

Thanks to the Council for the opportunity to submit testimony on ZTA 20-07. My name is Elizabeth Joyce. I am a longtime Silver Spring homeowner and have always been active in our community. I support the goals of ZTA 20-07 but not the proposal itself because if implemented as written, it could create more problems than it solves.

My main concerns are listed below:

- 1) Poor Timing:** We are at the peak of the pandemic as tax revenues are sinking and expenditures are exploding. The County will need time to assess its financial capacity to carry out current plans, let alone sweeping new changes with significant infrastructure requirements (e.g., schools, parks, commercial services, environmental protections).

- 2) Inappropriate Use of the ZTA Process:** This proposal should be part of a master plan/zoning process rather than a ZTA so that its true costs are clear. Thrive Montgomery 2050 and other local master plans, such as Silver Spring's, are still in progress. It would be premature and costly to pass ZTA 20-07 and then have to revisit its provisions and infrastructure requirements as master plans are finalized. The purpose of ZTAs is to tweak current zoning codes rather than introduce sweeping changes. As a top local construction company executive testified to the [Planning Board \(2/4/2021\)](#), such massive changes should not be presented as a ZTA.

- 3. Ignores Best Practices for Missing Middle Housing (MMH).** ZTA 20-07 fails to observe and apply MMH best practices specified by MMH inventor Daniel Parolek and the communities that have implemented it.
 - **Maximum Number of Units in Single-Family Zones:** For example, Minneapolis allows a maximum of three units (or a triplex) per lot in (former) single-family zones and confines buildings with more than three units to **some** transit corridors. Olympia, WA, allows only duplexes in single-family zones. Minneapolis confines buildings with more units to **some** transit corridors or other thoroughfares.
 - **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 are #7**. (More manageable

options include secondary corridors, downtown transition areas, and retrofitting “greyfield” sites such as old retail or office buildings-- (Parolek, 2020, pp. 233-236). Unlike Councilmember Jawando’s proposal—which allows duplexes, triplexes, quadruplexes, and even “small” apartment houses in R-60 single-family zones—MMH plans should carefully calibrate which type of MMH would best fit into specific areas. (Perhaps, as Ms. Wright suggested at the Planning Board meeting (2/4), the County could confine larger buildings with high numbers of units to areas along major transit corridors. If enacted here, MMH in single-family zones should include no more than three units, and preferably, two.

- **Need for Compatibility of New Structures:** Compatibility with current structures is a key criterion for Parolek. In any MMH planning, the County should mandate specific design standards and guidelines (perhaps by issuing “pattern books for developers to follow, as Ms. Wright suggested at the Planning Board hearing). This tool is needed because if left to their own devices, builders are unlikely to spend the time and funds to ensure the compatibility of MMH structures with existing neighborhoods. Right now, as evident from new McMansions now scarring many of our neighborhoods, the County does a poor job of ensuring that new structures fit in with the homes in neighborhoods where they are built.
- **Other Key Criteria for MMH:** Parolek envisions MMH as walkable, livable communities requiring many other amenities (schools, parks, commercial areas) than proximity to transit. All these amenities require infrastructure, which this bill ignores. Also, MMH is intended to help [ensure enough patronage for public transit](#) and not, as in this proposal, to capitalize on transit that is already in place and heavily patronized (Metro was close to capacity before the pandemic).
- **Recommended zoning process:** Parolek also advises against simply adding text about MMH types into an otherwise conventional zoning code (as ZTA 20-07 does) but suggests creating new form-based zoning codes that integrate the “thoughtful metrics needed to enable MMH” (Parolek, 2020, p.265). This means is that the devil is in the

details, and a “one size fits all” approach like ZTA 20-07 could backfire in ways its advocates seem not to fully anticipate.

4. No Evidence of Affordability or Attainability: There is also little evidence that MMH is truly cost-attainable—or even that much of it would be built because MMH can seldom compete with single-family homes and high-rise condos. (In other words, there is a great difference between the desirability of MMH for homeowners and the likelihood that these units will be built.) Parolek notes 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). Also, jurisdictions that have tried MMH have yielded mixed results. In 2019, the Minneapolis city council president admitted that eliminating single-family zoning (which she had pushed for) is unlikely to solve “[the city’s affordability woes,](#)” (Lee, 2019) especially for lower-income people. And it is not clear that the companion Montgomery County rent control bill (52-02), even if passed, would increase affordability because [rent control can end up reducing overall housing](#) stock and drive up rents (Smith, 2018). In other words, where is the cost-benefit analysis for this bill, which cites no evidence that the enormous disruption it would produce is financially justified?

5. Dangerous Density: MMH intended to produce “modest density” and [lower perceived density](#), which ZTA 20-07 does not specifically provide. I am concerned about the likely impact of this and similar proposals on areas like mine, Silver Spring, which already has more than four times the average density ([9023/sq. mi.](#)) of Montgomery County ([2117, U.S. Department of Census](#)) . How would the County provide the needed infrastructure; avoid jamming most new residents into a few highly dense, unincorporated areas like ours; and prevent unintended impacts such as increased de facto school segregation and endangering pedestrians because of increased traffic and overflow parking on already crowded streets? Regardless of

proximity to public transit, working adults and families will continue to need cars.

As noted by the Planning Board's final report on ZTA 20-07 (1/28/2021), 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," the Board observes. **"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).**

For all these reasons, I strongly urge the Council to table this proposal and do the research and planning a proposal of this complexity requires. Then, if clear evidence shows this approach to be feasible here, the County should conduct a step-by-step roll-out and public engagement process, such as the thoughtful, three-year process now being done in [Arlington](#). The current and future taxpayers of this County deserve no less.

Thank you for the opportunity to share my thoughts on this important issue.

Sources

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

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