



**TO:** The Honorable Kriselda Valderrama, Chair  
Members, Economic Matters Committee

**FROM:** Chevy Chase Village Board of Managers

**DATE:** March 3, 2026

**RE:** Favorable With Amendments: Land Use – Multifamily Developments and Mixed-Use Development (Bring Back Main Street Act) HB 1137/SB 829

Dear Chair Valderrama:

Please accept this written testimony from Chevy Chase Village, a municipal corporation located in Montgomery County.

A. The Need To Limit Multifamily or Mixed-Use Developments to Parcels Exclusively Zoned For Recreational or Commercial Uses

SB 829/HB 1137 would allow multifamily or mixed-use developments on “a parcel zoned for recreational or commercial use” in Counties with a population of 150,000 or greater. The bill would prohibit these Counties from imposing “density limits lower than the highest allowed in the County’s residential zones”.

The bill prohibits “a public hearing” and “any other discretionary zoning action,” which appears to preclude Planning Board site plan and other regulatory review on major projects. Other material limitations in the bill significantly constrain development design standards including setbacks, lot coverage, and parking.

“Recreational” and “commercial” uses are not defined in the bill. Montgomery County does not have a “commercial” zone but allows commercial and recreational uses in most of its zones, either “by right,” or as a limited or conditional use. Our concern is that the proposed bill would apply to properties in “Residential”, "Commercial/Residential;" "Employment;" and "Industrial" zones, a far broader scope than the bill appears to contemplate.

The scope of this bill raises significant questions including:

1. What impact would this level of “by right” density have on public infrastructure capacity?
2. Would overriding density limits, which are zoned on a parcel-by-parcel basis after master planned analysis, compromise broader land use considerations?
3. Who would have authority to enforce master plan considerations if the Planning Board has no public hearing role in the development review process?
4. When would the public – including municipal corporations – have an opportunity to participate in project review?

**CHEVY CHASE VILLAGE**

5906 Connecticut Avenue  
Chevy Chase, Maryland 20815

Phone (301) 654-7300

Fax (301) 907-9721

ccv@montgomerycountymd.gov

www.chevychasevillagemd.gov

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We ask that the Committee amend Page 5 Line 18 as follows:

**LOCATED ON A PARCEL ZONED EXCLUSIVELY FOR RECREATIONAL OR COMMERCIAL USE.**

**B. Provisions That Attempt to Void Real Property Instruments Limiting Multifamily or Mixed-Use Development Are Unconstitutional and Should be Stricken.**

The bill also seeks to make ineffective real property instruments (*e.g.*, homeowner’s association covenants, deed restrictions, security instruments) that would have the direct or indirect effect of imposing an “unreasonable limitation” or prohibition on the development of multifamily or mixed-use developments.

As with similar efforts to render null these types of limitations in contractual agreements affecting real property, we understand that these provisions are unconstitutional.

We ask that the Committee amend the bill as follows:

**Strike Page 8 Line 15 – Page 9 Line 21 in their entirety.**

Thank you for your consideration of this testimony.

cc: Senator Jeff Waldstreicher, District 18  
Delegates Emily Shetty, Aaron Kaufman, and Jared Solomon  
Senator Brian Feldman, Chair, Education, Energy, and the Environment Committee  
Senator Cheryl Kagan, Vice Chair, Education, Energy, and the Environment Committee  
Jason Sartori, Montgomery County Planning Director