

To: Montgomery County Council
RE: ZTA 20-07
February 9, 2021

Dear Chair Hucker and Montgomery County Council members,

Thank you for the opportunity to submit testimony on ZTA 20-07. My name is William Chernicoff. I am a long-standing Silver Spring homeowner and resident. As someone who has dedicated his personal life, professional, and academic careers to sustainability, equity, and effective, affordable mobility solutions, I support the goals of ZTA 20-07 but not the proposal itself. If implemented as written, it will create more problems than it solves. Worse, it is unclear if it will solve the issues stated of addressing affordable housing and transit accessibility.

My concerns echo and go beyond the questions and concerns noted in the Thrive Montgomery Coalition (see attached).

- 1) **Density is a problem, not just the compatibility of new structures:** Montgomery County is a diverse county, and density is not uniform. For example, Silver Spring is now over 10,000 people per square mile. In other higher density areas where ZTA-20-07 targets, the infrastructure is near or over capacity. Roads, sidewalks (where they exist), water management and sewer, and schools, for example, are fixed and cannot be or cannot be easily increased. I believe that to accommodate ZTA 20-07 much of r60 zoning will require a full land readjustment. Something complicated, expensive, and outside of the Thrive Montgomery 2050 Master Plan. Proponents of ZTA 20-07 have mischaracterized the compatibility of structure debate. While there is merit in the compatibility concern, the problem goes beyond this issue. Specifically, when a tear-down or renovation moves a detached single-family home from a small size to a four or five thousand plus sqft residence, this is not the same as turning that structure into Missing Middle Housing (MMH), say a quad with four families. In the first scenario, the county and local community and infrastructure must support one family; in the second, the County must support four families. Additional parking on the property and street, which is needed not just for residents but also for visitors, exacerbates the problem and reduces the available yard space per residence. A conversion of as little as 1 in 20 homes results in a 15% increase in density and burden on the constrained infrastructure. The strain will be worse if and when the allowed apartment complexes are built. Advocates for ZTA 20-07 have failed to acknowledge the burden, but the County cannot ignore this reality.
 - a. MMH intended to produce “modest density” and [lower perceived density](#). This may be appropriate for some parts of Montgomery County, but it is incompatible with my area, Silver Spring, which even in 2017 before additional growth already has more than four times the average density ([9023/sq. mi.](#)) of Montgomery County ([2117, U.S. Department of Census](#)).
 - b. The proposal is counter to the vision zero safety initiative. The increased density in most of the r60 zone will endanger pedestrians due to increased traffic and overflow parking on already crowded streets. For many practical realities and reasons working adults and families will continue to need cars regardless of proximity or public transit access. Their residences will induce additional traffic and parking loads for visitors and deliveries.
 - c. ZTA 20-07 seems blind to the risk to the County’s Town Grading based on NFPA and ISO codes. The constrained road infrastructure and increased density and

load will increase fire protection response time. The downgrading will result in substantial financial consequences to the County and residents.

