who have served our country with honor and made tremendous sacrifices so that we may live free; and

**Whereas**, on **Veterans Day**, we salute the women and men who have proudly worn the uniform of the United States of America and the families who have served alongside them, and we affirm our sacred duty as citizens to express our enduring gratitude, both in words and in actions, for their service; and

**Whereas**, we also recognize that some of these courageous men and women have faced and overcome profound challenges, both physically and emotionally, in defense of our freedom. We must continue to provide high-quality health care to our veterans and make sure they have the support they have earned and deserve; and

**Whereas**, with respect for, and in recognition of, the contributions our service members have made to the cause of peace and freedom around the world, the United States Congress has directed that November 11 of each year shall be set aside as a legal public holiday to honor our Nation's veterans.

**NOW, THEREFORE**, the Mayor and Council of the City of Rockville, Maryland, do hereby proclaim **November 11, 2025, as Veterans Day**, and encourage all people of Rockville to recognize the valor and sacrifice of our veterans through appropriate ceremonies and observances, and by pausing for 2 minutes of silence for our Nation's veterans.

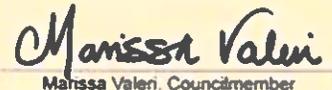


  
Monique Ashton, Mayor

  
Kate Fulton, Councilmember

  
Izota (Zota) Shaw, Councilmember

  
Barry Jackson, Councilmember

  
Marissa Valeri, Councilmember

  
David Myles, Councilmember

  
Adam Van Grack, Councilmember

**November 3, 2025**



MAYOR AND COUNCIL Meeting Date: November 3, 2025

Agenda Item Type: PROCLAMATION

Department: CITY CLERK/DIRECTOR OF COUNCIL OPERATIONS OFFICE

Responsible Staff: DANNY WINBORNE

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## **Subject**

Proclamation Declaring November 15, 2025, as America Recycles Day in Rockville, Maryland

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## **Department**

City Clerk/Director of Council Operations Office

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## **Recommendation**

Staff recommends the Mayor and Council read, approve, and present the proclamation to Erica Shingara, Rockville Chief of Environmental Management.

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## **Discussion**

America Recycles Day (ARD) is the only nationally recognized day dedicated to promoting and celebrating recycling in the United States. Through ARD, the nonprofit organization Keep America Beautiful educates and encourages individuals to pledge to reduce, reuse, repurpose and recycle more – and recycle right -- in their everyday lives. These actions help further engage the public on the benefits of fostering a circular economy approach to waste reduction, in which products are designed to be either durable and recyclable or compostable.

In the latest statistics available, 2018, the United States generates more than 292 million tons of municipal solid waste (MSW) 50% going into landfills, more than 4.9 pounds per person per day. The number in 1960 was 60 million tons of MSW.

Of the MSW generated, approximately 69 million tons were recycled, and 25 million tons were composted. Together, almost 94 million tons of Municipal Solid Waste were recycled and composted, equivalent to a 32.1 percent recycling and composting rate. An additional 17.7 million tons of food were managed by other methods.

But more can still be done. The diversion of refuse that would otherwise be incinerated reduces Rockville's impact on Maryland's air, water, and land. Rockville is continually seeking to improve recycling rates. Since 2009, Rockville has offered a single-stream recycling program for its residents to encourage recycling. Rockville's current recycling rate is 41%, up from 30% in 2009, but not yet reaching the target of 50% or more.

## **Combustion**

- In 2018, 11.8% of MSW generated in the U.S. was disposed of through waste incineration with energy recovery
- Combustion reduces waste by 75-85% by weight and 85-95% by volume, leaving behind a residue called ash. A majority of this ash is landfilled, although recent attempts have been made to reuse the residue in 2020, 65 power plants burned 25 million tons of MSW and generated about 13.5 billion kWh of electricity.
- Biogenic MSW (paper, food, and yard waste) accounted for 45% (6.08 billion kWh) of the electricity produced or about 0.15% of total U.S. electricity generation.
- Incineration of MSW generates a variety of pollutants (CO<sub>2</sub>, heavy metals, dioxins, particulates) that contribute to impacts such as climate change, smog, acidification, and human health impacts (asthma and heart and nervous system damage).

Source: <https://css.umich.edu/publications/factsheets/material-resources/municipal-solid-waste-factsheet>

### ***City of Rockville Statistics:***

Tonnage from FY 2025. The total waste diverted from the incinerator/landfill (sum of yard waste, recycling, and food compost) = 7,489 tons (43%)

	<b>FY2025</b>
Refuse (refuse and bulk)	10,018
Yard waste (yard waste and leaf)	3,182
Recycling (recycling, metal, electronics)	4,122
Food compost (contracted)	185
<b>Total (City collected)</b>	<b>17,322</b>

Recognizing America Recycles Day helps raise public awareness about ways to reduce waste and encourages residents to learn more about what materials are recyclable in Rockville. More information about waste and recycling is posted on the city website:

<https://www.rockvillemd.gov/300/Recycling-Trash-Yard-Waste>

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## **Mayor and Council History**

The Mayor and Council present this proclamation annually.

## **Attachments**

Proclamation Declaring November 15, 2025 as America Recycles Day in Rockville, Maryland Rev.

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# Proclamation



**WHEREAS**, to highlight the environmental and community benefits of recycling, businesses, industries, government agencies, nonprofit organizations, and individuals have joined together to celebrate America Recycles Day, and will encourage their employees, customers, membership, and residents to pledge to reduce waste and buy more recycled-content products; and

**WHEREAS**, Rockville residents generated more than 10,018 tons of refuse in Fiscal Year 2025, and this refuse will be incinerated; and

**WHEREAS**, Rockville residents recycled 4,122 tons of materials in the Fiscal Year 2025 through the City's convenient single-stream recycling program; and composted or mulched an additional 3,182 tons of organic yard waste, and 185 tons of food compost; and

**WHEREAS**, Rockville's residential recycling rate was 43% in the Fiscal Year 2025; and

**WHEREAS**, a circular economy conserves valuable natural resources and protects drinking water, air, and human health.

**NOW THEREFORE**, the Mayor and Council of Rockville, Maryland, do hereby proclaim **November 15, 2025**, as **America Recycles Day** in the City of Rockville, and call upon all residents to recycle as much as possible and spread the word about the need to reduce waste by reusing, recycling, composting, and buying recycled products.



Monique Ashton, Mayor



Kate Fulton, Councilmember



Izola (Zo'ia) Shaw, Councilmember



Barry Jackson, Councilmember



Marissa Valeri, Councilmember



David Myles, Councilmember



Adam Van Grack, Councilmember

November 3, 2025



MAYOR AND COUNCIL Meeting Date: November 3, 2025

Agenda Item Type: PROCLAMATION

Department: CITY CLERK/DIRECTOR OF COUNCIL OPERATIONS OFFICE

Responsible Staff: DANNY WINBORNE

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## Subject

Proclamation Declaring November 16, 2025, as World Day of Remembrance for Road Traffic Victims

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## Department

City Clerk/Director of Council Operations Office

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## Recommendation

Staff recommends the Mayor and Council read, approve, and present the proclamation to Kathleen Kleinmann, Chair of the Rockville Transportation and Mobility Commission

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## Discussion

World Day of Remembrance for Road Traffic Victims started in the UK in 1993 by Brigitte Chaudhry, founder of a national charity for road crash victims named **RoadPeace**. By 1998, many other countries added their support, including Argentina, Australia, Israel, South Africa, and Trinidad. In 2005, the United Nations General Assembly invited all nations to observe the day, as support around the world continued to grow.

This day of remembrance has had much success in global efforts to reduce road casualties by following a set of objectives. The goal is providing a platform for road traffic victims and their families to remember people killed and seriously injured on the roads, acknowledge the crucial work of the emergency support and rescue services, draw attention to the generally trivial legal response to culpable road deaths and injuries, advocate for better support for road traffic victims and their families, and to promote evidence-based actions to prevent and eventually stop further road traffic deaths and injuries.

In September 2020, the United Nations General Assembly adopted a resolution improving global road safety and proclaiming the Decade of Action for Road Safety 2021-2030, which has the target of preventing at least 50% of road traffic deaths and injuries by the year 2030. In addition, the World Health Organization (WHO) and the United Nations Regional Commissions, as well as other partners in the United Nations Safety Collaboration, have developed a Global Plan for this Decade of Action.

Here in the City of Rockville, we encourage everyone to take part in the observance of World Day of Remembrance by thinking of the victims of road traffic accidents and to do their part by

practicing safe driving and following traffic laws, whether you're a driver or a pedestrian crossing the street.

### **Statistics:**

- In 2022, [42,514 people died](#) in roadway crashes in the U.S.
- Deaths in 2021 represent a [10.5% increase over 2020](#) and the largest annual percentage increase in the history of the nation's Fatality Analysis Reporting System (FARS), started in 1975.
- In 2022, [7,342 people were killed while walking](#) in the U.S. This number of pedestrians killed in traffic crashes was the highest since 1981.
- In 2022, [1,105 people were killed while bicycling](#) in the U.S., a 13% increase over 2021. In 2022, the number of cyclists killed in traffic crashes was the highest since FARS began in 1975.
- The U.S. ranks 47th out of 54 in traffic fatality rate among high-income nations according to the [World Health Organization](#) (2019).
- 23 States are projected to have had increases in fatalities in 2022 as compared to 2021 ([source](#))

Source - <https://wdor-usa.org/>

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### **Mayor and Council History**

The Mayor and Council present this proclamation annually.

### **Attachments**

Proclamation Declaring November 16, 2025, as World Day of Remembrance for Road Traffic Victims in Rockville, Maryland



**WHEREAS**, the Global Status report on road safety, launched by the World Health Organization (WHO) in December 2018, found that road traffic injuries are now the leading killer of people aged 5-29; and

**WHEREAS**, more than half of all road traffic deaths are among vulnerable road users such as pedestrians, cyclists, and motorcyclists; and

**WHEREAS**, regarding these vulnerable road users, there is a higher proportion that die in low-income, developing countries, compared to those in higher-income countries; and

**WHEREAS**, every year, millions of road victims are added to the current toll of over 50 million killed and hundreds of millions injured since the recording of road deaths 125 years ago; and

**WHEREAS**, every year, the objectives of World Day of Remembrance are to provide a platform for road traffic victims and their families to: Remember all people killed and seriously injured on the roads, acknowledge the crucial work of the emergency services, draw attention to the generally trivial legal response to culpable road deaths and injuries and advocate for an appropriately serious response, advocate for better support for road traffic victims and their families, and to promote evidence-based actions to prevent and eventually stop further road traffic deaths and injuries; and

**WHEREAS**, a spotlight is placed on finding justice for victims and their families. When law enforcement, thorough investigation, and criminal prosecutions are properly and fairly carried out, it contributes to the prevention of similar tragedies from occurring again.

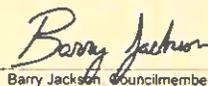
**NOW, THEREFORE**, the Mayor and Council of Rockville, Maryland, do hereby proclaim **November 16, 2025**, as **World Day of Remembrance for Road Traffic Victims**, and encourage everyone in Rockville to acknowledge the victims of road traffic incidents and to take safety precautions when driving on or crossing roads.



  
Monique Ashton Mayor

  
Kate Fulton Councilmember

  
Izola (Zola) Shaw Councilmember

  
Barry Jackson Councilmember

  
Marissa Valeri Councilmember

  
David Myles Councilmember

  
Adam Van Grack Councilmember

**November 3, 2025**



MAYOR AND COUNCIL Meeting Date: November 3, 2025  
Agenda Item Type: PROCLAMATION  
Department: CITY CLERK/DIRECTOR OF COUNCIL OPERATIONS OFFICE  
Responsible Staff: DANNY WINBORNE

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## **Subject**

Proclamation Declaring November 29, 2025, as Small Business Saturday in Rockville, Maryland

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## **Department**

City Clerk/Director of Council Operations Office

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## **Recommendation**

Staff recommends the Mayor and Council read, approve, and present the proclamation to Marcely V. King, Founder & Creative Director MVK SCARF Jewelry & Sustainable Accessories.

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## **Discussion**

Small Business Saturday was launched by American Express in 2010. This is recognized each year on the Saturday after Thanksgiving.

The most significant reason for consumers' awareness to shop and dine at small, independently owned businesses on a special day is to support their communities.

This year, the City of Rockville is recognizing Small Business Saturday on November 30, 2024, and encourages residents to support small businesses across the City of Rockville.

33.3 million small businesses exist across the U.S. Small businesses employ 46.6 % of the workers in the private sector in the United States. Consumers in the United States say 90% of Small Businesses have a positive impact on their community and encourage them to Shop Small all year long.

\$27.5 billion in SBA 7(a) loans were provided to small businesses.

21% of businesses are minority-owned.

16 million new business applications have been submitted since 2021.

Facts and Data on Small Businesses

According to the Census Bureau's 2021 Annual Business Survey, about 21.4% of all employer businesses in 2020 were owned by women. The over 1.2 million women-owned businesses employed nearly 11 million people.

19.9% of businesses are minority-owned

The same Census Bureau survey reveals that nearly 20% of all employer businesses in 2020 were minority-owned businesses. Among those, Hispanic-owned businesses saw growth of a little over 8% from 2019 to 2020.

Data from the New American Economy shows that more than 21% of all U.S. business owners as of 2019 were immigrants. And as of 2017, immigrant-owned businesses employed 8 million people.

Before the pandemic, the Small Business Administration (SBA) reported that in 2019, small businesses accounted for 44% of the economic activity in the United States, created two-thirds of new jobs, and delivered 43% of the United States' Gross Domestic Product (GDP). For every dollar spent at a small business, American Express estimates that nearly \$0.67 stays in local Communities. Many small businesses are still attempting to make up for revenue lost during the height of the pandemic.

Source: <https://www.nerdwallet.com/article/small-business/small-business-statistics>

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## **Mayor and Council History**

The Mayor and Council present this proclamation annually.

## **Attachments**

Proclamation Declaring November 29, 2025, as Small Business Saturday in Rockville, Maryland



**WHEREAS**, the City of Rockville, Maryland, celebrates our local small businesses and the contributions they make to our local economy and community. According to the United States Small Business Administration, there are currently 34.8 million small businesses in the United States, which represent 99.9 percent of all businesses with employees in the United States; and

**WHEREAS**, small businesses employ 45.9% of the employees in the private sector in the United States; and

**WHEREAS**, small businesses have a positive impact on their community by creating jobs, contributing to local charities, organizing and sponsoring local events within their community; and

**WHEREAS**, small businesses encourage, support, and strengthen local supply chains; and

**WHEREAS**, the City of Rockville, Maryland, supports our local businesses that create jobs, boost our local economy, and preserve our communities.

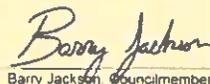
**NOW, THEREFORE**, the Mayor and Council of the City of Rockville, Maryland, do hereby proclaim November 29, 2025, **Small Business Saturday**, and urge the Rockville community, and communities across the country to support small businesses and merchants during this day and throughout the year.

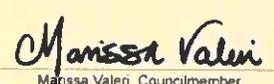


  
Monique Ashton Mayor

  
Kate Fulton Councilmember

  
Izola (Zola) Shaw Councilmember

  
Barry Jackson Councilmember

  
Marissa Valeri Councilmember

  
David Myles Councilmember

  
Adam Van Grack Councilmember

**November 3, 2025**



MAYOR AND COUNCIL Meeting Date: November 3, 2025  
Agenda Item Type: PROCLAMATION AND RECOGNITION  
Department: CITY CLERK/DIRECTOR OF COUNCIL OPERATIONS OFFICE  
Responsible Staff: DANNY WINBORNE

## **Subject**

Certificates of Recognition for the Latino Youth Development Soccer Program 2025 Finals

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## **Department**

City Clerk/Director of Council Operations Office

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## **Recommendation**

Staff recommends the Mayor and Council recognize and celebrate the Latino Youth Development Soccer Program.

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## **Discussion**

The Mayor and Council, and the Rockville community, congratulate, celebrate, and honor the achievements of the Latino Youth Development Soccer Program for making it to the Finals of the High School Sam's Select League.

The team's record for the regular season is 5 wins and 1 loss, and it had the most goals for the season at 30. You won the semi-final game 4-0, and tied for the 1st leg of the Final. The team has worked hard on and off the field. This is the first team in the program to make it this far since 2017. This is a Remarkable Accomplishment!

This is a Remarkable Accomplishment!

## **Certificates of Recognition for the Latino Youth Development Soccer Program – 2025 Finals**

### **Student Team Members:**

- Eduardo Acosta
- German E. Chapparo
- German R. Chapparo
- Brayan Campos
- Edzon Canchanya
- Erick Castillo
- Javier Claros
- Joyser Coreas
- Jose Delgado

- Moris Flores Gaitan
- Jonathan Garay
- Paolo Gonzalez
- Manuel Lopez
- Wilmer Nolasco
- Yovani Parada
- Brayan Ramos
- Emiliano Ramos
- Samuel Ramos
- Saul Rodriguez Soriano
- Nelson Rodriguez

**Coaches:**

- Alex Castro
- Abraham Castro
- Balmory Moran

Please see a sample of a certificate.

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**Mayor and Council History**

The Mayor and Council routinely recognize and celebrate student achievers from Rockville.

---

**Attachments**

NAME - LATINO YOUTH DEVELOPMENT PROGRAM - 2025 Soccer Finals.docx



# CERTIFICATE OF RECOGNITION

*The Mayor and Council are Honored to Recognize*

**NAME**

**Member of the Latino Youth Development  
Program Soccer Team**

**We congratulate you on making it to the Finals of the  
High School Sam's Select League!**

**The team's record for the regular season is 5 wins and 1 loss,  
and it had the most goals for the season at 30. You won the  
semi-final game 4-0, and tied for the 1st leg of the Final. The  
team has worked hard on and off the field. This is the first  
team in the program to make it this far since 2017. This is a  
Remarkable Accomplishment!**



  
Monique Ashton, Mayor

  
Kate Fulton, Councilmember

  
Izola (Zola) Shaw, Councilmember

  
Barry Jackson, Councilmember

  
Mahssa Valeri, Councilmember

  
David Myles, Councilmember

  
Adam Van Grack, Councilmember

**November 3, 2025**



MAYOR AND COUNCIL Meeting Date: November 3, 2025

Agenda Item Type: PRESENTATION

Department: CITY MANAGER'S OFFICE (CMO)

Responsible Staff: ANNE O'DELL

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## Subject

Special Presentation to the Mayor and Council by the Arts and Humanities Council of Montgomery County (AHCMC) about the development of the County's new Cultural Plan.

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## Department

City Manager's Office (CMO)

---

## Recommendation

Staff recommends the Special Presentation be given so that the Mayor and Council will be aware of the goals, values, and intention of the new cultural plan, better understand the community engagement and data collection methods that were undertaken, and learn about some of the ways it may intersect with and support the City of Rockville as an important member of Montgomery county's vibrant arts and culture ecosystem.

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## Discussion

The Arts and Humanities Council of Montgomery County (AHCMC) began its cultural planning process in FY2022 by contracting three expert consultancies to conduct focused community research projects in three specific areas: Cultural Asset Mapping, Resident Cultural Engagement, and Longterm Cultural Economic Impact to inform our upcoming county cultural planning effort in FY2024. This research was conducted concurrently with county-wide stakeholder listening sessions facilitated by AHCMC staff focused specifically on community impact, grantmaking, and disaster readiness that also informed the cultural planning process. Following 14 months of research, data analysis, and outcome synthesis, AHCMC published the white paper and reports and reports in each of the three areas ([Community + Cultural Research | Arts and Humanities Council of Montgomery County](#)).

AHCMC then contracted with [Metris Arts Consulting](#) to create a cultural plan that was informed by this data, as well as field work that directly engaged residents, arts and culture nonprofits, and artists. The initial phase of work on the plan has been completed by Metris Arts Consulting, and the Special Presentation will share themes that emerged as well as the directions that will be taken in the final crafting of the plan. The Special Presentation will be given by Suzan Jenkins, CEO, and Joe Frandoni, Deputy Director.

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## **Boards and Commissions Review**

The Cultural Arts Commission has been encouraged to attend this presentation.

## **Attachments**

Attachment 1: Arts and Humanities Council of Montgomery County Cultural Plan Presentation

# Montgomery County CULTURAL PLAN



Create. Inspire. Connect. Belong.

Montgomery County  
**CULTURAL  
PLAN** Create. Inspire.  
Connect. Belong.



# Framing Question



How can Montgomery County help its residents lead culturally rich lives and best support community-backed priorities through arts, culture, and the humanities?

*Photo courtesy of AHCMC (2023), "Where Dreams Live/Donde Viven los Sueños" by Osbel Susman-Peña*



# **Belonging | Cultural Resilience | Intersectionality**

*Photo courtesy of M-NCPPC, 2020  
Dewey Park Mural Project by Juan Pineda*

# Values

## Belonging:

How can arts, culture, and humanities investments and policies:

- Respond to Montgomery County's rapid and diverse population growth
- Expand access to arts and culture resources for all residents
- Advance racial equity

## Cultural Sector Resilience:

How can the County's arts and culture investments and policies best support the arts, culture, and humanities sector to:

- Strengthen capacity
- Address structural gaps
- Effectively respond to continued impacts of the pandemic and economic and political instability

## Intersectionality:

How can the cultural sector/creative economy intersect with the government and local NGOs in innovative ways to add value to:

- Housing
- Economic development
- Well-being/health
- Education
- Community building
- Environmental stewardship



# **BELONGING**

Creating a community where everyone belongs  
and can lead culturally rich lives

## ***Belonging:***

How can arts, culture, and humanities investments and policies:

- Respond to Montgomery County's rapid and diverse population growth
- Expand access to arts and culture resources for all residents
- Advance racial equity



*Photo courtesy of Dinah Schroeder (2024)  
"Harmonic Hands for Change"*



# CULTURAL SECTOR RESILIENCE

Helping our artists and our cultural communities thrive

## ***Cultural Sector Resilience:***

How can the County's arts and culture investments and policies best support the arts, culture, and humanities sector to:

- Strengthen capacity
- Address structural gaps
- Effectively respond to continued impacts of the pandemic and economic and political instability



*Photo courtesy of AHCMC (2023), "Where Dreams Live/Donde Viven los Sueños" by Osbel Susman-Peña*



# INTERSECTIONALITY

Using arts, culture, and the humanities  
to help solve community challenges

## ***Intersectionality:***

How can the cultural sector/creative economy intersect with the government and local NGOs in innovative ways to add value to:

- Housing
- Economic development
- Well-being/health
- Education
- Community building
- Environmental stewardship



*Photo courtesy of André Chung (2021)  
"Certain Party or Parties Unknown"*

# Community Engagement Opportunities

**Presentations to boards/classes**

**Community Survey**

**Youth Town Hall**

**Cultural Preserves pop ups**

**Community Conversations**

**Cultural Sector Focus Groups**

# Our engagement activities



Reached **2,000+** people  
with **86** engagements  
over **7** months

Top: Photos by Sed Gary, Dream Story Productions (2025), Youth Town Hall  
Bottom: "Cultural Preserves" by Holly Bass. Photos by Sed Gary, Dream Story Productions (2025),

# Presentations

- Brief presentations to boards, commissions, and classes across the county
- Build awareness about the plan and engage their help to reach diverse constituencies
- Met with 37 groups to date
- Presented live and via recorded video



*Montgomery Planning Board Live Stream, April 10, 2025*

# Cultural Preserves

- Pop-up creative engagement events at festivals, markets, and gatherings
- Meet people where they are and get “regular” residents’ point of view
- Nine events, one in every council district, plus two extras
- More than 250 responses across all events



"Cultural Preserves" by Holly Bass. Photos by Sed Gary, Dream Story Productions, (2025)

# Survey

- Offered in 7 languages: Amharic, Chinese, French, Spanish, Korean, Vietnamese, English
- Postcard mailing to 82,000 households in priority stakeholder groups
- Lottery for 10 \$100 gift cards

**How can the County support your culture, community, and creativity?**

**Tell us and be entered to win \$100!**

Comment le comté peut-il soutenir votre culture, votre communauté et votre créativité ?

Dites-le-nous et vous pourriez gagner 100 \$ !

카운티가 귀하의 문화나 공동체, 그리고 창의성을 어떻게 지원할 수 있을까요?  
의견을 내고 \$100를 얻을 기회에 참여하세요!

郡政府可以如何支持您的文化、社區和創意？  
告訴我們即可有機會贏得100美元抽獎！

¿De qué manera puede el Gobierno del condado respaldar su cultura, comunidad y creatividad?

¡Denos su opinión y participe en un sorteo en el que podría ganarse 100 dólares!

Quận có thể hỗ trợ văn hóa, cộng đồng và sự sáng tạo của quý vị như thế nào?

Chia sẻ ý kiến với chúng tôi và có cơ hội trúng thưởng \$100!

ካውንቲው የእርስዎን ባህል፣ ማህበረሰብ እና የራጠራ ችሎታዎን እንዴት ሊገዛዎ ይችላል?  
ምላሽዎን በግጥራት 100 ዶላር ለማሸነፍ በውድድሩ ይሳተፉ!



[www.creativemoco.com/cultural-plan/](http://www.creativemoco.com/cultural-plan/)

# Survey

- Transit advertising
- Advertisements in ethnic media
- Social media ads, toolkit and sample e-newsletter blurbs
- Intercept (ipad) surveys



# Survey

## How representative?

- 1,345 responses
- Exceeds 95% confidence level
- Broad demographic representation
- Robust cultural sector participation



### Community Survey

Dear neighbor,

We L♥VE our multicultural, multi-generational county and wonder, **How can the County support your culture, community, and creativity?** We invite you to **share your views** in this brief, online survey. Each person who completes the survey will have a chance to **win a \$100 gift card!**

Your responses will help shape the [Montgomery County Cultural Plan](#), which will focus on:

- Creating a community where everyone belongs and can lead culturally rich lives
- Helping our artists and our cultural communities thrive
- Using arts, culture, and the humanities to help solve community challenges

THANK YOU!

Two handwritten signatures in black ink. The first signature is "Suzan" and the second is "Anne J. Nicodemus".

Suzan Jenkins, CEO, AHCMC  
Anne Gadwa Nicodemus, cultural plan project director, Metris

# Community Conversations

- Engaged grassroots community connectors to lead small-group conversations
- Provided facilitation training and written guidance, a list of discussion questions
- 17 conversations to date, up to 14 participants per group



*Photo courtesy of Heruy Aregawi (2025), Ethiopian Artists Community Conversation*

# Community Conversations

## To date:

- Artists
- BIPOC artists
- East Asian community/leaders (Chinese, Korean, Vietnamese, Filipino)
- Ethiopian artists
- Ethiopian community
- El Salvadoran community
- LGBTQIA+ artists and community
- Disability communities
- Francophone Black diaspora
- Spanish speaking
- Middle Eastern community
- Older adults
- Regional Service Centers (Bethesda, Mid-County, Silver Spring, Up-County)
- South Asian community/leaders (Indian, Pakistani, Nepalese, Sri Lankan)



Top: Photo by Sed Gary, Dream Story Productions (2025), Youth Town Hall  
Bottom: Photo courtesy of Dinah Schroeder (2024), Climate Crisis Center Public Art Residency

# Interviews

- County agencies and departments most closely tied to art and culture
- 11 county agency/department interviews with a total of 17 people
- 4 high-influence stakeholder interviews



# Youth Town Hall



- Youth are a priority engagement group
- In partnership with Councilmember Natali Fani-González
- More than 100 students from middle and high schools in Rockville, Silver Spring, and Bethesda

*Photos by Sed Gary, Dream Story Productions (2025), Youth Town Hall*

# Focus Groups

- Six focus groups
  - Arts and cultural org budgets over \$1M
  - Arts and cultural org budgets under \$1M
  - BIPOC and culturally-specific organizations
  - Arts educators
  - Creative businesses
  - Individual artists/cultural practitioners
- 57 participants across all groups



*Photo by Metris Art Consulting (2025), Zoom Still from Virtual Focus Group*

# TAKEAWAYS



# Intersectionality

## **Themes:**

- Conceptual but not practical understanding
- Decentralized

## **Takeaway:**

- Institutionalize art and culture within county government and give it “teeth”



*Photo by Ashley Alvarez (2024) Community Advisory Group Workshop*

# Belonging

## **Themes:**

- Social connections
- Equitable access

## **Takeaway:**

- Support community events and classes across a broader range of ages, geographies, cultures, disciplines, and modalities



*Photo from Wikimedia Creative Commons, Spring for Poetry in Takoma Park*

# Cultural Sector Resilience

## **Themes:**

- Validation
- Funding
- Space
- Professional development

## **Takeaway:**

- Connect cultural sector to resources and one another



*Photo courtesy of AHCMC, "Meet Me at the Triangles", (2020) by Norie Sato in collaboration with Adrienne Moumin, Eric B. Ricks, Maritza Rivera, and Achamyelah Debela*



# NEXT STEPS

# Plan Phases

**DESIGN** *Sep 2024 - Jan 2025*

**DISCOVER** *Feb - Sep 2025*

  **ENVISION** *Sep - Dec 2025*

**CONFIRM** *Jan - Feb 2026*

**CELEBRATE** *Mar - Apr 2026*



*Photo courtesy of Dinah Schroeder (2024), Climate Crisis Center Public Art Residency*

# THANK YOU!

Montgomery County  
**CULTURAL  
PLAN** *Create. Inspire.  
Connect. Belong.*



*Subscribe for updates to  
the Cultural Plan*

## **Arts & Humanities Council of Montgomery County**

Suzan Jenkins, CEO

Joe Frandoni, Deputy Director

[Joe.Frandoni@creativemoco.com](mailto:Joe.Frandoni@creativemoco.com)

## **Metris Arts Consulting**

Anne Gadwa Nicodemus, Project Director

[gadwa@metrisarts.com](mailto:gadwa@metrisarts.com)

Maame (May) Amoyaw, Community Engagement Coordinator

[amoyaw@metrisarts.com](mailto:amoyaw@metrisarts.com)



MAYOR AND COUNCIL Meeting Date: November 3, 2025  
Agenda Item Type: CONSENT  
Department: PW - ENVIRONMENTAL MANAGEMENT  
Responsible Staff: DENZEL JOHN

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## Subject

Authorize the City Manager to Execute Amendment Number 1 Between the City of Rockville and the State of Maryland, Maryland Energy Administration to Provide a No Cost Extension of Contract No. 2024-11-420S1 to March 27, 2026

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## Department

PW - Environmental Management

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## Recommendation

Staff recommends the Mayor and Council authorize the City Manager to execute Amendment Number 1 (Attachment 1) between the City of Rockville and the Maryland Energy Administration to provide a no cost extension of Contract No. 2024-11-420S1 to March 27, 2026.

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## Discussion

On November 18, 2024, the Mayor and Council ratified and approved the City Manager's earlier execution of grant agreement Contract No. 2024-11-420S1 with the Maryland Energy Administration (MEA) to accept a \$63,000 grant for LED lighting retrofits. The grant was awarded from the State of Maryland's FY 2024 Maryland Smart Energy Communities (MSEC)/Clean Energy for Local Governments Program, a program designed to support local governments' energy projects as they strive to meet energy efficiency goals. The original grant agreement was executed on October 23, 2024, to meet MEA's deadline to secure funding (Attachment 2).

The \$63,000 grant was originally proposed to retrofit lighting at the Thomas Farm Community Center. Competitive pricing and larger PEPCO incentives reduced the City's upfront cost and allowed for additional LED upgrades at the F. Scott Fitzgerald Theatre, Croydon Creek Nature Center, and Police Station. The original grant agreement specified that all activities must be completed no later than November 17, 2025, and the documentation must be submitted no later than December 15, 2025.

To provide additional time for shipment of LED material and installation, City of Rockville staff requested a no-cost deadline extension via Amendment Number 1 (Attachment 1). This amendment extends the deadline for all activities to be completed no later than February 27, 2026, and all documentation submitted to MEA by March 27, 2026.

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## Mayor and Council History

The Mayor and Council ratified and approved the City Manager's earlier execution of the grant agreement on November 18, 2024.

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## **Next Steps**

Upon approval by the Mayor and Council, the City Manager will execute the attached Amendment Number 1.

## **Attachments**

Attachment 1: MEA CELG FY24 Grant Agreement Amendment 1, Attachment 2: Original Executed MEA Grant Agreement

**MARYLAND SMART ENERGY COMMUNITIES  
GRANT AGREEMENT  
(for Existing Communities)**

**STATE OF MARYLAND  
MARYLAND ENERGY ADMINISTRATION  
1800 Washington Blvd, Suite 755  
Baltimore, MD 21230  
(hereinafter “MEA”)**

and

**Fiscal Year 2024 Existing Maryland Smart Energy Community:**

**Mayor and Council of Rockville  
111 Maryland Avenue  
Rockville, MD 20850  
(hereinafter “Grantee”)**

**AMENDMENT No. 1**

MEA and the Grantee entered into a Grant Agreement (Grant 2024-11-420S1) with a fully executed effective date of October 23, 2024 (“Grant Agreement”). The parties now desire to amend the Grant Agreement as described below, pursuant to Section 26 (entitled “Amendments to the Grant Agreement”) of the General Provisions (Attachment A of the Grant Agreement). All additions are shown in italics and all deletions are stricken.

Section 3 (Amount and Duration), Part v. is amended as follows:

Unless an extension is permitted as set forth in Section 3 of the General Provisions, all activities must be completed by no later than ~~November 17, 2025~~ *February 27, 2026* with all required documentation under Section 4 (B) of this Grant Agreement completed and submitted to MEA by no later than ~~December 15, 2025~~ *March 27, 2026*.

Section 5(a) (Reporting and Reimbursement Requirements) is amended as follows:

- a. Grantee shall comply with the following deadlines unless an extension is permitted as described in Section 3 of the General Provisions (Attachment A).
  - i. By November 15, 2024, Grantee shall submit to MEA a completed Attachment B “Project Development Form”.
  - ii. By ~~November 17, 2025~~ *February 27, 2026*, Grantee shall complete the Project(s) approved by MEA and specified on the completed Project Approval Form.
  - iii. By ~~December 15, 2025~~ *March 27, 2026*, Grantee shall submit to MEA all Reports and final invoices requesting Program cost reimbursements consistent with Section 4(B).

All other terms of the Grant Agreement that are not hereby amended remain in full force and effect. If there is conflict between this amendment and the Grant Agreement or any earlier amendment, the terms of this amendment shall prevail.

The effective date of this amendment is the date upon which a fully executed version of this amendment is received by MEA, as evidenced by the MEA Date Stamp, above.

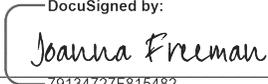
**MAYOR AND COUNCIL OF ROCKVILLE**

Name: \_\_\_\_\_

Date: \_\_\_\_\_

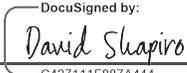
Title: \_\_\_\_\_

**MARYLAND ENERGY ADMINISTRATION**

By:  \_\_\_\_\_  
Joanna Freeman  
Assistant Division Director

Date: 10/1/2025

Approved for Form and Legal Sufficiency  
this day 1st of October, 2025

By:  \_\_\_\_\_  
David Shapiro  
Assistant Attorney General, MEA

**MARYLAND SMART ENERGY COMMUNITIES/  
CLEAN ENERGY FOR LOCAL GOVERNMENTS  
GRANT AGREEMENT  
(for AOI 1 Existing Communities)**

**STATE OF MARYLAND  
MARYLAND ENERGY ADMINISTRATION  
1800 Washington Blvd, Suite 755  
Baltimore, MD 21230  
(hereinafter “MEA”)**

and

**Fiscal Year 2024 Existing Smart Energy Community:**

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

(hereinafter “Grantee”)

**PREMISES**

The Maryland Energy Administration administers the Strategic Energy Investment Program set forth in Md. Code Ann., State Gov’t Art. §§ 9-20B-01 et seq. (“SEIF Statute”) as a component of its overall mission to reduce energy demand and increase energy efficiency and the use of renewable energy resources. As it receives funding via the SEIF Statute, the purpose of the Clean Energy for Local Governments (CELG) Program<sup>1</sup> is to encourage local Maryland governments, including counties and municipalities, to voluntarily adopt formal policies promoting energy efficiency, renewable energy development, and/or reduction of petroleum as a transportation fuel, and to implement projects to achieve the objectives of such policies.

Similar to its predecessor, the CELG program has two separate but related funding components, policy development and project development. Under the policy development component, the Grantee is responsible for developing and formally adopting written policies (e.g., promulgation of a local law, regulation, ordinance, resolution, or an executive order) that promote at least two of the following: energy efficiency and conservation, the development of renewable energy resources, or the reduction of petroleum as a transportation fuel. Also, the Grantee (acting by and through its Department of General Services) must take certain steps demonstrating the Grantee’s formal commitment by designing and implementing at least one energy project approved by MEA that effectuates at least one of the policy goals adopted as part of the Program. The Grantee has previously complied with the requirements for a New Community, which includes the development and formal adoption of stated energy policies, and

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<sup>1</sup> For FY24, the MSEC Program has been renamed the Clean Energy for Local Governments (CELG) grant program.

has received funding under MSEC FY14, FY16, FY17, FY21 and FY22 Program grants for multiple energy-efficiency and lighting retrofit projects.

MEA issued a notice of opportunity for funding for **Existing** Smart Energy Communities in December 2023. After evaluating Grantee's MSEC/CELG FY2024 application, MEA has determined that Grantee is eligible for an FY24 award as an Existing Smart Energy Community. MEA has selected the Grantee to receive a grant award, as defined herein, subject to Grantee complying with all requirements, terms and conditions of this Agreement and the Grant Program.

**NOW, THEREFORE**, the parties hereby agree as follows:

**1. Purpose of Grant**

- a. The purpose of this MSEC/CELG Grant (the "Grant") to Grantee, as an Existing Smart Energy Community, is to provide funding to support local governments as they engage in sustainable, long-term clean energy policies and projects that lead to reduced energy usage and greenhouse gas emissions, increased cost savings, and robust clean energy and economic development. MEA will review the final project scope for approval using the Project Approval Form (Attachment C).

**2. Project Description**

- a. Consistent with the requirements set forth in this section, Grantee shall develop and submit to MEA for approval a completed "CELG Project Development Form" (Attachment B), which provides detailed proposals for each proposed project for which it requests funds under this Agreement.

**3. Amount and Duration**

- a. The Total Grant Award shall be up to Sixty-Three Thousand Dollars (\$63,000 ) for the Project.
  - i. As of the Effective Date of the Agreement, as defined in Section 2(C) of the General Provisions (Attachment A), Grantee may also use up to 30% of the Grant Award for Policy and Project Preparation Costs that are pre-approved by MEA in writing and consistent with Section 2 of this Grant Agreement. Policy and Project Preparation Costs that are not pre-approved by MEA in writing will not be reimbursed by MEA.
  - ii. Except for Policy and Project Preparation Costs discussed above, Grant funds shall be used solely for carrying out the measures specified in the Approved Project as set forth and incorporated into this Agreement in Attachment C. No other project or measure will be funded under this Grant.
  - iii. *With the exception of a Project for the purchase of electric vehicles, Grantee shall be responsible for a minimum of 15% of the total cost of the Project. MEA will only provide reimbursement for up to 85% of the Project's cost. For projects involving the purchase of electric vehicles*

*(EVs) or EV charging equipment, MEA will provide reimbursement as specified in Section 3 (A)(i) of the Grant Agreement.*

- iv. This Agreement must be signed by the Grantee and received by MEA no later than November 25, 2024. If this properly signed Grant Agreement is not received by MEA on or before December 2, 2024, the grant award shall automatically be revoked, and this Agreement is void unless an extension is given consistent with Section 2(B) of the General Provision (Attachment A).
- v. Unless an extension is permitted as set forth in Section 3 of the General Provisions, all activities must be completed by no later than November 17, 2025 with all required documentation under Section 4 (B) of this Grant Agreement completed and submitted to MEA by no later than December 15, 2025.

#### **4. Costs Eligible for Reimbursement**

- a. CELG Project Development Form (Attachment B) Submission.
  - i. Grantee shall submit a completed “CELG Project Development Form” (Attachment B) consistent with the following provisions.
  - ii. By November 15, 2024, Grantee shall submit to MEA a completed “CELG Project Development Form” (Attachment B) and any necessary supporting documentation requested by MEA, as specified herein, unless a request for an Attachment B deadline extension is approved consistent with Section 2 of the General Provisions.
    - 1. In its submission, Grantee shall provide detailed Project information, including but not limited to actual vendor pricing and detailed project savings estimates so that MEA may determine if the final Project scope meets all Program requirements.
    - 2. Unless a modification is approved in writing prior to submission, MEA will not approve a project if the information submitted in Attachment B is inconsistent with either the Project described in Grantee’s application or the allowable uses of Program funds. MEA Project approval is dependent on an MEA determination that the Project, as set forth by Grantee in Attachment B, meets all Program requirements. If Grantee anticipates any deviation from the original project described in Grantee’s application, Grantee must consult with the MEA Project Manager by December 1, 2024.
      - 1. MEA Approval:
        - a. After MEA reviews and determines that the proposed project described in Attachment B meets all Program requirements, MEA will provide Grantee with a completed “Project Approval Form” (Attachment C) describing the MEA approved project eligible for funding (“the Approved Project”).

- b. Project funding is available only after MEA has completed its review and provided Grantee with a Project Approval Form.
  - c. Once MEA has approved the measures and issued the Project Approval Form, additional measures not specifically identified in the Project Approval Form are ineligible for funding under this Grant Agreement.
  - d. The completed Project Approval Form shall be incorporated into this Agreement as the Approved Project. The Project Approval Form shall not contain any terms or conditions other than a Project Description and Project Completion timeline. If Attachment C contains any terms and conditions other than a Project Description and Project Completion timeline, such terms and conditions are not incorporated into this Grant Agreement and are not agreed to by MEA. In the event of any conflicts between Attachment C and this Grant Agreement, the terms of this Grant Agreement shall control.
  - e. Grantee may request MEA approval to fund a feasibility study. In its request, the Grantee must show that each measure can be installed within five years of the Baseline year and the need for the feasibility study. Prior to beginning any feasibility study, the Grantee shall first obtain approval by MEA.
2. Approved Project Requirements:
- a. An Energy Efficiency MSEC/CELG project:
    - i. Shall be cost effective, which is defined as having a simple payback time that is less than the useful life of the Project; and
    - ii. Shall provide substantial electricity reductions so that Grantee may make significant progress in meeting its electricity consumption reduction goal.
  - b. An MSEC/CELG Renewable Energy project:
    - i. Shall be cost effective, which is defined as having a simple payback time that is less than the useful life of the Project; and
    - ii. Shall provide substantial clean electricity productions so that Grantee may make significant progress in meeting its electricity consumption reduction goal.
  - c. An MSEC/CELG transportation/petroleum reduction project shall provide substantial

reductions of petroleum-based fuel. If the Project involves the purchase of an electric vehicle (EV), the Project shall also result in the retirement of a similar gasoline-powered vehicle (GPV).

