

## MEMORANDUM

March 10, 2022

TO: Planning, Housing, and Economic Development (PHED) Committee

FROM: Pamela Dunn, Senior Legislative Analyst  
Livhu Ndou, Legislative Attorney

SUBJECT: Silver Spring Downtown and Adjacent Communities Plan

PURPOSE: Worksession to develop recommendations for Council consideration

**Expected Participants:**

Casey Anderson, Chair, Montgomery County Planning Board  
Gwen Wright, Director, Montgomery Planning Department  
Elza Hisel-McCoy, Down County Chief, Planning Department  
Larissa Klevan, Master Plan Supervisor, Planning Department  
Atara Margolies, Planner Coordinator, Planning Department

This is the Planning, Housing, and Economic Development (PHED) Committee's second worksession on the Silver Spring Downtown and Adjacent Communities Plan. The first worksession covered the introduction to the Plan and four of eight districts that make up the Plan area. This worksession will cover the remaining four districts. The third worksession will cover transportation and school infrastructure, parks, open space, and resiliency and the other plan-wide recommendations. And the last scheduled worksession will address any other community facilities, historic resources, and Plan implementation. Testimony relevant to this report is attached on ©1-79.

<b>Councilmembers may wish to bring their copy of the Plan to the meeting.</b>
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A link to the Planning Board Draft for those wishing to access the Plan online is here:

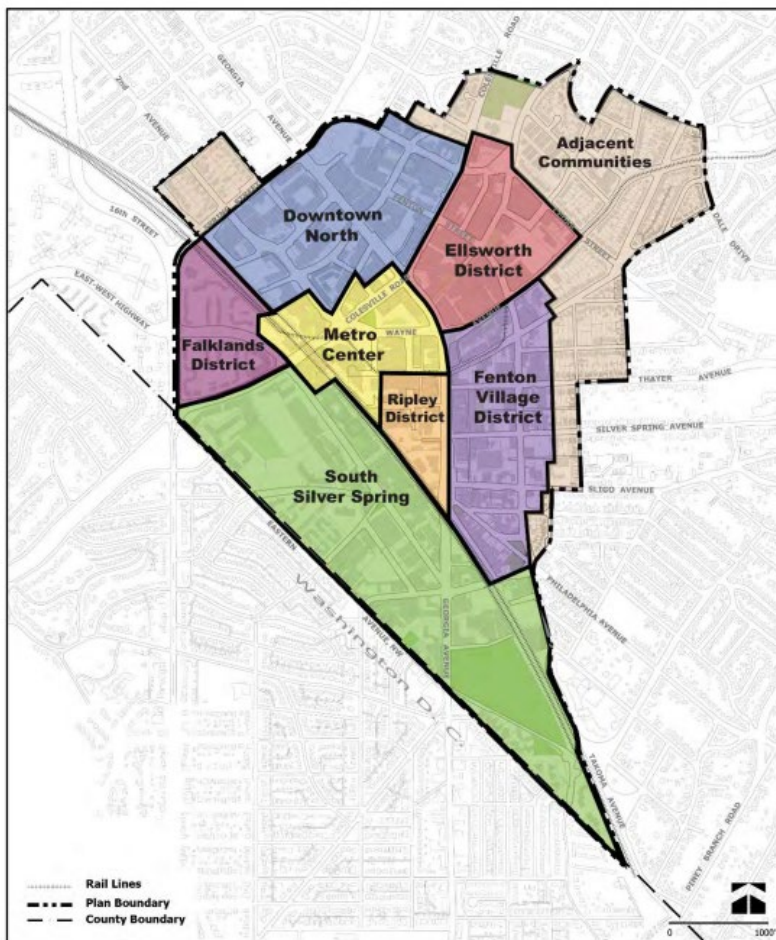
<https://montgomeryplanning.org/wp-content/uploads/2022/01/SSDAC-Planning-Board-Draft-FINAL-FOR-WEB-reduced2.pdf>

Silver Spring is renowned for its uniqueness and diversity, as well as for its wealth of locally owned and ethnically diverse small businesses that include restaurants, bars, cafes, and coffee shops. The revitalization of Silver Spring was spurred by the 2000 Silver Spring Central Business District Sector Plan and related initiatives by the public and private sector. The resulting development of the downtown area, including the Civic Building, Veteran's Plaza, and Ellsworth Place, has been tremendously successful and has brought people from all over the region to work, live, play, and enjoy Silver Spring.

The Plan envisions a Silver Spring of the future as a great place to work, do business, and enjoy the arts. Home to small independent businesses, cutting-edge science, research and tech companies, educational institutions, and arts organizations. A place that remains unique, affordable, and attractive to people of all ages and backgrounds with new open spaces that are better connected and characterized by green, climate-resilient, and safe walkable streets.

To achieve this goal the Plan lays out Plan-wide goals and recommendations (which will be covered by a future worksession). The Plan also establishes eight districts within the Plan area, reinforcing the identity of each district with goals and recommendations specific to each district. The first worksession provided a review of the Downtown North, Ellsworth, Metro Center and Ripley Districts. This worksession will cover the remaining four districts: Falklands, Silver Spring South, Fenton Village, and the Adjacent Communities.

Below is a map of the districts that make up Downtown Silver Spring and the Adjacent Communities:



## DISTRICT RECOMMENDATIONS

### 1. Falklands District

#### Vision:

The historic Falklands apartments hold a foundational place in the development of Silver Spring and have provided first homes to generations of residents. The Falklands District will retain its historic fabric of affordable housing south of East-West Highway while embracing the opportunity for higher-density mixed-use development north of East-West Highway.

#### Goals:

- Preserve the historically significant Falklands South parcel just south of East-West Highway as a sylvan retreat of market-rate affordable housing in middle of a dense urban environment.
- Encourage appropriate redevelopment of the northern portion of the Falklands while striving for no net loss of market rate affordable housing on this site to support the Plan goal of housing diversity.
- Maintain and protect the existing public realm of the Falklands, including significant green cover, a mature tree canopy, and an existing stream.
- Provide public open space and access to existing stream valley in the southern parcel of the Falklands.



Figure 23. Falklands District Illustrative Diagram

## Recommendations:

### Urban Design:

- Redevelop the Falkland property on the north side of East-West Highway. The redevelopment should be designed with a variety of building heights, with an internal circulation pattern that honors and retains the existing landscaped character of the site.
- Connect the renovated stream valley in the southeast quadrant to a consolidated public use space on the north parcel that is green and clearly public in nature.
- Implement the recommendation from the 2010 Greenspace Guidelines for a renovated stream valley in the southern portion of the Falklands parcel between East-West Highway and Colesville Road.
- If the northern Falklands parcel is redeveloped as a mixed-use site, consider the feasibility of creating a connection across the rail from the Falklands District to the Downtown North District.

### **Council Staff supports the Urban Design recommendations for the Falklands District.**

### Parks and Public Spaces:

The Plan does not include any recommendations under “Parks and Public Spaces”, as is done in other districts. One of the Goals of the Falklands District is to “Provide public open space and access to existing stream valley in the southern parcel of the Falklands.” And one of the Urban Design recommendations is “[connecting] the renovated stream valley in the southeast quadrant to a consolidated public use space on the north parcel that is green and clearly public in nature.”

**Council Staff believes that the lack of a section on Parks and Public Spaces gives the appearance that there is no proposal for parks or public spaces in this district. But the illustrative diagram clearly indicates two proposed public open spaces. If these spaces are proposed, Council Staff recommends adding language to this section regarding those proposed spaces.**

### Opportunity Sites:

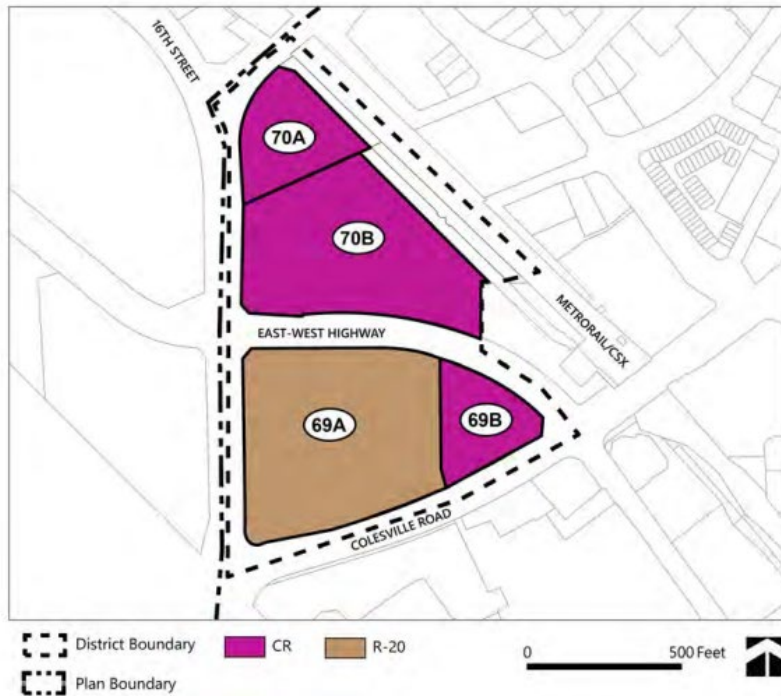
The Plan does not include any recommendations under “Opportunity Sites”, as is done in other districts. But the illustrative diagram clearly shows a large opportunity site in the northern part of Falklands District. This is the site that the Plan recommends redeveloping “with a variety of building heights, with an internal circulation pattern that honors and retains the existing landscaped character of the site.”

**Council Staff believes that the lack of a section on Opportunity Sites gives the appearance that there are no opportunity sites in this district. Council Staff recommends this language instead be included in an Opportunity Sites section.**

### Zoning:

- Equalize Commercial and Residential Density Values in CR zones for maximum flexibility in future redevelopment.

Below is the proposed zoning map for the Falklands District. The table that follows lists current and proposed zoning for each numbered property/block.



Map 13. Proposed Falklands District Zoning

Map Number	Existing Zoning	Proposed Zoning	Justification
69A	R-20	R-20	Confirm existing zoning; historic property.
69B	CR-5.0 C-4.0 R-4.75 H-145 T	CR-6.0 C-6.0 R-6.0 H-175	Adjust zoning to bring parcel into conformance.
70A	CR-3.0 C-2.0 R-2.75 H-90 T	CR-3.0 C-3.0 R-3.0 H-110	Increase flexibility for future mixed-use development.
70B	CR-3.0 C-0.75 R-3.0 H-145 T	CR-3.0 C-3.0 R-3.0 H-175	Increase flexibility for future mixed-use development.

Testimony was received from Marcie Stickle, Silver Spring Historical Society, Advocacy Chair, requesting that the “Falkland North Parcel” be included within the Garden and Mid-Rise Apartment District.<sup>1</sup> Council Staff does not support this recommendation because while the southern parcel has a historical designation, the northern parcel was studied several years ago and rejected for preservation. In addition, the northern parcel currently has an approved site plan for redevelopment of the site.

