

Item 7 - Correspondence

From: vsyeutter@verizon.net
To: [MCP-Chair](#); caseyanderson@mncppc-mc.org; [Patterson, Tina](#); [Cichy, Gerald](#); [Verma, Partap](#); [Wright, Gwen](#); [Sartori, Jason](#); [Berbert, Benjamin](#); lisagovoni@montgomeryplanning.org; county.council@montgomerycountymd.gov; marlene.michaelson@montgomerycountymd.gov; [Dunn, Pamela](#); linda.mcmillan@montgomerycountymd.gov
Subject: Chevy Chase West's comment on Thrive/Attainable Housing initiatives.
Date: Monday, September 13, 2021 5:01:13 PM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Chairman Anderson, Planning Board Members and Planning Department Staff:

Our community, Chevy Chase West, has been trying to keep pace with the Planning Board's many zoning deliberations over numerous months, and it is extremely difficult. During the past year, many concerns have been raised over Thrive Montgomery 2050, the zoning text amendments (ZTAs) and other legislation, but it now seems almost certain the future and fundamental structure of Chevy Chase West's architectural character, self-determination, and property value preservation are all at stake if the Planning Board's rigid "Attainable Housing" proposal is adopted. Our biggest concern starts with what appears to be the potential new neighborhood designation, "Priority Housing District" from the July 8 work session:

As defined by the Planning Department Staff, the Priority Housing District includes all the Corridor-Focused Growth areas that fall within a mile of a Metrorail or Purple Line light rail station, a half-mile of a MARC station, or 500 feet from the center line of a Growth Corridor identified in the Thrive Montgomery 2050 Growth Map, or 300 feet from an "activity center." The Priority Housing District is where staff recommends the most intensive changes, including allowing house-scale quadplexes by right and allowing the greatest parking reductions.

As you continue with your work sessions, please consider the serious concerns and questions we have about where the Board is headed with the "Attainable Housing Initiative."

- Will Chevy Chase West and similar neighborhoods no longer be a community adjacent to an "activity center" but be designated a "Priority Housing" district?
- Does the "500 feet of centerline" language refer to Wisconsin Avenue south of Bradley Boulevard, and therefore make it possible that small apartment buildings would be allowed in that area that is zoned R-60?
- Are you proposing that structures up to house-size quadplexes be built anywhere within our community "BY RIGHT", without any neighborhood engagement?
- Why has every work session thus far resulted in an expansion of by-right multiplex housing in single-family neighborhoods like Chevy Chase West despite continuing concerns about the ability of such neighborhoods to absorb such redevelopment?
- Why have so few of the concerns of Chevy Chase West's residents' and similar neighborhood associations' been taken into consideration, but the items of importance to the developer-backed proponents of these extreme changes taken precedence?

Attainable housing has not been defined in a way that sets clear standards for rural, suburban, and urban areas. We are disappointed in the Planning Board's failure to engage communities, and are frustrated that the views and concerns of Chevy Chase West and other communities have not been addressed in a meaningful fashion. We plan to oppose these efforts to change our neighborhood significantly and permanently with so little regard for the significant issues these changes could bring to many homeowners and neighborhoods with long-standing roots and investment in Montgomery County.

Sincerely,

Shelley Yeutter

Joan Barron

Co-presidents, Chevy Chase West Neighborhood Association

From: [Elsa Skaggs](#)
To: [MCP-Chair](#)
Subject: Attainable Housing Strategies Planning
Date: Tuesday, September 28, 2021 9:53:28 PM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Dear Montgomery Council,

As a 52-year resident of my home in Brookdale, I write to express my deep concerns about the proposals for Thrive Montgomery 2050 being considered by the planning board. It is always difficult to be sure that one's voice is really 'heard' on these kinds of issues, I've found in the past.

Clarity and simplicity without too much legalese explanation why this has come up would be helpful. I've tried studying the proposal and do understand the county's concern about affordable housing for all. Who doesn't hope for such? Is there federal credit expected to accrue to the county for this? Is that one of the incentives?

