

## **XX. HOUSING: Diversity, Rentals, and Parking Reform**

The State of Maryland Housing vision is:

- *A range of housing densities, types, and sizes provides residential options for citizens of all ages and incomes.*

Building on this vision for the State, the Town's housing goals and objectives are represented by plans and recommendations to encourage housing growth and to expand racial, ethnic, and socio-economic diversity. The Town supports increased housing opportunities, including infill development subdivision, consistent with retaining the character-defining elements of the Town. The housing-related recommended actions will follow the guidance presented here and elsewhere in this Master Plan to:

- expand the diversity of the Town's residents;
- sustain the Town's historic character and assure retention of historic structures;
- reduce the number of long-term vacant homes;
- support expansion of licensed room and home rentals;
- encourage compatible infill subdivisions;
- reform parking requirements with linkages to rentals and subdivisions; and
- introduce a residential component in the commercial zone.

### Evolving the Foundation of Washington Grove

Established in 1873, the Washington Grove Camp Meeting Association convened summer camp meetings, bringing Methodists from Washington, DC to the countryside for religious retreats. The Grove began with a simple train depot, paths cleared, platforms for tents, and speakers and storage sheds. For the 1874 camp meeting, the Sacred Circle (albeit an irregular polygon) was established with a speakers' platform in the center, tent sites around the perimeter and six (later seven) avenues radiating from it. This camp lasted two weeks with reportedly 250 campers and 10,000 visitors. A Tabernacle was built in the middle of the Sacred Circle for the 1877 camp. An open-air, hipped roof chapel, it measured 70' x 48' with perimeter support posts about 12 feet apart. A wooden floor was added in 1884, as well as a means to close it up for the winter.

By 1902 the crowds coming to Washington Grove outgrew the Tabernacle's 500-person capacity. The Grove had become a stop on the Chautauqua circuit. Secular programs on music, literature, philosophy, self-improvement and other enriching entertainments were drawing even bigger crowds. The Assembly Hall, a wood-shingled, multi-windowed octagon was built that year as a chapel and to accommodate the Chautauqua activities.

Some of the earliest cottages that exist in the Grove derive in part from the tents that were pitched along carefully planned avenues. The number of tents grew each year. Gradually their canvas sides were replaced with wood and eventually they were completely replaced by narrow Carpenter Gothic cottages right on the tent sites. The cottage style also derives from the popular plans for romantic rural Gothic cottages that were published in the mid-nineteenth century. The Carpenter Gothic style was an American adaptation of the English Gothic Revival style, which combined a reaction against Classical styles with a fascination for the Christian medieval past.

The town plan developed from the early camp plans and was solidified by the Maddox survey and subdivision plan of 1897. It maintains the avenues or walkways in front of the cottages with vehicular roads at the rear, in a combination of grid and radial plans. Fortunately, the Grove was never developed to the 1897 potential. For example, a decision was made many years later to preserve the East Woods and not develop them; the present paths and fire breaks are vestiges of the 1897 plan. The resulting town-within-a-forest landscape exists only because it has been zealously guarded.

In the 1920s, the Grove began to be a year ‘round community. It required more than a religious association to govern it. In 1930, the idea to merge with Gaithersburg was resisted; but in 1933, the decision was made to reorganize into a municipal corporation. By 1937, the Camp Meeting Association was dissolved, and the Town of Washington Grove was incorporated with a Mayor and Council/Town Meeting form of government. (Preceding five paragraphs excerpted from “Washington Grove – An Informal History, by R. Carole Huberman, Woman’s Club Historian 1999)

As part of this reorganization from a camp meeting association to a municipal corporation a committee formulated recommendations for issuing fee simple deeds to each property owner. The fee simple deed form for lots was to include only three covenants:

- (1) that any house constructed thereon would conform to building setback lines, and cost not less than \$1000,
- (2) that no use for mercantile, manufacturing, or mechanical purposes would be allowed, and
- (3) that for the purposes of sanitation and health neither the party, his heirs, or assigns shall or will sell, rent, lease, or otherwise dispose of said land or any improvements thereon to anyone of a race whose death rate is of a higher percentage than that of the white or Caucasian race.