<sup>1</sup> The Plan notes that the Garden and Mid-Rise Apartment District may be eligible for the National Register of Historic Places (page 173 of Planning Board Draft). Several apartments make up this district, including Falkland Gardens, which is described as “bound by East West Highway to the north, Draper Lane to the east, Colesville Road to the south, and single-family dwellings and townhouses to the west” (page 175 of Planning Board Draft). This description fits Map Number 69A of Map 13, Proposed Falklands District Zoning. The letter-writer is requesting that Map Number 70B be added as well.

## **Council Staff supports the Zoning recommendations for the Falklands District.**

### ***2. South Silver Spring District***

#### **Vision:**

South Silver Spring is a large district with a great diversity of housing types, commercial and educational uses, and public spaces, including Jesup Blair Park. The rail tracks separate this district from the rest of downtown. South Silver Spring will leverage its unique array of assets to become a destination for mixed-use development to serve its diverse community, and an enhanced connector between the developing centers along Georgia Avenue, from the Walter Reed Campus in D.C. to the core of downtown Silver Spring. South Silver Spring will become a destination within the downtown, with the renovation of Jesup Blair Park and the opportunity for Montgomery College to expand its presence in this neighborhood.

#### **Goals:**

- Encourage redevelopment of under-utilized parcels throughout South Silver Spring by adjusting the existing zoning for increased flexibility of uses.
- Support redevelopment of opportunity sites to provide a mix of housing options for people of all ages, income levels, and household size.
- Preserve existing market-rate affordable housing.
- Collaborate with the Takoma Park/Silver Spring Campus of Montgomery College to expand educational and science and technology programs in the district.
- Provide new public open space in South Silver Spring to support existing and future residents of this neighborhood.
- Reconnect and reimagine Jesup Blair Park to the downtown via a visionary renovation of the park. This park should be both a gateway to Silver Spring from Washington, D.C. and a unique destination in the downtown.
- Support the redevelopment of the Blairs per the approved preliminary master plan for the site.





Figure 21. South Silver Spring Illustrative Diagram

## Recommendations:

### Urban Design

- At redevelopment sites along Georgia Avenue, design buildings with a low-rise two-story base that relates to the scale of the existing retail development along Georgia Avenue south of East West Highway. Setback upper floors by a minimum of 15 feet so that there is a clear articulation between base and tower.

**While Council Staff recognizes the benefits of creating a comfortable pedestrian-scale community, additional flexibility may be needed to appropriately scale commercial development. Council Staff recommends allowing a larger story base, with Planning Board approval, where existing abutting and confronting properties are taller than two stories.**

- Redevelopment sites along or near to Eastern Avenue should step down toward the residential neighborhood across Eastern Avenue in Washington D.C.
- Redevelopment sites along East-West Highway and 13th Street should provide some active ground-floor uses such as retail or other community amenities.
- Implement the Green Loop concept along East-West Highway as a key component of the Central Loop.
- Create a new mid-block crossing on Georgia Avenue at Montgomery College for improved access to the campus.

**Council Staff supports the remaining Urban Design recommendations for the South Silver Spring District.**

**Parks and Public Spaces**

- Provide a new urban recreational park in South Silver Spring per the recommendations of the 2010 Green Space Plan Guidelines for Silver Spring. The Plan recommends this park be located between Kennett Street and East-West Highway and will serve as both a park and a through-block connection between those streets. The vision for this park is an active recreation space that can serve as a complement to the historic, contemplative setting of Acorn Park just up the street. This park will also provide a green space that can support the retail and food services establishments along East-West Highway.

Testimony: The Council received written testimony from NRP Properties, the contract purchaser and developer of 8040 13<sup>th</sup> Street. The testimony noted that NRP proposes to develop a mixed-use project of 415 multi-family residential units, 9,500 square feet of non-residential uses, and a multi-level structured parking bay. While the testimony was generally supportive of the Plan, it raised concerns with the recommendation that a large public open space be located adjacent to Kennett Street on the east side of the project. NPR wrote that while they do propose a significant public open space, it is proposed toward the middle-west portion of the property, adjacent to 13<sup>th</sup> Street on the south. The reason for this location is the result of numerous discussions with its neighbors, adjacent to the north, in the Eastern Village Cohousing development. The neighbors raised concerns about the proposed building's height blocking sunlight and views to the south, and so the massing of the west building was reduced, and the public open space was created adjacent to it. Testimony also notes that this revised location relates to existing public open space directly across 13<sup>th</sup> Street. The testimony provides three options for revision:

1. The County Council revise Figure 21 to relocate the open space consistent with the project's proposed location;
2. A note is added to the Plan indicating Figure 21 is for illustrative purposes only and does not dictate the location in which public open space is created to be provided, which is instead to be determined as part of review of the development applications to be submitted to M-NCPPC; or
3. Additional language is added indicating that public open space must relate to existing and/or surrounding open space, rather than specifically directing locations of public open space at this time.

**Council Staff recommends revising Figure 21 to relocate the proposed public open space, consistent with proposed development and neighborhood input.**

- Renovate Jesup Blair Park to create a unique open place that includes social, active and contemplative experiences throughout its 14 acres. The new Jesup Blair Park will be a gateway and a destination that promotes an active lifestyle and offers the unique historical



and cultural setting of a special park designated on the Master Plan for Historic Preservation. Increasing transit connections to this park should be studied further. For a full vision of the program of this proposed renovation, see Parks and Public Spaces Recommendations in Section 4.2.

**Council Staff recommends adding to this section that there is a proposed public open space in the northern parcel of South Silver Spring District. Council staff also recommends adding that the community garden on King Street and Eastern Avenue will be preserved.**

Testimony: The Council received at least three pieces of written testimony regarding Jesup Blair House. Written testimony from George French requested that the Jesup Blair House be restored and leased to a group that will further activate the Park. One suggested organization was Carpe Diem Arts. The letter requested that rather than spending money constructing a 1-acre interim park at 1110 East West Highway, that amount be used to restore the Jesup Blair House. Written testimony was received from Marcie Stickle, Silver Spring Historical Society, Advocacy Chair. The letter asked that restoration of Jesup Blair House be entered into the Capital Improvements Program (CIP) budget process. Written testimony from Busy Graham, founder and Executive Director of Carpe Diem Arts, noted that the Jesup Blair House was barely mentioned in the Plan. The letter noted that the House could serve as a catalyst for attracting residents to the Park and provide a much-needed home for many area non-profits. The letter asked that the Plan help restore the property, and asked for funding for its rehabilitation, estimated at \$2 million. **Council Staff recommends additional language be added to the Plan regarding the restoration of Jesup Blair House.**

Written testimony argued that the Park already has recreational space. Letter-writers asked for additional crosswalks. A letter-writer also asked that the pedestrian bridge and strolling path not be widened, and to avoid adding any additional impermeable surface, including a skate park. **A more in-depth discussion of parks is scheduled for a later worksession.**

#### Opportunity Sites

- 7980 Georgia Avenue: The Plan recommends considering the redevelopment as a mixed-use development on the portion of the parcel that fronts on Georgia Avenue, while preserving the existing community garden at the western end of the parcel. Improve connections in this area of South Silver Spring by creating a through-block connection at this site from King Street to Georgia Avenue that aligns with the midblock connection adjacent to the Galaxy Apartments. The Plan recommends retaining the community garden as part of any redevelopment.
- 8040 13th Street/Days Inn: This is a key opportunity site in South Silver Spring and a strong site for mixed-use development with active ground floor uses along 13<sup>th</sup> street, including retail. This site should include a through-block connection providing pedestrian access through the site and connecting to the proposed Urban Recreational Park along Kennett Street. Heights should step down towards Eastern Avenue as identified in the existing zoning. This Plan further recommends coordination with the Parking Lot District regarding the potential use of the existing surface lot and parking garage as a parking resource for any redevelopment.
- Montgomery College: The Plan recommends working with the College to explore and develop opportunities to expand the campus program in the South Silver Spring district.
- 8045 Kennett Street (Caldor Building): The Plan recommends the adaptive re-use of this building, possibly as an educational facility or for future employment.

- 8001 Newell Street (Self-Storage): The Plan recommends that redevelopment of this site transition in height to the garden apartment buildings across Newell Street and the single-family homes across Eastern Avenue Northwest in D.C.
- 7996 Georgia Avenue: The Plan recommends redevelopment of this key site at Georgia Avenue and East-West Highway for institutional/educational uses to support Montgomery College across Georgia Avenue, or other mixed-use development.

**Council Staff supports the Opportunity Sites recommendations for South Silver Spring; however, the illustrative diagram for South Silver Spring includes several Opportunity Sites in the northern portion of the District that are not noted in the section above. This information should be added to the Plan.**

Testimony: The Council received written testimony from the owners of 8001 Newell Street, Silver Spring Extra Space. The testimony notes that “there is approximately 600,000 square feet of self-storage within a 3-mile radius of the Property, but there is demand from residents and businesses for between 1.6 million to 3 million square feet of self-storage uses.”<sup>2</sup> The testimony notes that an expansion of this use could accomplish the Plan and County’s goals of economic growth and enhanced urban design and architecture. The testimony requests that an accompanying Zoning Text Amendment (ZTA) to this Plan allow for limited expansion of self-storage facilities such that:

- The self-storage use must have been established before the effective date of the Sector Plan;
- Site Plan approval under the CR Optional Method of Development is required, which will include review by the Design Advisory Panel (DAP) for consistency with the Design Guidelines;
- The expanded self-storage use would be limited to 60 feet of building height; and
- Any additional density added beyond the as-built density at the time of Sector Plan adoption would be subject to a contribution to the HIF or CIF.

**Council Staff recommends deferring discussion of this recommendation until review of the ZTA.**

#### Zoning

- Equalize Commercial and Residential Density Values in CR zones for maximum flexibility in future redevelopment.
- Correct zoning to bring existing non-compliant parcels into conformance.
- Parcels in Building Height Incentive Zone are able to achieve heights above the maximum mapped zoning per the proposed recommendations in Section 4.1.

Below is the proposed zoning map for the South Silver Spring District. The table that follows lists current and proposed zoning for each numbered property/block.

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<sup>2</sup> It is unclear from the written testimony where the data regarding demand is from.