- 2) **Incompatibility the County's Racial Equality and Social Justice requirements of bill #-27-19.** ZTA 20-07 would prioritize ore result in lower-income development in areas where it already exists. The proposal is likely to continue the practice of pushing most new residents into a few highly dense, unincorporated areas. This will only exacerbate the existing de facto school segregation. The resulting concentration denies real opportunity and is why HUD has denied support to prior proposals in Montgomery County.
- 3) **Inappropriate Use of the ZTA Process:** This proposal does not address a defect in the existing master plan. The purpose of a ZTA is to make small adjustments to the current zoning codes rather than introduce large scale changes. As a top local construction company executive testified to the [Planning Board \(2/4/2021\)](#), changes at the scale of ZTA 20-07 should not be presented as a ZTA. Rather, they should be part of a master plan/zoning process so that its real costs are transparent and the County considers the intended changes as part of its overall design. MMH is part of the Thrive Montgomery 2050, and other local master plans, such as Silver Spring's, are considering MMH but are still in progress. As the attached thrive Montgomery Coalition concerns enumerate, ZTA20-07 is not aligned with and conflicts with many of the current and needed master plan requirements necessary to maintain healthy functioning communities. Therefore, it is premature and costly to pass ZTA 20-07 and then revisit its provisions and infrastructure requirements as the Country finalizes its master plan.
- 4) **Poor Timing:** The Council has a moral and ethical obligation to represent the citizens' (taxpayers) interests, and in doing so, facilitate open engagement by the community. We are amid a devastating pandemic that has occupied the lives of the citizens who do not have the bandwidth to accommodate parental, schooling, and work disruptions and other challenges and simultaneously devote sufficient time to civic engagement. Furthermore, The County needs time to understand the reduced financial capacity to carry out current obligations and plans. Adding new obligations necessary to carry out the proposed changes under ZTA20-07, including massive infrastructure upgrades in affected neighborhoods, is functionally precluded. ZTA-20-07 seems to ignore the budget impact, which is unknown but large and real.
- 5) **Ignores Best Practices for Transit Access:** The Thrive Montgomery coalition correctly asks why the 1 mile radius was chosen as it appears arbitrary, which it is. ZTA 20-07 fails to follow the reasonable standards for transit-oriented development and the use of MMH. The gold standard to apply for transit access is ¼ mile or 5 minutes of walking. Walking, not radius, which extends the walking distance up to ~40%. The 1-mile radius is 28 minutes of walking, a distance that experts and advocates do not considered transit-accessible (see [1](#), [2](#), [3](#)). This does not mean that people walk within 5 minutes, and over five minutes, people do not. The data consistently shows that willingness or ability to walk starts to drop off after ¼ mile and drops significantly after 10 minutes. A small percentage of individuals are willing or able to walk up to one mile.
 - a. This means that a large majority of the area covered by ZTA 20-07 falls outside of reasonable transit access.
 - b. The terrain in our area further worsens the problem of transit access. Poor infrastructure and elevation change complicate accessibility for a large percentage of

the population. This may be families with children and strollers, individuals with physical limitations or who may be in wheelchairs, and others. The lack of sidewalks in many areas only exacerbates the problem. Worse, it looks like ZTA20-07 would encourage development in areas that do not meet ADA requirements or design standards. As noted prior, it does not consider or take any action for the County to make needed infrastructure investments.

- 6) **Ignores Best Practices and Motivation for Missing Middle Housing.** ZTA 20-07 fails to follow and apply MMH best practices specified by MMH inventor Daniel Parolek and the communities that have implemented it.
- a. MMH aims to transform low-density up [to a critical threshold to support the efficient built out and addition of public transit](#) as part of land use, including single-family housing and mid-high rise housing. MMH does not intend to add density to an area that already supports the Public's efficient use of public transit. Pre COVID METRO was already at or near capacity, so the proposal fails this criterion. As used in Austin's example, the density target is closer to 8K people per square mile. Montgomery County is not uniform, and Silver Spring is already over 10,000 people per square mile and growing based on what is in the pipeline. This is almost double [Portland's Density](#) for which advocates are using as justification to apply to R60. The comparison to Portland is inappropriate because it ignores the fundamental differences between the two.
 - b. **Maximum Number of Units in Single-Family Zones:** Other communities incorporating MMH such as Minneapolis allow a maximum of three units (or a triplex) per lot in (former) single-family zones and confines buildings with more than three units to select transit corridors. Olympia, WA, allows only duplexes in single-family zones.
 - c. **Other Ideal Zone Types:** Parolek's book, *Missing Middle Housing*, (2020) lists a seven-item hierarchy of "walkable urban places" best suited for MMH, and single-family zones like R60 are #7. Better options include secondary corridors, downtown transition areas, and retrofitting "greyfield" sites such as old retail or office buildings, such as the conversion of the old police substation in Silver Spring to MMH (Parolek, 2020, pp. 233-236). MMH plans (unlike ZTA 20-07 which allows for, and according to Council member Jawando are intended to encourage duplexes, triplexes, quadruplexes, and even "small" apartment houses in R-60 single-family zones) must carefully assess and align which type of MMH best fits into specific areas.
 - d. **Other Key Criteria for MMH:** Parolek envisions MMH as walkable, livable communities requiring many other amenities such as schools, parks, and commercial areas beyond transit proximity. These amenities all require infrastructure, which this bill ignores. Worse, ignoring infrastructure considerations while adding MMH will reduce the functionality and value of existing infrastructure. Green space is fixed, and MMH will reduce the ratio of this space to residents. Worse the actual green space may be diminished to accommodate long-term school expansion or other. This is just one reason that MMH was envisioned to retrofit low-density areas or greenfield development as part of a coherent sector/regional plan.
 - e. **Recommended zoning process:** Parolek advised creating new form-based zoning codes that integrate the "thoughtful metrics needed to enable MMH" (Parolek, 2020, p.265).

