Mansionization in Rockville

Mansionization has generally been defined as the construction of very large houses in older neighborhoods where the existing housing stock is considerably smaller. It is a relatively recent phenomenon, as changes in demographics, lifestyle choices, obsolescence and land values create a demand for older urban areas where there are better or more convenient public services. This may occur with oversized additions or new construction. In Rockville, mansionization has occurred primarily in the form of new construction on previously unbuilt lots (infill) or demolition of the existing house and building a new house in its place (redevelopment).

I. Zoning Background

Zoning is a legislative process by which a jurisdiction regulates the location of various land uses and establishes the development standards deemed appropriate for those various zones. As a general rule, the development standards establish maximums for items such as height, setbacks, lot coverage and other limitations.

Rockville adopted its first zoning ordinance in 1932. At that time there were only five zones in the city – Residential A, B, and C zones, a D commercial zone and an E industrial zone. Most of the single-family residential areas of the city were placed in the A zone which required a minimum lot size of 5,000 square feet (SF) and heights of 3 stories or 40 feet (measured to the peak). The B zone allowed for two-family dwellings and the C zone allowed for multi-family development at a maximum density of 69.7 dwelling units per acre with a maximum height of 72 feet.

In 1956 the city adopted a new revised zoning ordinance which created most of the residential zones we are familiar with today. The numbers following the "R" designation, such as R-60, were a shorthand for the minimum lot area. R-60 allowed a minimum lot size of 6,000 square feet and remained until the 2009 code almost exactly as it did then:

Lot size:	6,000 sq. ft.
Min. width at building line:	60 ft.
Min. width at front lot line:	35 ft.
Front yard setback:	25 ft.
Side yard setback:	8 ft. minimum
Rear yard setback:	20 ft. minimum
Building height:	35 ft., measured to gable mid-point
Maximum lot coverage (buildings):	35%

In the post-World War II era of suburban expansion, hundreds of acres of the city were given over to residential development, largely with "starter" houses sufficient for first-time homebuyers coming back from the war and entering the work force. This was a distinct break from the pre-war era where small builders typically built a few houses at a time. The mass production methods carried over from the war economy resulted in very large housing developments built by a single entity (think Levittown) with just a few repeating models. The houses were modest and came nowhere near the allowable size based on the zone standards.

The housing market began to mature through the 1960's and 1970's, with somewhat larger split-levels and two-story Colonials supplanting the Cape Cods and ramblers. The developments typically contained large numbers of houses with similar designs and styles such as College Gardens.

The economic buffeting, the oil shortages, and resultant rise in gas prices beginning in the 1980's resulted in some homebuyers reconsidering moving further out. They began to look at properties closer to the urban centers like Rockville, with the availability of services such as the new Metro red line, convenient access to shopping and good schools. Older, close-in neighborhoods offered the desired amenities but these buyers also wanted the comforts of modern living, including specialized rooms for home offices, great rooms, large bathrooms, high ceilings, walk-in closets, garages and the like. House size continued to increase in neighborhoods such as Horizon Hill where homes exceed 2,500 SF (excluding basements).

There are a number of competing arguments on either side of this issue. Some property owners state that they have the right to use or develop property as long as they are in compliance with the legal development standards. Adjacent property owners however, may lament the loss of neighborhood character. In addition, there can be a reduction of privacy when a 40-foot structure towers over a one-story house and yard.

On the proponent side, building new homes where there is existing infrastructure gives residents an alternative to building further out and away from jobs. This helps reduce other urban problems, specifically sprawl and increased traffic.

The juxtaposition of the new, significantly larger houses in the midst of these subdivisions of small older homes has generated the concerns for neighborhood compatibility that has become known as mansionization.