Map 11. Proposed South Silver Spring Zoning

Table 5. Proposed South Silver Spring Zoning			
Map Number	Existing Zoning	Proposed Zoning	Justification
40	CR-5.0 C-0.5 R-5.0 H-200 T	CR-5.0 C-5.0 R-5.0 H-240	Increase flexibility for future mixed-use development.
41A	CR-8.0 C-6.0 R-7.5 H-200 T	CR-8.0 C-8.0 R-8.0 H-200	Increase flexibility for future mixed-use development.
41B	CR-5.0 C-4.0 R-4.75 H-145 T	CR-5.0 C-5.0 R-5.0 H-175	Increase flexibility for future mixed-use development.
41C	CR-5.0 C-4.0 R-4.75 H-200 T	CR-5.0 C-5.0 R-5.0 H-240	Increase flexibility for future mixed-use development.
42A	R-10	R-10	Confirm current zoning for existing affordable housing.
42B	CR-3.0 C-2.0 R-2.75 H-90 T	CR-3.0 C-3.0 R-3.0 H-110	Increase flexibility for future mixed-use development.
42C	CR-3.0 C-2.0 R-2.75 H-90 T	CR-3.0 C-3.0 R-3.0 H-110	Increase flexibility for future mixed-use development.
43A	CR-3.0 C-2.0 R-2.75 H-125 T	CR-3.0 C-3.0 R-3.0 H-125	Increase flexibility for future mixed-use development.
43B	CR-3.0 C-2.0 R-2.75 H-90 T	CR-3.0 C-3.0 R-3.0 H-125	Increase flexibility for future mixed-use development.
44	CR-3.0 C-2.0 R-2.75 H-90 T	CR-3.0 C-3.0 R-3.0 H-125	Increase flexibility for future mixed-use development.
45	CR-3.0 C-2.0 R-2.75 H-90 T	CR-3.0 C-3.0 R-3.0 H-110	Increase flexibility for future mixed-use development.
46	CR-3.0 C-2.0 R-2.75 H-90 T	CR-3.0 C-3.0 R-3.0 H-110	Increase flexibility for future mixed-use development.
47A	CR-3.0 C-2.0 R-2.75 H-125 T	CR-3.0 C-3.0 R-3.0 H-125	Increase flexibility for future mixed-use development; one property remains non-compliant.
47B	CR-3.0 C-2.0 R-2.75 H-90 T	CR-3.0 C-3.0 R-3.0 H-125	Increase flexibility for future mixed-use development.
48A	CR-3.0 C-2.0 R-2.75 H-90 T	CR-3.0 C-3.0 R-3.0 H-125	Increase flexibility for future mixed-use development.
48B	CR-3.0 C-2.0 R-2.75 H-125 T	CR-3.0 C-3.0 R-3.0 H-125	Increase flexibility for future mixed-use development.
49A	CR-3.0 C-2.0 R-2.75 H-90 T	CR-3.0 C-3.0 R-3.0 H-110	Increase flexibility for future mixed-use development.
49B	IM-2.5 H-50	CR-3.0 C-3.0 R-3.0 H-110	Rezone to CR from IM to allow future mixed-use development.
50	R-60	R-60	Confirm existing zoning; existing park.

### Corrections:

- Comparing the map with the proposed zoning table, the labels for Map Numbers 43B and 43A on “Map 11. Proposed South Silver Spring Zoning” are switched.
- Map Number 48A should be split into two map numbers. The existing zone listed in the table is correct for the southernmost portion, but the northern portion should be: CR-3.0 C-2.0 R-2.75 H-125 T. In addition, the boundary line for Map Number 48B should extend south all the way to Georgia Avenue.

## **Council Staff supports the Zoning recommendations for the South Silver Spring District.**

### ***3. Fenton Village District***

#### **Vision:**

Fenton Village will build on and sustain its diversity with new community open space, new development at an appropriate scale to support small businesses, and an expanded presence for the arts.

#### **Goals:**

- Maintain zoning that provides low-rise development on Georgia Avenue and Fenton Street, and taller development in the middle of the block.
- Provide a compatible transition in building form and height from Fenton Village to East Silver Spring.
- Redevelop opportunity sites with mixed-use development with retail or commercial spaces on the ground floor appropriate for local and independent retailers.
- Enhance Fenton Street as the main street for the district by preserving and improving opportunities for active retail.
- Retain a full-service grocery store in the district.
- Promote the redevelopment of public parking lots and garages in collaboration with the Parking Lot District's goals.
- Encourage residential development that provides a mix of unit types and sizes for people of all ages, levels of income and household size.
- Provide new outdoor community gathering space in Fenton Village and link this new open space to the Green Loop segment along Fenton Street.
- Build on relationships with nearby Artspace Silver Spring and Montgomery College to further expand opportunities for public art and arts-related uses.





Figure 13. Fenton Village: Illustrative Diagram

## Recommendations:

### Urban Design

- Consistent with the Fenton Village Overlay Zone, buildings should step back above the base to maintain a low-rise character along the street.
- Retail bays should be small enough to house small local retailers to preserve the economic diversity typical of Fenton Village.
- New development interior to the blocks between Fenton Street and Georgia Avenue should be composed of buildings that are divided into smaller components, instead of one large, monolithic structure.

- Transform Bonifant Street into a pedestrian-friendly retail corridor along the Purple Line, with sidewalk cafes and street trees.
- Implement the Green Loop on Fenton Street.
- Provide public through-block connections throughout the district to enhance walkability and connectivity within long or large blocks.

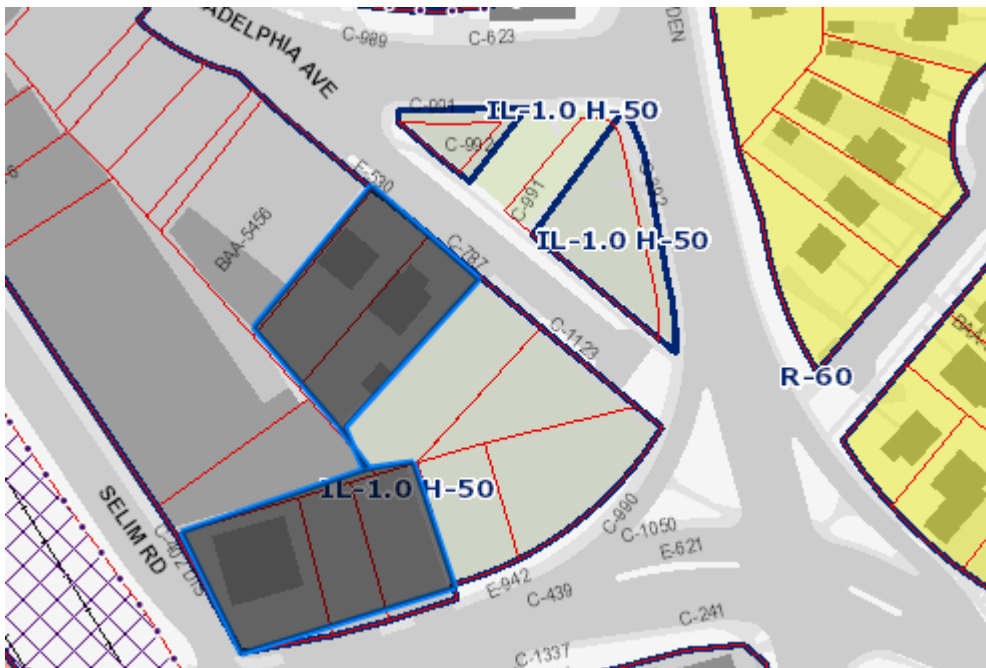
**Council Staff supports the Urban Design recommendations for the Fenton Village District.**

**Parks and Public Spaces**

- Expand the existing Fenton Street Urban Park into a cohesive neighborhood gateway park that is directly connected to the Green Loop.
- Provide a ½-acre green public space along Fenton Street with any redevelopment of Public Parking Garage 4.

Council Staff supports the intent of both recommendations; however, the expansion of Fenton Street Park would require acquisition of 4-5 privately owned properties in the light industrial area of the Plan. The Plan also includes a Plan-wide goal to “maintain existing light industrial zoning to support community-serving auto repair and related small businesses”. **Staff suggests adding to the park recommendation the phrase, “should property in this area become available.” Which would allow the light industrial property owners to redevelop under a light industrial use or to make the property available for acquisition, both of which support the goals of this Plan.**

The map below shows the light industrial properties impacted by the Parks recommendation.



With respect to the 1/2-acre public green space associated with Parking Lot 4, there is a more detailed recommendation under Opportunity Sites below. Council Staff’s recommendation is provided in the next section.

## Opportunity Sites

- **Public Garage 4:** Encourage the redevelopment of Parking Garage 4 and surrounding properties through a public-private partnership with the Parking Lot District. The Plan recommends that this large block be divided via a new north-south connection that aligns with the north-south connection at the block to the north. This connection could provide loading and service connections for the new development. In addition, the Plan recommends an east-west through-block pedestrian connection as part of any redevelopment of the garage parcel. A ½-acre green community-focused open space should be located at this site, fronting on Fenton Street. This open space could be an opportunity to celebrate local artists and the diversity of Fenton Village. This site is also large enough that it may provide a unique opportunity to consider urban agriculture facilities, either at the ground or as part of a green roof concept.

Below is a more detailed view from the Fenton Village Illustrative Diagram.

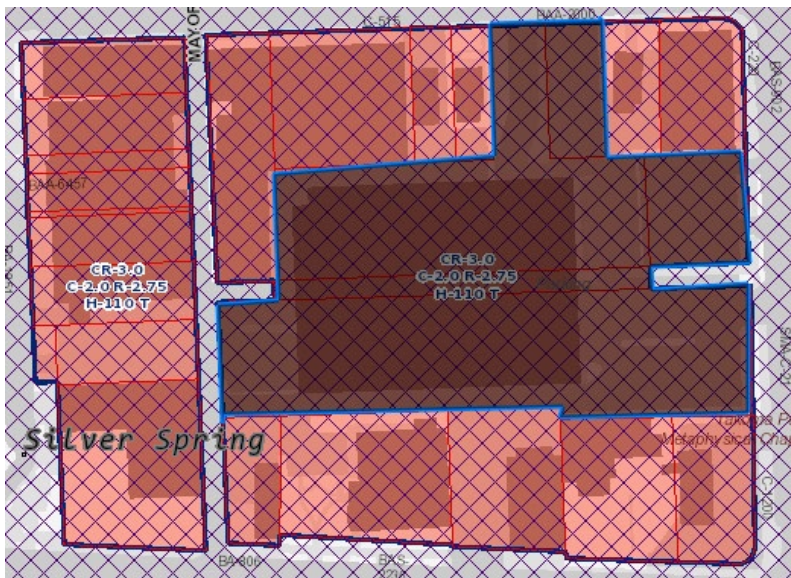


**Executive Branch Comments:** Council Staff received a letter from the Montgomery County Department of Transportation (MCDOT) via Meredith Wellington, Land Use Planning Policy Analyst for the County Executive. The letter provides MCDOT's comments on the Silver Spring Downtown and Adjacent Communities Plan. The following comment is in reference to redevelopment of Public Parking Garage 4.

**“Garage 4:** Due to the nature of Parking Lot District obligations and the County’s desire to maximize affordable housing in Silver Spring, the County is requesting flexibility for the redevelopment of Garage 4. The Plan proposes a new north-south street, a new east-west pedestrian connection, and new open space on this site. These connections and open space are all important elements, but current draft language severely limits the design and is too prescriptive.”

Below is an outline of the property owned by the County.





While the Plan does make several relatively specific recommendations for the potential redevelopment of Garage 4, the green loop connector, the new north-south connection to that ties-into the block to the north, and the provision of public open space, work together as a whole to support several Plan goals. **Staff suggests the recommendation could be modified, similar to language in the Westbard Plan where site constraints were anticipated, to read “A [ $\frac{1}{2}$ -acre] green community-focused open space of approximately  $\frac{1}{2}$  acre, but no less than  $\frac{1}{3}$  acre, should be located at this site, fronting on Fenton Street.** This would provide slightly more flexibility in siting and use of the remaining property, including for the provision of affordable housing.

