Fwd: Montgomery County Planning Board

Francine Klein <fklein@friendshipheightsmd.gov> Fri, Aug 28, 2026 at 10:20 PM
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From: **Francine Klein** <fklein@friendshipheightsmd.gov>
Date: Fri, Aug 28, 2026 at 9:33 PM
Subject: Montgomery County Planning Board
To: <Councilmember.friedson@montgomerycountymd.gov>, <Councilmember.Stewart@montgomerycountymd.gov>, <Councilmember.Albornoz@montgomerycountymd.gov>, <Councilmember.Balcombe@montgomerycountymd.gov>, <Councilmember.Fani-Gonzalez@montgomerycountymd.gov>, <Councilmember.Glass@montgomerycountymd.gov>, <Councilmember.Jawando@montgomerycountymd.gov>, <Councilmember.katz@montgomerycountymd.gov>, <Councilmember.Luedtke@montgomerycountymd.gov>, <Councilmember.Mink@montgomerycountymd.gov>, <Councilmember.Sayles@montgomerycountymd.gov>
Cc: Allison Fultz <allison.fultz@verizon.net>

Dear Council President Fani-González and Councilmembers,

We write on behalf of the Village of Friendship Heights and the Brookdale Citizens Association. This letter relates to the Montgomery County Planning Board's action at a public hearing on July 30, 2026, concerning Board approval of Applications submitted by Friendship Commons Partners (FCP) to redevelop GEICO's former headquarters site in Friendship Heights, Maryland.

By accepting the claims of FCP and Planning Board staff that Binding Elements imposed by a Montgomery County District Council in 1998 regarding development of the GEICO site had been negated, the Board exceeded its authority, violated Montgomery County Zoning Ordinance § 59.7.7.1.B.5.a., usurped the lawful authority of the District Council and undermined confidence in County government.

For twenty-eight years, the communities surrounding GEICO's headquarters site, including Brookdale and the Village of Friendship Heights, have relied on the fact that redevelopment of the 26.5 acre site under a 1998 Local Map Amendment would proceed in accordance with the Binding Elements imposed by the District Council to protect the interests of the entire Community.

To the detriment of the Community, the FCP Applications approved by the Board do not satisfy the 1998 Binding Elements. In fact, at the July 30 hearing, the Planning Board staff crafted a specious narrative—discounting law and fact—to claim there was no need to comply with any of the Binding Elements.

- Staff claimed the 2014 Zoning Ordinance negated the 1998 Binding Elements.

  - **In actuality, § 59.7.7.1.B.5.a. of the 2014 Zoning Ordinance protects Binding Elements county-wide and requires them to be satisfied**. The provision also requires the same level of rigorous interagency site-specific zoning processes to modify Binding Elements as utilized when imposing them in the first instance. By enacting § 59.7.7.1.B.5.a., the 2014 District Council took unequivocal legislative action to ensure that Binding Elements would not be swept away after the County engaged in a reclassification exercise that eliminated 93 zoning codes and affected 40% of the property in the County, approximately 117,034 acres. Under a standard formula, properties were systematically remapped to direct equivalent zones, a ministerial task. The translation process was structured so that existing allowed heights, overall density limits, and general use rights remained stable upon conversion. GEICO's site was among those reclassified to a comparable zone. After the 2014 Zoning Ordinance, as before it, **the Council—not the Board—has stayed in charge of approving, amending or terminating any Binding Elements it has imposed.**

· Staff also claimed that the Binding Elements which affected portions of the GEICO site that had not been rezoned under the 1998 Local Map Amendment were invalid for that reason.

> ➢ **In actuality, the District Council's approval of the Local Map Amendment was predicated on the Binding Elements applying to the entire 26.5 acre tract in a unified redevelopment effort under a single Development Plan.**

· Staff claimed that GEICO's failure to register the Binding Elements as a covenant vitiated the Binding Elements.

> ➢ **In actuality, there was no requirement to register Binding Elements as a covenant in 1998, and GEICO made the filings that were required.** The sole filing requirement on the property owner was to submit three copies of the Development Plan, including the Binding Elements, to the Office of Zoning and Administrative Hearings (OZAH), which would certify them as correct. That is what GEICO did. Additionally, pursuant to Binding Element 10, GEICO has an obligation to provide a purchaser of any portion of its property with a copy of the approved Development Plan, along with the Binding Elements, notifying the purchaser that the property's development is subject to the requirements of the Binding Elements. GEICO last agreed to comply with the Binding Elements in November 2025, when the Board approved another Plan extension at the company's request.

· Staff claimed that because the Binding Elements were negated by the 2014 Zoning Ordinance, FCP had a right to submit development Applications untethered to the Binding Elements.