Without being myopic and seemingly selfish, I must start by saying that this house is our main inheritance for our two young women and their sons. It doesn't take too much to realize that duplexes and other multi-housing efforts in this long-established compact neighborhood would bring an untenable threat to the value of this house we've cared for all these years while also paying the hefty Montgomery County taxes. This is a major concern and one that I know you can agree deserves proper attention.

I recognize that Montgomery County services are excellent and that this location is desirable for many reasons. What I can't picture is (1) where in Brookdale are the properties that might be developed, (2) how the streets and walkers can absorb the increased cars generated by multi-families (3) how any more traffic can be handled by the four entrances to Brookdale (two from Western and two from River Road, with Saratoga and Cortland currently absorbing most of the traffic).

My home is at the corner of Westport and Saratoga, where we have watched with worry from our side porch traffic increase exponentially, particularly in the past several years. I have wanted to ask for speed bumps on Saratoga, or at least a 3-way stop sign at Saratoga, Westport, and the telephone pole across from that intersection, hoping that cars would begin paying more attention to these than I've noticed at the intersection of Saratoga and Merivale.

Another proposal I've thought to suggest is having one-way traffic coming into the neighborhood on, say Baltimore and Harrison, and one-way traffic exiting on Saratoga and Cortland (or vice versa). At the very least, the speed limit on the main streets of the neighborhood should be curtailed to 20 miles per hour, preferably 15, though I suspect that would not be followed.

I recall that some years ago Geico considered building townhouses along their property that abuts Brookdale. Perhaps that is a place to consider carving more inroad and outroad and multiplex housing.

I will be watching closely the discussions in the next meeting on October 7 and subsequent ones. I know the County has certain obligations to fulfill that generate this kind of proposal. I respect the need for affordable housing in desirable areas. But there is also the respect for the years of building one's life around reasonable expectations of the neighborhood one has invested in.

Thank you for your consideration of my sincere concerns.

Cordially,

Elsa P. Skaggs
5209 Saratoga Avenue
Chevy Chase, MD 20815

From: [Joe Gillespie](#)
To: [MCP-Chair](#); [Govoni, Lisa](#)
Cc: [councilmember.riemer](#); [Councilmember.Friedson@montgomerycountymd.gov](#);
[Councilmember.Jawando@montgomerycountymd.gov](#)
Subject: Attainable Housing Pattern Book
Date: Thursday, September 30, 2021 2:03:11 PM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Montgomery County Planning Board and Ms. Govoni,

I hope you are doing well. I am writing to provide my thoughts and input on the County's Attainable Housing Strategies work. I currently live in North Bethesda at the Grosvenor Park II Condominium at 10500 Rockville Pike, Unit 801, in District 1 and work for the federal government near White Flint Metro Station. I strongly support the aims of increasing the supply of more dense, market rate housing, elimination in parking minimums, and ending the legacy and effects of exclusionary zoning in this county. Overall, I applaud the county's efforts to allow denser developments that permit more people to live in the area.

I saw in the preliminary recommendations a section on "Compatibility concerns." It stated that the "Staff recommendations would allow the creation of duplexes, triplex, and quadplex by-right only if they follow the contents of the pattern book" (emphasis in the original) and that in the details, that pattern books are used by many jurisdictions to control architecture or form-based development standards. Additionally, they recommendation creation of this pattern book in FY22, that it be finalized, subject to public comment, and presumably, revision based on public comment, before any duplex, triplex, or quadplex by-right development is permitted.

I think mandate of a pattern book is a mistake and does not reflect what is currently happening in the single-family uniplex market in the county's neighborhoods. Every day I take my kids to school, we bike by teardowns in neighborhoods that, as far as I know, have none of the same restrictions. Further restrictions on other types of housing, limiting the form of smaller scale houses, will further increase the already-high cost of new construction duplexes or helps prevent them outright. And the extra delay in preventing different housing types will only exacerbate the current housing challenges and encourage large-scale detached home construction.

Specifically, I want to highlight three neighborhoods and specific homes that I think clearly demonstrate why a pattern book is counterproductive and unnecessary.

