

SECTION THREE
VILLAGE OF
CHEVY CHASE

NEWS & VIEWS

JANUARY 2013

CALENDAR

WEDNESDAY,
JANUARY 9
Christmas Tree Pick-Up
Curbside
(no plastic bags or plastic materials,
please)



WEDNESDAY, JANUARY 9
Council Meeting
7:45 p.m., CCUMC Room 107

WEDNESDAY, FEBRUARY 13
Council Meeting 7:45 p.m.
CCUMC Room 107

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SHELTER GETS DOZENS OF DECORATED COOKIES

Cake Boss, move over, you have nothing on the kids of Section 3 who on Sunday, December 16th, made the most delicious, enticing holiday cookies for the homeless men's shelter on Cordell Avenue in Bethesda.

Special thanks to **Donna Harmon** for help in setting up and getting the cookies from the baker and to **Natasha Saiffee** who helped with the entire event, and thanks to the Chevy Chase United Methodist Church for once again generously loaning us their facilities.

And of course, thank you to all the children who came and created wonderful looking and tasting cookies for their holiday donations.

ZONING REWRITE ISSUES

The Planning Commission has been working on a rewrite of the zoning code which will govern the character and organization of the entire county. While public sessions have been open, there has been very little opportunity for individuals to have a conversation with planning officials about the changes being contemplated. Without fully appreciating the code as it stands now, it's hard to understand the proposed changes and their impact.

The Section 3 Council has sent a letter to the County Council and the head of the Planning Commission, Francoise Carrier, objecting to the process as it now stands. The letter expressed a frustration that many of the materials and information provided online were both confusing and indecipherable. There are so many footnotes, requiring constant cross referencing that no one can adequately understand what is a change and what is part of the current code.

A review of the R-60 materials in the 254-plus pages posted on line makes it very difficult to see what aspects of the overall zoning rewrite will affect our community and the larger down-county area that is already developed. There are some confusing inconsistencies—guesthouses are to be phased out, but apparently "tenant farm residences" remain in the R-60 zone. If existing legal accessory apartments or guesthouses are to be grandfathered in, the language didn't make it clear.

While the planners recommend that accessory apartments should be no closer than 300 feet apart, the zoning code allows homes for adults with disabilities, a daycare center, and several other types of group homes without any restriction as to how close one can be to another. With limited numbers of occupants, all those uses are considered a "by right" use that cannot be questioned or protested by members of the local neighborhood. In densely populated areas like

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**In accordance with the Americans with Disabilities Act and our desire to have our meetings open to everyone in our community, Council meetings are held at the Chevy Chase United Methodist Church which has handicapped elevator access via the parking lot entrance. We are grateful to the Church for their generosity in allowing us to use their facility each month.*



COUNCIL ACTIONS

The Council met on Wednesday, Dec. 12. All Council members except **David Ohrenstein** were present. The meeting began at 8:05 p.m.

The minutes of the November meeting as published in the December newsletter were approved.

PUBLIC SAFETY ISSUES

The Council discussed several incidents of criminal activity in the Section—vandalism of a car on Bradley Lane (a rear window was broken, not for the purposes of any theft from the car, just malicious vandalism), a hit and run of a parked car on Spring Street and some thefts from cars in Chevy Chase Village in which an arrest has been made.

BUILDINGS & ROADS

No new permits were issued. The **Vergara family** of Brookville Road is planning a two story rear addition. The **Schmidt/Nesbitt family** of Spring Street added a small amount of fencing for their dog. The **Heller family** of Delaware Street is putting in a front fence. The **Scheckells/Dioguardi family** did not require a fence permit to replace their fence as they had previously had a permit from the county for the same fence in the same location.

The **Woo** property on Georgia Street has had a stop work order placed on it because their contractor failed to post the proper permits. The **Jones/Grandy** fence has been installed along with a new bench for those taking the bus.

The Village Manager reported on the status of the two zoning text amendments (ZTA) and the licensing bill associated with the accessory apartment ZTA. The small lots ZTA seems to have been tabled for the moment as the County Council has not scheduled any hearing on that proposal (ZTA 12-16). The accessory apartment proposal raises some serious concerns for our community (see story this issue.) The Council agreed that a letter of explanation should be sent to residents via email so interested residents can communicate the concerns the community has with the current proposal to the County Council before January 4th.

The Zoning Rewrite project similarly has many issues of concern to Section 3 that are still unresolved. A letter to the County Council and to the head of the Planning Commission complaining about a lack of comparative information regarding the changes has been sent by the Village Manager (see story this issue).