The covenants were intended to take the place of the Association’s tight control over the use of Grove property. These covenants were eventually adopted and remained on the deeds well into the 1950’s; the third one was actively used to discourage Blacks, Jews, Asians, or Native Americans from seeking to settle in the Grove. The exclusivity of the Grove as envisioned by its founders, at least in their promotional literature, was intended to support the utopian ideal of a homogeneous community of persons with common beliefs. The third covenant reduced that lofty notion to the language of bigotry.

The World War II housing shortage in Washington brought an influx of new residents. In 1955, the town acquired its own planning and zoning powers; one of the most critical factors of its whole existence. Forces of development were being felt just outside the boundaries. In the 1950s, HUD urban renewal programs obliterated the old community of Emory Grove to the north. Later the I-270 corridor brought intense commercial and industrial expansion. The town formulated and published a Master Plan in 1975, concluding that the Grove should remain as it had always been. (Preceding three paragraphs excerpted from “Washington Grove 1873-1937”, by Philip K. Edwards, Town Historian 1988)

With acknowledgement of such past institutional racism including use of restrictive covenants, the Town is poised to take a new look at planning outlooks and actions to achieve a wider

diversity of residents while also supporting expansion of housing opportunities. This historic community is experiencing another transition, moving away from a somewhat isolated and insulated single-family community, to a community with a commitment to encourage and welcome new residents and neighbors, broadening the opportunities for sharing the historic and cultural resources, and the natural environment of Washington Grove.

### Characterization of Housing in Washington Grove

To assist local jurisdictions, the Maryland Department of Planning has provided housing-related data for local jurisdictions from the American Community Survey (ACS), an ongoing program of the U.S. Census Bureau providing new data every year to plan investments and services. The ACS 2014-2018 data sets provided for Washington Grove are based on the 2010 Census, but include a significant number of households that are not within the Town's corporate limits. Some of the following housing data evaluations have therefore involved data adjustments based on local knowledge and assumptions, and may have significant uncertainties.

In 2019, the Maryland General Assembly enacted House Bill 1045, which requires comprehensive plans updated after June 1, 2020, to include a Housing Element. Per HB 1045 (2019), the Housing Element shall address a jurisdiction's need for affordable housing, to include both low-income and workforce housing; and may include housing goals, objectives, policies, plans, and standards.

Affordable housing, as defined by Section 4-1801 of the Housing and Community Development Article of the Maryland Annotated Code, is housing with "costs not exceeding 30% of a household's total income." Low-income housing is defined by Section 4-1801 of the Housing and Community Development Article as housing that is "affordable" to a household with an aggregate annual income below 60% of the Area Median Income (AMI). AMI is the median household income for an area, adjusted for household size as published, and annually updated by the U.S. Department of Housing and Urban Development (HUD).

Workforce housing differs from low-income housing in terms of its range of affordability. Workforce home-ownership housing is "affordable" to a household with an aggregate annual income between 60% and 120% of the area median income. However, in target areas recognized by the Secretary of the Maryland Department of Housing and Community Development (DHCD) for purposes of administering the Maryland Mortgage Program, the aggregate annual household income can be between 60% and 150% of the area median income.

Workforce rental housing is defined differently than workforce home-ownership housing. Workforce rental housing is housing that is "affordable" to a household with an aggregate annual income between 50% and 100% of the area median income.

The following summary for Washington Grove has been derived from the ACS data provided by the Maryland Department of Planning.

2020 Area Median Income (AMI) for Washington Grove

[Washington-Arlington-Alexandria, DC-VA-MD HUD Metro]: \$126,000

HB 1045 Household Income Levels/Ranges

Workforce Ownership Range (60% - 120% AMI): \$75,600 - \$151,200  
 Workforce Rental Range (50% - 120% AMI): \$63,000 - \$151,200  
 Low Income Threshold (< 60% AMI): \$75,600

Affordable Homeowner/Rental Monthly Payments

(Based on 30% of Household Income)

Workforce Ownership Range: \$1,827 - \$3,654  
 Workforce Rental Range: \$1,523 - \$3,654  
 Low Income Threshold: \$1,827

Housing Tenure and Occupancy – There are 225 single-family homes in Washington Grove, of which 190 are owner-occupied and 23 are renter-occupied. Typically, the number of vacant homes ranges from 10 to 15, some in transition, and others are long-term vacant.