This approach is the opposite of simply adding text about MMH types into an otherwise conventional zoning code like ZTA 20-07 does. He understood that details matter and one size does not fill all. ZTA 20-07 's approach will create a myriad of unintended consequences that the proponents have not or do not want to consider and may not understand.

- 7) **No Evidence of Affordability or Attainability:** There is little evidence that MMH is affordable or cost-attainable. Recent MMH construction and market-rate pricing in and around downtown silver spring is just the most recent evidence. There is equally limited evidence that the smaller end of it would be built in areas like the existing r-60 zone because MMH can seldom complete with single-family homes and mid to high-rise condos because the economics do not favor MMH. Parolek states that “the economic benefits of MMH are only possible in areas where land is not already zoned for large, multiunit buildings, which will drive land prices up to the point that it is not economically viable, regardless of how many units can be integrated into these types”(Parolek, 2020, p.56). “It’s a fact that building larger buildings, say a 125–150-unit apartment or condo building, provides easier-to-identify and often larger cost efficiencies than building a four-, eight-, or even sixteen-unit building or series of these buildings” (Parolek, 2020, p. 81). The reality is that any alleged benefit of cheaper construction of MMH vs. other building types is overwhelmed by other factors where it is most appropriate but will likely get located in neighborhoods where it will only be destructive and disruptive. Also, jurisdictions that have tried MMH have yielded mixed results. Minneapolis provides empirical evidence. The Minneapolis city council president admitted in 2019 that eliminating single-family zoning is unlikely to solve “[the city’s affordability woes](#),” especially for lower-income people (Lee, 2019). It is not clear that Councilmember Jawando’s companion Montgomery County rent control bill (52-02), even if passed and upheld by the courts, would increase affordability because [rent control can end up reducing overall housing](#) stock and drive up rents (Smith, 2018). Concurrently, MMH may eliminate some of the existing more affordable income as smaller older homes are lost.

As I teach my students, policy is subjective, and the purview of elected and appointed officials, but facts are not. Policymakers like the Council must make decisions based on unbiased and complete technical analysis done by qualified individuals and organizations. Although expert testimony still supported and aligned with the high-level objectives of creating more housing and affordable housing, and doing so with transit access and overall sustainability in mind., **it just overwhelmingly pointed to the inability of ZTA 20-07 to accomplish these goals while simultaneously noting the likelihood this proposal would cause other problems for the County.**

At the Planning Board testimony on February 4, the first argument for the proposal was the generalized but unsubstantiated advocacy, including irrelevant anecdotal evidence from some planning board members and proponents in favor of ZTA. Most proponents advocated the stated goals of the proposal but did not address the absence of specific tactics to achieve these goals. The second was the expert testimony, empirical, and referenceable facts from a range of experts and concerned citizens that all pointed to flaws in ZTA 20-07 and the underlying rationale to reject it. This expert testimony seemed to support the high-level objectives of creating more housing and affordable housing, and doing so with

transit access and overall sustainability in mind. However, it just overwhelmingly pointed to the inability of ZTA 20-07 to accomplish these goals while simultaneously causing other problems for the County (i.e., granting developers carte blanche to introduce inappropriate structures in single family zones without any compatibility requirements). It does not appear that any of the arguments provided by the advocates refuted this evidence and facts. Cognitive dissonance and confirmation bias will not stop or avoid the fatal flaws in Councilmembers Jawando's proposal, nor will it avoid the bill's unintended and negative consequences to the County.