- County Parking Lot 29: The Plan recommends redevelopment of this surface parking lot with a mix of uses compatible with the adjacent residential development.
- Safeway grocery site and adjacent parcels: The Plan recommends the redevelopment of the existing Safeway grocery site and the adjoining sites including County Parking Lot 38 for mixed-use development. Maintaining a full-size grocery store in Fenton Village is very important for access to food. For any redevelopment, vehicular access to the site for parking and/or loading should not be from Fenton Street; the frontage along Fenton Street should have active ground-floor uses. A new north-south street that aligns with the north-south connection at the block to the south is recommended for this site.

**Council Staff supports the other Opportunity Site recommendations.**

#### Zoning

- Revise the Fenton Village Overlay Zone with minor updates as presented in the Implementation section. These include zoning text changes proposed to support small businesses.
- Maintain zoning pattern that allows for a transition between the commercial corridor of Fenton Street and the residential neighborhood of East Silver Spring.

Below is the proposed zoning map for the Fenton Village District. The table that follows lists current and proposed zoning for each numbered property/block.



Map 8. Proposed Fenton Village Zoning



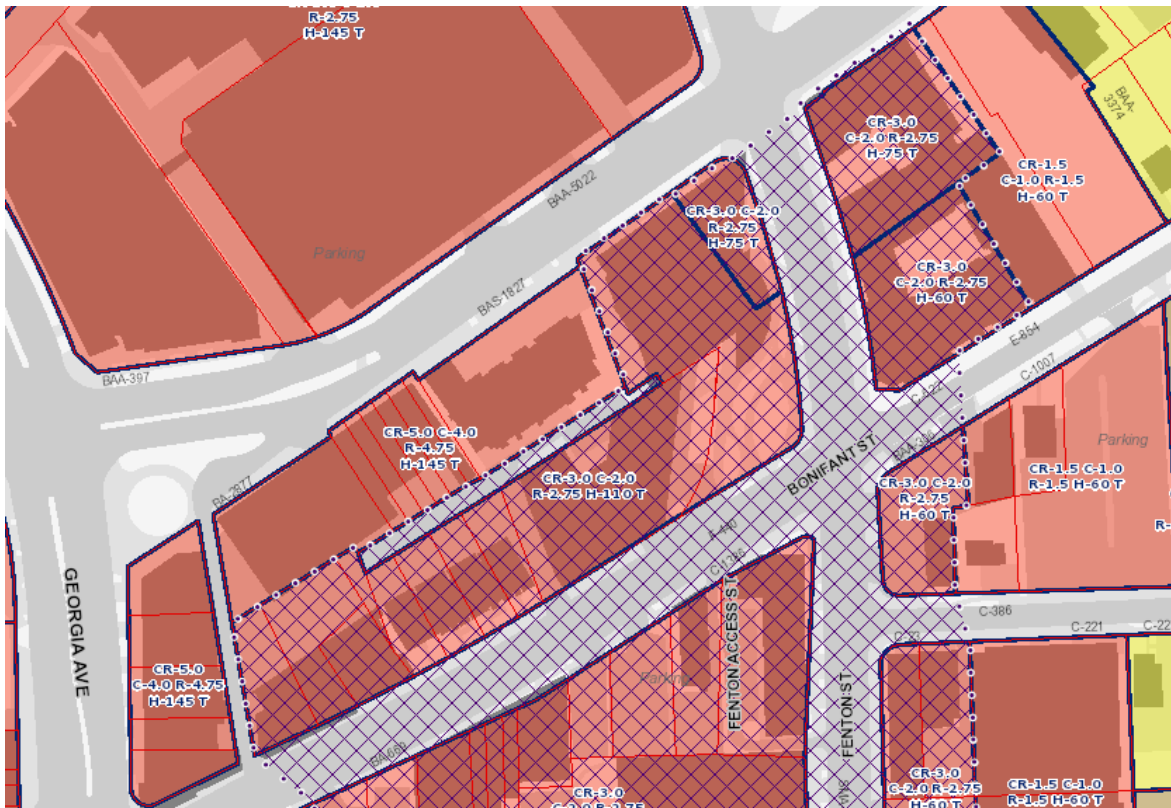
Table 2. Proposed Fenton Village Zoning

Map Number	Existing Zoning	Proposed Zoning	Justification
7	CR-5.0 C-4.0 R-4.75 H-145 T	CR-5.0 C-5.0 R-5.0 H-175	Increase flexibility for future mixed-use development.
8A	CR-5.0 C-4.0 R-4.75 H-145 T	CR-7.0 C-7.0 R-7.0 H-175	Proposed zoning brings parcel into conformance.
8B	CR-5.0 C-4.0 R-4.75 H-145 T	CR-5.0 C-5.0 R-5.0 H-175	Increase flexibility for future mixed-use development.
8C	CR-5.0 C-4.0 R-4.75 H-145 T	CR-7.0 C-7.0 R-7.0 H-175	Proposed zoning brings parcel into conformance.
8D	CR-3.0 C-2.0 R-2.75 H-110 T	CR-3.0 C-3.0 R-3.0 H-130	Increase flexibility for future mixed-use development.
8E	CR-3.0 C-2.0 R-2.75 H-110 T	CR-3.0 C-3.0 R-3.0 H-130	Increase flexibility for future mixed-use development.
9A	CR-3.0 C-2.0 R-2.75 H-75 T	CR-3.0 C-3.0 R-3.0 H-90	Increase flexibility for future mixed-use development.
9B	CR-1.5 C-1.0 R-1.5 H-60 T	CR-3.0 C-3.0 R-3.0 H-70	Increase flexibility for future mixed-use development.
10A	CR-5.0 C-4.0 R-4.75 H-145 T	CR-5.0 C-5.0 R-5.0 H-175	Increase flexibility for future mixed-use development.
10B	CR-3.0 C-2.0 R-2.75 H-110 T	CR-3.0 C-3.0 R-3.0 H-130	Increase flexibility for future mixed-use development.
11A	CR-1.5 C-1.0 R-1.5 H-60 T	CR-3.0 C-3.0 R-3.0 H-70	Increase allowable density proximate to high-capacity transit.
11B	CR-3.0 C-2.0 R-2.75 H-60 T	CR-3.0 C-3.0 R-3.0 H-70	Increase flexibility for future mixed-use development.
12A	CR-3.0 C-2.0 R-2.75 H-60 T	CR-3.0 C-3.0 R-3.0 H-70	Increase flexibility for future mixed-use development.
12B	CR-1.5 C-1.0 R-1.5 H-60 T	CR-1.5 C-1.5 R-1.5 H-70	Increase zoning flexibility. Silver Spring Tower remains non-conforming.
13A	CR-5.0 C-4.0 R-4.75 H-145 T	CR-5.0 C-5.0 R-5.0 H-175	Increase flexibility for future mixed-use development.
13B	CR-3.0 C-2.0 R-2.75 H-110 T	CR-3.0 C-3.0 R-3.0 H-130	Increase flexibility for future mixed-use development.
14	CR-3.0 C-2.0 R-2.75 H-110 T	CR-3.0 C-3.0 R-3.0 H-130	Increase flexibility for future mixed-use development.
15A	CR-3.0 C-2.0 R-2.75 H-60 T	CR-3.0 C-3.0 R-3.0 H-70	Increase flexibility for future mixed-use development.
15B	CR-1.5 C-1.0 R-1.5 H-60 T	CR-1.5 C-1.5 R-1.5 H-70	Increase flexibility for future mixed-use development.

16A	CR-3.0 C-2.0 R-2.75 H-60 T	CR-3.0 C-3.0 R-3.0 H-70	Increase flexibility for future mixed-use development.
16B	CR-1.5 C-1.0 R-1.5 H-60 T	CR-1.5 C-1.5 R-1.5 H-70	Increase flexibility for future mixed-use development.
17	CR-3.0 C-2.0 R-2.75 H-110 T	CR-3.0 C-3.0 R-3.0 H-130	Increase flexibility for future mixed-use development.
18	CR-3.0 C-2.0 R-2.75 H-110 T	CR-3.0 C-3.0 R-3.0 H-130	Increase flexibility for future mixed-use development.
19A	CR-3.0 C-2.0 R-2.75 H-60 T	CR-3.0 C-3.0 R-3.0 H-70	Increase flexibility for future mixed-use development.
19B	CR-1.5 C-1.0 R-1.5 H-60 T	CR-1.5 C-1.5 R-1.5 H-70	Increase flexibility for future mixed-use development.
20A	CR-3.0 C-2.0 R-2.75 H-60 T	CR-3.0 C-3.0 R-3.0 H-70	Increase flexibility for future mixed-use development.
20B	CR-1.5 C-1.0 R-1.5 H-60 T	CR-1.5 C-1.5 R-1.5 H-70	Increase flexibility for future mixed-use development.
21	CR-3.0 C-2.0 R-2.75 H-110 T	CR-3.0 C-3.0 R-3.0 H-130	Increase flexibility for future mixed-use development.
22	CR-3.0 C-2.0 R-2.75 H-60 T	CR-3.0 C-3.0 R-3.0 H-70	Increase flexibility for future mixed-use development.
23	CR-3.0 C-2.0 R-2.75 H-110 T	CR-3.0 C-3.0 R-3.0 H-130	Increase flexibility for future mixed-use development.
24	IL-1.0 H-50	IL-1.0 H-50	Confirm existing zoning.

Corrections: There are three errors on Map 8. One is related to Map Numbers 7 and 8E. The current zoning map below shows the block with Map Number 7 as have one zoning classification, not two as Map 8 and Map Number 8E indicate. The current zoning map below also shows the area covered by Map Number 8D as having two zoning classification not one. One matches the classification for Map Number 8D in Table 2, CR-3.0 C-2.0 R-2.75 H-110 T; however, the second area, at the northeast corner of the zoning block, has a zoning classification of CR-3.0 C-2.0 R-2.75 H-75 T- which should be labelled 8E and added to Table 2.

The third error is related to Map Number 9A. Map 8 shows this area as having one zoning classification when it actually has two. The one listed in Table 2 for Map Number 9A, CR-3.0 C-2.0 R-2.75 H-75 T, is accurate for the northern portion of Map Number 9A; however, the second area, at the southwest corner of the zoning block, has a zoning classification of CR-3.0 C-2.0 R-2.75 H-60 T- which should be corrected on Map 8 as Map Number 9C and added to Table 2.



In addition to the map corrections, Table 2 should read:

Table 2: Proposed Fenton Village District Zoning			
Map Number	Existing Zoning	Proposed Zoning	Justification
8E	CR-3.0 C-2.0 R-2.75 H-75 T	CR-3.0 C-3.0 R-3.0 H-90	Increase flexibility for future mixed-use development.
9A	CR-3.0 C-2.0 R-2.75 H-75 T	CR-3.0 C-3.0 R-3.0 H-130	Increase flexibility for future mixed-use development.
9B	CR-1.5 C-1.0 R-1.5 H-60 T	CR-3.0 C-3.0 R-3.0 H-70	Increase flexibility for future mixed-use development.
9C	CR-3.0 C-2.0 R-2.75 H-60 T	CR-3.0 C-3.0 R-3.0 H-70	Increase flexibility for future mixed-use development.

