

December 8, 2004

SUMMARY OF COUNTY COUNCIL ACTIONS LEGISLATION AND ZONING TEXT AMENDMENTS TO IMPROVE THE MODERATELY PRICED DWELLING UNIT PROGRAM

On November 30, 2004, the County Council approved changes to existing legislation and the Zoning Ordinance to improve the moderately priced dwelling unit program. These modifications will become applicable on April 1, 2005. The final text amendments are presently being prepared. The following items summarize the actions of the County Council.

LEGISLATION

1. **Size of Development and Required MPDUs** – All housing projects must provide MPDUs in accordance with the following:
 - 20 to 49 total units: minimum 12.5 percent MPDUs if a density bonus can be achieved
 - 50 total units and more: 12.5 percent MPDUs required without a density bonus, and up to 15 percent MPDUs required with a maximum density bonus of 22 percent in accordance with the sliding scale in Chapter 25A
2. **Length of Time for MPDUs** – Rental units will remain in the MPDU program for 99 years (up from 20 years), and for sale units will remain in the program for 30 years (up from 10 years).
3. **Buyout Conditions** – Buyouts may be permitted only in cases with high condominium fees or environmental constraints in accordance with the following:
 - Payments from buyouts must be used within the Policy Area
 - Fees for buyouts are set at 12.5 percent of the market price for a high-rise unit and 37.5 percent of a non-high rise unit (previously the fees were variable)
 - A committee of the Chairman of the Planning Board, the Director of DHCA, and the Executive Director of HOC will make the final decisions on buyouts
 - DHCA will report yearly to the County Council on the status of all buyouts in Montgomery County
4. **Land Use Recommendations** – Master plan land use recommendations that reduce density and building height must consider the impact on providing MPDUs.
5. **Yearly Monitoring** – DHCA should return to the County Council in one year with further methods to reduce the need for buyouts.

ZONING TEXT AMENDMENTS

The approved text amendments are intended to make possible the construction of MPDUs on-site. These text amendments will provide additional tools for use by the Planning Board. Approved master plans, sector plans and planning principles are not to be compromised although some adjustments are appropriate to support the MPDU program as part of an open planning process. The findings concerning the environment and compatibility remain and should not be compromised. The following items summarize the actions of the County Council.

1. **Multiple Family Zones** – The existing requirement for building coverage is deleted and the requirement for green space will be 35 percent minimum if MPDUs are provided on-site.
2. **Density Bonus for MPDUs in the CBD Zones and Transit Station Zones** – A density bonus may be allowed in the CBD Zones, and the TS-R and TS-M Zones. The FAR may be increased in these zones in accordance with the provisions in Chapter 25A (e.g. a 22 percent bonus is permitted in residential FAR if 15 percent of the total number of units are MPDUs). The MPDUs must be provided on-site with any bonus.
3. **Master Plan Guidelines and Public Use Space** – In cases where provision of MPDUs on-site would otherwise be financially infeasible (as determined by a committee consisting of the Chairman of the Planning Board, the Director of DHCA, and the Executive Director of HOC), the Planning Board may approve a plan that exceeds the dwelling unit, FAR, or height limit established in a master or sector plan and may also allow required public use space to be located off-site.
4. **Public Facilities and Amenities** – The provision of MPDUs does not justify or authorize a reduction in any public facility, amenity or active and passive recreation space recommended in a master plan.
5. **Width of Tertiary Roads** – The reduced width tertiary roads may be permitted if necessary to accommodate MPDUs in development and the proposed development is compatible with existing and proposed adjacent development.
6. **Percent of One-Family Attached Units in the Single Family Residential Zones** – A maximum of 100 percent of the units in the one-family zones may be one-family attached units if the proposed development is compatible with existing and proposed adjacent development.
7. **MPDUs in Large Lot Zones** – MPDUs will be required in large lot developments (RNC, RE-2C and RE-1 Zones) served by public sewer. Townhouses may be permitted in the developments in the large lot zones with MPDUs if compatible with existing and proposed adjacent development.

Citizens Coordinating Committee on Friendship Heights, Inc.

December 9, 2004

The Honorable Derick Berlage
The Maryland-National Capital
Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Re: Woodmont Triangle

Dear Chairman Berlage and Planning Board Members:

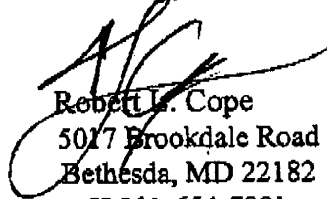
The purpose of this letter is to comment upon the proposed amenity fund for Woodmont Triangle. It is our understanding that this fund will be used to pay for specified off-sites amenities. In considering adoption of this fund we request that you consider the following.

- 1) On larger parcels, consideration should first be given to specific on-site amenities. This will guarantee that the amenities will be constructed.
- 2) On smaller parcels, any fund which is created for off-site amenities must be administered by the Planning Board. In the past the Planning Board has always controlled the operation of the completed amenity. For example, The Planning Board required the developer to transfer control of the Round House Theater to the Planning Board. The Planning Board then chose the operator. This is the same scenario which the Planning Board has proposed for the Recreation Center to be constructed on the Hechts site by New England Development. We strongly believe that the Planning Board should not totally relinquish its authority with respect to off-site amenities.
- 3) A community task force or other organization should be created in order to make recommendations to the Planning Board with respect to spending any funds generated through an off-site amenity fee.