Furthermore, the Planning Board's final report on ZTA 20-07 (1/28/2021) points to substantive concerns. It notes that this proposal starts the conversation on MMH but is unlikely to attain its desired outcomes. "There are many issues that need to be addressed in a comprehensive and coordinated way that need to be addressed with the community and stakeholders," and "Alone, policy changes like those proposed in ZTA 20-07 are not likely to be effective in producing the desired housing types. (Montgomery County Planning Board, p. 3)." "Staff believe there are other elements that need to be researched and considered to successfully achieve the goal of this ZTA, including alternative approaches, a deeper review of development standards, design review or criteria, and coordination with other Missing Middle initiatives" (p.21). I am also concerned and puzzled as to why the same advocates who pushed for MMH in Arlington Virginia now along with Council Member Jawando are trying to bypass due process and rush this through vs. favor the step-by-step roll-out and public engagement process embodied by the three-year process [Arlington is doing](#). The taxpayers, both citizens and businesses deserve at least this much. As one of the voters affected, I expect this much from my elected officials.

In summary, facts are still facts; misdirection by advocates cannot change that. Like it is for the Diggs council, which implemented similarly misguided ZTAs while ignoring or avoiding community opposition, history, and voters do not remember kindly those who are on the wrong side of it. Process matters and is a form of justice. Both individually and collectively, the reasons I enumerated are why I ask that the Council reject ZTA 20-07. I ask that the County first finish the Thrive Montgomery 2050 plan as promised and take a thorough systemic approach to address the County's housing need based on a broad and encompassing County wide engagement. Although I oppose ZTA 20-07 as submitted, I hope to support a future proposal that conforms to standards and best practices. Given my professional background and experience, I am available to the County as a citizen resource to help draft better plans after the Council rejects ZTA 20-07 and tables the issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'William Chernicoff', with a long horizontal flourish extending to the right.

William Chernicoff

References

Lee, Jessica, "How much will Minneapolis' 2040 plan help with housing affordability in the city?" *Minnpost*, May 31, 2019.

Montgomery County Planning Department, Final Report: ZTA 20-07—R-60 Zone, Uses and Standards, January 28, 2021.

Parolek, Daniel, *Missing Middle Housing*, Washington/Covelo: Island Press, 2020

Smith, Noah, "Yup, Rent Control Does More Harm than Good," Bloomberg, January 18, 2018.

U. S. Department of Census," Quickfacts: <https://www.census.gov/>

Mr. Casey Anderson, Chair,
and Members of the County Planning Board
Montgomery County Planning Board
2425 Reedie Drive, 14th Floor
Wheaton, MD 20902

Re: Thrive Montgomery Neighborhood Coalition's Questions about ZTA 20-07

February 2, 2021

Dear Chair Anderson and Members of the Planning Board,

On behalf of the ____ undersigned incorporated municipalities and community organizations that represent over ____ Montgomery County residents, we are writing to express our concern with the speed at which ZTA 20-07 is being considered by the County Council.