**Council Staff otherwise supports the zoning recommendations for the Fenton Village District.**

#### 4. *Adjacent Communities*

Vision: Consistent with the recommendations of the Attainable Housing Strategies Initiative, the Adjacent Communities can include a greater variety of housing types, fully integrated into the existing fabric, to allow a wider range of residents to enjoy the valued proximity to the downtown.

Goals:

- Maintain these neighborhoods as primarily residential and preserve the mature tree canopy found along many streets.
- Encourage a greater diversity of housing types as recommended by the proposed Attainable Housing Strategies Initiative.



- Preserve existing market-rate affordable housing in this District.



Figure 26. Adjacent Communities Illustrative Diagram

Testimony- Slightly more than half the testimony the Council received on the Silver Spring and Adjacent Communities Plan was directed at the Adjacent Communities. The vast majority of those who reached out to the Council were concerned with potential recommendations in the Attainable Housing Strategies Initiative (AHSI) currently being worked on by the Planning Department, and the impact of these recommendations on their neighborhoods.

Both the Vision and Goals for the Adjacent Communities refer to recommendations in the AHSI study. The AHSI study and related recommendations have not been delivered to Council and are not scheduled to be reviewed prior to approval of this Plan. **Council Staff sees three options:**

1. **Revise the Vision and Goals to remove all references to AHSI. Below are suggested edits to the text.**

Vision: [Consistent with the recommendations of the Attainable Housing Strategies Initiative,] The Adjacent Communities may [can] include a greater variety of housing types, fully integrated

into the existing neighborhood character and fabric, to allow a wider range of residents to enjoy the valued proximity to the downtown and nearby transit options.

Goals:

- Maintain these neighborhoods as primarily residential and preserve the mature tree canopy found along many streets.
- [Encourage] Support a greater diversity of housing types. [as recommended by the proposed Attainable Housing Strategies Initiative.]
- Preserve existing market-rate affordable housing in this District.

These edits retain the idea that a variety of housing types are envisioned for the Adjacent Communities. This would likely still support future recommendations for development that rely on consistency with the master plan. In other words, future changes to the zoning code that allow for a variety of housing types in certain locations, or under certain conditions, or “consistent with the master plan” would still apply to the adjacent communities.

**2. Revise the Vision and Goals to remove all references to the AHSI and diversity of housing types.**

The Vision for the Adjacent Communities would need to be rewritten and the second goal for the District would be deleted. These changes would address the concerns related to the AHSI and the potential impact of changes in housing types throughout these communities. However, it would also be inconsistent with proposed changes for blocks that contain properties in the Fenton Village District.

**3. Revise the Vision and Goals to remove all references to AHSI as suggested under Option 1 and redraw the Plan boundary to exclude most of the R-60 properties.**

The new boundary would include only those R-60 blocks confronting or abutting a property in the RT-12.5 zone and the Senior Facility<sup>3</sup>. Map Numbers 75A, 76A, 78 and 79 would contain the only R-60 properties within the new boundary for the Adjacent Communities District. Map Numbers 71-74, 77, 80-87, 89, 91, 93, and 99 would be outside the Plan boundary.

Recommendations:

Urban Design

- Refer to Attainable Housing Strategies Initiative on building form and relationship to street for new permitted housing types.
- All new buildings in these neighborhoods should be compatible in scale with the surrounding development, regardless of building type.
- Maintain mature tree canopy by continuing to plant and replace street trees as needed.
- Implement as many Green Loop elements as possible along the following streets that will be Green Loop Connectors into the downtown:
  - 2nd Avenue,
  - Ellsworth Drive, and
  - Bonifant Street.

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<sup>3</sup> Map Number 79.



**Council Staff suggests eliminating the first bullet consistent with removal of other references to the Attainable Housing Strategies Initiative. Staff supports the other Urban Design recommendations.**

#### Parks and Public Spaces

- Ellsworth Urban Park will continue to serve as a key destination in this district; the Plan recommends renovating this park, particularly along the frontage on Colesville Road.

**Council Staff supports the Parks and Public Spaces recommendation.**

#### Opportunity Site

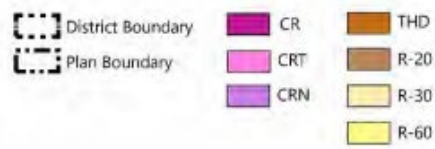
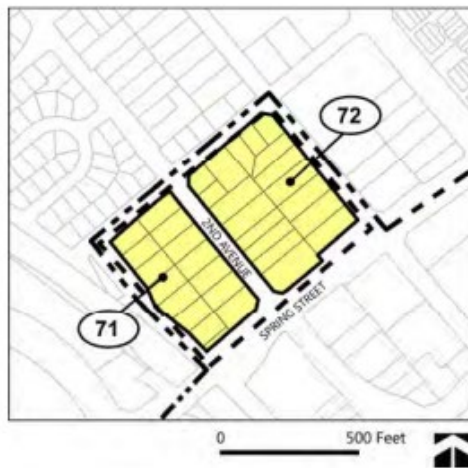
- Block including 8505 Springvale and 620 Pershing Drive: This site currently includes a facility for seniors. The Plan proposes a rezoning from R-60 to CRT to support the potential future redevelopment of the full site for multifamily housing.

**Council Staff supports the Opportunity Site recommendation.**

#### Zoning

- Confirm all zoning with the exception of the mapped areas shown and described in the table below.
- Convert parcels zoned EOF to CR as shown in the map and the table.
- Convert parcels zoned RT-12.5 to THD as shown in the map and the table.
- Rezone R-60 parcels on blocks in East Silver Spring that include CR parcels in Fenton Village to CRN-0.75 C-0 R-0.75 H-40 as shown in the map and described in the table. This includes the block south of Wayne Avenue and north of Bonifant Street.
- 8901 Colesville Road (former Silver Spring Library site): The current zoning is R-60 with a project currently approved for this site. If the approved project is not realized on this site, this location could be considered for an alternate use and would be appropriate for a Commercial/Residential floating zone. Any potential future use beyond what is currently approved should align and coordinate with the adjacent park.
- Block including 8505 Springvale Road and 620 Pershing Drive: This block currently includes a senior housing facility. Proposed rezoning to CRT for future flexibility for multi-family and/or senior housing.

Below is the proposed zoning map for the Adjacent Communities. The table that follows lists current and proposed zoning for each numbered property/block.



Map 14. Proposed Adjacent Communities Zoning

Table 8. Proposed Adjacent Communities Zoning

Map Number	Existing Zoning	Proposed Zoning	Justification
71	R-60	R-60	Confirm existing zoning.
72	R-60	R-60	Confirm existing zoning.
73	R-60	R-60	Confirm existing zoning.
74	R-60	R-60	Confirm existing zoning.
75A	R-60	R-60	Confirm existing zoning.
75B	RT-12.5	THD	Update to THD from pre-2014 zone.
76A	R-60	R-60	Confirm existing zoning.
76B	RT-12.5	THD	Update to THD from pre-2014 zone.
77	R-60	R-60	Confirm existing zoning.
77	R-60	R-60	Confirm existing zoning.
79	R-60	CRT-1.5 C-0 R-1.5 H-65	Rezone to allow increased flexibility for multifamily development.
80	R-60	R-60	Confirm existing zoning.
81	R-60	R-60	Confirm existing zoning.
82	R-60	R-60	Confirm existing zoning.
83	R-60	R-60	Confirm existing zoning.
84	R-60	R-60	Confirm existing zoning.
85	R-60	R-60	Confirm existing zoning.
86	R-60	R-60	Confirm existing zoning.
87	R-60	R-60	Confirm existing zoning.
88A	R-60	CRN-0.75 C-0 R-0.75 H-40	Rezone to CRN to allow increased residential density.
88B	R-60	CR-3.0 C-3.0 R-3.0 H-70	Rezone to CR for flexibility for future mixed-use development.
89	R-60	R-60	Confirm existing zoning.
90A	R-30	CRN-0.75 C-0 R-0.75 H-40	Rezone to CRN to allow increased residential density.
90B	R-60	CRN-0.75 C-0 R-0.75 H-40	Rezone to CRN to allow increased residential density.
90C	CRN-0.5 C-0.5 R-0.25 H-35	CRN-0.75 C-0 R-0.75 H-40	Rezone to match adjacent CRN parcels.
91	R-60	R-60	Confirm existing zoning.
92A	R-60	CRN-0.75 C-0 R-0.75 H-40	Rezone to CRN to allow increased residential density.
92B	R-20	CRN-0.75 C-0 R-0.75 H-40	Rezone to CRN to allow increased residential density.
93	R-60	R-60	Confirm existing zoning.
94A	R-20	CRN-0.75 C-0 R-0.75 H-40	Rezone to CRN to allow increased residential density.

94B	R-60	CRN-0.75 C-0 R-0.75 H-40	Rezone to CRN to allow increased residential density.
95	R-60	CRN-0.75 C-0 R-0.75 H-40	Rezone to CRN to allow increased residential density.
96	R-60	CRN-0.75 C-0 R-0.75 H-40	Rezone to CRN to allow increased residential density.
97	CRNF-1.25 C-0.25 R-1.0 H-65	CRN-1.25 C-0.25 R-1.0 H-65	Confirm existing zoning.
98	R-60	CRN-0.75 C-0 R-0.75 H-40	Rezone to CRN to allow increased residential density.
99	R-60	R-60	Confirm existing zoning.

Corrections: Map Number 90C has a current zoning classification of CRN-0.5 C-0.5 R-0.25 H-35. The Plan recommends a new zoning classification to match the proposed zoning classification of Map Number 90A (an abutting property), CRN-0.75 C-0.0 R-0.75 H-35. The proposed zoning classification removes the ability for nonresidential development on this property; however, the current primary use of this property is office – which the current CRN zoning classification allows. **Staff suggests supporting the proposed zoning classification for Map Number 90C with the exception of the Commercial (C) FAR, making it C-0.5 instead of C-0.0.** Below is the current zoning map for this property and a portion of the tax assessment record.

Property Info	
Location:	Latitude: 38.9942 Longitude: -77.0229
ACCT #:	<a href="#">01041153</a>
Parcel, Lot, Block:	N/A, P6, U
Address:	<a href="#">809 EASLEY ST</a> <a href="#">SILVER SPRING, 20910</a>
Legal Description:	SILVER SPRING PARK
Landuse:	Office
WSSC Grid:	210NW01
Zoning Info	
Zone:	<a href="#">CRN-0.5 C-0.5 R-0.25 H-35</a>

Account Identifier:

District - 13 Account Number - 01041153

#### Owner Information

Owner Name:

RED ROCK FILMS INC

Use:

COMMERCIAL

Principal Residence:

NO

**Council Staff supports the other zoning recommendations, noting that the Committee's recommendation related to the boundary of the Adjacent Communities could result in further changes to Map 14 and Table 8.**

In reviewing testimony regarding the Adjacent Communities, Council staff discovered testimony on two properties in the Downtown North District and an error in the zoning table.