3. Reimbursable Costs: Only those costs or expenditures specified below are eligible for reimbursement under this Grant.
  - a. Direct Project Costs - At least 70% of the Grant Award shall be for reimbursement of approved expenditures associated with the Approved Project such as for labor, equipment, and material.
  - b. Policy and Project Preparation Costs - Only up to 30% of the Grant Award may be used to reimburse the local jurisdiction for approved expenditures associated with: the development and adoption of Policies, Plans or Baselines; Project design and development; feasibility studies; energy audits; reasonable administrative costs; staff time or consultant fees.
  - c. Administrative Costs - Administrative costs included in the Policy and Project Preparation Costs are capped at no more than 10% of the total amount of the Grant. Reasonable administrative costs may include staff time or non-energy auditing consultant's fees needed to implement MSEC/CELG programmatic activities. If Grantee uses less than 10% of the total amount of the grant for Administrative Costs, Grantee may use the remaining portion for other Policy and Project Preparation Costs, consistent with this section and subject to approval by the Program Manager.

## **5. Reporting and Reimbursement Requirements**

- a. Grantee shall comply with the following deadlines unless an extension is permitted as described in Section 3 of the General Provisions (Attachment A).
  - i. By November 15, 2024, Grantee shall submit to MEA a completed Attachment B "Project Development Form".
  - ii. By November 17, 2025, Grantee shall complete the Project(s) approved by MEA and specified on the completed Project Approval Form.
  - iii. By December 15, 2025, Grantee shall submit to MEA all Reports and final invoices requesting Program cost reimbursements consistent with Section 4(B).
- b. Grantee shall not commence or initiate a Project until after each of the following actions are completed:

- i. Grantee submits to MEA a completed Project Proposal Form, attached hereto as Attachment B; and
    - ii. Grantee receives the Project Approval Form, attached hereto as Attachment C, signed by MEA.
  - c. If at any time MEA determines that Grantee has not demonstrated sufficient progress toward meeting the Policy and Project deadlines set forth above, MEA may terminate this Agreement and may require that Grantee reimburse Grant funds to MEA.
  - d. Expenditures for Policy or Project development, Plans or Baselines that have not been pre-approved in writing by MEA will not be reimbursed.
  - e. Grantee must comply with any and all procurement requirements that apply to Grant Program activities for which reimbursement is sought.
  - f. Grantee shall cooperate with MEA and MEA's technical contractor(s) to identify and develop the most appropriate Project scope of work for this Program.
    - i. The primary purpose of a proposed energy efficiency project must be to reduce electricity consumption, as determined solely by MEA.
    - ii. The primary purpose of a proposed renewable energy project must be to expand the use of renewable electricity, as determined solely by MEA.
    - iii. The primary purpose of a proposed transportation energy project must be to decrease the consumption of transportation petroleum, as determined solely by MEA.
  - g. Grantee shall work diligently to develop credible project-specific data estimates on project costs and energy savings through a project bid and/or energy audit, or other appropriate means approved in writing by MEA.
  - h. Grant funds may not be used for a project where the primary purpose is "maintenance", as determined solely by MEA.
  - i. All new construction must occur in a Priority Funding Area. A map of Priority Funding Areas, including a search by address feature, can be found on the Maryland Department of Planning website: <http://www.mdp.state.md.us/OurProducts/pfamap.shtml>
  - j. Priority Funding Areas are existing communities and places where local governments want State investment to support future growth. The following areas qualify as Priority Funding Areas:
    - ii. Every municipality, as they existed in 1997;
    - iii. Areas inside the Washington Beltway and Baltimore Beltway; or
    - iv. Areas already designated as enterprise zones, neighborhood revitalization areas, heritage areas, and existing industrial land.
- B. Separate Expenditure Categories.
- When a Grant Award is divided into separate expenditure categories (energy efficiency, renewable development, or petroleum reduction):
- i. Funding amounts are allocated to a specific category and shall not be reallocated between categories, unless explicitly approved by MEA in writing;
  - ii. Grantee shall maintain records separately for each distinct category; and

- iii. Grantee shall account for and invoice MEA separately for each distinct category.

C. Reporting.

Grantee shall submit monthly reports (“Reports”) to MEA that provide a brief written summary of the Project’s progress for the preceding month.

- i. Grantee shall submit the first monthly Report for the first full month following the Effective Date, as defined in Section 2 (C) of the General Provisions.
- ii. Monthly reporting shall continue until: the Project, as defined in Section 2 of this Grant Agreement, is complete; Grant funds have been completely expended; or the Grantee has notified MEA in writing that no additional funding will be requested under the Grant.

D. Invoicing and Reimbursement.

- a. To be reimbursed, Grantee shall provide invoices, a completed Maryland Smart Energy Communities Grant Program Final Report Form (Attachment D) and relevant documentation.
- b. MEA will only provide Grant funds for reimbursement after receipt of appropriate invoices and reports with sufficient documentation of expenditures, as determined by MEA and consistent with the provisions set forth in Section 2 of the Grant Agreement.
- c. Information required to show sufficient documentation of expenditures may include, but is not limited to, contractor and/or vendor invoices, receipts, detailed timekeeping records (including at a minimum, hourly rate, time, and task), detailed mileage logs, and photographic evidence of the project as it is in progress and as completed (including photographs of retired GPVs as requested.)
- d. All Requests for Reimbursement shall be submitted on Grantee letterhead, and shall contain the MEA Grant number, Grantee contact and payee information, and a description of the equipment, material, and/or labor or other expenses being invoiced. No personally identifiable information (PII) shall be submitted to MEA as part of the invoicing documentation unless MEA provides a secure method to submit PII.
- e. MEA will reimburse Grantee for approved costs only after Grantee submits documentation showing any incentives available from Grantee’s utility will be or have been applied to the total cost of the Project. Grant Award is to be used for net costs, after application of utility rebates and incentives.
- f. Consistent with Section 5 of the General Provisions, Grantee shall submit reporting information required by the Grant Agreement to [MSEC.MEA@maryland.gov](mailto:MSEC.MEA@maryland.gov). Any documents mailed to MEA regarding this Project shall be sent to MEA at the following address:

**Maryland Energy Administration  
Attn: Maryland Smart Energy Communities Program  
1800 Washington Blvd, Suite 755  
Baltimore, MD 21230**

- g. Multiple renewable projects on contiguous parcels of property will be considered one Project for purposes of MEA funding.
- h. An Approved Project may not receive more than one Maryland Smart Energy Communities grant from MEA.

**6. Party Representatives**

The following individuals shall have the authority to act under this Grant Agreement for their respective parties, subject to all necessary approvals:

The following individuals shall have the authority to act under this Agreement for their respective parties, subject to all necessary approvals:

Jose Matos, Program Manager  
Maryland Energy Administration  
443-826-0530

(Or any such person as may be designated in writing by the Director of MEA.)

Audra Lew, *Sustainability Program Manager*  
*Mayor and Council of Rockville*  
240-314-8881

(Or any other person as may be designated in writing by the Grantee)

**7. General Provisions**

The General Provisions of the Grant Agreement set forth in Attachment A are incorporated and made part of this Grant Agreement.

[Signature on Following Page]

THIS GRANT AGREEMENT HAS BEEN APPROVED BY THE ATTORNEY GENERAL'S OFFICE AT MEA. NO CHANGES, MODIFICATIONS, ADDITIONS OR DELETIONS TO THIS AGREEMENT ARE AUTHORIZED ABSENT SPECIFIC WRITTEN AGREEMENT BY THE PARTIES AND APPROVAL BY THE ATTORNEY GENERAL'S OFFICE AT MEA. ANY UNAUTHORIZED CHANGES, MODIFICATIONS, OR DELETIONS TO THIS FORM AGREEMENT WILL RENDER MEA'S OBLIGATIONS UNDER THIS AGREEMENT VOIDABLE AT MEA'S ELECTION.

IN TESTIMONY WHEREOF, WITNESS the hands and seals of the parties.

*Mayor and Council of Rockville*

By: Jeff Mihelich  
Jeff Mihelich  
City Manager

Date: 10/23/2024

**MARYLAND ENERGY ADMINISTRATION**

By: Jennifer Aiosa  
Jennifer Aiosa  
Chief of Staff

Date: 10/23/2024

Approved for Form and Legal Sufficiency

this 23d day of october, 2024

Michele Honick  
Assistant Attorney General

**ATTACHMENT A****General Provisions****1. Definitions**

- A. “Grant Agreement” means a written agreement between MEA and a grantee with respect to a grant.
- B. “Grantee” means a recipient of a grant under an MEA grant program.
- C. “Environmental Standards” means all applicable environmental laws, rules, or regulations set by federal, state, or local jurisdictions that are applicable to a Project and related directly to the performance of the Grantee’s obligations pursuant to a Grant Agreement.
- D. “MEA Program Manager” means the individual specified in writing as the MEA representative for a Program or other person designated in writing by MEA to act on behalf of MEA regarding the Grant Agreement.
- E. “Program” means an MEA grant program identified and detailed on the MEA website.
- F. “Project” means an activity or undertaking that is consistent with the requirements of an MEA Program and for which a Grant has been awarded. A project includes all activities specified in the Scope of Work and all reporting required in the Grant Agreement except for submitting invoices.
- G. “Project Site” means the location of a Project or a portion of a Project.

**2. MEA Grant Timeframes**

- A. Unless the MEA Program Manager approves an extension in writing, a Grant Agreement executed by the Grantee(s) shall be received by MEA no later than ten business days from the date MEA electronically transmits the Grant Agreement to the Grantee for execution. If the properly executed Grant Agreement is not received by MEA within the required time as indicated above, the Grant Award will automatically be revoked.
- B. The Effective Date of a Grant Agreement is the date that the fully executed Grant Agreement is received by MEA, as determined by the official MEA date stamp on the first page of the Grant Agreement.
- C. To be eligible for reimbursement, all reimbursement requests for Project costs pursuant to a Grant Agreement must be received no later than 60 days after the completion of the Project, unless the MEA Program Manager approves an extension in writing.

**3. Extensions**

An extension may be requested in writing by the Grantee in advance of a deadline but is not guaranteed. The MEA Program Manager may extend a deadline in writing up to 60 days, for good cause shown, such as circumstances outside of the Grantee’s control.

**4. Retention of documents**

The Grantee shall retain bills of sale or other satisfactory evidence of the acquisition of any real or personal property, as well as reports, activity logs, timelines, estimated energy savings and/or generation, supporting documentation for any other expenses that are covered in whole or in part by any Grant funds, and any other

information related to Grant activities for at least three years from the date that the Grantee receives final reimbursement from MEA. MEA, MEA's representatives, the Department of Budget and Management, the State Comptroller, and the Legislative Auditor may examine and audit this evidence on request, at any reasonable time within the retention period. In addition, the Grantee shall also make the worksite available to MEA or its representatives, upon request at any reasonable time, for at least three years from the date that the Grantee receives final reimbursement from MEA.

**5. Communications with MEA: Updating IRS W-9 form**

A. The Grantee shall submit to MEA all reimbursement requests and other documentation required under the Grant Agreement at the MEA email address specified in the Grant Agreement, unless MEA has received as part of the application process notification that the Grantee has opted out of electronic communications. If the Grantee has opted out of electronic communications, the Grantee shall submit all reimbursement requests and other documentation required under the Grant Agreement by mail or hand-delivery to the applicable program at MEA.

B. The Grantee shall promptly provide MEA with an updated IRS W-9 form when information on a prior IRS W-9 form has changed.

**6. Subject to Funding Availability**

Prior to execution of the Grant Agreement, Grant funds are subject to change in amount and availability.

**7. Location within Maryland**

A Project must be located in Maryland or undertaken for the direct benefit of a Maryland resident, business, community, campus, or facility located entirely within the State of Maryland.

**8. Compliance with Grant Agreement**

After review of the reports, requests for reimbursement, and any supporting documents or information requested by MEA, MEA shall make a final determination whether the Grantee has met all Program requirements, terms, and conditions, and shall process the Grant Award for payment as promptly as possible, if warranted. Grant funds shall not be provided for work that has yet to be performed; costs that have yet to be incurred or are not sufficiently documented; or costs that are inconsistent with the purpose, terms, and conditions of the Grant, as determined by MEA.

**9. Disallowance of Grant Funds for Violation of Grant Agreement**

Any expenditure of Grant funds that is not consistent with the purposes of the Program, or that violates any requirement, term, or condition of a Program or the Grant Agreement, may, in the sole judgment of MEA, be disallowed. If MEA determines any expenditure to be ineligible after MEA has disbursed funds to the Grantee, the State may require repayment to MEA for reimbursement of the Strategic Energy Investment Fund, an offset from any State grant to the Grantee in the current or succeeding fiscal year, or other appropriate action. The Grantee shall immediately repay to the State any part of the Grant that is not used for the purposes of the Program.

**10. Nondiscrimination Provision**

The Grantee may not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, or any other characteristic forbidden as a basis for discrimination by applicable laws, and certifies that its Constitution, by-laws, or policies prohibit discrimination consistent with the Governor's Code of Fair Employment Practices.

**11. Compliance with Relevant Certifications, Licenses, And Requirements**

A. The Grantee shall be responsible for compliance with the following:

(1) All work performed on behalf of the Grantee pursuant to a Grant Agreement shall be carried out by the Grantee's staff and contractors holding all necessary Maryland certifications and licenses.

(2) Any business or non-profit organization operating in Maryland with which the Grantee contracts or partners to carry out the purposes of the Grant shall be registered and in good standing with the Maryland State Department of Assessments and Taxation, if applicable.

(3) All work performed pursuant to a Grant shall comply with all applicable local, State, and federal building codes and other applicable laws and regulations.

B. If MEA determines that any activity undertaken under the Grant Agreement is inconsistent with subsection A of this section, MEA may rescind the Grant or take any other appropriate action, as determined by MEA.

## **12. False Statement or Report**

A person may not knowingly make or cause to be made any false statement or report in any document required to be furnished by MEA in relation to the Program. For a SEIF-funded Grant, any violation of this provision is a misdemeanor and on conviction is subject to a fine not exceeding \$50,000.00 or imprisonment not exceeding 1 year or both, as specified in State Government Article §9-20B-11 of the Annotated Code of Maryland.

## **13. Historic Preservation Review**

For each project being funded in whole or in part through a Grant Agreement, a historic preservation review must first be completed by the Maryland Historical Trust (MHT) or MEA's historic preservation expert. This review ensures that no historic property is "adversely affected" through building improvements, equipment installations, and related property modifications proposed for Projects funded wholly or in-part by a Program. Prior to starting construction, the Grantee shall ensure that MEA has received documentation from MHT or MEA's historic preservation expert indicating that the Project will have no adverse effect on a historic property.

## **14. Maryland Saved Harmless**

To the extent allowed by Maryland law, and subject to appropriations if applicable, the Grantee agrees to defend, indemnify, and hold MEA harmless from and against any and all damages, claims, lawsuits, actions, and reasonable out-of-pocket costs and expenses, in whatever form, arising from or related to the Grant. MEA expressly reserves the right of any immunity MEA or its employees may possess under State or federal law. If the Grantee is a Maryland State agency or local government, then each party shall be responsible for its own liability associated with the Grant, and neither party waives any applicable immunities.

## **15. Environmental Standards and Liability**

A. As relevant to the Project, the Grantee shall ascertain and comply with all applicable Environmental Standards, monitor compliance, and immediately halt and correct any incident of non-compliance. The Grantee is solely responsible for all steps in obtaining any required permits including, but not limited to, those related to air quality requirements, as applicable.

B. In the event of any incident of non-compliance with Environmental Standards, the Grantee shall:

(1) Give MEA immediate notice of the incident to the MEA Program Manager, or designee, providing as

much detail as possible;

- (2) If requested by MEA, submit a written report to MEA, identifying the source or cause of the non-compliance and the method or action required to correct the problem; and
- (3) Cooperate with MEA and its designated representatives or contractors with respect to investigation of the incident.

C. Subject to Section 14 and to the limits allowed by Maryland law, the Grantee shall be liable for: All environmental losses, including but not limited to, costs, expenses, losses, damages, actions, claims, penalties, fines and remedial or cleanup obligations arising from its failure to comply with Environmental Standards; and

- (1) Any hazardous material located or placed in the Project and any requirements imposed by any governmental authority with respect to hazardous materials, arising in connection with the Grant or the Project.

**16. Liability Insurance**

A. For all work performed by the Grantee that is to be funded in whole or in part with grant funds provided by MEA, the Grantee shall purchase and maintain comprehensive third-party legal liability insurance or its equivalent, with minimum coverage of \$1,000,000 per occurrence. The Grantee shall also maintain other such insurance as is appropriate for the work to be performed. For a self-insured entity, such as a Maryland State or local government entity, a document detailing the basis for self-insurance, including when applicable, the statutory basis, may be accepted by MEA as an equivalent form of insurance under this paragraph.

B. The State shall be listed as an additional insured on the faces of the certificates associated with the coverages listed above, including umbrella policies, excluding Workers’ Compensation Insurance and professional liability. The Grantee shall maintain insurance documentation in a Grantee-owned facility and shall provide to MEA, upon demand, a certificate or other documentation deemed appropriate by MEA, evidencing MEA’s status as an additional insured.

- (1) Insurance requirements may be waived or modified by MEA in writing, for good cause shown. Any such written waiver or modification shall be signed by the parties and incorporated as part of the Grant Agreement.

- (2) The Grantee shall include in all of its contracts for work that is to be funded in whole or in part with grant funds provided by MEA a provision or provisions requiring all contractors to purchase and maintain comprehensive third-party legal liability insurance and other such insurance as is appropriate for the work to be performed, with minimum coverage of \$1,000,000 per occurrence. All insurance provided by the contractor must name MEA as an additional insured.

- (3) The Grantee shall maintain insurance documentation in a Grantee-owned facility and shall provide to MEA, upon demand, a certificate or other documentation deemed appropriate by MEA, evidencing MEA’s status as an additional insured. Insurance requirements may be waived by MEA in writing, for good cause shown. Any such written waiver or modification shall be signed by the parties and incorporated into the Grant Agreement.

**17. Monitoring and Evaluation**

For monitoring and evaluation purposes, the Grantee shall make available to MEA or its representatives, during regular business hours, all applicable reports, activities logs, timelines, estimated energy savings and generated energy, operating hours, projected system efficiencies and other technical and engineering specifications, and other information related to the Grant.

**18. MEA Access to Project Site**

A. If a Project Site is controlled by the Grantee:

(1) Upon reasonable notice, the Grantee shall allow MEA employees or representatives access to the Project Site to monitor the Project and provide technical assistance to verify that Project requirements are fully satisfied.

(2) Except as provided in paragraph (5) of this subsection, the Grantee shall allow MEA employees or representatives access to the Project Site to take photographs or video of the Project for MEA use, upon request by MEA.

(3) Upon reasonable notice from MEA, the Grantee shall assist MEA in any efforts to remotely monitor and inspect the Project, including but not limited to supplying MEA with any relevant photograph or document.

(4) Except as provided in paragraph (5) of this subsection, the Grantee shall participate in recorded remote monitoring of the Project to verify that Project requirements are fully satisfied, upon request by MEA.

(5) MEA may in its sole discretion modify the requirements in paragraphs (2) and (4) of this subsection if the Grantee provides a written request due to concerns, including but not limited to security concerns.

B. If a Project Site is controlled by a third party at any time during the Grant period:

The Grantee shall be responsible for obtaining written permission from the third party to allow MEA access to the Project Site for all purposes described in the Grant Agreement. Unless the Grantee provides good cause, to be determined solely by MEA, MEA shall not provide any further reimbursement of funds under the Grant Agreement until the Grantee provides the required written permission.

**19. Participation in Marketing and Public Events; Signage**

A. To the extent possible, and as requested by MEA, the Grantee shall participate in MEA- organized press events and host State government officials for visits and tours of the Project Site. MEA shall provide reasonable notice to the Grantee and coordinate with the Grantee prior to scheduling a press event or official visit.

B. The Grantee shall reference MEA grant funds provided under this Agreement in any of its media coverage regarding the Project including but not limited to press releases or announcements and shall provide MEA with prior notice regarding any such media coverage.

C. Within 90 days following the effective date of the Grant Agreement, the Grantee shall consult with MEA regarding the feasibility of displaying signage indicating MEA sponsorship of the Project. Based upon this consultation, MEA may require the Grantee to place signage indicating MEA's role in the Project in a prominent location and, if applicable, near the Project. If applicable, MEA may provide the official MEA logo for incorporation on existing Grantee- produced project signage and may elect to provide any required signage.

**20. Use of Project Information**

The Grantee understands and agrees that MEA may use information about the Project for reporting and marketing purposes, including but not limited to the project description, building type, energy measures, project costs, leveraged funds, energy and financial savings, and pictures and videos of the premises. MEA shall provide the Grantee an opportunity to review and consult with MEA to ensure that a written case study, photo, or video taken of its facility will not disclose confidential personal and/or business information.

**21. Project Location Workforce Requirement**

The Grant shall comply with State Government Article § 9-20B-05, Annotated of Maryland, which requires that at least 80 percent of workers participating in a project or program that receives money from the SEIF must reside within 50 miles of the project or program. As the Program is a statewide program, MEA will determine compliance based on whether at least 80 percent of worksite workers reside in Maryland, or within 50 miles of Maryland's borders.

**22. American Manufactured Goods**

If the Grantee is a unit of State or local government, the Grant must comply with State Finance and Procurement Article §§ 14-416 and 17-303, Annotated Code of Maryland.

**23. Maryland Law Prevails**

The internal laws of Maryland shall govern the interpretation and enforcement of the Grant Agreement, except for any choice of law provisions utilized by Maryland.

**24. Grant Agreement Binding on Successors and Assigns**

The Grant Agreement shall bind the respective successors and assigns of the parties.

**25. Assignment or Transfer**

The Grantee may not sell, transfer, or assign any of its obligations under the Grant Agreement, or its rights, title, or interest in the Grant Agreement, without further prior written consent of MEA.

**26. Amendments to the Grant Agreement**

Other than an extension of up to 60 days approved pursuant to Section 3 of these General Provisions, no amendment to the Grant Agreement is binding unless it is in writing and signed by both parties.

**27. Merger**

The Grant Agreement and any terms and conditions expressly incorporated by reference herein embodies the whole agreement of the parties. There are no promises, terms, conditions, or obligations referring to the subject matter, other than those contained herein or incorporated herein by reference.

**28. Non-waiver of Rights; Remedies**

No failure on the part of the State or MEA to exercise, and no delay in exercising, any right under the Grant Agreement shall operate as a waiver thereof; nor shall any single or partial exercise of any such right preclude the State or MEA from further exercising that or any other right. The remedies provided under the Grant Agreement are cumulative and not exclusive of any remedies provided by law.

**29. Attestations**

A person executing an Agreement on behalf of the Grantee certifies, to the best of that person's knowledge and belief, that:

A. The person is authorized to sign the Agreement on behalf of the Grantee and to commit the Grantee to the obligations set forth in the Agreement;

B. Neither the Grantee, nor any of its officers or directors, nor any employee of the Grantee involved in obtaining contracts with or grants from the State or any subdivision of the State, has engaged in collusion with

respect to the Grantee's application for the Grant or this Agreement or has been convicted of bribery, attempted bribery, or conspiracy to bribe under the laws of any state or the United States;

C. Neither the Grantee, nor any of its officers or directors, nor any employee of the Grantee has engaged in any practice regarding this Grant that is inconsistent with General Provisions Article § 5-502, Annotated Code of Maryland;

D. The Grantee has not employed or retained any person, partnership, corporation, or other entity, other than a bona fide employee or agent working for the Grantee, to solicit or secure the Grant or the Agreement, and the Grantee has not paid or agreed to pay any such entity any fee or other consideration contingent on the making of the Grant or the Agreement;

E. The Grantee, if a health or social welfare organization as defined by State Finance and Procurement Article § 7-403, Annotated Code of Maryland, shall keep financial records in accordance with uniform accounting standards, as more fully described in Section 7-403;

F. Neither the Grantee, nor any of its officers or directors, nor any person substantially involved in the contracting or fund-raising activities of the Grantee, is currently suspended or debarred from contracting with the State or any other public entity or subject to debarment under Regulation 21.08.04.04 of the Code of Maryland Regulations; and

G. The Grantee is not in default on any financial obligation to the State or MEA.

**ATTACHMENT B**

**Project Development Form**

*(The grantee fills out this form to provide the information required to approve an CELG-funded project.)*

<b>1. Name of Grantee and MEA/CELG grant number</b>	
Mayor and Council of Rockville, 2024-11-420SI	
<b>2. Check <u>All</u> Policies Adopted for CELGProgram</b>	
<ul style="list-style-type: none"> <li>● Energy Efficiency</li> <li>● Renewable Energy</li> <li>● Transportation Petroleum Reduction</li> </ul>	
<b>3. Grant Amount</b>	
Total CELG FY24 Grant Amount: \$63,000	
<p><u>a. Direct Project Costs:</u>  <b>At a minimum</b>, 70% of the total grant amount must go toward direct project costs.</p>	
<p><u>b. Policy and Project Preparation Costs:</u> <b>At a maximum</b>, 30% of total grant amount can go toward preparation costs.</p>	

<b>4. Project Address (or addresses, for multiple locations)</b>
<b>5. Project Type</b>
<ul style="list-style-type: none"><li>• A project focusing solely on energy efficiency (e.g., a lighting upgrade, adding insulation, etc.)</li><li>• A project focusing solely on renewable energy/clean transportation (e.g., adding solar panels to a roof or replacing a gas-powered vehicle with an electric vehicle)</li><li>• A project that combines energy efficiency and renewable energy/clean transportation</li></ul>
<b>6. Project Narrative</b>
Brief description of the energy measure(s) and the location(s)
<b>7. Total Project Cost Breakdown</b>
Detailed breakdown of all project costs (e.g., equipment, material, labor, admin, etc.) based on actual pricing obtained through the procurement process.
All sources of funding must be listed, including utility rebates, jurisdiction matches, and other grants.

**8. Project Schedule**

Include dates for all relevant milestones. Must include a minimum of start date and end date.

**9. Annual Energy Benefits Calculation/Estimate (e.g., kWh reduced, kw installed, gallons reduced) and Source(s) of Energy Estimates**

Before approving any project, MEA must have a detailed estimate of projected energy savings that shows all assumptions, calculations, etc. If relying on an audit for projected energy savings, the audit should be submitted with this form. Calculations can be shown below or attached in a separate spreadsheet. **Any project with incomplete or unsubstantiated energy savings estimates will not be approved.** Energy efficiency projects are required to be cost effective, with a simple payback (section #11) being less than the anticipated equipment life (section #10).

**10. Expected Life of the Installed Equipment**

The project's system life must be substantiated. If manufacturer data is being used, cutsheets of the main components must be included.

<b>11. Simple Payback of the Project (i.e., net project cost/annual anticipated cost savings)</b>	
Total Project Cost: \$-----	
Less Utility Rebate (and/or other funding sources): \$-----	
Equals Net Project Cost: \$-----	
Divided by Annual Cost Savings: \$-----	
Equals Simple Payback: ___ years	
<b>12. Electricity/Fuel Cost Information</b>	
Electric utility provider and cost of electricity, \$/kWh	
Building fuel oil cost (\$/gallon)	
Natural gas utility provider and cost of natural gas (\$/MMcf)	
Propane cost (\$/gallon)	
Gasoline cost (\$/gallon)	
Diesel cost (\$/gallon)	
Other fuels not listed above (please specify):	
<b>13. Utility Rebate(s) (if applicable)</b>	
<b>14. Documentation of Maryland Historic Trust Review (if applicable)</b>	

**ATTACHMENT C**

Project Approval Form for Grant #2024-11-420SI

*(To be completed by MEA and provided to the Grantee once the project has been approved.)*

The has been approved to commence with the CELG project proposed in Attachment B, as modified by MEA, if necessary, in the Scope of Work section, below. The project has been determined to comply with the following requirements of the Maryland Smart Energy Communities program (all requirements must be met before proceeding):

- Reviewed to confirm that the proposed project is eligible to receive CELG funds based on the terms of the Agreement.
- Reviewed to verify that the project will cost effectively reduce electricity consumption and/or generate clean energy and/or reduce petroleum consumption.
- Reviewed and determined that the proposed project will have “no adverse effect” on any historic property.
- Reviewed to confirm that the Grantee has in place baselines and plans for the two policies they chose to pursue, and has adopted formal, written policies through their legislative or governing body committing the local government to the policies specified in the Policy Guidance Documents

**DETAILED SCOPE OF WORK:**

Mayor and Council of Rockville will utilize up to \$63,000 in funding support from MEA toward installation of lighting projects for the Thomas Farm Community Center in Rockville, MD 20850. It is expected that the overall project will result in reduction of energy consumption of roughly 77,630 kWh. Mayor and Council of Rockville shall provide monthly progress reports via email to the CELG Program Manager. The Mayor and Council of Rockville shall also maintain a record of hours worked, keep copies of all contractor invoices, certificates of insurance and Maryland business licenses, and take photographs of the project—all of which will be submitted with the final report.

USEFUL LIFE (YEARS): 15    PAYBACK PERIOD (YEARS): 6

**APPROVED BY:**

By: \_\_\_\_\_  
Jose Matos  
CELG Program Manager

Date: \_\_\_\_\_

**ATTACHMENT D**

**Monthly/Final Report Form**

*(Grantee to use this form for CELG project monthly or final reports, as well as for submitting project invoicing along with corresponding invoices and reimbursement requests; note that the checklist is for final reports and grant close-outs.)*

<p><b>1. Local Government Name and Address (<u>must match info on W9</u>):</b></p>	<p><b>2. Name/Title/Phone Number of Report Submitter:</b></p>
<p><b>3. Congressional District:</b></p>	<p><b>4. Address of Project (if different than the address shown above):</b></p>

<p><b>5. Reporting Period</b></p> <p>Month: _____</p> <p>Year: _____</p> <p><b>Is this the final MSEC invoicing report?</b></p> <p><input type="checkbox"/> Yes      <input type="checkbox"/> No</p>	<p><b>6. MEA/CELG Grant Number:</b></p> <p>Grant #2024-11-420S1</p>	
<p><b>7. Grantee's Invoice Number (for payment):</b></p>	<p><b>7A: Federal Tax ID #:</b></p>	
<p><b>8. MSEC Grant Expenditures</b></p> <p>Please indicate the amount of CELGgrant funds spent during <b>a.</b> this reporting period (if not final) <b>OR b.</b> during the course of the entire project to date (if final). Please note that if you are receiving funding from multiple funding categories, as specified in Section 3 of the Grant Agreement, you must track, invoice, and report this funding stream separately.</p>		
<p><b>a. CELGGrant Dollars spent during <u>this reporting period</u></b></p>	<p>Direct Project Costs (minimum 70% of total Grant amount):</p>	
	<p>Policy and Project Preparation Costs (maximum 30% of total Grant amount):</p>	

	<b>Total grant funds requested, this reporting period (this number should match the invoiced amount):</b>	
<b>b. CELG Grant Dollars for <u>the total project</u></b>	Direct Project Costs (minimum 70% of total Grant amount):	
	Non-Project Costs (maximum 30% of total Grant amount):	
	<b>Total grant funds requested, total project (this number should match the invoiced amount):</b>	
<b>9. Non-CELG Grant Expenditures</b>		
<b>a. Utility Rebates, by energy measure (if applicable):</b>	<b>b. Other Project Expenditures</b> Please include description and the \$ amount (e.g., community matching funds)	
<b>10. Policy Status Update</b>		
<b>a. Provide a <u>brief summary</u> of the status of the baselines, plans,</b>	Energy Efficiency:	
	Renewable Energy:	

<p><b>and policies required under this program.</b></p>	<p>Transportation Petro Redux:</p>
<p><b>11. Project Status Update</b></p>	
<p><b>a. Provide a <u>brief summary</u> of project milestones and/or accomplishments achieved during the reporting period.</b></p>	
<p><b>b. Were any obstacles encountered during the reporting period? If so, please explain.</b></p>	
<p><b>c. Provide Date/Time for site visit (if applicable)</b></p>	
<p><b>12. Is this your final project report? <input type="checkbox"/> Yes <input type="checkbox"/> No</b></p>	
<p><b>13. Reporting Metrics:</b> The required project reporting metrics are listed below.</p>	

<p><b>A. Jobs created and/or hours worked (can be estimated) Required</b></p> <p>Please report the total number of new jobs created and/or hours worked (paid for using Grant funds) by Grantee staff, contractors, and vendors</p>	
<p><b>B. Energy Cost Savings (\$ saved per year due to project, note “actual” or “estimated”)</b></p>	
<p><b>C. Energy Savings (note “actual” or “estimated”)</b></p>	
<p>i. <b>Reduction in annual electricity consumption (MWh)</b></p>	
<p>ii. <b>Reduction in annual fuel oil consumption (gal)</b></p>	
<p>iii. <b>Reduction in annual natural gas consumption (MMcf)</b></p>	
<p>iv. <b>Reduction in annual propane consumption (gal)</b></p>	

v. <b>[Insert other measure]</b>	
<b>D. Renewable Energy Capacity and Generation (note “actual” or “estimated”)</b>	
i. <b>Amount of electricity generated by photovoltaic systems (MWh) annually</b>	
ii. <b>Amount of electricity generated by wind systems (MWh) annually</b>	
iii. <b>Installed photovoltaic system capacity (MW)</b>	
iv. <b>Installed wind capacity (MW)</b>	
v. <b>Amount of electricity generated by other renewable systems (MWh) annually</b>	

<p>vi. <b>Installed capacity of all other renewable systems (MW)</b></p>	
<p><b>E. Transportation-Related Energy Savings (note “actual” or “estimated”)</b></p>	
<p>i. <b>Reduction in annual gasoline or diesel consumption (gal)</b></p>	
<p>ii. <b>[Insert other measure]</b></p>	
<p><b>14. Final Report Checklist</b></p>	<p><b>Along with this form, here is a checklist of the items the Grantee must also provide (preferably in electronic format):</b></p>
<p><b>A. Reimbursement request</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Submitted on official grantee government stationery</li> <li><input type="checkbox"/> Includes grant number</li> <li><input type="checkbox"/> Includes grant \$ amount requested for reimbursement</li> <li><input type="checkbox"/> Includes payment instructions</li> <li><input type="checkbox"/> Signed by authorized representative</li> </ul>
<p><b>B. Contractor’s information</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Certificate of Insurance</li> <li><input type="checkbox"/> Maryland business license</li> </ul>

<p><b>C. Proof of project completion</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Photographs of project during installation and upon completion, with captioned explanations</li> <li><input type="checkbox"/> Contractor invoices</li> <li><input type="checkbox"/> Payment statements</li> </ul>
<p><b>D. Future planning</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Plans for displaying the project to the public, including plans to explain MEA’s involvement in the project</li> <li><input type="checkbox"/> Plans for signage that includes MEA logo and information, or for using MEA logo on vehicle(s)</li> </ul>

**Submission Instructions**

**Once complete, please submit this Report and Disbursement Request package to MEA at [MSEC.MEA@Maryland.gov](mailto:MSEC.MEA@Maryland.gov). MEA is encouraging use of electronic reporting to streamline processing and reduce environmental impacts. If you cannot submit this report electronically, please contact MEA to work on an alternative method for submission.**



MAYOR AND COUNCIL Meeting Date: November 3, 2025  
Agenda Item Type: CONSENT  
Department: CITY MANAGER'S OFFICE (CMO)  
Responsible Staff: ANNE O'DELL

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## Subject

Approval of Memory Walk Park Public Art Proposal by Artist Dina Fisher

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## Department

City Manager's Office (CMO)

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## Recommendation

Staff recommends that the Mayor and Council approve the proposed Public Artwork to be installed in Memory Walk Park in Lincoln Park neighborhood and grant the City Manager authority to approve the final artwork design which is not expected to be substantively different from the design shown in the packet. The Public Art project will be installed at the conclusion of community engagement activities that will be performed by the artist as the final design of the artwork is completed.

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## Discussion

### **Memory Walk Public Art Project Background:**

Memory Walk Park is a 0.23-acre park with walkways and landscaping. The center piece of Memory Walk Park was a public art piece entitled *Memory Walk*, that was installed in 1993. The work was created by artist Christine Hoenstine in collaboration with residents of Lincoln Park and included the walkways in the park leading to the central piece.

The original artwork in the sidewalk depicts values important to Lincoln Park residents, such as education and family. The central part of the work included imprints of residents' hands and depictions of their family trees. Some of these community members live in Lincoln Park today. In 2023, the central piece of the work was to be deaccessioned and removed due to the condition of the concrete and its foundation. Before the city gave a contractor notice to proceed and notification to the community that the work would be removed, a contractor removed and disposed of the work. Today, temporary landscaping has been done until a new artwork is installed.

The Memory Walk Park Public Art Project is intended to replace the central piece of the original *Memory Walk*. The walkways designed by Christine Hoenstine remain, and the central piece will

tell the story of Lincoln Park, preserving its history while engaging current community members to acknowledge what they hold dear about their neighborhood. The original walkways will remain as they are with the new work incorporating them in the broader design of the park.

### **Selection Process: Nomination of Dina Fisher**

The city received 15 applications that the Art Selection Committee narrowed down to three finalists based on artistic merit and responsiveness to the project's goals. Dina Fisher was chosen due to her qualifications in key areas. Recreation and Parks staff reviewed and approved the parameters of the project for feasibility. An Art Selection Committee of volunteers included two Cultural Arts Commissioners and two residents of Lincoln Park and made the selection of finalists in July 2025. The final artists gave a public presentation of their proposals on Saturday, September 13, 2025, and Lincoln Park residents were invited to vote on the proposal they preferred until September 30, 2025. The community votes were combined with the Art Selection Committee's review to determine that Dina Fisher should be recommended as the selected artist for the project. Dina Fisher's proposal was then nominated and approved by the full Cultural Arts Commission at its October 8, 2025, meeting. Dina Fisher's proposal is attached (Attachment 1).

### **Strengths of Dina Fisher**

Dina Fisher is recommended for this project for the following reasons:

- **Experience:** Of the 15 applications received, Fisher has the most demonstrable experience in engaging communities in the design of a public artwork similar to the Memory Walk Park project. Of note is the [Denton Women's Interracial Fellowship Memorial](#) commissioned by Denton, TX, that required intensive community engagement around the stories of the city's coalition of civil rights activists in the 1960s.
- **Design Responsiveness:** Fisher's proposal was the most reflective of Lincoln Park's historical past, present moment, and future aspirations. Her work is thought provoking and would cause the viewer to stop and think about Lincoln Park.
- **Community Engagement:** Fisher was sincere in her approach to designing the proposed artwork and incorporating flexibility for the community's input to make changes to the design before it is installed. She also took the initiative to outline her approach to the additional community engagement that will take place in the next phase of the design process.

### **Importance of Timely Decision-Making**

Staff is working within a timeline to complete the contract with the artist and obligate the appropriated funds for the current fiscal year. Finalizing the contract expeditiously is necessary to completing the project in a timeframe that meets community expectations and city procurement deadlines. Below is the tentative timeline for the project following the Mayor and Council's approval:

1. **Artist and Lincoln Park Resident Interviews and First Artist and Community Workshop:**  
Approximate Completion Date: January 27, 2026.

- Gaining a deeper understanding of Lincoln Park’s history, gathering community feedback on the proposed design.
- 2. **Second Round of Design:** Approximate Completion Date: February 27, 2026.
  - Proposed design is refined with community input from step one above.
- 3. **Second Artist and Community Workshop:** Approximate Completion Date: March 16, 2026.
- 4. **Third Round of Design:** Approximate Completion Date: April 13, 2026.
  - Refining design based on feedback from the second workshop. (A third community workshop may be scheduled if it is needed to complete the design.)
- 5. **Design Approval:** Approximate Completion: Anticipate approval will take a maximum of four weeks after the third round of design is completed.
- 6. **Fabrication of Artwork:** Approximate Completion Date: August 13, 2026.
- 7. **Installation of the Artwork:** Approximate Completion Date: September 25, 2026.
  - Weather dependent.
- 8. **Dedication of Artwork:** Following completion of installation in September 2026.

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## Public Notification and Engagement

The community engagement process is divided into three phases: 1) Research, 2) Art Selection, 3) Artwork Design.

During the research phase, an extensive community engagement process was implemented to inform the project’s Request for Qualifications and included an online survey in early 2025 that had 16 respondents and the Lincoln Park Postcard Project that had 23 participants. The Postcard Project gave residents and community members the opportunity to write why they love Lincoln Park on postcards designed and printed by the Communications and Community Engagement Department. The postcards and drop box were set up at Lincoln Park Community Center for two months and a separate box was hosted by Mt. Calvary Baptist Church and Clinton AME Zion, each for two weeks. The Arts and Culture Program Manager attended Lincoln Park Civic Association meetings in January, February, March, June, August, and September of 2025 to provide updates and receive feedback. The Lincoln Park Civic Association received written updates in April, May, July, and October when the Arts and Culture Program Manager could not attend meetings.

