



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

May 5, 2011

**MEMORANDUM**

**To:** Montgomery County Planning Board

**Via:** Glenn Kreger, Acting Chief *AK*  
Area 2 Planning Division

Khalid Afzal, Team Leader *KA*  
Area 2 Planning Division

**From:** Frederick Vernon Boyd, Community Planner  
Area 3 Planning Division *fvb*

**Subject:** Worksession I—Kensington and Vicinity Sector Plan

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**Recommendation:** Review testimony from the April 28 Public Hearing Draft Kensington Sector Plan; approve proposed zoning modifications to the existing Public Hearing Draft recommendations, and authorize staff to prepare Planning Board Draft.

**Process and Schedule**

The May 12 worksession will review written and oral testimony from the April 28 Public Hearing. This testimony focused largely on five issues: density and building heights; using the proposed CRN and CRT Zones in Kensington; infrastructure development, particularly traffic and schools; the role of the Town of Kensington in the regulatory review process; and matters relating to specific properties. The proposed framework for the plan's urban design guidelines will be reviewed as well.

A second worksession, scheduled for May 26, will review any outstanding issues, and present a Planning Board Draft plan for Planning Board review and approval. The County Council has asked for transmittal of the Planning Board Draft by June 1.

This memorandum is organized around the five issues described above. Following a summary of public hearing testimony and planning staff's analysis of the issues raised, each section concludes with a staff recommendation. Staff is asking the Planning Board to:

- review densities and building heights, consider citizen group alternative recommendations and determine appropriate zones, densities and building heights;

- retain Public Hearing Draft recommendations for providing parking;
- retain Public Hearing Draft language on the regulatory review process, with any changes recommended during Planning Board discussion;
- review and determine appropriate building height recommendation for Konterra property;
- approve revised language regarding provision of parking for Burka property.

The Proposed CRT and CRN Zones map is included with this memorandum.

## **Review and Analysis**

The Public Hearing Draft incorporates changes to recommended zones and densities in Kensington. It proposes the CRN (CR Neighborhood) and CRT (CR Town) for areas now in the CT, C-1, C-2, C-0 and O-M Zones. Sections on individual properties have been revised to indicate recommended CRN or CRT Zones. Other recommendations have been revised to reflect changes to the CR Zones that have occurred since the Sector Plan's initial development and review. In general, it retains densities and building heights proposed in the 2009 Planning Board Draft plan. Planning staff will review the changes proposed in the Public Hearing Draft at the beginning of the May 12 worksession.

The Kensington Town Council has approved a resolution supporting the Public Hearing Draft. One Issue of concern to the Town Council is highlighted in this memorandum.

### **Density and Building Heights**

#### General Analysis of Density and Building Heights Issues

Building heights overall densities have been the centerpiece of discussions about the Sector Plan since 2009, when planning staff first presented its preliminary recommendations to the Planning Board for the previous draft Kensington Sector Plan. At the April 28 public hearing, testimony on height and density focused on the 75-foot maximum building height and the 2.5 maximum overall FAR recommended in the Public Hearing Draft. Some residents argued explicitly for a ceiling of 45 feet on new construction; others combined that recommendation with one for reduced overall densities, generally to an overall FAR of 1.5, noting that higher densities are reserved for areas around Metro.

There are 11 zones recommended in the Public Hearing Draft—nine CRT Zones and two CRN Zones—totaling about 70 acres, or 17 percent of the 391-acre Sector Plan area. The table below shows seven categories of overall densities and building heights recommended for the Kensington Sector Plan and the total amounts of land in each category. (Differences in recommended commercial or residential densities under a given overall density bring the total number of zones to 11.)

<b>Proposed Maximum Total Density</b>	<b>Proposed Maximum Height(feet)</b>	<b>Lot Area (Square Feet)</b>	<b>Percentage (of total area proposed for rezoning)</b>
2.5 FAR	75	552,243	18 percent
2.5 FAR	55	25,386	1 percent
2.0 FAR	60	309,691	10 percent
2.0 FAR	50	130,494	4 percent
1.5 FAR	60	1,019,457	34 percent
1.5 FAR	45	781,112	25 percent
1.0 FAR	45	230,885	8 percent
Total		3,049,268 (70 acres)	100 percent

The table shows that most of the area proposed for revitalization—67 percent—is recommended for densities of 1.5 FAR or less. This density is allowed today in the C2 and CO Zones that comprise a considerable portion of Kensington’s business district. Almost 40 percent of the area proposed for rezoning is recommended for building heights of 45 feet to 55 feet, which represents an additional single story greater than that allowed under the C2 Zone. Less than one-fifth of the revitalization area—18 percent—is recommended for maximum height of 75 feet, which translates to about seven floors.