The Chevy Chase Lake Sector Plan is still undergoing changes in work sessions and the final shape of the plan to be presented to the County Council will not be known until close to the end of January. Three more work sessions are planned.

We have planted 15 healthy looking better quality Serviceberry trees than we have had in the past in our greenways. We have also had eight new Red Sunset Maples planted on private property near a public sidewalk to increase the shade canopy. We urge the homeowners with these trees to keep them watered throughout the winter and spring.

The Village Manager reported that our arborist will be cutting limbs that might become a hazard when icy or snow covered sometime towards the end of December or early January. She has reviewed the list the arborist developed and will be checking on the progress. In some instances, homeowners should cut back limbs that might be a hazard to pedestrians.

FINANCIAL REPORT

A CD matured on the 12th and we have withdrawn our funds from that bank and will be searching for another institution in which to invest those funds. Rates continue to be disappointingly low. In the meantime, the funds are in SunTrust Bank where they are collateralized.

COMMUNITY & SOCIAL

The Village Manager presented a draft of the new directory which will be printed soon. The cover photograph is in color and most of the pictures inside were taken in the Gazebo Park. The Council decided that the inside photos should be in black and white.

Donna Harmon is helping with the Cookie Decorating event on the 16th at the Church. The Village Manager is handling the arrangements.

OTHER

Tabitha Bailey came to suggest to the Council that since the Village does not pay rent for all the events held at the Chevy Chase United Methodist Church that we donate some funds to the Church. The Council responded that in the past, we had not donated cash but rather paid for play equipment, or paid for trees that had to be taken down and that it was time again for the community to make another in-kind contribution. Council member Carolyn Greis is going to find out what items the Church needs that we might donate as an in-kind contribution in exchange for the generosity they have shown us in allowing us to use their facilities so extensively.

The meeting adjourned at 9:15 p.m.



CHEVY CHASE LAKE SECTOR PLAN UPDATE



The Planning Commission continues to meet in work sessions to decide on the specifics that they are going to present to the County Council on January 25th. They will then review the plan and hold hearings sometime in early March. The County Council's goal is

to finalize the plan prior to its own budget negotiations.

The Planning Commission has agreed to the dual phasing of the development but just what will be in each phase has yet to be determined. They also agreed that a single building on Connecticut Avenue, near the current high rise building where the Chevy Chase Land Company has its headquarters, will be 150 feet, a full 30 feet taller than recommended by the Commission staff. They have also agreed that the building on the corner of Manor Rd. and Connecticut Avenue where Joseph A. Bank is now located, will be either 80 feet tall if it's a hotel, or 70 feet tall if it's a residential building. The height of buildings facing Manor Road will be no more than 70 feet and may be stepped back so that those sections closest to the street may be lower than ones further back from the street. Newdale Mews, a small apartment complex on the other side of Connecticut Avenue about a half a block in from the Sunoco station, has been granted a maximum height of 55 feet, but the top story will be stepped back so that the bulk of the building will be 45 feet high and a smaller top floor will be 55 feet high. The new building or buildings will have many more units than the current 40 now on the site and will require the removal of all the trees that now form a buffer with the single family development behind it.

Under the plan as it now stands, there will be two parks or open spaces in the new development.

Phasing development, the inclusion or exclusion of the Howard Hughes Medical Institute and many other issues will be tackled at a marathon work session on January 10th. The plan is to have those decisions available online the next day. On the 17th, the Commission will review the final draft, make changes and approve it to be sent off for delivery to the County Council.

The public will have another opportunity to weigh in on the plan when it comes before the County Council and they hold their own hearings on the subject sometime in March.



A special thanks to **Tom and Carolyn Wilson** for their lovely donation of lights and garlands to decorate the Gazebo Park for the holidays! It brightens up the entire neighborhood. We are grateful for their donation.

CHEVY CHASE AT HOME SPONSORS BREAST CANCER SPECIALIST

On Tuesday evening, January 8, Chevy Chase at Home is sponsoring a talk on "What is New and Current in Breast Cancer Management" at the Chevy Chase Village Hall at 7:30 p.m. Dr. Carolyn B. Hendricks, a trustee of Suburban Hospital and a member of the National Mammography Board of Quality Assurance, trained at Johns Hopkins Medical School will speak on the topic. Dr. Hendricks is in private practice in Bethesda.

On Tuesday the 15th, Susan Catlette will present "Your Life, Your Home: Modifying Home Environments to Enhance Independence and Quality of Life as We Grow Older." Ms. Catlette personally worked on such modifications for her late husband to remain at home during a serious illness. She also worked for a number of years in the Indoor Environments Division of the EPA. The talk begins at 2:00 p.m. at Chevy Chase Village Hall as the kick-off for the groups' "Meet and Mingle" free program.