The art selection process included the Art Selection Committee reviewing the proposals and selecting the three finalists. The Art Selection Committee is comprised of two Cultural Arts Commissioners and two members of the Lincoln Park community. Two of the three finalists had conference calls with one life-long community member of Lincoln Park to inform their proposal, one participated in a virtual tour of the park with the Arts and Culture Program Manager, and one visited the park in person. Dina Fisher participated in a phone call and virtual tour of the park. The three finalists publicly presented their proposals, and Lincoln Park residents and the Art Selection Committee voted on their preferred proposal. The Art Selection Committee received the vote tallies and considered the artists’ references in the final assessment of proposals. A total of 18 people voted, and the vote tallies were: Vito di Bari 9 votes, Dina Fisher

9 votes, and Craig Gray 1 vote. The Committee made the recommendation to award Dina Fisher the project based upon the reasons stated above. This recommendation was forwarded to the Cultural Arts Commission Permanent Public Art Committee which then forwarded the recommendation to the full Commission. The Cultural Arts Commission unanimously approved the recommendation.

The third phase of the community engagement process includes the artist conducting four or five interviews with residents of Lincoln Park to gain a deeper understanding of the neighborhood's history, present-day existence, and future aspirations, and two or three workshops with residents to incorporate their feedback into the final design.

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### **Boards and Commissions Review**

The Cultural Arts Commission (CAC) was represented on the Art Selection Committee by two commissioners. The CAC's Permanent Public Art Committee voted in approval of the Art Selection Committee's recommendation and forwarded the recommendation to the full CAC for its vote to approve. The CAC unanimously voted to approve the recommendation to award Dina Fisher the project at its October 8, 2025, meeting.

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### **Procurement**

The acquisition of works of art for public display is exempt from competitive procurement in accordance with the Rockville City Code; Chapter 17, Purchasing; Section 17-87. - Exemptions.; (12) Acquisition of works of art for public display.

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### **Fiscal Impact**

There is sufficient funding for the project in the Art in Public Places (AIPP) account within the city's Special Activities Fund. The AIPP account is a restricted account dedicated to the acquisition of works of art. The project budget was originally \$90,000 and was updated to \$120,000 (Attachment 2) which includes fabrication, engineering, artist travel, and artist fee to ensure the artwork will be soundly engineered and installed for its longevity.

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### **Next Steps**

With Mayor and Council approval, staff will proceed with the Memory Walk Public Art project implementation, including coordination with the Procurement Department and the City Attorney's Office to begin contract negotiations. The contract will be finalized upon approval by the City Manager.

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## **Attachments**

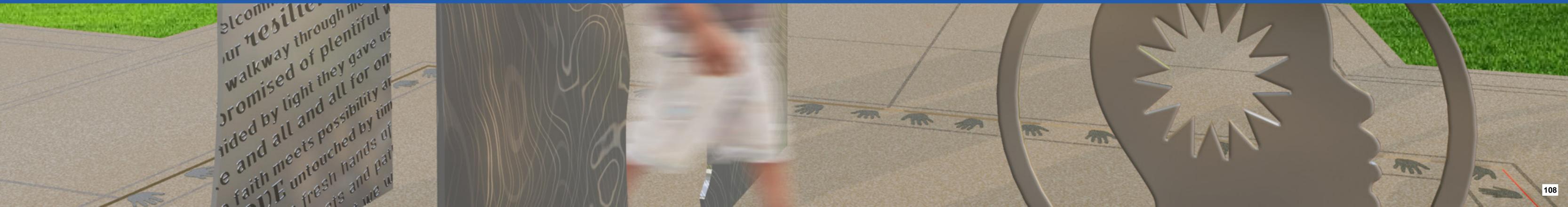
Attachment 1: Dina Fisher Memory Walk Park Public Art Proposal, Attachment 2: Revised Budget for Memory Walk Park Public Art Project



# PUBLIC ART PROPOSAL

## Lincoln Park Memory Walk

Prepared by Dina Fisher, September 2025  
for City of Rockville, Cultural Arts Commission



# DINA FISHER - Artist Bio

Melding the passion of a life-long artist with professional discipline from a commercial design career, Dina's public art engages communities with novel design and poetic communication of complex ideas. From interactive sculpture to commemorative memorials, each project celebrates site-specific culture and history.

## **Recent Public-Art Highlights**

*Getty Center, Los Angeles* –  
Interactive shimmering sculpture

*Denton, Texas* –  
Park sculptural installation honoring civil rights activists

*Burbank, California* –  
Sound sculptures and playful mural

## **Research, Community Engagement**

Working closely with stakeholders and administrators, Dina hones imagery that speaks to their community's dreams and aspirations. Her process begins with deep discovery, immersing herself in local history and culture.

## **Durability**

Through collaboration with engineers and using incredibly durable materials, Dina's art survives hurricane-force winds, harsh weather, and unpredictable human interaction.

## **EDUCATION**

- BA in documentary photography
- Graduate studies at the Art Institute of Chicago
- Dina currently teaches younger artists through a public-art grant

## **CONTACT**

Dina Fisher  
i@dinafisher.net  
[www.DinaFisher.net](http://www.DinaFisher.net)  
Instagram [@DinaFisherArt](https://www.instagram.com/DinaFisherArt)



# Concept

## **Transforming memory into sculpture**

Commemorative silhouettes honor Lincoln Park's founding families. The woman's long dress and man's working hat harken back to humble beginnings. Etched words on the woman's figure preserve Lincoln Park's guiding principles, passed down through generations. Behind them, a tower of circular symbolic icons rises, each representing core values that have sustained the community to this today. The installation invites parkgoers to walk among the sculptures, forging intimate connection to Lincoln Park's past and future.

## **LONGEVITY, DURABLE MATERIALS**

- Incredibly durable 316 stainless steel
- Designed to survive centuries
- No coatings that fade
- Endure across generations

## CORE COMPONENTS

- Commemorative Silhouettes
- Founder's Values
- Engraved words
- Icons tower, founding principles
- Community hand prints
- Educational website for local teachers

## Welcoming Past and Present

Human representations the simultaneously acknowledge Lincoln Park African American history, while welcoming newcomers.

- Shape of woman's hair subtly recalls history rooted in emancipation
- Face profile on icon carefully crafted for racial inclusion



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Lincoln Park

## Community Values & Symbolic Meaning



### North Star

- Ethical guiding light, and historical
- Underground railroad, navigation to safety

### Hand with Heart

- Brotherly love and mutual aid
- Welcoming newcomers

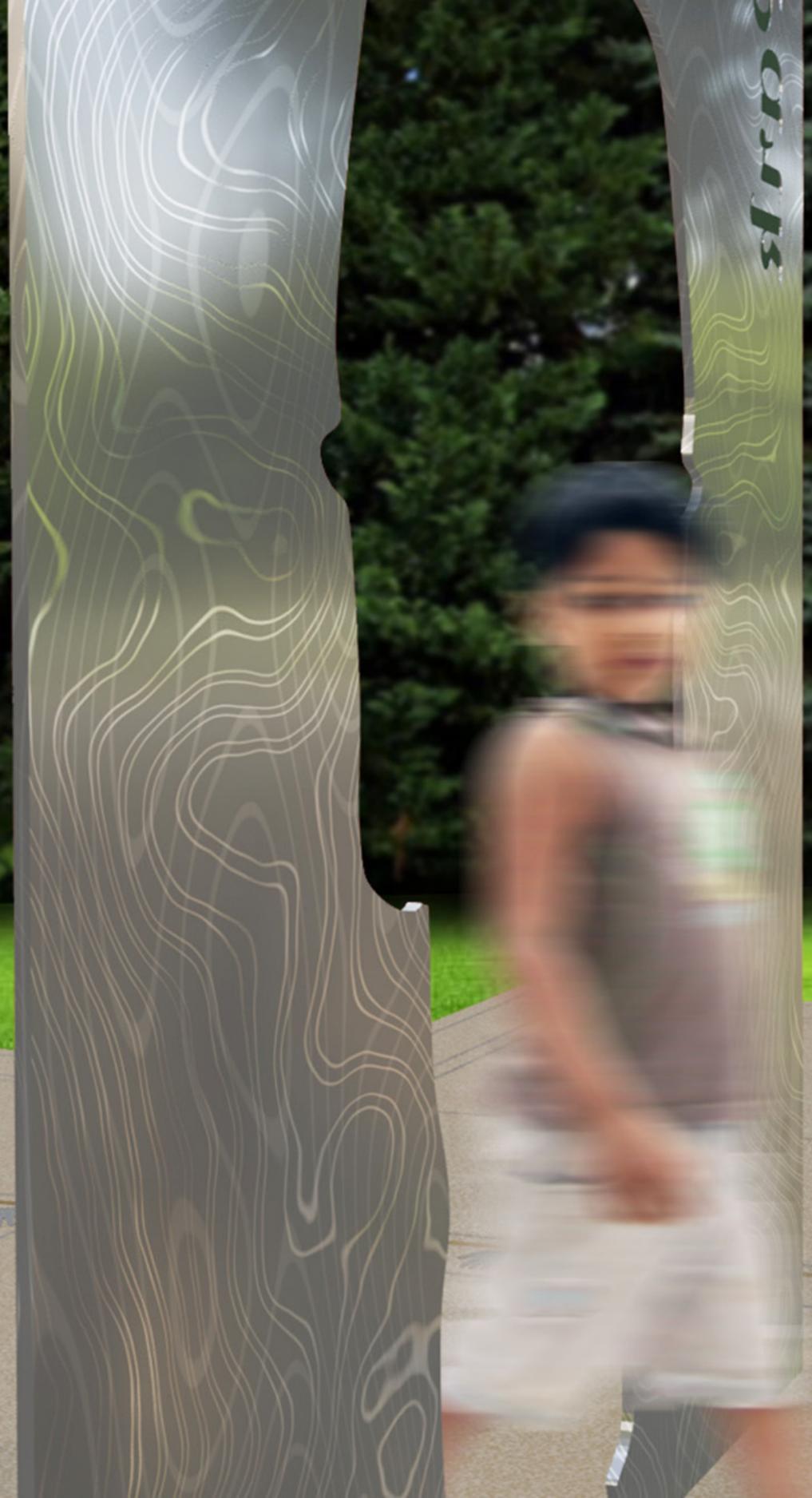
### Dove

- Enduring symbol for faith
- Historic role of churches and Lincoln Park

### Illuminated Mind

- Importance of Education
- Lincoln High School

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# Community Engagement

**Artist works closely with stakeholders throughout entire project.**

- Project Start – artist stays several days in Lincoln Park
- Open Meeting – community members give input on proposal
- Follow-up Meetings – artist gathers more feedback, artwork is thoroughly vetted by neighbors and stakeholders
- Collaboration – Artist proactively contacts key community members, descendants of founding families, public art staff, and other stakeholders

## **Prior Success**

Community engagement was invaluable on prior projects— notably on artwork honoring maverick civil rights activists in Texas.

- Family photo albums
- Local historians and librarians
- Surviving activists gave crucial feedback

## COLLABORATION

Words and phrases engraved on woman

Values and symbols for tower

Content for educational website

## Collaborative Content Creation

### Community Guidance

- Selection of ideas and intention
- Work with neighbors, local writers





## Community Hand Prints

- Giving Back What Was Lost**
- New and long-term residents alike
  - Bring a fresh generation into the family fold

# DRAFT BUDGET

Fabrication/materials .....	\$48,000
Delivery .....	\$1500
Concrete .....	\$2700
Installation .....	\$10,000
Engineering.....	\$2000
Travel.....	\$2000
Insurance .....	\$800
Artist Fee.....	\$23,000
<b>TOTAL .....</b>	<b>\$90,000</b>

Submitted by  
Dina Fisher  
[i@dinafisher.com](mailto:i@dinafisher.com)  
(818) 554-1961

Revised Draft Budget  
Lincoln Park Memory Walk  
Public Art Installation

10/10/2025

**DRAFT BUDGET**

Fabrication/materials	\$59,000
Delivery	\$3000
Concrete	\$3200
Installation	\$10,000
Engineering	\$10,000
Travel	\$6,000
Insurance	\$800
Artist Fee	\$28,000
<b>TOTAL</b>	<b>\$120,000</b>



MAYOR AND COUNCIL Meeting Date: November 3, 2025  
Agenda Item Type: CONSENT  
Department: PW - TRAFFIC & TRANSPORTATION  
Responsible Staff: JENNIFER WANG

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## Subject

Authorization for the City Manager to sign a Supplemental Agreement with the Maryland Department of Transportation State Highway Administration for the Scott-Veirs Drive Shared-Use Path Design Project

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## Department

PW - Traffic & Transportation

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## Recommendation

Staff recommends the Mayor and Council authorize the City Manager to sign a Supplemental Agreement with the Maryland Department of Transportation State Highway Administration for the Scott-Veirs Drive Shared-Use Path Design Project.

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## Discussion

The city was awarded a Transportation Alternative Program (TAP) fund grant and entered into a subgrant agreement with the Maryland Department of Transportation State Highway Administration (MDOT SHA) in 2024. The grant funding is for the design of a 1.2 mile shared-use path along Scott and Veirs Drive between Glen Mill Road and Wooton Parkway, connecting the City of Rockville with the North Potomac area of Montgomery County. The total awarded TAP grant is \$200,000 with an additional 20% local match (\$50,000).

On August 14, 2025, MDOT SHA proposed to use the Supplemental Agreement of Scott-Veirs Drive Shared-Use Path Design Project (Attachment 1) under the MDOT SHA Master Memorandum of Understanding (MOU) (Attachment 2) with the City of Rockville to simplify and accelerate the award, rather than developing a separate agreement. The Supplemental Agreement was drafted by MDOT SHA and reviewed and approved by the City Attorney's Office.

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## Mayor and Council History

This is the first time this item has been brought before the Mayor and Council.

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## Fiscal Impact

Sufficient funding is available in the Scott-Veirs Drive Shared-Use Path CIP (TA23) (Attachment 3) to fund the 20% match.

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## **Next Steps**

Once the Supplemental Agreement is signed by the City Manager, staff will forward the signed document to MDOT SHA for their signature and will proceed with the design phase of this project.

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## **Attachments**

Attachment 1: 2025.07.24 Scott-Viers SA Package, Attachment 2: City of Rockville LPA Agreement 02-01-2018, Attachment 3: TA23 (#420-850-TA23-0425)

**MDOT SHA Control No.  
FEDERAL-AID PROJECT GUIDELINES AND WORKING  
SUPPLEMENTAL AGREEMENT**

**and**

**MARYLAND DEPARTMENT OF TRANSPORTATION  
STATE HIGHWAY ADMINISTRATION**

This **SUPPLEMENTAL AGREEMENT (“SA”)**, executed on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, is in accordance with the terms of a Master Memorandum of Understanding “MOU” made effective February 1, 2018 by and between the Maryland Department of Transportation State Highway Administration, acting for and on behalf of, the State of Maryland, hereinafter referred to as “MDOT SHA”, and

\_\_\_\_\_, Maryland, a body corporate and politic, hereinafter referred to as the “Local Public Agency” or “LPA”.

**WHEREAS**, The MDOT SHA agrees to assist in administering and partnering with the LPA as outlined in the Master Agreement and in this SA developed for the selected project

; and

**WHEREAS**, The PROJECT activities and reimbursement of expenses are subject to State and Federal requirements; and

**WHEREAS**, The LPA and MDOT SHA acknowledge the need to define the responsibilities and obligations of each party for the PROJECT.

**I. Project Information**

A. The PROJECT shall consist of the following

- B. The LPA shall be staffed and equipped to perform work satisfactorily and cost effectively, and adequate staffing and supervision exists to manage this federal project. The LPA has identified

, a fulltime employee, to be the "responsible charge" of the project as defined on MDOT SHA Development Guide for Local Public Agencies and other Sub-recipients of federal funds. If the responsible charge changes, the LPA is responsible for notifying MDOT SHA Program Manager.

## **II. Project Time Period**

- A. All PROJECT activities shall not begin until the execution date of SA and federal authorization from the Program Manager has been provided to the LPA.
- B. The PROJECT Closeout Date and PROJECT Agreement End Date (Period of Performance 2 CFR Part 200.309) will be established at the time of federal authorization. The PROJECT Closeout Date is the date by which the LPA must complete all related project closeout activities and reviews. The Project Closeout Date and Project Agreement End Date will be determined using the established MDOT SHA project end date procedures.
- C. The LPA will comply with MDOT SHA's monitoring requirements, including quarterly progress reports due with the billing invoice, which shall be submitted to the District Engineer and/or Project manager within MDOT SHA until the Project has been closed out.
- D. The MDOT SHA and LPA shall retain all documents and records relating to the use of federal funds and subject to audit for a minimum of three (3) years from the last expenditure report payment. If any litigation, claim, negotiation, audit or other action involving the documents or records started before the expiration of the 3-year period, the records shall be retained until completion of the action and resolution of all issues or the end of the three-year period, whichever is later in accordance with the requirements of 49 CFR Part 18, Section 18.42 Retention and Access Requirements for Records.

## **III. Project Funding and Payment**

- A. The Maryland Department of Transportation will reimburse the LPA up to an amount not to exceed the percentage stated in this SA and subsequent cost sharing agreement for the eligible expenses of the project.
- B. The LPA shall submit to the Project Manager a copy of paid invoices to show costs incurred in constructing the PROJECT on a quarterly basis. For design costs for projects utilizing a MDOT SHA open end consultant, MDOT SHA will bill the LPA up to an amount not exceeding the percentage stated in the cost sharing agreement for the monthly incurred costs.

- C. Reimbursement requests received after the PROJECT Closeout Date will be considered for payment on a case-by-case basis with prior written justification explaining the expected delay submitted by the LPA. All costs must have been incurred prior to the project agreement end date.
- D. Invoices shall contain sufficient documentation and proof of payment, in MDOT SHA's sole discretion, to evidence actual expenses of items eligible for reimbursement. Upon receipt, the District Engineer will forward invoice to the Federal Aid Billing Office for approval.
- E. The MDOT SHA shall remit payment to the LPA within thirty (30) days following receipt of each invoice, provided:
  - a. The invoice contains all necessary information for processing, in MDOT SHA's discretion,
  - b. No charges are disputed by MDOT SHA,
  - c. The invoice does not exceed the percentage of the project costs stated in the cost sharing agreement.
- F. The MDOT SHA shall deduct from each invoice the amount of the non-eligible portion of the expenses any costs deemed not eligible for reimbursement by law. All such non-eligible costs shall be borne solely by the LPA.
- G. Identify the option for construction-related services (i.e. construction inspection, materials testing, etc.) that is applicable to this agreement:
  - a. MDOT SHA Construction Services are not applicable to this agreement;
  - b. The LPA will use their internal staff to complete construction-related services;
  - c. The LPA will hire staff to complete construction-related services;
  - d. MDOT SHA will complete construction-related services for the PROJECT and bill for our services at the percentage stated in the cost sharing agreement.
- H. The LPA will not be reimbursed for maintenance activities, maintenance equipment and other non-essential PROJECT activities and they cannot be used towards the LPAs non-federal project cost match, unless approved in advance.
- I. The LPA must submit separate invoices to MDOT SHA for PROJECT costs to be reimbursed through any other funds, grants, or activities by MDOT SHA, the Maryland Department of Transportation, or the United States Department of Transportation.
- J. The LPA will forward the completed closeout package to the MDOT SHA Program Manager and the Assistant District Engineer - Construction. The completed package will include a certification of PROJECT materials used and of PROJECT workmanship, which must be signed and stamped by the contractor and the LPA. The completed package shall also include a request for the final reimbursement of the remaining eligible costs.

#### IV. Additional Project Conditions

- A. Upon request by MDOT SHA, the LPA shall submit for MDOT SHA review and written comment, design plans, specifications and estimates at major design milestones, including:
- a. Preliminary Design Review thirty percent (30%),
  - b. Semifinal Review sixty-five percent (65%),
  - c. Final Review ninety-five percent (95%), and
  - d. Plans, Specifications, and Estimates (PS&E) one hundred percent (100%).
- B. Project documentation must show the environmental review of the project, per 23 CFR part 771, was completed prior to the final design authorization and/or the construction authorization, and that a determination was made before construction authorization that the project's NEPA document(s) remained valid for the authorization decision, or that supplemental NEPA documentation was completed before the construction authorization. The LPA will publicize and conduct a public hearing
- C. The LPA has agreed to provide all necessary rights-of-way in compliance with the conditions governing acquisition of rights-of-way, set forth in the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, Public Law 91-646, 42 U.S. Code SS4601-4655 and any supplemental amendments and in the Federal Aid Policy Guide, as amended, at no expense to MDOT SHA or Federal Highway Administration.
- D. The LPA shall require its contractor(s) to provide a surety performance bond in the amount of the most responsive and responsible bid to ensure that the PROJECT will be constructed if the contractor defaults. The LPA or Sub-recipient shall also require a surety payment bond in the amount of the estimated construction cost to ensure that the contractor pays its subcontractors and suppliers, as required by the most current MDOT SHA Standard Specifications for Construction and Materials and addendums, located at <http://www.roads.maryland.gov/ohd/part1.pdf>, page 20, section GP-3.03.
- E. The LPA shall hold a pre-construction meeting with the contractor, to which the MDOT SHA Assistant District Engineer of Construction from the respective District, Area Materials Engineer from the respective District, Equal Opportunity Officer(s) from the respective District and the Program Manager shall be invited.
- F. All steel, iron, manufactured products, and construction materials used in the PROJECT shall be produced in the United States, in accordance with FHWA Buy America provision (23 USC 313 and 23 CFR 635.410) and Build America, Buy America (BABA) Act.

G. The LPA shall not make any award or permit any award (sub-grant or contract) at any tier to any party which is **debarred or suspended** or otherwise excluded from or ineligible for participation in federal assistance programs under Executive Order 12549 – Debarment and Suspension.

H. All notices and/or invoices, if to the LPA, shall be addressed to:

County:  
Agency:  
Address:

County:  
Agency:  
Address:

Phone:  
Email:

Phone:  
Email:

All invoices from LPA to MDOT SHA sent for processing to:

Name/Title

State Highway Administration

Mail Stop:

Address

Phone:

Fax:

E-mail:

**APPROVED ON BEHALF OF**

By: \_\_\_\_\_

Date: \_\_\_\_\_

Name, Title

Agency

**PROPOSAL ACCEPTED ON BEHALF OF THE MDOT STATE HIGHWAY  
ADMINISTRATION**

By: \_\_\_\_\_

Date: \_\_\_\_\_

Director, Office of Finance

August 30, 2024

Mr. Bryan Barnett-Woods  
Principal Transportation Planner  
City of Rockville  
111 Maryland Avenue  
Rockville MD 20850

Dear Mr. Barnett-Woods:

It is my pleasure to inform you that the application titled Scott-Veirs Drive Shared-Use Path Design submitted by City of Rockville for a Transportation Alternatives Program (TAP) award has been approved in the amount of \$200,000. The funds are to be used for the following project scope: Complete design for the Scott-Veirs Shared-Use Path based on the alignment identified in the TAP funded feasibility study.

These funds are administered by the Maryland State Highway Administration (SHA) and have federal and State requirements. Ms. Cheryl Ladota, SHA Office of Planning and Preliminary Engineering (OPPE), Regional and Intermodal Planning Division (RIPD) Assistant Chief, will follow-up with you regarding the details to secure these funds and to set up an initial kick-off meeting. Please do not expend money on any aspect of your project for which you will be seeking reimbursement or using as match until after you have received approval from SHA.

Congratulations and thank you for your participation in this program. If you have any questions, please contact Ms. Ladota at 410-545-8852 or [cladota@mdot.maryland.gov](mailto:cladota@mdot.maryland.gov). Ms. Ladota will be happy to assist you.

Sincerely,



William Pines, P.E.  
Administrator

cc: Ms. Cheryl Ladota, Assistant Chief, OPPE, RIPD, SHA  
Raymond L. Moravec, P.E., Director, OPPE, SHA

# Transportation Alternative and Recreational Use FY25 Grant Application

Submitted by Bryan Barnett-Woods on May 14th, 2024 at 1:44 pm

Status: *In Review*

Step: Pending TA and RTP Over 250k Group Check (1)

## State Highway Administration Transportation Alternative and Recreational Use Grant Application

### Project Summary

Please fill out this application to apply for federal grant funding for transportation alternative and recreational use projects. All project requests are for 80% reimbursable funds and include a 20% match. Only information provided within the application, including attachments, will be considered as part of the application review. Please contact Regional and Intermodal Planning Division - Grants Team should you have any questions.

The content below is read-only and for administrative use only. Please start completing the form starting from the "Applicant Information" section.

#### Project Name

Scott-Veirs Drive Shared Use Path Design

#### Funding Type

Transportation alternatives, safety, or mitigation

#### Project Type

Design

#### Project Sponsor

City of Rockville

#### County of Project Location

Montgomery

#### Amount Requested

\$200,000.00

#### Amount Matched

\$55,000.00

### Applicant Information

#### Applicant #1

##### First Name

Bryan

##### Last Name

Barnett-Woods

##### Title

Principal Transportation Planner

##### Role

Project Support

##### Phone

240-314-8527

##### Email

bbwoods@rockvillemd.gov

Are you a Grant Writer?

No

Applicant's Federal Tax ID

52-6001573

Applicant's Organization

City of Rockville

Organization Street Address

111 Maryland Avenue

Organization City

Rockville

Organization State

Maryland

Organization Zip Code

20850

Project Manager/Responsible Charge

The Project Manager/Responsible Charge must be employed by the Project Sponsor and will be the point of contact for the project if the project is awarded.

Is the Project Manager/Responsible Charge different from Applicant #1 listed above?

Yes

First Name

Jennifer

Last Name

Wang

Title

Senior Transportation Engineer

Role

Project Manager

Phone

240-314-8506

Email

jwang@rockvillemd.gov

Does the Project Manager have prior experience with federal-aid funded projects, the federal procurement process, and federal regulations?

Yes

Please provide details of the Project Manager experience with federal-aid funded projects

Jennifer Wang recently completed the feasibility study for the Scott-Veirs Drive Shared Use Path feasibility study, which was funded through a Transportation Alternatives Program grant. She is also currently managing an Enhanced Mobility Federal Transit Administration grant project to construct sidewalks and improve bus stops in the city and a Transportation Alternatives Program grant for North Stonestreet Avenue Complete Streets improvement project. Furthermore, Ms. Wang will be collaborating on this project with other city engineers and transportation planners who have experience managing other transportation project funded by federal and state programs such as the Transportation Alternatives/Safe Routes to School, Kim Lamphier Maryland Bikeways Network, the federal Safe Streets and Roads for All, and the Recreational Trails programs.

Is the Project Manager/Responsible Charge a full-time employee of the organization?

Yes

Please describe the role of the Project Manager/Responsible Charge within the organization

Do you want to report an additional contact?

Yes

Additional Contact

**First Name**

**Last Name**

Emad	Elshafei
------	----------

**Title**

**Role**

Chief of Traffic and Transportation Division	Project Supervisor
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**Phone**

**Email**

240-314-8508	eelshafei@rockvillemd.gov
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**Are you a Grant Writer?**

**Have you completed MDOT's Local Public Agency (LPA) self-evaluation?**

No	Yes
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Previous Project History

**Have you received any TA/SRTS and/or Recreational Trails projects in the State of Maryland?**

Yes
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Please list your most recent awarded TA/SRTS and/or Recreational Trails projects in the state of Maryland (maximum of 5).

**Project Title**

**Award Year**

Twinbrook Safe Routes to School and Transit Accessibility	2023
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**Project Number**

**Project Status**

P02381 M-1	50% Complete
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Please explain the project delays

**Did this project experience any delays?**

No
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**Project Title**

**Award Year**

Fleet and Monroe Shared Use Path Design	2024
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**Project Number**

**Project Status**

P02477 M-1	0% Complete
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Please explain the project delays

**Did this project experience any delays?**

No
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General Project Information

Please answer the following questions using as much detail as possible. The information presented here will be used to determine the project's eligibility and feasibility.

**Project Title**

Scott-Veirs Drive Shared Use Path Design

**Is your project statewide?**

No

**Please select all Maryland counties where this project will take place**

Please describe the project location

This project is located along Scott Drive between Wootton Parkway and Westcott Place and along Veirs Drive between Westcott Place and Glen Mill Road. It includes public right of way within the City of Rockville and Montgomery County.

Project Location Address

**Project Address**

**Project Address 2**

Scott Drive & Veirs Drive

**Project City**

**Project Zip Code**

Rockville

20850

**Project Location County**

Montgomery

**What Maryland congressional district does your project fall within?**

08

Provide the census tract(s) that your project falls within

24031701006, 24031701220, 24031701210

**Is your project adjacent to or on a publicly owned roadway?**

Yes

**Who owns the roadway?**

This project is along City of Rockville and Montgomery County public right of way.

**Project Limits (length)**

1.21 miles. Along Scott and Veirs Drives from Glen Mill Road to Wootton Parkway

**Project Type Information**

Below are the breakdown of project types and what items are needed with the application. Remember this is federal funds, there is a match component of 20-percent, National Environmental Policy Act (NEPA) needs to be obtained for ALL projects. Failure to provide all items needed for funding determination can result in application not moving into the review process.

**Project Type**

Design

Feasibility Study:

Before design and construction, planning and feasibility projects assess project goals and practicality. These projects may include public engagement or work with stakeholders to determine project benefits, cost estimate or engineering requirements. If the planning and feasibility outcomes are positive, these projects may move into design.

Design:

Design projects develop a concept by preparing plans, reports, calculations, estimates and drawings. Design projects can be scoped for full design (from concept to construction ready) or partial design (concept to 30 percent design)

Items needed for consideration for design funding: Application, detailed cost estimate, project map, concept plans and support letters addressed to applicant.

Construction:

Construction projects involve the labor and materials to create, modify, install or preserve buildings and infrastructure.

Items needed for consideration for construction funding: Application, detailed cost estimate, project map, 30-percent design plans at minimum, and support letters addressed to applicant. (NOTE: Natural surface trails and trailside amenities do not need to meet 30% design minimum.)

Trail Maintenance:

Any activity to maintain the usability and sustainability of existing trails, ensuring trails are passable by the users for which they are managed; preventing environmental damage resulting from trail deterioration; and/or repairs to existing trailside amenities.

Non-Infrastructure:

Non-infrastructure projects are those that do not result in construction and might include road safety audits, improvements in the collection and analysis of data, education and outreach efforts or targeted law enforcement activities.

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**What is the purpose and intended use of your project?**

Transportation alternatives, safety, or mitigation

**Please select the TA project category(ies) that is/are applicable to your proposed project**

Construction, planning, and design of infrastructure-related projects and systems that will provide safe routes for non drivers, including children, older adults, and individuals with disabilities to access daily needs.

,

Construction, planning and design of on-road and off-road trail facilities for pedestrians, bicyclists and other non motorized modes of transportation, including sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming techniques.

,

Safe Routes to School Project - Infrastructure-related and non-infrastructure-related activities that substantially improve the ability of students to walk and bicycle to school or encourage walking and biking to school.

Schools

Name(s) of School(s)

Robert Frost Middle School  
Thomas S. Wootton High School

**Please select the type of school(s)**

Middle School, High School

**Please select the Recreational project type applicable to your proposed project**

**Primary Trail Use (select all that apply)**

**If "Other", please describe**

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Provide a short description of the project (limit to 2 sentences)

The Scott-Veirs Drive Shared Use Path design project seeks to prepare construction plans for a pedestrian and bicycle route connecting the Millennium Trail, Robert Frost Middle School, and the county.

Provide a detailed description of the project, including a clearly defined scope of the improvements.

The Scott Drive/Veirs Drive shared use path design project seeks to prepare complete engineering plans for the full extent of the preferred shared use path alternative identified in the recently completed, Transportation Alternatives funded, feasibility study. This includes designing an 8–10-foot shared use path along the south side of Scott Drive between Wootton Parkway and Overlea Drive, and along the north side of Scott and Veirs drives between Overlea Drive and Glenn Mill Road.

These plans will require addressing tree and stormwater impacts, conducting land surveys, designing a widened pedestrian bridge over the Watts Branch Creek, designing the shared use path and intersection improvements at Wescott Place, Overlea Drive, and Carriage Court, and redesigning the signal with crossing improvements at Wootton Parkway with a full connection to the Carl Henn Millennium Trail.

The design process will require a phased approach in which the City of Rockville will review plans and provide comments at key milestones, including a 50%, 90%, and final design submittal. Lastly, as part of this scope, two public meetings will be held. The first meeting will be held after the 50% design submittal and will seek to share information about the projects progress and schedule and solicit comments. The second meeting will be held prior to the full design completion to share how concerns raised in earlier phases were addressed and provide an opportunity for additional questions and considerations.

What is the purpose and goal of the project?

This project will enhance the existing minimal pedestrian accommodation along this corridor and will provide a new bicycle facility to further extend the city’s safe pedestrian and bicycle network. The purpose of this project is to improve the walking and bicycling environment for the surrounding neighborhood, students and their families traveling to and from Robert Frost Middle School, and for residents, visitors, and employees of The Villages at Rockville, an older adult residential community and continuing care retirement community.

This project also seeks to extend the bicycling network as proposed in the adopted Cit of Rockville Bikeway Master Plan, which designates this corridor as a component of the “Rock Creek to Rockshire” Crosstown Route, which is specifically identified as a priority route to help facilitate bicycle travel through Rockville.

Lastly, this project seeks to provide a safer and separated facility for vulnerable roadway users and design a facility that will help calm motor vehicle traffic speeds, as recommended in the recently adopted Pedestrian Master Plan and the Vision Zero Action Plan. Shared use paths help ensure that vulnerable roadway users can travel without interruption from motorists as well as help bring visibility and attention to pedestrians and bicyclists at intersections.

Please describe the technical data to support the proposed scope (e.g. traffic data, crash/injury data and surveys).

As part of the recently completed feasibility study, the city collected traffic volume data for this corridor, which shows an annual average daily traffic volume of more than 6,000 vehicles per day along Scott Drive and Veirs Drive. This is sufficient traffic to discourage bicyclists from sharing the travel lane as part of thier trip. The feasibility study also identified right-of-way, utilities, mapped soils, and evaluated floodplain and drainage concerns.

The city also collects crash data as part of its Vision Zero program. Between 2015 and 2023, there have been 14 crashes along this corridor, three of which resulted in injuries. Additionally, the Rockville Bicycle Advisory Committee has identified this route as an important bicycling connection in need of improvement, because the existing sidewalk is in poor condition and the area’s topography requires traveling uphill alongside motor vehicle traffic, which can further discourage residents and visitors from bicycling on-street. The Montgomery County Bicycle Level of Traffic Stress ranks Veirs Drive as a Moderate High stress bicycling route.

What are the past and current uses of the project site?

Scott Drive and Veirs Drive are classified as Primary Residential streets within city of Rockville. They provide access to residential properties, Robert Frost Middle School, the Villages at Rockville older adult residential community and continuing care retirement community, and the Carl Henn Millennium Trail, alongside Wootton Parkway.

How does this project positively affect the community and/or school?

Completing this section of sidewalk will benefit students of Robert Frost Middle School, Wootton High School, and their families by improving pedestrian and bicycle access to each of the schools. It will also benefit residents, visitors, and employees of the Villages of Rockville, by increasing non-motorized access and enhancing connection with the surrounding neighborhoods. Additionally, the nearest bus stops to these communities are along Wootton Parkway, this shared use path will help establish a more comfortable and convenient first-last mile for transit users.

The proposed shared use path includes a wider pedestrian and bicycle facility and intersection improvements at the main entrance of the middle school. Additionally, the shared use path crosses Scott Drive at the entrance of the Middle School (Overlea Drive) and includes an improved pedestrian and bicycle crossing at this location. This will make it easier and safer for students and families walking, rolling, and bicycling to and from the middle school. Moreover, since there is an additional pedestrian and bicycle connection between the middle school and Wootton High School, this project would enhance access to and from the high school. Also, the existing sidewalk along Scott Drive includes portions that are narrow and do not have a buffer from the roadway. A shared use path is expected to make the walk or roll to school more comfortable for students and their families.

The Rockville Bicycle Advisory Committee has identified this sidewalk as being in very poor condition for bicyclists, this combined with topography, short sightlines and the lack of shoulders on the roadway discourage people from bicycling along this route. A shared use path that separates bicycle traffic from motor vehicle traffic will benefit the community by providing a facility that encourages bicycle riding. Lastly, this shared use path will connect to the Carl Henn Millennium Trail, a National Capital Trails Network Trail, which will also benefit this community by directly connecting it with the larger trail network in Rockville.

**Does the project provide connections to existing regional trails or pedestrian/bicycle facilities?**

Yes

**Please explain**

The proposed project will directly connect into the Carl Henn Millennium Trail, a ten-mile, off-street, shared use path that connects Rockville neighborhoods, parks, schools, shopping centers, and employment areas. Additionally, this shared use path will connect to a Montgomery County planned sidepath along Glen Mill Road. This sidepath will further connect to the off-street pathways near the medical center, into Gaithersburg, and along Shady Grove Road.

**Does this project add features/devices that will improve bicycle and pedestrian safety (e.g. crosswalks, bike/ped signals, lighting, physical barriers to separate facilities)?**

Yes

**Has this project been adopted in the local master plan?**

Yes

**How does the project proactively address equity, prior inequities, and/or barriers to opportunity?**

Multimodal transportation projects and Complete Streets projects are critical elements for advancing an equitable transportation network because they inherently provide additional facilities for people walking, rolling, and bicycling. These can be residents, visitors, and employees who may not be able to drive a private automobile because of the costs associated with vehicle maintenance and ownership, a physical or mental disability, because of age, or a preference for a more sustainable mode of travel. Shared use paths provide the space for individuals to travel safely and with dignity, the opportunity for individuals to develop independence, and a more healthful transportation option. This project will help address this transportation barrier for school-aged people as well as older adults living in the nearby continuing care residential community who may no longer be able to drive.

Additionally, a shared use path in front of the older adult residential and continuing care retirement community will help address a health-related barrier for the neighborhood. Walking, rolling, and bicycling are important low-impact forms of exercise that are frequently recommended for older adults to incorporate into a regular routine. However, if the infrastructure surrounding a neighborhood does not provide sufficient space to be active, it can be difficult for those residents to add physical activity to their day. E-bikes, adult tricycles, and other adaptive bicycles have made bicycle a more common activity and transportation mode for older adults and Complete Streets and an extended bicycle network are necessary to meet this growing demand.

**Will this project have any negative impacts on disadvantaged communities?**

No

If Yes, How will this project have negative impacts on disadvantaged communities?

If Yes, Please explain how you will address and mitigate these impacts

**Do you have stakeholder (i.e. government officials, nonprofit partners, etc.) support of the project?**

Please explain

**Has any public engagement been conducted?**

If yes, please describe public engagement activities (community meetings, flyers, website postings, etc.)

As part of the feasibility study for this project, the city hosted a public meeting for all city residents and stakeholders and mailed meeting notices to the surrounding residential community and homeowners association. The meeting information was also posted online through the city's online calendar and agenda center. The public meeting presentation, and concept plans are still available on the city website. During the meeting, many residents raised concerns and asked questions about the project. After the public meeting, residents were able to submit additional public comments and questions to city staff. All the received comments were reviewed and responded to by city staff and then recorded in the completed feasibility study.

The feasibility study was posted to, and remains on, the city's website under the Vision Zero projects webpage. The completed study was also shared with the Rockville Pedestrian Advocacy Committee and the Rockville Bicycle Advisory Committee.

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### Metropolitan Planning Organization (MPO)

An MPO is a federally mandated and federally funded transportation policy making organization that is made up of representatives from local government and government transportation authorities.

[Click here](#) to see if your project is within one of these MPOs.

**Based on your project location, your project falls under the following MPO group:**

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### MPO Required Information

**Is the proposed project in the MPO's Transportation Improvement Program?**

### National Capital Region Transportation Planning Board (TPB) Required Questions

1. Describe how the project addresses the National Capital Transportation Planning Board's (TPB) goal to provide a comprehensive range of transportation options and improve accessibility of transportation facilities for pedestrians, bicyclists infrastructure and other non-drivers.

Shared use paths provide a safe and separated transportation facility for pedestrians and bicyclists, which can also help encourage more walking, rolling, and bicycling in the region. The proposed shared use path will connect a planned county pedestrian and bicycle facility on the Rockville municipal boundary and directly connect to the Carl Henn Millennium Trail, a ten-mile shared use path that links a dozen residential neighborhoods, industrial areas, employment areas, multiple schools, parks, and the Rockville Town Center. The proposed shared use path is within a Maryland Priority Funding Area and will fill in a pedestrian and bicycle gap, increasing the ability of residents, visitors, and employees to access most parts of Rockville by walking, rolling, or bicycling. This will also help provide a first-last mile connection between bus transit service along Wootton Parkway and the continuing care retirement facility, the middle school, and the neighborhoods along the project extent.

As a proposed high-quality shared use path, this facility will be able to serve transportation and recreation purposes and will be an amenity for the community, improving the quality of life for pedestrians and bicyclists in the neighborhood surrounding the project as well as for those traveling to Rockville from the surrounding County. Additionally, this shared use path would be the first shared use path and bicycle infrastructure within these neighborhoods and census tracts.

2. The TPB is committed to road user safety and prioritizes the implementation of projects that strive to reduce the number of fatal and serious injury crashes on the region's roadways in an equitable and non-racist manner (TPB Resolution RS-2021).

**2a. Is the project intended to improve roadway safety?**

Yes

2b. Describe how the project will reduce fatal and serious injury crashes on the region's roadways. Also note if the project has a particular focus on reducing pedestrian fatalities.

The project seeks to design a shared use path which will be separated from roadway traffic, providing a wide space for pedestrians to be buffered from motorists. Additionally, this will provide a space for bicyclists to use which will allow them to travel at their preferred speed without interruption from motorists. Consistent with MWCOG Transportation Planning Board Resolution RS-2021, the project seeks to design safer infrastructure for vulnerable roadway users and to improve geometry and signalization for pedestrians and bicyclists at intersections along the route, particularly at intersections where crashes have occurred in the past.

By separating motorists from pedestrian and bicyclists, a shared use path will improve safety and comfort for pedestrians and bicyclists. While this project's primary goal is to extend the pedestrian and bicycle network in Rockville, it will also help improve safe access and mobility for vulnerable roadway users. This is a substantial improvement from the existing roadway which requires bicyclists to travel in the same lanes as motorists. This can be particularly challenging for younger or less-experienced bicyclists because the roadway has multiple curves and hills, which can be problematic when both modes use the roadway.

