

Citizens Coordinating Committee on Friendship Heights

March 11, 2016

Council President Floreen and Councilmembers Leventhal, Riemer,
Berliner and Elrich
County Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Re: Citizens Coordinating Committee's Supplemental
Comments on the Westbard Sector Plan

Dear Council President Floreen and Councilmembers Leventhal, Riemer, Berliner and Elrich:

We have reviewed Senior Legislative Analyst Marlene Michaelson's March 10, 2016 memo to the PHED Committee and considered discussions at the PHED Committee's March 7, 2016 work session. We are writing to emphasize three concerns: (1) maximum heights and maximum FARs where there are MPDUs above the required percentage, (2) valid amenities and the priority for amenities, and (3) the numbers of residential units in the evolving Westbard Sector Plan.

First, the maximum heights and densities of buildings where there are MPDUs above requirements (whether it is 12.5% or 15% is unclear) need to be reconsidered. There appears to have been a significant mistake of law on the part of the Planning Board staff relating to MPDUs, which means that the buildings could and likely will be higher and bigger than the maximums stated in their draft plan, if this is not addressed. Planning Board staff had represented to us, and we had relied on those representations in commenting, that the heights in the sector plan were absolute maxima, regardless of MPDUs. But it appears that the zoning code provides that the height and FAR limits set forth in a master plan may be increased to accommodate any increase in MPDU's beyond 12.5%. Accordingly, language in the plan purporting to limit the height and FAR would be inoperative and meaningless. This significant concern is supported by a document "prepared by Planning Board Staff" entitled MPDU Analysis, attached to Ms. Michaelson's March 10 memorandum at © 8 -11. It says:

The current CRT zone (Section 4.7.3 D 6c of the zoning ordinance) allows an increase to the mapped height and density if more than 15% MPDUs are provided. The Westbard Plan did not assume that an increase in height and density would be included for the additional affordable units in the residential unit numbers provided.

Thus a 110 foot cap on height in the sector plan, which as previously explained is too high, is even worse. To correct this, for example, where a height is now specified as 110 feet, the height in the plan should be reduced to 90 feet so that once the buildings are built they are likely not to be over 110 feet.

Representing the Citizens Associations of Brookdale, Chevy Chase Village, Chevy Chase West, Drummond, Glen Echo Heights, Green Acres-Glen Cove, Kenwood, Kenwood Condominium, Kenwood House Cooperative, Kenwood Place Condominium, Mohican Hills, Somerset, Springfield, Sumner, Sumner Village Condominium, Westmoreland, Westbard Mews, Westwood Mews, and Wood Acres

Second, what the public may expect in amenities is in serious doubt as matters now stand. The Planning Board Staff document attached to Ms. Michaelson's memorandum, in section 4) says the MPDUs "will ultimately compete with the other priorities in the plan area." Our position is that (A) roads, road reconstructions/realignments, traffic lights, utilities, sidewalks trees, streetscapes, etc. (noted in the Planning Department Staff document entitled MPDU Analysis) will not be counted as amenities, (B) added MPDUs above 12.5% will not be considered an amenity, and (C) the Willett Branch must be considered as the first priority amenity for those properties bordering Willett Branch. These provisions and obligations on amenities need to be written into the plan. Also, while not mentioned above, we maintain and incorporate by reference our comments on community facilities and parks. March 6 letter at 5-6.

Third, we are providing our assessment of the number of net new housing units in light of the recommended floating zones on River Road and new data in the Planning Board staff document on MPDUs. The number of net new residential units is important, as you have recognized. As stated in our letter of March 6, 2016 to the PHED committee and Councilmembers Berliner and Elrich, we agree with the main thrust of Ms. Michaelson's comments (in her March 3 memorandum) – "that the amount of development proposed should be reduced. However, for many properties, we strongly disagree with the amount of reduction recommended. It should be reduced further." Our concluding paragraph in that letter said; "[l]ast, but not least, we continue to believe that even with the recommendations by staff, the Sector Plan would result in way too many residential units."

We believe that at its current state of discussion, the sector plan would provide for (A) **1344 net new housing units** + additional units as a result of MPDUs above 12.5% on the **Westbard Avenue District**, (B) on the general order of **464 -696 net new housing units** on River Road if floating zones are adopted as proposed in Senior Legislative Analyst Marlene Michaelson's March 3, 2016 memo + additional units as a result of MPDUs above 12.5% on the **River Road District**, and (C) **121 new units** in the proposed Senior Housing facility. In our view, the total is **over 1929 to 2161 net new housing units in the sector not including additional MPDUs or the Washington Episcopal school site.** This is way too many. What is more, the Washington Episcopal School site is the elephant in the room. If that approximately 10 acre site is developed, there would be an even more staggering number of residential units.¹

Fourth, we would like to provide an example of the significant problems with the draft plan, in light of the above. As to the Park Bethesda site, new language would be added that the intent on parcel 6a is for townhouses, which is very important and we truly appreciate that language. That does not change the fact that the FAR of 2.5 on site 6(a) is excessive and should be 1.0-1.5. Given that the height is 35 feet and the parcel will be townhouses, 1.0-1.5 should be

¹ The numbers in this paragraph were derived as follows. The Planning Staff document on MPDUs, which is attached to the Michaelson memo, includes on page 2, a column with a heading 12.5 % MPDUs. For the Westbard Avenue District, the total in that column is 168 MPDUs. The number of MPDUs divided by 12.5 percent equals the number of new housing units. 168 MPDUs divided by 12.5% (which is 0.125) = 1344. As a check, for Park Bethesda, 63 MPDUs divided by 0.125 = 504. This is essentially the same as the 500 new residential units at Park Bethesda in earlier Planning Board documents. The total for the River Road District is a range from 58 to 87 MPDUs. 58 divided by 0.125 = 464. 87 divided by 0.125 = 696. The number of units in the senior housing project is from Ms. Michaelson's March 3 memorandum on site 15 at page 14.

plenty. While the FAR on 6(a) would be reduced, on March 7, someone said unused area from the FAR from parcel 6(a) could be added to parcel 6(b) where the expected building to be built behind the existing Park Bethesda building will lie. This should not be allowed and reinforces the need for a 1.0-1.5 FAR on parcel 6a. Adding 500 additional new units to Park Bethesda, which already is very large, is excessive for this neighborhood. And, as discussed above, there are some who believe that the zoning code provides that the height and FAR limits set forth in a master plan may be increased to accommodate any increase in MPDU's beyond 12.5%. Clarification is required to ensure that the draft plan's statement on Page 63 (that the 110 foot height limit is a maximum and assumes 25% affordable housing) would survive a legal challenge. Any uncertainty would require reduction in height to a level to ensure no building can be built higher than 110 feet. Also, what amenities would the owner of the Park Bethesda property, which is not crossed by and does not adjoin Willett Branch, contribute to and how?

Respectfully submitted,



Lloyd Guerci, Chair
Citizens Coordinating Committee on
Friendship Heights

cc: Marlene Michaelson