First, is 5810 Grosvenor Lane, zoned R-60. This is a home in the Lone Oak Neighborhood, though it was titled in a plat named "North Bethesda" (Plat No. 818). In 1936, the property was sold subject to a racial covenant that prohibited future sales "to any one other tha[n] a member of the Caucasian race, and that [the] covenant shall be a covenant to remain on this land forever" (Book 634, p. 58). The neighborhood was later developed, and I believe a house was built in the late 80s/early 90s (the adjacent home is listed as being built in 1993). In 2014, it appears to have been completely torn down and redeveloped. It now 4,952 square feet of above-grade living space and 2,300 square feet of basement space. [It has what appears to be a three car garage, a large pool, and is a completely modern design.](#) It also has ample taxpayer funded, delineated on-street parking. Its current Redfin estimate is roughly \$2.2 Million

dollars. The other, original homes in this neighborhood, are consistently being torn down and replaced.

Second, is 1721 Evelyn Drive. This is located within the city limits of Rockville and is zoned R-75. I could not determine whether this had historically been subjected to a racial covenant. It is listed as built in 1960 in SDAT, but I believe it was completely rebuilt in 2015, based on the City of Rockville permit data (Permit OCC2015-06765 “New Singe Family Dwelling”). [It now has 3,608 square feet of above-grade living space and 1,353 square feet of basement space. It does not appear to have a garage, but it has a nice, new, modern exterior finishes.](#) Its current Redfin estimate is roughly \$800,000, though I think this is actually undervalued compared to recent sales in the neighborhood.

Finally, is 11409 Luxmanor Road, zoned R-200. It sits in the Luxmanor Neighborhood, very close to the Josiah Henson Museum on property once owned by Josiah Riley where Josiah Henson and other people of African descent were held in bondage, forced to work, and beaten. 48 years after Mr. Henson died, in 1936, the owner of the property, the Luxmanor Corporation, for “protection against such depreciation” and assure “uniformity” prohibited any “lot or structure” from being “sold, rented, or conveyed, as a whole or in part, to any person or persons of African descent” “in perpetuity” (Book 648, pp. 34–35). The next item required that there be a 25 foot setback from the street. All other restrictions were set to expire. The home on the property was rebuilt in 2006. [It now has 6,414 square feet of above-grade living space and 2,100 square feet of below-grade living space \(though Redfin lists 3,492 feet below grade\) and a 3 car garage.](#) Its current Redfin estimate is \$2.55 Million Dollars. Like Lone Oak above, almost every original home is being torn down and replaced with maximally-sized houses for the half-acre minimum lot sizes.

But I point out each of these for a few reasons. One, none of these single family detached homes matches the original style of the neighborhood. Two are completely modern designs, and all three are far larger than anything that had been built in the neighborhood at the time. They were not subject to any pattern book design or architectural review. They are now far more expensive and far larger than any of the original homes in the neighborhood. The Luxmanor Home, for example, has enough square footage to fit six of my 1400 square foot three-bedroom condominiums where our family of five currently lives. And they were all done by-right.

Second, each of these properties is within one mile of a metro station. They are walkable and bikeable to amenities like offices, schools, and shopping centers. They each have county-subsidized on-street parking available to them, in addition to any personal off-street parking. And they can each only house one family.

Third, it is no coincidence that at least two of these homes were the product of explicitly racist covenants and zoning policies. And while the covenants themselves are no longer enforceable, and these neighborhoods have minimal restrictions by covenant on density, the county has continued to perpetuate, by law, restrictions that would increase access to these neighborhoods. Each of these neighborhoods has continued to exclude, through restrictions on density based on minimum lot sizes, setbacks, and parking requirements. And now each of these neighborhoods may have the opportunity to continue having an opinion on who and how people can live in property near them, by giving input on the pattern book.

And just to be clear, I don't fault people for having money or for building nice houses. Old

houses oftentimes have poor layouts, are energy inefficient, and make poor use of the land. That's ok to want something new, and these old houses weren't meant to last forever! I believe people should generally be free to build a house on their property. My concern is the fact that the County's zoning laws do not allow for anything else, and as a result, encourage such development by (1) preventing competition for these lots from multi-family units and (2) increase the per-housing cost for families by limiting total supply.