Process matters, and following a process makes for good policy. Most of us have been deeply engaged in reviewing Thrive Montgomery 2050 (TM 2050), the proposed set of revisions to the Montgomery County general plan. The County Council will receive the Planning Board Draft of TM 2050 later this spring, after careful consideration by the Planning Board, and the Council will then review and act upon it. We believe strongly that any material change to zoning should await completion of that review and should reflect the considered conclusions of the new general plan and a holistic assessment of what policies will best achieve the goals of the plan. Indeed, a rush to implement a specific piece of legislation at this time undercuts the value and meaning of the deliberative planning process that the County has undertaken with TM 2050. The Planning Department recently expressed concern about another ZTA (ZTA 20-05), saying that “the proposed amendment seems contrary to the public nature of the engagement process and could be seen as an attempt to circumvent the planning process.” It appears to us that ZTA 20-07 is not supported by enough planning review or study, given that TM 2050 planning review is still underway.

Let's use the established tools in the right way. Significant land use policy changes, such as what is being proposed through ZTA 20-07, should be first developed in a general, master, or sector plan and then should be implemented by amendment to the focused master and sector plans and then the zoning map and zoning code, as needed. We believe that ZTAs drafted outside this full planning process are appropriate only for minor policy changes in zoning, but any that make material alterations to the zoning code such as that proposed in ZTA 20-07 should represent the final product arrived at after a comprehensive planning review. For example, ZTA 20-07 has the potential to add substantial density to areas already struggling with stormwater drainage and parking concerns. Whether streets, public facilities, and the like can handle additional density should be studied before the density arrives. As noted in the TM2050 Public Hearing Draft, **“Many of Thrive Montgomery 2050's recommendations cannot be implemented with a one-size-fits-all approach. Area master plans will help refine Thrive Montgomery 2050 recommendations and implement them at a scale tailored to specific neighborhoods”** (p. 127). The Missing Middle housing movement, led by Daniel Parolek, makes it abundantly clear that it is critical that the form, scale, and context of the multifamily housing must be compatible with the single-family neighborhood's existing patterns and built form and that the form-based codes for a location are developed through extensive public participation to ensure they are representative of the specific location. ZTA 20-07 is a one-size-fits all approach, lacking this contemplated site-specific review. Parolek has discussed conventional zoning codes and the fact that they often do a poor job of regulating building size and form in proportion to lot sizes. This can lead to an awkward juxtaposition of houses on neighboring properties.

Finding an effective policy will take time. TM2050 is a not-yet-adopted 30-year plan that will be implemented in stages, after further study of pertinent issues. One such issue is determining whether and how “affordable” housing and “Missing Middle” housing can actually be created in certain established single-family areas. Notably, Action 5.1.10.a of the TM2050 Public Hearing Draft calls for the creation of “a Housing Functional Master Plan to provide measurable housing goals and strategies for different market segments in Montgomery County as well as an analysis of affordability gaps and impediments to the housing supply.” We

understand that plan has not been written yet. Also, per Action 5.1.5.a, “financial tools and zoning incentives” are to be considered “to encourage alternative construction types”.

We take the issue of “Missing Middle” housing seriously – and have many questions that need to be answered. We are committed to a careful review of this issue. COVID restrictions and school facility closures have severely limited our ability to conduct the public outreach within our communities that is necessary to develop substantive positions on the merits of Missing Middle housing. Nonetheless, we are undertaking due diligence and have compiled a list of questions that we believe need to be answered to engage in thoughtful discussions about the value of “Missing Middle” housing and any policy to promote it. We expect answers to these questions to arise out of full-fledged review by many stakeholders, including County Departments, elected officials, and communities. We look forward to continued discussions with you and others and to developing this through the general, master, and sector planning process.