Housing - Year Built

Built 2014 or later	0	Built 1970 to 1979	12
Built 2010 to 2013	7	Built 1960 to 1969	19
Built 2000 to 2009	10	Built 1950 to 1959	39
Built 1990 to 1999	16	Built 1940 to 1949	15
Built 1980 to 1989	1	Built 1939 or earlier	106

Bedrooms – For the 225 single-family homes, 9 are one-bedroom homes, 45 are two-bedroom homes, 65 are three-bedroom homes, 72 are four-bedroom homes, and 34 are five-bedroom homes.

Households with Children Under 18 – It is estimated that 158 households have no children, and 55 households have children.

Households with Seniors – It is estimated that 127 households have no seniors, and 96 households have seniors.

Workforce – The ACS estimated 65% of the population 16 and older were in the labor force with 62% employed. Of those employed, the ACS estimated 55% were private wage and salary workers, and 32% were government workers.

Household Income – The median household income in Washington Grove was estimated at \$111,050 in the ACS data, which was about \$4,800 higher than Montgomery County as a whole

(\$106,287). While one out of five Washington Grove households had annual incomes less than \$75,000, more than 30% had annual incomes exceeding \$150,000.

Owner Costs and Rentals – Proximity to federal employers such as the National Institutes of Science and Technology and the National Cancer Institute, federal contractors, and the Great Seneca Science Center area, plus commuter transit via MARC trains with a stop at Washington Grove, have put upward pressure on home prices and rents. Based on the ACS data, it is estimated that 22% of households in the 190 owner-occupied homes, and 54% of households in the 23 renter-occupied homes, were “housing cost burdened” -- defined as households who pay more than 30 percent of their income for housing.

### Expanding the Diversity of Residents

Because neighbor-to-neighbor communication represents the fabric of community in Washington Grove, it is critical to welcome and involve all residents in social and governmental events and committees. For the current 225 homes (as of August 2020) it is estimated there are 7 homes with Black residents, 8 homes with Hispanic or Latino residents, and 11 homes with Asian residents. When homes become available for sale or rent, it will be the well-connected and enthusiastic residents that invite their families and friends to experience Washington Grove by living here.

It is recommended that all Town communications, starting with various modes of identifying and welcoming new residents, strive for a tone of inclusiveness while providing helpful information regarding town services, and inviting engagement with social and governmental activities. The Town website, the monthly Town Bulletins, plus interim Grove Alerts provide both the official governmental information and updates, but also notices of other community events and opportunities. Many Town residents also choose to participate with the non-governmental social media groups related to Washington Grove.

### Historic Homes and Support for Rentals

Section 9.3 provides an overview of the character and scale of the 225 existing homes in Washington Grove. Across this continuum of residential buildings, there is an adherence to standard forms that have been altered through individual elaborations, renovations, and additions to meet the changing needs of homeowners.

To sustain the Town’s historic character and support retention of historic structures, the Town has modified building permit requirements to foster ordinary maintenance and repair, the activities needed to keep a building or structure in, or return it to, working or usable condition. These activities typically involve general reconstruction, replacement or renewal of any part of an existing building with in-kind materials. For a historic property, such activities typically do not diminish the integrity of the property’s character-defining features, which may make the property a contributing resource to the national register historic district.

To reduce the number of long-term vacant homes, it is recommended the Town explore adding a property tax surcharge on vacant residential property. Use of a “Vacant Property Tax” is being

evaluated in other communities, for example, annual rates of \$300 per parcel on vacant properties in Seat Pleasant, MD. Such incentives could reduce the fire safety risks of vacant homes, and could add to the number of homes available for sale or rent. This approach should be coordinated with strengthened demolition controls to avoid losing historic properties.

To further support expansion of room and home rentals, it is recommended the Town explore establishing a rental licensing program. Enforcement of an annual Town rental license, coupled with inspections to ensure compliance with Montgomery County Code Chapter 29, Landlord-Tenant Relations, can ensure safe rental housing stock, as well as compliance with updated parking requirements. Room rentals could enable some property owners to stay longer in their own homes. To help ensure retention of the character of the residential zones, it is recommended that accessory room rentals be limited to a maximum of two bedrooms. If the Town was willing to deviate further from its historic focus on single family dwellings, it would also be possible to consider the use of accessory dwelling units (ADUs) popularly known as “Granny flats”. As with rental expansion, compliance with parking requirements would be critical.

### Infill Development

The roads and walkways, as designated with the original plats for Washington Grove and subsequently updated, provide the block boundaries for the subdivided land within the Town. In order to plan for growth within Town, the potential for additional homes was analyzed based on current zoning and the established block boundaries. Although most of the Town’s privately owned parcels are already developed, the analysis provided in Master Plan Section 2.2 demonstrates the capacity for further internal growth is significant – 33 homes from infill development.

