

SECTION 3 OF THE VILLAGE OF CHEVY CHASE

P.O. BOX 15070

CHEVY CHASE, MD

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ChevyChaseSection3.org

March 10, 2025

Dear Montgomery County Councilmembers:

We are seeking clarification on many aspects of ZTA 25-02. **The Section 3 Council supports efforts to provide workforce housing in our community while honoring our municipality's building codes.** But the compressed timeframe to review the ZTA, the map and the Planning Board staff report and provide testimony has not afforded us the opportunity to hold a public hearing and take an official position on the pending legislation. Therefore, we respectfully submit the following questions to better understand the ZTA.

Why does the ZTA allow for duplex housing? With the focus on workforce housing, we don't understand why the ZTA provides for duplex housing *without* any workforce housing requirement. We question if developers will even consider the provisions of the ZTA to offer multi-family housing requiring 15% workforce housing when they have an unencumbered market rate duplex option. ***Why include any housing that does not include workforce housing requirements?***

Why does the ZTA allow for ancillary uses? Allowing ancillary uses is at odds with increasing workforce housing. Any space dedicated to ancillary uses cuts into the ability to offer workforce housing and potentially presents serious parking issues.

How would the ZTA right-size new housing in practice? The proposed ZTA clarifies the minimum square footage for an individual lot to build multifamily housing (in our case, that would be 6,000 sq. ft) but it does not state the minimum square footage per unit for the workforce housing. If this is truly to be workforce housing, shouldn't there be a way to define the minimum square footage for those units so that we don't end up with 'less than' housing in the form of a token below grade studio apartments?

If the point of the legislation is to provide house-scale housing that provides workforce housing, why are there no restrictions on chaining multiple lots?

Since this housing provides for the Optional Method, why not have the optional method standards match the standard method development to achieve neighborhood-compatible additional housing?

Why doesn't the ZTA explicitly address what might happen to the workforce housing units in the event of a foreclosure or bankruptcy and extended the workforce housing restrictions to the state standard of 40 years not 20?

Why not add height compatibility standards as a requirement (Section 3.2.8.B of the zoning code) to assure house-scale structures?

Does the ZTA allow for short-term rentals? If not clarified, short-term rentals could flourish at the expense of workforce housing.

Why does the planning staff recommend decreasing parking requirements while increasing density? The planning staff report proposes on-site parking requirements which would necessitate that residents of this new housing park on nearby side streets. Such a solution is not tenable. On-street parking is rarely permitted on the designated corridors.

For example, in Section 3, we have 282 homes and a Church with an attached pre-school. The State Highway Administration tells us we have 600 cars registered to residents in those 282 homes. Further complicating the issue is that we have 16' wide streets with one side only on-street parking.

We do not have the capacity to provide parking for additional units of housing on side streets. Many of the corridors listed are State Highways. When you want a curb cut on a state highway, you have to apply to the State. They want to minimize driveways opening onto nearby intersections to avoid potential accidents. Why would you limit the number of required on-site parking spaces given the paucity of other options?

Why doesn't the ZTA limit driveway access to the existing driveways at each parcel with access to the corridor? Section 3 includes many properties with shared driveways, including three shared driveways for properties designated in ZTA 25-02. One of those driveways is so narrow that a pick-up truck cannot make the turn into the driveway. Two of the houses sharing the driveway have 55' foot wide lots set about 4' above grade. ***How would the ZTA address this problem?***

How does the ZTA address stormwater considerations in densely populated communities such as Section 3? It appears the ZTA prioritizes limiting driveway concrete over adopting a development standard for either minimal strips of concrete to provide maximum drainage for driveways, or pervious less costly solutions like pea gravel. Waivers for stormwater management should be prohibited as smaller lots are more likely to be developed first and more caution is required in terms of stormwater management.

In addition, removing site plan requirements has an outsized impact on smaller lots. These lots, which are more affordable, are attractive for redevelopment, but are in the most need of right-sizing for lot coverage and building height.

