



October 11, 2011

Civic Federation Testimony to County Council on Kensington Sector Plan

I am Jim Humphrey, testifying on behalf of the Montgomery County Civic Federation as Chair of their Planning and Land Use Committee. The MCCF has some concerns about the proposed Kensington Sector Plan we wish to share with Councilmembers.

Mapping of properties (pg. 32 of Plan)

During Council consideration of the new CR Neighborhood Zone, the Federation suggested lowering the maximum allowed height and mass (Floor Area Ratio) to insure compatibility with nearby single-family residential zoned properties. Council voted to keep a maximum 1.5 FAR and 65 foot height for the CRN, with several members noting that compatibility with nearby residential zoned properties was a mapping issue to be addressed in master plans. Planning Department staff reinforced this by pointing out that a 45 foot height was proposed for mapping CRN Zone properties in the Wheaton Plan that confront single-family residential zoned lots.

We believe the CRN zone is the appropriate mixed use transition zone to be used between areas of greater density and residential properties. But the Kensington Sector Plan proposes CR Town Zone, not CRN, be applied in eight locations adjacent to or confronting single-family residential zoned properties. In six of these instances, the proposed height limit exceeds 45 feet. And in four of the eight cases, the proposed FAR exceeds 1.5, the maximum allowed in the CRN Zone.

The four other locations in Kensington where CRT zoning is recommended next to single-family residential zoning, an FAR of 1.5 is proposed. This is the same as the maximum FAR allowed in the CRN Zone. The difference is that the Land Uses allowed in the CRN Zone are more restrictive than those allowed in the CRT Zone.

Of the 62 CR Land Use categories (listed in the new Sec.59-C-15.5 of the County Code, approved by Council earlier today), the PHED Committee recommended, and the Council agreed, that 32 of them (more than half) should have greater restrictions on their application in the CRN Zone than on a CRT zoned property. Yet here are eight instances in the Kensington Sector Plan where CRT zoning, with its more permissive Land Uses, is proposed next to single-family residential zoned properties.

In addition, we agree with Council staff that the purpose of the CR Zones is to encourage mixed-use by only allowing full FAR on properties if developers mix both a residential

and commercial component. In the Kensington Sector Plan, there are three mapping formulae (for properties mapped on page 32 with a number 4, 5 or 10 in a circle) that would allow the full FAR to be achieved with solely commercial development. And there are two mapping formulae (for properties mapped on page 32 with a number 6 or 9 in a circle) that are "CR neutral", where buildings could be all commercial or residential.

Design Guidelines

The Federation continues to believe that property or neighborhood specific design guidelines should be included in master and sector plans, as they were in the past. We suggest general design recommendations be published once in a single set of countywide guidelines, and not repeated in guidelines accompanying each master and sector plan.

For example, except for reference to "facades along the CSX rail line" on page 15, the guidelines on pages 9 through 29 of the draft Kensington Design Guidelines are general and could be applied to any suburban density community in the county. Only the design guidelines on pages 30 through 35 are specific to Kensington, and we believe these should be included in the Sector Plan and approved by the Council. The Planning Board does not need the "flexibility" to rewrite these community-specific guidelines, as they are not likely to change based on some land use planning fad or fashion of the day.

Also, we believe the text on page 18 of the Plan, stating "Design guidelines will help insure that new development steps down toward residential and historic neighborhoods, and that new buildings adjacent to these neighborhoods are of compatible height and mass," is misleading and should be deleted. The mapping of a property into a zone and the standards of that zone are the elements that insure height and mass of a new building is compatible with adjacent development, not the design guidelines.

Finally, the text on page 26 of the Plan, which states optional method projects "must address design guidelines", should be changed to read "must substantially conform to any design guidelines" to reflect the language in ZTA 11-01 (Sec.59-C-15.61) approved by Council today. Thank you.