The Town’s Subdivision Regulations provide that the Planning Commission may condition approval of subdivision plats upon such terms as may promote the purposes of the Comprehensive Plan and the Zoning Ordinance. To encourage compatible subdivisions, it is recommended that conditions with plat approval include retention of historic structures, respect for traditional siting and alignments, compliance with vehicle parking requirements, retention of mature tree cover, and installation of new pedestrian ways and other features to support the character of Washington Grove.

While the challenges to preservation from potential infill development are highlighted in Comprehensive Plan Section 9.7, there are also strategic opportunities associated with property re-subdivisions, home renovations, and rentals. In addition to existing statutory zoning, forest conservation, and stormwater management requirements, it is recommended that housing project approvals be linked to planning objectives for retention of historic structures and features, housing design compatibility with the neighborhood by demonstrating adherence to published guidelines, and compliance with vehicle parking requirements.

### Reformed Parking Requirements

The regular parking of vehicles on public property detracts from the bucolic nature of the Town and may create safety problems. The “Parking Policy” portion of this Master Plan provides more

details and policy strategies to guide actions by the Mayor and Council regarding parking of motor vehicles on public property.

It is recommended that compliance with vehicle parking requirements be linked to housing issues. Specifically, previous considerations of the “degree of non-compliance” did not include consideration of non-compliance with regard to parking. It is recommended that evaluations of “degree of non-compliance” include the number of off-street spaces as specified in the Zoning Ordinance (Section 6.2224) except for the reconstruction of non-complying buildings to the extent that there is insufficient space to meet these parking requirements. The associated update to the Zoning Ordinance will ensure consideration of the parking impacts that may be associated with proposed renovations and expansions.

It is also recommended that compliance with vehicle parking requirements, with an updated specification for the minimum number of spaces, be linked to annual licenses for rentals of rooms and homes. The Zoning Ordinance (Section 6.2224) currently specifies a minimum of two spaces for each dwelling unit. For accessory residential room rentals, it is recommended that the minimum number of spaces be increased by one space for each bedroom rented. This must be coordinated with the limit on maximum vehicles per dwelling.

### Residential Use in Commercial Zone

As described in Master Plan Section 8.2, the permitted uses in the local commercial zone can be expanded to include a residential component within the commercial corner, with upper level residential apartments/condominiums built over the commercial/office tenant spaces. While such mixed-use opportunities are small in scale within the commercial corner, residential use requires less parking per development square foot as compared to the other permitted uses, and the on-site residential use may help ensure commercial corner compatibility with the other nearby residences.

### Recommendations:

- Town communications, starting with various modes of identifying and welcoming new residents, should strive for a tone of inclusiveness while providing helpful information regarding town services, and inviting engagement with social and governmental activities.
- As a party to the historic deeds, the Town should seek legal means to remove racially motivated restrictive covenants.
- Update Article XII, Subdivision Regulations, to reflect the role of the Historic Preservation Commission for review of any proposed plan of subdivision as specified in Article XV.
- Condition subdivision plat and building permit approvals on retention of historic structures, design compatibility, adherence to guidelines, compliance with vehicle parking requirements, and installation of new pedestrian ways and other features to support the character of Washington Grove.
- Explore adding a property tax surcharge on vacant residential property to reduce the number of long-term vacant homes, and strengthening demolition controls.

- Establish a rental license process to include home rentals and accessory residential room rentals, coordinated with County enforcement by Montgomery County Code Chapter 29, Landlord-Tenant Relations, where applicable, to link rental license issuance and renewals to annual verification of rental requirements, including minimum number of off-street parking spaces.
- Update Article VII, Zoning Ordinance:
  - Section 5.32 (Definition of Degree of Non-Compliance) to expand the definition to include “(d) for properties in the Residential Zones, there is no decrease in number of off-street spaces as specified in the Schedule of Minimum Requirements”
  - Section 6.2224 (Schedule of Minimum Requirements) to add “Accessory Residential Room Rental” with “1” for “# of Spaces” and “Bedroom” for “Unit of Measurement”
  - Section 8.2 (Commercial Zone, Use Regulations) to add a residential component with upper level residential apartments/condominiums built over the commercial/office tenant spaces.