II. Mansionization in the City Of Rockville

Several neighborhoods in Rockville are susceptible to infill and redevelopment due to the desire to remain in the community, the increased land values and the obsolescence of small, older houses. The size of an average home in Rockville was less than 1,000 SF in 1950 and had increased to nearly 2,500 SF by 2000. Some homes in Croydon Park are no larger than 500 SF. There is a wide variety in age, size, height and styles across Rockville's neighborhoods. As noted above, these homes and neighborhoods evolved over different decades and each evokes a different character.

In such markets, it is often worth building new with upgraded plumbing, electrical, sprinkler systems in addition to the design features mentioned above (large closets, high ceilings, great rooms, etc). Such redevelopment may be for a new owner or for an existing owner who wants to remain in the neighborhood.

It is also a potential issue in areas where the land values justify the expense of renovation or even demolition and reconstruction. There are no hard and fast criteria that can readily predict where redevelopment may occur. However, some of the relevant factors include a high ratio of land value to improvement value (land value > 50% of total value); perceived desirability of the neighborhood; convenience to mass transit; convenience of the neighborhood to jobs and good schools.

In many neighborhoods in Rockville, the lot value now exceeds the home value so that just the lot provides sufficient equity and downpayment for a new home to be financed on that lot. This means that neighborhoods in the R-60, R-75 and R-90 zones are the ones most likely to be affected. In addition to the West End, Twinbrook, Twinbrook Forest, East Rockville and Croydon Park, are susceptible to such pressures.

Infill and redevelopment that are compatible with the scale of the neighborhood are a natural progression in desirable suburban neighborhoods and contribute to their sustainability. Mansionization, which occurs when homes are too large for the lots or are not similar in scale to the adjacent homes – is not desirable. The challenge is to allow for infill and redevelopment that is appropriate to the scale of the surrounding properties – while preventing expansions and construction that is not. Because of the differences in architecture, height and scale across Rockville's neighborhoods, preventing further examples of mansionization may require different solutions. Various solutions, including those in the 2009 code, are explored below.

III. 2009 Zoning Ordinance

During the zoning ordinance review process, the RORZOR Committee discussed the mansionization issue in great detail and considered many alternative solutions. The committee made the following recommendations in forwarding the draft revisions to the Planning Commission:

> *The committee recommended that in the R-60, R-75 and R-90 zones that building heights be limited to 32 feet, measured from the pre-existing grade at the front of the house to the peak of the gable. The Chief of Planning may allow up to 35 feet to the peak if it is determined that the extra height will not adversely affect the surrounding properties. Further, the floor area ratio (FAR) of the house should be limited to FAR 0.35, or 3,000 square feet if that is the larger number. The Planning Commission may allow up to FAR 0.5 through site plan review to assess compatibility with the surrounding development.*

The committee recommendation would have had the effect of lowering the potential height of a house by about eight to ten feet compared to the code in effect at that time.

