

**From:** [Matthew Gordon](#)  
**To:** [MCP-Chair](#)  
**Cc:** [Kronenberg, Robert](#); [Sartori, Jason](#); [Sharma, Atul](#); [Butler, Patrick](#); [Bogdan, Grace](#); [Berbert, Benjamin](#)  
**Subject:** Written Comments to Item No. 14, ZTA 25-14  
**Date:** Wednesday, December 17, 2025 9:04:45 AM  
**Attachments:** [image001.png](#)  
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[CCRE written comments to ZTA 25-14\(1922568.1\).pdf](#)

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Chair Harris and Planning Board Members,

Please find the attached written comments for the public hearing on ZTA 25-14 tomorrow.

Thank you for your consideration.

Matt



**Matthew Gordon** | Partner | Attorney

[mgordon@sgrwlaw.com](mailto:mgordon@sgrwlaw.com)

Direct: [301-634-3150](tel:301-634-3150) | Office: [301-986-9600](tel:301-986-9600) | Mobile: [301-455-5451](tel:301-455-5451)



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

4416 East West Highway, Suite 400, Bethesda, MD 20814



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Matthew M. Gordon, Esquire  
[mgordon@sgrwlaw.com](mailto:mgordon@sgrwlaw.com)  
Direct Dial: 301-634-3150

December 17, 2025

**Via Email –** [MCP-chair@mncppc-mc.org](mailto:MCP-chair@mncppc-mc.org)

Mr. Artie Harris, Chair

And Members of the Planning Board  
Montgomery County Planning Board  
2425 Reedie Drive, 14<sup>th</sup> Floor  
Wheaton, Maryland 20902

Re: *December 18, 2025, Planning Board Item No. 14, Zoning Text Amendment No. 25-14, Optional Method Public Benefits – Overlay Zones (the “Proposed ZTA”); Century Residential GP, LLC’s written comments in Support of the Proposed ZTA*

Dear Chair Harris and Board Members:

On behalf of Century Residential GP, LLC, an affiliate of Capital City Real Estate (“Capital City”), please accept these written comments to the Proposed ZTA, with one suggested revision relating to Germantown Transit Mixed-Use (GTMU) Overlay Zone identified in Section 4.9.11.D of the Proposed ZTA. More specifically, Capital City respectfully requests that the Planning Board recommend to the County Council that the increased Building Lot Termination (BLT) easement required on 50% of incentive density be transitioned to the 7.5% standard in place for the rest of the County so that much needed housing and public benefits can be delivered in the GTMU Overlay Zone.

Capital City previously submitted similar comments to the Planning Board in May when ZTA 25-05 was being processed to update the optional method public benefits outside of Overlay Zones. If the Proposed ZTA continues to require that optional method projects in the GTMU Overlay Zone provide BLT easements on 50% of the applicable incentive density, it will create a significant obstacle to the creation of housing (including regulated affordable housing) in the GTMU Overlay Zone. It is important to note that the cost of one (1) BLT Easement was increased **from \$222,390 to \$380,800** through County Executive Order No. 159-25 in September of 2025. Thus, the price of a BLT Easement has increased by over 70% Countywide, and the GTMU Overlay Zone would continue to require **optional method projects provide over six (6) times the amount of BLT Easements as elsewhere in the County.** These two policies create a significant barrier and obstacle to implementation of optional method projects in the GTMU Overlay Zone.

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

4416 East West Highway • Fourth Floor • Bethesda, MD 20814-4568 Phone:

(301) 986-9600 • Fax: (301) 986-1301 • Toll Free: (888) 986-9600

[www.selzergurvitch.com](http://www.selzergurvitch.com)

Capital City is currently processing the first expedited Commercial to Residential Reconstruction Plan in the County that will reposition a 100% vacant 5-story office building in the GTMU Overlay Zone with ±298 multi-family rental units, ±56 for-sale 2 over 2 units, structured parking, public open space, roadway improvements, and private amenities (the “CRR Plan”). The multi-family rental building includes 17.5% of the units as rent-restricted units affordable to individuals earning 60% Area Median Income. For-sale MPDUs are also included in the form of 2 over 2 units. Approximately 25% of the total units provided are 3-bedroom units that will serve families.