Additionally, this project will add a new pedestrian and bicycle crossing at the intersection of Scott Drive and Wootton Parkway, which has been the location of past crashes. There is no pedestrian or bicycle crossing at this location, despite the Carl Henn Millennium Trail being on the opposite side of Wootton Parkway from Scott Drive. Further, this project will design intersection improvements at Scott Drive and Overlea Drive, which is the entrance to Robert Frost Middle School and at Scott Drive/Veirs Drive and Westcott Place, which has also had past crashes.

3. The TPB is committed to supporting accessibility for persons with disabilities, low-income and under-represented populations and people with limited English proficiency.

3a. Describe how this project promotes accessibility for under-represented communities.

The proposed shared use path is along the border of two census tracts, Tract 7010.06 and Census Tract 7012.20. These tracts have 12.20% and 14.61% of residents with limited English proficiency, respectively. They also have populations that are 23.27% and 37.40% Asian, and populations that are 21.51% and 19.02% older adults, respectively. Moreover, this shared use path's proximity to Robert Frost Middle School, Wootton High School, and the Villages at Rockville continuing care retirement community will also serve older adults and children, two populations whose travel modes and patterns are often less considered in traditional transportation systems which prioritize daytime commuting trips.

3b. Describe how this project enhances transportation facilities for those with specialized transportation needs, pursuant to the requirements of the Americans with Disabilities act (ADA).

This project seeks to design a shared use path that meets ADA accessibility compliance standards as well as the recently approved PROWAG standards. This includes ensuring that not only the path itself is accessible, but also the curb ramps, crosswalks, and pedestrian signals that will lead to the path. As a shared use path, it will have a width between eight and ten feet which exceeds the minimum sidewalk width standards and will easily be able to accommodate side-by-side travel of pedestrians using mobility devices, parents using strollers or bicycle trailers for their children, and adaptive bicycles such as adult tricycles or hand-bikes.

**3c. Is this project located in a TPB-designated Equity Emphasis Area?**

No

4. The TPB aspires to optimize regional land-use balance to support a strong regional economy, including a healthy regional core and dynamic activity centers. This involves increasing jobs and housing around underused rail stations and Activity Centers with high-capacity transit.

**4a. Is any portion of the project located within a Regional Activity Center?**

No

**4b. If yes, which Center?**

4c. Describe how this project will improve accessibility and increase transportation alternatives within the Activity Center.

4d. Describe how the project will support increased jobs and housing within the Activity Center

5. The TPB aspires to improve pedestrian and bicycle access to high-capacity transit stations.

**5a. Is this project within 3/4 of a mile of a Metrorail (existing or under construction), commuter rail station, or region-wide bus rapid transit station?**

No

**5b. If yes, which station?**

**5c. Is the project located in a TPB-designated Transit Access Focus Area (TAFA)?**

5d. Describe how this project will improve pedestrian and bicycle infrastructure connecting to the station.

5e. Describe how the project will support increased jobs and housing near the station.

6. The TPB encourages development of high-priority regional trails particularly those that support completion of and connections to the National Capital Trail Network ([www.mwcog.org/maps/national-capital-trail](http://www.mwcog.org/maps/national-capital-trail))

6a. Describe how this project supports high-priority regional trails.

This project connects directly to the Carl Henn Millennium Trail, which is an existing ten-mile trail that is part of the adopted National Capital Trails Network. Additionally, the proposed shared use path will connect to a Montgomery County planned shared use path on Glen Mill Road further connecting to the Shady Grove Road sidewalk, a planned National Capital Trails Network trail.

Also, this segment is included in the city's Bikeway Master Plans as part of the priority Crosstown Routes. The Rock Creek to Rockshire Route provides an east-west route through Rockville and connects to multiple schools, parks, a Metrorail station, several residential communities, and links to the Rock Creek Trail, which connects Montgomery County with Washington DC.

**6b. Is this project part of the National Capital Trail Network (NCTN) or is it connected to the NCTN?**

Yes

7. Describe how the project fills a gap in the existing non-automobile transportation infrastructure.

Scott Drive and Veirs Drive are both two-lane roadways without shoulders and with hills and curves. These characteristics combined can make this corridor potentially hazardous for bicyclists, especially for young or less-experienced riders. A shared use path would directly address this gap for bicyclists. Additionally, the sidewalk along this corridor is narrow and without a buffer along some sections. A shared use path will provide more space and comfort for pedestrians. Also, at the Scott Drive intersection with Wootton Parkway, there are neither pedestrian signals nor marked crosswalks, preventing pedestrians and bicyclists from crossing the street to access the Carl Henn Millennium Trail. This project proposes a pedestrian and bicycle crossing at Wootton Park to provide access to the trail and fill in this gap.

8. Describe public participation activities to date on the proposed project and what has been done to obtain public and community support.

As part of the feasibility study, the city hosted a public meeting for all residents, visitors, and interested stakeholders on November 8, 2023. As part of the outreach for this meeting, meeting advisory flyers were mailed to residents of the adjacent neighborhoods and the homeowners association. Additionally, the meeting presentation materials, including the presentation slides and concept plan alternatives are available online. These materials were also shared with the Rockville Pedestrian Advocacy Committee, the Rockville Bicycle Advisory Committee, and the public. All public comments submitted to the city were reviewed, incorporated if appropriate, and responded to by city staff. A record of those comments and the responses are included as an appendix in the feasibility study.

9. Describe project coordination activities to date on the proposed project and what has been done to obtain public and community support.

In addition the public meeting and engagement efforts carried out as part of the feasibility study, the completed study was shared with the Rockville Pedestrian Advocacy Committee, the Rockville Bicycle Advisory Committee, and the Rockville Transportation and Mobility Commission. These three groups have also submitted letters of support for advancing this project to the design phase.

This project was also reviewed as part of the 2017 Bikeway Master Plan and the recently adopted Pedestrian Master Plan, both of which included multiple meetings with the Planning Commission and Mayor and Council to discuss the various plan recommended projects.

10. Describe how the project fits within locally adopted master plans and specific goals of other organizations and local government agencies.

The Scott-Veirs Drive shared use path is a recommended shared use path project in the adopted 2017 Bikeway Master Plan, the adopted 2023 Pedestrian Master Plan, and the adopted 2021 Comprehensive Plan. In the Bikeway Master Plan, this shared use path is a component of the "Rock Creek to Rockshire" Crosstown Route, which is a prioritized bicycle route in the city. The proposed project will also help enhance the pedestrian environment, provide a more comfortable walking and rolling experience, and help ensure accessibility, which are all goals from the Pedestrian Master Plan. This shared use path is also consistent with the city's Complete Streets Policy which directs the city to build multimodal infrastructure citywide. By providing a safe and comfortable facility, shared use paths can encourage more walking, rolling, and bicycling, which fits within the city's Climate Action Plan, which seeks to reduce vehicle miles traveled.

This project is also consistent with Montgomery County's goals to expand the low-stress bicycling network. The proposed shared use path would be considered a "Very Low" stress route that is suitable for most children. Currently, Veirs Drive is listed as a moderate high stress bikeway.

11. Describe how the project originates from planning work conducted in the jurisdiction. Note if the project is included in any official planning documents and how it supports the local land use plan.

Rockville 2040, the city's comprehensive plan, lists six main goals for the city's transportation network. The first goal is to, "Provide safe transportation facilities for all modes by implementing Complete Street projects and attaining Vision Zero goals," and the second goal is to, "Promote walking, rolling, and bicycling modes with new and upgraded facilities." The plan also directs the city to reduce vehicle miles traveled and promote alternative modes. The comprehensive plan also directs the city to complete the Bikeway Master Plan crosstown routes, which includes the proposed project.

The comprehensive plan also directs the city's land use program and includes the following land-use goals. "Promote a walkable and bikeable city with connected neighborhoods and amenities," and "Allow for greater flexibility and affordability in residential land use types, while maintaining a high quality of life in new and existing neighborhoods." The proposed share use path will directly promote a more walkable and bikeable city while also helping to maintain a high quality of life for existing neighborhoods. The plan also indicates the land uses surrounding the proposed path are Residential Detached, Residential Multiple Unit, and Civic and Public Institutional, which all will be supported by the shared use path. In addition to providing direct active transportation access to the middle school and continuing care retirement community and indirect access to the high school, the proposed project will extend the walking, rolling, and bicycling accessibility between the residential areas and the city's greater trail and active transportation network, which can help increase the city's walking, rolling, and bicycling mode share, reduce traffic congestion, and increase accessibility for residents who may not be able to drive for daily transportation needs.

This project is also proposed in the city's Bikeway Master Plan and the Pedestrian Master Plan, which update the comprehensive plan. The development of both plans included an extensive public outreach process and review by the city's Planning Commission, before review and adoption by the Mayor and Council.

**Baltimore Regional Transportation Board (BRTB) Required Questions**

Reduced exposure should take the form of a physical barrier, protected crossing or reduced crossing distance, and defined space. Examples of a physical barrier include but are not limited to: an off-road greenway, pedestrian refuge island, bike lane separated by a vertical structure, or a buffered sidewalk or sidepath. Examples of protected or reduced crossing distance include Rectangular Rapid Flashing Beacon (RRFB), Pedestrian Hybrid Beacons, signalized or stop controlled intersection, pedestrian islands, curb extensions, and reduced number of roadway lanes. Examples of defined space may include, but are not limited to: conventional bike lanes, back-of-curb sidewalks, and crosswalk striping.

**Does the proposed project reduce the exposure between motor vehicles and bicyclists, pedestrians, or scooter users?**

**Does the project improve access to essential services such as schools, transit stops, healthcare facilities, and parks?**

Please describe how access to essential services is improved

Identify the primary Goal and Strategy in Resilience 2050 that this project advances and describe in three to four sentences why

**Are the project letters of support submitted with the application recent?**

---

**Environmental Resources**

The environmental and cultural resources process is relevant for all projects including planning and feasibility studies, design projects and construction projects. Since the Grants Program is funded with federal resources, all projects using federal Grants funding must comply with the National Environmental Policy Act (NEPA). Please answer the questions below to better understand if the proposed project may have impacts on environmental resources. [Please visit MERLIN](#) to get a better understanding of the presence of environmental resources.

**Have conversations about NEPA and Environmental Permits begun?**

**Environmental Permits Contact**

**NEPA Contact**

**Does the proposed project take place on or impede access to Recreational lands and/or Parklands?**

**Is there a presence of Historic Sites, Historic Districts, Archaeological Areas, and/or standing structures within the project limits?**

**Will the proposed project have impact on Wetlands, Waters of the US, and/or Floodplains?**

**Do you anticipate the proposed project to remove trees?**

**Will the proposed project have impacts on Critical Areas/Coastal Zones?**

**If yes, have you started Critical Area Coordination?**

**Project Right-of-Way**

There are no right-of-way questions for Non-Infrastructure projects. Please continue to the next page.

This section of project right-of-way (ROW) and access includes questions designed so that the proposed location can be identified. ROW can be acquired by one of the three means: paid compensation, donation, or right-of-entry agreement.

**Do you own all of the property within the project limits?**

Please complete the Right-of-Way table below

Describe any easements or restrictions on use of the property (i.e. agricultural and utility easements) within the project limits.

**Have plats been completed?**

**Has an appraisal been completed?**

**Are there any utilities in the proposed project location?**

**If yes, which utility company?**

**Project Status**

Project Timeline

Please upload a detailed project schedule including critical project milestones

 FY25 TAP - City of Rockville - Scott-Veirs Dr Shared Use Path Design Schedule.pdf (0.13 MB)

Please provide the anticipated completion date of this project. (Note: award notifications are typically announced in the Fall)

Month	Year
March	2027

Please identify any project constraints that may affect the proposed project schedule

There are no project constraints that would affect the proposed project schedule. Additional time has been added to the proposed project schedule to mitigate any unexpected schedule changes.

Please provide as much detail in order to determine the project's readiness to proceed.

Has design work started?

No

Identify the percentage of design complete at time of application submittal

What is the anticipated completion date for 100% final design of the project?

Mar 31, 2027

Project Design Status

Will the proposed project meet ADA compliance and SHA bicycle and pedestrian guidelines (for projects within the roadway right of way) or ADA accessibility (for projects outside of roadway right of way) as required for funding?

Yes

Provide explanation

This project will develop full design plans for a shared use path along Scott and Veirs Drives in Rockville. As part of the design, the city will ensure that the proposed shared use path will meet all ADA accessibility standards, PROWAG requirements, and the MDOT SHA bicycle and pedestrian guidelines. Also, the feasibility study only evaluated alternatives that would comply with these requirements.

Has hydrologic and hydraulic design started?

No

Provide explanation

Has Traffic Control design started?

No

Provide explanation

Does this project include Signage design elements?

No

Provide explanation

Has Signage design started?

**Does this project include Structural/Foundation design elements (i.e. footbridge, boardwalk, puncheon, retaining wall, etc.)?**

Yes

**Has Structural/Foundation design started?**

No

Please describe the number, type(s), and dimensions of the structures

**Does this project include Traffic Control design elements?**

Yes

**Please select all that apply**

Traffic Signalization, Pedestrian Signalization, Pavement Markings, Temporary Maintenance of Traffic

If other, please explain

**Does this project include Lighting design elements?**

No

**Has Lighting design started?**

Professional Consultant Services

**Do you intend on using in-house engineering/design services or do you intend on procuring professional engineering consultant services?**

Procured Professional Services

**Have you already procured consultant services?**

No

**If yes, was the professional consultant services obtained using the federal procurement process?**

Project Maintenance

Please identify the organization responsible for ongoing maintenance of the project upon completion, the plan for maintenance costs, and if you have local or government support.

**Who will maintain the project?**

The Project Sponsor identified above

**First Name**

**Last Name**

<input type="text"/>	<input type="text"/>
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**Organization Name**

**Do you have a formalized maintenance agreement in place?**

<input type="text"/>	<input type="text"/>
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Describe the plan to provide for ongoing maintenance costs

The maintenance costs of this project will be incorporated into the existing operations and maintenance budget items for the Department of Public Works and Recreation and Parks Department. This includes maintenance of asphalt and concrete, pavement markings, tree trimming, and traffic control devices.

**Project Costs**

MDOT SHA will add ten percent to the total Grants funds requested for all awards. These costs help cover MDOT SHA's cost of design plan review, regulatory compliance, construction oversight, and material testing. This allows MDOT SHA to use Grants funding for administrative costs rather than passing these costs on to the sponsor. The sponsor will be responsible for the additional match associated with these costs.

\*Final numbers are subject to change, depending on final project costs.

**Requested Funds**

Line Item	Description
Design/Project Development	This includes survey services and a natural resources inventory; stormwater management plan development and review, 50% design plans; 90% design plans; final design plans; bid document preparation; project management and public engagement; and a 15% contingency.
<b>Unit Price/Hourly Rate</b>	<b>Total Units/Hours</b>
\$200,000.00	1
<b>Line Total</b>	
\$200,000.00	

**Applicant Requested Funds**

\$200,000.00

**Cost Match (TA projects must provide cash match)**

Minimum Match Required	Total Match Provided
\$55,000.00	\$55,000.00

Total Match Insufficient

**Match Provided vs Minimum**

0

Do you have the cash in hand or is it promised after Awarded?	Description
Cash in hand	The City of Rockville will provide the required match as cash in hand. The Scott-Veirs Drive Shared Use Path project is included in city's capital improvement program and funding is allocated for the match.
<b>Match Line Total</b>	
\$55,000.00	

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## Application Summary Information

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SHA Grant Management Cost	<input type="text" value="\$20,000.00"/>
Grant Request Amount	<input type="text" value="\$200,000.00"/>
Applicant Provided Match	<input type="text" value="\$55,000.00"/>
Total Project Cost	<input type="text" value="\$275,000.00"/>

### Will this amount complete the project?

### Will this amount complete an independent/stand-alone phase of the project?

If no, please describe how the applicant will make up the difference in project cost

---

## Supporting Documents

Project map and detailed cost estimate must be uploaded with all applications. If seeking construction funding, design plans must be submitted. If seeking design funding, conceptual plans must be submitted.

All support letters should be addressed to the project sponsor.

Only information provided within the application, including attachments, will be considered as part of the application review.

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### LPA Evaluation

### Project Map

### Cost Estimate

### 30% Design plans (for construction), concept (for design projects), or maintenance plan (for maintenance projects)

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Please select any additional types of documentation you would like to upload with this application. Please note that no additional documentation is required.

### Support Letters

**Previous Studies**

No File Was Uploaded

**Environmental Documentation**

No File Was Uploaded

**Right-of-Way Documentation**

No File Was Uploaded

**Please specify what other documentation you are supplying with the application**

**Other Documents**

No File Was Uploaded

**Acknowledgement**

Review the information below and the applicant will certify the following:

**Project development will comply with all state and federal regulations.**

Yes

**The project will advertise within two years of kick-off meeting.**

Yes

**The applicant organization will provide technical guidance and oversight throughout project development.**

Yes

**The budget accurately reflects cost of proposed project.**

Yes

**The applicant organization understands that these funds must be expended in a timely manner by submitting invoices every month or quarterly.**

Yes

**The applicant organization will be responsible for ensuring future maintenance and operating costs of the completed project.**

Yes

**The applicant organization understands that delays of project in a timely process may result in a loss of funding.**

Yes

**Are there any known contingencies that may delay the schedule such as property acquisition, another project, or assembly of funds?**

No

**Applicant understands and agrees with above statements**



I agree to be legally bound by this document.

**Completeness Check**

**Please confirm the status of this application**

Complete - Move to Eligibility Group Check

Please click the green "Approve" button below. This will pass the application to the TAPRTP Eligibility Check group for evaluation and comments.

Note: The application will be automatically assigned to anyone in the TAPRTP Eligibility Check group when you click the green "Approve" button. If you add members to the group after an application has been assigned, the new members will not have the ability to provide comment on the application.

Please provide any comments for applicant revisions in the box below and click the blue "Return for Revisions" button. The application will go back to the Initial Form and the applicant will receive an email notification with the comments you have entered below.

Corrections Required - Emailed to Applicant

Please click the red "Discard" button below. This will move the application to a Discarded Application workflow step. You will have the ability to return the application to this review step if needed.

Eligibility Group Check from TAPRTP Eligibility Group

Completed since May 14th, 2024 at 2:13 pm

SUBMITTER  
SUBMITTED ON  
STATUS & ACTIONS

Phillip Emeritz  
phillip.emeritz@ey.com

May 14th, 2024 at 2:14 pm

Completed

Cheryl Ladota  
cladota@mdot.maryland.gov

May 14th, 2024 at 2:14 pm

Completed

Britney Jackson  
bjackson3@mdot.maryland.gov

May 14th, 2024 at 2:14 pm

Completed

Susan Solo  
ssolo.consultant@mdot.maryland.gov

May 14th, 2024 at 2:14 pm

Completed

Tyler Ruth  
truth.consultant@mdot.maryland.gov

May 14th, 2024 at 2:14 pm

Completed

### Review of Eligibility Check

Please review the collected feedback from the Eligibility Check group.

Concatenated Feedback

Cheryl Ladota: Project is eligible for TA/SRTS

**Check this box to edit/modify the concatenated feedback**

Please confirm the final determination for this step of the review process:

- Approving the award will move this application to the RTP Under 250k or TAP + RTP Over 250k Group Check.

- Note: The application will be automatically assigned to anyone in the RTP Under 250k or the TAP and RTP Over 250k group when you click the green "Approve" button. If you add members to the group after an application has been assigned, the new members will not have the ability to provide comment on the application.
- Rejecting the award will move this application to the Discarded Applications step.  
TA and RTP Over 250k Group Check  
You must complete TA and RTP Over 250k Group Check for this form.

**MDOT SHA Control No. P02013 M-1**

**MASTER MEMORANDUM OF UNDERSTANDING**

**CITY OF ROCKVILLE  
and  
MARYLAND DEPARTMENT OF TRANSPORTATION  
MDOT SHA HIGHWAY ADMINISTRATION**

**FEDERAL-AID PROJECT  
GUIDELINES AND WORKING AGREEMENT**

**THIS MASTER MEMORANDUM OF UNDERSTANDING (“MOU”)**, executed in duplicate, made effective as of the **First (1<sup>st</sup>) day of FEBRUARY 2018**, by and between the Maryland Department of Transportation State Highway Administration, acting for and on behalf of, the State of Maryland, hereinafter referred to as “**MDOT SHA**”, and “**City of Rockville**”, Maryland, a body corporate and politic, hereinafter referred to as the “

**WHEREAS**, MDOT SHA is responsible for the oversight of and assistance to the LPA for projects financed with Federal funds in accordance with Title 23 U.S.C.; 23 CFR 635.105 which contains regulations (general and permanent rules published in the Federal Register) relating to highways including 2 CFR 200. Regulations based on Civil Rights requirements in Title 49, the Uniform Relocation Assistance and Real Property Policies, the Federal Highway Administration “**FHWA**”, and other Federal laws and regulations set forth procedures whereby services and facilities of LPA may be utilized on Federally-aided projects and requires that an agreement be executed between MDOT SHA and the LPA setting forth the conditions under which any project would be implemented; MDOT SHA determines if the LPA is able to satisfy the requirements of Title 23 U.S.C. 106(g)(4) and therefore be effective in managing Federally-aided projects; and

**WHEREAS**, the LPA desires to make improvements to roads, bridges, traffic signals, or other highway-related facilities, or to engage in a safety or highway related project, either on and/or off the Federal-aid system of highways; and

**WHEREAS**, the MDOT SHA has accepted the proposal of the LPA and agrees to assist in the administering and partnering with the LPA as outlined in this MOU and in the Supplemental Agreement (“**SA**”) as they are developed for any selected project(s); and

**WHEREAS**, the LPA proposes to utilize Federal funds for eligible project activities and agrees to participate in financing the project if the project costs exceed the amount of the Federal aid; and

**WHEREAS**, the LPA desires to cooperate with the MDOT SHA in carrying out

Projects, in accordance with the regulations, policies, and procedures of the FHWA, with the provisions of the MDOT SHA's, USDOT Order 5020.2 dated August 14, 2014 and Stewardship & Oversight Agreement between the MDOT/SHA/FHWA dated May 21, 2015, where applicable.

**NOW, THEREFORE**, be it understood the MDOT SHA and the LPA do hereby agree as follows:

**I. Project Selection**

- A. Projects shall be selected by the LPA in cooperation with the MDOT SHA (hereinafter "**Project**"). Grant Programs may require the LPA to apply for funding that is approved and awarded by a Review Committee. For each Project, the parties will jointly develop a SA, which shall include, when applicable, the following:
1. A Detailed scope and objective(s).
  2. Set milestone targets and schedule.
  3. Indicate compliance with the MDOT SHA's monitoring requirements to include monthly progress or status reports which shall be submitted to the designated Office(s) within the MDOT SHA on or about March 1<sup>st</sup>, June 1<sup>st</sup>, September 1<sup>st</sup>, and December 1<sup>st</sup> of each year until the Project has been closed out.
  4. Outline the Federal and LPA funding amounts and other pertinent financial information.
  5. Establish roles and responsibilities that are tailored to and recognize the LPA's experience and capabilities
  6. Insure timely delivery.
  7. Monthly billing and reimbursement arrangement.
  8. Set forth a timely Project Closeout Date for the LPA to complete all related project closeout activities and reviews.
  9. Set forth a timely Project Agreement End Date (Period of Performance 2 CFR Part 200.309)
  10. The Project Closeout Date and Project Agreement End Date will be determined using the established MDOT SHA project end date procedures.
  11. Outline records and retention requirements
  12. Identifies the LPA's fulltime employee to be in "responsible charge" of the project as defined on the MDOT SHA Development Guide for Local Public Agencies and other Sub-recipients of federal funds.
- B. The LPA Projects must be included in an approved State Transportation Improvement Program (STIP) and, when applicable, an approved Metropolitan Transportation Improvement Program (TIP).

- C. The LPA's pursuant to 23 U.S.C. 106(g)(4) and the MDOT SHA shall be responsible for determining that sub-recipients of Federal funds have adequate project delivery systems for locally administered projects and sufficient accounting controls to properly manage such Federal-aid funds. The MDOT SHA is also responsible for ensuring compliance with reporting and other requirements applicable to grantees making sub-awards, such as monthly reporting requirements under the Federal Funding Accountability and Transparency Act of 2006, PL 109-282 (as amended by PL 110-252).

## **II. Procurement of Consultant Services**

- A. The LPA shall perform preliminary design (PD) and final design (FD) work under Preliminary Engineering (PE), prepare specification, estimates, contract plans, inspections and/or construction management either with their own forces or by utilizing the services of an approved A/E Consultant in accordance with 23 CFR Part 172.
- B. The LPA shall, prior to initiating procurement of a A/E consultant, request the MDOT SHA approval for procuring an A/E consultant, the contract type, the procurement and payment methods to be used based on the estimated cost, and the award of the A/E consultant contract from the MDOT SHA Office of Procurement through the MDOT SHA Office of Finance Federal Aid Programming Division. If the contract type is an open-end (IDIQ), the LPA shall also request approval of their 2<sup>nd</sup> Qualification Based Selection (QBS) in awarding of task orders is in compliance with 23 CFR 172.9 (a)(3).
- C. The LPA will use the Development Guide for LPAs and Other Sub-Recipients of Federal Funds for instructions on the procurement and payment methods, and contract types.
- D. The MDOT SHA may allow the following options for obtaining A/E Consultant Services. Each request will be subject to review, availability of services, LPA's ability to manage process as described in Section I.C.

### **The LPA Consultant Procurement Options:**

- 1. The LPA request use of the MDOT SHA open-end contract (IDIQ).
- 2. The LPA procure a project specific contract via the QBS or small purchases method.
- 3. The LPA procure an IDIQ or project specific contract QBS (see section II.B).

## **III. Preliminary and Final Design**

- A. Design Standards:
  - 1. The geometric design standards shall meet FHWA most currently

adopted edition of “A Policy on Geometric Design of Highways and Streets” by American Association of State Highway and Transportation Officials (AASHTO), or as modified with the concurrence of (i) the LPA, and the MDOT SHA for projects exempt from FHWA review, and (ii) the LPA, the MDOT SHA, and FHWA for projects not exempt from FHWA review.

2. Bridge design standards shall be consistent with the current edition of AASHTO Load Resistance Factor Design (LRFD) Bridge Design Specifications.
3. Non-highway projects must conform to the currently accepted standards for the type of work being done, such as architectural standards and/or International Building Code (IBC) (current version).
4. Bicycle and pedestrian facilities funded with Federal funding must conform to design standards in the MDOT’s Bicycle Policy & Design Guidelines and Accessibility Guidelines for Pedestrian Facilities along State Highways (current version).
5. All projects must conform to FHWA design standards, specifications and guidelines. Projects within the MDOT SHA right-of-way must conform to the MDOT SHA approved standards where they are more stringent than FHWA requirements as outlined Chapter 9 of the Development Guide for LPA and other Sub-Recipients of Federal Funds. Projects within the Local right of way must meet Local and Federal requirements.
6. The installation of traffic control devices shall meet the warrants and/or guidelines prescribed in the current version of Maryland’s Manual on Uniform Traffic Control Devices and Maryland Supplements.
7. The specific design and dimensions shall be determined from said standards using traffic volumes, terrain, and benefit/cost analysis as warranted. Design exceptions shall be cooperatively reviewed and approved by the MDOT SHA, the LPA, and FHWA, for Projects not exempt from FHWA review.
8. The LPA will comply with the Project Design Standards, Guidelines, Policies and Requirements as outlined in Chapter 9 of the Development Guide for Local Public Agencies and Other Sub-Recipients of Federal Funds.

B. Project Plan Development:

1. Preliminary and final design work may be performed by the LPA, the MDOT SHA, or a A / E consultant (23 CFR Part 172),

as agreed to by the LPA and the MDOT SHA (see Section II). PE (preliminary and final design) may be programmed for Federal participation, including surveys, environmental documents, hearings, and permits.

2. LPA will comply with the MDOT SHA approved Book of Standards for Highway & Incidental Structures to develop plans and specifications to the maximum extent practical; and the Standards Specifications for Construction and Materials of the MDOT SHA shall apply unless other MDOT SHA approved specifications are adopted.
3. The appropriate MDOT SHA Office, which may include but not be limited to, the MDOT SHA Office of Highway Development, Office of Traffic and Safety or Office of Structures. The appropriate office will provide technical assistance, guidance and review and approval of the LPA's design documents.

C. Environmental Reviews and Permitting:

1. The preparation, submittal and approval of all environmental permits, clearances and approvals is the responsibility of the local public agencies, except for National Environmental Policy Act (NEPA) clearances and approvals [e.g., Programmatic Categorical Exclusion (PCE), Categorical Exclusion (CE), Finding of No Significant Impact (FONSI), or a Record of Decision (ROD)] specifically required by FHWA to be obtained by the MDOT SHA. Environmental documents must be obtained prior to FHWA authorization of final design funds, right of way funds and construction funds. Permits and other environmental clearances must be obtained prior to submitting PS&E package for advertisement to MDOT SHA.
  - a) LPA must request a NEPA document from the MDOT SHA Environmental Liaison, PCE #1, before initiating any *Preliminary Design* (Preliminary Investigation) activities.
  - b) Generally, the threshold for entering final design is the approval of the NEPA document.
  - c) *Final Design* (Semi-Final, Final, and PS&E) means any design activities following preliminary design that expressly includes the preparation of final construction plans and detailed specifications for the performance of construction work.
  - d) FHWA can approve some final design activities during preliminary design if those activities do not materially affect

the objective consideration of alternatives or have adverse environmental impacts.

- e) The execution or modification of the project agreement to authorize final design for design-bid-build projects shall not occur until after the NEPA decision.
  - f) Under no circumstances may any construction related work, such as long lead item procurement or early work packages, proceed prior to a NEPA decision.
- 2. Portions of the environmental documents may be prepared by the LPA, consultant, or the MDOT SHA, as agreed by the project sponsor and the MDOT SHA. All LPA projects must receive environmental approval through the MDOT SHA's Environmental Planning Division (EPLD) as NEPA approval is not delegated to the LPAs.
  - 3. The MDOT SHA, through its Environmental Planning Section, shall coordinate with the LPA and may provide technical assistance in the preparation of environmental documents, where required. As staff resources are available, the MDOT SHA may also provide technical assistance for the preparation of environmental documents during the preliminary engineering phase of project development. The LPA must follow the Environmental Coordination and Documentation Process for Local Government projects.
  - 4. In conformance with the MDOT SHA and/or Federal established procedures, the LPA shall provide the opportunity for, and hold when required, public involvement or hearings for each Federal-aid project. The MDOT SHA shall, if requested and agreed to in the SA, assist in publicizing and conducting hearings.

#### D. Railroads

- 1. A railroad certification statement is a standard requirement that applies to all Federal-aid projects, even if railroads are not affected by the project. Sub-recipients are responsible for working with the MDOT SHA's Office of Traffic and Safety's Traffic Development and Support Division (OOTS TDSD) to obtain a railroad certification.
- 2. The Railroad certification statement should include that either no Railroad coordination is required or that all Railroad work has been completed prior to the project or that the necessary arrangements have been made for all Railroad work to be undertaken and completed as required for proper coordination with physical construction schedules.

3. The LPA shall contact the Railroad Liaison within the OOTS TDSD when a highway-rail crossing is located within the project or within 500 feet outside the project limits to determine if a highway-rail crossing safety improvement is needed as prescribed in Chapter 7 of the Development Guide for LPA and other Sub-Recipients of Federal Funds.
4. The LPA may only include costs allowable under Title 23 CFR Part 140 Subpart I, and Title 23 Part 646 Subpart B in the total project costs; all other costs associated with railroad work will be at the sole expense of the LPA, or others. The LPA may request the MDOT SHA, in writing and at project expense, provide railroad coordination and negotiations. However, the MDOT SHA is under no obligation to agree to perform said duties.

E. Utilities

1. A utility certification is a standard requirement that applies to all Federal-aid projects, even if utilities aren't affected by the project. Sub-recipients are responsible for working with the MDOT SHA's District Utility Liaison to obtain a utility certification.
2. The LPA shall follow the MDOT SHA established Utility Policy and Utility Procedures Manual when impacts occur to privately or publicly-owned utilities. MDOT SHA's Utility Policy, Utility Procedures Manual and applicable forms are available through the MDOT SHA's website at <https://www.roads.maryland.gov/Index.aspx?PageId=869> or the MDOT SHA's District LPA Liaison as included in Chapter 8 of the Development Guide for LPA and other Sub-Recipients of Federal Funds.
3. The Utility certification should include that either no Utility coordination required or that all Utility work has been completed prior to the project or that the necessary arrangements have been made for all Utility work to be undertaken and completed as required for proper coordination with physical construction schedules.
4. The LPA shall provide copies of all required utility documentation (Agreements, MOUs, Utility Permits, Utility Certification, Utility cost, Utility schedule, etc.) for each utility listed in the Utility Statement of the Invitation for Bids (IFB) to the MDOT SHA's District Utility Liaison. Only those utility relocations, which are eligible for reimbursement under State Law and Title 23 CFR 645 Subpart A and B, shall be included in the total project costs; all other utility relocations shall be at the sole expense of the LPA, or others. The LPA may send a written request to the MDOT SHA, at LPA expense, to arrange for utility relocations/adjustments lying within

the LPA jurisdiction. This request must be submitted no later than; (i) twenty-one (21) weeks prior to bid let date or (ii) the time needed to relocate utilities with physical construction schedules, whichever is longer. However, the MDOT SHA is under no obligation to agree to perform said duties.

5. The LPA shall not perform any utility work on the MDOT SHA highway right of way without first receiving written authorization from the MDOT SHA.

F. Rights-of-Way

1. The LPA must select the method of acquisition and reference the specific method in the SA. If any federal funding has been utilized during any portion of the project, federal acquisition requirements must be followed regardless if federal funding is used for right-of-way acquisition activities.

2. If the LPA performs right of way acquisition, the following method would apply:

The LPA shall provide all necessary rights-of-way, in compliance with the conditions governing acquisition of rights-of-way with Federal participation, as set forth in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended in 1987, Public Law 91-646, 42 U.S.C. Sections 4601-4655 and the enforcement regulations at no expense to the MDOT and in accordance with the LPA's Right-of-Way Manual. The LPA shall, prior to acquiring any rights-of-way, prepare a LPA's Right-of-Way Manual approved by the MDOT SHA and the FHWA, or use the MDOT SHA's Manual.

3. If the LPA requests the MDOT SHA Office of Real Estate to perform some of the right-of-way services, the applicable part(s) of the following should be used:

If the LPA requests, and the MDOT SHA agrees, the MDOT SHA shall provide title, right-of-way plan preparation, right-of-way plat preparation, appraisal, appraisal review, relocation assistance, and negotiation services, at the expense of the LPA. The LPA is responsible for providing all the other services in connection with right-of-way acquisitions at their own expense.

4. If the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended in 1987, and the enforcement regulations to the Act or the Manual, are not complied with, neither the MDOT SHA nor the FHWA will participate in the cost of preliminary and final design engineering, construction, or any other costs of the Project(s).

5. The LPA will coordinate with the MDOT SHA Office of Real Estate for revision of all ROW documentation. The MDOT SHA Office of Real Estate

is responsible for issuing a right-of-way certification once all necessary documents are received. For information on the documents needed for submittal, refer to Chapter 6 of the Development Guide for LPAs and Other Sub-Recipients of Federal Funds.

**G. Advertisement, Bid and Concurrence in Award**

1. The LPA shall submit the Plans, Specifications and Estimate (PS&E) package to the MDOT SHA Office of Finance Federal Aid Programming Division for approval to advertise. Refer to Chapter 10 for process guidance and Appendix F for a PS&E checklist in the Development Guide for LPAs and Other Sub-Recipients of Federal Funds.
2. The LPA shall not advertise the project prior to obtaining written approval of Federal funds. The LPA must advertise the project for competitive bidding and shall award the contract to the lowest responsible and responsive bidder.
3. The LPA must advertise all projects using Maryland Department of General Services website: eMaryland Marketplace.
4. The LPA must conduct a public opening of the sealed bid proposals. The LPA will review and evaluate the bid documents to determine the lowest responsive and responsible bid that conforms to the requirements contained in the Invitation for Bids book and design plans. The LPA must submit a formal request for written concurrence of the bid analysis for the MDOT SHA Concurrence in Award (CIA) approval.
5. The MDOT SHA Office of Construction and the Federal Aid Office shall distribute the CIA letter to the LPA.
6. The LPA must contact the MDOT SHA District Assistant District Engineer of Construction (ADE-C) prior to Notice to Proceed.

**IV. Construction & Construction Management**

- A. All Project work shall be performed in accordance with plans, estimates, and specifications prepared in accordance with Section II and III, above, approved in advance, by the MDOT SHA, if exempt from FHWA oversight, or by the MDOT SHA and FHWA, if the MDOT SHA's exempt status is not applicable.

The LPA shall either perform project work with their own forces in compliance with 23 CFR 635 Subpart B; or advertise, receive bids, and award a contract or contracts for the performance of the work (all Contract Procedures shall comply with the provisions of 23 CFR 635 Subpart A). The LPA forces performing work on a Force Account basis or Agreed Unit Price shall be acceptable to, and approved in advance, by the MDOT SHA and FHWA.

- B. The MDOT SHA, the LPA or qualified consultant may perform construction management, if obtained in accordance with 23 CFR Part 172 as described in Section II.
- C. The LPA shall provide the MDOT SHA with a project and organizational chart including a person in “responsible charge” (RC) of the administration and construction inspection for the project. This person must be a full-time employee of the sub-recipient’s agency who is accountable for the project per FHWA Memorandum dated August 4, 2011, that is included in Appendix G of the Development Guide for LPAs and Other Sub-Recipients of Federal Funds.
  - 1. The LPA may hire a consultant to oversee the project; however, the RC must be available to respond to any issues on the project and be informed on the day-to-day activities.
  - 2. The LPA’s RC will be the primary contact for the MDOT SHA regarding contract administration issues. The RC is ultimately responsible to ensure the requirements described in this manual are followed and documented as a stipulated condition for receiving the Federal Aid associated with the project.
- D. The MDOT SHA ADE-C are responsible for construction oversight. The MDOT SHA ADE-C will establish the oversight expectations for each project located within their District. The ADE-C will assign various field managers who will be authorized as the MDOT SHA construction compliance reviewers. These individuals will serve as the MDOT SHA representatives to the subrecipients regarding compliance reviews, technical questions, guidance, and other information during the project.

**V. Inspection**

- A. The LPA’s project is subject to inspections by representatives of the MDOT SHA and of the FHWA. The LPA shall complete the inspection processes in accordance with the procedure as outlined in Chapter 11 of the MDOT SHA Development Guide for LPAs and Other Sub-Recipients of Federal Funds.
- B. The LPA and/or consultant employed by LPA must maintain good records, such as measured field quantities for payment; work activities on the Inspectors Daily Reports (IDRs); certifications of material quality; field diaries as a general project record; environmental permits and commitments; and other documentation to show observance with other Federal, State, and local requirements in the contract.
- C. The LPA must supply adequate construction inspection staff during all construction activities. The RC and/or designated on-site consultant assigned to inspect the project are required to have and maintain proper

experience, training, certifications and knowledge throughout the duration of the project to ensure all requirements are met.

1. The number and qualifications of the inspection forces shall be determined in accordance with standards generally applied on other comparable MDOT SHA contracts.
  2. The LPA may supply the inspection forces by assigning its own personnel, by utilizing the services of a consultant acceptable to the MDOT SHA under 23 CFR Part 172 as described in Section II, or by utilizing available MDOT SHA personnel. The MDOT SHA, at the request and expense of the LPA, shall provide its construction inspection forces, if available.
- D. The MDOT SHA District Construction Office, Office of Construction (OOC), OOC Safety Inspectors, OEO Compliance Officer, Office of Environmental Design and/or Highway Hydraulics Division will provide technical support and guidance for compliance documentation.
- E. The LPA will develop a punch list after the semi-final inspection and track completion of remaining items till closeout. The LPA will schedule a project final inspection meeting/walk through and invite all key project personnel (to include SHA District staff, Program Manager and FHWA Area Engineer). The MDOT SHA ADE-C staff must participate in the project final inspection meeting/walk through and the MDOT SHA must approve project acceptance according to the 2015 Stewardship and Oversight Agreement. The MDOT SHA District Construction staff is available for technical support or guidance.
- F. The LPA will send a letter to notify the contractor of the Final Acceptance and the MDOT SHA and FHWA should be carbon copied. A project closeout audit is required by the District Contract Finals personnel prior to processing of final reimbursement and contract closeout.

## **VI. Material Testing**

- A. The LPA must have all materials sampled, tested and inspected to comply with the details published in the specifications at the time of the advertisement award request in accordance with the procedure as outlined in Chapter 11 of the MDOT SHA Development Guide for LPAs and Other Sub-Recipients of Federal Funds.
- B. The AASHTO certified testing laboratory of the LPA or of the MDOT SHA shall be incorporated in the work only after the materials have been approved and accepted by the MDOT SHA.

1. The LPA must contact the MDOT SHA's Office of Materials Technology (OMT) prior to executing the project to determine materials testing requirements and associated expenses.
  2. The MDOT SHA will provide general requirements and an associated cost estimate to the LPA for concurrence.
  3. The MDOT SHA shall accept all materials meeting SHA's Standard Specification for Construction and Materials. The LPAs must follow all current policies, procedures and directives of the MDOT SHA for material testing, clearance and acceptance and in accordance with State Quality Assurance (QA) Processes Manual (<http://roads.maryland.gov/Index.aspx?PageId=284>).
- C. The LPAs and the MDOT SHA must appoint RC persons for each project.
- D. The LPA's contractor must submit a Source of Supply (SOS) listing for all items used on the project, which identifies the manufacturer and supplier for each material for the MDOT SHA's OMT review and approval.
- E. The LPA shall submit regular material clearance reports to OMT. Refer to the Materials Clearance Report and Materials Approval Status Report in Appendix G and Chapter 11 of the Development Guide for Local Public Agencies and Other Sub-Recipients of Federal Funds. OMT will issue a Materials Clearance letter when all material issues are resolved.

