

February 16, 2022

Montgomery County Council

Written testimony by Tom Armstrong, Silver Spring, MD 20910 on the draft Downtown Silver Spring and Adjacent Communities plan.

I urge the Council to reject this plan and send it back to the Planning Board and Planning Department for rethinking for several reasons.

**The plan’s claims to support housing affordability are without credibility.**

This plan does nothing beyond the current, inadequate MPDU requirements to make housing affordable. Nothing in the plan actually addresses disparities in wealth and home ownership. Simply allowing other housing types does not make them affordable: builders cannot economically produce moderate-priced housing, as the Planning Department’s own report showed. The plan claims to implement the recommendations of *Thrive Montgomery 2050*, but the memorandum from the Council’s own Office of Legal Oversight points out that “this economic development approach could widen racial and social inequities as it primarily offers benefits to affluent and disproportionately White people.”

The bottom line is: “attainable” does NOT equal “affordable.”

**The “adjacent communities” should be removed from the plan.**

The adjacent communities were improperly included in the Downtown Silver Spring plan at the urging of one of the Planning Board members. There is reason to suspect that that member used personal communications to gin up support for that inclusion in letters to the Planning Board. If that is true, it is highly improper.

Including the adjacent communities in this plan is nonsensical. The Downtown area is heavily commercial, has multiple high-rise buildings, and its residential stock is dominated by apartment buildings. It has very little green space and virtually no tree canopy. The adjacent communities, by contrast, are almost exclusively residential, have moderate amounts of green space, and tree canopy that, while declining substantially in the last decade, is significantly higher.

The claim that including our communities in this plan is a step toward improved equity in housing availability and affordability is spurious to the point of being laughable. The Planning Department’s own study showed that no developers would be interested in or economically able to build the types of housing – duplexes, quadplexes, etc. – that fall under rubric of “missing middle.” The fact that townhouses in the Chelsea development are being sold for prices over \$1,000,000 confirms that such housing will continue to be unaffordable for middle- and working-class families.

**The “opportunity sites” in the adjacent communities should not be up-zoned.**

The plan identifies several “opportunity sites” in the adjacent communities that it recommends for up-zoning “for flexibility” to CRT/CRN/CR zoning. These sites, as listed in Table 8 (p. 75), are:

- 8505 Springvale Rd./620 Pershing Dr. (number 79 on the map [p. 73] and in Table 8 [p. 74]), currently R-60 and occupied by a senior living center via a special exception.
- Sites on Wayne Ave. and Bonifant St. (88A and 88B on the map), currently R-60 and occupied by single-family housing.
- The old Silver Spring Library (75A), currently R-60 but slated for a child development center.
- Ellsworth Urban Park (75B), currently a park but zoned RT-12.5.

If the adjacent communities remain part of the plan, I urge the Council to deny the proposed up-zoning on these sites. This change would prevent the intrusion of commercial development into these residential neighborhoods.

When sending this plan back to the Planning Board, **the ethical requirements that the Planning Board and M-NCPPC have been evading for years must be enforced.**

The practices of the Planning Board and of M-NCPPC, of which the Planning Board is a part, give every appearance that they are an agency that has been captured by the development industry. In particular:

- M-NCPPC has been ignoring its own requirements to register lobbyists and issuing a yearly report on their activities. M-NCPPC promised to revise new regulations by the end of 2021. They failed to do so. Why formulating *new* regulations should take precedence over enforcing the current regulations is a mystery to me.
- The Planning Board consistently violated the public meetings laws from the beginning of the pandemic two years ago until a state legislator (*not* the County Council!) called them on it
- The Planning Board has made a practice of putting items on its consent agenda that should be on the full agenda, and on occasion claiming that a public hearing had been held on a matter that was on the consent agenda. Placing an item on the consent agenda actually excludes the matter from public comment.

Each of these matters was pointed out to Casey Anderson, the Planning Board Chair, in a letter from Councilmember Albernoz two weeks ago.

Respectfully submitted,

Tom Armstrong