Accordingly, the county should move swiftly and with urgency to allow greater development on properties like this. Every day, these original neighborhood homes, oftentimes sold only for the cost of the land, are being replaced with brand-new, single-family homes that will not be removed for decades. Action must be taken now. These are desirable areas close to amenities and good schools. But preventing development prevents people from living there, encourages sprawl, and perpetuates systemic racism.

Sincerely,
Joe Gillespie
(803) 206-6549

From: [Naomi Spinrad](#)
To: [Govoni, Lisa](#)
Cc: [Sartori, Jason](#); [Berbert, Benjamin](#); [Wright, Gwen](#); [MCP-Chair](#); [Irene Lane](#); [Dedun Ingram](#); [Joyce Gwadz](#); [amandafarber](#); [Ellen Cornelius Ericson](#)
Subject: Questions regarding Attainable Housing Strategy staff report for 9/9/21
Date: Wednesday, September 8, 2021 8:17:20 AM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

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 oversize 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 oversize 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?

From: [Sartori, Jason](#)
To: [Naomi Spinrad](#)
Cc: [Berbert, Benjamin](#); [Dedun Ingram](#); [Ellen Cornelius Ericson](#); [Govoni, Lisa](#); [Irene Lane](#); [Joyce Gwadz](#); [MCP-Chair](#); [Wright, Gwen](#); [amandafarber](#)
Subject: RE: Questions regarding Attainable Housing Strategy staff report for 9/9/21
Date: Tuesday, October 5, 2021 4:52:52 PM
Attachments: [image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)

Naomi, et al.,

Thank you again for your questions and your continued interest in the Attainable Housing Strategies initiative. We appreciate your attention to detail and in some instances you flagged areas that we need to review with greater scrutiny and for that, we are grateful. Please note that we have provided answers based on what we know right now but that these answers could change based on decisions by the Planning Board and then eventually what the County Council decides. We always welcome the opportunity to have a conversation about issues and concerns – please don't hesitate to reach out to us directly again.

See our answers below – note that we were able to push through and provide answers to all of your questions.

Thanks,
Jason



Jason K. Sartori
Chief, Countywide Planning & Policy Division

Montgomery County Planning Department
2425 Reddie Drive, 13th Floor | Wheaton, MD 20902
jason.sartori@montgomeryplanning.org
c: 240.877.9388 | o: 301.495.2172



GENERAL

1. Where is the previously promised “buffer” and AHS map?

As mentioned in the [staff report](#) for the September 9 work session, in the timeline section – “An online webmap link will be in the staff report that will be released on 9/28 that will present various geographic options for the AHOM.” You can now find that webmap [here](#) and we will add a link to the map from our [project webpage](#) in the coming days.

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”.

The use of the term “Attainable Housing Focus Zones” was simply a shorthand way to collectively identify the four zones we repeatedly talked about in the staff report – R-200, R-90, R-60 and R-40. This term will not be used in the proposed zoning text amendments. The Priority Housing District still applies to just a subset of these four zones.

3. It appears you have decided to forego the use of local area master plans in applying the new use tables and standards. Why?

The use of local area master plans is still intended to be a critical part of the longer term implementation of AH and would be used to look for additional opportunities to create new buffer areas along major corridors or adjacent to activity centers where a rezoning from a current Residential Zone to a Commercial/Residential Zone may be appropriate. Furthermore, as indicated in our [staff report](#) for this week’s work session, we are recommending that one of the criteria that makes properties eligible for use of the Attainable Housing Optional Method is a Master Plan recommendation. How exactly that would work will be discussed in a future work session.

4. Would these proposals override existing master plans, regardless of underlying consensus?

The recommended changes to the Zoning Ordinance would change how zones are implemented. If a specific Master Plan had clear language not to allow a certain use or building type in an area that would not be overridden, but if a plan were silent or just recommended retaining a residential zone, then the new uses allowed within that Zone would apply.

5. Would these proposals eliminate the concept that buffer zones should be within CBDs and not impinge into adjacent/abutting/confronting single-family neighborhoods?