PROPOSED ACCESSORY APARTMENT ZONING TEXT AMENDMENT: IMPACT ON DOWN-COUNTY COMMUNITIES

Early in 2013, the County Council is going to pass a relaxed Accessory Apartment (AA) zoning text amendment (ZTA) and licensing law in an attempt to demonstrate that they are increasing the availability of affordable housing in existing neighborhoods.

Municipalities like Section 3 do not have zoning authority. We can only regulate property setbacks and therefore this proposed change will apply to our communities. Our concern as expressed to both the Planning Commission and the County Council in testimony is that in already densely populated communities like ours, the addition of 2-family residences will put more pressure on parking on our streets, additional strain on services like trash collection, not to mention an additional burden on our schools. Without knowing where these apartments will appear, it's hard for the school system, the county, or municipalities to plan our budgets to meet the potential demand. We could conceivably have an accessory apartment every 300 feet.

The original proposal called for AAs to be no more than 50 percent of the square footage of the house or 800 square feet, whichever is less in R-60 and R-90 zones. In other zones with larger lots, the limit was 50 percent of the square footage of the house or no more than 1,250 square feet, whichever was less. Only homes occupied by the homeowner as a primary residence for at least 6 months of the year can qualify to add AAs.

At the moment, a Council subcommittee has abandoned those limits in favor of a much more liberal standard that says an AA can be as large as 50 percent of the square footage of the house or no more than 2,500 square feet whichever is less throughout the County. Other zones with larger lot will be allowed to have detached AAs. In our area, the AAs will have to be attached to the home.

Recognizing that new apartment tenants would increase neighborhood density and pressure on services, the County Council's original proposal suggested a limit of two adults and one child, or one adult and two children. The current proposal has limited the number of adults to 2, but removed the limit on the number of children who could live there, controlled only by the building code. What does that mean? In the case of Section 3, assuming a home's average size is 2000 square feet, it would mean that the 1,000 square foot AA could house two adults, four children and an infant under a year old. That's a lot of people. Fair housing laws would prohibit a landlord from turning away families with children but landlords could adver-

tise a limit on the number of people their apartment will accommodate.

Under the proposed ZTA, public input for AA's licensing is allowed only at the license application stage. As a result, if someone should build a new home with an AA, there would be no way to make an objection in advance as there will be no public notice until the building is completed and license applied for. A homeowner could spend a lot of money constructing an AA and then not have it approved because they don't meet the requirements or public objections, upheld at a County hearing deny them a license. For example, AA's must be separated by 300 feet in a given 'block face.' A homeowner building a new house may not be aware of another AA close by, rendering their AA ineligible for a license.

The proposed ZTA will set specific criteria for parking spaces required for each AA. If the homeowner cannot meet those standards, the application moves to a hearing examiner who will make a subjective determination on the "adequacy" of street parking in the neighborhood. The law requires that one parking space be allocated to the AA regardless of how many cars the tenant may have. The old standard was two spaces. No provision has been made to exclude homes with joint driveways which means many of down-county homes sharing a driveway could conceivably be sharing it with both the neighboring homeowner and his or her tenant because part of the driveway designated for the tenant was wholly on one neighbors' lot but in order to get there, you had to use the shared driveway.

Existing licensed AAs will be grandfathered into acceptance after passage of a new ZTA and law governing licensing and standards of AAs. However, there is no procedure defining how changes in ownership will be handled in terms of the licensee. We believe that new homeowners who wanted to rent out an AA in the home should have to apply anew for the license. The law requires that the owner of an AA have as their primary residence the home in which the AA is located. Proof of that, under the current proposal is a driver's license, a real estate tax bill for the address or the owner's most recent tax return. In fact, only a Maryland tax return is legal proof of primary residency.

To have a legal AA, homeowners have to meet building code requirements, including a separate entrance, proper ventilation, appropriate egress, etc. The length between inspections will probably be once every 3-5 years after the initial license is granted. Neighbors or tenants can file a complaint anytime if they suspect the homeowner is violating either building code or AA standards.

