

"Federation Corner" column  
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### **Ever stranger behavior by the Planning Staff Director**

by Wayne Goldstein  
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In early June, I wrote about *strange behavior* at the Planning Commission. One of the examples I used was the fact that three negative memos about the Four Bethesda Metro project, all from Community Planning staff who are responsible for writing and interpreting master and sector plans, were left out of the report that went to the Planning Board. I later learned that this staff person was forbidden by Planning Director Rollin Stanley from even being in the hearing room that day. Despite such crude manipulation by the Director, the project was unanimously disapproved by the Board.

The second example of strange behavior was that historic preservation staff would not be writing the staff report for the historic designation hearing for the Falkland Apartments, something that such staff have done for the last 29 years. When the staff report was still not available just three days before the June 12th hearing, it was postponed for a month. Even then, it was not ready until a week before the July 10th hearing. Then, it turned out that the Planning Director himself had written the staff report. A director's job is to manage the staff of his agency, not do the work of the staff or the client. Not only did he write the staff report himself but, with the help of a staff specialist, he prepared a detailed drawing of HIS version of the proposed project for the Falkland North section, which included creating animated "flyovers" of the project, a very time-consuming process using an expensive software program. Home Properties had presented detailed drawings of a project for the site a year ago to try to convince the Historic Preservation Commission and the Planning Board that it would be better to accept its project than to designate Falkland North. Home Properties voiced no objections to Stanley's version of their project. This makes this giant real estate investment trust - owner of 40,000 apartments - almost seem desperate to get any project approved for this site.

Then Stanley presented his analysis of how much housing had been and could be developed throughout the Silver Spring CBD, including on Falkland North. He wrote: "The following graphic and accompanying table highlights what sites have been developed in the downtown Silver Spring area and what sites are likely to be developed at some point in the future. The close-in sites identified in the 1993 Sector Plan have largely been redeveloped." He includes a list of 15 potential housing sites as of 1993, indicating that 2179 housing units had been or would be approved for nine of them. When I went on the Planning Commission's website: <http://www.mcparkandplanning.org/silverspring/index.shtm> - Quick guide to pending, private & public projects - I found 31 Silver Spring residential projects on that website. Twenty-three of these projects are not even listed in Stanley's staff report. The total number of units on his agency's website adds up to 3092 MORE units than his chart shows, and I don't even include the Falkland North project. Amazingly, the 143 units of the new apartment building where he lives is not on his list, nor are the 305 units of the SilverPlace project that will replace the MNCPPC building where he works. What is also missing are the 879 units built around the time of the 1993 sector plan.

Stanley appears to be trying to make the argument that so little housing has been or can be built in the CBD that approving a Falkland North project is essential to increasing the numbers. How can such a significant departure from the facts be justified, when these facts show that 82% more units have been built or planned in the last 15 years than is stated by the planning director? This number does not include his list of another 11 sites that he believes could potentially yield another 2001 units. In looking at these sites and other obvious potential sites that are not on his list, I believe that as many as 4000 more units could potentially be built, double what he alleges could be achieved. Altogether, I find that as many as 10,150 housing units have been and could be built without building on Falkland North. A reasonable person just might conclude

that Stanley is trying to conceal the actual Silver Spring CBD housing facts to prejudice historic designation of the Falkland Apartments just as he concealed the negative memos about Four Bethesda Metro in order to try to get it approved.

As strange as is this apparently fast-and-loose treatment of readily-available facts, what is stranger still is the way that Stanley's department is using press releases to clumsily argue his positions instead of providing factual information. This was posted on the MNCPPC website about Four Bethesda Metro BEFORE the project came to the Planning Board: "Located at the Red Line Metro station, Four Bethesda Metro Center would enhance the look of Bethesda's downtown, from its skyline to the pedestrian view. The new proposal aims to revitalize an existing, poorly used plaza. Analyzing the master plan, planners concluded that it and the zoning ordinance permit the proposed density. Moreover, the building application comes with a significant list of improvements to the surrounding downtown that planners say carry an enormous benefit for Bethesda and the region. The proposed building would replace an area planners describe as under-used, with little aesthetic or functional value." They also point out that community plans provide a framework but do not bind future Planning Board decisions unless they cite a specific ordinance. Remember the planner who opposed the project and who was censored by Stanley?

For the Falkland Apartments historic designation, this press release appeared on the MNCPPC website: "Planners recommending partial historic designation cite language in the Silver Spring Central Business District Sector Plan calling for new, high-density housing on the north parcel because of its close proximity to the Metro station... County officials considered the Falkland site for historic status in the mid-1980s, but both the Planning Board and the County Council decided not to designate the entire complex. Instead, they specified only the Cupola Building on the south parcel be placed on the Master Plan for Historic [Preservation]. In 1993, the Silver Spring Sector Plan specified how the site could be redeveloped for residential uses, and the north parcel was rezoned to allow redevelopment. The northern property lies in the path of the proposed Purple Line, planners point out, meaning some demolition of the apartments would have to occur regardless of the board recommendation and council action."

In his report, Stanley acknowledges: "All of the Falkland Apartments would qualify for listing in the Master Plan for Historic Preservation [MPHP] based on the historical merits of the buildings." Then, in both the press release and in his staff report, he tries to undermine that factual finding by discussing previous efforts that did not support designation. He repeatedly brings up the possibility that one proposed alignment of the Purple Line would require the removal of parts of two small sections of buildings of the Falkland North at the very back of the property. A contractor who specializes in historic assessments for the Maryland Transit Administration has concluded that this small potential loss would not affect the eligibility of the Falkland Apartments for listing on the National Register of Historic Places, which means it would also meet those same criteria that are in the county's MPHP.

When MNCPPC received 97% of its requested operating budget this spring, a press release on their website stated: "With the funding cut, planners will not be able to fully carry out the Council's intent [with the Growth Policy], which they had hoped to achieve with additional transportation staff. Instead, for example, transportation planners might recommend that a developer fund construction of a new turning lane to alleviate traffic concerns posed by new growth rather than recommending more complex, long-term solutions like mass transit. In addition, planners will not be able to conduct much-needed analyses of countywide parking needs and traffic congestion. Environmental protection initiatives also will be delayed or abandoned. A state-required plan to analyze the county's long-term water supply and quality will be delayed by at least a year, while a proposal to study the county's energy needs to recommend strategies to reduce demand and generate energy will be scrapped. County residents used to visiting the department's public information counter to learn about zoning, development plans and community master plans may find the counter closed."

I've heard of cost-cutting measures at the agency such as reducing copying, further delaying master plans and offering early retirement. Thus, I am surprised that Stanley could justify using scarce staff time and technological resources to redesign the Falkland North proposal. I'd like to know how many hours he and his assistant worked on it, with him acting like an architect and a developer instead of the head of a planning agency. Will we see more of this ever stranger behavior in the future? I think we should count on that.

*The views expressed in this column do not necessarily reflect formal positions adopted by the Federation. To submit an 800-1000 word column for consideration, send as an email attachment to [waynemgoldstein@hotmail.com](mailto:waynemgoldstein@hotmail.com)*