Sincerely,

CC: Planning Board Director, County Executive

Appendix A: Thrive Montgomery Coalition Questions about ZTA 20-07

1. Current Law: Some Montgomery County municipalities and HOAs have more restrictive land-use standards (height, setbacks, etc.) than the County.
 - Will the proposed zoning change honor municipalities' current building standards?
 - For HOAs that have different standards, will these standards be recognized as well?
 - Will ZTA 20-07 apply to historic districts? If so, please describe how it would operate within them.
2. Undercutting Master Plans: The ZTA, negates some of the carefully developed objectives of master plans., For example: The recently adopted Viers Mill Corridor Master Plan and Forest Glen- Montgomery Hills Sector Plan proposed introducing "Missing Middle" housing only in a limited number of targeted locations along Viers Mill Road and Georgia Avenue. The ZTA would expand the area where Missing Middle housing could go. In Bethesda, one of the focuses of the Bethesda Downtown Plan (adopted in 2017 after 3 years of work) was on preservation of single-family neighborhoods adjacent to the CBD in exchange for greater density along Bethesda's edges. But the ZTA would bring Missing Middle housing to those adjacent neighborhoods and also nearly 200 properties within the Bethesda Downtown (in East Bethesda, in the Battery Lane District, and in the Sacks neighborhood). Under the Plan, "Missing Middle" housing was envisioned only for the Sacks neighborhood and only with consensus among some or all residents, and with implementation to be done under a special "floating zone" recognizing that and emphasizing compatibility of such housing (included in the master plan). Further, Missing Middle housing is currently being considered as part of the Silver Spring Downtown Plan update. When the Planning Staff updates a master plan, they review each property and determine its role in the context of the plan for the entire area.
 - Why is a blanket approach being proposed by the ZTA rather than the more targeted approach afforded through the master plan/sector plan approach?
 - How will the ZTA affect existing master plans that are not due for updates for at least a decade?
 - Thrive Montgomery 2050 will not in itself change any zoning, but it will establish parameters for zoning changes. Why short circuit that process?
3. Potential: ZTA 20-07 proposes putting "Missing Middle" housing within one mile of Red Line Metrorail stations.
 - How did you determine the 1-mile distance?
 - Why only in neighborhoods proximate to Red Line stations? Why not in neighborhoods near Purple Line stations (as is being considered in the Silver Spring Downtown Plan update), MARC stations, and BRT routes were not included?
4. Affordability: Is a goal of the ZTA to increase affordable housing near transit?
 - If so, what definition of affordable housing is being used?
 - New "Missing Middle" housing built in areas with high land values tends not to be affordable, at least not for middle- or lower-income families. For example, townhouses built near downtown Silver Spring on the former Chelsea School site and the old police station site are as expensive as or more expensive than the single-family homes surrounding them. Townhouses may have been missing in that neighborhood, but what is being built isn't "middle," in the sense of being affordable. We are being told that adding density to our transit-proximate neighborhoods will lead to more affordable housing elsewhere. Is there any data to support this claim? Does it make sense to push construction of multi-family housing only in high land value areas where the resulting housing is not going to be affordable for many residents, rather than other parts of the County where land values are lower?
 - Are you concerned that an unintended consequence of the ZTA could be an increase in the loss of existing naturally occurring affordable housing - for example, smaller older houses, that may be less expensive than newly built duplexes or townhouses?
 - For townhouses and apartment buildings built on R-60 lots, will a certain percentage of the units be required to be MPDUs? In the Bethesda Downtown, multifamily buildings are required to provide 15% MPDUs – will that requirement apply to "Missing Middle" townhouses and apartments?
 - Why is "Missing Middle" housing being conflated with affordability when definitionally they are achieving different objectives?