#### **VII. Changes and Additional Work**

- A. The LPA must submit any contract changes to the MDOT SHA Program Manager or RC and the MDOT SHA ADE-C for review and approval. All changes to the project must be accepted and approved in advanced by the MDOT SHA (if Exempt from FHWA oversight) or be acceptable and approved in advance by the MDOT SHA and FHWA (if non-Exempt from FHWA oversight).
- B. The cost of any change or additional work that has not been approved by the MDOT SHA or by the MDOT SHA and FHWA shall be borne solely by the LPA.
- C. The LPA will submit a request in accordance with the procedure as outlined in the MDOT SHA Development Guide for LPAs and Other Sub-Recipients of Federal Funds. The MDOT SHA District Office of Construction and Office of Construction's Engineering Support Section will review and provide approval of the package for distribution to the LPA.

#### **VIII. Maintenance of Traffic Operation**

- A. The LPA shall install all necessary traffic control devices. All signs, signals, and markings shall conform to the Maryland's Manual on Uniform Traffic Control Devices for Streets and Highways. The LPA is responsible

for the operation and maintenance of all traffic control devices as detailed in Chapter 11 of the MDOT SHA Development Guide for LPAs and Other Sub-Recipients of Federal Funds.

- B. The LPA shall ensure the contractor has a designated Traffic Control Manager with current certifications, to be on site anytime the project requires disruption to the normal flow of traffic and perform Traffic Control Quality Assurance inspections as necessary. The LPA shall document daily Maintenance of Traffic set-ups on the IDRs.
- C. The MDOT SHA District Traffic Office is available for technical support and guidance.

#### **IX Maintenance of Project Improvements**

- A. Upon completion of the project, the LPA having jurisdiction will maintain and operate the project at its own cost and expense, and in a manner satisfactory to the MDOT SHA and the FHWA. Where unsatisfactory maintenance has been identified by the MDOT SHA or FHWA and brought to the attention of the LPA in writing, immediate corrective action shall be taken by the LPA at its sole expense.
- B. If the LPA fails to fulfill its responsibilities under this Section, it shall be disqualified from receiving Federal aid for future projects for which it will have maintenance responsibility. Federal funds may be withheld from future LPA projects until the infrastructure is properly functioning, or until deficiencies in regulations have been corrected, or until project improvements have been brought to a condition of maintenance to the satisfaction of the MDOT SHA and FHWA.

#### **X Fund Reimbursement - General**

- A. The amount of funds available for the local bridge program will be determined annually by the MDOT SHA.
- B. The MDOT SHA federal funds may be used for all phases of a project, including but not limited to, PE (preliminary and final design), right of way, utility relocation, and construction. The funding use shall be consistent with the applicable program requirements, laws and policies of the MDOT SHA and FHWA. The LPA shall be subject to audits for expenditure of the MDOT SHA funds.
- C. The MDOT SHA and the LPA shall enter into a Supplemental Project Agreement (“SA”) to funding reimbursement projects. SAs shall describe the projects and assign specific responsibilities in matters of project financing. The procedure for invoice submittal, review and processing varies based on the LPA; therefore, the details and timeframes of each are determined by the project schedule, unless otherwise amended by the parties.

- D. Funding reimbursements shall be requested by the LPA on, at minimum, a quarterly basis and will be paid on a reimbursement basis up to the maximum amount specified in the approved SA.

**XI. Funding Reimbursements - SHA Services for LPA Project**

- A. If the LPA requests MDOT SHA services (design, material testing, inspection, etc.) a SA shall be entered to document requested services and agreed upon cost for the services. Payment method for all MDOT SHA expenses incurred will be determined in the SA.
- B. Reimbursement shall cover direct salary costs of personnel assigned to the Project, (which includes the appropriate payroll additives); all non-salary direct costs, including, but not limited to, payments to contractors or consulting engineers, travel, supplies, equipment utilization, plus the prevailing MDOT SHA and general overhead rate as applied to direct costs.
- C. If for any reason the LPA fails to pay any portion of said Project(s) costs, MDOT SHA is hereby authorized to deduct such costs from the LPA's share of applicable Federal Aid funds and/or MDOT SHA Highway User Revenue.

**XII. Funding Reimbursements - Eligible Project Costs**

- A. The LPA shall be reimbursed for all eligible Project costs to the extent of the amount stipulated in the approved SA. Reimbursement shall be made through the MDOT SHA on a monthly or quarterly basis.
- B. The LPA shall bill the MDOT SHA for federal aid project costs incurred in conformity with applicable federal and state laws. Expenditures by the LPA for maintenance, general administration, supervision, and other overhead shall not be eligible for federal participation unless a current indirect cost plan has been prepared in accordance with the regulations outlined in 2 CFR Part 200 - Uniform Admin Requirements, Cost Principles and Audit Requirements for Federal Awards, and retained for audit.
- C. Final reimbursement shall be made to the LPA upon the acceptance of the Project by the SHA after a satisfactory checklist of the LPA's records has been performed.
- D. The LPA shall maintain, in readily accessible files, all project records in support of all costs incurred and actual expenditures in accordance with local government accounting procedures prescribed by the Maryland State Auditor's Office, the U.S. Department of Transportation, and the MDOT SHA. The records shall be open to inspection by the State and Federal Government at all reasonable times and shall be retained and made available for such inspection for a period of not less than five years from the financial closure of the project to FHWA. Copies of said records shall be furnished to the State and/or Federal Government upon request.

- E. The LPA is not prevented from pooling their funds with other LPA or transportation jurisdictions in order to accomplish one or more transportation projects as long as they meet the federal, state and program policies.
- F. If the LPA makes a written request for the cancellation of a Federal-aid project, the LPA shall bear one hundred (100) percent of all costs as of the date of cancellation. If MDOT SHA was the sole cause of the cancellation, MDOT SHA shall bear one hundred (100) percent of all costs incurred. If it is determined the project was cancelled due to a third party or circumstances beyond the control of MDOT SHA or the LPA, then no further charges may be incurred to the project once work has been terminated. Repayment for completed work will not be required by the LPA.
- G. The requirements of MDOT SHA as required in the 2 CFR part 200.501 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, issue December 26, 2014, and the Federal Single Act must be followed by those LPA receiving \$750,000 or more in Federal funds. The Single Audit Act of 1984, PL 98 502 as amended by PL 104 156, described in "Office of Management and Budget Circular A 133" requires LPA to obtain an audit that includes internal controls and compliance with Federal laws and regulations of all Federally funded programs in which the LPA participates. The cost of this audit can be partially prorated to the Federal program.
- H. If right of way acquisition, or actual construction of the improvement for which PE is undertaken is not started by the close of the tenth fiscal year, following the fiscal year in which preliminary design phase was authorized, the LPA will repay to the State the sum or sums of federal funds paid to the LPA under the terms of this agreement per the PE 10-year rule.
- I. The LPA stipulates, as a condition to payment of the Federal funds obligated, it accepts and comply with the provisions set forth in 23 CFR 630.112. These provisions incorporate by reference all other federal laws and regulations pertaining to the project or the activity for which the funds are obligated. Solely for the purposes of emphasis, such applicable provisions include, but are not limited to, the requirements of Appendix A to 2 CFR Part 170-Award terms for Reporting subaward and executive compensation information, and 2 CFR 200, including for those funds for which such amount will be sub awarded to a sub recipient, 2 CFR 200.331.3
- J. Any costs incurred after the Project Agreement End Date are NOT eligible for federal reimbursement. All eligible costs incurred prior to the Project Agreement End Date must be submitted for reimbursement within 90 days after the Project Agreement End Date or they become ineligible for federal reimbursement.

- K. The procedure for invoice submittal, review and processing varies depending on the LPA and funding program; therefore, the details and timeframes of each are defined in the SA. Additional general information can be found in the Development Guide for LPAs and Other Sub-Recipients of Federal Funds.

**XIII. Indemnity**

The LPA shall save the MDOT SHA and the State of Maryland harmless from all liability adjudged in any law or equity suit for or on account of Project work undertaken by the LPA, and from all liability whatever, either directly or indirectly related to that work.

**XIV. Nondiscrimination**

All parties to this MOU shall comply with the requirements of APPENDIX A through APPENDIX E of SHA's Standard Title VI/Non-Discrimination Assurances DOT Order No. 1050.2A which generally set forth non-discriminatory regulations and other civil rights related regulations. APPENDIX A through APPENDIX E are attached hereto and incorporated herein as substantive parts of this document.

**XV. General**

- A. This MOU supersedes the previous Federal-Aid AGREEMENT between parties dated August 1, 1978.
- B. This MOU shall inure to and be binding upon the parties and their successors and assigns.
- C. This MOU does not and is not intended to create any rights or benefits for any third party. No third party shall have any legally enforceable rights or benefits under this MOU.
- D. Any amendment to the MOU must first be approved in writing by all the parties signing the MOU, subject to any additional approval required by Maryland law.
- E. This MOU shall be construed, interpreted, and enforced according to the laws of the State of Maryland and in Maryland courts.
- F. The parties hereby warrant and affirm that the persons executing this MOU are authorized and empowered to act on behalf of their respective party.
- G. The WHEREAS clauses are incorporated herein as a substantive part of this MOU.

H. Contacts:

For the LPA:

Rob Dispirito  
City Manager, City of Rockville  
Montgomery County

111 Maryland Avenue  
Rockville, MD 20850  
240-314-8102  
[rdispirito@rockvillemd.gov](mailto:rdispirito@rockvillemd.gov)

For MDOT SHA:

William J. Bertrand  
Director, Office of Finance  
MDOT SHA  
707 N. Calvert Street, MS C-505  
Baltimore, MD 21202  
Phone: 410-545-5530  
Email: [bbertrand@sha.state.md.us](mailto:bbertrand@sha.state.md.us)

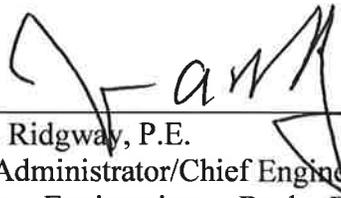
with a copy to:

Agreements Division  
MDOT SHA  
Office of Procurement and Contract Management  
707 N. Calvert Street, MS C-405  
Baltimore, MD 21202  
Phone: 410-545-5547  
Fax: 410-209-5025  
Email: [SHAAGreementsTeam@sha.state.md.us](mailto:SHAAGreementsTeam@sha.state.md.us)

IN WITNESS WHEREOF, the parties hereto have caused this MOU to be executed by their respective duly authorized officers.

**MARYLAND DEPARTMENT OF TRANSPORTATION  
STATE HIGHWAY ADMINISTRATION**

  
\_\_\_\_\_  
WITNESS

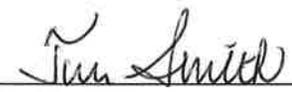
BY:  (SEAL)  
\_\_\_\_\_  
Jason A. Ridgway, P.E.  
Deputy Administrator/Chief Engineer for  
Planning, Engineering, Real Estate, and  
Environment

  
\_\_\_\_\_  
Date

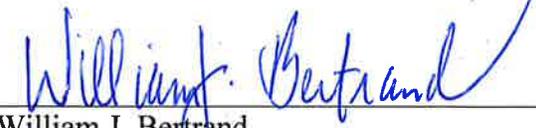
**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

  
\_\_\_\_\_  
Assistant Attorney General

**RECOMMENDED FOR APPROVAL**

  
\_\_\_\_\_  
Tim Smith, P.E.  
Deputy Administrator/Chief Engineer  
for Operations

\_\_\_\_\_  
Lisa B. Conners  
Deputy Administrator for Administration

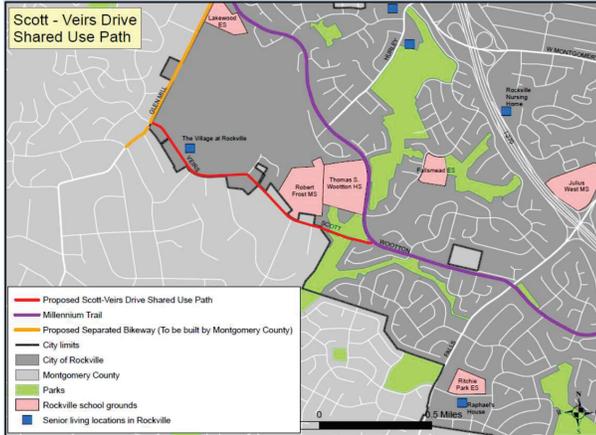
  
\_\_\_\_\_  
William J. Bertrand  
Director  
Office of Finance

City of Rockville  
MONTGOMERY COUNTY, MARYLAND

\_\_\_\_\_  
WITNESS

BY: Rob Dispirito (SEAL)  
Rob Dispirito      4/28/19  
City Manager      Date

### Scott-Veirs Drive Shared-Use Path (TA23)



**Description:** This project designs and constructs a 1.2-mile shared-use path along Scott Drive and Veirs Drive, between Glen Mill Road and Wootton Parkway, connecting the City of Rockville with the North Potomac area of Montgomery County.

**Changes from Previous Year:** A \$200,000 Transportation Alternatives Program grant was added for FY 2026.

#### Current Project Appropriations

Prior Appropriations:	250,000
Less Expended as of 4/15/25:	-
<b>Total Carryover:</b>	<b>250,000</b>
New Funding:	200,000
<b>Total FY 2026 Appropriations:</b>	<b>450,000</b>

**Guiding Principle:** Public Safety

**Mandate/Plan:** Vision Zero Action Plan; 2017 Bikeway Master Plan; Pedestrian Master Plan

**Anticipated Project Outcome:** Path provides safer and better connection for pedestrians and bicyclists.

**Project Timeline and Total Cost by Type:** Grant funding was added to this project in FY 2026.

Type	Estimated Start		Estimated Completion		Estimated Cost			
	Original	Current	Original	Current	Original	Current	\$ Change	% Change
Planning / Design	FY 2025	FY 2025	FY 2026	FY 2026	250,000	450,000	200,000	80%
Construction	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-
<b>Project Total (\$):</b>					<b>250,000</b>	<b>450,000</b>	<b>200,000</b>	<b>80%</b>

**Project Funding:** This project is partially funded and includes a federal Transportation Alternatives Grant for a portion of design. Staff will pursue grant opportunities for the construction portion of this project. The unfunded amount represents the estimated cost for construction.

Source	Prior	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Future	Total
Paygo (Cap)	250,000	-	-	-	-	-	-	250,000
Grants (Cap)	-	200,000	-	-	-	-	-	200,000
<b>Total Funded (\$)</b>	<b>250,000</b>	<b>200,000</b>	-	-	-	-	-	<b>450,000</b>
Unfunded (Cap)	-	-	1,000,000	-	-	-	-	1,000,000
<b>Total w/Unfunded (\$)</b>	<b>250,000</b>	<b>200,000</b>	<b>1,000,000</b>	-	-	-	-	<b>1,450,000</b>

**Operating Cost Impact:** Maintenance, snow removal, landscaping, and stormwater management would add \$4,500 to the operating budget starting in FY 2028, if construction is funded.

Fund	Prior	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Future	Total
General	-	-	-	-	-	-	-	-
SWM	-	-	-	-	-	-	-	-

**Project Manager:** Jennifer Wang, Senior Transportation Engineer, 240-314-8506.

**Notes:** This project first appeared in the FY 2023 CIP. This project is based on a completed feasibility study performed as part of the Pedestrian and Bicycle Safety (TD21) CIP project. FY 2026 work includes design completion.



MAYOR AND COUNCIL Meeting Date: November 3, 2025  
Agenda Item Type: CONSENT  
Department: CITY CLERK/DIRECTOR OF COUNCIL OPERATIONS OFFICE  
Responsible Staff: SARA TAYLOR-FERRELL

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## **Subject**

Approval of Minutes

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## **Recommendation**

Staff recommends the Mayor and Council approve the following minutes:

September 15, 2025 (Meeting No. 22-25)

September 29, 2025 (Meeting No. 23-25)

## **Attachments**



MAYOR AND COUNCIL Meeting Date: November 3, 2025  
Agenda Item Type: WORKSESSION  
Department: CITY MANAGER'S OFFICE (CMO)  
Responsible Staff: ANNE O'DELL

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## **Subject**

Chapter IV Arts and Cultural Affairs Ordinance Revisions

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## **Department**

City Manager's Office (CMO)

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## **Discussion**

Chapter IV Arts and Cultural Affairs Ordinance was first adopted in 1975, 50 years ago before Arts Management and Public Art were professions. The Ordinance's Articles establish the Arts and Culture Commission (Article II, 1975), Incorporating Works of Art in Public Architecture (Article III, 1978), Publicly Accessible Art in Private Development (Article IV, 2001), and Art in Public Places (Article V, 2003).

The City of Rockville has indicated it intends to implement recommendations from the 2019 Arts and Culture Study. The Study provides many recommendations for developing arts and culture in Rockville, first and foremost creating the Arts and Culture Program Manager position placed in the City Manager's Office, which was done in Fiscal Year 2023. Recommendations also include that the Arts and Culture Program Manager evaluate and determine what needs to be done to develop arts and culture programs in Rockville so the city can fulfill its potential as an arts destination and integrate the arts into economic and community development and tourism. The job description and workplan for the Arts and Culture Manager echo the Study's recommendations and an assessment of the Arts and Cultural Affairs Ordinance is an important part of the foundation for future program development.

The revisions recommended for Chapter IV are based on professional practices established in the arts and culture sector and Public Art field, the practical implementation of the ordinance having evolved over time, and the need to formalize and professionalize the city's role in developing artistic and cultural assets. Now that Rockville has made a commitment to formalizing its arts and culture programs, roles and processes need to reflect best practices established in these professions.

## **Requested Feedback**

Does the Mayor and Council support:

1. Merging Incorporating Works of Art in Public Architecture and Art in Public Places Articles into a Public Art Program Article?
2. The recommendations for the Publicly Accessible Art in Private Development Article?
  1. Redefine acceptable art forms.
  2. Clearly define "publicly accessible."
  3. Define roles in program administration.
  4. Eliminate the option to remove artwork.
  5. Change formula to determine required contributions.
  6. Modify the options for how contributions can be applied.
3. Enhanced community engagement in Public Art Program delivery?
  1. Modify administrative processes to consistently meet standards and expectations.

**Background and Suggested Revisions**

As previously stated, Chapter IV was first adopted 50 years ago, and the most recent article was adopted 22 years ago. It is necessary that the programs established by Chapter IV have administrative processes that are formalized to reflect best practices in the Arts Management and Public Art professions.

Chapter IV Article II established the Cultural Arts Commission in 1975.

Chapter IV. Article III established the Incorporating Works of Art in Public Architecture program in 1978. This program allows for public art in city construction projects and is funded by at least 1% of the annual Capital Improvement Projects’ appropriation.

Chapter IV. Article IV established Publicly Accessible Art in Private Development in 2001. This requires developers of qualifying construction projects to make a required contribution for publicly accessible art.

Chapter IV. Article V established Art in Public Places in 2003. This article allows for Public Art on city property and is funded by 1/10 of 1% of the previous fiscal year’s General Fund budget.

Structurally, it is recommended the article be revised as follows:

Current Structure	Proposed Structure
	Preamble
Article II – Cultural Arts Commission	Article II – Cultural Arts Commission
Article III – Incorporation of Works of Art in Public Architecture	Article III – Public Art Program
Article IV – Publicly Accessible Art in Private Development	Article IV – Public Art in Private Development
Article V – Art in Public Places	

**Preamble:** The addition of a Preamble would provide clarification about the parameters and scope of work for the Arts and Culture Program and differentiate it from the arts and culture programs produced by Recreation and Parks.

**Revisions to Article II:** It is suggested that process-related language be moved from Article II to program guidelines because processes need to be responsive to how communities and technologies evolve, and guidelines are updated more easily and efficiently than Ordinances. It is also recommended that budget and administrative responsibilities be moved to city staff because there is now staff capacity to do this work.

**Revisions to Articles III and V:** Combining Articles III and V to create one Article entitled Public Art Program is recommended because Article V was created to supplement the budget for Article III, and the programs have similar purposes and seek the same outcomes. The funding mechanisms are not suggested to change. Process-related language needs to be moved to guidelines for the same reasons previously discussed.

The definitions of acceptable art and eligible sites for artworks need to be revised because the Public Art field has evolved since the Articles were adopted, and, if we expand eligible sites to be those in the public realm, we can potentially integrate Public Art into transportation, housing and community development, economic development, and tourism plans and projects led by the city, and other agencies.

The roles need to be formalized to reflect that staff lead administrative processes in consultation with the Cultural Arts Commission, with the Mayor and Council approving the Public Art Strategic Plan and contracts over \$250,000 in alignment with Procurement.

The chart below summarizes the current and proposed changes to the consolidation and administration of the program. Staff leading the administrative, planning, and project management processes will ensure consistent community engagement practices that meet standards and expectations, as well as the ability to integrate Public Art into broader city planning initiatives. Combining the programs eliminates confusion for city staff, residents, and stakeholders about the city's programs and provides for more efficient program administration.

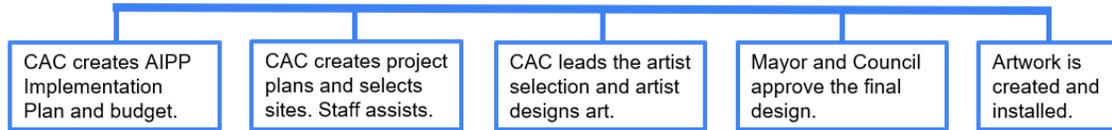


# Effects of Revisions

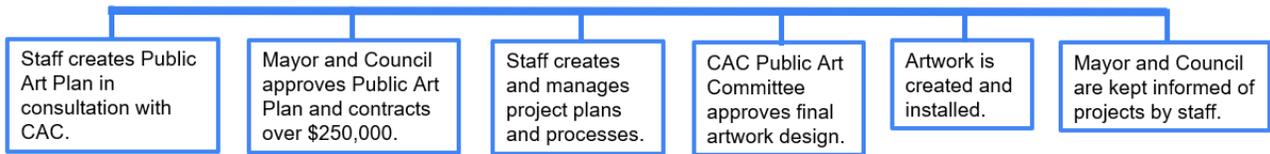
## Merging AIPA and AIPP into one Public Art Program

### Current Public Art Processes

- Art in Public Architecture: Use Art in Public Places Process.
- Art in Public Places: Led by Cultural Arts Commission with staff assistance.



### Proposed Public Art Process: Led by staff in consultation with Cultural Arts Commission.



### Community Benefits

Community benefits resulting from Article III and V revisions are the ability to 1) combine funding and integrate public art into broader city plans and projects, 2) be responsive to the community and provide consistent community engagement practices, and 3) partner with county and state agencies and private entities on projects that affect the public realm.

**Revisions to Article IV:** Publicly Accessible Art in Private Development revisions begin with renaming the Article to simply Art in Private Development. The definition of acceptable artforms needs to be redefined for reasons previously discussed, and where the art can be installed on site needs to be clarified because the Ordinance allows for artworks to be placed indoors where they are not publicly accessible. The option to remove the artwork should be removed so that Public Art will be permanent.

The formula for determining the required contribution needs to be revised because the required fees have been adjusted annually over time and are now arguably excessive. There is a fee schedule in the Article with a footnote that the fees are updated annually according to the Builder’s Cost Index published by McGraw Hill. The developer is then referred to the program’s Implementation Manual that has the current fee schedule that has fees more than three times the amount in the Article. This creates confusion and does not provide good customer service.

Rockville is the only locality with the complex fee schedule in the Article. When assessing the 90+ localities in the United States that have Ordinances requiring Public Art in private development, the most common practice in Public Art is that developers with qualifying

construction projects may either install public art onsite, the value of which is 1% the cost or value of the construction project; or they may make a contribution to the locality’s Public Art program that ranges from .8% to 1.5% of the cost or value of the construction project depending on the locality. Additionally, some localities have a cap on the maximum amount required for the Public Art contribution.

Rockville is also the only locality in the country with an Ordinance requiring Public Art in private development that has more than two options to apply the required contributions. The city has six options for how a required fee may be applied. It is proposed that two options be provided, rather than six, and that those two options be to install Public Art on site or make a contribution to the city’s Public Art Program valued at 1% of the cost of the development not to exceed \$300,000. Developers may contribute more than \$300,000 if they prefer.

Current Options for Contributions	Proposed Options for Contributions
1. Installation of art on site (Selected most often.)	1. Installation of art on site in the amount of 1% of the cost of the development not to exceed \$300,000.
2. Monetary contribution to city’s Friends of the Arts Fund (Selected frequently.)	2. Monetary contribution designated to the city’s Public Art Program in the amount of 1% of the cost of the development not to exceed \$300,000.
3. Provision of an arts space (Chosen once.)	
4. Provision of an arts-based infrastructure (Never selected.)	
5. Monetary contribution to a qualifying arts nonprofit organization (Not often selected and contributions most often given to organizations with closest proximity to city staff.)	
6. Combination of any of the above options (Selected twice: contributions were made when there were small balances left from installing art on site.)	

**Community Benefits**

The city will 1) have permanent public art that is publicly accessible, 2) eliminate confusion for stakeholders and provide excellent customer service, 3) provide a more equitable program, and 4) align with established best practices in the Public Art profession.

**Resources:**

- Chapter IV Arts and Cultural Affairs Ordinance: [https://library.municode.com/md/rockville/codes/code\\_of\\_ordinances?nodeId=CICO\\_C H4ARCUAF](https://library.municode.com/md/rockville/codes/code_of_ordinances?nodeId=CICO_C H4ARCUAF)
  - 2019 Arts and Culture Study: <https://www.rockvillemd.gov/DocumentCenter/View/37644/City-of-Rockville-Arts-and-Culture-Study---Final>
  - Public Art in Private Development Database: <https://explore.publicartarchive.org/papd-database/#browsedb>
  - Attachment 2: Helpful Information About the Public Art Field
- 

### **Boards and Commissions Review**

The Cultural Arts Commission was encouraged to attend this worksession and have a role as proposed in Next Steps.

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### **Next Steps**

Staff will draft a revised ordinance based upon the Mayor and Council's feedback, present the ordinance to the Cultural Arts Commission for its review and comments, and present the revised Ordinance to the Mayor and Council.

### **Attachments**

Attachment 1: Chapter IV Arts and Cultural Affairs Ordinance Revisions Presentation,  
Attachment 2: Helpful Information About the Public Art Field



# Chapter IV – Arts and Cultural Affairs Ordinance Revisions

November 3, 2025

# Outline

- Background
- Requested Feedback
- Proposed Revisions
- Next Steps
- Requested Feedback
- Questions



*William Gibbs, Charlotte Lees, 2012. Located at Gibbs Street, The Square.*

# Background

## Chapter IV Arts and Cultural Affairs Ordinance

First adopted in 1975.

Articles II through V in the Chapter:

- Cultural Arts Commission
- Incorporation of Works of Art in Public Architecture (AIPA)
- Publicly Accessible Art in Private Development (AIPD)
- Art in Public Places (AIPP)



*Flourish*, Harry McDaniel, 2013. Located at Rockville Senior Center.

# Background

## Chapter IV Arts and Culture Affairs Ordinance Public Art Programs

### Article III: Incorporation of Works of Art in Public Architecture (AIPA)

- Adopted in 1978
- Funded by 1% of CIP appropriation
- Public Art in city development projects



*Untitled*, William Calfee, 1981. Located at Rockville Civic Center Park.

# Background

## Chapter IV Arts and Cultural Affairs Ordinance Public Art Programs

### Article IV: Publicly Accessible Art in Private Development (AIPD)

- Adopted in 2001
- Public Art in private development



*River Green and Golden Rod Fiori*, Dale Chihuly, 2009. Located at 28 West Lake (Tower Oaks).

# Background

## Chapter IV Arts and Cultural Affairs Ordinance Public Art Programs

### Article V: Art in Public Places (AIPP)

- Adopted in 2003
- Funded by 1/10 of 1% of previous Fiscal Year's budget
- Public Art on city property



*Logistique*, Deidre Saunder, 2012. Located at Courthouse Square Park.



# Background

## Why are revisions being proposed?

### **Continue to implement 2019 Arts and Culture Study recommendations.**

- Assess Chapter IV as a foundation for program development.
- Fulfill Rockville's potential as an arts destination.

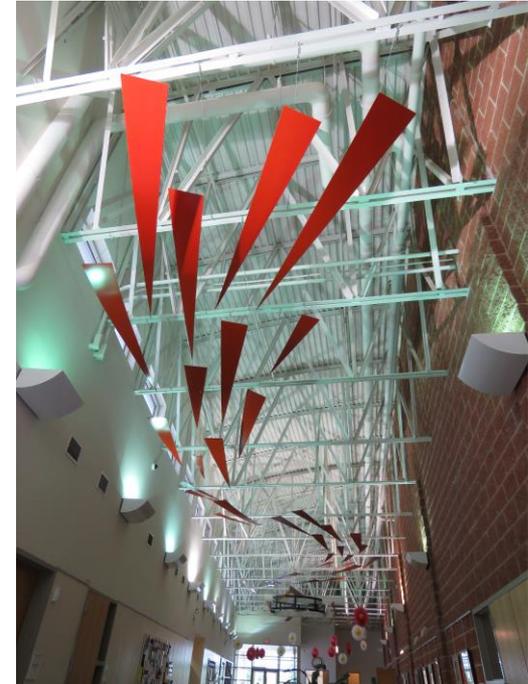
### **Roles and processes need to reflect best practices.**

- Practical implementation of ordinance has evolved.
- Formalize and professionalize city's role in arts and culture development.

# Requested Feedback

Does the Mayor and Council support:

1. Merging Incorporating Works of Art in Public Architecture and Art in Public Places Articles into one Public Art Program Article?
2. The recommendations for the Publicly Accessible Art in Private Development Article?
3. Enhanced community engagement in public art program delivery?



*Magnet*, Charlotte Lees, 2009. Located at Thomas Farm Community Center.

# Proposed Revisions

Current Structure	Proposed Structure
	Preamble
Article II – Cultural Arts Commission	Article II – Cultural Arts Commission
Article III – Incorporation of Works of Art in Public Architecture	Article III – Public Art Program
Article IV – Publicly Accessible Art in Private Development	Article IV – Public Art in Private Development
Article V – Art in Public Places	

# Proposed Revisions

## Preamble and Article II – Cultural Arts Commission

### Preamble:

1. Clarify the focus of work in the Arts and Culture Program.

All arts and culture programs were previously in Recreation and Parks.

### Article II – Cultural Arts Commission (CAC):

1. Move process-related language to guidelines.

Guidelines are updated more efficiently than ordinances.

2. Shift budget and project management responsibilities to city staff.

There is now staff capacity to do this work.



*Under One Roof*, Dan Snyder, 2008. Located at Maryland Avenue Sidewalk, The Square.

# Proposed Revisions

## Merge AIPA and AIPP into one Public Art Program

### Article III – Public Art Program:

1. Merge programs.  
Similar purposes and administrative processes.
2. Roles in program administration.  
Improve program delivery and follow best practices.
3. Remove process-related language.  
Processes moved to guidelines for efficient updates.
4. Revise definition of acceptable art and eligible sites.  
Current requirements are limiting.
5. Public Art Plan created by staff in consultation with CAC and approved by the Mayor and Council.



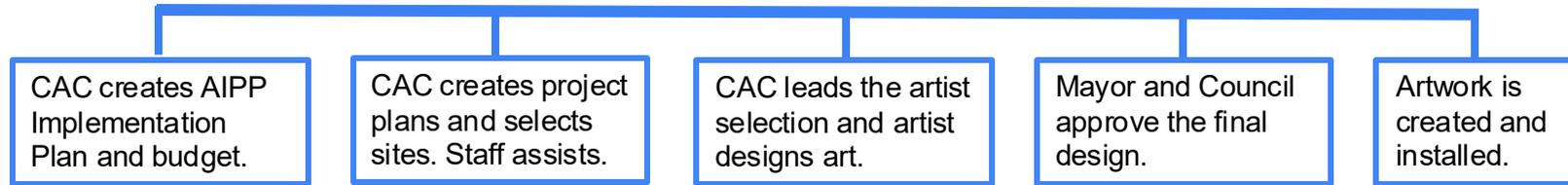
*Fern Reclamation, Chalk Riot, 2024. Located at Beall Avenue. Picture courtesy of Bloomberg Philanthropies.*

# Effects of Revisions

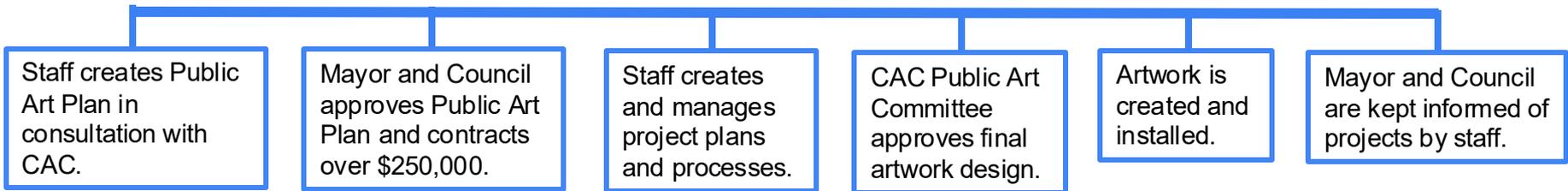
## Merging AIPA and AIPP into one Public Art Program

### Current Public Art Processes

- Art in Public Architecture: Use Art in Public Places Process.
- Art in Public Places: Led by Cultural Arts Commission with staff assistance.



### Proposed Public Art Process: Led by staff in consultation with Cultural Arts Commission.



# Community Benefits

## Merging AIPA and AIPP into one Public Art Program

Ability to combine funding and integrate public art into broader city plans and projects such as:

- Transportation
- Community Planning and Development
- Housing
- Tourism

Ability to be responsive to how the community evolves.

Ability to partner with county and state agencies and private entities on projects that effect the public realm such as:

- CSX overpass
- Pedestrian bridge between metro and The Square



*Arlington Boulevard, Vicki Scuri, 2014. Route 50, Arlington, VA. Done in partnership with Virginia Department of Transportation.*

# Proposed Revisions

## Article IV – Public Art in Private Development

1. Redefine acceptable art forms.  
Current definition is limiting.
2. Clearly define "publicly accessible."  
Not all artwork is publicly accessible.
3. Define roles in program administration.  
Improve program delivery and align with best practices.
4. Eliminate the option to remove artwork.  
Artwork should be permanent.
5. Change formula to determine required contributions.  
Formula is not in alignment with Public Art field.
6. Modify the options for how contributions can be applied.  
Options are not equitable or in alignment with Public Art field.



*Untitled*, Marcia Billig. Located at 14 Rollins Ridge Apartments Lobby.

# Effects of Revisions: Contribution Schedule

## Public Art in Private Development

**For Multifamily residential constructions:**

Schedule in Article	Current Schedule
\$ 300.00 per dwelling unit for the first 100 dwelling units	\$ 1021.33 per dwelling unit for the first 100 dwelling units
\$ 225.00 per dwelling unit for the second 100 dwelling units	\$ 766.02 per dwelling unit for the second 100 dwelling units
\$ 150.00 per dwelling in excess of 200 dwelling units	\$ 510.57 per dwelling in excess of 200 dwelling units

- Remove specific amounts for required contributions.  
Improve customer service and reduce confusion.

# Proposed Revisions: Contribution Options

## Public Art in Private Development

Current Options for Contributions	Proposed Options for Contributions
1. Installation of art on site	1. Installation of art on site in the amount of 1% of the cost of the development not to exceed \$300,000. 2. Monetary contribution designated to the city's Public Art Program in the amount of 1% of the cost of the development not to exceed \$300,000.
2. Monetary contribution to city's Friends of the Arts Fund	
3. Provision of an arts space	
4. Provision of an arts-based infrastructure	
5. Monetary contribution to a qualifying arts nonprofit organization	
6. Combination of any of the above options	

# Community Benefits

## Public Art in Private Development

- Permanent public art.
- All future public art is publicly accessible.
- Eliminate confusion for stakeholders.
- More equitable program.
- Align with best practices in the Public Art profession.



*Untitled*, sculpture, artist and year unknown. Located at 33 Blue Pearl Pet Hospital, 1 Taft Court.

# Next Steps

- Prepare draft of the ordinance.
- Present Ordinance to the Cultural Arts Commission.
- Present Ordinance to the Mayor and Council.



*Cornerstone*, William Cochran, 2010. Located at the corner of N. Washington Street and Beall Avenue

# Requested Feedback

Does the Mayor and Council support:

1. Merging Incorporating Works of Art in Public Architecture and Art in Public Places Articles into on Public Art Program Article?
2. The recommendations for the Publicly Accessible Art in Private Development Article?
  1. Redefine acceptable art forms.
  2. Clearly define "publicly accessible."
  3. Define roles in program administration.
  4. Eliminate the option to remove artwork.
  5. Change formula to determine required contributions.
  6. Modify the options for how contributions can be applied.
3. Enhanced community engagement in public art program delivery?
  1. Modify administrative processes to consistently meet standards and expectations.

# Requested Feedback

Questions?



*The Flow of Life*, Deirdre Saunder, 2003. Located at Mary Trumbo Park.

## Helpful Information About the Public Art Field

Public Art is a field of practice for professional public artists who create site specific works in the public realm to create a destination and sense of place; celebrate cultures, geographies, and histories of a location; encourage civic dialogue and engagement; and improve the built environment so that it is an enjoyable place people want to be. Public artworks can be made of any number of materials and may incorporate technology, lighting, and the surrounding landscape. Public Art is a professional field. The artists who make a career in it are highly skilled and able to meet public safety requirements and incorporate community engagement to create art that is durable and meaningful for its intended place.

An informative document about the benefits of Public Art and the field of practice may be found online at: <https://www.arlingtonva.us/files/sharedassets/public/v/2/public-art/documents/public-art-and-private-development-resource-guide.pdf>

While this document focuses on Art in Private Development, it is relevant for the larger field and practice of Public Art. It is important to note that Rockville's requirement for developers to contribute to Public Art has criteria to determine if some projects are not required to participate in the program. If a developer is not required to participate, it is best not to request inclusion of permanent or temporary Public Art because the construction project itself provides a community benefit or is being done because of required upgrades or repairs.

It is important to note that there are generally two types of Public Art projects: permanent and temporary. **Permanent Public Art** is fabricated with durable materials, is easily maintained, and lasts for decades when properly maintained. Permanent Public Art should be placed on sites where risks of vandalism and environmental damage are not likely. Examples of permanent Public Art are sculptures, signage, playground equipment, shade structures, lighting elements, and transportation and infrastructure projects. The artist leads the design, fabrication, and installation of these projects, incorporating artistic design and treatment of the materials into the project.

**Temporary Public Art** is not intended to last for a long duration of time. Its presentation may be a few months to less than ten years. Before installing temporary Public Art, several factors must be evaluated to determine if the project should be pursued. Factors include, and are not limited to, the resources to produce, maintain, and replace the artwork or restore the site; the likelihood of vandalism and environmental damage; as well as the effects the temporary public artwork will have on its location and where it is installed so that its removal will not incur extraordinary financial costs. Examples of temporary Public Art are murals, sculptures, and interactive sculptures or installations that encourage civic dialogue and tourism.

Public Art is different than Community Arts programs because their purposes are different. **Community Arts** programs involve a professional artist who is skilled in community engagement, leading activities that engage people who typically do not create art and/or have various skills levels and experience with different artforms. Community Arts is often used as a tool to engage people through music, theater, literary arts, and visual arts with the participants and artists working together as co-creators of the artwork. A more expansive definition and history of Community Art may be found at: <https://www.tate.org.uk/art/art-terms/c/community-art>



MAYOR AND COUNCIL Meeting Date: November 3, 2025  
Agenda Item Type: WORKSESSION  
Department: HOUSING AND COMMUNITY DEVELOPMENT  
Responsible Staff: JANE LYONS-RAEDER

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## Subject

Inclusionary Zoning Research Presentation and Moderately Priced Dwelling Unit (MPDU) Program

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## Department

Housing and Community Development

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## Recommendation

Staff recommend that the Mayor and Council read the graduate researcher's report (Attachment 1), receive the presentation, discuss, and provide direction on a comprehensive update of City Code Chapter 13.5 (Moderately Priced Housing).

The following feedback is requested from the Mayor and Council to guide next steps:

1. Should the city continue to have an inclusionary zoning program?
2. Should staff explore methods of funding inclusionary zoning units?
3. Should staff explore a payment-in-lieu option?
4. Should staff explore ways to target lower household incomes?

---

## Discussion

### Background

The Moderately Priced Dwelling Unit (MPDU) program requires developments with 20 units or more to set aside 15% of the units for moderate-income households. This policy is the source of almost all new income-restricted affordable housing in the city. However, it also impacts market-rate development. Many components in the current ordinance have been identified in the *Rockville 2040 Comprehensive Plan* and by staff as outdated, unclear, or not in the best interest of the program's goals or overall city objectives. By examining the existing program from the ground up, reviewing academic research, and identifying national best practices, Rockville can create the strongest possible inclusionary zoning (IZ) policy, which is the commonly used name for policies like City Code Chapter 13.5 (Moderately Priced Housing), which governs the MPDU program. Staff are currently in the initial research phase for a comprehensive update to Chapter 13.5.

## Summary of Findings

The attached research paper by graduate researcher Colin Maloney, Master of Public Policy candidate at the University of Maryland, College Park, highlights the various designs, production outcomes, and tradeoffs associated with IZ policies.

- *Need:* A significant number of households in Rockville suffer from being housing cost burdened. The need seems to be for those with the lowest incomes.
- *Local Landscape:* Since its adoption in 1990, the City of Rockville’s MPDU program has produced 992 rental and 472 for-sale MPDUs. From 2000 to 2024, the program produced an average of 40 rental and 19 for-sale MPDUs annually. For-sale MPDU production peaked in 2003 with 149 units sold. Between 2011 and 2019, zero for-sale MPDUs were sold. Rental MPDU production peaked in 2015 with 224 rental MPDUs added. The net total is slightly lower with 883 rental units and 447 for-sale units. Projects currently under construction in Rockville are expected to add 164 MPDUs.
- *Program Design:* In a national survey of IZ programs, the average set-aside requirement for programs with on-site options was 16 percent. Most programs targeted low-income households with annual incomes between 50 and 80 percent of the AMI—87 percent of rental programs and 75 percent of for-sale programs. The survey also found that 93 percent of programs have affordability requirements that last longer than 30 years. Most IZ programs also offered some kind of incentive to reduce the financial impact of providing inclusionary units. The most popular incentives included density bonuses (57 percent), other zoning variances (24 percent), fee reductions/waivers (17 percent), and expedited permitting (13 percent).
- *Effectiveness:* Program outcomes are highly dependent on local economic and housing market conditions and the specific state and local regulatory frameworks, but research has found that the factors associated with inclusionary unit production are: strong housing markets, mandatory program participation, incentives for developers, clear and predictable program guidelines, and flexible compliance options.
- *Benefits and Drawbacks:* The top benefits of an IZ program are: 1) affordable housing production and 2) economic integration and upward mobility by providing low- and moderate-income households with access to the same housing and neighborhood resources as those who can afford to pay the non-subsidized price. However, IZ programs may also result in 1) increased costs for market-rate housing, as builders effectively cross-subsidize IZ units with the prices of market-rate units, and 2) less overall housing development, if IZ requirements make projects more financially difficult.