If we are to have an impact on this law, now is the time to contact members of the County Council—all of them but in particular, members of the Planning, Housing and Economic Development (PHED) Committee grappling with the Zoning Text Amendment (ZTA 12-11) that sets new standards for establishing an AA, and the licensing law (Bill 31-12) which designates DHCA as the licensing

authority. PHED Committee members are Nancy Floreen, George Leventhal and Marc Elrich. Specifically, we need residents and Council members to write to them urging the following:

1. Restore the minimum square footage of AAs in the R-60 and R-90 zones to 50 percent of the square footage of the home or 800 square feet whichever is less.
2. Exclude all properties where the designated parking space for the tenant can be reached only by the use of a driveway shared with a neighbor.
3. Provide written notification via the US Postal Service for the initial application and then subsequent renewals to adjacent and affronting neighbors, community associations and municipalities.
4. Require a current Maryland tax return submitted with the license application as the only legal standard for proving Maryland residency as a predicate for ownership of a legal AA.
5. Provide a mechanism for notification of new construction AAs PRIOR to their being built so that neighbors could have input before the homeowner invests in building a new apartment.
6. Maintain an annual inspection schedule for all accessory apartments and post inspection reports on a publicly accessible database.
7. Any objections made by neighbors, the licensing agency or the homeowner which are supported by the AA standards and licensing requirements automatically should be sent to a hearing examiner to review.
8. A defined time line should be made in the law for any repairs or corrections to be made prior to issuing the AA license.
9. All subjective terminology should be clearly defined as a standard for making decisions about adequacy of parking, etc. If parking requirements cannot be met, the case should go to a hearing examiner.
10. If a new owner takes over a property with an AA, they should have to reapply for the license and requalify. The license should not automatically transfer with the sale of the home to the new owner. They must show they are using the home as their primary residence and understand the rules attached to that license and pay the appropriate fees.
11. All aspects of the ZTA and the licensing law should be coordinated so that existing AAs are licensed and held to a common standard. They should also be included in the same central database to facilitate management and analysis.

All Council members can be reached by email at council.member@montgomerycountymd.gov.

ZONING REWRITE, CONTINUED FROM PAGE 3

Section 3, these "by right" uses of a home could end up attracting additional cars on our streets and create an even greater burden on our schools and services provided to our residents.

The proposed zoning rewrite allows certain farm animals, but not others. The rewrite makes clear certain requirements for their housing, but not for fencing as we have in the case of pools...nor is there a requirement as to how many square feet each type of animal is required to have, only the distance their shelter should be from neighbors.

Probably the most glaring and troublesome aspects of the proposed changes in the R-60 zone can be found in the discussion of side setbacks. The document reduces the setbacks by two feet with no apparent notice. The current rule requires setbacks to total 18 feet. The rewrite document says each side must be eight feet and the combined number is deemed in the chart provided by the planning staff as "redundant". Yet, 8 plus 8 is 16! The charts don't even note this as a change. Centering every house eight feet from the side lot line and giving only 16 feet between houses doesn't speak well for green space, tree canopies, etc. The explanation from a planning staff member is that it would give people "greater flexibility." If you give a developer eight feet as the minimum, that's what he'll use. This simple change to the R-60 zones would have all houses centered on the lot, eight feet from each side like so many "boxes," "little boxes" and sections of R-60 zones would be more densely populated as a result.

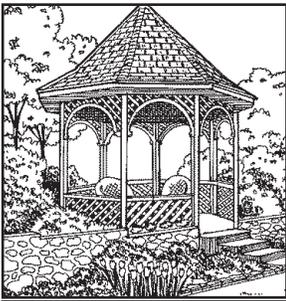
Our letter complained about these changes and the lack of an adequate job properly informing the public as to what is now allowed and how that will change. This requires more than open houses where people are available for questions or online videos selling the concept. It involves a speakers' bureau, comparative charts showing what is now on the books and what will change. Everyone can't be a zoning code geek—it's not presented in a manner that is understandable to the layman.

This affects the shape of our communities for the future, the value of our largest assets, the direction of growth in the county. If a layman needs three books, a dictionary and a chart to understand what it means to him, then the zoning rewrite is not effective.

The Section 3 Council discussed hiring someone to help decipher the rewrite...so we know what this means to our community, but then questioned why should we have to do that when this is an effort for which we as taxpayers are already paying dearly? The letter asks the County Council if there isn't some way they can mandate a more complete education process for the public, an opportunity for give and take, not a hearing with three minute limits. As it is now, the process, while worthy, does not serve us well.



SECTION 3 VILLAGE OF CHEVY CHASE
P.O. Box 15070
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SECTION THREE
VILLAGE OF
CHEVY CHASE

NEWS & VIEWS

JANUARY 2013



IF IT EVEN HINTS AT SNOW, PLEASE PARK YOUR CARS IN YOUR DRIVEWAYS—EVEN THE SHARED ONES!

SECTION 3 KIDS—IF YOU'D LIKE TO EARN SOME EXTRA MONEY SHOVELING SENIORS' PRIVATE WALKWAYS, LET THE VILLAGE MANAGER KNOW SO SHE CAN PUT YOU ON THE LIST!