It is worth noting that the calculation of maximum permitted FAR is perhaps less important to considering density on an individual property than the amount of actual square footage that may be built on that property. The relationship between buildable square footage and lot area influences the amount of space available for public areas, open space and other amenities.

Several correspondents pointed to the Kentlands as an example of successful and attractive mixed-use development and, in recommending similar development for Kensington, specifically noted the number of two- and three-story buildings there. The accompanying photograph shows the Kentlands area; the circled area is the Kentlands Town Center. A 2008 amendment to the land use plan for this area called for four- to six-story buildings both along the main thoroughfare, Kentlands Boulevard, and on interior



streets created in former shopping center parking lots.

The plan for the Kentlands recommends building heights that are, in the main, similar to those recommended for Kensington—four- to six-story buildings of 45 feet to 65 feet. The relatively small area recommended in the Public Hearing Draft for heights of 75 feet would allow a single additional story at the core of the town center. An objective of the design guidelines that will accompany the Sector Plan will be to direct building heights appropriately on these properties to allow varied massing of buildings.

### ASK Alternative

*Appropriate Scale for Kensington (ASK)*, a citizens group formed following the Council’s request for revisions to the Sector Plan, provided written and oral testimony at the Public Hearing. Its representatives asserted that the Draft’s recommendations create excessive and unnecessary incentives for development, including the “waiver” of public benefit requirements, substantial reductions in parking requirements already considered minimal, and exemptions from plan review processes.

After the Public Hearing, planning staff met with representatives of ASK to discuss an alternative set of zoning recommendations for the Sector Plan the group had prepared. Planning staff will be prepared at the worksession to discuss the alternative proposal with the Board and offer a recommendation.

### **Implementing the CRN and CRT Zones**

The Sector Plan recommends two new zones, CRN and CRT, to enable mixed commercial and residential revitalization in areas now zoned exclusively for commercial activities. The new zones retain the basic framework of the original CR Zones while revising details to enable their application in areas with scale, character and density issues that make application of the CR Zones less desirable.

The following table shows the maximum densities and building heights available in the three zones. The CR Zone is not recommended for any area in Kensington.

<b>Category</b>	<b>Maximum Total FAR</b>	<b>Maximum Commercial or Residential FAR</b>	<b>Maximum Height</b>
CRN	1.5	1.5	65 feet
CRT	4.0	3.5	150 feet
CR	8.0	7.5	300 feet

The CRT Zone is proposed for most of Kensington’s town center. It includes an optional method of development to achieve a range of public benefits in the categories of connectivity, diversity of uses and activities, quality building and site design and environmental protection. The CRN Zone is proposed for several currently commercial areas adjacent to existing residential

communities that are not recommended for changes in land use. A number of uses allowed in the CR and CRT Zones are not permitted in the CRN Zone, reflecting its role as a transition to residential neighborhoods. Other uses are limited and require a detailed site plan review when they are proposed for areas next to or across a secondary street from existing neighborhoods. The CRN Zone has no optional method of development.

Several correspondents suggested that, in the absence of a Metro station in Kensington, both the CRN and CRT Zones were inappropriate in Kensington. Staff believes that these zones have significantly broader objectives than simply development at transit stations. As the Public Hearing Draft notes on page 28, the zones are designed to reduce auto dependence, encourage balance between employment and housing and introduce sustainable mixed use development to commercial areas now oriented to the car. Revitalization along Connecticut Avenue, with the modest incentives provided by the Plan's recommendations, can meet all of these CR Zone objectives and achieve the Plan's vision for a lively and active town center.

*Staff recommends retaining the CRN and CRT Zones in Kensington.*

#### Parking Requirements in the CRN and CRT Zones

The two new zones replace the Zoning Ordinance's minimum parking standards with parking ratios for each zone that are based on proximity to transit stations, and allow parking to be provided in a variety of ways, including parking lot districts, shared programs or other bilateral agreements for off-site parking.