## Chapter 13.5 Rewrite

Staff intend to begin research and engagement for the Chapter 13.5 rewrite in earnest after completing the comprehensive update to City Code Chapter 18 (Landlord and Tenant Relations) in Spring 2026. Engagement will include conversations and roundtables with MPDU residents

(renters and homeowners), developers, and the wider community. Prior to Spring 2026, staff hope to engage another graduate researcher to build off of the initial paper to further hone in on strategies and recommendations, based on the Mayor and Council's feedback. The Housing Needs Assessment will also be able to offer further insights into the city's housing market and what types of policy changes may best meet the goals of the Chapter 13.5 rewrite.

The goals of the Chapter 13.5 rewrite are currently as follows:

- Identify the strengths and weaknesses of the existing MPDU program.
- Understand findings from academic research and national best practices.
- Design an inclusionary zoning policy that will best serve Rockville residents by creating new affordable housing and providing economic diversity while minimizing cost impacts on market-rate renters and homebuyers.

### **Feedback**

The following feedback is requested from the Mayor and Council to guide next steps:

1. *Should the city continue to have an inclusionary zoning program?*

A ground-up review of the existing Moderately Priced Dwelling Unit (MPDU) program necessitates asking the fundamental question of whether the program is still the direction that is best aligned with the city's objectives, especially given recent research demonstrating the costs to market-rate tenants and potential impacts on new housing construction.

At the same time, the MPDU program has resulted in the vast majority of the city's new affordable housing, especially its affordable for-sale housing. Since its adoption in 1990, the program has produced 992 rental and 472 for-sale MPDUs. It has also ensured that as the city grows, homes in new developments are available to households with a range of incomes, although the city's low- and moderate-income rental housing continues to be largely located in Town Center and along Rockville Pike, rather than distributed throughout the city and integrated in areas with higher average incomes.

Staff recommends that the city continue to have an IZ program. This recommendation is further explained in the following question.

2. *Should staff explore methods of funding inclusionary zoning units?*

If the goal is to achieve housing affordability across the income spectrum, then the city's role is to encourage the construction of many homes in all shapes and sizes, as well as to ensure that there are income-restricted affordable homes for those whose incomes the market does not readily provide for. As discussed in previous work sessions, the creation of income-restricted affordable housing requires a subsidy. In most cases, subsidies are provided by the public sector, either in the form of tax credits, like the federal Low-Income Housing Tax Credit, or gap financing from local housing trust funds. However, in the case of an IZ program, the cost of the IZ units is ultimately paid by a narrow group of residents: the market-rate renters or

homebuyers in the form of marginally higher home prices. Thus, the public policy question is whether subsidies for income-restricted affordable housing are best paid for through public subsidy or the narrower universe of market-rate renters and homebuyers in developments with IZ units, or some combination of the two.<sup>1</sup>

One way to lessen the negative impacts of IZ requirements is to have a “funded” IZ program. The program is funded through a property tax abatement of a certain amount for a certain period of time. This is the design of IZ programs in places such as Portland, Oregon, and Baltimore, Maryland. The concept is gaining attention nationally, particularly as lawsuits move forward against localities with unfunded IZ programs.

Other jurisdictions allow for a payment-in-lieu option (more about this in Question 3 below). These payments are collected and leveraged as a public subsidy for income-restricted affordable housing.

Yet, it is important to consider that Rockville’s housing market exists within the context of Montgomery County’s housing market, and it is the county’s housing market that largely influences the market-rate rents in Rockville. For example, if a two-bedroom apartment commonly goes for \$2,500 in similar areas of Montgomery County, a landlord in Rockville would not have a strong incentive to reduce rents to be much less in the city, even if they are saving money by not having to comply with an IZ requirement. To that end, it would be nearly impossible to ensure that landlords set market-rate home prices at a lower rate than they otherwise would with an IZ requirement in place.

Given this, staff recommends that the city creatively explore policies that lessen the cost burden of an IZ program on market-rate renters and homebuyers and balance the need to incentivize housing development.

### *3. Should staff explore a payment-in-lieu option?*

Research shows that effective IZ programs provide flexible compliance options, which typically means an option to do a payment-in-lieu (PIL) of providing an actual IZ unit. The PIL is then typically added to the jurisdiction’s housing trust fund to be used for the creation of affordable units in other ways. However, setting the right amount for the PIL can be a difficult balance. If the PIL is not high enough, there won’t be enough funds to build an equivalent amount of affordable housing via other means, but if it’s too high, then it is not a realistic option for the developer. If it’s too low, the jurisdiction risks developers always choosing the PIL option rather than constructing IZ units.

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<sup>1</sup> All city residents currently contribute to affordable housing efforts through their tax dollars. Money is added to the Housing Opportunities Fund (HOF) annually through the city’s general fund. This money can be used for a wide range of affordable housing activities, including gap financing to support the creation of new affordable homes, down payment and closing cost assistance, and emergency eviction prevention assistance. However, when looking specifically at IZ units – which constitute a majority of the city’s affordable housing produced – this places a tax on the developer which is ultimately solely passed onto the market-rate renters and homebuyers.

Currently, instead of building the required number of MPDUs, a developer may offer to:

- a. Build significantly more MPDUs at one or more other sites in the city.
- b. Convey land in the city that is suitable in size, location, and physical condition for significantly more MPDUs.
- c. Contribute to the Moderately Priced Housing Fund an amount that will produce significantly more MPDUs; or
- d. Do any combination of these alternatives that will result in building significantly more MPDUs.

Staff recommends doing further analysis to explore a more flexible PIL option, while prioritizing the construction of income-restricted units.

#### *4. Should staff explore ways to target lower household incomes?*

The report's housing gap analysis for renters reflects a severe shortage of units affordable to low-income households, particularly those earning less than 30 percent of the area median income (AMI). There are an estimated 2,389 renter households in Rockville with an income less than 30 percent AMI, yet there are only 1,065 units that would be affordable to this group within the city.

Another notable finding is the surplus of rental units for households making between 50 and 80 percent AMI. Rockville's MPDU program and other programs designed to produce affordable housing, such as the Low-Income Housing Tax Credit program, contribute to the surplus of units. While acknowledging the contributions of these programs, research also points out that roughly a third of all new rental units are affordable to households earning 60 percent AMI in the Washington, D.C., and Baltimore metro area, the majority of which are market-rate.

As currently written, Chapter 13.5 allows for MPDUs to be set aside for households making anywhere between 30% to 120% AMI. The program sets no requirements for how many units must be set aside at any certain income level, making each MPDU agreement a negotiation between the city and the developers, each with opposed incentives for setting income levels. The city wants to receive the most deeply affordable housing possible, while the developers want to maximize incomes to therefore maximize rents and receive a smaller loss from the MPDUs.

When considering how to best design a program to serve current and ongoing housing needs, staff recommend investigating ways to achieve a greater number of MPDUs set aside for households earning between 30 and 50 percent AMI, as well as creating less flexible income-targeting requirements to lessen the amount of negotiation that goes into an MPDU agreement and thus providing more reliability in the city's development process. The upcoming Housing Needs Assessment will be able to inform this work by providing additional data on what income groups have the least access to affordable housing.

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## **Mayor and Council History**

Housing is one of the Mayor and Council's five focus areas. In June 2024, a high-level briefing was presented outlining the city's housing crisis and policy landscape. Later in 2024, there were three work sessions on the city's housing strategies, during which staff recommended a comprehensive update to City Code Chapter 13.5 (Moderately Priced Housing) given the MPDU program's impact on affordable and market-rate housing. This recommendation was endorsed by the Mayor and Council.

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## **Next Steps**

The feedback received from the Mayor and Council will inform additional research for the comprehensive update to City Code Chapter 13.5 (Moderately Priced Housing), alongside community input and findings from the upcoming housing needs assessment.

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## **Attachments**

Attachment 1: Research Report - Inclusionary Zoning Policy Design, Tradeoffs, and Outcomes,  
Attachment 2: Presentation



# Inclusionary Zoning: Policy Design, Tradeoffs, and Outcomes

July 2025

# Inclusionary Zoning: Policy Design, Tradeoffs, and Outcomes

Prepared for the City of Rockville Department of Housing and Community Development

July 2025

Author:

Colin Maloney

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## Introduction

Many cities and towns across the United States are facing significant housing challenges. Increasingly high rents and rising home prices have led to record-high cost burdens for a growing share of households and placed homeownership out of reach for many (Joint Center for Housing Studies, 2024). In Rockville, nearly half of renters spend 30 percent or more of their monthly income on housing (American Community Survey, 2023). In addition to affordability problems, many communities are also grappling with how to address past racial discrimination and current economic segregation.

Inclusionary zoning (IZ), sometimes referred to as inclusionary housing, is a policy that has gained increasing attention and use in recent decades. IZ programs seek to address affordability and integration challenges by encouraging or requiring new developments to provide a portion of new housing units at below-market-rates. Its “cost-free” appearance contributes to IZ’s popularity, particularly among local governments with strained budgets and voters unsupportive of increased spending.

This report highlights the various designs, production outcomes, and tradeoffs associated with inclusionary zoning and aims to provide policymakers with a better understanding of IZ’s impact on housing affordability, integration, and the broader housing market. The first part of this report provides an assessment of current affordability challenges with a focus on the City of Rockville. The report then moves to an overview of IZ programs on a national and regional scale. This section is followed by a discussion of IZ’s cost and impact on developers, market-rate housing consumers, and local governments. The report concludes with findings on IZ’s potential to improve economic and racial integration within communities.

## Housing Affordability

Housing affordability is a unique challenge because it is not exclusively a housing problem; it encompasses both housing cost and income. A standard measure of housing affordability looks at how much an individual spends on housing relative to their income. An individual who spends 30 percent or more on housing is typically considered “cost burdened.”<sup>1</sup> The measure is relatively straightforward for renters—it is simply the ratio of rent and utility costs to income—but calculating the cost of homeownership becomes more difficult when you begin to account for tax preferences and capital appreciation on top of mortgage payments, property taxes, and other expenses. Additionally, homeowners with long-term, fixed-rate mortgages are sometimes willing to accept a high cost-burden in the short term if they expect their income to increase at a faster rate than their housing expenses (Quigley & Raphael, 2004). Despite the imperfections of this measurement, it is still a widely accepted method for assessing housing affordability (Schwartz, 2021).

Harvard’s Joint Center for Housing Studies publishes the most comprehensive assessment of housing affordability in their annual report, *The State of the Nation’s Housing*. The Center’s recent report reflects significant and growing affordability challenges across the United States (Joint Center for Housing Studies, 2024). Between 2019 and 2022, the number of cost-burdened homeowners grew by nearly 3 million, representing almost one in four homeowners. Renters face an even more challenging market. As of 2022, the number of cost-burdened renters was at the highest point in history, with half of all renters facing such costs. Likewise, the number of severely-cost-burdened renters—those spending more than half of their income on housing—also hit a record high in 2022. Notably, the study also found that cost-burden rates are disproportionately high for lower-income renters of color, even after controlling for racial income inequality.

### *Cost Burdens in the City of Rockville*

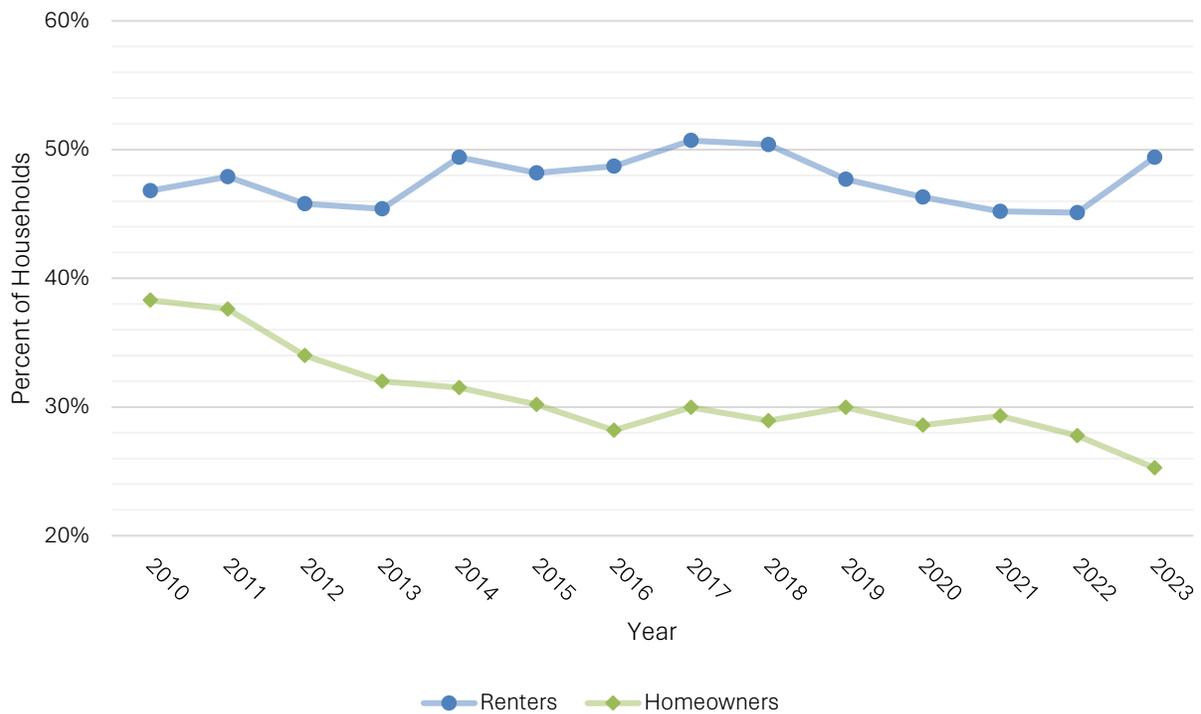
Data from the American Community Survey reflect similar cost-burden trends for renters and homeowners in Rockville, Maryland (see Figure 1). The share of cost-burdened homeowners with a mortgage declined steadily between 2010 and 2023, roughly following national trends (McCue, 2025). The steady decline from 2010 to 2016 for homeowners largely reflects the market recovery following the mortgage crisis and economic recession of the mid-2000s. Between 2010 and 2023,

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<sup>1</sup> The threshold that defines someone as cost burdened has no intrinsic meaning (Schwartz, 2021). Prior to the 1980s, 25 percent was the accepted threshold.

the percentage of households spending 30 percent or more of their income on rent has remained between roughly 45 and 50 percent. This rate decreased slightly from 2019 to 2023 but began increasing again in 2023, possibly reflecting the expiration of COVID-19 support programs.

**Figure 1: Cost-Burdened Households in Rockville, MD, 2010-2023**



Source: Author

Data: U.S. Census Bureau, U.S. Department of Commerce. American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP04 and Table S2506, 2010-2023.

### Housing Gap Analysis

Another way to measure housing affordability is to estimate how many affordable homes are available to various income groups. Gap analysis reflects the surplus or deficit of homes for each income group. The housing gap analysis displayed in Table 1 and Table 2 was completed using data from the U.S. Department of Housing and Urban Development’s Comprehensive Housing Affordability Strategy (CHAS) dataset. Table 1 is an analysis of renter-occupied units and Table 2 looks at owner-occupied units.

The housing gap analysis for renters in the City of Rockville reflects a severe shortage of units affordable to low-income households, particularly those earning less than 30 percent of the area median income (AMI) (See Table 1). There are an estimated 2,389 renter households in Rockville

with an income less than 30 percent of the AMI (column A), yet there are only 1,065 units that would be affordable to this group within the city (column D). Once the number of affordable units that are occupied by households with an income *above* 30 percent of the AMI (column G) is accounted for, the gross deficit of affordable units for this income group increases to -1,642 units (column I). The gross deficit of affordable rental units for households with an income greater than 30 percent and less than or equal to 50 percent of the AMI (>30% AMI and ≤50% AMI) shrinks to -673 units. For households with an income greater than 50 percent and less than or equal to 80 percent of the AMI (>50% AMI and ≤80% AMI), estimates suggest a surplus of 341 affordable rental units.

Table 2 reflects similar affordability trends for owner-occupied housing. For households with an income less than or equal to 50 percent of the AMI (≤50% AMI), there is a gross deficit of -1,537 affordable homes. The deficit shrinks to -675 for households with an income greater than 50 percent and less than or equal to 80 percent of the AMI (>50% AMI and ≤80% AMI); it shrinks further to -198 for households with an income greater than 80 percent and less than or equal to 100 percent of the AMI (>80% AMI and ≤100% AMI). Like many rental units in the city, a significant number of homes affordable to low- and moderate-income households are occupied by higher-income households.

Table 1 and Table 2 reveal the largest housing gaps for households with the lowest income, which mirrors both national and statewide trends in Maryland (National Low Income Housing Coalition, 2024). Another notable finding is the surplus of rental units for households making between 50 and 80 percent of the AMI. The City of Rockville’s inclusionary zoning policy and other programs designed produce affordable housing, such as the Low-Income Housing Tax Credit program, contribute to the surplus of units. While acknowledging the contributions of these programs, Furth and Hamilton (2024) also point out that roughly a third of all new rental units are affordable to households earning 60 percent of the AMI in the Washington DC and Baltimore metro area, the majority of which are market-rate. For example, they find that the typical renter household in Montgomery County, Maryland, living in a unit built since 2010 has a total housing cost that is affordable to a household earning 54 percent of AMI (Furth & Hamilton, 2024). Furth & Hamilton’s (2024) findings are consistent with national studies that find that moderate-income renter households face a far smaller shortage of affordable units compared to lower-income households (National Low Income Housing Coalition, 2024).

Several factors contribute to the lack of affordable units. For the lowest-income renters, it fundamentally reflects the inability of the private housing market to build and maintain low-cost housing without public subsidy (Schwartz, 2021). Schwartz (2021) also views wage stagnation, widening economic inequality, reductions in federally subsidized housing stock, and burdensome government regulations as contributors. Homeowners face similar income challenges in addition to increasingly high home prices, mortgage rates, insurance premiums, and property taxes (Joint Center for Housing Studies, 2024). To address these challenges, many localities have implemented inclusionary zoning policies. The design, outcomes, and tradeoffs of inclusionary zoning will be discussed in the remaining sections.

**Table 1: Housing Affordability Gap Analysis for Renter-Occupied Units in Rockville, MD**

Housing Affordability Gap Analysis, Rockville, MD CHAS, 2017-2021									
<u>Renters</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D = B+C</u>	<u>E = D-A</u>	<u>F</u>	<u>G</u>	<u>H = G/D</u>	<u>I = E-G</u>
	Renter HHs Within Income Limits*	Renter Occupied Units by Affordability Level *	Vacant for Rent *	Total Units	Surplus / Deficit	Units Occupied by HH Within Income Limits *	Units Occupied by HH Above Income Limits *	% Units Occupied by HH Above Income Limits	Gross Surplus / Deficit
<b>HH Income</b>									
≤ 30% AMI	2,389	1,045	20	1,065	-1,324	735	318	30%	-1,642
> 30% AMI and ≤ 50% AMI	1,295	730	65	795	-500	175	173	22%	-673
> 50% AMI and ≤ 80% AMI	1,169	2,390	90	2,480	1,311	465	970	39%	341

Source: Author

Data: 2017-2021 HUD CHAS data for Rockville, MD.

URL: <http://www.huduser.org/portal/datasets/cp.html>

Tables: 17A, 17B, 18A, 18B, 18C

\* Data taken from CHAS

**Table 2: Housing Affordability Gap Analysis for Owner-Occupied Units in Rockville, MD**

Housing Affordability Gap Analysis, Rockville, MD CHAS, 2017-2021									
<u>Owners</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D = B+C</u>	<u>E = D-A</u>	<u>F</u>	<u>G</u>	<u>H = G/D</u>	<u>I = E-G</u>
<u>HH Income</u>	<u>Owner HHs Within Income Limits *</u>	<u>Owner Occupied Units by Affordability Level *</u>	<u>Vacant For Sale *</u>	<u>Total Units</u>	<u>Surplus / Deficit</u>	<u>Units Occupied by HH Within Income Limits *</u>	<u>Units Occupied by HH Above Income Limits *</u>	<u>% Units Occupied by HH Above Income Limits</u>	<u>Gross Surplus / Deficit</u>
<b>All Mortgages</b>									
≤ 50% AMI	1,897	744	40	784	-1,113	328	424	54%	-1,537
> 50% AMI and ≤ 80% AMI	920	614	55	669	-251	20	424	63%	-675
> 80% AMI and ≤ 100% AMI	1,028	2,105	10	2,115	1,087	255	1,285	61%	-198
<b>With a Mortgage</b>									
≤ 50% AMI	938	369	-	-	-	89	290	-	-
> 50% AMI and ≤ 80% AMI	625	285	-	-	-	20	180	-	-
> 80% AMI and ≤ 100% AMI	710	1,675	-	-	-	215	1,100	-	-
<b>Without a Mortgage</b>									
≤ 50% AMI	959	375	-	-	-	239	134	-	-
> 50% AMI and ≤ 80% AMI	295	329	-	-	-	0	244	-	-
> 80% AMI and ≤ 100% AMI	318	430	-	-	-	40	185	-	-

Source: Author

Data: 2017-2021 HUD CHAS data for Rockville, MD.

URL: <http://www.huduser.org/portal/datasets/cp.html>

Tables: 17A, 17B, 18A, 18B, 18C

\* Data taken from CHAS

## Inclusionary Zoning

Inclusionary zoning (IZ) is used by localities to expand the supply of affordable housing and increase access to high-cost and high-opportunity neighborhoods. An IZ ordinance typically either requires or encourages developers to designate a portion of new housing units to be priced below market rate. While programs vary widely between jurisdictions, Schwartz (2021) points out the key dimensions that IZ programs share:

- *Set-aside requirements.* Most programs require 10 to 20 percent of units within a proposed development to be made affordable to low- or moderate-income households.
- *Developer incentives.* Developers are often compensated for setting a portion of units below market price. The most common incentive is a density bonus, whereby developers are permitted to build additional market-rate units beyond what is allowed under the zoning code. Other incentives include waivers of various fees, reduced parking requirements, less stringent design standards, and expedited review and processing of applications.
- *Strength of requirements.* Some jurisdictions have optional programs while others are mandatory.
- *Income targeting.* Most programs have specific income parameters for renters and purchasers of IZ units. Income minimums and maximums range from as little as 50 percent of the area median income to more than 120 percent. Limits tend to be higher for homeownership programs than for renter programs.
- *Affected projects.* The types of developments subject to IZ requirements differ widely by program. Some programs may apply only to developments above a certain size, and others may apply specifically to rental or homeowner developments.
- *Options for off-site development and in-lieu fees.* Many IZ programs have alternative compliance options. Under certain conditions, developers may be permitted to build affordable units off-site, pay fees in lieu of building affordable units, or rehabilitate existing units.
- *Duration of affordability.* IZ programs typically stipulate the length of time that IZ units must remain affordable. It is common for affordability periods to extend 10 to 30 years. Under some programs, the affordability period restarts when a unit is sold.

Inclusionary zoning policies are typically adopted in places with stronger housing markets, characterized by high median housing costs and low vacancy rates (Wang & Balachandran, 2023).

### *A National Picture of Inclusionary Zoning Programs*

Between 2018 and 2019, Wang & Balachandran (2021) conducted the largest survey of inclusionary zoning programs to date. In their survey, an IZ program was defined as “a set of rules or a government initiative that encourages or requires the creation of affordable housing units or the payment of fees for affordable housing investments when new development occurs” (Wang & Balachandran, 2023). The study identified IZ programs in 734 jurisdictions spanning across 31 states, three-quarters of which were in New Jersey, Massachusetts, and California. The survey found that the number of IZ programs has significantly increased over time, although growth has been somewhat slower since 2010. Two in five programs received major updates within three years of the survey, reflecting the evolving nature of many policies.

Of the total 1,019 IZ Programs in the survey, 685 (or 67 percent) were “traditional programs”—those that were either mandatory or voluntary and produced inclusionary units on- or off-site, or programs that accepted in-lieu fees (Wang & Balachandran, 2023). The remaining 334 (33 percent) “linkage/impact fee” programs generated fees for the development of affordable housing from commercial development, residential development, or both. Of the 652 programs that reported an on-site option, the average set-aside requirement was 16 percent. Most programs targeted low-income households with annual incomes between 50 and 80 percent of the AMI—87 percent of rental programs and 75 percent of for-sale programs. The survey also found that 93 percent of programs have affordability requirements that last longer than 30 years. Most IZ programs also offered some kind of incentive to reduce the financial impact of providing inclusionary units. The most popular incentives included density bonuses (57 percent), other zoning variances (24 percent), fee reductions/waivers (17 percent), and expedited permitting (13 percent).

Measuring inclusionary zoning outcomes on a national scale is difficult given the lack of available data. In Wang & Balachandran’s (2021) sample of traditional IZ programs, only 57 percent reported having tracking systems in place to measure inclusionary unit production and fees generated by IZ programs. Based on available data, Wang & Balachandran (2021) found that IZ programs across the nation produce an average of 27 affordable units per year and a median of five units. Out of the 383 programs that tracked unit outcomes, 125 (33 percent) reported that no units had been created since program adoption. Notably, the national total of inclusionary units is likely higher

because programs without unit counts were disproportionately located in regions where inclusionary production was relatively high. The survey also did not capture units created by fee-based IZ policies and only included “on the book” programs, not those produced through ad hoc negotiations (Wang & Balachandran, 2023).

### *Inclusionary Zoning Programs in the City of Rockville and the Region*

In 1990, the City of Rockville established City Code Chapter 13.5, titled “Moderately Priced Housing,” establishing the Moderately Priced Dwelling Unit (MPDU) program. The MPDU program is divided into a homeownership and rental program, which both have distinct eligibility requirements and application processes. Rockville has made significant revisions to the MPDU program in recent years. In 2021, the city increased the control period for rental MPDUs from 30 to 99 years and increased the set-aside requirement across all eligible developments from 12.5 to 15 percent. The city also decreased the threshold that triggers IZ requirements from developments of 50 or more units to those with 20 or more units in 2024.

The City of Rockville’s MPDU program is aligned with inclusionary zoning programs in surrounding jurisdictions with a few exceptions. Rockville’s MPDU program applies to any project planning to construct or develop 20 or more housing units, which is equal to the IZ programs in Montgomery County, Maryland, and the City of Gaithersburg. Other surrounding jurisdictions have higher thresholds ranging from 24 to 50 units. The minimum set-aside requirement in Rockville is 15 percent of the total units, which is higher than all other programs in surrounding jurisdictions. Like many other programs, Rockville offers an optional density bonus that is available to developments in residential-medium-density zones (RMD-10, RMD-15, and RMD-25) that provide a higher percentage of MPDUs than is required. The density bonus ranges from zero to 22 percent on a sliding scale based on the percentage of MPDUs provided. Most surrounding jurisdictions offer an optional density bonus, although they differ in the types of variances allowed to achieve bonus density—e.g., floor area ratio, height, setbacks, lot width, lot coverage, parking requirements. Developers in Rockville and in surrounding jurisdictions, typically, must provide more than the minimum percentage of below-market-rate units to be eligible for density bonuses. New MPDUs in Rockville have affordability covenants that extend 30 years for owner-occupied units and 99 years for renter-occupied units. This control period matches Montgomery County’s control period; however, most other programs have control periods on for-rent units that extend 30 to 40 years. See Table 3 for a summary of inclusionary zoning programs in surrounding jurisdictions.

Since its adoption in 1990, the City of Rockville's MPDU program has produced 992 rental and 472 for-sale MPDUs. From 2000 to 2024, the program produced an average of 40 rental and 19 for-sale MPDUs annually (see Figure 2).<sup>2</sup> For-sale MPDU production peaked in 2003 with 149 units sold. Between 2011 and 2019, zero for-sale MPDUs were sold. Rental MPDU production peaked in 2015 with 224 rental MPDUs added. The net total is slightly lower with 883 rental units and 447 for-sale units (see Figure 3).<sup>3</sup> Projects currently under construction in Rockville are expected to add 164 MPDUs.

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<sup>2</sup> Zero MPDUs were produced from 1990 to 1999. Because of entitlement and construction, it is not uncommon for new programs to produce no units in the first few years following adoption.

<sup>3</sup> The net total reflects the number of new units less the number units with expired affordability covenants.

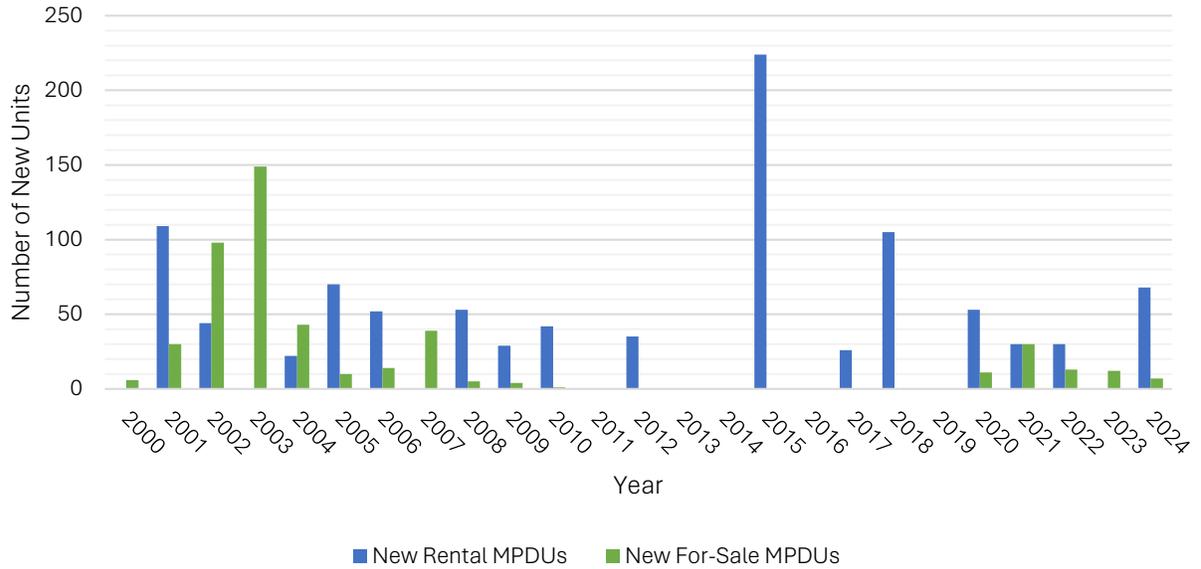
**Table 3: Summary of Inclusionary Zoning Programs in Surrounding Jurisdictions**

Jurisdiction	Minimum Set-Aside	Threshold	Developer Incentives	Income Targeting	Alternative Compliance Options	Affordability duration
City of Rockville, MD	15%	20 or more units	Optional density bonus	Rental units: 30-~120% AMI For-sale units: 50-120% AMI	Off-site development, land transfers, or contribution to housing trust fund (or any combination of the three). Must result in "significantly more" MPDUs	For-rent units: 99 years For-sale units: 30 years
Montgomery County, MD	12.5%	20 or more units	Optional density bonus, additional dwelling unit types, reduced area and dimensional requirements	Up to 70% of AMI	Off-site development, land transfers, or in-lieu payments, conditioned on approval	For-rent units: 99 years For-sale units: 30 years
City of Gaithersburg, MD	7.5-15%	20 or more units	None	Rental units: 50-80% of AMI For-sale units: up to 120% AMI	Only when, in for-sale, a project is determined to be unaffordable for purchasers. In this case a fee would be required.	30 years
City of Frederick, MD	12.5%	25 or more units	Optional density bonus, height exceptions	30-80% AMI	In-lieu payments (no approval necessary)	40 years
Frederick County, MD	12.5%	25 or more units	Optional density bonus	Rental units: 60-80% AMI For-sale units: 70-90% AMI	Off-site development, contribution to housing fund, or any combination that results in 10% more MPDUs. In-lieu payments (by right)	40 years
Howard County, MD	10-15%	All?	None	Rental units: up to 60% AMI For-sale units: up to 80% AMI	Off-site development, Moderate Income Housing rehabilitation, mixed-income development	For-rent units: in perpetuity for-sale units?

Loudoun County, VA	10-15%	24 or more units	Optional density bonus	Rental units: 30-50% AMI For-sale 30-70% AMI	In-lieu payments for single-family dwelling developments	30 years
City of Fairfax, MD	6-10%	30 or more units	Optional density bonus	Rental units: up to 60% AMI For-sale units: up to 70% AMI	Land-transfers or contribution to housing fund, conditioned on approval	For-rent units: 30 years For-sale units: 30 years
Fairfax County, VA	8-12%	50 or more units	Optional density bonus	ADUs: 50-70% AMI WDUs: 60-120% AMI	Land-transfers or contribution to housing fund, conditioned on approval	AUDs: 30 years WDUs: 50 years
City of Falls Church, VA	0%	Optional	Optional density bonus	Rental units: up to 60% AMI For-sale units: 50-80% AMI	In-lieu payments in exchange for density bonus	For-rent units: 20 years For-sale units: 15 years

Source: Author

**Figure 2: Number of MPDUs Produced Per Year in Rockville, MD, 2000-2024**

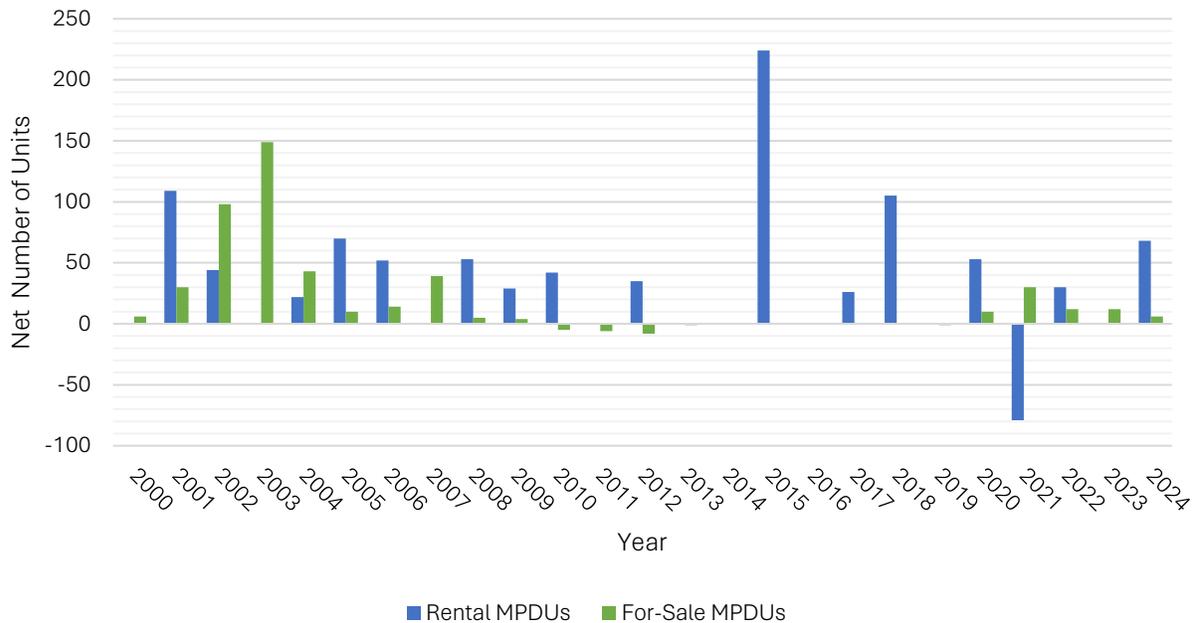


*Note: Years 1990 to 1999 are omitted as no MPDUs were produced during the period.*

*Source: Author*

*Data: Rockville, Maryland, Department of Housing and Community Development*

**Figure 3: Net Number of MPDUs per Year in Rockville, MD, 2000-2024**



*Note: Years 1990 to 1999 are omitted as no MPDUs were produced during the period.*

*Source: Author*

*Data: Rockville, Maryland, Department of Housing and Community Development*

## *General Effectiveness of Inclusionary Zoning*

Given the variation in IZ program design, it is often difficult to generalize about what dimensions have the greatest effect on the production of inclusionary units. Additionally, program outcomes are also dependent on local economic and housing market conditions and the specific state and local regulatory frameworks.

Sturtevant (2016) used several descriptive reports and case studies to highlight what factors tend to be associated with successful inclusionary zoning programs. The author found that (1) inclusionary zoning programs work best in strong housing markets. The logic behind this finding is straightforward: the production of inclusionary units is tied to the market-rate housing development. Without market-rate construction, there is no inclusionary unit production. (2) Mandatory IZ programs tend to work better than voluntary programs. The author found that mandatory programs produce more inclusionary units, but optional programs were also found to be successful if they offered appropriate incentives. (3) Effective inclusionary zoning programs include incentives that offset the cost to developers. A common criticism of inclusionary zoning is that it creates additional costs for developers that in turn lowers market-rate housing production (the topic of the following section). Incentives or offsets—density bonuses, modified development standards, fee waivers, expedited approvals—can counterbalance the cost of supplying inclusionary units. (4) Predictable programs with clear guidelines are most effective. Ad hoc policies and negotiations likely hinder inclusionary unit production. Housing developers rely on a predictable set of rules as they create pro formas, seek financing, and analyze market demand. Lastly, (5) successful inclusionary zoning policies have flexible compliance options. Flexible options help improve project feasibility by offering a variety of methods to meet affordability obligations.

Wang & Fu (2022) provide the most comprehensive empirical study of the relationship between program design and inclusionary unit productivity by utilizing data from Wang & Balachandran's (2021) national survey combined with U.S. Census data. The study found that rental policies, policies with more complex income requirements, and policies with more compliance options were associated with higher average annual inclusionary unit production. Against the authors' expectations, as inclusionary unit production went up, the minimum set-aside requirement trended downward. The study found no relationship between the length of the affordability term (control period) or whether a policy is mandatory on production. Wang & Fu (2022) caution against

drawing conclusions about what features are “best” given that the study did not focus on how policy features affect individual policies and encourage policymakers to consider local policy objectives, housing market conditions, community preferences, and their broader regulatory and political environments.

Others have sought to analyze specific program dimensions. Phillips (2024) used simulations to estimate potential IZ unit production in Los Angeles, California, based on different IZ set-aside requirements. The author modeled scenarios ranging from a 0 to 40 percent IZ requirement while also accounting for modest developer incentives. Simulations showed a quick rise in inclusionary unit production from 0 percent to around 10 percent, and continued growth (at a decreasing rate) until about 25 percent, at which point inclusionary unit production began to decrease. Because this is only a simulation based on a specific program and housing market, actual IZ unit production in other places will vary from the simulations. Nevertheless, the overall shape of the production curve likely remains constant across programs.

Schuetz et al. (2011) examined programs in the San Francisco, California, and Boston, Massachusetts, areas and found a positive association between less restrictive IZ programs and inclusionary unit production. Based on regression estimates, the number of inclusionary units built increased as the minimum project size that triggered IZ increased. Additionally, programs that offered density bonuses were associated with higher inclusionary unit production. Dawkins et al. (2017) also found evidence that developers may respond to lower IZ trigger thresholds by proposing smaller developments, thereby avoiding IZ requirements.

Inclusionary zoning programs vary significantly in terms of design and outcomes. The evidence presented here reflects the importance of tailoring IZ to local conditions and policy goals. It also suggests that policymakers ought to carefully assess the impact of IZ on developers and search for ways to mitigate overly burdensome costs. Failure to properly design an IZ program can lead to low inclusionary unit production and has the potential to increase overall housing costs. The next section looks at how IZ programs can lead to higher housing costs and analyzes how costs are borne by developers, market-rate housing consumers, and local governments.

# Economic Effects of Inclusionary Zoning on Local Housing Markets

When evaluating inclusionary zoning policies, it is important to consider their broader impact on local housing markets and the production of market-rate units. There is a longstanding argument that inclusionary unit requirements raise the cost of housing development—what has been dubbed the “IZ tax” (Ellickson, 1981). Developers might absorb the IZ tax (Padilla, 1995) or pass on the cost to market-rate consumers (Ellickson, 1981), but if the costs are too high, projects may simply become infeasible. While this concern has garnered considerable attention, the arguments made have been largely theoretical and empirical studies on the subject have found mixed results (Ramakrishnan et al., 2019). Few, if any, authors refute the fact that providing below-market-rate units has a cost; the challenge is identifying how the cost is distributed among developers, market-rate housing consumers, and local governments (Wang et al, 2025).

## *Developers*

Inclusionary zoning policies leverage new market-rate development to deliver affordable housing. Because IZ policies both depend on and influence market-rate development, understanding the factors that determine development feasibility in the private market is crucial to designing an effective IZ policy. The so-called “Five L’s” of development associated with project feasibility are Labor, Land, Lumber, Laws, and Lending. This section explores these categories as they pertain to inclusionary zoning and explains how each category may influence a developer’s decision to pursue a project.

**Labor.** The labor market for housing construction is a highly competitive industry (Gyourko, 2009). As the price of labor is largely driven by the market, more expensive localities with higher living costs will also have higher labor costs (Phillips, 2020). There is also a notable shortage of skilled construction labor across the United States, which increases costs further (Huang, 2024). This shortage of labor is driven by the industry’s inability to attract and retain young people, women, and people of color, as well as the decline in new immigrant trade workers. Inclusionary zoning policies are unlikely to change the price that developers must pay for labor.