The attainable housing effort does not change the ability for master plans to provide buffer zones between commercial or employment zones in a CBD and surrounding residentially zoned neighborhoods. While the AHS recommendations would allow for duplexes and multiplexes in four of our residential zones, it still maintains a house scale structure size within neighborhoods. The buffer zones typically used allow buildings that are larger than house scale. In fact, the buffer zones used around the Bethesda CBD (R-10, R-30, CRT and CRN), for example, all allow duplexes, townhouses and apartment buildings by-right, generally at higher densities than we would allow through the AHS recommendations. Therefore, AHS could create an even smoother transition.

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?

This does not compare to the zoning code rewrite – an effort that simplified and consolidated 1,200 pages of zoning code, with more than 120 zones and over 400 different land uses. The result of this effort, if adopted by the Council, will define a couple of new uses and specify how they are allowed in four residential zones. But we’ll concede that this effort is more extensive

than the typical Zoning Text Amendment, which is why we created the HEAT and conducted much more outreach than typically occurs for a ZTA. As you know, a councilmember can introduce a ZTA at any time. The Planning Board can also request that the Council introduce a ZTA at any time. CM Jawando introduced a ZTA, and CM Riemer circulated a draft ZTA, both related to Missing Middle, without any community involvement. The Planning Board encouraged the Council to delay review of those ZTAs to give Planning staff the opportunity to consider alternatives and seek stakeholder input. The Council then asked Planning to do just that in March. Planning staff has since completed a significant amount of outreach – the HEAT group was only one part of our outreach efforts. We have held several virtual community meetings, held several open office hours for more personalized discussions, engaged people over social media, released more than a dozen e-letters updating stakeholders on the effort, had 50 people provide written/verbal comments during a Board session, and have discussed the initiative at numerous civic association meetings. Further, we have engaged many people, like you through this email exchange, in conversations about our recommendations over email or by phone. All of these engagement efforts, including responding to this email, have helped shape our recommendations.

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).

The term “attainable housing” is a broad umbrella term that includes both house-scale Missing Middle, as well as a larger-scale housing product that will assist in densifying Montgomery County’s transit corridors. During the Planning Board work session on July 8, the Planning Board expressed a desire to craft a definition that is clearer and emphasizes diversifying residential building types and increasing housing choice.

8. Why are you using a straight-line buffer of 1 mile when it is considered a best practice to use a watershed (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?

This was the methodology the Council used for determining eligibility criteria for Accessory Dwelling Units and the Planning Board requested staff use that same criteria for establishing the Priority Housing Districts for consistency.

9. The definitions of multi-unit and multiplex and apartment living are very confusing and need to be differentiated more clearly.

The zoning code defines two separate things: buildings and uses. A multiplex and an apartment are types of buildings. Multi-unit living is a type of use. Apartments and multiplexes always will have multi-unit living in them, however multi-unit living may also occur in a mixed-use building. This separation is done because the standards tables found throughout Division 4 of the zoning code create development standards for building types. The uses allowed within those building types is ultimately determined based on the use tables and use standards under Division 3.

10. Please clarify what is meant by “site” and “lot.” How does site area interface with setbacks, footprint, and massing requirements/standards?

Lots are a specific term for a platted single property that is eligible for a building permit. Site is the entire geography associated with a development application under review. A site may include one or multiple existing lots or unplatted properties. Often when discussing the by-right standard method of development, site and lot may be the same geography, but doesn't have to be if an applicant were consolidating or re-subdividing two lots for one or more new buildings.

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?

As indicated in the [staff report](#) for this week's work session, Planning staff is recommending the AHOM apply to R-60 and R-90 properties that abut a corridor planned for Bus Rapid Transit (BRT) through the 2013 Countywide Transit Corridors Functional Master Plan and River Road (inside the Beltway) and Connecticut Avenue.

AHOM applicability is not the same as the Priority Housing District. The PHD is used for the by-right house scale attainable housing to identify where quadplexes are allowed and where reduced parking minimums would apply. The PHD includes properties within 500 feet of corridor, whereas the AHOM is only applicable on properties abutting the corridor. Also, the PHD includes properties within a one-mile buffer around the Metro, Purple Line and MARC rail stations.

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.