There was much written and oral testimony on the provision of parking. In general, correspondents asserted that the zones' parking requirements were insufficient and that it was inappropriate in any case to base those requirements on proximity to transit, because existing MARC service through Kensington carries too few passengers to qualify as mass transit. *The Town Council shares the latter viewpoint.*

The proposed CRN and CRT Zones establish parking standards and simplify the distance categories used to calculate the number of needed spaces that currently exist in the CR Zones. It is important to remember that both the existing CR Zones and the proposed CRN and CRT Zones include parking maximums as well as minimums. This recognizes the need to provide sufficient parking wherever the zones are employed while supporting the reduction in vehicle use that occurs when people are able to live, work and shop in the same place.

The Public Hearing Draft contains new language designed to strengthen the Sector Plan's policy position on parking. It clearly indicates that providing significant amounts of new or shared spaces "would provide the most important public benefit of Kensington's revitalization." (p 29) It reinforces the Plan's recommendation that the Town create a shared parking program or a parking district. Such initiatives promote centrally-located parking, which, in turn, frees space for well-designed revitalization projects with buildings that are close to streets and include public spaces and streetscapes. It is important to note that the Sector Plan has no ability to

unilaterally establish a parking district in the Town; creating a district or parking program is appropriately the responsibility of local government.

*Staff recommends retaining recommendations and language in the Sector Plan on the provision of parking.*

### Methods of Development in the CRN and CRT Zones

Written and oral testimony for the Public Hearing proposed that all development in Kensington be required to provide public benefits through the optional method of development.

Staff believes that requiring all development in the CRT and CRN Zones to use the optional method and provide public benefits is likely to discourage small property owners from modest revitalization projects, like adding a floor of living space to a single-story workshop. Kensington's commercial areas contain many small properties in individual ownership. The uncertainty of assembly strongly suggests that standard method development, which eliminates additional time and expense associated with providing public benefits, is the likeliest way to achieve the modest scale of revitalization desirable in Kensington.

Larger properties in single ownership are recommended for the CRT Zone and the measured increases in density recommended in the Public Hearing Draft should encourage optional method development with accompanying public benefits. The proposed CRT Zone retains the public benefits requirement for optional method development, but allows fewer benefits to be provided in achieving allowable density, which responds to economic conditions that may be different in Kensington than in places nearer Metro.

*Regulations for parking and for the provision of public benefits are now part of the CR Zones. A zoning text amendment creating the CRN and CRT Zones has been introduced at the County Council and will be the subject of a formal public hearing and worksessions. Many of the observations made on this subject for the Sector Plan Public Hearing may be more appropriately addressed as part of zoning text amendment review process. Additional revisions to the ordinance would be necessary to exempt Kensington from these requirements, as some testimony suggests.*

*Staff recommends no change to the language in the Sector Plan or the proposed zoning text amendment regarding the standard method process in the CRT Zones.*

### **Infrastructure: Traffic and Schools**

The Kensington Sector Plan includes analysis of the area's transportation network and its schools. Public Hearing Draft recommendations in these areas focus on the need for physical improvements and additional analysis that can enhance circulation and provide adequate educational opportunities.

## Traffic

Testimony and correspondence on traffic issues emphasized the potential impact of new development in Kensington and elsewhere on the existing network, making particular note of the federal Base Relocation and Closure (BRAC) project's prospective impacts on the road network. It noted that the intersections of Connecticut and Knowles Avenues and Connecticut Avenue and Plyers Mill Road were at or near failure during peak periods, and that little effort had been made to resolve circulation issues in the northern part of the sector plan area. Some urged that road infrastructure improvements be made before development occurs.

The Public Hearing Draft Plan recognizes Kensington's location at the intersection of important north-south and east-west road networks as well as the obstacles posed to vehicular and pedestrian circulation by Connecticut Avenue and the CSX rail right-of-way. It recommends an extension of Summit Avenue that reduces, but does not eliminate, future congestion on Connecticut Avenue, and the Plan appendix details operational improvements that could further relieve congestion.

The Plan recommends a pedestrian underpass beneath the CSX right-of-way to improve pedestrian movement to and from the communities north of the tracks. It also calls for a cooperative study between the Town, County and State to evaluate enhanced pedestrian and vehicular circulation in the part of the sector plan area north of the rail right-of-way. Such a study would include evaluation of connection points at Connecticut Avenue for the Summit Avenue extension.

To accommodate additional commuters from Bethesda Naval Medical Center, the State Highway Administration has planned or ongoing projects at Jones Bridge Road and Connecticut Avenue that will improve that intersection and add northbound capacity to Connecticut Avenue. Completion of these projects may occur before redevelopment occurs.

