

Subject: Questions regarding Attainable Housing Strategy staff report for 9/9/21

From: Thrive Coalition Members (group of individuals from member communities, Montgomery County residents)

Dear Lisa:

As you might expect, we have read through the staff report on attainable housing for the Thursday, September 9 Planning Board meeting with great interest. Although there wasn't a great deal of time to take it all in, it's clear there are many details to work through. Based on our reading over the past couple of days, we – the residents included as cc's on this email, and myself – have come up with a number of initial questions. We hope you can reply to them at your earliest convenience, given the aggressive timeline laid out for this proposal to move forward.

Thanks for your prompt attention.

Naomi

GENERAL

1. Where is the previously promised “buffer” and AHS map?
2. Why are you introducing the term “Attainable Housing Focus Zones”? The constant changes and additions in nomenclature are very confusing. It is also confusing to mix standards for specific zones with those for “Attainable Housing Focus Zones” and/or “Priority Housing Districts”.
3. It appears you have decided to forego the use of local area master plans in applying the new use tables and standards. Why?
4. Would these proposals override existing master plans, regardless of underlying consensus?
5. Would these proposals eliminate the concept that buffer zones should be within CBDs and not impinge into adjacent/abutting/confronting single-family neighborhoods?
6. This is substantially a zoning rewrite. When the zoning code was rewritten several years ago, a Zoning Advisory Panel with 24 representatives of stakeholders was created, and it spent substantial time providing feedback. The only community involvement to this point has been through the HEAT, a demographically” unbalanced group of 14 people that met only 4 times. Why do you consider this adequate community involvement?
7. What does this mean: The Planning Board also supported a definition of attainable housing that includes a focus on the intent of attainable housing (P. 2).
8. Why are you using a straight-line buffer of 1 mile when it is considered a best practice to use a walkshed (not necessarily straight line) of ¼ to ½ mile? Especially when you are proposing reducing parking requirements within that buffer, a likely hardship for many residents?
9. The definitions of multi-unit and multiplex and apartment living are very confusing and need to be differentiated more clearly.
10. Please clarify what is meant by “site” and “lot.” How does site area interface with setbacks, footprint, and massing requirements/standards?

AHOM

1. Where would the Attainable Housing Optional Method be applied? How does it interact with the Priority Housing District? With properties in the relevant zones outside the PHD?
2. The chart on page 7 seems to show Townhouses permitted under the Attainable Housing Optional Method throughout R-200 zones, and Townhouses and Apartment Buildings permitted under the Attainable Housing Optional Method

throughout the R-90 and R-60 zones. Is this really being suggested? Note that the definition of "Apartment Building" has no limit on size.

3. Is it correct that you are proposing allowing apartment buildings with no size restriction in the Priority Housing Districts, under the AHOM process?
4. Staff recommends removing density as a development standard. But maintaining development standards such as building height, setbacks, and lot coverage can ultimately be overridden through the AHOM process and does not address increasing urbanization of areas not specifically designated as urban.

DUPLEX, MULTIPLEX, APARTMENT BUILDINGS, TOWNHOUSES

1. Please clarify, regarding duplex and multiplex buildings, "Site Area minimum for the Duplex and Multiplex building types would be set at the existing minimum lot area for a detached dwelling, and the Site Area maximums would be set at just slightly more than two times the minimum lot area for a detached dwelling."
2. Please explain, "Staff recommends creating new Lot standards for the Duplex and Multiplex building types, expressing lot size minimum as 'per unit average.'" Does unit in this sentence refer to a lot or a dwelling unit? Please provide an R-60 example.
3. The proposed definitions of multiplex and townhouse are overlapping for 4-unit structures if the units are arranged linearly. Under the definition of townhouse, this would be a townhouse, but it also meets the definition of multiplex. Seems like this would be problematic – what is the difference between a multiplex with 4 linear units and a townhouse with 4 units?. The definitions should be written so they are not overlapping.

