

# Action Committee for Transit

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P.O. Box 7074, Silver Spring, MD 20907

April 23, 2006

Mr. Steve Silverman  
President, Montgomery County Council  
100 Maryland Ave.  
Rockville, MD 20850

Subject: MPDU Legislation

Dear Mr. Silverman:

The supply of housing near Metro must be increased if we are to make any progress in dealing with traffic congestion. At present, the demand for housing near Metro far exceeds the supply, yet the county's distorted system of land-use regulation makes it easier to build sprawl than housing near Metro. We must change these incentives so that people who want to live near Metro stations have the same opportunities as those who prefer larger lots and longer commutes.

Moderately priced dwelling units near Metro are particularly valuable, since MPDU residents are especially likely to use transit. Yet the current regulatory system has led to "buy-outs" that move MPDUs away from transit. This must be changed. The proposed legislation to encourage on-site MPDUs in developments near Metro stations is timely and important. We strongly endorse the provisions of this legislation that give density bonuses and footprint bonuses to developers who provide on-site MPDUs at Metro stations.

Height bonuses are another matter. Our concern about height bonuses stems from a belief that good urban design is essential in transit-oriented development. The county's CBDs have fallen short of their planned transit mode share, and part of the blame rests on bad planning. In particular, a pedestrian-unfriendly environment has been created by too frequently setting buildings back from sidewalks. The Planning Board staff has regarded such setbacks as "amenities" for which builders should be rewarded. Experience proves that setbacks in urban districts are disamenities — the dead spaces around the Bethesda Metro station where, with Planning Board encouragement, buildings were set back from the street contrast with the lively street life in parts of downtown Bethesda where buildings developed "of right" in the C-2 zone face directly on the sidewalk. ACT believes that builders who set buildings back from sidewalks are damaging the urban environment and should pay a penalty. Thus, when the allowable FAR of a building in a CBD is increased to make room for MPDUs, the preferred means of accommodating the increased bulk should be to increase the building footprint. Only if the building occupies the maximum allowable footprint should a height bonus be permitted, and this height bonus should only be as much as is needed to accommodate the additional MPDU units.

As far as other provisions of the legislation are concerned, ACT takes the following positions:

- We support extension of the control period to 99 years.
- Developers should not be allowed to designate parking spaces as part of an MPDU unit.  
Parking spaces should be sold or rented separately, so that tenants and condo buyers have the option of saving money by buying a unit without a parking space and becoming auto-free.
- We support the clarifications in the legislation suggested by the Planning Board.
- If doing so is feasible, the legislation should be implemented through a Master Plan amendment.

We appreciate the Council's efforts to provide more housing near Metro stations, and we thank you for your attention to these comments.

Sincerely,

Ben Ross  
President