We believe that these recommendations will avoid any misunderstanding in the future with respect to spending public funds.

We thank you for your consideration of this matter.

Sincerely,



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*Julie W. Davis
25 Hesketh Street
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December 8, 2004

Hon. Derick P. Berlage
Chairman, Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Bethesda Sector Plan - Woodmont Triangle Amendments

Dear Chairman Berlage and Planning Board Members:

I am writing in advance of the Planning Board's final worksession on the Woodmont Triangle amendment for the Bethesda CBD Sector Plan scheduled for December 16, 2004, to express the concerns that many of us in the Friendship Heights area have about the version of the amendment reflected in the Staff report of November 18, 2004, for Worksession 3.

Our concerns relate primarily to the fact that the November 18 version does not include many basic elements that we would expect to be included in a sector plan for all or a substantial portion of a major CBD. For example, there is no discussion of or schematics showing recommended heights, design criteria and uses for specific parcels. The amendment should not only include these elements but also proposals for achieving the desired heights, design and uses, such as creation of an overlay zone and transferable development rights (TDRs) legislation. We believe such implementation measures are critical to assure the stepping down of heights at various locations, the preservation of local retail and restaurant establishments, and the retention of some existing buildings as possible arts incubator space and/or dance studios.

Further, while there is a general list of possible amenities and public use spaces in the November 18 draft, the list is vague and contains no specific proposals as to how these amenities and public uses spaces are to be provided in connection with the redevelopment of the area as a whole and, more importantly, with the redevelopment of specific parcels. The Bethesda Sector Plan has been a major success, in part, because it does contain such specificity—for example, it references “a professional theater” for the site that now has Roundhouse Theater, and it provides for optional method of development above the Bethesda Theater Café if a “performance use is provided.”(p. 4)

Thus, our first preference is for on-site amenities. Given the nature of the Woodmont Triangle, however, we recognize that it may not be feasible and/or desirable for developers or property owners to provide on-site amenities and open spaces in each project. We therefore strongly support the concept of an amenities fund that a group of Bethesda-Chevy Chase communities has proposed. We understand that developers in

appropriate cases could contribute to such a fund instead of meeting their optional method obligations under the CBD zones on-site. We think that such a fund is essential as a tool to for the full, successful redevelopment of the Woodmont Triangle.

We would want the fund to be administered at least in part by a broad-based community group with representation from the larger B-CC Policy Area that would have input into the selection of the amenities and public spaces to be provided. We realize that there may be implementation issues to be resolved before such a fund can be created, but we urge the Board and Staff to make every effort to bring this concept to fruition.

We are also very concerned that the current version of the amendment contains no discussion whatsoever of the impact that the new residential development envisioned for the Woodmont Triangle will have on the public schools in the area. MCPS data provided to the Staff shows that Bethesda-Chevy Chase High School is substantially over-capacity now, and the current CIP includes only five new classrooms for the school that will not come on line until the 2009-10 school year, assuming the funding is available (a dubious proposition given the very limited State and County funds available for school construction projects, especially in our area). Moreover, those five classrooms will not really provide additional classroom space inasmuch as they will merely take the place of five storage rooms in the basement of the building that are now used as temporary classrooms because there is no room on the B-CC site for portable classrooms.

Also according to the MCPS data, Westland Middle School is similarly over-capacity even with portable classrooms, with no relief in the CIP until the 2008-09 school year, again assuming the funding is available. Finally, the MCPS data shows that Bethesda Elementary is significantly over-capacity with portable classrooms but no relief in the CIP at all.

As is the case with school impacts, there is also no discussion of the impacts that the proposed redevelopment of the Woodmont Triangle will have on the Route 355 corridor as well as on the local road network. The County's annual congestion review shows that there are upwards of a dozen intersections in the B-CC "Super District" that are currently operating well above their capacity; that those over-utilized B-CC intersection include the two most heavily congested intersections in the County, both of cross Route 355 immediately outside the Bethesda CBD (Cedar Lane and Jones Bridge Road); and that there are no improvements in either the County or State Capital Improvement Program ("CIP") that will significantly relieve congestion at any of the over-utilized intersections. It is reasonable to assume that the proposed redevelopment of the Woodmont Triangle will generate numerous a.m. and p.m. peak hour trips that will travel up and down Route 355 through these intersections and other heavily congested locations in the Bethesda-Chevy Chase area, thereby exacerbating existing traffic conditions at those sites. However, these potential traffic impacts are totally ignored in the current version of the amendment.

Finally, we hope the final version of the amendment will include a thorough discussion of the effect of the recently adopted MPDU legislation and related ZTAs on

the redevelopment of the Woodmont Triangle inasmuch as much, if not most, of that development is expected to be multi-family residential.

We believe that all these elements are a fundamental part of any master or sector plan. Citizens who live, work, shop, dine and otherwise visit the Woodmont Triangle should know what is planned for the future of the area. We believe that the role of the Planning Board and Staff is to provide a sector plan amendment for the area that is sufficiently specific and detailed that the County Council can make informed judgments based on sound planning principles.

Yours very truly,

/s/ Julie W. Davis

CC: John A. Carter, Chief
Community-Based Planning Division
Marilyn Clemens, Planning Coordinator
Community-Based Planning Division