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November 6, 2025

Via Email –

Ms. Kate Stewart

And Members of the County Council
Montgomery County Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Re: *November 18th, 2025, Council Public Hearing, Proposed Zoning Text Amendment No. 25-13/Omnibus – Revisions, Clarifications, and Corrections (the “Proposed ZTA”); Selzer Gurvitch’s Written Comments*

Dear Council President Stewart and Councilmembers:

Please accept these written comments and requested revision to the Proposed ZTA. As described in greater detail below, we respectfully request that the Proposed ZTA be revised to establish a gross floor area cap of up to 50% on household living uses in the Employment zones (GR, NR, and EOF) to better implement the recommendations of Thrive Montgomery 2050 (“Thrive”) while also preserving retail spaces in shopping centers.

The Proposed ZTA’s reinstatement of a gross floor area cap of 30% on household living uses in Employment zones (GR, NR, and EOF) will not provide shopping centers with excess surface parking facilities the necessary flexibility and opportunity to accommodate infill housing (particularly, multi-family housing). Increasing the gross floor area cap to 50% on household living in Employment zones is necessary to provide a sufficient amount of residential density to attract the investment necessary to spur a meaningful and complementary mix of uses. To this end, Thrive recommends retrofitting “centers of activity and large scale older facilities such as ***shopping centers*** ... and other single-use developments ***to include a mixture of housing types***” By way of example, a shopping center with 100,000 square feet of non-residential uses would only be able to add ±30,000 square feet of residential uses based on the Proposed ZTA’s 30% cap. Such a cap will not allow for a mix of housing types and is most likely to only generate a limited amount of for-sale housing (townhouse units).

To better achieve the Proposed ZTA’s goal of preserving retail uses, properties in the Employment zones must be permitted to redevelop with more balance mix of uses, including additional

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residential density, to create a critical mass of residents that can help support the existing retail uses. Such retail uses will be preserved with a 50% cap on household living uses because the vast majority of infill residential opportunities at shopping centers involve replacing excess surface parking with residential uses and amenities that better activate the surrounding non-residential uses. Significantly, a 50% cap on household living uses still ensures that the overall mix of uses in a shopping center includes two (2) times as many non-residential uses as residential uses.

We thank you for your time and consideration reviewing these written comments and respectfully request that you increase the gross floor area cap for household uses to 50% in the Proposed ZTA so that shopping centers can better respond to market demands and the priorities established by Thrive.

Very truly yours,

**Selzer Gurvitch Rabin Wertheimer
& Polott, P.C.**

Matthew M. Gordon

By:

Matthew M. Gordon

cc: Ms. Livhu Ndou
Mr. Ben Berbert
Ms. Cindy Gibson
Mr. Tommy Heyboer