PATTERN BOOK

1. At what point would deviation from a Pattern Book be determined? Who makes that determination? What happens if such a determination is made? Would you propose something similar to Bethesda's Design Advisory Panel?
2. Is it correct that triplexes and quadplexes in a PHD (R-60, 90, 200) must conform to a Pattern Book or go through a site-plan-review type of process?
3. For Two-unit living, it stipulates that "at the time of building permit", the building can be built if the proposed building conforms to the pattern book requirements. The language for multi-unit living does not mention "at the time of permit" but does stipulate that the "building must conform to the "massing and design elements" of the pattern book (this latter is not mentioned for Two-Unit living). Why the discrepancy in this language for two-unit and multi-unit development

ACCESSORY STRUCTURES AND ANCILLARY USES

1. The draft report proposes allowing ancillary non-residential uses in duplexes and townhouses including home occupations and family day care. Some such uses are traffic intensive or otherwise intrusive because of activity, noise, parking issues. Why would these be allowed? Home occupations should be restricted to no-impact home occupations, and ancillary uses that significantly increase traffic and parking issues should be prohibited, especially since residents will have significant traffic and parking issues already.
2. Please clarify accessory structures. Can each unit of a multiplex have an accessory structure? Will a unit that is part of a duplex, triplex or quadplex also be permitted to have an ADU on the property? How would this work with lot coverage and setback requirements? Would you allow ADUs, effectively turning duplexes into quadplexes and triplexes into multi-units? Related to the size, how does the size restriction interact with the ADU rules?
3. It seems that instead of constructing something called a "Duplex" with a total of 4200 square feet, someone could construct a single-family home of 4200 square feet and also an ADU of 1200 square feet. Each duplex, triplex, quadplex unit could contain, or be associated with, an ADU. This could result in 8 units on a single-family lot. Someone could build a quadplex with 1-bedroom or 2-bedroom units with a "studio" ADU "attached" to each. (like in the basement) and no parking required in some situations. All units could be owned by a developer and rented, so effectively an apartment building (or if the ADUs are in a separate building, 2 apartment buildings) This hardly feels like gentle density. If

a duplex or multiplex is built and each has a detached ADU, it appears that each ADU would need to be in a separate accessory building. Will there be any requirements for how far apart such structures would need to be?

4. If a duplex or multiplex is built and the “site” is not subdivided into lots, can each dwelling unit still have an ADU? The way things are now worded it would appear so – there is no mention of “lot” when talking about accessory buildings for duplexes or multiplexes.

5. The definition of Multi-Unit Living on Page 8 would permit in a triplex or quadplex “ancillary offices to manage, service and maintain the development.” Isn’t the objective to add residential housing? Wouldn’t adding space for space for a management office for 3 or 4 residences likely add additional cars as well? A triplex or quadplex should be residences only, and nothing else.

ENVIRONMENT

1. It appears that there is no provision for preserving green space and tree cover. What protections are you considering to do that?

2. What about storm water and drainage requirements?

3. Would you allow waivers?

SETBACKS, LOT COVERAGE, HEIGHT

1. Please clarify recommendations for undersized lots. Is this meant to address R-60 lots of less than 6000 square feet that were grandfathered into that zone? This whole section requires examples and a great deal more information for the public – and owners of these properties – to understand. It appears that this would allow 50% lot coverage rather than the regulation 30-35% and despite the undersize of the lot the property would be eligible for up to a quadplex. The language also suggests that any lot that has been built on already would be eligible for multiplex dwelling. What about undersized lots that have not previously received building permits?

2. Please explain why you are suggesting the overall structure sizes that you’ve chosen (e.g., 4200 square feet in R-60). This seems to give a size advantage to those who already have big houses, as they are permitted to increase size by up to 50% by an addition (so long as other requirements are met). Many houses already exceed these sizes. In one quick search on SDAT a house was found at about 8,000 square feet, and listed on [realtor.com](https://www.realtor.com) as 11,500 square feet. The R-200 zones of Potomac have many houses of more than 5,000 square feet. The limits placed on the maximum size of a detached house, duplex, or multiplex don’t work.