What are the guard rails to ensure developers follow the ZTA intent faithfully? It is unclear if the ZTA would require impact taxes or whether there would be incentives for developers who exceed the 15% workforce housing minimums.

Why not list all eligible properties in an appendix so there is no confusion about which lots are included in the ZTA?

Thank you for considering these questions. We look forward to continued dialogue as the legislation moves through the process.

Joint Letter from Chevy Chase-Area Municipalities

March 24, 2025

VIA Electronic Mail

Ms. Kate Stewart, President
Montgomery County Council
100 Maryland Avenue, Sixth Floor
Rockville, MD 20850

RE: Supplemental Testimony and Requested Amendments for ZTA
25-02, Workforce Housing – Development Standards

Dear President Stewart and Members of the Montgomery County Council:

Please accept this supplemental testimony and requested clarifying amendments into the record of the County Council's hearing on ZTA 25-02, Workforce Housing – Development Standards on behalf of the six municipalities listed below. The clarifying amendments are detailed below and shown on Attachment 1.

I. Supplemental Comments

1. Retain Site Plan Review for all optional method applications. This process is a core principle of optional method developments generally and, as has been referenced by the local sponsors, is the process of ensuring open, public, and transparent agency review of Workforce Housing (WFH) projects. We submit that this transparency is important regardless of the size of the project (and, indeed, may be even more important on smaller properties where the relative impacts may be greater).
2. Retain the current minimum on-site parking requirements. Given that WFH properties abut major road corridors, which generally prohibit parking, it is imperative that there be minimum parking on-site for residents, guests and service vehicles. We support the principle of one space per bedroom, an approach suggested by Planning Department staff, rather than two parking spaces per unit. Failing to ensure this minimal amount of on-site parking, which necessarily results in additional parking on abutting residential streets that already have a high parking demand with narrow roadways and limited visibility, raises public safety concerns.
3. Prohibit the waiver of on-site stormwater management. Many of the communities eligible for WFH are in older communities built before stormwater management was a consideration. WFH projects, which are likely to result in greater impervious coverage than traditional single-family development, should be required to offset stormwater runoff on-site rather than exacerbate existing conditions, consistent with the County's 2021 Climate Action Plan A-13 (Ban Stormwater Management Requirement Waivers).

4. We support the bill sponsors' cap on the floor area ratio (FAR) at a maximum of 1.25.
This ensures these projects remain compatible with the surrounding single-family home communities.

II. Specific Requested Amendments

1. Section 4: Development Standards for Workforce Housing Projects.

Confirm that all structures must comply with the Compatibility Requirements of 59-G-4.1.8, ensuring that new structures adjacent to single-family homes adhere to the County's established compatibility standards. This includes the 45-degree angular plane for roof height, promoting a seamless transition between new and existing development.

2. Section 5: Applicable Corridors

We ask that the eligible lots be clearly identified as of the effective date of the ZTA by an appendix to the ZTA that maps the eligible lots or identifies them by address, or both. This clarity is important because, to date, there have been some discrepancies between the defined terms and what is shown on the map.

We support the Planning Board's recommended simplification of the definition of Applicable Corridor by using the singular term "Boulevard" rather than multiple terms that each reference "Boulevard."

3. New Section 6: Eligible Lots

We ask that the Council clearly define what constitutes an "eligible lot," consistent with what we understand to be the lead sponsors' intent. This includes:

- a. An "eligible lot" must be qualified as such as of the effective date of the ZTA and cannot later change its address to qualify as such.
- b. A prohibition against "chaining" an eligible lot with a non-eligible adjacent lot. The sponsors of this legislation had no intent to allow this.
- c. A prohibition against "chaining" adjacent eligible lots. It is our understanding from Councilmember Friedson that while a developer can acquire adjacent eligible lots, the resubdivision of those lots into a single larger lot would not be allowed.
- d. Lots with a National or County historic designation, or located within a historic district, are not eligible for WFH. We understand from Park and Planning's Historic Preservation staff that this would disqualify approximately 48 properties County-wide of the more than 2,000 eligible properties.
- e. To address unique issues in specific locations, we also request that:

- i. The owner of a redeveloping property with a shared single-access driveway provide for the abutting property a separate, dedicated driveway with a minimum length of the existing driveway for the exclusive use of the abutting property residents and visitors. As a general principle, Maryland law prohibits burdening a shared driveway beyond its original intent (*e.g.*, by burdening it with more vehicle use than originally intended, forcing private legal enforcement).
- ii. Deem specific properties along one access road I-495 as not eligible. These properties already face serious traffic congestion and safety challenges making ingress/egress from these properties nearly impossible at times. Adding more traffic at this location would simply further burden these property owners. The draft ZTA proposes that properties on an access road to I-95 not be deemed eligible for redevelopment, and we ask that the following properties be removed from the MORE Housing N.O.W. Interactive Map:
 - 3818 Montrose Driveway
 - 8815 Connecticut Avenue; 8901 Connecticut Avenue; 8905 Connecticut Avenue; 8907 Connecticut Avenue; 8909 Connecticut Avenue; 8911 Connecticut Avenue; 8921 Connecticut Avenue; 8923 Connecticut Avenue

We understand that these two proposed limitations will have a *de minimus* reduction in the total number of eligible properties.

4. **New Section 9: Workforce Housing Restrictions**

We propose explicit standards that:

(a) conform WFH to state housing standards by mandating that they be restricted to this use for 40 (rather than 20) years;

and

(c) prohibit use as a short-term rental to avoid effectively removing a WFH unit from use as long-term housing for WFH-eligible owners or tenants.

III. Conclusion

We thank you again for your efforts in proposing a workable housing approach and ask that you adopt the clarifying amendments as proposed herein.

Sincerely,

Lou Morsberger, Board Vice Chair
Chevy Chase Village

Ed Tarbutton, Council Chair
Chevy Chase View

Susan Manning, Council Chair
Section 3 of the Village of Chevy Chase

Irene Lane, Mayor
Town of Chevy Chase

Adrian Andreassi, Council Chair
Village of North Chevy Chase

Greg Chernack, Council Chair
Village of Chevy Chase Section 5

Ordinance No.: _____
Zoning Text Amendment No.: 25-02
Concerning: Workforce Housing –
Development Standards
Revised: 1/29/2025 Draft No.: 1
Introduced: February 4, 2025 Public
Hearing: _____
Adopted: _____
Effective: _____

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmembers Friedson and Fani-González
Co-Sponsors: Councilmembers Luedtke, Council President Stewart and
Councilmembers Balcombe and Sayles

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- (1) allow additional residential building types in certain residential zones along certain road typologies;
- (2) create optional method workforce housing development standards; and
- (3) amend the development standards and general development requirements for certain residential zones.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 1.4.	“Defined Terms”
Section 1.4.2.	“Specific Terms and Phrases Defined”
Division 3.1.	“Use Table”
Section 3.1.6.	“Use Table”
Division 4.1.	“Rules for All Zones”
Section 4.1.3.	“Building Types in the Agricultural, Rural Residential, and Residential Zones”
Section 4.1.4.	“Building Types Allowed by Zone in the Agricultural, Rural Residential, and Residential Zones”
Division 4.3.	“Rural Residential Zones”
Section 4.3.5.	“Rural Neighborhood Cluster Zone (RNC)”
Division 4.4.	“Residential Zones”
Section 4.4.2.	“Optional Method Development”
Section 4.4.5.	“Residential Estate - 2C Zone (RE-2C)”