**Land.** What a developer is willing to pay for land—the “market value of land” or the “residual land value”—is determined by how much a developer can afford to spend after

deducting costs from the expected value of the completed project (Garcia et al., 2023; Phillips, 2020).<sup>4</sup> For example, if a project is expected to sell condos for a gross price of \$5 million and incur costs worth \$3.5 million, the most a developer could spend on land is \$1.5 million. Local zoning policy can have a significant impact on the projected revenue and cost of development and, thus, the amount a developer can pay for land. Take the previous example and assume an IZ program with no developer incentives requires a portion of the condos to be sold below-market price, reducing the total sale price to \$4.5 million. Applying the same logic as before (completed project value – costs = residual land value), a developer can now only afford to spend \$1 million on land, assuming market-rate condo prices and project cost remain constant. In some cases, the landowner might accept a lower price for the property, but they might also hold on to the property in the hopes of a larger return in the future.

Many IZ programs offer a density bonus to enhance development feasibility and mitigate the cost of providing affordable units. A density bonus can be structured several different ways: Jurisdictions may calculate the increase as a multiple of the floor area ratio, permit a larger number of units in a building or development site, provide a height allowance or exemption, reduce open space requirements, provide flexible design standards and site requirements, reduce the required number of parking spaces, or any combination (Local Housing Solutions, 2021a). These bonuses can generate a higher gross sale price or gross rent and yield a higher residual land value (Williams et al., 2016).<sup>5</sup>

The effectiveness of a density bonus can vary significantly based on market conditions. Generally, density bonuses tend to only be effective where there is high market demand and where density is a limiting factor on production (Local Housing Solutions, 2021a; Williams et al., 2016). Stated differently, additional units are only useful if they are likely to be rented or sold. Policymakers must also account for the fact that not all types of density bonuses provide the same level of benefit, and that increasing density may actually

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<sup>4</sup> In the residual land value model, the minimum level of profit needed to attract financial investment is included as a cost.

<sup>5</sup> The increase in land value created by allowing higher density development should not be misinterpreted as making housing on those parcels less affordable. In this case, it is not the total land value that matters but the total land value divided by the total number of housing units (Phillips, 2020). Put differently, a \$500,000 piece of land with one dwelling unit will likely provide less affordability than a \$1 million parcel with four dwelling units.

increase costs to such a degree that a project becomes infeasible. Eriksen & Orlando (2022) explored vertical returns to scale in residential construction—that is, the marginal cost of building additional stories. The researchers modeled the cost of constructing buildings of various heights in the 50 largest US cities and found nonlinearities in building costs. Overall, the marginal cost of adding an additional story is small and negative; however, moving from a three-story building to a four-story building has an estimated marginal increase of 8% and moving from seven to eight stories had an estimated marginal increase of 32%. A conclusion that can be drawn from this study is that granting an additional story, or two or three, as an IZ bonus may not change the residual land value or the financial feasibility of a project. Likewise, if building at a higher density means providing additional parking, the costs associated with doing so may be prohibitively high (Williams et al., 2016). For a density bonus to be effective, a jurisdiction needs to consider various building costs in addition to other factors—such as the depth of affordability for IZ units and set-aside requirements—to ensure the bonus will provide a sufficiently large incentive to generate affordable units (Local Housing Solutions, 2021a).

**Lumber.** Lumber refers to all materials that are needed for construction of a building. Inclusionary zoning programs, and municipalities more broadly, have little influence over the cost of building materials (Phillips, 2020). Municipalities, however, can sometimes influence *what* building materials must be used through local building codes and design standards. Some IZ programs require inclusionary units to be identical in every respect to market-rate units, even if that means installing granite countertops and luxury appliances (Jacobus, 2015). Less stringent design standards may reduce some material costs.<sup>6</sup> As many municipalities look to adopt sustainable practices, many have also established “green building” codes that seek to minimize the environmental impact of building construction and operation (Clark, 2021). Green building codes may bring savings in the long-run, but they often require additional up-front costs and can take longer to construct than conventional buildings (Fischhoff, 2020). Indeed, research has found that green

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<sup>6</sup> This is not to say that inclusionary units should not adopt any design standards. In fact, it is recommended that jurisdictions adopt building design standards to avoid stigmatizing residents of affordable units. This may include requiring inclusionary units to be equitably distributed throughout a development; requiring inclusionary units be indistinguishable (externally) from market-rate units; or mandating that inclusionary units share the same entrances, common areas, and amenities. See Reyes & Khare (2021) for best practices to advance racial equity in inclusionary zoning programs.

building requirements are associated with an increase in home prices and a decrease in home production in some markets (Muzio et al., 2023). Policymakers may need to consider the tradeoffs between sustainability goals and housing affordability and seek out policies that align with both community needs (e.g., a tax subsidy for green building projects that provide affordable housing).

**Laws.** Law refers to the regulatory process for obtaining development approval. The length of the entitlement process can have a significant impact on project cost and feasibility (Long, 2011). A longer process requires more at-risk capital to be outstanding for a longer period, and adjustments to the proposed development during the process can also affect a project's value and cost. Uncertainty created by discretionary or slow approval increases the risk of losing predevelopment capital and leads developers to demand larger profit margins (Phillips, 2020). In the past, developers in Montgomery County, Maryland, claimed that addressing MPDU requirements added length and complexity to the development review process, although this was not found to be the case for other programs in the region (Levy et al., 2012).<sup>7</sup> In some jurisdictions, IZ projects qualify for expedited entitlement, which offsets some of the cost of providing inclusionary units and speeds up development. Expedited entitlement can be a valuable benefit, particularly in jurisdictions with lengthy processes, but it is unlikely to encourage affordable unit production as a stand-alone incentive (Local Housing Solutions, 2021b). Policymakers and program administrators should consider the potential impacts of administrative burden on developers, as poorly designed programs can slow development and impose additional costs.

**Lending.** To cover the construction cost of a multifamily project, developers must finance their costs with a combination of debt and equity. Short- and long-term loans (debt), typically issued by banks, provide the bulk of project financing in many cases. These loans carry interest rates that vary with the market cycle. When lenders examine the risk associated with issuing a loan to a developer, they often focus on the debt service coverage ratio (DSCR) (Garcia et al., 2023). The DSCR is calculated by dividing a project's expected net operating income (NOI)<sup>8</sup> by the anticipated loan payment. A DSCR of 1.0, for example,

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<sup>7</sup> Montgomery County has since made significant process improvements and reduced the permitting timeline for developers. See Burnett & Morrill (2015) for an in-depth look at the changes put in place by the county.

<sup>8</sup> Net Operating Income (NOI) is defined as project income derived from rents minus expenses of operating the property (i.e. maintenance, leasing, property taxes, legal, staff) before paying debt.

indicates that the project anticipates having exactly enough income to cover its loan payments. IZ affordability requirements effectively lower a project's expected NOI by lowering its income from rent. A lower NOI means that lenders are likely to offer a smaller loan to IZ projects compared to projects with no affordability restrictions (Urban Institute, 2016).

Absent any government subsidies, the remaining gap in financing left by loans (debt) must be filled by equity, which comes from project investors as well as a small amount provided by the developer. Investors consider housing development to be a riskier investment than stocks or bonds and demand high returns as a result (Garcia et al., 2023). Equity investors may include private equity investment firms, insurance companies, foreign capital, and the pension funds of public sector employees. As investors have alternative investment options that may provide higher returns or lower risk, developers must promise returns that are dictated as much by national and global markets as by local markets—it often has little to do with how much profit a developer is expected to make (Garcia et al., 2023). Therefore, a developer's lending costs are essentially fixed to the expected project income and the market demand for real estate investment.

When developers face the reduced economic value of a project due to IZ requirements, they essentially have three options:

- Decline to proceed with the proposed project at the desired location and possibly build in a nearby jurisdiction without IZ (or in a jurisdiction with less stringent IZ requirements);
- Attempt to purchase the land for below-market price, which most private property owners are unwilling to agree to;
- Or accept a lower return on the project, which most developers have little to no ability to do (Williams et al., 2016).

Developers can only avoid these options in a scenario in which market-rate units are priced high enough to “cross subsidize” below-market-rate units or instances in which local jurisdictions provide incentives to sufficiently offset the impact of below-market-rate units on development feasibility (Been et al., 2008; Williams et al., 2016).

### *Market-rate housing consumers*

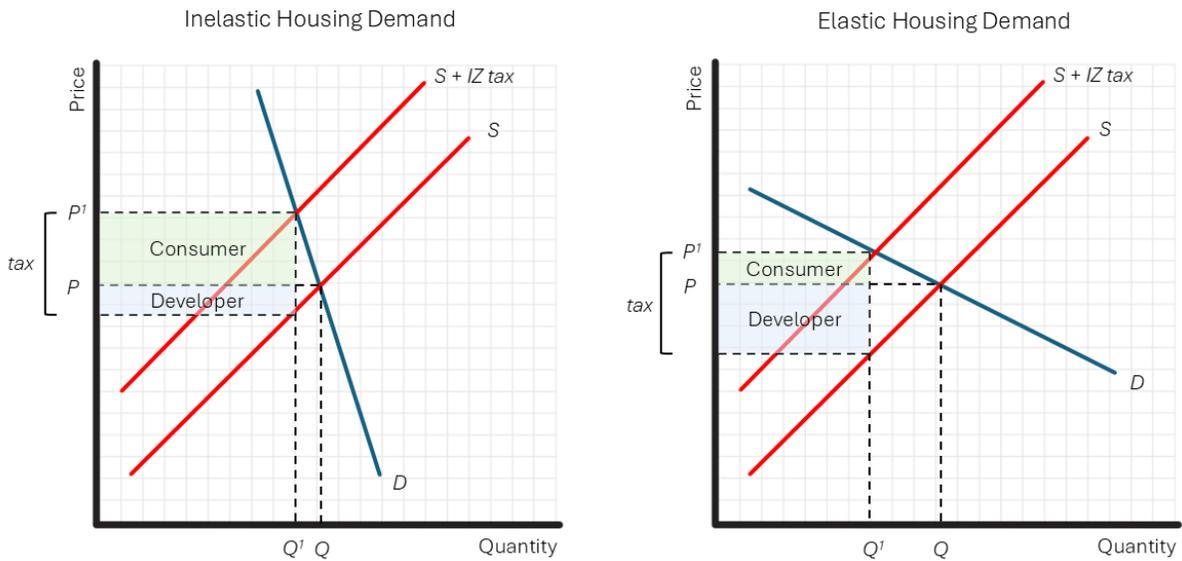
Proponents of inclusionary zoning often argue that developers tend to absorb the cost of inclusionary unit production and cannot pass on the costs to homebuyers or tenants (Jacobus, 2015; Grounded Solutions Network, 2018).<sup>9</sup> The economic theory behind this argument is that market-rate units can only be priced as high as consumers are willing to pay, therefore, developers cannot arbitrarily increase prices to cross subsidize below-market-rate units. This may be true for developers on an individual basis; however, if IZ increases costs for developers across an entire market, economic theory suggest that the consumers' share of the "IZ tax" will be dictated by the price elasticity of housing demand (Hollingshead, 2015).<sup>10</sup> The elasticity of demand for housing can vary by jurisdiction and is influenced by the income and preferences of new households and by the availability of housing alternatives when prices increase locally (Ellickson, 1981; Schuetz et al., 2011). In jurisdictions with inelastic housing demand—where housing alternatives are scarce or where individuals are willing to pay a premium to be located near certain amenities—developers may be more likely to pass the cost to market-rate consumers in the form of higher rents or home prices. Housing demand may be more elastic if there are alternative housing options in nearby markets or if consumers are income constrained. Figure 3 illustrates this theory, showing that consumers tend to bear most of the 'IZ tax' when the demand for housing is inelastic and less when demand is elastic.

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<sup>9</sup> This theory supposes that the costs associated with IZ are absorbed by declines in land prices or reductions in developer profits (Jacobus, 2015).

<sup>10</sup> In this context, price elasticity is how much consumers are willing to pay for housing. Price elasticity is a measure of how the quantity demanded of a good or service changes in response to a change in price. Demand is "elastic" if demand changes more than the price (e.g., a 10% price increase leads to a 20% decrease in demand), "inelastic" if demand changes less than the price (e.g., a 10% price increase leads to a 5% decrease in demand), or 'unit elastic' if price and quantity change by the same percent (e.g., a 10% price increase leads to a 10% decrease in demand).

**Figure 3: Relative Burden of an “IZ Tax” by Price Elasticity of Demand**



Source: Author

Others suppose that IZ programs have the potential to increase market-rate prices across the market, not on an individual-building level, if IZ requirements reduce the aggregate market-rate housing supply (Phillips, 2024). Simply put, if IZ programs produce fewer market-rate units than would be produced in the absence of IZ, prices across the market would be expected to increase. This would worsen affordability for all renters and buyers, not just people moving into new homes.

Research findings on IZ’s impact on market-rate housing production are mixed. Schuetz et al. (2011) found a slight decrease in housing starts in Los Angeles, California, but no significant effect in Boston, Massachusetts. Bento et al. (2009) found a slight increase in multifamily production and no impact on single-family starts in California. Hamilton (2021), Mukhija et al. (2010), and Wang et al. (2025), each failed to find any significant impact on new housing starts.

Many studies find an association between IZ and higher market-rate home prices (Bento et al., 2009; Hamilton, 2021; Means & Stringham, 2012; Schuetz et al., 2011; Wang et al., 2025). Hamilton (2021) found that for each additional year a mandatory IZ program is in place, home prices can be expected to increase on a per-square-foot basis by 1.1 percent, but did not observe any price

increases for optional IZ programs in the Baltimore-Washington DC region.<sup>11</sup> Bento et al. (2009) found that IZ programs raise home prices by roughly 2.2 percent with greater increases in higher priced housing markets in California. Wang et al. (2025) found that more stringent IZ policies had greater price effects than less stringent policies with 3.0 percent and 2.1 percent increases, respectively. A summary of research findings is presented in Table 4. One should be cautious when drawing conclusions from these studies given the differing program designs, methodologies employed by researchers, and timings of the studies.

**Table 4: Summary of Studies on Market-Rate Home Production and Prices**

Study	Geography	New Housing Starts	Home Prices
Means & Stringham, 2012	California	Decrease	Increase
Schuetz et al., 2011	San Francisco metro/Boston suburbs	Mixed	Mixed
Bento et al., 2009	California	Mixed	Increase
Hamilton, 2021	Baltimore-Washington DC region	No effect	Increase
Mukhija et al., 2010	Los Angeles and Orange County, CA	No effect	n/a
Wang et al., 2025	United States	No effect	Increase

There are several indications that market-rate housing consumers in Rockville, Maryland, likely bear some of the cost of IZ. In addition to Hamilton’s (2021) study that found evidence of increased home prices within the Baltimore-Washington DC region, economic and market indicators, discussed above, also support the claim. Places in which housing alternatives are limited tend to have more inelastic demand. One proxy for housing alternatives is the vacancy rate, which reflects the proportion of a jurisdiction’s housing inventory that is available to be rented or sold. A vacancy rate of around 7 to 8 percent is generally understood to represent a market in which demand for housing matches the supply (Hartwell, 2025). In the City of Rockville, the overall vacancy rate is estimated at 1.8 percent—0.8 percent for owner-occupied units and 3.0 percent for renter-occupied units (ACS, 2023). This means that households looking to buy or rent housing in Rockville have less bargaining power, giving property owners more leverage to set prices (Phillips, 2015). The

<sup>11</sup> Notably, optional IZ programs were also found to produce very few affordable units. Out of all the optional IZ programs in the region—Alexandria County, VA; Charles County, MD; City of Falls Church, VA; Fauquier County, VA; Harford County, MD; St. Mary’s County, MD; Talbot County, MD; and the City of Warrenton, VA—only Alexandria and Falls Church, VA, have produced any units (Hamilton, 2021).

Metropolitan Washington Council of Government (2023) estimates that employment in the City of Rockville will increase by 23.6 percent between 2020 and 2050, increasing the demand for housing further. Rockville may also be considered a high-amenity location given its vast park system, high-performing public schools, and access to public transportation. Some developers' view of IZ further support the economic and market evidence. One developer in Montgomery County, Maryland, remarked that "you lose money on every one of them [MPDUs]" and the market-rate units end up subsidizing the MPDUs (confidential interview cited in Levy et al., 2012). Taken together, this evidence suggests that market-rate housing consumers in Rockville likely bear some of the cost of IZ.

### *Local Governments*

Many jurisdictions offer incentives to offset the cost of providing below-market-rate units. As mentioned in the section above, the most common incentive is a density bonus, but other incentives include waivers or deferral of impact fees, tax deferral, expedited permitting, zoning variances, and other regulatory concessions that reduce developers' costs. Financial incentives may also be provided through federal Community Development Block Grants and Home funds or state and local subsidies, such as below-market-rate construction loans and tax-exempt bond mortgage financing (Calavita & Mallach, 2009). While offering incentives has been found to be an effective strategy for increasing inclusionary unit production (Schuetz et al., 2011; Sturtevant, 2016), it creates real costs for the public sector. When jurisdictions grant fee waivers or tax deferrals, for example, revenues that would otherwise go into a city's general fund are redirected to IZ programs. Even seemingly free incentives such as density bonuses may result in increased infrastructure and other public costs (Calavita & Mallach, 2009). Some incentives may also conflict with each other. For example, tax increment financing is used by some jurisdictions to provide capital subsidies to development projects and is funded through property taxes (Williams et al., 2016). Therefore, any reduction in property tax revenue would reduce funds available for capital subsidies. Policymakers ought to carefully weigh the costs and benefits of providing developer incentives and consider how public dollars can best be used to meet affordable housing goals.

## Racial and Economic Integration Outcomes

In addition to the affordability goal, inclusionary zoning also seeks to increase racial and economic integration in neighborhoods and communities. This IZ goal has received considerably less research attention as many studies focus on IZ production and housing market impacts. The limited research available indicates that IZ can foster integration and lead to meaningful outcomes, although it is often highly context dependent.

### *Upward Mobility*

Evidence indicates that neighborhoods can have a significant impact on the upward mobility of their residents, particularly on children. Schwartz (2010) examined the performance of elementary school students in public housing in Montgomery County, ranging from very-low-poverty neighborhoods to moderate-poverty neighborhoods.<sup>12</sup> The study found that over a period of five to seven years, children in public housing who attended the school district's most-advantaged schools vastly outperformed children in public housing who attended the least-advantaged schools (Schwartz, 2010). Chetty & Hendren (2015) found similar effects for children using a nationally representative sample. They found that children exposed to better neighborhoods had increased earnings later in life, an effect that compounded with time (Chetty & Henderson, 2018). These studies provide a few examples of the positive outcomes that inclusionary units may be able to provide.

It is important to point out that economic integration and racial integration are not always synonymous, and a city or county can experience one without the other. In Roisman's (2001) review of outcomes in New Jersey and Massachusetts, they found that while inclusionary zoning increased economic integration in suburban communities, in some cases it exacerbated racial segregation as the majority of units went to low-income white households. Roisman (2001) did not find this problem in Montgomery County, Maryland, and believes preferences for applicants who live or work in the county, the lottery system for selecting purchasers of MPDUs, and the fact that a proportion of the units were owned by the public housing authority contributed to the increase in racial integration. Likewise, a jurisdiction may experience racial integration without economic integration. Between 1980 and 2000, Kontokosta (2016) found that neighborhoods with IZ units in

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<sup>12</sup> Public housing in this study refers to MPDUs purchased by Montgomery County's public housing authority.

Montgomery County became more racially diverse while income diversity remained relatively constant.

### *Geographic Integration*

Where inclusionary units are located may also influence integration outcomes. In Montgomery County, Maryland, and Suffolk County, New York, Kontokosta (2016) found that neighborhoods most likely to receive IZ units are those that are, on average, more racially integrated at the outset. Greater income integration does not appear to predict whether a neighborhood is likely to receive IZ units (Kontokosta, 2016). Dawkins et al. (2017) also found that for-sale MPDU placement in Montgomery County is tied to the location of where new units are being constructed, which tended to be in suburban areas with large-scale subdivisions, resulting in a large share of for-sale MPDUs being constructed in areas with less access to public transit.

### *Equity Gains*

Many inclusionary zoning programs offer owner-occupied units at a below-market rate. This can offer individuals who have previously experienced barriers to homeownership an opportunity to secure stable housing and build wealth. Dawkins et al. (2017) assessed equity gains of owner-occupied MPDUs in Montgomery County and found that the program enabled low-income homebuyers to realize tangible gains in home equity. The study also found that while MPDU homes did not appreciate as quickly as market-rate housing during the housing boom of the early 2000s, MPDUs saw smaller price declines during the housing bust (Dawkins et al., 2017). The type of inclusionary housing may also influence outcomes as inclusionary units with homeowner association and condominium fees could impose additional costs that preclude otherwise qualified buyers from attaining a unit (Dawkins et al., 2017).

## Conclusion

This report has highlighted several aspects of IZ that should be considered when implementing changes to a program. Nevertheless, the scope of this report does not include other important aspects of IZ, such as aligning eligibility requirements with community needs or analyzing outcomes for off-site and payment-in-lieu compliance options.

Policymakers ought to also consider the underlying framework of inclusionary zoning. Contrary to what its name implies, inclusionary zoning does not repeal the exclusionary zoning codes that are largely responsible for the high cost of housing in many cities (Ikeda & Washington, 2015).<sup>13</sup>

Fundamentally, inclusionary zoning seeks to capture value created by new development by mandating that a certain portion of new units be affordable. Some have argued that this is a misunderstanding of where value is held in cities. Manville (2021) wrote,

[C]onventional value capture is completely backward. It targets development, even though the problem it wants to solve is caused by development's absence. It mistakes *development* as the source of value, when the real value in urban areas lies in *land*. By taxing development rather than land, conventional value capture pits two groups of people who by definition ameliorate housing scarcity—developers of market-rate housing and developers of affordable housing—against each other, while quietly protecting, through an implicit subsidy, the vast majority of landholders who are content to let housing scarcity persist. (p. 7)

Manville (2021) further noted that value capture can be an effective tool, but he argued that it is land that should be taxed, not new housing.

Similarly, policymakers should also consider the ways that IZ can, essentially, hold good policy solutions hostage. For example, relaxing parking requirements is an effective IZ incentive because it can significantly reduce the cost of development. If that is the case, one could argue that if more housing is the goal, parking requirements should be relaxed for all developments, not just those that are subject to inclusionary zoning requirements. But if that were to happen, it would no longer be an incentive.

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<sup>13</sup> Exclusionary policies includes minimum lot size requirements, height restrictions, multifamily housing bans, and other rules that limit housing supply.

Many communities are seeking creative housing solutions as affordability challenges continue to put financial pressure on households. Inclusionary zoning is one of many potential tools, but policymakers and program administrators must recognize that IZ will not solve a city's housing problems on its own. A broader strategy that addresses housing supply constraints and the preservation of affordable housing is necessary.

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# Inclusionary Zoning: Policy Design, Tradeoffs, and Outcomes

July 2025

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Prepared for the City of Rockville Department of Housing and Community Development

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## Introduction

Many cities and towns across the United States are facing significant housing challenges. Increasingly high rents and rising home prices have led to record-high cost burdens for a growing share of households and placed homeownership out of reach for many (Joint Center for Housing Studies, 2024). In Rockville, nearly half of renters spend 30 percent or more of their monthly income on housing (American Community Survey, 2023). In addition to affordability problems, many communities are also grappling with how to address past racial discrimination and current economic segregation.

Inclusionary zoning (IZ), sometimes referred to as inclusionary housing, is a policy that has gained increasing attention and use in recent decades. IZ programs seek to address affordability and integration challenges by encouraging or requiring new developments to provide a portion of new housing units at below-market-rates. Its “cost-free” appearance contributes to IZ’s popularity, particularly among local governments with strained budgets and voters unsupportive of increased spending.

This report highlights the various designs, production outcomes, and tradeoffs associated with inclusionary zoning and aims to provide policymakers with a better understanding of IZ’s impact on housing affordability, integration, and the broader housing market. The first part of this report provides an assessment of current affordability challenges with a focus on the City of Rockville. The report then moves to an overview of IZ programs on a national and regional scale. This section is followed by a discussion of IZ’s cost and impact on developers, market-rate housing consumers, and local governments. The report concludes with findings on IZ’s potential to improve economic and racial integration within communities.

## Housing Affordability

Housing affordability is a unique challenge because it is not exclusively a housing problem; it encompasses both housing cost and income. A standard measure of housing affordability looks at how much an individual spends on housing relative to their income. An individual who spends 30 percent or more on housing is typically considered “cost burdened.”<sup>1</sup> The measure is relatively straightforward for renters—it is simply the ratio of rent and utility costs to income—but calculating the cost of homeownership becomes more difficult when you begin to account for tax preferences and capital appreciation on top of mortgage payments, property taxes, and other expenses. Additionally, homeowners with long-term, fixed-rate mortgages are sometimes willing to accept a high cost-burden in the short term if they expect their income to increase at a faster rate than their housing expenses (Quigley & Raphael, 2004). Despite the imperfections of this measurement, it is still a widely accepted method for assessing housing affordability (Schwartz, 2021).

Harvard’s Joint Center for Housing Studies publishes the most comprehensive assessment of housing affordability in their annual report, *The State of the Nation’s Housing*. The Center’s recent report reflects significant and growing affordability challenges across the United States (Joint Center for Housing Studies, 2024). Between 2019 and 2022, the number of cost-burdened homeowners grew by nearly 3 million, representing almost one in four homeowners. Renters face an even more challenging market. As of 2022, the number of cost-burdened renters was at the highest point in history, with half of all renters facing such costs. Likewise, the number of severely-cost-burdened renters—those spending more than half of their income on housing—also hit a record high in 2022. Notably, the study also found that cost-burden rates are disproportionately high for lower-income renters of color, even after controlling for racial income inequality.

### *Cost Burdens in the City of Rockville*

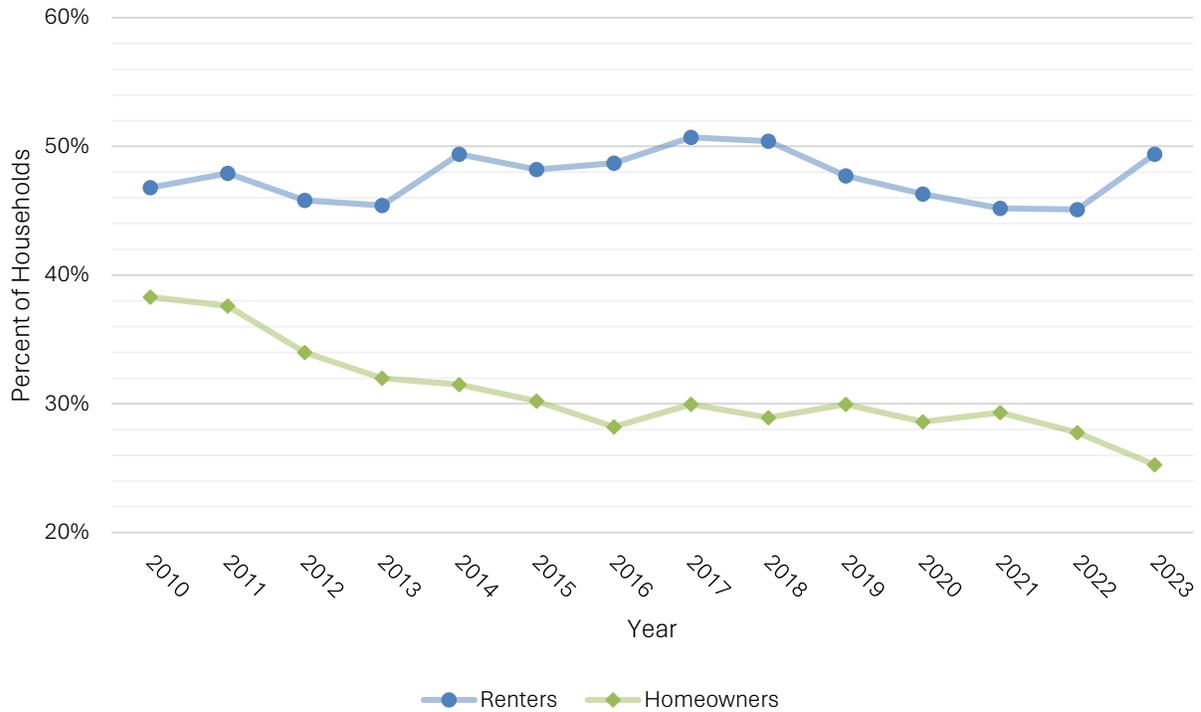
Data from the American Community Survey reflect similar cost-burden trends for renters and homeowners in Rockville, Maryland (see Figure 1). The share of cost-burdened homeowners with a mortgage declined steadily between 2010 and 2023, roughly following national trends (McCue, 2025). The steady decline from 2010 to 2016 for homeowners largely reflects the

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<sup>1</sup> The threshold that defines someone as cost burdened has no intrinsic meaning (Schwartz, 2021). Prior to the 1980s, 25 percent was the accepted threshold.

market recovery following the mortgage crisis and economic recession of the mid-2000s. Between 2010 and 2023, the percentage of households spending 30 percent or more of their income on rent has remained between roughly 45 and 50 percent. This rate decreased slightly from 2019 to 2023 but began increasing again in 2023, possibly reflecting the expiration of COVID-19 support programs.

Figure 1: Cost-Burdened Households in Rockville, MD, 2010-2023



Source: Author

Data: U.S. Census Bureau, U.S. Department of Commerce. American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP04 and Table S2506, 2010-2023.

### Housing Gap Analysis

Another way to measure housing affordability is to estimate how many affordable homes are available to various income groups. Gap analysis reflects the surplus or deficit of homes for each income group. The housing gap analysis displayed in Table 1 and Table 2 was completed using data from the U.S. Department of Housing and Urban Development’s Comprehensive Housing Affordability Strategy (CHAS) dataset. Table 1 is an analysis of renter-occupied units and Table 2 looks at owner-occupied units.

The housing gap analysis for renters in the City of Rockville reflects a severe shortage of units affordable to low-income households, particularly those earning less than 30 percent of the area median income (AMI) (See Table 1). There are an estimated 2,389 renter households in Rockville with an income less than 30 percent of the AMI (column A), yet there are only 1,065 units that would be affordable to this group within the city (column D). Once the number of affordable units that are occupied by households with an income *above* 30 percent of the AMI (column G) is accounted for, the gross deficit of affordable units for this income group increases to -1,642 units (column I). The gross deficit of affordable rental units for households with an income greater than 30 percent and less than or equal to 50 percent of the AMI (>30% AMI and ≤50% AMI) shrinks to -673 units. For households with an income greater than 50 percent and less than or equal to 80 percent of the AMI (>50% AMI and ≤80% AMI), estimates suggest a surplus of 341 affordable rental units.

Table 2 reflects similar affordability trends for owner-occupied housing. For households with an income less than or equal to 50 percent of the AMI (≤50% AMI), there is a gross deficit of -1,537 affordable homes. The deficit shrinks to -675 for households with an income greater than 50 percent and less than or equal to 80 percent of the AMI (>50% AMI and ≤80% AMI); it shrinks further to -198 for households with an income greater than 80 percent and less than or equal to 100 percent of the AMI (>80% AMI and ≤100% AMI). Like many rental units in the city, a significant number of homes affordable to low- and moderate-income households are occupied by higher-income households.

Table 1 and Table 2 reveal the largest housing gaps for households with the lowest income, which mirrors both national and statewide trends in Maryland (National Low Income Housing Coalition, 2024). Another notable finding is the surplus of rental units for households making between 50 and 80 percent of the AMI. The City of Rockville's inclusionary zoning policy and other programs designed produce affordable housing, such as the Low-Income Housing Tax Credit program, contribute to the surplus of units. While acknowledging the contributions of these programs, Furth and Hamilton (2024) also point out that roughly a third of all new rental units are affordable to households earning 60 percent of the AMI in the Washington DC and Baltimore metro area, the majority of which are market-rate. For example, they find that the typical renter household in Montgomery County, Maryland, living in a unit built since 2010 has a total housing cost that is affordable to a household earning 54 percent of AMI (Furth &

Hamilton, 2024). Furth & Hamilton's (2024) findings are consistent with national studies that find that moderate-income renter households face a far smaller shortage of affordable units compared to lower-income households (National Low Income Housing Coalition, 2024).

Several factors contribute to the lack of affordable units. For the lowest-income renters, it fundamentally reflects the inability of the private housing market to build and maintain low-cost housing without public subsidy (Schwartz, 2021). Schwartz (2021) also views wage stagnation, widening economic inequality, reductions in federally subsidized housing stock, and burdensome government regulations as contributors. Homeowners face similar income challenges in addition to increasingly high home prices, mortgage rates, insurance premiums, and property taxes (Joint Center for Housing Studies, 2024). To address these challenges, many localities have implemented inclusionary zoning policies. The design, outcomes, and tradeoffs of inclusionary zoning will be discussed in the remaining sections.

Table 1: Housing Affordability Gap Analysis for Renter-Occupied Units in Rockville, MD

Housing Affordability Gap Analysis, Rockville, MD CHAS, 2017-2021									
<u>Renters</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D = B+C</u>	<u>E = D-A</u>	<u>F</u>	<u>G</u>	<u>H = G/D</u>	<u>I = E-G</u>
	Renter HHs Within Income Limits*	Renter Occupied Units by Affordability Level *	Vacant for Rent *	Total Units	Surplus / Deficit	Units Occupied by HH Within Income Limits *	Units Occupied by HH Above Income Limits *	% Units Occupied by HH Above Income Limits	Gross Surplus / Deficit
<b>HH Income</b>									
≤ 30% AMI	2,389	1,045	20	1,065	-1,324	735	318	30%	-1,642
> 30% AMI and ≤ 50% AMI	1,295	730	65	795	-500	175	173	22%	-673
> 50% AMI and ≤ 80% AMI	1,169	2,390	90	2,480	1,311	465	970	39%	341

Source: Author

Data: 2017-2021 HUD CHAS data for Rockville, MD.

URL: <http://www.huduser.org/portal/datasets/cp.html>

Tables: 17A, 17B, 18A, 18B, 18C

\* Data taken from CHAS

Table 2: Housing Affordability Gap Analysis for Owner-Occupied Units in Rockville, MD

Housing Affordability Gap Analysis, Rockville, MD CHAS, 2017-2021									
<u>Owners</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D = B+C</u>	<u>E = D-A</u>	<u>F</u>	<u>G</u>	<u>H = G/D</u>	<u>I = E-G</u>
HH Income	Owner HHs Within Income Limits *	Owner Occupied Units by Affordability Level *	Vacant For Sale *	Total Units	Surplus / Deficit	Units Occupied by HH Within Income Limits *	Units Occupied by HH Above Income Limits *	% Units Occupied by HH Above Income Limits	Gross Surplus / Deficit
<i>All Mortgages</i>									
≤ 50% AMI	1,897	744	40	784	-1,113	328	424	54%	-1,537
> 50% AMI and ≤ 80% AMI	920	614	55	669	-251	20	424	63%	-675
> 80% AMI and ≤ 100% AMI	1,028	2,105	10	2,115	1,087	255	1,285	61%	-198
<i>With a Mortgage</i>									
≤ 50% AMI	938	369	-	-	-	89	290	-	-
> 50% AMI and ≤ 80% AMI	625	285	-	-	-	20	180	-	-
> 80% AMI and ≤ 100% AMI	710	1,675	-	-	-	215	1,100	-	-
<i>Without a Mortgage</i>									
≤ 50% AMI	959	375	-	-	-	239	134	-	-
> 50% AMI and ≤ 80% AMI	295	329	-	-	-	0	244	-	-
> 80% AMI and ≤ 100% AMI	318	430	-	-	-	40	185	-	-

Source: Author

Data: 2017-2021 HUD CHAS data for Rockville, MD.

URL: <http://www.huduser.org/portal/datasets/cp.html>

Tables: 17A, 17B, 18A, 18B, 18C

\* Data taken from CHAS

## Inclusionary Zoning

Inclusionary zoning (IZ) is used by localities to expand the supply of affordable housing and increase access to high-cost and high-opportunity neighborhoods. An IZ ordinance typically either requires or encourages developers to designate a portion of new housing units to be priced below market rate. While programs vary widely between jurisdictions, Schwartz (2021) points out the key dimensions that IZ programs share:

- *Set-aside requirements.* Most programs require 10 to 20 percent of units within a proposed development to be made affordable to low- or moderate-income households.
- *Developer incentives.* Developers are often compensated for setting a portion of units below market price. The most common incentive is a density bonus, whereby developers are permitted to build additional market-rate units beyond what is allowed under the zoning code. Other incentives include waivers of various fees, reduced parking requirements, less stringent design standards, and expedited review and processing of applications.
- *Strength of requirements.* Some jurisdictions have optional programs while others are mandatory.
- *Income targeting.* Most programs have specific income parameters for renters and purchasers of IZ units. Income minimums and maximums range from as little as 50 percent of the area median income to more than 120 percent. Limits tend to be higher for homeownership programs than for renter programs.
- *Affected projects.* The types of developments subject to IZ requirements differ widely by program. Some programs may apply only to developments above a certain size, and others may apply specifically to rental or homeowner developments.
- *Options for off-site development and in-lieu fees.* Many IZ programs have alternative compliance options. Under certain conditions, developers may be permitted to build affordable units off-site, pay fees in lieu of building affordable units, or rehabilitate existing units.
- *Duration of affordability.* IZ programs typically stipulate the length of time that IZ units must remain affordable. It is common for affordability periods to extend 10 to 30 years. Under some programs, the affordability period restarts when a unit is sold.

Inclusionary zoning policies are typically adopted in places with stronger housing markets, characterized by high median housing costs and low vacancy rates (Wang & Balachandran, 2023).

### *A National Picture of Inclusionary Zoning Programs*

Between 2018 and 2019, Wang & Balachandran (2021) conducted the largest survey of inclusionary zoning programs to date. In their survey, an IZ program was defined as “a set of rules or a government initiative that encourages or requires the creation of affordable housing units or the payment of fees for affordable housing investments when new development occurs” (Wang & Balachandran, 2023). The study identified IZ programs in 734 jurisdictions spanning across 31 states, three-quarters of which were in New Jersey, Massachusetts, and California. The survey found that the number of IZ programs has significantly increased over time, although growth has been somewhat slower since 2010. Two in five programs received major updates within three years of the survey, reflecting the evolving nature of many policies.

Of the total 1,019 IZ Programs in the survey, 685 (or 67 percent) were “traditional programs”—those that were either mandatory or voluntary and produced inclusionary units on- or off-site, or programs that accepted in-lieu fees (Wang & Balachandran, 2023). The remaining 334 (33 percent) “linkage/impact fee” programs generated fees for the development of affordable housing from commercial development, residential development, or both. Of the 652 programs that reported an on-site option, the average set-aside requirement was 16 percent. Most programs targeted low-income households with annual incomes between 50 and 80 percent of the AMI—87 percent of rental programs and 75 percent of for-sale programs. The survey also found that 93 percent of programs have affordability requirements that last longer than 30 years. Most IZ programs also offered some kind of incentive to reduce the financial impact of providing inclusionary units. The most popular incentives included density bonuses (57 percent), other zoning variances (24 percent), fee reductions/waivers (17 percent), and expedited permitting (13 percent).

Measuring inclusionary zoning outcomes on a national scale is difficult given the lack of available data. In Wang & Balachandran’s (2021) sample of traditional IZ programs, only 57 percent reported having tracking systems in place to measure inclusionary unit production and fees generated by IZ programs. Based on available data, Wang & Balachandran (2021) found that IZ programs across the nation produce an average of 27 affordable units per year

and a median of five units. Out of the 383 programs that tracked unit outcomes, 125 (33 percent) reported that no units had been created since program adoption. Notably, the national total of inclusionary units is likely higher because programs without unit counts were disproportionately located in regions where inclusionary production was relatively high. The survey also did not capture units created by fee-based IZ policies and only included “on the book” programs, not those produced through ad hoc negotiations (Wang & Balachandran, 2023).

### *Inclusionary Zoning Programs in the City of Rockville and the Region*

In 1990, the City of Rockville established City Code Chapter 13.5, titled “Moderately Priced Housing,” establishing the Moderately Priced Dwelling Unit (MPDU) program. The MPDU program is divided into a homeownership and rental program, which both have distinct eligibility requirements and application processes. Rockville has made significant revisions to the MPDU program in recent years. In 2021, the city increased the control period for rental MPDUs from 30 to 99 years and increased the set-aside requirement across all eligible developments from 12.5 to 15 percent. The city also decreased the threshold that triggers IZ requirements from developments of 50 or more units to those with 20 or more units in 2024.

The City of Rockville’s MPDU program is aligned with inclusionary zoning programs in surrounding jurisdictions with a few exceptions. Rockville’s MPDU program applies to any project planning to construct or develop 20 or more housing units, which is equal to the IZ programs in Montgomery County, Maryland, and the City of Gaithersburg. Other surrounding jurisdictions have higher thresholds ranging from 24 to 50 units. The minimum set-aside requirement in Rockville is 15 percent of the total units, which is higher than all other programs in surrounding jurisdictions. Like many other programs, Rockville offers an optional density bonus that is available to developments in residential-medium-density zones (RMD-10, RMD-15, and RMD-25) that provide a higher percentage of MPDUs than is required. The density bonus ranges from zero to 22 percent on a sliding scale based on the percentage of MPDUs provided. Most surrounding jurisdictions offer an optional density bonus, although they differ in the types of variances allowed to achieve bonus density—e.g., floor area ratio, height, setbacks, lot width, lot coverage, parking requirements. Developers in Rockville and in surrounding jurisdictions, typically, must provide more than the minimum percentage of below-market-rate units to be eligible for density bonuses. New MPDUs in Rockville have

affordability covenants that extend 30 years for owner-occupied units and 99 years for renter-occupied units. This control period matches Montgomery County’s control period; however, most other programs have control periods on for-rent units that extend 30 to 40 years. See Table 3 for a summary of inclusionary zoning programs in surrounding jurisdictions.