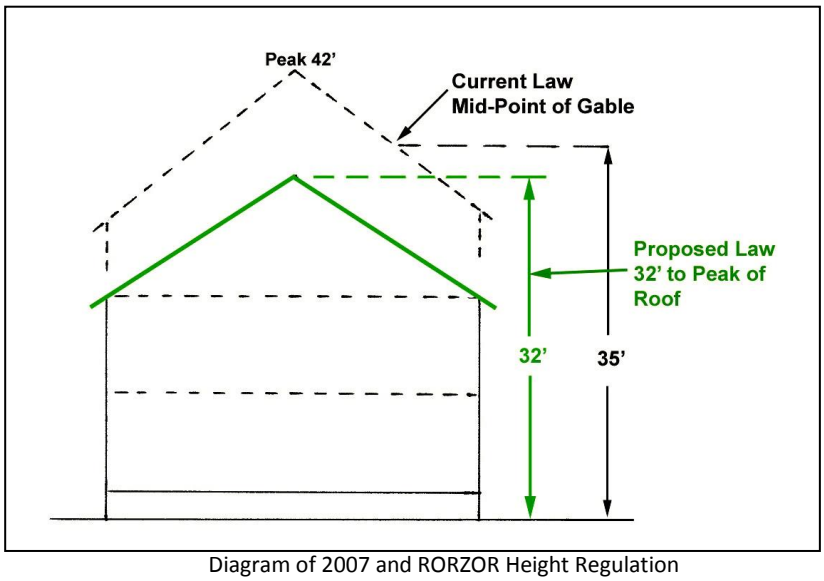


Diagram of 2007 and RORZOR Height Regulation

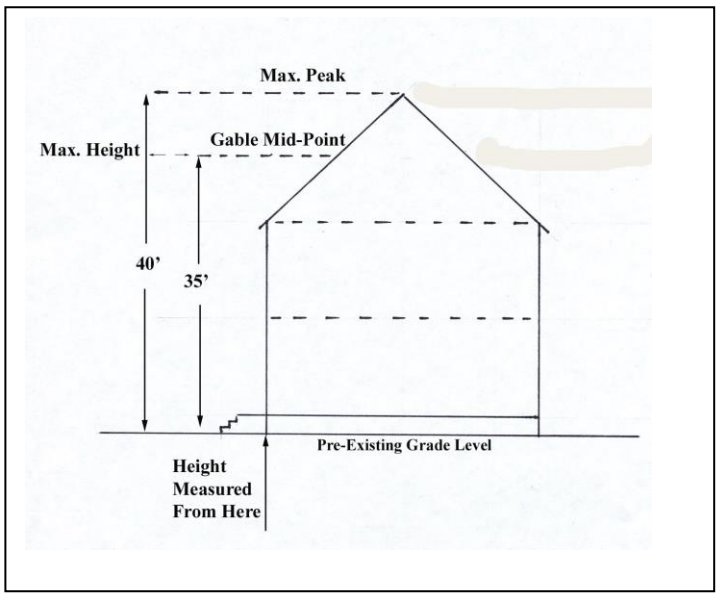
The FAR limitation from RORZOR was intended to work with the height limit to reduce the overall bulk of potential new construction. A typical 7,500 square foot lot in the R-60 Zone under the regulations at that time (setbacks, height, 35 percent maximum building coverage) would allow a footprint of 2,625 square feet. Built to three stories, that could result in a floor area of 7,875 square feet (excluding basement). The proposed regulation would have limited the floor area to 0.35 or 3,000 square feet, whichever is greater. The Planning Commission could have approved an FAR of up to 0.5 (or 3,750 SF on the sample 7,500 SF lot).

The Planning Commission's recommendation was similar to the RORZOR Committee recommendation. The maximum building height would be reduced to 32 ft. to the peak, measured from the pre-existing grade. The Chief of Planning could have allowed up to three additional feet to the peak, if deemed architecturally compatible, did not have an adverse impact on adjoining properties, and if compatible with other homes in the same block. The Planning Commission could have allowed a height up to 40 ft. with site plan review, if the height was intended for alternative energy installations (i.e. solar panels).

Following public testimony, the Mayor and Council revised the special provisions for large houses. The concerns centered around: a) not wanting to create a number of nonconformities for existing houses that would not meet the proposed standards; and b) also allow homeowners some flexibility for expansion of existing houses so families could remain in their neighborhoods. Therefore, the Mayor and Council revised the limitations on houses in the R-60, R-75 and R-90 zones to read as follows (Sec. 25.10.09):

a. *Height of Residential Buildings* - The height of residential dwellings in the R-60, R-75, and R-90 Zones is limited to 35 feet, measured at the mid-point of the front of the building from the surface of the pre-existing grade to the mid-point of a gable, hip, or mansard roof or to the roof surface of a flat roof. In the case of a gable, hip or mansard roof, the height to the peak of the roof cannot exceed 40 feet.
b. In cases where the existing grade of the lot slopes below the street grade, building height will be measured from the finished street grade, provided that construction of the dwelling requires re-grading of the lot for purposes of positive drainage of wastewater and stormwater to the street.

