

Don Cinnamond

Bethesda, MD 20816

March 23, 2025

Ms. Kate Stewart, President
Montgomery County Council
100 Maryland Avenue, Sixth Floor
Rockville, MD 20850

Subject: Opposition to ZTA 25-02, Workforce Housing - Development Standards

Dear President Stewart and Members of the Montgomery County Council,

I am writing to oppose Zoning Text Amendment (ZTA) 25-02, Workforce Housing - Development Standards, due to its potential to overburden infrastructure, undermine affordability goals, and disrupt community character without sufficient justification or safeguards. As a concerned resident, I urge you to reject or substantially revise this proposal to better align with Montgomery County's long-term needs.

ZTA 25-02 permits duplexes, triplexes, townhouses, and apartments in R-40, R-60, R-90, and R-200 zones along corridors like Boulevards and Controlled Major Highways over 100 feet wide with three travel lanes, offering a 1.25 FAR and 40-foot height limit if 15% of units meet workforce housing criteria (120% AMI). While aimed at increasing housing, this approach lacks data to demonstrate need or efficacy. The Montgomery County Planning Department's 2023 Housing Needs Assessment estimated a shortfall of 12,000 units by 2030, yet over 30,000 permitted units remain unbuilt per their pipeline data. Accelerating these projects could address demand without rezoning single-family zones, yet ZTA 25-02 prioritizes new development without explaining why existing approvals lag.

The proposal's affordability impact is questionable. With 85% of units at market rate and only 15% at 120% AMI—roughly \$105,000 for a family of four per 2024 HUD figures—it fails to target the County's stated goal of 75% new housing at 60% AMI (\$52,500). Studies, like the Urban Institute's 2023 report on zoning reforms, show upzoning often raises land values and displaces lower-cost housing, with prices driven more by job growth and wages than supply alone. Maryland's economic outlook, ranked 46th on the Tax Foundation's 2024 State Business Tax Climate Index, suggests stagnation, not growth, with a \$3 billion state deficit looming (Maryland Budget Office, 2025). This weakens the case for market-rate-heavy development as a solution.

Infrastructure capacity is another critical flaw. The Washington Suburban Sanitary Commission (WSSC) 2024 budget highlights aging water and sewer systems, with over

1,000 main breaks annually countywide. ZTA 25-02's allowance of denser building types along corridors, without mandatory on-site stormwater controls or parking minimums, risks worsening runoff and traffic. The County's 2021 Climate Action Plan (Action A-13) calls for enhanced stormwater management, yet this proposal offers no such requirement, potentially increasing impervious surfaces near already strained systems. School overcrowding, noted in Montgomery County Public Schools' 2024 enrollment reports (exceeding capacity by 5% in some areas), further signals inadequate public facilities for new residents.

Community members directly affected by ZTA 25-02 may have legal recourse to challenge it. If adopted, Maryland law permits "aggrieved persons"—such as property owners near redefined corridors whose property values or quality of life may be harmed—to file for judicial review in Montgomery County Circuit Court within 30 days of the Council's decision (Maryland Rule 7-203). Courts can overturn zoning actions lacking evidence or rational basis (*Sugarloaf Citizens' Ass'n v. Dep't of Env't*, 1996; *Anderson House, LLC v. City of Rockville*, 2005; *Mayor & Council of Rockville v. Rylyns Enterprises, Inc.*, 2002; *Friends of Frederick County v. Frederick County*, 2007), offering a potential avenue for residents with standing to seek an injunction and demand a more thorough, data-driven process.

In conclusion, ZTA 25-02 is premature and flawed. I urge the Council to pause it, assess the 30,000 unbuilt units' barriers, and develop a data-driven housing strategy with robust infrastructure planning and genuine affordability measures. Job growth, not speculative development, should drive housing demand in a county facing economic headwinds.

Sincerely,

Don Cinnamond