Actually, we've modified this table with the [staff report](#) for this week's work session. We are no longer recommending the AHOM for R-40 or R-200. This will be discussed more on Thursday. Where the AHOM is allowed, we have included standards that limit the size of an Apartment Building including density and height limits. Furthermore, the existing optional methods already allow townhouses *anywhere* in the R-90 and R-60 zones (and even anywhere in the R-200 zone under the MPDU optional method). Our recommendation for the AHOM would only allow these in the AHOM-eligible geography.

3. Is it correct that you are proposing allowing apartment buildings with no size restriction in the Priority Housing Districts, under the AHOM process?

No. First, as clarified earlier, the Priority Housing District is not used to determine AHOM eligibility. Second, as can be seen in the [staff report](#) for this week's work session, staff recommends setting limits on density (with bonus increases for projects with decreased average unit sizes) and height. There are also recommended setbacks. Furthermore, Planning

staff has recommended that the limited use standards for the apartment building type be limited to 19 or fewer units under the AHOM.

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.

Staff has only recommended removing density as a development standard under the by-right standard method of development. As you can see in the [staff report](#) for this week's work session, we have recommended maintaining the density standard for the AHOM to keep it consistent with the other optional methods of development. Measuring density within an existing neighborhood that has scattered property owners converting single-family detached properties into duplex or multiplex buildings doesn't make much sense and therefore we rely on the other development standards. However, for larger developments on larger sites, density can still be useful. Also, don't forget that the AHOM includes their own set of development standards similar to other optional methods of development today, and require site plan review by the Planning Board along with a public hearing.

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."

What we are saying is the minimum site area that a duplex or multiplex could be build on is the same size property as the minimum lot area currently required for a detached house. Using R-90 as an example: This is considered a 'site' rather than a lot because the applicant may choose to place a 3-unit (triplex) multiplex on one single 9,000 SF lot, with the units within that multiplex being rented, or owned through a condo or co-op, or they may choose to subdivide that 9,000 SF property into three smaller lots so that each dwelling provides ownership of both the dwelling unit and the underlying land.

The reason for establishing a maximum site area is our attempt to ensure a single applicant can't buy and consolidate more than two adjacent existing properties at a time. We want the by-right standard method development to be organic and blend in with the physical character of the neighborhood and believe consolidation of land beyond 2 existing lots should be reserved for the AHOM along our corridors.

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.

The per-unit average in establishing a lot area is intended to offer flexibility to an applicant when deciding if or how to subdivide. In the R-60 Zone the minimum site area is equal to the minimum lot size for a SFD or 6,000 SF. For a multiplex (3 or 4 units), the minimum per-unit

lot average would be 1,500 SF. What this would mean is IF an applicant chose to build a multiplex and wanted to subdivide the existing lot so that each dwelling unit could own the underlying land, the average lot size would need to be a minimum of 1,500 SF. We express this as an average, because due to existing site shape, or desire to potentially create units of unequal size within the multiplex, there may be a desire to create two 1,500 SF lots, a 1,400 SF lot and a 1,600 SF lot. The average is still 1,500 SF. It's also possible an applicant does not want to subdivide for each individual dwelling but instead wants to subdivide just so each building is on a lot. The minimum lot area per unit average would then require the single lot to provide at least 1,500 SF per dwelling unit within the building. Generally if a single lot is converting to a single duplex or multiplex building and is at or above the minimum lot area for a SFD for the underlying zone this is not an issue, but could come into play in the less likely scenario an applicant does consolidate 2 adjacent properties and chooses to resubdivide them, or as described under #1 under the Setback, Lot Coverage and Height section later.

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.

Staff would say a building with 4 units arranged linearly *is* a townhouse and not a multiplex, and we specifically do not want to see the townhouse building type allowed by-right through the AH process. We initially started this process by redefining townhouse as a 3 or more unit building where units are arranged linearly, but realized that with proper design taken from the Pattern Book, a 3 unit building could in fact have the three units arranged linearly and still read as one large detached house. That is why we increased the 3 in townhouse to 4. At 4 units in a linear arrangement the building loses the house scale. When we presented to the Board on September 9, we modified our recommendation to clarify the multiplex building definition to state that buildings that meet the townhouse definition are not multiplexes.

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?