Testimony: The Council received testimony from the neighboring homeowners objecting to the proposed rezoning with a height of 100 feet. As is evident in the map above, the lot line for one of these parcels is extremely close to an abutting home.

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property, height cannot exceed that of a detached house in the abutting zone, and can only increase at a 45 degree angle (one foot increase in height per one foot increase in setback) on the subject property.

For the closest neighboring property, 100 feet in height would be reached about where the blue line stops as shown in the map below (at approximately 85 feet from the neighboring property).

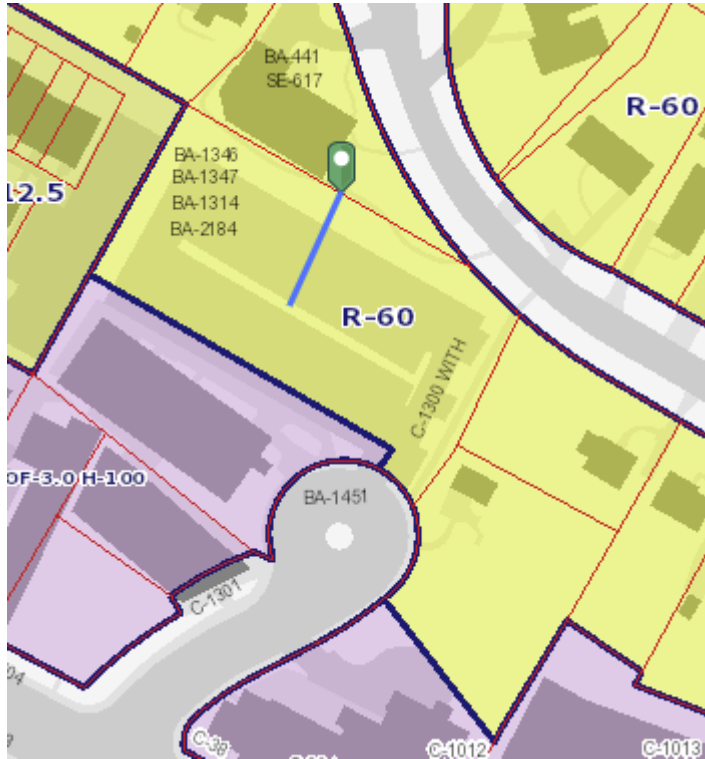


Table 6 should read as follows, unless the Committee believes a lower height is appropriate for the current R-60 parcels recommended for CR-3.0 C-3.0 R-3.0 H-100.

Table 2: Proposed Fenton Village District Zoning			
Map Number	Existing Zoning	Proposed Zoning	Justification
65E	CR-3.0 C-2.0 R-2.75 H-90 T	CR-3.0 C-3.0 R-3.0 H-110	Increase flexibility for future mixed-use development.
66A	EOF-3.0 H-100	CR-3.0 C-3.0 R-3.0 H-100	Update to CR zone from pre-2014 EOF zone.
66B	R-60	CR-3.0 C-3.0 R-3.0 H-100	Consolidate split zoned properties under one zone.

Marc Elrich  
County Executive



Christopher R. Conklin  
Director

DEPARTMENT OF TRANSPORTATION

**MEMORANDUM**

February 14, 2021

**TO:** Meredith Wellington, Land Use Planning Policy Analyst  
Office of the County Executive

**FROM:** Hannah Henn, Deputy Director for Transportation Policy  
Department of Transportation (MCDOT)

A handwritten signature in black ink, appearing to read "Hannah Henn", is written over the "FROM:" line.

**SUBJECT:** Silver Spring Downtown and Adjacent Communities Plan  
Planning Board Draft – MCDOT Comments

Thank you for the opportunity to review the Winter 2022 Planning Board Draft of the Silver Spring Downtown and Adjacent Communities Plan (“the Plan”). MCDOT strongly supports the vision of the Plan and believes Silver Spring has the potential to become a renowned example of infrastructure that supports pedestrians, bicycling, and transit but are concerned that the Plan’s recommendations do not adequately support the intended vision.

The comments below summarize MCDOT’s most significant concerns related to the ability to achieve the Plan’s vision. Many of these comments have been made previously by our staff as they coordinated with Planning staff throughout the year. Footnotes in this memo are used to reference numbered comments included in our attached, detailed technical comments.

- 1) **Connectivity & Infrastructure Fund; UMP:** We have multiple concerns with the Connectivity and Infrastructure Fund (CIF) pertaining to revenue collection, project implementation, and the relationship with the Unified Mobility Program (UMP).<sup>116</sup>

It is unclear how these revenues would be assessed and collected. Would these revenues be implemented by the Planning Department, or by the Department of Permitting Services? If Planning Board, is there legal authority for the Planning

Department to collect these revenues, and what would the mechanisms be for Planning to spend the revenues on implementation projects?

If the Planning Department intends to directly construct infrastructure projects: this raises major concerns in the structure, capacity, and authority for the Planning Department to engage in these activities. Alternately, if the Planning Board intends to use the CIF to issue grants for projects, there is potential for a conflict with Council funding authority and additional complexity to funding processes.

The Plan does not include any references to the UMP as defined in the 2020 Growth and Infrastructure Policy, nor does it clearly state whether the CIF is complementary to or replaces the UMP. It is MCDOT's intent that an UMP be implemented concurrently or as nearly following this Plan as feasible, and MCDOT intends to submit materials relating to the UMP in the near future.<sup>117</sup>

- 2) **Complete Communities:** There do not appear to be any substantive references to Complete Communities, which has been a major focus of the parallel Thrive Montgomery 2050 ("Thrive") effort. While Thrive has not been finalized, this document could still reference Complete Communities as a concept worth pursuing if that is a priority for the Planning Board. Silver Spring could serve as an appropriate and attainable first application of Complete Communities methodologies and analysis tools.

Are there important land use types that are not currently available to the Plan area? And how would the Plan propose to achieve these? We note our comments on Thrive relating to how each master plan might define and apply three variables in providing measurable and actionable Complete Communities implementation. These variables are (1) travel mode, (2) travel time, and (3) target destinations.<sup>39</sup>

- 3) **Transit:** Considering the opportunities of the Plan area, the transit section should be expanded to include recommendations for increased MARC service<sup>68</sup> and provide more information on existing and planned bus services, particularly regional and commuter buses.<sup>69</sup> A map should be included that shows transit services serving Silver Spring.<sup>70</sup> The Plan should acknowledge the potential significant impacts of the ongoing Ride On Reimagined and Metrobus Redesign Study.

- 4) **Infill Metrorail Station:** The plan proposes an infill Metrorail Station by Jesup Blair Park. For such a station to be realized, the Plan must make a more overt effort to identify right-of-way needs, address park impacts, and substantially increase densities in the vicinity of the proposed station. Without a more significant effort to justify this station, it is unlikely that it would ever be realized. If the Plan is not committed to seeing such a station be constructed, this recommendation should be removed.<sup>72</sup>
- 5) **Conflicting Information:** The Plan includes multiple cases of unclear or conflicting information:
- While the narrative and recommendations on page 130 reference several streets as being Shared Streets, the Streets Map and Table on pages 133-137 do not show any shared streets at all. As the map and table are more likely to be used in practice, it is important that these reflect what is intended by the plan.<sup>80</sup>
  - The Plan does not include a road diet along the segment of 16<sup>th</sup> Street south of East-West Highway. However, the Street Sections Supplement does appear to show a road diet on this segment.<sup>90</sup>
  - The Streets Table on page 134 states that dedicated transit lanes are to be included along 16<sup>th</sup> Street, but the Planned Lanes column and the Street Sections Supplement both do not reflect transit lanes nor does there appear to be any narrative in the Plan regarding such transit lanes.<sup>91</sup>
  - The Street Sections Supplement shows two-way separated bike lanes on both sides of Colesville Road south of Draper Lane but the Plan calls for two-way separated bike lanes on only one side and sidepath on the other side in this segment.<sup>133</sup>
  - An extension of Draper Lane is shown in the Streets Map on page 133 but is not shown on page 58.<sup>33</sup>
  - The Bike Map and the Green Loop Map appear to have several inconsistencies with each other.<sup>56</sup>
  - Some line items in the Streets and CIP Tables appear to be duplicative with other items,<sup>95,119</sup> some street segments appear to be missing from the Streets Table,<sup>96</sup> and multiple transportation projects appear to be missing from the CIP Table.<sup>120-123</sup>

- 6) **Railway Crossings:** The new connections across the railroad tracks should include language as to how these connections might be implemented as part of private developments.<sup>15</sup>
- 7) **Colesville Sections:** The cross-sections included in the Street Sections Supplement include details on Colesville Road north of Spring Street. This span is mostly outside of the plan area and conflicts with findings of the 2021 US 29 Mobility & Reliability Study.

The 2021 Study notably includes details on how many of the desired facilities can be implemented within an 80 ft right-of-way. We suggest that the plan either adopt these findings or include these findings as an accepted interim stage toward the plan's ultimate vision.<sup>131</sup>

- 8) **Garage 4:** Due to the nature of Parking Lot District obligations and the County's desire to maximize affordable housing in Silver Spring, the County is requesting flexibility for the redevelopment of Garage 4. The Plan proposes a new north-south street, a new east-west pedestrian connection, and new open space on this site. These connections and open space are all important elements, but current draft language severely limits the design and is too prescriptive.<sup>134</sup>

Should you have any questions regarding our comments on the Plan, please feel free to contact me or Mr. Andrew Bossi, Senior Engineer, at [andrew.bossi@montgomerycountymd.gov](mailto:andrew.bossi@montgomerycountymd.gov).

HH:AB

cc: Chris Conklin, MCDOT  
Gary Erenrich, MCDOT  
Andrew Bossi, MCDOT





Heather Dhopolsky  
hdhopolsky@wiregill.com  
301-263-6275

February 9, 2022

*Via Email ([County.Council@montgomerycountymd.gov](mailto:County.Council@montgomerycountymd.gov)) and upload*  
Montgomery County Council  
Council Office Building  
100 Maryland Avenue, 4<sup>th</sup> Floor  
Rockville, MD 20850

Re: Comments on Planning Board Draft of the Silver Spring Downtown and Adjacent Communities Plan, for February 17, 2022, Montgomery County Council Public Hearing

Dear Council President Albornozy and Members of the Montgomery County Council:

On behalf of NRP Properties LLC (“NRP”), we are submitting this letter with our comments on the Planning Board Draft of the Silver Spring Downtown and Adjacent Communities Plan (the “Draft Plan”), for the Montgomery County Council’s (the “County Council”) consideration at its public hearing on February 17, 2022. NRP is the contract purchaser and developer of property identified as 8040 13<sup>th</sup> Street, located on the north side of 13<sup>th</sup> Street, adjacent to Kennett Street on the east and Eastern Avenue on the west (the “Property”). The Property is currently in the area subject to the Silver Spring CBD Sector Plan, approved and adopted in 2000, and in the South Silver Spring area of the Draft Plan. NRP has held several meetings with local residents and resident associations; held preliminary discussions with the Montgomery County Department of Transportation (“MCDOT”) regarding inclusion of the County-owned surface parking lot (the “County Parking Lot”) located just north of the Property and adjacent to the County-owned Kennett Street Garage (Garage 9 – the “County Garage”), into the Property assemblage; and also met with the Maryland-National Capital Park and Planning Commission (“M-NCPPC”) and Development Review Committee on the Concept Plan that NRP submitted for the Project (defined below) in order to receive preliminary feedback. The Property and the County Parking Lot are referred to collectively as the “Assemblage.”

