

June 1, 2020

Casey Anderson, Chair
Commissioners
Montgomery Planning Board
Silver Spring, MD

Dear Chair Anderson and Commissioners,

I urge you to **select Silver Spring CBD Master Plan boundary Option A** described as following the 2000 plan boundary plus some St. Michael's parcels. I have two reasons for urging you to vote for **Option A**. I oppose any attempt to use an administrative procedure to significantly change the boundaries of the Silver Spring CBD master plan because it **excludes public notification, participation, and council oversight**. Planning Board's stated intent to expand the CBD boundary is to experiment on residents' single most valuable asset with **"missing middle," a concept and vision with no supporting regulatory framework or financial incentives to assure incremental, affordable, and sustainable infill development.**

- 1) **I oppose any attempt to use an administrative process to significantly change** the boundaries of the Silver Spring CBD master plan with the explicit purpose of increasing density in surrounding stable residential neighborhoods. Administrative actions by the Planning Board **exclude public notification, outreach, participation, and council oversight** processes and protections of a typical master plan update, ZTA or map amendment.

Back in 2018, the **County Council originally approved adding to Planning staff's workplan the Silver Spring CBD as a "minor master plan amendment,"** focusing on South Silver Spring. Since that council approval, there have been no public or written statements on significantly expanding the CBD plan boundary until the March 26 Planning Board meeting (held virtually under pandemic guidelines). And there has been no public outreach in the two months since the board asked staff to come up with boundary expansion options.

Impacted neighborhoods found out only recently about the boundary expansion vote. Everyone is under a lot of stress dealing with the all consuming effects of the pandemic - keeping families healthy, keeping financially afloat, and educating kids at home. **The news about hundreds of homes being "annexed" into the CBD created a lot of confusion, angst, and a great deal of distrust of the**

Planning Board. Even if an administrative procedure such as a scope approval did take into consideration residents' views, local communities have not been able to meet, receive accurate and complete information, discuss, and vote.

Although master plan boundaries are often tweaked here and there, the **annexation of whole neighborhoods into a CBD is unprecedented.**

- 2) At the March 26 Planning Board meeting, the stated purpose of the residential neighborhood annexation was to proof "missing middle" housing. The "missing middle" concept is not ready for prime time. **I object to the exploitation of Seven Oaks Evanswood's and East Silver Spring's small lots and modest homes as Planning's testing ground for a conceptual and aspirational zoning type. No regulatory framework or financial incentives exist** to realize MM's goal that could increase density 4 to 8 times current levels. If affordable housing and racial equity are goals, there is nothing in the county's zoning code or regulations or law that require or encourage those goals to be met.

Neither triplexes nor fourplexes are a housing type in the zoning code, and anyway, Planning staff have labeled them as a housing type developers don't want to build. **Lot coverage and environmental protections have not been developed** to both accommodate considerably higher densities and preserve the precious mature tree canopy. **Absent from county laws are any incentives** for property owners or small builders to create duplexes or other types of "missing middle" at an acceptable rate of profit, or at a cost that allows them to rent to low income residents. Without clearly defined form, setback, lot coverage, heights, and stronger tree laws to guide incremental densification in stable residential neighborhoods, you create the environment for the larger developers to come in with more high priced luxury housing. The large developers are looking for the last "greenfield" through infill opportunities and **seeking a 40% ROI (Planning's number) and can only profit by building structures to maximum densities**, that tower over the house next door clearcutting the property to the lot lines with the type of housing that better belongs in a city.

Some "missing middle" types are already allowed in R60 zones. For example, what is being done to make ADUs affordable and convince property owners to rent them long term as opposed to the much more profitable short term/AirBnB? These are the challenges the Planning Department and county should be working on if they want to prove "missing middle" can work.

I read the Chair's explanation that we need more racial equity in Silver Spring and the county. I would like to hear how "missing middle" leads to racial equity without laws, regulations and incentives in place. I wonder **why the recently approved Bethesda CBD Sector Plan did not expand its boundaries into the high priced neighborhoods ½ mile walk from the Bethesda transit hub.**

Even though the "missing middle" concept had not been articulated in 2014 when Bethesda master plan boundaries were defined, certainly the county had an affordable housing crisis then (the county's annual Affordable Housing Conference started back in 1991), and a few of the denser zoning and housing types recommended in the MM report existed, e.g. townhouse zones and duplexes. Why did the recently approved Forest Glen master plan boundary exclude increasing density in the R60 neighborhoods within ½ mile walkshed from the Red Line station? This points to planning through capricious impulses, not the vetted, thoughtful, and legally supported process the county's residents deserve.

Lastly, I must mention the **May 2020 pipeline report which shows 4,189 approved but unbuilt residential units in the Silver Spring CBD.** Enhancing the Silver Spring CBD Master Plan within the boundaries recommended by Planning staff (**Option A**) will create many more opportunities for residential housing both market rate and affordable. Focus on that opportunity while staff and communities work through the General Plan process, and county, council and PB build an infrastructure to achieve a broad range of stated goals.

In conclusion, I oppose the push to increase densities in stable middle class neighborhoods without notification, outreach and participation. I oppose using an idealized but non-existent concept to allow significantly greater densities that will allow large developers who value profits over style or character to exploit local neighborhoods. Let the planners work through the General Plan collaboratively with residents, and implement a countywide holistic development process.

Again, vote for Option A which keeps the 2000 CBD plan boundaries plus St. Michael's properties.

Jean Cavanaugh
Past President, SOECA (writing as individual)
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