Since its adoption in 1990, the City of Rockville’s MPDU program has produced 992 rental and 472 for-sale MPDUs. From 2000 to 2024, the program produced an average of 40 rental and 19 for-sale MPDUs annually (see Figure 2).<sup>2</sup> For-sale MPDU production peaked in 2003 with 149 units sold. Between 2011 and 2019, zero for-sale MPDUs were sold. Rental MPDU production peaked in 2015 with 224 rental MPDUs added. The net total is slightly lower with 883 rental units and 447 for-sale units (see Figure 3).<sup>3</sup> Projects currently under construction in Rockville are expected to add 68 rental and 93 for-sale MPDUs.

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<sup>2</sup> Zero MPDUs were produced from 1990 to 1999. Because of entitlement and construction, it is not uncommon for new programs to produce no units in the first few years following adoption.

<sup>3</sup> The net total reflects the number of new units less the number units with expired affordability covenants.

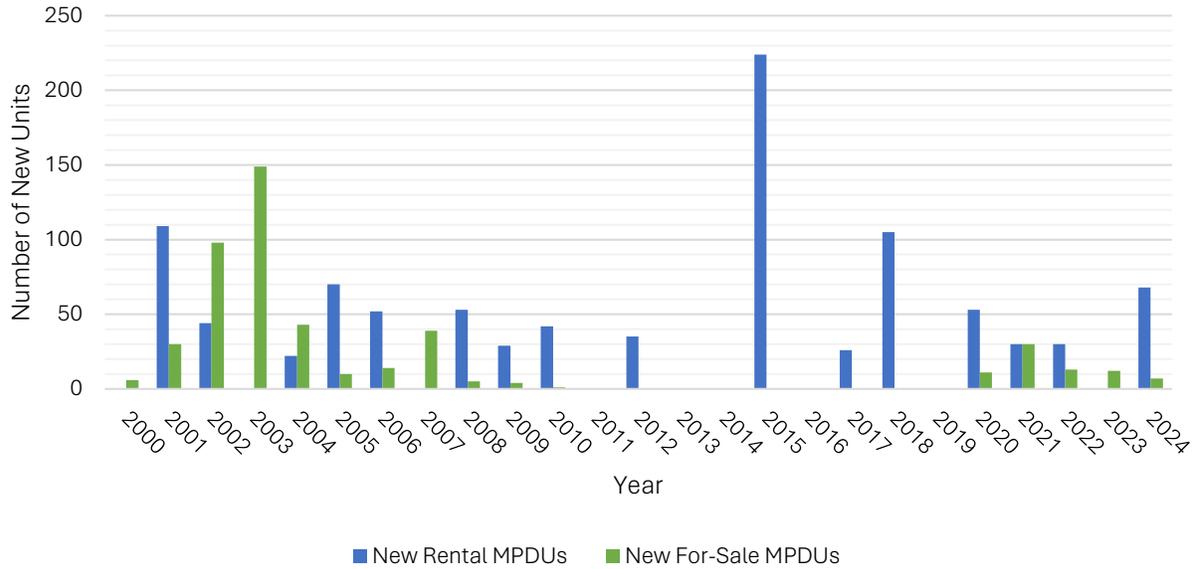
**Table 3: Summary of Inclusionary Zoning Programs in the Region**

Jurisdiction	Minimum Set-Aside	Threshold	Developer Incentives	Income Targeting	Alternative Compliance Options	Affordability duration
City of Rockville, MD	15%	20 or more units	Optional density bonus	Rental units: 60% AMI For-sale units: 50-80% AMI	Off-site development, land transfers, or contribution to housing trust fund (or any combination of the three). Must result in "significantly more" MPDUs	For-rent units: 99 years For-sale units: 30 years
Montgomery County, MD	12.5%	20 or more units	Optional density bonus, additional dwelling unit types, reduced area and dimensional requirements	Up to 70% of AMI	Off-site development, land transfers, or in-lieu payments, conditioned on approval	For-rent units: 99 years For-sale units: 30 years
City of Gaithersburg, MD	7.5-15%	20 or more units	None	Rental units: 50-80% of AMI For-sale units: up to 120% AMI	Only when, in for-sale, a project is determined to be unaffordable for purchasers. In this case a fee would be required.	30 years
City of Frederick, MD	12.5%	25 or more units	Optional density bonus, height exceptions	30-80% AMI	In-lieu payments (no approval necessary)	40 years
Frederick County, MD	12.5%	25 or more units	Optional density bonus	Rental units: 60-80% AMI For-sale units: 70-90% AMI	Off-site development, contribution to housing fund, or any combination that results in 10% more MPDUs. In-lieu payments (by right)	40 years
Howard County, MD	10-15%	Unknown	None	Rental units: up to 60% AMI For-sale units: up to 80% AMI	Off-site development, Moderate Income Housing rehabilitation, mixed-income development	For-rent units: in perpetuity For-sale units: Unknown

Loudoun County, VA	10-15%	24 or more units	Optional density bonus	Rental units: 30-50% AMI For-sale 30-70% AMI	In-lieu payments for single-family dwelling developments	30 years
City of Fairfax, MD	6-10%	30 or more units	Optional density bonus	Rental units: up to 60% AMI For-sale units: up to 70% AMI	Land-transfers or contribution to housing fund, conditioned on approval	For-rent units: 30 years For-sale units: 30 years
Fairfax County, VA	8-12%	50 or more units	Optional density bonus	ADUs: 50-70% AMI WDUs: 60-120% AMI	Land-transfers or contribution to housing fund, conditioned on approval	AUDs: 30 years WDUs: 50 years
City of Falls Church, VA	0%	Optional	Optional density bonus	Rental units: up to 60% AMI For-sale units: 50-80% AMI	In-lieu payments in exchange for density bonus	For-rent units: 20 years For-sale units: 15 years

Source: Author

**Figure 2: Number of MPDUs Produced Per Year in Rockville, MD, 2000-2024**

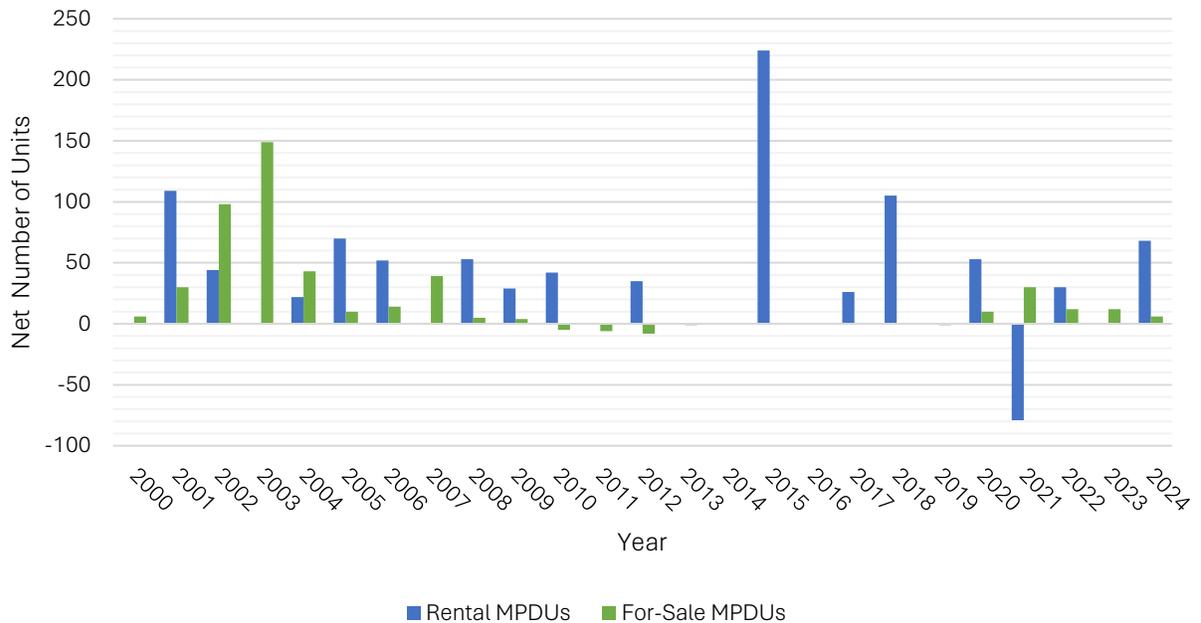


*Note: Years 1990 to 1999 are omitted as no MPDUs were produced during the period.*

*Source: Author*

*Data: Rockville, Maryland, Department of Housing and Community Development*

**Figure 3: Net Number of MPDUs per Year in Rockville, MD, 2000-2024**



*Note: Years 1990 to 1999 are omitted as no MPDUs were produced during the period.*

*Source: Author*

*Data: Rockville, Maryland, Department of Housing and Community Development*

## *General Effectiveness of Inclusionary Zoning*

Given the variation in IZ program design, it is often difficult to generalize about what dimensions have the greatest effect on the production of inclusionary units. Additionally, program outcomes are also dependent on local economic and housing market conditions and the specific state and local regulatory frameworks.

Sturtevant (2016) used several descriptive reports and case studies to highlight what factors tend to be associated with successful inclusionary zoning programs. The author found that (1) inclusionary zoning programs work best in strong housing markets. The logic behind this finding is straightforward: the production of inclusionary units is tied to the market-rate housing development. Without market-rate construction, there is no inclusionary unit production. (2) Mandatory IZ programs tend to work better than voluntary programs. The author found that mandatory programs produce more inclusionary units, but optional programs were also found to be successful if they offered appropriate incentives. (3) Effective inclusionary zoning programs include incentives that offset the cost to developers. A common criticism of inclusionary zoning is that it creates additional costs for developers that in turn lowers market-rate housing production (the topic of the following section). Incentives or offsets—density bonuses, modified development standards, fee waivers, expedited approvals—can counterbalance the cost of supplying inclusionary units. (4) Predictable programs with clear guidelines are most effective. Ad hoc policies and negotiations likely hinder inclusionary unit production. Housing developers rely on a predictable set of rules as they create pro formas, seek financing, and analyze market demand. Lastly, (5) successful inclusionary zoning policies have flexible compliance options. Flexible options help improve project feasibility by offering a variety of methods to meet affordability obligations.

Wang & Fu (2022) provide the most comprehensive empirical study of the relationship between program design and inclusionary unit productivity by utilizing data from Wang & Balachandran's (2021) national survey combined with U.S. Census data. The study found that rental policies, policies with more complex income requirements, and policies with more compliance options were associated with higher average annual inclusionary unit production. Against the authors' expectations, as inclusionary unit production went up, the minimum set-aside requirement trended downward. The study found no relationship between the length of the affordability term (control period) or whether a policy is mandatory on production. Wang &

Fu (2022) caution against drawing conclusions about what features are “best” given that the study did not focus on how policy features affect individual policies and encourage policymakers to consider local policy objectives, housing market conditions, community preferences, and their broader regulatory and political environments.

Others have sought to analyze specific program dimensions. Phillips (2024) used simulations to estimate potential IZ unit production in Los Angeles, California, based on different IZ set-aside requirements. The author modeled scenarios ranging from a 0 to 40 percent IZ requirement while also accounting for modest developer incentives. Simulations showed a quick rise in inclusionary unit production from 0 percent to around 10 percent, and continued growth (at a decreasing rate) until about 25 percent, at which point inclusionary unit production began to decrease. Because this is only a simulation based on a specific program and housing market, actual IZ unit production in other places will vary from the simulations. Nevertheless, the overall shape of the production curve likely remains constant across programs.

Schuetz et al. (2011) examined programs in the San Francisco, California, and Boston, Massachusetts, areas and found a positive association between less restrictive IZ programs and inclusionary unit production. Based on regression estimates, the number of inclusionary units built increased as the minimum project size that triggered IZ increased. Additionally, programs that offered density bonuses were associated with higher inclusionary unit production. Dawkins et al. (2017) also found evidence that developers may respond to lower IZ trigger thresholds by proposing smaller developments, thereby avoiding IZ requirements.

Inclusionary zoning programs vary significantly in terms of design and outcomes. The evidence presented here reflects the importance of tailoring IZ to local conditions and policy goals. It also suggests that policymakers ought to carefully assess the impact of IZ on developers and search for ways to mitigate overly burdensome costs. Failure to properly design an IZ program can lead to low inclusionary unit production and has the potential to increase overall housing costs. The next section looks at how IZ programs can lead to higher housing costs and analyzes how costs are borne by developers, market-rate housing consumers, and local governments.

## Economic Effects of Inclusionary Zoning on Local Housing Markets

When evaluating inclusionary zoning policies, it is important to consider their broader impact on local housing markets and the production of market-rate units. There is a longstanding argument that inclusionary unit requirements raise the cost of housing development—what has been dubbed the “IZ tax” (Ellickson, 1981). Developers might absorb the IZ tax (Padilla, 1995) or pass on the cost to market-rate consumers (Ellickson, 1981), but if the costs are too high, projects may simply become infeasible. While this concern has garnered considerable attention, the arguments made have been largely theoretical and empirical studies on the subject have found mixed results (Ramakrishnan et al., 2019). Few, if any, authors refute the fact that providing below-market-rate units has a cost; the challenge is identifying how the cost is distributed among developers, market-rate housing consumers, and local governments (Wang et al, 2025).

### *Developers*

Inclusionary zoning policies leverage new market-rate development to deliver affordable housing. Because IZ policies both depend on and influence market-rate development, understanding the factors that determine development feasibility in the private market is crucial to designing an effective IZ policy. The so-called “Five L’s” of development associated with project feasibility are Labor, Land, Lumber, Laws, and Lending. This section explores these categories as they pertain to inclusionary zoning and explains how each category may influence a developer’s decision to pursue a project.

**Labor.** The labor market for housing construction is a highly competitive industry (Gyourko, 2009). As the price of labor is largely driven by the market, more expensive localities with higher living costs will also have higher labor costs (Phillips, 2020). There is also a notable shortage of skilled construction labor across the United States, which increases costs further (Huang, 2024). This shortage of labor is driven by the industry’s inability to attract and retain young people, women, and people of color, as well as the decline in new immigrant trade workers. Inclusionary zoning policies are unlikely to change the price that developers must pay for labor.

**Land.** What a developer is willing to pay for land—the “market value of land” or the “residual land value”—is determined by how much a developer can afford to spend after deducting costs from the expected value of the completed project (Garcia et al., 2023; Phillips, 2020).<sup>4</sup> For example, if a project is expected to sell condos for a gross price of \$5 million and incur costs worth \$3.5 million, the most a developer could spend on land is \$1.5 million. Local zoning policy can have a significant impact on the projected revenue and cost of development and, thus, the amount a developer can pay for land. Take the previous example and assume an IZ program with no developer incentives requires a portion of the condos to be sold below-market price, reducing the total sale price to \$4.5 million. Applying the same logic as before (completed project value – costs = residual land value), a developer can now only afford to spend \$1 million on land, assuming market-rate condo prices and project cost remain constant. In some cases, the landowner might accept a lower price for the property, but they might also hold on to the property in the hopes of a larger return in the future.

Many IZ programs offer a density bonus to enhance development feasibility and mitigate the cost of providing affordable units. A density bonus can be structured several different ways: Jurisdictions may calculate the increase as a multiple of the floor area ratio, permit a larger number of units in a building or development site, provide a height allowance or exemption, reduce open space requirements, provide flexible design standards and site requirements, reduce the required number of parking spaces, or any combination (Local Housing Solutions, 2021a). These bonuses can generate a higher gross sale price or gross rent and yield a higher residual land value (Williams et al., 2016).<sup>5</sup>

The effectiveness of a density bonus can vary significantly based on market conditions. Generally, density bonuses tend to only be effective where there is high market demand and where density is a limiting factor on production (Local Housing Solutions,

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<sup>4</sup> In the residual land value model, the minimum level of profit needed to attract financial investment is included as a cost.

<sup>5</sup> The increase in land value created by allowing higher density development should not be misinterpreted as making housing on those parcels less affordable. In this case, it is not the total land value that matters but the total land value divided by the total number of housing units (Phillips, 2020). Put differently, a \$500,000 piece of land with one dwelling unit will likely provide less affordability than a \$1 million parcel with four dwelling units.

2021a; Williams et al., 2016). Stated differently, additional units are only useful if they are likely to be rented or sold. Policymakers must also account for the fact that not all types of density bonuses provide the same level of benefit, and that increasing density may actually increase costs to such a degree that a project becomes infeasible. Eriksen & Orlando (2022) explored vertical returns to scale in residential construction—that is, the marginal cost of building additional stories. The researchers modeled the cost of constructing buildings of various heights in the 50 largest US cities and found nonlinearities in building costs. Overall, the marginal cost of adding an additional story is small and negative; however, moving from a three-story building to a four-story building has an estimated marginal increase of 8% and moving from seven to eight stories had an estimated marginal increase of 32%. A conclusion that can be drawn from this study is that granting an additional story, or two or three, as an IZ bonus may not change the residual land value or the financial feasibility of a project. Likewise, if building at a higher density means providing additional parking, the costs associated with doing so may be prohibitively high (Williams et al., 2016). For a density bonus to be effective, a jurisdiction needs to consider various building costs in addition to other factors—such as the depth of affordability for IZ units and set-aside requirements—to ensure the bonus will provide a sufficiently large incentive to generate affordable units (Local Housing Solutions, 2021a).

**Lumber.** Lumber refers to all materials that are needed for construction of a building. Inclusionary zoning programs, and municipalities more broadly, have little influence over the cost of building materials (Phillips, 2020). Municipalities, however, can sometimes influence *what* building materials must be used through local building codes and design standards. Some IZ programs require inclusionary units to be identical in every respect to market-rate units, even if that means installing granite countertops and luxury appliances (Jacobus, 2015). Less stringent design standards may reduce some material costs.<sup>6</sup> As many municipalities look to adopt sustainable

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<sup>6</sup> This is not to say that inclusionary units should not adopt any design standards. In fact, it is recommended that jurisdictions adopt building design standards to avoid stigmatizing residents of affordable units. This may include requiring inclusionary units to be equitably distributed throughout a development; requiring inclusionary units be indistinguishable (externally) from market-rate units; or mandating that inclusionary units share the same entrances, common areas, and amenities. See Reyes & Khare (2021) for best practices to advance racial equity in inclusionary zoning programs.

practices, many have also established “green building” codes that seek to minimize the environmental impact of building construction and operation (Clark, 2021). Green building codes may bring savings in the long-run, but they often require additional up-front costs and can take longer to construct than conventional buildings (Fischhoff, 2020). Indeed, research has found that green building requirements are associated with an increase in home prices and a decrease in home production in some markets (Muzio et al., 2023). Policymakers may need to consider the tradeoffs between sustainability goals and housing affordability and seek out policies that align with both community needs (e.g., a tax subsidy for green building projects that provide affordable housing).

**Laws.** Law refers to the regulatory process for obtaining development approval. The length of the entitlement process can have a significant impact on project cost and feasibility (Long, 2011). A longer process requires more at-risk capital to be outstanding for a longer period, and adjustments to the proposed development during the process can also affect a project’s value and cost. Uncertainty created by discretionary or slow approval increases the risk of losing predevelopment capital and leads developers to demand larger profit margins (Phillips, 2020). In the past, developers in Montgomery County, Maryland, claimed that addressing MPDU requirements added length and complexity to the development review process, although this was not found to be the case for other programs in the region (Levy et al., 2012).<sup>7</sup> In some jurisdictions, IZ projects qualify for expedited entitlement, which offsets some of the cost of providing inclusionary units and speeds up development. Expedited entitlement can be a valuable benefit, particularly in jurisdictions with lengthy processes, but it is unlikely to encourage affordable unit production as a stand-alone incentive (Local Housing Solutions, 2021b). Policymakers and program administrators should consider the potential impacts of administrative burden on developers, as poorly designed programs can slow development and impose additional costs.

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<sup>7</sup> Montgomery County has since made significant process improvements and reduced the permitting timeline for developers. See Burnett & Morrill (2015) for an in-depth look at the changes put in place by the county.

**Lending.** To cover the construction cost of a multifamily project, developers must finance their costs with a combination of debt and equity. Short- and long-term loans (debt), typically issued by banks, provide the bulk of project financing in many cases. These loans carry interest rates that vary with the market cycle. When lenders examine the risk associated with issuing a loan to a developer, they often focus on the debt service coverage ratio (DSCR) (Garcia et al., 2023). The DSCR is calculated by dividing a project's expected net operating income (NOI)<sup>8</sup> by the anticipated loan payment. A DSCR of 1.0, for example, indicates that the project anticipates having exactly enough income to cover its loan payments. IZ affordability requirements effectively lower a project's expected NOI by lowering its income from rent. A lower NOI means that lenders are likely to offer a smaller loan to IZ projects compared to projects with no affordability restrictions (Urban Institute, 2016).

Absent any government subsidies, the remaining gap in financing left by loans (debt) must be filled by equity, which comes from project investors as well as a small amount provided by the developer. Investors consider housing development to be a riskier investment than stocks or bonds and demand high returns as a result (Garcia et al., 2023). Equity investors may include private equity investment firms, insurance companies, foreign capital, and the pension funds of public sector employees. As investors have alternative investment options that may provide higher returns or lower risk, developers must promise returns that are dictated as much by national and global markets as by local markets—it often has little to do with how much profit a developer is expected to make (Garcia et al., 2023). Therefore, a developer's lending costs are essentially fixed to the expected project income and the market demand for real estate investment.

When developers face the reduced economic value of a project due to IZ requirements, they essentially have three options:

- Decline to proceed with the proposed project at the desired location and possibly build in a nearby jurisdiction without IZ (or in a jurisdiction with less stringent IZ requirements);

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<sup>8</sup> Net Operating Income (NOI) is defined as project income derived from rents minus expenses of operating the property (i.e. maintenance, leasing, property taxes, legal, staff) before paying debt.

- Attempt to purchase the land for below-market price, which most private property owners are unwilling to agree to;
- Or accept a lower return on the project, which most developers have little to no ability to do (Williams et al., 2016).

Developers can only avoid these options in a scenario in which market-rate units are priced high enough to “cross subsidize” below-market-rate units or instances in which local jurisdictions provide incentives to sufficiently offset the impact of below-market-rate units on development feasibility (Been et al., 2008; Williams et al., 2016).

### *Market-rate housing consumers*

Proponents of inclusionary zoning often argue that developers tend to absorb the cost of inclusionary unit production and cannot pass on the costs to homebuyers or tenants (Jacobus, 2015; Grounded Solutions Network, 2018).<sup>9</sup> The economic theory behind this argument is that market-rate units can only be priced as high as consumers are willing to pay, therefore, developers cannot arbitrarily increase prices to cross subsidize below-market-rate units. This may be true for developers on an individual basis; however, if IZ increases costs for developers across an entire market, economic theory suggest that the consumers’ share of the “IZ tax” will be dictated by the price elasticity of housing demand (Hollingshead, 2015).<sup>10</sup> The elasticity of demand for housing can vary by jurisdiction and is influenced by the income and preferences of new households and by the availability of housing alternatives when prices increase locally (Ellickson, 1981; Schuetz et al., 2011). In jurisdictions with inelastic housing demand—where housing alternatives are scarce or where individuals are willing to pay a premium to be located near certain amenities—developers may be more likely to pass the cost to market-rate consumers in the form of higher rents or home prices. Housing demand may be more elastic if there are alternative housing options in nearby markets or if consumers are

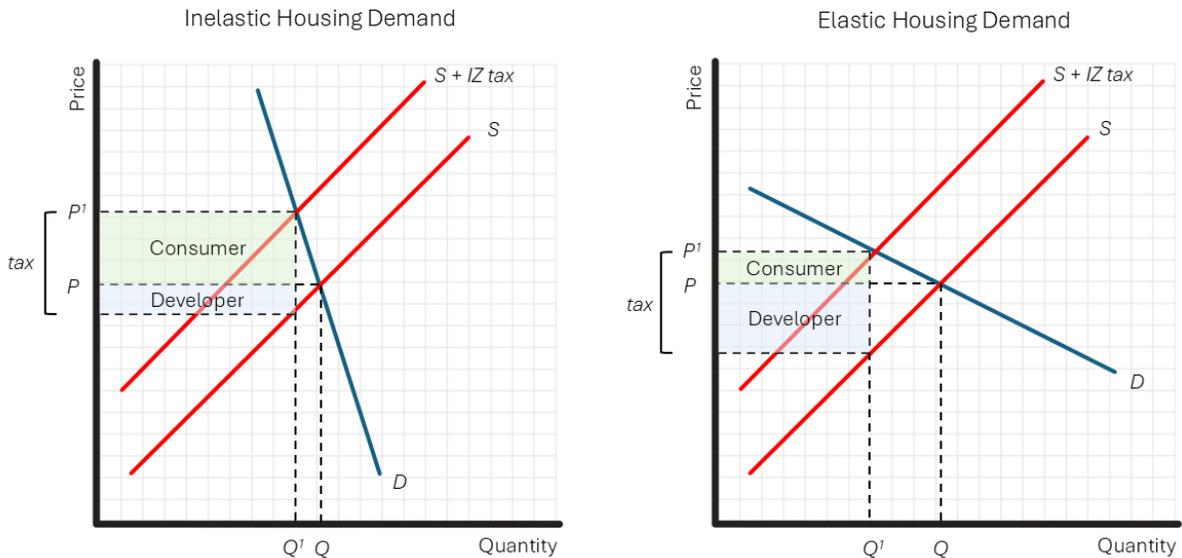
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<sup>9</sup> This theory supposes that the costs associated with IZ are absorbed by declines in land prices or reductions in developer profits (Jacobus, 2015).

<sup>10</sup> In this context, price elasticity is how much consumers are willing to pay for housing. Price elasticity is a measure of how the quantity demanded of a good or service changes in response to a change in price. Demand is “elastic” if demand changes more than the price (e.g., a 10% price increase leads to a 20% decrease in demand), “inelastic” if demand changes less than the price (e.g., a 10% price increase leads to a 5% decrease in demand), or ‘unit elastic’ if price and quantity change by the same percent (e.g., a 10% price increase leads to a 10% decrease in demand).

income constrained. Figure 3 illustrates this theory, showing that consumers tend to bear most of the 'IZ tax' when the demand for housing is inelastic and less when demand is elastic.

Figure 3: Relative Burden of an "IZ Tax" by Price Elasticity of Demand



Source: Author

Others suppose that IZ programs have the potential to increase market-rate prices across the market, not on an individual-building level, if IZ requirements reduce the aggregate market-rate housing supply (Phillips, 2024). Simply put, if IZ programs produce fewer market-rate units than would be produced in the absence of IZ, prices across the market would be expected to increase. This would worsen affordability for all renters and buyers, not just people moving into new homes.

Research findings on IZ's impact on market-rate housing production are mixed. Schuetz et al. (2011) found a slight decrease in housing starts in Los Angeles, California, but no significant effect in Boston, Massachusetts. Bento et al. (2009) found a slight increase in multifamily production and no impact on single-family starts in California. Hamilton (2021), Mukhija et al. (2010), and Wang et al. (2025), each failed to find any significant impact on new housing starts.

Many studies find an association between IZ and higher market-rate home prices (Bento et al., 2009; Hamilton, 2021; Means & Stringham, 2012; Schuetz et al., 2011; Wang et al., 2025).

Hamilton (2021) found that for each additional year a mandatory IZ program is in place, home

prices can be expected to increase on a per-square-foot basis by 1.1 percent, but did not observe any price increases for optional IZ programs in the Baltimore-Washington DC region.<sup>11</sup> Bento et al. (2009) found that IZ programs raise home prices by roughly 2.2 percent with greater increases in higher priced housing markets in California. Wang et al. (2025) found that more stringent IZ policies had greater price effects than less stringent policies with 3.0 percent and 2.1 percent increases, respectively. A summary of research findings is presented in Table 4. One should be cautious when drawing conclusions from these studies given the differing program designs, methodologies employed by researchers, and timings of the studies.

Table 4: Summary of Studies on Market-Rate Home Production and Prices

Study	Geography	New Housing Starts	Home Prices
Means & Stringham, 2012	California	Decrease	Increase
Schuetz et al., 2011	San Francisco metro/Boston suburbs	Mixed	Mixed
Bento et al., 2009	California	Mixed	Increase
Hamilton, 2021	Baltimore-Washington DC region	No effect	Increase
Mukhija et al., 2010	Los Angeles and Orange County, CA	No effect	n/a
Wang et al., 2025	United States	No effect	Increase

There are several indications that market-rate housing consumers in Rockville, Maryland, likely bear some of the cost of IZ. In addition to Hamilton’s (2021) study that found evidence of increased home prices within the Baltimore-Washington DC region, economic and market indicators, discussed above, also support the claim. Places in which housing alternatives are limited tend to have more inelastic demand. One proxy for housing alternatives is the vacancy rate, which reflects the proportion of a jurisdiction’s housing inventory that is available to be rented or sold. A homeowner vacancy rate of 1 to 2 percent and a rental vacancy rate of around 7 to 8 percent is generally understood to represent a market in which demand for housing matches the supply (Hartwell, 2025). In the City of Rockville, the vacancy rate is estimated at 0.8 percent for owner-occupied units and 3.0 percent for renter-occupied units (ACS, 2023). This means that households looking to buy or rent housing in Rockville have less

<sup>11</sup> Notably, optional IZ programs were also found to produce very few affordable units. Out of all the optional IZ programs in the region—Alexandria County, VA; Charles County, MD; City of Falls Church, VA; Fauquier County, VA; Harford County, MD; St. Mary’s County, MD; Talbot County, MD; and the City of Warrenton, VA—only Alexandria and Falls Church, VA, have produced any units (Hamilton, 2021).

bargaining power, giving property owners more leverage to set prices (Phillips, 2015). The Metropolitan Washington Council of Government (2023) estimates that employment in the City of Rockville will increase by 23.6 percent between 2020 and 2050, increasing the demand for housing further. Rockville may also be considered a high-amenity location given its vast park system, high-performing public schools, and access to public transportation. Some developers' view of IZ further support the economic and market evidence. One developer in Montgomery County, Maryland, remarked that "you lose money on every one of them [MPDUs]" and the market-rate units end up subsidizing the MPDUs (confidential interview cited in Levy et al., 2012). Taken together, this evidence suggests that market-rate housing consumers in Rockville likely bear some of the cost of IZ.

### *Local governments*

Many jurisdictions offer incentives to offset the cost of providing below-market-rate units. As mentioned in the section above, the most common incentive is a density bonus, but other incentives include waivers or deferral of impact fees, tax deferral, expedited permitting, zoning variances, and other regulatory concessions that reduce developers' costs. Financial incentives may also be provided through federal Community Development Block Grants and Home funds or state and local subsidies, such as below-market-rate construction loans and tax-exempt bond mortgage financing (Calavita & Mallach, 2009). While offering incentives has been found to be an effective strategy for increasing inclusionary unit production (Schuetz et al., 2011; Sturtevant, 2016), it creates real costs for the public sector. When jurisdictions grant fee waivers or tax deferrals, for example, revenues that would otherwise go into a city's general fund are redirected to IZ programs. Even seemingly free incentives such as density bonuses may result in increased infrastructure and other public costs (Calavita & Mallach, 2009). Some incentives may also conflict with each other. For example, tax increment financing is used by some jurisdictions to provide capital subsidies to development projects and is funded through property taxes (Williams et al., 2016). Therefore, any reduction in property tax revenue would reduce funds available for capital subsidies. Policymakers ought to carefully weigh the costs and benefits of providing developer incentives and consider how public dollars can best be used to meet affordable housing goals.

## Racial and Economic Integration Outcomes

In addition to the affordability goal, inclusionary zoning also seeks to increase racial and economic integration in neighborhoods and communities. This IZ goal has received considerably less research attention as many studies focus on IZ production and housing market impacts. The limited research available indicates that IZ can foster integration and lead to meaningful outcomes, although it is often highly context dependent.

### *Upward Mobility*

Evidence indicates that neighborhoods can have a significant impact on the upward mobility of their residents, particularly on children. Schwartz (2010) examined the performance of elementary school students in public housing in Montgomery County, ranging from very-low-poverty neighborhoods to moderate-poverty neighborhoods.<sup>12</sup> The study found that over a period of five to seven years, children in public housing who attended the school district's most-advantaged schools vastly outperformed children in public housing who attended the least-advantaged schools (Schwartz, 2010). Chetty & Hendren (2015) found similar effects for children using a nationally representative sample. They found that children exposed to better neighborhoods had increased earnings later in life, an effect that compounded with time (Chetty & Henderson, 2018). These studies provide a few examples of the positive outcomes that inclusionary units may be able to provide.

It is important to point out that economic integration and racial integration are not always synonymous, and a city or county can experience one without the other. In Roisman's (2001) review of outcomes in New Jersey and Massachusetts, they found that while inclusionary zoning increased economic integration in suburban communities, in some cases it exacerbated racial segregation as the majority of units went to low-income white households. Roisman (2001) did not find this problem in Montgomery County, Maryland, and believes preferences for applicants who live or work in the county, the lottery system for selecting purchasers of MPDUs, and the fact that a proportion of the units were owned by the public housing authority contributed to the increase in racial integration. Likewise, a jurisdiction may experience racial integration without economic integration. Between 1980 and 2000,

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<sup>12</sup> Public housing in this study refers to MPDUs purchased by Montgomery County's public housing authority.

Kontokosta (2016) found that neighborhoods with IZ units in Montgomery County became more racially diverse while income diversity remained relatively constant.

### *Geographic Integration*

Where inclusionary units are located may also influence integration outcomes. In Montgomery County, Maryland, and Suffolk County, New York, Kontokosta (2016) found that neighborhoods most likely to receive IZ units are those that are, on average, more racially integrated at the outset. Greater income integration does not appear to predict whether a neighborhood is likely to receive IZ units (Kontokosta, 2016). Dawkins et al. (2017) also found that for-sale MPDU placement in Montgomery County is tied to the location of where new units are being constructed, which tended to be in suburban areas with large-scale subdivisions, resulting in a large share of for-sale MPDUs being constructed in areas with less access to public transit.

### *Equity Gains*

Many inclusionary zoning programs offer owner-occupied units at a below-market rate. This can offer individuals who have previously experienced barriers to homeownership an opportunity to secure stable housing and build wealth. Dawkins et al. (2017) assessed equity gains of owner-occupied MPDUs in Montgomery County and found that the program enabled low-income homebuyers to realize tangible gains in home equity. The study also found that while MPDU homes did not appreciate as quickly as market-rate housing during the housing boom of the early 2000s, MPDUs saw smaller price declines during the housing bust (Dawkins et al., 2017). The type of inclusionary housing may also influence outcomes as inclusionary units with homeowner association and condominium fees could impose additional costs that preclude otherwise qualified buyers from attaining a unit (Dawkins et al., 2017).

## Conclusion

This report has highlighted several aspects of IZ that should be considered when implementing changes to a program. Nevertheless, the scope of this report does not include other important aspects of IZ, such as aligning eligibility requirements with community needs or analyzing outcomes for off-site and payment-in-lieu compliance options.

Policymakers ought to also consider the underlying framework of inclusionary zoning. Contrary to what its name implies, inclusionary zoning does not repeal the exclusionary zoning codes that are largely responsible for the high cost of housing in many cities (Ikeda & Washington, 2015).<sup>13</sup> Fundamentally, inclusionary zoning seeks to capture value created by new development by mandating that a certain portion of new units be affordable. Some have argued that this is a misunderstanding of where value is held in cities. Manville (2021) wrote,

[C]onventional value capture is completely backward. It targets development, even though the problem it wants to solve is caused by development's absence. It mistakes *development* as the source of value, when the real value in urban areas lies in *land*. By taxing development rather than land, conventional value capture pits two groups of people who by definition ameliorate housing scarcity—developers of market-rate housing and developers of affordable housing—against each other, while quietly protecting, through an implicit subsidy, the vast majority of landholders who are content to let housing scarcity persist. (p. 7)

Manville (2021) further noted that value capture can be an effective tool, but he argued that it is land that should be taxed, not new housing.

Similarly, policymakers should also consider the ways that IZ can, essentially, hold good policy solutions hostage. For example, relaxing parking requirements is an effective IZ incentive because it can significantly reduce the cost of development. If that is the case, one could argue that if more housing is the goal, parking requirements should be relaxed for all developments, not just those that are subject to inclusionary zoning requirements. But if that were to happen, it would no longer be an incentive.

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<sup>13</sup> Exclusionary policy includes minimum lot size requirements, height restrictions, multifamily housing bans, and other rules that limit housing supply.

Many communities are seeking creative housing solutions as affordability challenges continue to put financial pressure on households. Inclusionary zoning is one of many potential tools, but policymakers and program administrators must recognize that IZ will not solve a city's housing problems on its own. A broader strategy that addresses housing supply constraints and the preservation of affordable housing is necessary.

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MAYOR AND COUNCIL Meeting Date: November 3, 2025  
Agenda Item Type: MOCK AGENDAS  
Department: CITY CLERK/DIRECTOR OF COUNCIL OPERATIONS OFFICE  
Responsible Staff: SARA TAYLOR-FERRELL

## **Subject**

Mock Agenda

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## **Recommendation**

Staff recommends the Mayor and Council review and provide comments.

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## **Attachments**

Mock Agenda 11.10.25



## MAYOR AND COUNCIL

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**Meeting No.**  
**Monday, November 10, 2025 - 6:30 PM**

### MOCK AGENDA

**Agenda item times are estimates only. Items may be considered at times other than those indicated.**

#### Ways to Participate

If you require a reasonable accommodation, for community forum or a public hearing and need reasonable accommodations, please contact the City Clerk's Office by the Wednesday before the Monday meeting at 240-314-8280 or [cityclerk@rockvillemd.gov](mailto:cityclerk@rockvillemd.gov) or by filling this form: <https://www.rockvillemd.gov/FormCenter/City-Manager-2/Request-a-Reasonable-Accommodation-50>

#### Translation Assistance

If you wish to participate in person at a Mayor and Council meeting during community forum or a public hearing and may need translation assistance in a language other than English, please contact the City Clerk's Office by the Wednesday before the Monday meeting at 240-314-8280, or [cityclerk@rockvillemd.gov](mailto:cityclerk@rockvillemd.gov), or by using this form: <https://www.rockvillemd.gov/FormCenter/City-Clerk-11/Sign-Up-for-Translation-Assistance-at-Co-368>

#### In-Person Attendance

Community members attending in-person who wish to speak during Community Forum, or a Public Hearing, should sign up using the form at the entrance to the Mayor and Council Chamber. In-person speakers will be called upon in the order they are signed to speak and before virtual speakers.

**Note: In-Person Speakers will be called upon to speak before those who have signed up to speak virtually for Community Forum and Public Hearings.**

#### Viewing Mayor and Council Meetings

The Mayor and Council are conducting hybrid meetings. The virtual meetings can be viewed on Rockville 11, Comcast, Verizon cable channel 11, livestreamed at [www.rockvillemd.gov/rockville11](http://www.rockvillemd.gov/rockville11), and available a day after each meeting at [www.rockvillemd.gov/videoondemand](http://www.rockvillemd.gov/videoondemand).

#### Participating in Community Forum & Public Hearings:

If you wish to submit comments in writing for Community Forum or Public Hearings:

- Please email the comments to [mayorandcouncil@rockvillemd.gov](mailto:mayorandcouncil@rockvillemd.gov) no later than 10:00 am on the date of the meeting.

If you wish to participate in-person or virtually in Community Forum or Public Hearings during the live Mayor and Council meeting:

1. Send your Name, Phone number, For Community Forum and Expected Method of Joining the

Meeting (computer or phone) to [mayorandcouncil@rockvillemd.gov](mailto:mayorandcouncil@rockvillemd.gov) no later than 10:00 am on the day of the meeting. Each speaker will receive 3 minutes.

2. Send your Name, Phone number, the Public Hearing Topic and Expected Method of Joining the Meeting (computer or phone) to [mayorandcouncil@rockvillemd.gov](mailto:mayorandcouncil@rockvillemd.gov) no later than 10:00 am on the day of the meeting.
3. On the day of the meeting, you will receive a confirmation email with further details, and two Webex invitations: 1) Optional Webex Orientation Question and Answer Session and 2) Mayor & Council Meeting Invitation.
4. Plan to join the meeting no later than approximately 20 minutes before the actual meeting start time.
5. Read for <https://www.rockvillemd.gov/DocumentCenter/View/38725/Public-Meetings-on-Webex> meeting tips and instructions on joining a Webex meeting (either by computer or phone).
6. If joining by computer, Conduct a WebEx test: <https://www.webex.com/test-meeting.html> prior to signing up to join the meeting to ensure your equipment will work as expected.

### Participating in Mayor and Council Drop-In (Mayor Ashton and Councilmember Myles)

The next scheduled Drop-In Session will be held by phone or in-person on Monday, November 10 from 5:15-6:15 pm with Mayor Ashton and Councilmember Myles. Please sign up by 10 am on the meeting day using the form at: <https://www.rockvillemd.gov/formcenter/city-clerk-11/sign-up-for-dropin-meetings-227>

1. **Convene - 6:30 PM**
2. **Pledge of Allegiance**
3. **Proclamation and Recognition - NONE**
4. **Agenda Review - 6:35 PM**
5. **City Manager's Report - 6:40 PM**
6. **Boards and Commissions Appointments and Reappointments - NONE**
7. **Community Forum - 6:45 PM**
8. **Special Presentations - NONE**
9. **Consent Agenda - 7:05 PM**
  - A. Approval of Minutes
10. **Public Hearing - 7:10 PM**
  - A. FY 2027 Budget Public Hearing #1
11. **Action Items - 7:30 PM**
  - A. Adoption of an Ordinance to Amend Section 1-8, Entitled "Application of County Law," of Chapter 1 of the Rockville City Code, Entitled "General Provisions," to Allow Chapter 48, Solid Waste, Article IX (Plastic Carryout Bag Reduction), Section 48-65

(Short Title), Section 48-66 (Definitions), 48-67 (Plastic Carryout Bag-Prohibited) and Section 40-68 (Penalty and Enforcement) of the Montgomery County Code to Apply in the City of Rockville

- B. Introduction and Possible Adoption of an Ordinance to amend Ordinance No. 12-25 to appropriate funds and levy taxes for FY 2026 (Budget Amendment #2)

**12. Worksession - 8:00 PM**

- A. Work Session - Rental License Inspections

**13. Mock Agenda - 8:20 PM**

**14. Old / New Business - 8:25 PM**

**15. Adjournment - 8:45 PM**