

Town of Chevy Chase Land Use Committee

Minutes

March 26, 2007

The Land Use Committee met at 7:00 p.m. on March 26, 2007. The meeting was attended by Council Liaison, Mayor Linna Barnes, Committee Chair, Julia Miller, and Committee Members, Lees Hartman, Sue Hill, Donna Kirk, Dedun Ingram, Steve McConnell, Joseph Rubin, and Jon Hiatt. The purpose of the meeting was to discuss the proposal presented by Jakubiak & Associates and Studio 27 at the Commission's March 16th meeting. Minutes of the March 16, 2007 meeting were approved.

As a group, the Committee decided that the use of individual character districts—although intriguing—would be unworkable from a political, administrative, and possibly legal perspective. It recommended that the consultants consider the adoption of a set of comparatively restrictive rules that would be applied town-wide and consider the use of bonuses to further encourage character-enhancing development.

Given the small size of our Town, the Committee members felt that the proposed character districts will prove very difficult to enact, much less administer. It was noted that the disparity in treatment, which, in some cases, would involve the application of different rules for different people simply on the basis of what side of the street they live on, would become contentious. Members were concerned that the boundary lines were not readily defensible because of their essentially subjective nature. Moreover, the varying restrictions would most likely prove difficult to administer and would foster numerous requests for variances, placing the Town Council in an awkward position and potentially undermining the law's essential objective being sought—which is to control over-sized houses.

That being said, the Committee felt that the character districts were useful and the work should be used to inform future work.

Committee members stated that they would like to see a single set of rules that would apply town-wide. It was suggested that certain types of projects could be encouraged through the use of incentives, such as additional square footage. Several members of the Committee expressed concern that the proposed restrictions for the character districts did not go far enough, noting that the primary objective is to limit the allowable size of houses which, under current zoning laws, are too big. As a starting point or frame of reference, members suggested that the consultants look at Montgomery County's building allowances for lots zoned R 90 (9,000 S.F. lots). Members also noted the importance of ensuring that all proposed restrictions are the same as or more restrictive than those of the County.

The Committee had a difficult time interpreting the proposed recommendations on height because the basis for allowing different treatments in different character area. The

Committee could not evaluate the recommendations as to impermeable surfacing because it did not understand how the consultants arrived at its figures. However, there was broad consensus that the use of impermeable surfacing should be curtailed significantly.

The sense of the Committee was that it would like the consultants to continue to address mansionization through uniform rules and an incentive process. In particular, it would be helpful to explore the use of incentives that encouraged renovations and additions over demolition/new construction. According to figures provided by the Town, half of the 22 major construction projects in the Town over the past year involved teardowns and of those, most were builder-rather than resident-induced. Other thoughts included the use of character guidelines (but not design review) and LEED certification as a means for obtaining a development bonus.

Several Committee members noted that illustrations and more narrative would have been very helpful in understanding the basis for your recommendations. Julia Miller agreed to relay the Committee's concerns to the consultants.