> ➢ **In actuality, regardless of the 2014 Zoning Ordinance, GEICO and therefore FCP, must comply with the Binding Elements because of the Board's own action in November 2025 to require GEICO's compliance with the Binding Elements** On November 24, 2025, the Board issued Resolution MCPB No. 25-112, approving GEICO's application for amendment of Preliminary Plan 119990A, the Board's approval of the amended Preliminary Plan was subject to a number of conditions. **Condition 21, entitled "Other Approvals," required GEICO to comply with the 1998 Binding Elements.** GEICO did not object to Condition 21. The fact that the Board conditioned its approval on GEICO complying with the 1998 Binding Elements indicates that in November 2025 **neither GEICO nor the Planning Board believed the Binding Elements had been negated by the 2014 Zoning Ordinance.** In fact, between 2014 and today, GEICO has never asserted that the 1998 Binding Elements were, in whole or in part, invalid, negated or otherwise inapplicable to GEICO and its successors in interest. The period established under County law to object has long since passed. GEICO and any purchaser must develop the property in accordance with the Binding Elements or seek a modification of such Elements by applying to OZAH.

Failure to adhere to the 1998 Binding Elements is an enormous loss to the Community. Here's what we are losing:

The Greenway. According to 1998 Binding Elements, construction of an active/passive recreation space located along the GEICO side of the Brookdale community boundary is required to range from 50 to 70 feet wide at specified points. Using USDA Canopy Conversion numbers, the Specimen Trees on the GEICO site represent Canopy Coverage of approximately 20,166 feet (applying USDA crown width factors to DBHs). Shockingly, the Board is permitting FCP to eliminate all but 13 trees; which translates into **removal of 93% of the current tree canopy** in an urban neighborhood that is already a **known heat island**. This is tantamount to clearcutting under Maryland state law. Of additional concern, the Greenway path is narrower than required and configured with a dangerous curve to make way for larger townhouses crammed into the path causing an unsafe bend at Sherrill Avenue.

Enlarged Brookdale Park. Under the Binding Elements, approximately 3.7 acres must be dedicated to the County for the enlarged Brookdale Park. Inexplicably, only 2.45 acres is being proposed for dedication. According to testimony at the July 30 hearing, the Park will actually be smaller than it is today even as many more youngsters are expected.

Ballfield. According to the Binding Elements, a multi-use recreation area suitable for Little League baseball games for children is to be constructed by the property owner immediately upon completion of demolition of the existing GEICO office building. As explained in the 1998 Sector Plan, there is a greater need for local park ballfields than for any other recreation facility, especially in our part of the County. Unfortunately, rejecting Binding Element 1, the Board accepted the Planning Staff's recommendation not to construct a ballfield as planned.

Open Space Adjacent to Brookdale Park. Under the Binding Elements, this recreational space is to be located north of and adjacent to Brookdale Park and approximately an acre in size. Inexplicably, this open space has disappeared under the development plan approved by the Board and been replaced by townhouses and drive aisles.

Building Heights. Under the Binding Elements, buildings along Willard Avenue are limited to four stories. Unfortunately, the Board has approved taller structures with negative ramifications for Willard Avenue, mature trees, and Village residents in Condominiums directly across the road.

Traffic Mitigation Measures. Under the Binding Elements, there are a number of traffic improvements for which the property owner must pay under specified circumstances. Intersections at Western and Wisconsin, Western and River Road, River Road and Little Falls Parkway are all mentioned for possible traffic improvements. Additionally, the property owner must agree to fund the installation of a traffic signal at the intersection of Willard Avenue and North Park Avenue if recommended by MCDOT. The Village has been advised that MCDOT will install such a traffic signal. Unfortunately, we have also learned that FCP has advised MCDOT that the Binding Elements have been negated, relieving them of the need to reimburse the County for the cost of installation. Typically, that cost is more than $250,000. The County should not be paying for these traffic mitigation measures.

As you may know, Brookdale and the Village of Friendship Heights have filed a suit for declaratory judgement in Montgomery County Circuit Court to have the law on Binding Elements enforced. Residents are troubled by the chicanery employed to overturn the 1998 Binding Elements.

It cannot be that the 2014 District Council's work to overhaul the antiquated 1977 Zoning Code meant the Council could not protect important Binding Elements established by earlier District Councils from staying in force. The 2014 District Council wanted to achieve both goals—overhaul and protect—and they had full authority do so, using their foresight to avoid unintended consequences. By contrast, the Board has no authority to refuse to comply with **§ 59.7.7.1.B.5.a.**, the controlling provision of County law, which requires that the Binding Elements be satisfied unless modified after application to OZAH. Our Community is asking simply for your support to enforce County law enacted by the County Council. The Binding Elements can be modified. But the interagency process which leads to Council action is the lawful method for proceeding. That's what the Circuit Court should be told. Thank you for your service to Montgomery County residents.

Sincerely,

Francine Kerner Klein
Vice-Chair, Friendship Heights Village Council
Chair, Advisory Committee on Development

Allison Fultz
Vice-President
Brookdale Citizens Association