NRP currently proposes to develop the Assemblage with a mixed-use project, comprised of a total of approximately 415 multi-family residential units, and approximately 9,500 square feet of non-residential uses, as well as a multi-level structured parking bay to be added to the existing County Garage that will serve the multi-family residential units and retail (along with potential replacement of the County Parking Lot spaces within the new parking bay), private amenities, and public benefit points (the “Project”). The Project as currently proposed would include three structures: (1) an approximately 373-unit multi-family building on the eastern side of the Property adjacent to Kennett Street, with 12.5% of these units proposed as Moderately Priced Dwelling Units (“MPDUs”), proposed to be 13 stories; an approximately 42-unit multi-family building on the western side of the Property adjacent to Eastern Avenue, for which the Applicant plans to pursue Low Income Housing Tax Credits (“LIHTC”) from the Maryland Community Development Administration, proposed to be 4 stories in compliance with the height stepdown



**Heather Dhopolsky**  
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provisions toward Eastern Avenue specified in the Ripley/South Silver Spring Overlay Zone; and (3) the multi-level parking bay to be added to the County Garage to serve the Project would technically be a standalone structure from a building code perspective.

While NRP hopes to proceed with submitting applications to M-NCPPC for redevelopment of the Assemblage in advance of final adoption of the Draft Plan, we submit these comments for your consideration as we believe they make smart planning sense notwithstanding the timing of redevelopment of the Assemblage. And, certainly if submittal of applications is delayed for any reason given the complexities of the proposed Project, the Project could potentially be subject to the ultimate provisions of the Draft Plan which make them all the more relevant.

NRP is supportive of most of the Draft Plan's recommendations relevant to the Property. Specifically, NRP supports permitting maximum height to 125 feet on the Property, rather than the current split-zoning of 125 feet on the westernmost lot and 90 feet on the two eastern lots. NRP also supports elimination of the South Silver Spring Overlay Zone, with stepback in height toward Eastern Avenue to be addressed through forthcoming design guidelines.

NRP's only concern regarding the recommendations for the Property pertains to the location identified for public open space, as shown on Figure 21, "South Silver Spring Illustrative Diagram" on page 58 of the Draft Plan. Specifically, the Draft Plan locates a large public open space adjacent to Kennett Street on the east side of the Project, which is problematic for several reasons. While NRP does propose a significant public open space on the Property, it is proposed more toward the middle-west portion of the Property, adjacent to 13<sup>th</sup> Street on the south. The reason for this location is primarily due to numerous discussions that NRP has had with its nearest neighbors, adjacent to the north, in the Eastern Village Cohousing development. Specifically, the neighbors were concerned about building structure of significant height blocking their sunlight and views to the south. As the result of a number of discussions, NRP proposed to reduce the massing of the west building and locate the Project's public open space adjacent to the smaller west building, to be respectful to the concerns of its neighbors. Further, the location of the proposed public open space relates to the existing public open space directly across 13<sup>th</sup> Street from the Property.

We do note that the Project is consistent with the narrative regarding the Property, on page 57, which states in part, "[t]his site should include a through-block connection providing pedestrian access through the site and connecting to the proposed Urban Recreational Park along Kennett Street". The public open space as currently proposed connects to the existing sidewalk along the Kennett Lane alley, which in turn connects to the pedestrian path along the north side of the County Garage and onto Kennett Street and the new public open space proposed to be located across Kennett Street from the Property.

As a result, the Project as proposed fully satisfies the intent for redevelopment of the Property as expressed in the Draft Plan's narrative, but Figure 21 does not account for this. We respectfully request that the County Council either direct revision to Figure 21 accordingly, or specifically note that Figure 21 is for illustrative purposes only and does not dictate the location in which public open space is created to be provided, which is instead to be determined as part of review of the development applications to be submitted to M-NCPPC. Potential additional language to be added



**Heather Dlhopsky**  
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to the Draft Plan could be that public open space must relate to existing and/or surrounding open space, rather than specifically directing locations of public open space at this time.

Aside from these specific comments, NRP is very supportive of the overarching goals and strategies proposed by the Draft Plan, and we look forward to continuing to follow the County Council's discussions. We thank you for your consideration of our comments. Please do not hesitate to contact us should you have any questions or require any additional information.

Sincerely,

Wire Gill LLP

A handwritten signature in black ink that reads "Heather Dlhopsky".

Heather Dlhopsky

cc: Atara Margolies, M-NCPPC

## Silver Spring Downtown & Adjacent Communities Plan - Public Hearing scheduled Feb. 17, 2022

Testimony Submitted Feb. 9, 2022 by: John Parrish, Silver Spring, MD 20910

To: The Montgomery County Council

Dear Councilmember,

I am a 25 year resident of Woodside Park, one of the adjacent communities impacted by the Plan. My neighborhood, founded in the 1920's, is ethnically, racially and religiously diverse. Along with single-family detached homes, we have three town home clusters and homes with accessory apartments. My community lies within a 15-minute walk to shops in Silver Spring and Montgomery Hills. My community is a green oasis next to the gray Central Business District. My community conveys a sense of place due to its architecture, diversity, greenery, history and vigorous civic participation. Many in my community chose to live here due to these attributes and we would like our neighborhood character to remain intact.

Below I outline many areas of concern followed by recommendations to improve the plan.

### 1) The Adjacent Communities Component Would Take 16 Homes and a Church from our Neighborhood and Further Fragment our Woodside Park Community into Three Master Plan Areas.

I object to this plan because it would take a portion of my community and convert it to higher densities. This would come about by tearing down good homes to construct missing middle housing. The Silver Spring Downtown & Adjacent Communities Plan (Plan) would undermine the integrity of my community by destroying the historical housing stock, causing unnecessary impacts to trees and greenery, and by altering the zoning abutting our streets. The Plan would change our historic architectural character and have direct negative impacts to trees and landscaping surrounding our homes. Sixteen homes and church in my neighborhood are directly affected include the following addresses:

Colesville Road - 8808, 8900, 8904, 8908, 8910

Noyes Court - 1, 2, 3, 4

Noyes Drive - 1000, 1004, 1006, 1007, 1008, 1009

North Noyes Drive – 1000, 1006

### 2) The Proposed Zoning Change From R-60 to a CR Zone at the end of Cameron Court Would Raise the Building Height Limit From 35' to 100' Negatively Affecting my Community (see Map 16 page 80).

I object to this Plan because it would eliminate R-60 zoning from a parking lot and an adjacent playground area owned by the Unither Corporation surrounding the terminus of Cameron Court. This area abuts homes in Woodside Park on Noyes Drive, Fairview Road and Fairview Court is proposed to become a CR zone. A zoning change would allow more intrusive land uses that would negatively affect the quality of life for residents at 1008, 1020, 1024 and 1026 Noyes Drive, 8917 and 8919 Fairview Road and thirteen townhouse units at Fairview Court. Under the current R-60 zone, the maximum building height limit is 35 feet. If changed to a CR Zone the maximum building height is 100 feet. **Buildings of this size would cast a huge shadow over the homes listed above and darken the skyline for many more homes in my community, especially during winter months when the daily arc of the sun is low.** Simply put, this intrusion could heavily impact the quality of life for nearby residents. How is this acceptable or desirable? The R-60 zoning must remain in place to restrict building heights to 35 feet.

This Plan is one of many attempts to increase density in and around Woodside Park. Such efforts date back to the 1950's and run to the present day. During this time, M-NCPPC and the County Council changed zoning along Colesville Road, Spring Street, Fairview Road and Georgia Avenue. This has led to a steady encroachment of higher density housing and non-residential zoning at the edge of our beautiful community. **Now the Plan intrudes directly onto our streets!**

The following paragraphs outline additional areas of concern I have regarding this Plan.

### 3) Sidewalks Would lead to Loss of Trees in Woodside Park

Map 22 on page 127 indicates two sidewalks recommended in our neighborhood. It shows sidewalks on both sides of Noyes Drive from Colesville Road. **Construction of sidewalks would necessitate the destruction of over 30 young and old trees in the County right-of-way that beautify our streets.** Some of the trees are exceptional specimens. Woodside Park was originally designed without sidewalks with an intention to preserve the scenic park-like character of the neighborhood. **Building sidewalks in Woodside Park conflicts with a key goal of the Plan to “maintain mature tree canopy” in the adjacent communities.** If built, it will surely lead to more proposals to construct connecting sidewalks in my neighborhood at the expense of our trees and tree canopy. The loss of trees directly undermines the County's Climate Action Plan which seeks to increase tree cover in the County to counter CO2 emissions.

### 4) Zoning Map Error

Map 15, 'Existing Zoning' on page 79 indicates that the existing zoning on 5 lots in Woodside Park is CR Zone. The addresses include 1000, 1004, 1006, and 1008 Noyes Drive and 8808 Colesville Road. **This map is incorrect.** Current County zoning maps indicate these lots to be under R-60 zoning. **Please confirm the correct zoning and present the map accurately.**

### 5) Trees and Urban Tree Canopy Threatened by Higher Density Housing

One of the stated goals of the Plan is to: “maintain mature tree canopy by continuing to plant and replace street trees as needed.” At first glance this appears to be a worthy goal and is very worthy so long as existing mature trees are a high priority to protect and preserve. However, the Plan's statement can be construed that mature trees are expendable so long as they are replaced by planting new trees. The language in the Plan needs to be clarified to emphasize preserving mature trees in addition to planting trees where none currently exist. It takes many decades for trees to mature and provide maximum ecological services. Woodside Park has experienced a steady decline in tree canopy in recent decades due to severe storms, old age and lack of replanting. **Allowing higher densities in housing in the adjacent communities will inevitably lead to an acceleration of tree loss due to increased impacts to trees critical root zone areas as well as outright tree removal to accommodate new construction.** The downtown area has the greatest need for trees. I support an aggressive tree planting throughout this area.

### 6) Community Gardens and Food Security (page 154)

The community garden programs in the County have long been insufficient and under-funded to meet the high demand for gardening plots. It is great that this Plan calls for increased opportunities to garden, but it fails to identify specific places that could be suitable to meet the demand in the downtown area. Community gardens are especially important for those that reside in homes without a yard space. **The Plan should recommend specific public spaces for community garden use.** This could be on treeless parts of public parkland as well as other non-park public spaces lacking trees.