The purpose of the area's transportation analyses at the master plan level is to make sure that there is enough capacity in the area's transportation network to adequately handle the likely development that might occur as a result of the proposed planning framework. Infrastructure improvements designed to alleviate congestion associated with development can occur in several ways. Where projects have broad application, like a road extension, they are planned and built through the Capital Improvements Program. Traffic and circulation impacts of individual projects are reviewed at the time of redevelopment as part of the development review process including PAMR and LATR reviews. They are funded and constructed by the developer and may include intersection improvements, turning lanes and other enhancements.

*Staff recommends retaining the Public Hearing Draft recommendations for connectivity.*

## Schools

The Sector Plan notes that Kensington and the surrounding neighborhoods are located in the Walter Johnson Cluster. Kensington-Parkwood Elementary School and North Bethesda Middle School serve area residents. Testimony at the Public Hearing expressed concern about the impacts of development on existing capacities at schools in the Walter Johnson Cluster. The cluster has overcrowding at the elementary level; at Kensington-Parkwood, moderately crowded conditions are expected for the life of the current Capital Improvements Program. The Sector Plan concludes that proposed development in Kensington will not require a new elementary school.

Sector plans determine whether proposed development is likely to create the need for additional schools and, if it does, recommend locations for them. To project student enrollment, Montgomery County Public Schools' (MCPS) demographers use a series of factors that are based on types of development. In Kensington, the forecast assumes that new development will be in the form of multifamily development in three- to five-story buildings with structured parking.

The following table reports student yields from likely potential development in Kensington. It is based on MCPS yield factors for multifamily housing.

Property	Lot Area	Estimated Units	Students Grades K-5	Students Grades 6-8	Students Grades 9-12
Burka	138,000	221	9	9	7
Levin-Huggins	126,250	202	8	8	7
Konterra	84,070	84	4	3	3
Mizell	56,500	56	2	2	2
Calomaris	76,600	0	0	0	0
Antique Village	29,800	0	0	0	0
Johnson	70,000	61	3	2	2
<b>TOTALS</b>		<b>624</b>	<b>26</b>	<b>24</b>	<b>21</b>

Source: Montgomery County Public Schools Division of Long Range Planning

Yield rates: K-5—0.042 students per unit; 6-8—0.039 students per unit; 9-12—0.033 students per unit

The Calomaris and Antique Village properties are assumed to develop as single-use non-residential projects.

Over the life of the Sector Plan, redevelopment of major properties in Kensington's commercial areas at the levels likely to occur over the life of the plan does not yield enough students to warrant an additional school. In the near term, redevelopment is likely to have minimal if any impact on existing conditions in the Walter Johnson Cluster, because it is unlikely that redevelopment projects will be completed and occupied during the life of the current MCPS Capital Improvements Program. In the long term, capacity issues at individual schools are cyclical; today's crowded elementary school may be under capacity in a few years even if there is no new housing development. For this reason, MCPS concentrates its demographic forecasting to the near- and medium term. As MCPS moves through its CIP cycles and as



redevelopment occurs in Kensington, the County's Adequate Public Facilities Ordinance is best able to evaluate the adequacy of school capacity to support development and can require schools facility payments or impose development moratoria if warranted.

The Public Hearing Draft includes language identifying the former Kensington Elementary School as a possible site for an elementary school, if MCPS determines that a new school is needed. MCPS staff has noted that the White Flint Sector Plan designates two sites in that sector plan's area for an additional elementary school. This language appeared in the 2009 Planning Board Draft Kensington Sector Plan and should have been removed following approval of the White Flint Sector Plan.

*Staff recommends retaining the Public Hearing Draft recommendations for schools, but eliminating language concerning possible reopening of the former Kensington Elementary School.*

### **Regulatory Review**

The Public Hearing Draft's Implementation section contains new language referring readers to Article 28 of the Annotated Code of Maryland for detailed information on the Town of Kensington's role in the review of subdivisions, site plans and other regulatory reviews. Planning staff continues to work with the Legal Office on this language and will be prepared to discuss proposed language at the worksession.