5. Need for New Housing Units: There are thousands of housing units that are under construction across the County and tens of thousands more units that have been approved by the Planning Board but have not started construction because developers are waiting to time the market. Planning staff estimate that about 10,000 (7,000-8,000 units under M-NCPPC zoning) are needed by 2030 for the County to fulfill the MWCOG goals. Thus, the County seems to be well on its way to accomplishing the 2030 goals. Additionally, there are now significant developable areas at White Flint and White Oak. White Flint has metro and White Oak has BRT. Both areas offer opportunities for greenfield/brownfield development that can provide thousands of dwelling units. MNCPPC does not have zoning authority over all of Montgomery County (e.g., Rockville and Gaithersburg). But these municipalities will be providing housing units to help meet the county's housing goals and numbers presented should reflect this.
 - How many housing units does the county want to provide by 2030? By 2050? What are the goals set for the County by MWCOG?
 - How many of the MWCOG housing units will be built under MNCPPC zoning and how many under the zoning authority of municipalities?
 - How many housing units are now in the pipeline as of December 2020? How many are under construction? Does this include housing units in municipalities that have zoning authority?
 - Why is there such a rush to implement "Missing Middle" housing by changing zoning in existing neighborhoods near Metrorail stations?
6. Location and quantity of Missing Middle Housing Details: The ZTA would allow "Missing Middle" housing to be constructed on all lots within 1 mile of a Metrorail station, but the literature on "Missing Middle" housing states that it should be carefully located in old neighborhoods if it is to successfully fit into the surrounding area, and the quantity of these housing types must be kept in proportion.
 - Will language be added to ZTA 20-07 to limit the location and quantity of Missing Middle housing within neighborhoods?
 - In R-60 zones, density is limited to 7.26 houses per acre. But the ZTA places no limit on the number of "Missing Middle" housing dwelling units that could be built on a lot or aggregation of lots. A lack of a density cap seems problematic, especially with regard to potential impacts on infrastructure, impervious surfaces, and parking, but also with regard to compatibility with surrounding homes. Why not set a density cap?
7. Compatibility of Form and Scale: ZTA 20-07 speaks of adding housing types that are compatible in form and scale with the detached houses in existing neighborhoods. This is a fundamental principle of the Missing Middle housing movement. While the form of duplexes and townhouses could be built so they look much like the houses in a neighborhood, it is unlikely that apartment buildings would resemble houses. Regarding scale, requiring the same height and setbacks that are used for houses will ensure compatibility of scale for Missing Middle Housing built on single lots. But it will not ensure compatibility if lots are aggregated. If lots are aggregated and a single structure is built, it will be substantially larger than the houses around it and clearly not be compatible in scale.
 - There is nothing in the ZTA that addresses "form". How will form compatibility be achieved?
 - Will building models be identified for the different neighborhoods across the Red Line or design guidelines specified? When would this happen?
 - What assurances will be added so that the new residential buildings won't be out of proportion to the rest of the neighborhood?
 - Why does this ZTA allow apartment buildings (which would be better suited to transition areas), and how can their compatibility with the existing neighborhoods be ensured?
8. Environmental: Replacing small older homes with larger Missing Middle housing types (especially if multiple lots are aggregated) will result in significant loss of tree canopy and increased impervious surfaces. This will be especially true because of on-site parking requirements (many of the older R-60 lots have no current parking requirements). Loss of tree canopy will have significant impacts on the microclimate – less cooling than is now provided by the canopy trees and the potential that neighborhoods would become heat islands. Increased impervious surfaces will have a significant impact on stormwater run-off.
 - What modifications would you make to the ZTA to remedy this?

- The lot coverage limit in R-60 properties exempts many items - for example, driveways and detached garages. Please provide a list of all the things that are not included in the 35% lot coverage, whether detached, attached, or impervious surface.

9. Studies on Best Practices:

- What best practices and expert studies on “Missing Middle” housing have been explored and will be shared with residents so that communities can begin to have relevant discussions?
- Has there been an analysis of the actual supply and demand for the different types of “Missing Middle” housing and price points (including factors such as rental vs. condo vs. owner occupied)?
- Can the County provide studies on demand for Missing Middle housing in high land value areas and what the market rate prices might be??
- The publicity for ZTA 20-07 implies that it will lead to an increase in moderately priced housing. Where's the evidence for that (will developers actually build moderately priced “Missing Middle” housing without incentives or is the County planning subsidies).
- What will be the impact on property values of existing properties in the impacted neighborhoods? If property values decline, this will impact the revenues the County collects from property taxes. Has the impact on county revenues been estimated?
- What capacity studies exist or will be initiated to determine if the current infrastructure (stormwater drainage, soil conditions, street width, water, sewer, electricity grid, gas lines, schools, parking) can accommodate increased density? Studies need to be done to assess how much increased density a neighborhood can tolerate. The impacts can be modeled under various assumptions of different amounts of “Missing Middle” housing.
- What impact on on-street parking will the proposed reduction in on-site parking for “Missing Middle” housing within ½ mile of a Metrorail station have? Car ownership (especially in this COVID time) is not necessarily less for residences within a mile of Metrorail.
- What studies of the environmental impacts of ZTA 20-07 in older neighborhoods? Even with current density levels these neighborhoods are experiencing problems with, increased tree canopy loss, impervious surfaces, and stormwater run-off)
- Can the County provide analyses on the impacts temperature / heat islands, habitat loss, green space, etc.
- Where are the environmental requirements for these new buildings?

