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Reconsidering The Rules on Green Space in 3 Dimensions

Developers Seek Change To Allow More Density

By [Miranda S. Spivack](#)
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[Montgomery County](#) officials are facing increasing pressure to encourage construction of housing and retail projects close to public transportation as they confront predictions that the population will double to 2 million in the next 20 years and that gas prices will continue to climb.

At the same time, there are calls from many quarters to ensure that denser development does not translate into a county that fails to give residents some breathing room amid the expected influx of high-rises.

One solution is to include "pocket parks" in the plans for developments. Such small open spaces act as a sponge to filter rainwater before it finds its way into the public water supply.

But figuring out how to maintain open space while moving to higher-density development is proving to be a complicated task.

County Council member [Marc Elrich](#) (D-At Large) set out to rewrite the law after becoming concerned last year when a proposed Bethesda high-rise at Woodmont Avenue and Battery Lane was allowed to count a portion of a roof as part of its required "green area." His goal was to clarify that green areas should be open space even though they don't necessarily have to be all green. He also wanted to spell out that open space should be at ground level, and not part of the building.

Representatives of the development industry, including Leisure World developer Norman Dreyfuss and lawyer Stephen Z. Kaufman of Linowes and Blocher, testified against Elrich's plan. Also opposing it were County Executive [Isiah Leggett](#) (D) and Planning Director Rollin Stanley, who noted that Planning Board members thought they needed to retain the discretion to figure out what works best in each proposed development.

Advertisement Council members [Nancy Floreen](#) (D-At Large) and [Michael Knapp](#) (D-Upcounty), heeding some of those concerns, amended the measure during a committee meeting to allow open areas within the building's footprint to count as part of the green area. Under that approach, rooftop greenery or a patio open to residents but above ground level still would count.

On the other side was Jim Humphrey of the Montgomery County Civic Federation and Chevy Chase Mayor Kathy Strom, who said green space should be on the ground and not part of the building.

On July 8, as the full council was poised to debate and vote on the issue, both sides realized they were at a stalemate. According to an informal head count, Elrich was backed by [Phil Andrews](#) (D-Rockville-Gaithersburg), Don Praisner (D-Eastern County) and [Duchy](#)

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The proposal under consideration by the County Council would credit developers for green areas above ground level. (Images Courtesy Of Montgomery County Department Of Planning)

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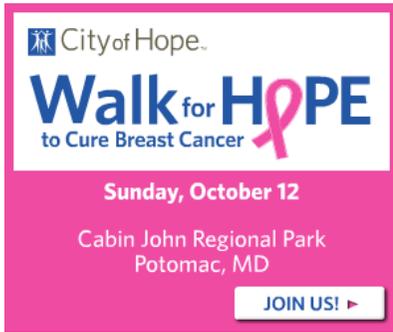
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[Trachtenberg](#) (D-At Large). Backing Knapp and Floreen were Valerie Ervin (D-Silver Spring) and [George L. Leventhal](#) (D-At Large). Council member [Roger Berliner](#) (D-Potomac-Bethesda) was out of town at an energy conference in Aspen, Colo., and was planning to back Elrich, according to his staff. But he couldn't submit a proxy vote, because absentee voting is not allowed.

Larry J. Silverman, a lawyer who chairs the county's Water Quality Advisory Group, has been watching the debate. He said it was the group's hope that

lawmakers "not do anything without thinking about water quality."

In a letter to the council, the group said, "our recommendation to you at this time is to ensure that any definition of green space incorporate concepts of stormwater management, forest conservation and other environmental factors that protect, and preferably improve, water quality."

In an ideal world, Silverman said, that means green space should be greener than just cement, whether it is at ground level or above.

Elrich said he would try to rework his proposal to recognize some elevated open space in buildings in the county's most densely developed sections, such as downtown Bethesda, while insisting that the buildings be set back a bit from the lot line, to create some type of open space at ground level.

Elsewhere in the county, where density is lower, Elrich said he wants to insist that the open space be at ground level and not be part of a building. That would mean, for example, that townhouse developments would still be required to have open areas. He said he hoped to have something back to his colleagues soon.

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