2009 Current Code



IV. Potential Alternatives

Many methods have been used nationwide to control new development in existing neighborhoods and accomplish the goal of compatibility without stifling the opportunity for expansion, infill and redevelopment. Some homes are criticized for their size in relation to neighboring homes - or for the design of the house – or both. No single answer has yet been found to adequately address all the concerns of mansionization. Nor will a single solution likely correct the problems across all Rockville neighborhoods.

The following are some solutions that have been used by other communities and may be applicable to address mansionization in Rockville. It is suggested that the Mayor and Council analyze the root problem and the objective – so that the solution(s) can be tailored to the desired outcome. It is very possible that more than one of the following tools will be appropriate – depending upon the objective.

The four types of tools are briefly described below:

A. Architectural Requirements
B. Massing Regulations
C. Additional Review
D. Historic Districts, Conservation Districts and Neighborhood Plans

A. Architectural Requirements

While architectural details contribute to neighborhood character, they can also help reduce mass and create visual aesthetics of an individual dwelling. The key to such requirements is to strike the right chord. The language cannot be too restrictive, allowing for the imagination of architects, but not unconstitutionally vague either. The following design requirements could be used to address the specific massing and design problems that have arisen in some Rockville neighborhoods. These could be adopted on their own revision or in combination with one of the other tools. The adoption process to add some or all of these architectural requirements to the Zoning Ordinance would be via a text amendment – and could be implemented more quickly than some of the other alternatives.

1. *Basement vs. cellar.* Exposed basements affect building height and compound the appearance of mass by having a raised entry. Some of the new homes in Rockville have full basements at or near grade which create a higher roof peak, raised entry and stairs, and higher walls than the same model without a raised basement. These are especially out of character in Rockville's neighborhoods.

2. *Façade.* Mass can be accentuated when a home lacks definition in its façade, making it look square and bulky. Unbroken multi-story elements, such as towers, entryways, and walls can also accentuate mass.

3. *360' Design*. Many houses are constructed with architectural detail, materials and features on the front façade but then do not carry them on the sides or rear of the house. This leaves massive walls of siding or brick or concrete with no break or styling. Similar architectural detail should be required on all four sides of the house.

4. *Roof Eaves.* Eaves or roof overhangs create a shadow line that helps articulate the building. An example would be a requirement for 8-inch eaves.

B. Massing Regulations

Massing regulations control the scale of the home to its context. When a large home is constructed in a neighborhood of smaller homes and small lots, the impact of mass is maximized. These regulations help to limit the impact of large structures.

1. *Building Envelope Regulations.* This is the current form of regulation in Rockville's zoning ordinance. It is a traditional means of controlling home size by specifying setbacks and lot coverage. Decreasing the allowed lot coverage and increasing building setbacks achieve a smaller building envelope. In addition, the 2009 code regulates front yard impervious surface and accessory buildings.

   Smaller bulk is also achieved by decreasing the height or number of stories allowable. Regulations on height can be placed on a number of things. Besides total building height, height restrictions can be placed on attic floor levels, basements, and detached garages. The definition or basis for how height is measured can also be drafted to achieve certain objectives. It is important to consider roof style and roof pitch of the surrounding neighborhood so that compatible designs are achievable. The 2009 ordinance maintained the 35 ft. height but changed the way height is measured and also created a 40 ft. maximum height at the roof peak.

   Using either the old zoning code or the 2009 code, a house exceeding 7,000 square feet can still be constructed (including attic and basement).

2. *Floor Area Ratio (FAR).* FAR regulations are one of the most common techniques for controlling oversized homes. Floor area ratio is a ratio of the gross square footage of the building or buildings on the lot divided by the square footage of the lot. FAR's allow planning departments to control the overall square footage of a home, including second-plus stories, as well as garages and covered porches. Many communities implement a sliding scale for FAR's to meet the individual needs of the individual zoning districts, instead of one set FAR for the entire city.