Since the GTMU Overlay Zone currently requires applicants purchase BLT easements on 50% of the incentive density approved, the CRR Plan would be subject to a financial cost of over \$1.8 million dollars<sup>1</sup> under the current standard in the Proposed ZTA. To put into context how disproportionate this requirement is to the proposed amount of housing, the BLT easement requirement for this CRR Plan would be approximately **3.5 times more in financial cost than the largest development in Downtown Bethesda in the past decade** (a plus/minus 1 million square foot corporate headquarters and hotel development). Absent the Proposed ZTA’s reduction of the current 50% standard to the Countywide norm of 7.5%, the GTMU Overlay Zone will act as an impediment to the goals established by the scope of work for the Germantown Sector Plan amendment and the County’s Comprehensive Plan, Thrive Montgomery 2050, that was adopted in 2022 (“Thrive”).

The Scope of Work for the ongoing Germantown Sector Plan amendment specifically provides that the “main factors identified thus far that are preventing the shift in Germantown from a suburban-style development – with low-rise buildings and large areas of surface parking – into the kind of compact, walkable place envisioned in ... Thrive Montgomery 2050 include: **The BLT purchase requirement disincentivizing building above a density of 0.5 FAR in Germantown.**” See Scope of Work, p. 13 (emphasis added). The increased and disproportionate BLT easement requirement is entirely inconsistent with Thrive’s recommendation to “**retrofit centers of activity and large-scale older facilities** such as shopping centers ... and **other single-use developments** to include a **mixture of uses and diversity of housing types** and to provide a critical mass of housing, jobs, services, and amenities necessary for vibrant, dynamic Complete Communities.” See Thrive, p. 33. In short, the CRR Plan proposes the type of compact, walkable development that has not occurred in the GTMU Overlay Zone to date, and the 50% BLT easement requirement will delay and impair Capital City’s ability to timely deliver the development project.

In order to remove this unreasonable obstacle to the timely delivery of Capital City’s CRR Plan, we respectfully request that the Planning Board recommend that Section 4.9.11.D of the Proposed ZTA be modified to reduce the BLT Easement requirement from 50% to 7.5% of the incentive density required. Capital City’s proposed, revised language to Section 4.9.11.D beginning at Line 480 of the Proposed ZTA is in underline and bold below:

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<sup>1</sup> The base price for 1 BLT easement was recently increased to ±\$380,000 by the County Executive. The CRR Plan will be subject to a requirement to provide approximately 4.9 BLT Easements unless the current 50% requirement is modified as part of the Proposed ZTA.

December 17, 2025

ZTA 25-14 Written Testimony, Montgomery County Planning Board

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#### **Section 4.9.11. Germantown Transit Mixed Use (GTMU) Overlay Zone**

##### **D. Optional Method**

Optional method development under the CR zone and the GTMU Overlay zone must 484 provide public benefits under Section [4.7.3.F.1.a] 4.7.3. [except that the] The applicant must purchase BLT easements[,] or make payments to the ALPF under Section 4.5.4.A.2.b. in an amount equal to [50%] **7.5%** of the incentive density floor area.

We thank you for your time and consideration reviewing these written comments and look forward to the opportunity work with M-NCPPC staff, other agencies, and stakeholders to bring the proposed CRR Plan to fruition in the near term.

Very truly yours,

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

*Matthew M. Gordon*

By:

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Matthew M. Gordon

cc: Mr. Jason Sartori  
Mr. Robert Kronenberg  
Mr. Patrick Butler  
Mr. Atul Sharma  
Ms. Grace Bogdan  
Mr. Benjamin Berbert  
Chris Love, Capital City Real Estate