- The least attractive option for a developer is to tear down an existing house – they would be limited to 4200,4500 or 5000 sf depending on the zone. Given the wide range of lot sizes in the R60, R90, and R200 zones, this would only be an attractive option for the smallest lots.
- If the developer leaves more than 50% of the floor area of the house, it appears that there is no limit on how big the structure can be (other than 35% lot coverage). For large lots this would be the route to take. And exactly what does not demolishing floor area include – if they leave the walls standing for 51% of the house but gut the inside, does that count as not demolishing the floor area? Does attic space count as floor area if its finished? Do enclosed porches/screen porches count?
- The third option, to add floor area to an existing house, could be more attractive than the first option depending on lot size and the size of the existing house. Again, if they just keep the walls of the existing house does that count? And what is included when determining floor area?
- The definition of the size of a house, “a measure of finished and habitable above grade finished space”, is inadequate. What about:
 - The horizontal areas within the structure where a floor has not been laid – e.g., a 2-story open great room Many places count areas with clear ceiling height greater than 14 feet twice to cover such situations. Are stairwells at each story included (Hopefully so).?
 - Floor space used for mechanical equipment – sounds like it would not be counted. Why not?

- Attic space that is being left “unfinished” but that can easily be finished later? Seems like any such space with headroom should be counted, finished or not.
- What about screened or otherwise enclosed porches?

3. The proposal states a maximum site area for each zone, presumably intended to limit consolidation of lots and resulting oversized buildings. Some neighborhoods have existing lots in the R-60 and R-90 zones larger than the permitted maximum site area. Presumably this means those lots would have to be subdivided before a duplex, triplex, or quad could be built. This makes sense to prevent oversized buildings, but also may be an obstacle to an attractive cottage court type middle missing housing. Has this been considered?

4. There appear to be no restrictions on unit size, neither minimum nor maximum, for a duplex or multiplex. Does this mean that a duplex, for example, could consist of one unit of 3700 square feet and a studio or efficiency apartment of 500 square feet?

5. In the charts, why are lot width at front of building line and lot width at front lot line shown as "n/a"?

6. Why is the "sum of side setbacks" reduced for duplexes and multiplexes? To remain in keeping with the existing single-family homes, shouldn't all these requirements be the same? The biggest difference is in the R-90 zone, where the sum of side setbacks for the duplex and multiplex would be $2 \times 10 = 20$ feet, whereas for a single-family home it is 25 feet. In R-60 the sum would be $2 \times 8 = 16$ feet for the duplex or multiplex whereas the requirement for the single-family home is 18 feet.

7. Under "Specifications for Height" in the charts, why is paragraph a under R-90 worded differently than Paragraph a under R-60?

8. For duplexes and multiplexes it appears that the structure will now effectively have a reduced combined side setback of 16' in the R60 zone, while the combined side setback for a house remains at 18'. Why are you not distinguishing site and lot side setbacks as you do for other things? Not having a lot and site side setbacks means that any multiplex structure can only have 2 side-by-side units, not 3 or 4 because if there are 3 or 4 the interior units would not have the required 8' side setback. Is that the intent here? Wide R60 lots and most if not all R90 and R200 lots could easily accommodate more than 2 dwelling units arranged linearly facing the street, but the side setback standard as proposed will prevent this.

9. Why is the front setback for an accessory building reduced to just 5 feet behind the front building line for a duplex or multiplex, and not 60' as for a detached house? How does this work with a) that states that an accessory building must be located behind the rear building line of the principal building?

10. Each lot for a triplex or quadplex is required to have a 25' frontage at the front lot line. On a 60' wide R-60 lot, this would mean that the property could not be split into lots for each unit – only 2 lots would be possible. Is that correct?

11. Currently lot coverage is related to lot size, but the proposed development standards seem to be setting lot coverage at 35% for all lots. Is that the intent?

MISCELLANEOUS

1. Rural Neighborhood cluster zone now can have multiplex?
2. Why is CD not allowed in the R-200 zone? Why will AH not be allowed in the R-200 zone?
3. Why would duplex and multiplex be exempt from Section 4.4.1.B?