There will not be a panel like Bethesda's Design Advisory Panel. The role of the Pattern Book is evolving. During the September 9 work session, the Planning Board was supportive of creating a Board-approved pattern book for the creation of new attainable housing. Planning staff is scheduled to meet this week with staff at the Department of Permitting Services to discuss the review process including what it means to be in conformance with the pattern book. During an upcoming Planning Board work session, we will also seek guidance from the Board on what exactly it means to be in conformance with the pattern book. Essentially asking the Board to identify the critical elements.

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?

Yes, the goal is to create “house-scale” multiplexes regardless of their geographic location.

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?

This is not intentional. We agree there should be consistency in how this is referenced and will work to clean this up when we prepare the official ZTA mark-up language.

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.

The new dwellings in duplex or multiplex buildings would still be subject to the same use requirements that a SFD is held to. Duplex, Townhouse and Apartment Building Type definitions already allow home occupations and family daycare. Home occupation is defined and restricted by 59.3.3.3.H as an accessory residential use and Family daycare definition and standards are found under 59.3.3.4.C limiting the facility to 8 persons with limits on residency. There should be minimal to no impact on parking or traffic as a result of these already allowed uses in residential dwellings.

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?

These are good questions. We are continuing to have internal and external conversations about how the AHS recommendations relate to ADUs. We will address this at a future work session.

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?

See answer to #2 above. It is not our intention to allow 8 units on a single-family lot. In fact, the current ADU regulations specify that ADUs are only applicable when the principal structure is a detached house. We do not anticipate changing that. Also, keep in mind that the ADU regulations require one of the units be owner-occupied.

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.

See previous two answers.

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.

Multi-unit living is an existing defined use that is intended to be allowed in the new Multiplex building type. The definition of multi-unit living already allows ancillary offices to manage, service and maintain the development, but does not require them, and is a provision that already is in effect for any building in the county that contains 4 or more dwelling units, including a high-rise building with 200 units. We need to maintain the ancillary office as part of the multi-unit living use definition to continue to allow them in those larger apartment buildings.

ENVIRONMENT

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

As indicated in our staff report for this week's work session, Planning staff has recommended including open space minimums for the AHOM, which pertains to the larger scale development. Additionally, any new development allowed by the changes proposed by AHS would be required to undergo the same forest conservation requirements that new buildings do today. That said, it might be productive to have a separate conversation reviewing the county's tree canopy and conservation laws.

2. What about storm water and drainage requirements?

Any new development allowed by the changes proposed by AHS would be required to undergo the same stormwater requirements that new buildings that create new land disturbance and impervious surfaces do today.

3. Would you allow waivers?

Our office does not allow, disallow, or otherwise get involved in waivers for stormwater, and rarely recommends a waiver to any environmental provision in Chapter 22A. The county, through its review and permitting, has the ability to allow waivers for portions of the County

Code that they are responsible for implementing.

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?

The specifications for Site and Lot do add a provision intended to provide some opportunity for attainable housing on undersized lots in all four zones – R-40, R-60, R-90 and R-200 – if the lot is otherwise eligible for a building permit under Section 7.7.1.D.1. There is nothing within the specification that would exempt an attainable housing development on an undersized lot from still complying with lot coverage and setback requirements. Deviations from those would still require a variance.

The original staff language was crafted to make creation of a quadplex on an undersized lot not possible. The specification was intended to provide relief for the site area (the size of property needed to be eligible for any new housing type) for duplex, and 3- and 4-unit multiplexes, but only provided relief from the average minimum lot area (the average actual lot area needed for each unit -remember, expressed as a per unit average) to the duplex building type. The minimum lot area for multiplexes is expressed in the recommended standards tables presuming a subdivision for 4 units (1/4 the minimum lot area for a detached house). Using R-60, where the minimum lot area for a detached house is 6,000 SF, the minimum average lot size would be 3,000 SF per duplex unit, and 1,500 SF per multiplex dwelling (whether 3 or 4 units). If the original lot is smaller than 6,000 SF – let's say 5,000 SF – and the lot is otherwise eligible for a permit under Section 7.7.1.D.1. the minimum site area would become the lot size, or 5,000 SF. The staff's recommended specification further stated that the minimum lot area average for the duplex would become half the site area, or 2,500 SF. However, the minimum average lot area for the multiplex remains 1,500 SF. Therefore a 4-unit multiplex would not have met the requirements because it cannot meet the 1,500 SF minimum lot average on anything less than a 6,000 SF site. However, a 3-unit multiplex would still have worked because it would only need a site with 4,500 SF to meet the 1,500 SF minimum lot average area. However, at the work session on September 9, the Planning Board partially disagreed with staff, and requested that the minimum lot area be relieved for both the duplex and the multiplex building types stating that *if* a proposal fits within the development standards it should be allowed to proceed regardless of the number of units. Therefore, under the Board's recommendation, the minimum average lot area for the multiplex building type would continue to be 1/4 the site area. In the 5,000 SF example, the minimum average lot area for a multiplex would be 1,250 SF per unit. Again, all of the other development standards and pattern book elements would still apply, meaning that 3- and 4-