   FAR limits, however, will not solve the problem in neighborhoods like the West End where lot sizes and architectural styles vary by block or even by lot. These are most effective in areas that have larger lots or more uniformity in the massing of existing homes. Areas of Rockville most vulnerable to mansionization are generally urban R-60 to R-90 lots ranging from 5,000 to 10,000 square feet with lot widths of 50 feet to 70 feet. With narrow lot widths, a tall building could easily be built within FAR standards and still have an impact on adjacent neighbors.

3. *Building Volume Ratio (BVR).* This measurement is a true indicator that requires measuring the entire volume of the visible portions of the building. Basements, attics, higher ceilings are all accounted for when using a BVR. Since the BVR is not tied to any single element (lot coverage or floor area), it is more flexible for the designer to balance design and volume. That being said, this would be a complex and completely different measure for residential construction in Rockville. Significant data collection would be necessary to learn where and how many nonconformities might be created.

C. Additional Review

In addition to applying massing regulations and architectural guidelines, some cities have initiated additional review requirements to protect against mansionization problems. To ensure adequate application of bulk requirements, some jurisdictions have merely initiated additional review and regulation requirements for additions of second stories or any expansions greater than a set percentage of the existing building area.

The RORZOR Committee had recommended that FAR's be used and kept low (at 0.35) and proposed that FAR's up to 0.5 be reviewed by the Planning Commission. The Mayor and Council did not support this due to concerns regarding the creation of nonconformities and the desire to allow homeowners flexibility in expanding their homes without a public hearing process.

D. Historic Districts, Conservation Districts and Neighborhood Plans

Rockville is a built-out city with no greenfield areas readily available for new residential development. Therefore, all future residential construction will occur via infill or redevelopment in existing neighborhoods. Neighborhoods which have, themselves, been created in different decades, different home sizes, lot sizes and architectural styles. As a result, there is no single solution that is likely to be effective in all Rockville neighborhoods. Regulations or plans might need to be tailored to specific zones or areas – one size does not fit all.

In East Rockville, for example, a zoning ordinance amendment to require architectural detail may be sufficient to address neighborhood concerns in the short-term. If additional protections are still desired, the neighborhood plan could revised later. Twinbrook, on the other hand, has more consistency in home sizes and heights – but lots can accommodate more than the smaller homes that were originally built. Their recent plan outlines a variety of strategies to implement the neighborhood's vision.

Certain neighborhoods or portions of neighborhoods may want to utilize historic or conservation districts to protect recognized characteristics. Some may want to revisit their neighborhood plans. The selection of a solution should also take into account a realistic timeframe to adopt each type of tool. A typical neighborhood or master plan can take two years to complete the public process whereas a zoning text amendment may be adopted and effective in 4-5 months.

Many of the pressures at this time are in the West End where home sizes, heights and styles vary significantly within the neighborhood and within blocks. Institutional expansions and historic designations have also been controversial in this area. The neighborhood plan dates back to 1989 and the initial historic district was enacted in 1974.

This plan should be reviewed and revised to accommodate the neighborhood vision and which forms of implementation best suit those objectives. On certain blocks a conservation district may be desired, or an expansion of the historic district may be warranted on others. Changes to the zoning ordinance may be needed instead of, or in addition to, other actions.

1. *Historic Districts.* One solution is to implement historic districts, where eligible and appropriate. Historic districts aim to protect a community's historic significance whether it contributes to the national, state or local pattern of history. Design guidelines which address compatibility and restrict mansionization are implemented and enforced to

ensure protection of these resources. Infill construction and alterations to existing houses would be reviewed by the Historic District Commission, which determines if they are appropriate to the district.

Of the properties identified for potential mansionization in Rockville, only a small number are currently designated in an historic district. While the adopted 1977 Guidelines and Technical Guides for exterior alterations guides for Rockville's historic resources regulate exterior materials, roofing, windows and doors, these may or may not be the types of regulations to apply throughout the city. Under the guidelines, new additions must respect the building's character and protect the neighborhood's feel.