Section 4.4.6.	“Residential Estate - 1 Zone (RE-1)”
Section 4.4.7.	“Residential - 200 Zone (R-200)”
Section 4.4.8.	“Residential - 90 Zone (R-90)”
Section 4.4.9.	“Residential - 60 Zone (R-60)”
Section 4.4.10.	“Residential - 40 Zone (R-40)”
Section 4.4.11.	“Townhouse Low Density Zone (TLD)”
Section 4.4.12.	“Townhouse Medium Density Zone (TMD)”
Section 4.4.13.	“Townhouse High Density Zone (THD)”
Section 4.4.14.	“Residential Multi-Unit Low Density - 30 Zone (R-30)”
Section 4.4.15.	“Residential Multi-Unit Medium Density - 20 Zone (R-20)”
Section 4.4.16.	“Residential Multi-Unit High Density - 10 Zone (R-10)”
Division 4.5.	“Commercial/Residential Zones”
Section 4.5.3.	“Standard Method Development”
Division 4.6.	“Employment Zones”
Section 4.6.3.	“Standard Method Development”

EXPLANATION: **Boldface** indicates a Heading or a defined term.

Underlining indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

* * * indicates existing law unaffected by the text amendment.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. DIVISION 59-1.4 is amended as follows:

Division 1.4. Defined Terms

* * *

Section 1.4.2. Specific Terms and Phrases Defined

In this Chapter, terms that are not specifically defined have their ordinary meaning. The following words and phrases have the meanings indicated.

* * *

Base Density: The maximum FAR or number of dwelling units per acre permitted by the zoning classification of a property without the use of optional method Cluster Development, optional method MPDU Development, optional method Workforce Housing Development, or TDR density increase or application of a Floating zone.

* * *

Triplex: See Section 4.1.3.C.

* * *

Usable Area: The area upon which the density of development is calculated in optional method MPDU, [and] Cluster Development, and Workforce Housing projects. If more than 50% of the tract is within environmental buffers, usable area is calculated by deducting from the tract the incremental area of the environmental buffer that exceeds 50%.

* * *

Sec. 2. DIVISION 59-3.1 is amended as follows:

Division 3.1. Use Table

* * *

Section 3.1.6. Use Table

The following Use Table identifies uses allowed in each zone. Uses may be modified in Overlay zones under Division 4.9.

27

USE OR USE GROUP	Definition s and Standards	Ag	Rural Residential				Residential												Commercial / Residential			Employment				Industrial		
							Residential Detached								Residential Townhouse			Residential Multi-Unit										
		AR	R	RC	RNC	RE- 2	RE- 2C	RE-1	R- 200	R-90	R-60	R- 40	TLD	TMD	THD	R-30	R-20	R-10	CRN	CRT	CR	GR	NR	LSC	EOF	IL	IM	IH
* * *																												
RESIDENTIAL																												
HOUSEHOLD LIVING	3.3.1																											
Single-Unit Living	3.3.1.B	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	L	L	L	L				
Two-Unit Living	3.3.1.C.				P		L	L	L	L	L	P	P	P	P	P	P	P	P	P	L	L	L	L				
Townhouse Living	3.3.1.D.				P	C	L/C	L/C	L/C	L/C	L/C	L/C	P	P	P	P	P	P	P	P	L	L	L	L				
Multi-Unit Living	3.3.1.E.					C	C	C	[C] L/C	[C] L/C	[C] L/C	[C] L/C				P	P	P	P	P	L	L	L	L				
* * *																												

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* * *

Sec. 3. DIVISION 59-4.1 is amended as follows:

Division 4.1. Rules for All Zones

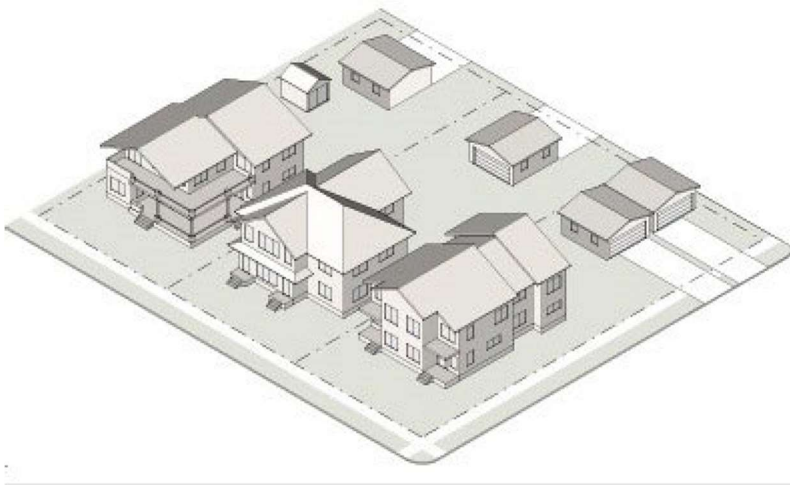
* * *

Section 4.1.3. Building Types in the Agricultural, Rural Residential, and Residential Zones

* * *

B. Duplex

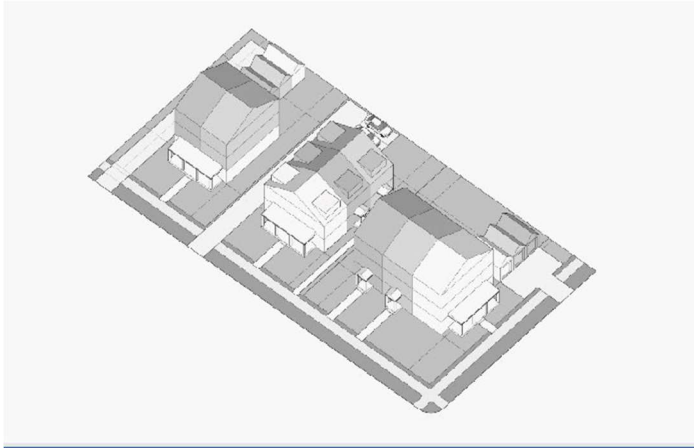
A duplex is a building containing 2 principal dwelling units that may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



C. Triplex

A triplex is a building containing 3 dwelling units where each dwelling unit is separated vertically or horizontally by a party wall. A triplex may contain ancillary

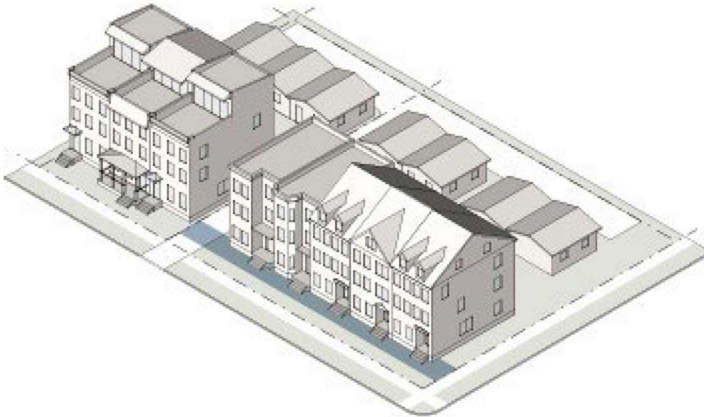
43 nonresidential uses, such as a Home Occupation or Family Day Care.



