



July 25, 2012

Planning, Housing and Economic Development Committee  
Montgomery County Council  
100 Maryland Avenue, 6th floor  
Rockville, Maryland 20850

via email

Subject: Additional Civic Federation comments on ZTA 12-09, Hotels in PD Zone, for  
PHED Committee worksession on July 30

Dear PHED Committee Chairman Floreen and members Leventhal and Elrich,

First, I misspoke when delivering the Montgomery County Civic Federation (MCCF) testimony on ZTA 12-09 at the July 17 Council hearing. I stated that "Two other PD zoned properties have been included within the ambit of the legislation, thereby avoiding the prohibition on spot zoning." That was an incorrect reference, as this ZTA does not propose the rezoning of any properties. What I was referring to is the prohibition on "special laws" designed to single out a property for non-uniform treatment (as defined by Circuit Court Judge John Debelius III in his unpublished Opinion in *Humphrey v. Montgomery County Planning Board*, August 5, 2003).

This prohibition on "special laws" would apply to ZTA 12-09 if, as the Planning Board recommends, the two PD-44 zoned properties are exempted from the revised standards being proposed in the ZTA, leaving only the PD-75 zoned site on the northwest corner of Woodmont Avenue and Battery Lane to fall within the ambit of the legislation. But the Board recommended removing those two PD-44 zoned sites (a church property on Old Georgetown Road and the former Post Office site on Arlington Road, both in Bethesda) because they do not believe a hotel on either site would be compatible with existing abutting and confronting single-family zoned properties which are in residential use.

Let me point out that even if ZTA 12-09 were to apply to all three PD zoned properties in Bethesda, the replacement of the residential component with an ancillary commercial use (i.e.; a hotel) would result in a government facility and hotel on the site on Woodmont Avenue at Battery Lane, a church and hotel on the Old Georgetown Road site, and a hotel with convenience retail on the former Post Office site on Arlington Road. None of these developments would satisfy the primary purpose of the PD Zone, which is to encourage developments with a balanced and coordinated mixture of housing and convenience commercial uses. As a result, the MCCF believes the most appropriate action for you to take is to recommend the Council disapprove ZTA 12-09, or simply let it die in committee. Thank you for considering our views.

Sincerely,

/s/

Jim Humphrey  
Chair, MCCF Planning and Land Use Committee

cc: Jeff Zyontz