10. Assembling Lots & Setbacks: The aggregation of lots raises questions that are not addressed in the ZTA.

- How would setbacks be employed when lots are assembled?
- If lots are combined, will there be additional green space requirements as well?
- If lots are assembled, at what point would there be a planning review of a proposed multi-family structure versus the standard permitting process for approval?

11. Subdividing Lots: The ZTA does not distinguish between owned and rented dwelling units.

- If duplexes, triplexes, quadplexes, or townhouses are built on an R-60 lot, will there be just one landowner, or will the lot be subdivided into small lots so that each owner of a part of one of these housing types owns a portion of the land as well?
- If an existing R-60 lot is less than 60 feet wide or less than 6,000 square feet, will it be eligible for Missing Middle housing? How would this eligibility be affected by the date the lot was platted?

12. Lot coverage: Lot coverage limits will be increased to 35% for lots within 1/2 mile of Metrorail stations. The ZTA does not limit this increase to construction of Missing Middle housing types. What is your position on the unintended consequence of encouraging construction of larger single-family houses in this area too?

13. Impact taxes: How will impact taxes be levied for “Missing Middle” housing?

14. Infrastructure Capacity: The ZTA does not contain any infrastructure requirements or any planning review.

- Currently, many of our older municipalities have inadequate stormwater management and already have issues with flooding. Increased density in these neighborhoods will result in more impervious surfaces and reduced tree canopy which will in turn result in more stormwater flooding. At present, it's incumbent

upon municipalities to fix infrastructure issues (such as stormwater flooding). DPS routinely waives stormwater run-off requirements for infill development on R-60 lots, so it is inevitable that construction of “Missing Middle” housing in the older neighborhoods will result in increased stormwater run-off and flooding. Will the County accept responsibility for upgrading stormwater systems where there are flooding problems?

- As density increases, how will parking be managed since lots that were recorded before 1955 don't have parking requirements and the streets in these older neighborhoods are very narrow?
- The zoning code contains provisions for businesses operating in areas zoned single-family residential, referred to as home occupations and home health practitioners. These range from unregulated no-impact home occupations (for example, writing and editing) to considerably more active operations involving employees, deliveries, client/customer/patient visits, and parking facilities. How would ZTA 20-07 deal with home occupations, and their potential impact within communities and on residential streets?
- If there are infrastructure shortcomings, how will they be handled?
- How will residents be assured of Adequate Public Facilities so that associated infrastructure for increased density will be upgraded and maintained?
- It is likely that “Missing Middle” housing will bring in more families which could further overcrowd schools. How will this be managed?
- Is the intent for some of these details to be worked out by developers?
- The Department of Permitting Services often grants waivers, (especially for stormwater run-off), with payments in lieu, for otherwise necessary infrastructure improvements. Should the ZTA include a prohibition on such waivers? If not, why not?

15. Financial Viability: There is concern that there is much higher demand for single-family homes than multi-family units, and in areas that have high land values, the economics of building a duplex may not compete with a single-family home (unless other policy changes are made). ZTA 20-07 aims in part to increase affordable housing.

- Can you cite any studies showing that increasing housing generally increases affordable housing?

16. How have developers and builders reacted to the ZTA?