Some testimony for the Public Hearing discussed this issue, with correspondents arguing that public review of development projects would be "waived" under some circumstances in the proposed CRN and CRT Zones. To some extent, this viewpoint may result from conflating the ideas of standard method development and regulatory review. Because there are a substantial number of individually-owned, already-recorded lots in Kensington, some owners will be able to redevelop smaller existing buildings under the standard method without needing to create new lots through subdivision or undergo detailed site plan review. As noted above, standard method development may actually encourage small scale revitalization projects without undue economic burdens. This situation is not the result of deliberate action in the Sector Plan or the CRN and CRT Zones; it is instead a not-uncommon circumstance: modest projects on already-recorded lots in zones whose regulations don't always require site plan review proceed without going to the Planning Board.

Projects done under the optional method will require sketch plan and site plan review. The Town has a formal role to play in these processes, even though the Planning Board remains responsible for the final decisions. Article 28 requires the Planning Board to refer regulatory plans to the Town for its review. The Town may, but is not required to, make a recommendation on the plan to the Board. If it decides to make a recommendation, Article 28 states that the town shall hold a public hearing and transmit its recommendation in writing to the Board, including its findings of fact and conclusions of law. If the Town concludes that the proposed plan does not comply with provisions of the applicable regulations, it may

recommend denial. If the Town recommends denial, a two-thirds majority of the Board members participating in the review is necessary to override the Town's recommendation.

It is important to note in addition that current zones in Kensington generally do not include site plan review and that requirements in the CRN and CRT Zones for sketch plan and site plan review under the optional method provide a review process—including opportunities for community and Town Council participation—that does not exist today. While it is true that standard method developments do not in all cases require detailed site plan review, the modest level of revitalization contemplated for some parts of Kensington can, and should, occur successfully without it. For larger standard method projects, detailed site plan review will occur with redevelopment.

*Planning staff recommends retaining the section in the Sector Plan on regulatory review.*

### **Specific Properties**

The Public Hearing record includes oral and written testimony from two properties recommended for the CRT Zone in the Public Hearing Draft. In both cases, the owners support the overall recommendation for their properties, but raised concerns about particular elements of those recommendations.

#### Konterra Property

The Konterra Property is located on Metropolitan Avenue across the CSX right-of-way from the train station. The draft Plan (p 25) notes that the Town will use a portion of the property for additional commuter parking and other civic uses and that a recommended pedestrian underpass should be located in this area. The draft Plan recommends CRT 1.5: C 1.5, R 1.5 H 60 for the property.

The property owner testified at the public hearing in support of the overall recommendations in the draft Plan for zoning and density, but requested a maximum building height of 75 feet. The owner asserts that physical constraints on the site limit viable uses to apartment housing and that additional height is necessary to accommodate the number of units needed to make the project economically feasible.

Planning staff met with the property owner after the Public Hearing to continue discussions of this proposal and was not able to analyze the proposal before finalizing this memorandum. Staff will be prepared to discuss the proposal at the worksession and offer a recommendation for the Board.

#### Burka Property

The Burka property is located at the core of the Town Center, at Connecticut and Knowles Avenues. The Public Hearing Draft (p 21) recommends CRT 2.5: C 2.0, R 2.0, H 75.