2. *Conservation Districts*. These are another technique that can be used to document and maintain certain unique or important features of a specific neighborhood. This works well in an architecturally cohesive community with the same basic character, height of buildings, and style. It does require research and documentation of existing conditions to back up the new development standards.

   Rockville currently has one conservation district, Lincoln Park. The conservation district standards are set forth in the zoning code, and set limits on lot coverage, building height, and size of building additions. The code also sets forth procedures for allowing creation of additional conservation districts and should be revised to make the adoption process more flexible. These can be initiated either via a neighborhood plan, or by local initiative of the residents of the proposed district.

V. Going Forward

The fundamental challenge to regulating or limiting mansionization is striking balance between neighborhood integrity and a homeowner's property rights. One important aspect of this balance is minimizing nonconformities. Significant data collection and analysis will be required to avoid or minimize the number of existing homes that could be made non-conforming by the imposition of new zoning regulations. Where time permits, such efforts can be part of a neighborhood planning effort where more in-depth analysis can be accomplished in order to achieve the most effective tool(s) for that neighborhood's vision.

The staff will need direction from the Mayor and Council on what aspects of the issue should be addressed. For example:

- Should the Mayor and Council reconsider the current height, setbacks, lot coverage requirements?
- Should the Mayor and Council consider adding architectural requirements to the code?
- What other solutions, if any, should be researched?
- Should these issues be addressed generally, i.e., by revising the zoning standards for the affected zones, or should the approach be in the context of individual neighborhoods?

As the types of solutions are narrowed, the Mayor and Council should also consider realistic timeframes and resources needed to accomplish initial priorities and meet citizen expectations.

Attached to this report are photos of homes that have been built or expanded both before the new ordinance was adopted and after adoption.

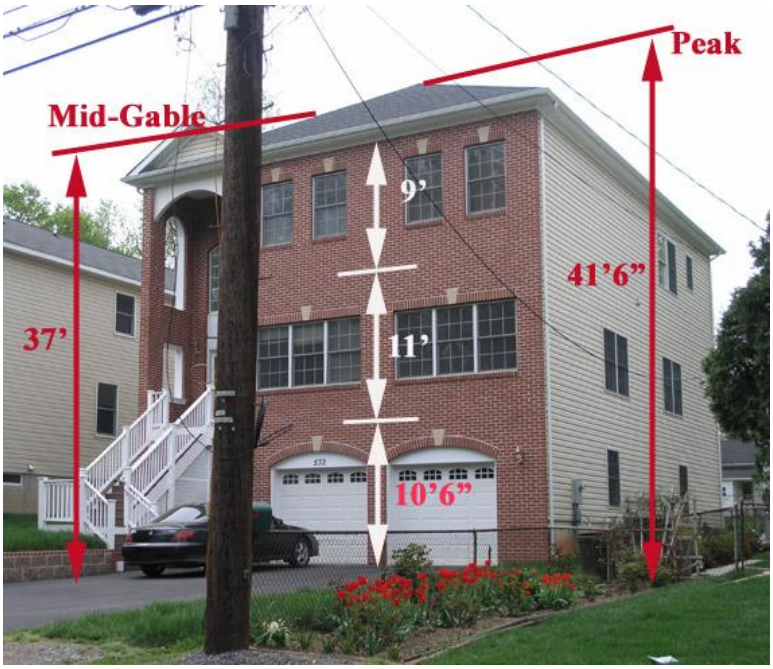
Sample Comparison of Houses that Meet and Don't Meet the Current Code

1200 Highwood Road, Twinbrook

Zoning – R-60

Lot Size – 8,712 sq. ft.

Built pre-2009, but complies with current development standards for height to peak (40 ft.) and mid-point of gable (35 ft)



532 Beall Avenue, West End

Zoning – R-60

Lot Size – 7,753 sq. ft.

Built pre-2009 under prior code standards. Height to peak and height to mid-point of gable exceed current code standards. Note that height to mid-gable was based on street grade, not front of house.