unit multiplexes may not fit on some substandard lots.

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?

The Planning Board opted to not include a maximum building size standard, so we believe that makes this series of questions moot. But let us know if you would like to discuss the logic behind our recommendation initially, despite the Board's disagreement.

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?

Cottage court housing gets really complicated when it comes to things like setback and lot width standards. So at this time, we have only considered cottage court housing as part of the AHOM. This would be applicable on the larger properties you describe, but only in areas that abut a corridor, or where called for in a master plan.

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?

That is correct. We did not set unit size limits in the standard method tables. We did recommend average maximum unit sizes in the AHOM. This is where we hope to be able to generate larger quantities of attainable housing and limiting unit sizes helps achieve that. By setting the maximum as an average unit, it allows for an AHOM project to also offer a variety of unit sizes.

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

This was the case for the duplex and multiplex. Due to the potential for subdivision with these, the individual lot widths are less relevant. So you'll notice that we've included a site width at front building line to mimic the lot width that we would otherwise use for a single lot with a detached house.

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.

Our team plans to give this some more thought. Though we think we can update these to be consistent with the existing detached house setback standards. We'll be discussing the specific values for these standards with the Board at a future work session and will plan to clarify this by then.

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

Good catch. These should be consistent. We will likely recommend going with the language we

had in the R-60 specification for simplicity.

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.

As indicated above, we'll take a closer look at the side setbacks to address these concerns.

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?

With a single detached house, it's easy to clearly define the rear of the house and require the accessory structure firmly be located there. Once we start dealing with duplexes and multiplexes that could have an assortment of lot arrangements, it's cleaner to require that an accessory structure be situated a certain distance behind the front building line as opposed to a set back from the street to ensure that the accessory structure is proximate to the applicable primary unit. Five feet behind the front building line is the requirement used in the existing optional methods of development today where smaller lot sizes and attached building types are already allowed.

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?

This has implications between Chapter 59 (zoning code) and frontage requirements in Chapter 50 (subdivision code). Thank you for this comment – we will continue to clarify this as we work on this effort.

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?

It's the Residential Infill Compatibility standards that tie lot coverage to lot size. However, for lot coverage in the development standards tables, it is not currently related to lot size for detached houses. It's 25% in R-200, 30% in R-90, 35% in R-60 and R-40 (for duplexes in R-40, it's 40% today). At this point, we've indicated that the Residential Infill Compatibility standards would not apply to the duplexes or multiplexes, but we'll give this some more thought and discuss it with the Board at a future work session.

MISCELLANEOUS

1. Rural Neighborhood cluster zone now can have multiplex?
Only through the MPDU optional method, which currently allows townhouses and duplexes. The thought was to add multiplexes there since they are similar to what's already allowed.
2. Why is CD not allowed in the R-200 zone? Why will AH not be allowed in the R-200 zone?
Cluster development is allowed in the R-200 zone, however the current cluster development for R-200 only allows SFD dwellings, whereas the MPDU for R-200, and both Cluster and MPDU for R-90, R-60 and R-40 allowed duplex and townhouse options. Staff is recommending through AHS to add the multiplex in optional method development options that previously allowed duplex and townhouse buildings.
3. Why would duplex and multiplex be exempt from Section 4.4.1.B?
See response to question 11 in last section, related to the Residential Infill Compatibility.