

From: **Francine Klein** <[fklein@friendshipheightsmd.gov](mailto:fklein@friendshipheightsmd.gov)>

Date: Tue, May 26, 2026 at 9:26 PM

Subject: Lawsuit filed to protect the validity of the Binding Elements the District Council Imposed on GEICO Redevelopment

To: Members of the Friendship Heights Village Advisory Committee on Development

Good evening. I'm sharing information about the lawsuit the Village of Friendship Heights filed to protect the continuing validity of the binding elements the District Council imposed on the GEICO Site Redevelopment. I thought this email might simplify the lawsuit's issues.

On May 13, 2026, the Village filed suit in Montgomery County Circuit Court seeking a declaratory judgment on the continuing validity of the Binding Elements established by the Montgomery County Council (sitting as a District Council) when the Council approved a Local Map Amendment at GEICO's request in 1998 for the redevelopment of its headquarters site in Friendship Heights Maryland. The Brookdale Citizens Association will join the Village as a Plaintiff.

This suit arises out of action by GEICO's contract-purchaser for the site, Friendship Commons Partners LLC (FCP). This spring, FCP submitted development plans to the Montgomery County Planning Board for approval that are starkly contrary to the conditions of development imposed by the District Council in the Binding Elements.

FCP asserted in its filings with the Board that the Binding Elements no longer apply to redevelopment of the GEICO site because it filed a new preliminary plan and because the 2014 Zoning Rewrite process "negated the continuing application of the Binding Elements to the Property." Board staff members have echoed this position in public meetings and failed to halt review of the flawed FCP plans.

For this reason, FCP and the Board are named defendants in the suit. Also, the County Council is a party to the suit because failure to comply with the Binding Elements challenges the Council's preeminent zoning authority to apply the Binding Elements to GEICO and any successor.

Additional information is provided below.

**Binding Elements for the redevelopment of the GEICO headquarters site were memorialized in 1998:** In 1998 the Montgomery County Council, sitting as a District Council, approved a zoning request from GEICO called a Local Map Amendment. This LMA permitted redevelopment of GEICO's 26.5 acre headquarters site in Friendship Heights Maryland. The approval took the form of a written resolution, denominated Resolution 13-1461 (October 13, 1998). As noted in the Resolution, the District Council

required GEICO or any successor to redevelop the GEICO site in accordance with specific Binding Elements. In general, these Binding Elements address density, design specifications, building configuration, green area, open space, public use, recreation space and traffic mitigation measures. The Binding Elements are vitally important to the neighboring communities of the Village of Friendship Heights and Brookdale.

**State Law Authorizes Binding Elements:** State law authorizes the District Council to include in a map amendment approval the adoption of "any reasonable requirements, safeguards and conditions deemed necessary to protect surrounding properties from adverse effects that might accrue from the zoning map amendment . . . or would further enhance the coordinated, harmonious, and systematic development of the regional district." In Montgomery County, these requirements, safeguards and conditions are called Binding Elements.

**The 1999 Preliminary Plan that GEICO received from the Board to redevelop its headquarters site required compliance with the District Council LMA.** In 1999, GEICO received Preliminary Plan 1-99039 from the Board to redevelop its headquarters site. Condition (14) of the Board Opinion issued May 13, 1999 states:

(14) The validity of Preliminary Plan No. 1-99039 is dependent upon the Applicant proceeding with and abiding by the conditions of approval for Zoning Application G-760. In the event that any inconsistency between the conditions of approval for Zoning Application G-760 or the conditions of approval for the preliminary plan arise, the most restrictive conditions shall apply.

**The Plan Extension issued to GEICO by the Board in November 2025 also requires compliance with the Binding Elements.** Between 1999 and 2025, the Board granted multiple extensions of the deadline for validating its 1999 Preliminary Plan. As recently as November 2025, GEICO requested and received another extension. Condition 21 of the Board's approval resolution, MCPB No. 25-112, states: "The Applicant must comply with the binding elements of County Council Resolution No. 13-1461 approving Local Map Amendment G-760.

**GEICO has not challenged the applicability of the Binding Elements.** At no time from October 13, 1998, until today has GEICO asserted or claimed in any submission to either the District Council or the Board that the G-760 Binding Elements in whole or in part were invalid or had been negated by any action of the District Council or the Board. It is out of time to do so now.

**FCP cannot avoid the Binding Elements' application to site development by filing a new preliminary plan. Nor did the County's**

**2014 Rezoning Process negate the Binding Elements. On the contrary, the process solidified them:**

**First, the Preamble to the Binding Elements** for the GEICO site **states:**

**The Binding Elements** shown on this Development Plan **apply to the Applicant GEICO and all successors in interest or assigns** (hereinafter referred to as the "Property Owner") **and apply to any and all parts of the Applicant's 26.5-acre tract** known as Part of Parcel A, GEICO subdivision, Parcels 1 and 2, Brookdale Neighborhood Park; and Lot 1, Block 4, Orchardale subdivision generally located southeast of Willard Avenue, southwest of Friendship Boulevard, and west of Western Avenue (hereinafter "the site"). These Binding Elements will remain in full force and effect in perpetuity unless the 26.5-acre Site is rezoned or this Development Plan is modified by means of a development plan amendment approved by the District Council. [Emphasis Supplied.]

**Second, Provision 10 of the Binding Elements requires GEICO to provide subsequent purchasers with contractual notice of their application:**

10. Notice to Subsequent Purchasers

GEICO, its agents and assigns, must include in any contract of sale for any portion of the Site, as specified above, the following statement: The provisions of this Development Site Plan in Zoning Application G-760 regarding binding elements apply to all subsequent purchasers of any portion of the Site and development of the purchased property is subject to these requirements. The approved Development Plan is attached to this contract.

**Third, controlling provisions in the Montgomery County Zoning Ordinance that took effect on the date of the Zoning Rewrite, October 30, 2014, required compliance with existing Binding Elements.**

The continuity of the Binding Elements, and the District Council's exclusive control over them, is expressed in the Zoning Ordinance provision at: §59.7.7.1.B.5.a.:

5. Development with a Development Plan or Schematic Development Plan Approved before October 30, 2014

a. Any development allowed on property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment must satisfy any Binding Elements until:

- i. the property is subject to a Sectional Map Amendment that implements a master plan approved after October 30, 2014 and obtains approval for development under the SMA-approved zoning
- ii. the property is rezoned by Local Map Amendment; or
- iii. the binding element is revised by a development plan amendment under the procedures in effect on October 29, 2014.

Companion implementing provisions were included in the Sketch Plan and Site Plan approval conditions. Both these provisions state that a plan must satisfy, under § 79.7.7.1.B.5., "the binding elements of any development plan in effect on October 29, 2014." See § 59.7.7.3.E.3.(Sketch Plan) and § 59.7.7.4.E.2.b. (Site Plan).

The GEICO site had a zone classification resulting from an LMA approved before October 30, 2014. Therefore, while FCP can proceed with redevelopment of the GEICO site, that redevelopment is still **subject** to the binding elements imposed in the LMA.

We had hoped to avoid filing a lawsuit with outreach to the attorney for FCP and the Board, but there was no substantive exchange to be had. Thank you for your support of the Village and Brookdale. Please let me know if you have any questions. Thank you.

Sincerely,

Francine Kerner Klein