

Citizens Coordinating Committee on Friendship Heights

September 12, 2018

Hans Riemer, President
Montgomery County Council
Nancy Floreen, Chair PHED Committee
100 Maryland Avenue, 6th Floor
Rockville, MD 20850

Re: Comments on ZTA 18-06 MPDU- Bonus Density, Amendments

Dear Council President Riemer and PHED Chair Floreen:

The Citizens Coordinating Committee on Friendship Heights (CCCFH) includes communities that adjoin the Bethesda downtown sector and that are in and adjoin the Westbard sector. CCCFH submits these comments for the PHED Committee's and Council's consideration of ZTA 18-06 Moderately Priced Development Unit (MPDU) - Bonus Density Amendments.

In general, we support the MPDU program. As a matter of sound planning, we ask that the consequences be given careful consideration. We offer the following.

General Prerequisite for Bonus Density

Bonus density for MPDUs should be allowed only where the property is governed by the optional method. A developer should not get a bonus unless it is providing significant amenities under the optional method. Adding people, without more, is insufficient and shortsighted.

Bonus density should be awarded only where the developer exceeds the required percentage of MPDUs

The County's MPDU program has required 12.5 percent MPDUs for covered development. Historically, developers were awarded bonus density for MPDUs above 12.5 percent.

Relatively recently, in certain sectors, the requirement for MPDUs was set at 15 percent, which we supported. Since the requirement is for 15 percent, bonus density should be awarded only for density above 15 percent MPDUs. A developer should not get bonus density for MPDUs between 12.5 percent and 15 percent, because that amounts to getting a bonus for simply complying with the law.

The amendment to ZTA 18-06 would include a provision that allows projects in the C/R to receive public benefit points for providing more than 12.5 percent MPDUs, even in areas in which they are required to provide 15 percent MPDUs, except for the Bethesda Overlay Zone. As to Bethesda this is right, but it is wrong for other areas and accordingly we oppose it.

Representing the Communities of Brookdale, Drummond, Chevy Chase Village, Chevy Chase West, Village of Friendship Heights, Glen Echo Heights, Kenwood, Kenwood Condominium, Kenwood House Cooperative, Kenwood Place Condominium, Somerset, Somerset House, Springfield, Sumner Village Condominium, Westmoreland, Westbard Mews, Westwood Mews and Wood Acres

Heights associated with increased MPDUs need to be constrained

MPDUs are part of the overall planning process, which exists to serve the public interest. Planning issues commonly involve a number of values and, often, there are multiple significant interests at stake.

One interest is that of neighboring residences. The significance of their interests is commonly recognized, for example, in the Montgomery County sector plan process. Heights are often set lower at the edges near residences -- single-family homes, townhouses and low rise (3 stories or less) condominiums and apartments-- than inside the sector in recognition of the legitimate concerns of nearby residents. Often, this is done on a street by street basis.

This tailored, very local consideration of height limits in sector plans/zoning maps must not be cast aside by unfettered, jacked up heights associated with more MPDUs. There need to be limits on increased heights. These limits should be based on consideration of alternatives to increased height (at least in a site plan), proximity of the development to nearby residences, namely single-family homes, townhouses and low rise (3 stories or less) condominiums and apartments, and the amount of increased height (generally none or no more than one story relatively near local residences).

Such limits on increased heights in specified areas should not create a hue and cry. In Bethesda, for example, there is a sector plan cap of 32.4 million square feet. On the ground there are 23.3 million square feet, and the planning staff has almost 4 million square feet in tracking. To the extent that developers are truly interested in including more than 15 percent MPDUs with associated bonus density, there are more than ample opportunities to do so without impacting adjoining residential neighborhoods by increased heights. In the end, the constraint would be the sector wide 32.4M square feet cap.

Amendments to the table on bonus density

The County Code, Sec. 25A-5. Requirement to build MPDUs; agreements, subsection (c) contains a table specifying the amount of density bonus achieved in the approved development as determining the percentage of total units that must be MPDUs. There is a column on achieved density bonus and to the right of it a column on MPDUs required. ZTA 18-06 apparently would rewrite this table. It would have a % MPDUs column and to its right a % Bonus Density column. This needs to be explained.

More importantly, PHED Committee Chair Nancy Floreen has proposed an amendment to ZTA 18-06 that would remove the 22 percent cap on bonus density for certain Residential, Commercial/Residential, Employment, and Overlay Zones. M-NCPPC Planning staff purported to allay concerns by stating: "While some may be concerned about the new uncapped bonus density in the Residential zones, it will be difficult to achieve any significant bonus in the Residential zones due to the various requirements of the zones (i.e. setbacks and minimum lot

sizes).” This statement falls woefully short, because it fails to address increased heights. As discussed above, these are extraordinarily problematic in some areas.

Recreational facilities and amenities that serve the public need to be addressed

In many areas of the county there are shortages of recreational parks and similar public facilities. Parks’ budgets are limited and unfortunately cannot realistically be expected to meet demand. New development is simply making matters worse. A year or two ago, a staff presentation to the Planning Board showed that when the government undertook public facilities development, amenities occurred. In contrast, the amenities that developers provided (e.g., under the optional method) came up short.

Some developers feign to be good local citizens and cite designs that, we recognize, are better than Khrushchyovkas - Soviet-era housing blocks. But generally, the designs do not address or satisfy the needs for public recreational facilities. This is of course relevant because the MPDUs with associated density bonuses have arisen in the context of optional method development. Regardless of whether this arises under a C/R zone or in an expanded context, to proceed, development needs to contribute substantially toward public recreational facilities. This needs to be included.

Reorganization of County Code Chapter 25 A into Chapter 59

While our concerns focus on the substance of requirements and their implications and consequences, we note that code reorganizations risk having provisions drop out, definitional omissions and inadequate references. We urge someone on staff to scrutinize this.

Thank you for considering our comments.

Sincerely,



Harold Pfohl, Chair
Citizens Coordinating Committee on Friendship Heights

Cc: Councilmembers (county.council@montgomerycountymd.gov)
Jeff Zyontz