44

45 **[C]D. Townhouse**

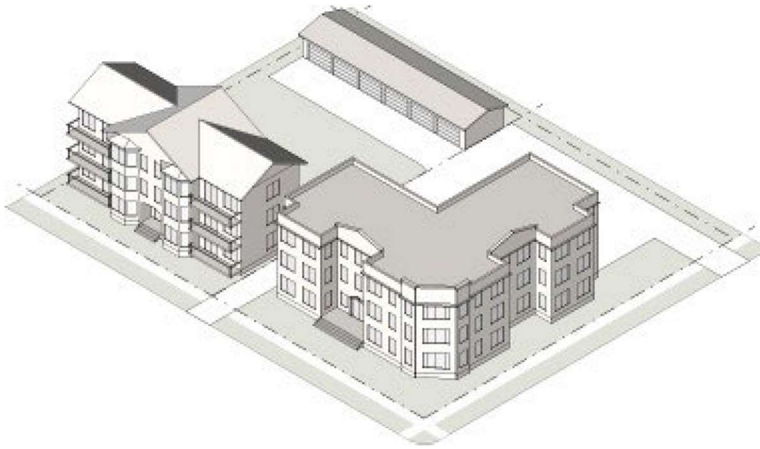
46 A townhouse is a building containing [3] 4 or more dwelling units where each
 47 dwelling unit is separated vertically by a party wall. A townhouse may contain
 48 ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



49

50 **[D]E. Apartment Building**

51 An apartment building is a building containing [3] 4 or more dwelling units
 52 vertically and horizontally arranged. In the R-30, R-20, R-10,
 53 Commercial/Residential, and Employment zones, an [An] apartment may contain up
 54 to 10% of the gross floor area as Retail/Service Establishment uses, otherwise it is a
 55 [multi use] multi-use building.



* * *

Section 4.1.4. Building Types Allowed by Zone in the Agricultural, Rural Residential, and Residential Zones

In the Agricultural, Rural Residential, and Residential zones, building types are allowed by zone as follows:

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex	<u>Triplex or Townhouse</u>	Apartment Building
* * *				
Residential Detached Zones				
* * *				
Residential - 200 (R-200)	A	MPDU, TDR ₁ , <u>WFH</u>	MPDU, TDR ₁ , <u>WFH</u>	TDR, <u>WFH</u>
Residential - 90 (R-90)	A	MPDU, CD, TDR, <u>WFH</u>	MPDU, CD, TDR ₁ , <u>WFH</u>	TDR, <u>WFH</u>
Residential - 60 (R-60)	A	MPDU, CD, TDR, <u>WFH</u>	MPDU, CD, TDR ₁ , <u>WFH</u>	TDR, <u>WFH</u>
Residential - 40 (R-40)	A	A	MPDU, <u>WFH</u>	[--] <u>WFH</u>
* * *				

KEY[]: A = Allowed to accommodate permitted, limited, and conditional uses

-- = Not allowed

CD = Allowed as part of an optional method Cluster Development

MPDU = Allowed as part of an optional method MPDU Development

TDR = Allowed in a TDR Overlay zone as part of optional method TDR Development under Section 4.9.15.B

WFH = Allowed as part of an optional method Workforce Housing Development

* * *

Sec. 4. DIVISION 59-4.3 is amended as follows:

Division 4.3. Rural Residential Zones

* * *

Section 4.3.5. Rural Neighborhood Cluster Zone (RNC)

* * *

C. RNC Zone, Standard Method Development Standards

1. Site	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	<u>Triplex or Townhouse</u>
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* * *

E. RNC Zone, Optional Method Development Standards

	MPDU Development		
1. Site	Detached House	Duplex	<u>Triplex or Townhouse</u>

* * *

Sec. 5. DIVISION 59-4.4 is amended as follows:

Division 4.4. Residential Zones

* * *

Section 4.4.2. Optional Method Development

The RE-2C, RE-1, R-200, R-90, and R-60 zone allow development under optional method MPDU Development and optional method Cluster Development. The R-40, TLD, TMD, THD, R-30, R-20, and R-10 zone allow development under optional method MPDU Development. The R-200, R-90, R-60, and R-40 zone allow development under optional method Workforce Housing Development.

* * *

C. Optional Method Workforce Housing Development

This optional method of development is permitted where workforce housing units that satisfy Chapter 25B are included. Optional method Workforce Housing Development allows additional building types and provides more flexibility in lot layout.

1. Development Approval Procedure

Site plan approval under Section 7.3.4 is required.