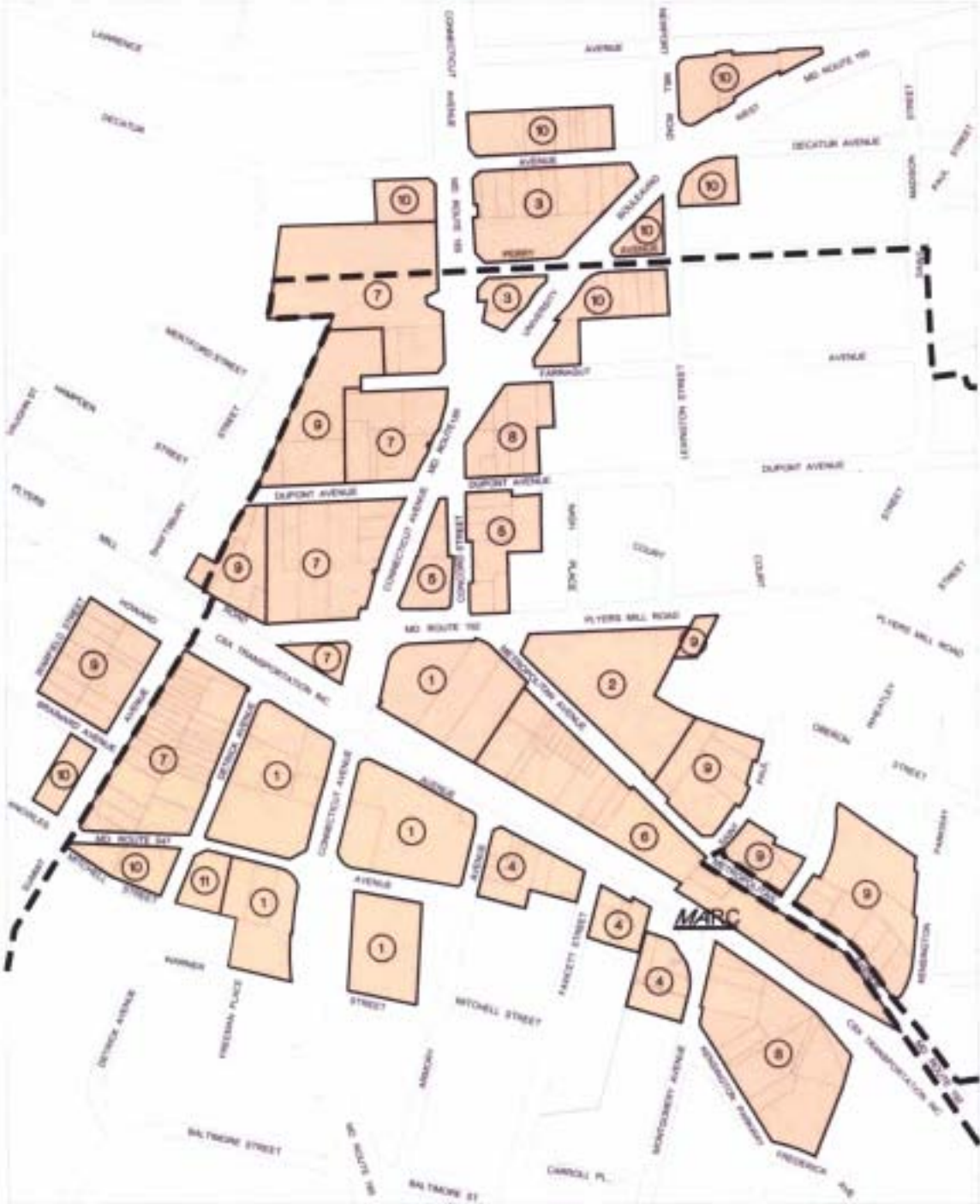
The Public Hearing Draft's recommends that "a public-private partnership development to create a public parking component on this site should be explored at the time of redevelopment." Testimony from the property owners' representative noted that physical limitations on the site would force any parking structure to be above ground, reducing area available for revitalization and conceivably creating a disincentive for redevelopment. The testimony recommended more general language in the Sector Plan recommending evaluation of public parking facilities on the east and west sides of Connecticut Avenue and removing specific references in the plan to the potential for public parking on the Burka property.

A more general reference in the Plan to the need for public parking on both sides of Connecticut Avenue would support new language in the Implementation section that recommends exploration of ways to build parking facilities in revitalizing areas and recognizes the larger importance to revitalization of resolving parking issues in Kensington.

*Staff supports this proposed change in language and will incorporate revised language for Planning Board review with the Planning Board Draft.*

Staff requests the Board's authorization to prepare the Planning Board Draft of the sector plan based on the changes and recommendations contained in this memorandum and the Board's review and guidance from the May 12 worksession. The Planning Board Draft will be presented to the Board for review and approval on Thursday, May 26 for transmittal to the County Executive and the County Council.

Proposed CRT and CRN Zones



- ① CRT 2.5: C 2.0, R 2.0, H 75      ⑤ CRT 1.5: C 1.5, R 1.0, H 60      ⑨ CRN 1.5: C 1.5, R 1.5, H 45      — Town of Kensington
- ② CRT 2.0: C 1.0, R 1.5, H 60      ⑧ CRT 1.5: C 1.5, R 1.5, H 60      ⑩ CRN 1.0: C 1.0, R 0.5, H 45
- ③ CRT 2.0: C 1.5, R 1.5, H 60      ⑦ CRT 1.5: C 1.0, R 0.5, H 60      ⑪ CRT 2.5: C 2.0, R 2.0, H 65
- ④ CRT 2.0: C 2.0, R 0.5, H 60      ⑥ CRT 1.5: C 1.0, R 1.0, H 45