2. Workforce Housing Development Across Different Zones

Optional method Workforce Housing Development may occur across different zones under the following limitations:

- a. The differently zoned areas must be contiguous;
- b. Uses and building types are governed by the zone;
- c. The site requirements in the optional method tables apply; density and open space must be calculated as if each area were developed individually; and
- d. The allowed number of units and required open space may be located without regard to the limits in the underlying zone.

3. Density and Usable Area

- a. The maximum total residential FAR is 1.25.
- b. Density is calculated on usable area within the tract.

4. Development Standards for Workforce Housing Projects

- 111 a. An applicant must provide at least 15% workforce housing units
 112 that satisfy Chapter 25B, with a minimum of one workforce
 113 housing unit for construction of 3 or more units.
- 114 b. The maximum height for all buildings is 40 feet.
- 115 c. The minimum site size is the minimum lot size in the underlying
 116 zone.
- 117 d. Off-street parking must be located behind the front building line.
- 118 e. Driveway access is limited to one driveway per street frontage
 119 unless additional driveway access to an Applicable Corridor is
 120 approved by an appropriate agency with jurisdiction over the
 121 right-of-way.
- 122 f. A redeveloping Eligible Lot with a shared single-access
driveway shall provide for the abutting property a separate,
dedicated driveway with a minimum length of the existing
driveway for the exclusive use of the abutting property residents
and visitors.
- 123 g. All structures must comply with the Compatibility Requirements
of 59-4.1.8.

124 **5. Applicable Corridors**

- 125 a. The front lot line must abut a Boulevard, ~~Downtown Boulevard,~~
 126 ~~Downtown Street, Town Center Boulevard, or Controlled Major~~
 127 Highway as identified in Appendix A; and as defined by Chapter 49.
- 128 b. The width of the master-planned right-of-way must be greater
 129 than 100 feet; and
- 130 c. The right-of-way must have at least 3 existing vehicle travel
 131 lanes.

132 **6. Eligible Lots**

- ~~133~~131 a. Only Eligible Lots may be developed under the WFH Optional Method.
- ~~134~~132 b. An Eligible Lot must:
- ~~135~~133 i. Abut an Applicable Corridor and have a USPS-recognized Applicable Corridor address on [Effective Date]; and
- ~~136~~134 ii. Have existing direct vehicular access to an Applicable Corridor on [Effective Date].
- ~~137~~135 c. An otherwise Eligible Lot does not qualify as an Eligible Lot if:
- ~~138~~136 i. It fronts on an access lane to I-495; or
- ~~139~~137 ii. It (a) is designated on the National Register of Historic Places or on Montgomery County’s Master Plan for Historic Preservation as a historic resource or as a contributing resource, in whole or in part; or (b) is located within the boundaries of a historic district designated on the National Register or Master Plan for Historic Preservation.
- ~~140~~138 d. A property that does not qualify as an Eligible Lot may not qualify by combining with an Eligible Lot.
- ~~141~~139 e. Two or more Eligible Lots may not be resubdivided into a single Eligible Lot.

~~142~~140 **76. Dedicated Land**

~~143~~141 Land dedicated to public use for a school or park site may be included in the

~~144~~142 calculation of the density of development if development of the remaining

~~145~~143 land satisfies Section 4.4.2.C and the optional method Workforce Housing

~~146~~144 Development standards.

~~147~~145 **87. Community Water and Sewer**

~~148~~146 Development under this method is prohibited unless the resulting

~~149~~147 development will be connected to community water supply and sewerage
~~148~~ systems.

~~150~~149 **9. Workforce Housing Restrictions**

~~151~~150 a. The sale price of a workforce housing unit must be controlled for 40 years after the date of original sale.

~~152~~151 b. A workforce housing unit shall otherwise be subject to the same standards contained in Chapter 25B-26.c. A workforce housing unit shall not be used as a short-term rental unit.