7) Delineation of the Adjacent Communities Boundary Splits our Community into Separate Master Plans  
**The delineation of adjacent community boundaries in Woodside Park appears to be haphazard.** No explanation is provided to justify why one portion of my neighborhood is included while other areas are



excluded. For example, there are parts of my neighborhood that are excluded even though they are nearer to the current boundary of the downtown CBD compared to areas proposed to be included in the Plan. The delineations appear to be arbitrary and capricious. Please stay within the existing CBD and leave us out of the Plan. **For planning purposes our neighborhood should be under one master plan, not multiple plans.**

#### 8) Jesup Blair Park

This park is an exceptional green space. **It is the largest area of public green space in downtown Silver Spring and should be regarded as a gem.** I agree that it is good to keep the park activated to lessen crime and to offer a variety of recreational and contemplative spaces for people to enjoy. However, over the past twenty years, efforts to “activate” the park led to a massive loss of mature trees due to impacting their root zones with paved surfaces, excessive mulching, excessive wall structures and other intrusive construction projects. Special care needs to be exercised to assure that the remaining trees are respected and protected from harm when adding recreational amenities. The park has already suffered too much at the hands of well intentioned planners.

#### Recommendations:

- A) Eliminate the Adjacent Communities component of the Plan and focus housing density on the downtown CBD area. This will respect existing communities and help keep the tree canopy and green spaces intact. Woodside Park and other old communities should be under one master plan not several.
- B) Keep the R-60 zone intact for the area surrounding the end of Cameron Court. This will assure that Woodside Park residents are buffered from intrusive incompatible land uses by current and future land owners.
- C) Eliminate the proposal for sidewalks in Woodside Park on Noyes Drive. This will help maintain the tree canopy and preserve the historic park-like green character of the neighborhood.
- D) Add a serious community garden component to the Plan by making site specific recommendations. Nothing brings people together better than growing food together. This can provide much needed food security to low income residents and will strengthen community connections.
- E) Respect Jesup Blair Park for the gem it is. Keep construction projects completely outside the root zone areas of existing trees. Install pollinator friendly trees, shrubs and perennials to benefit bees and butterflies. Make sure park development plans result in an increase in trees and tree canopy.
- F) Provide more diverse housing types within the existing downtown area. There are many vacant and underused buildings in the CBD that can be retrofitted or rebuilt for more diverse housing.
- G) Aggressively plant trees, shrubs and flowerbeds throughout the downtown area. Provide the trees with adequate spaces for their roots to grow. Current standards do not always provide enough root zone space for the trees to thrive. If this means removing concrete, so be it.
- H) Revise the Plan to add sizable (>one acre) parks and green spaces. **The Plan fails to envision or seriously attempt to add sizable green spaces into the downtown area.** The most desirable and attractive towns and cities have sizable parks centered amid their urban districts. Rather, this Plan relies on green space at the periphery of the CBD to satisfy a green component even to the point of annexing surrounding neighborhoods. The interior of the Silver Spring downtown area would benefit greatly by

additional parks and green spaces that are more than an acre in size. This would help counter the urban heat island effect and beautify the core. Why not consider tearing down some vacant or underused buildings to convert into sizable parks and green spaces?

The proposed pocket parks and “greens” are desirable but are simply too small to significantly reduce urban heat island effects, treat storm water, nor would they provide adequate habitat for most species of native wildlife. The Plan cites the huge cost it would take to provide more parkland as an obstacle to providing it. Yet, we spend many hundreds of millions of taxpayer dollars to perform “restorations” to streams damaged by excessive impervious surfaces from urban environments such as Silver Spring. Our local streams, Sligo Creek, Fenwick Branch and Rock Creek will become cleaner only when we reduce the concentration of buildings and pavement and replace that with sizable pervious green spaces.

**It is sad that failures of past planning allowed for the destruction of the very spring that Silver Spring is named for.** Acorn Park is a pathetic reminder of the total disregard by past planners to keep enough acreage in natural condition to maintain the namesake spring. Burying streams by piping them underground is yet another sad example of disregard by planners. The least we can do is make a serious attempt to reverse the extent of environmental destruction in downtown Silver Spring. This will take a much bolder vision than is presented by this Plan. Green loops are but cosmetic distractions from the real problems our society faces with climate disruption, loss of biodiversity, species extinctions, declining water quality and over population. **Without the creation of sizable parks, downtown Silver Spring will remain an artificial landscape perpetuating the illusion that our human community is somehow separate from, and not dependent on, the well-being of the other species we share the planet with.**

#### Conclusion

Please revise the Plan to focus the high density housing within the existing downtown. Also, please remove some gray infrastructure and replace it with green infrastructure, and stay away from our green neighborhoods. Our future health and well-being depends on it.

Thank you for considering and acting on my comments.

Sincerely,

John Parrish

**Testimony by Roberta (rg) Steinman to Montgomery County Council  
Silver Spring Downtown & Adjacent Communities Plan, February 17, 2022**

**To:** Montgomery County Council President, Gabe Albornoz, and Councilmembers

**From:** Roberta G Steinman, Silver Spring, MD 20910

**Subject:** Testimony on the Silver Spring Downtown and Adjacent Communities Plan

**1. The SSDAC plan is aspirational and ungrounded. It provides no explanation or evidence to demonstrate that including adjacent communities is the way forward to achieve its purpose.**

The reason given for incorporating adjacent communities into the Silver Spring plan is to “include a greater variety of housing types, fully integrated into the existing fabric, to allow a wider range of residents to enjoy the valued proximity to the downtown. This will be consistent with the recommendations of the Attainable Housing Strategies initiative whose intention is make homeownership more attainable – with more equitable, mixed-income neighborhoods.”

The Silver Spring neighborhoods adjacent to the CBD, including my neighborhood, Woodside Park, are already ethnically, racially, and religiously diverse, and becoming more so every year. Our neighborhood already includes a variety of housing types, including single-family detached homes, several town home clusters, and increasing numbers of homes with accessory apartments. There is no data or other evidence that shows that allowing higher-density housing at market rates would make our community more economically or racially diverse at a faster pace than is now occurring. Nor is there any evidence that higher density housing would be more affordable, or even attainable. In fact, a recent county analysis showed that — partly because of high land costs — the market cost of a moderate duplex townhouse in or near downtown Silver Spring would cost in the range of \$715,000 to \$855,000.<sup>1</sup>

Furthermore, the SSDAC plan presents no explanation or evidence to support how to get from where we are now to where the planners envision it to go. The plan presents no evidence that conversion from single family housing to multiplex housing brings us closer to the desired equity goal. The plan presents no evidence that shows that a change in zoning makes neighborhoods more integrated or diverse than they are now. The plan presents no evidence that we get any affordable housing from converting single-family housing to multiplex. And there is no discussion of what price, or range of prices, we need to get to in order to make multiplex housing attainable or affordable.

**Are we going to run an experiment on our vibrant, intact and cohesive neighborhoods by allowing them to be carved up and fragmented based on an aspirational plan with no facts or other evidentiary support?**

In my neighborhood, Woodside Park, the Adjacent Communities plan would carve out 16 homes and a church from our community, thereby laying the groundwork for the removal of historical housing stock, the loss of trees and greenspace, and the erosion of the cohesion and vibrancy of our neighborhood.

The process by which the SSDAC plan was conceived and is being carried out – without full neighborhood participation, with no data to back it up, and outside of a master plan process – coupled with the immense changes being proposed, erodes our sense of place and undermines the vigor of civic participation, where it was once believed that neighborhood participation mattered.

Adding the adjacent communities into the plan, attended by the subsequent alteration of the definition of the R-60 zone to include higher density, is not a path to equity, diversity, affordability, or environmental resilience. It will tear apart intact neighborhoods, lead to the destruction of existing housing stock, and lead to a tremendous loss of trees and greenspace. **Please remove Woodside Park, and the other adjacent communities, from this plan.**

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<sup>1</sup> <https://www.montgomerycountymd.gov/OPI/Resources/Files/pdf/2021/CEStmtThrive-Montgomery-2050.pdf>, p.7.

**2. The additional zoning changes that the SSDAC plan proposes in our neighborhood would further degrade the quality of life in our community.**

In addition to annexing adjacent communities into the SSDAC Plan, the plan also proposes a zoning change at the end of Cameron Court from an R-60 to a CR zone.<sup>2</sup> This area, which is part of our Woodside Park Civic Association, abuts homes in Woodside Park on Noyes Drive, Fairview Road and Fairview Court, and includes a parking lot and a play area. The plan to convert this area, currently zoned R-60, to a CR zone, comes with a building height incentive that would raise the building height limit from 35 feet to 100 feet. Such a massive 100-foot building would loom over the neighboring residential structures and would block the skyline, block the sunlight, and darken the sky, especially during the winter months when the sun is already so low in the sky. The loss of sunshine and the skyline is a significant concern, especially for the many who enjoy spending time outdoors, and those of us who garden for food, beauty, and our health. Such an immense building would spell a severe decline in the quality of life for our community

**3. A goal of the SSDAC plan is to preserve the residential nature of these neighborhoods and maintain the mature tree canopy found along many streets. But the plan's proposed incursions into the neighborhood would destroy the very qualities that make this a desirable and livable residential community.**

You cannot preserve the residential nature and maintain the mature tree canopy of these neighborhoods while increasing housing density. These two goals are mutually exclusive, particularly as envisioned under the SSDAC plan. The increased density and attendant increase in impervious surfaces would invariably lead to a loss of living landscape, green space and tree canopy, and endanger the ecological features of these neighborhoods that support the health of humans and wildlife. Hundreds of mature trees would be removed if multiplex conversions were to occur. Increased impervious surfaces and fewer trees means intensification of the urban heat island effect and more flooding from storm water run-off. The loss of trees also means the loss of the beauty, charm, and character that trees add to our neighborhood. Taken together, the loss of trees and greenspace means a loss of well-being for all.

Compounding the ecological impacts are the consequences of increased density on existing infrastructure: more traffic, more cars parking in the street, noise, school over-crowding, stressed water and sewer pipes. Developers and home-builders would be the beneficiaries, while the rest of the community would be left with the negative consequences of denser housing.

Where is the data that shows the impact of the sought for density on green infrastructure, on built infrastructure, on traffic, on schools? Where is the data that show the impact of increased density on housing prices and on taxes, or to what extent it would price out the current residents who will be forced to leave the neighborhood?

What is needed to help achieve '*Equity*,' '*Resiliency*' and '*Community Health*' for all is an improvement in the quality of the environment – more, not less green space; more, not less, mature tree canopy; and less, not more imperviousness, along with on-site storm water infiltration to protect our stream valleys from further erosion. This is exactly what the Adjacent Community neighborhoods now provide.

**Annexing the Adjacent Community neighborhoods into the SSDAC plan would imperil the Green Lungs of this urban area and lead to a decline in the quality of the environment – a loss to us all.**

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<sup>2</sup> <https://montgomeryplanning.org/wp-content/uploads/2022/01/SSDAC-Planning-Board-Draft-FINAL-FOR-WEB-reduced2.pdf> (See p.80, map 16)

**4. We don't have to annex adjacent neighborhoods to achieve a variety of housing types.**

If increased density is deemed a necessity, consider the already existing and underutilized buildable area in Downtown Silver Spring. There is a considerable underutilized space within the Central Business District (CBD) for both commercial and residential expansion.

The findings for the downtown Silver Spring retail and office market space from a study that the Planning Staff, with the help of the consultant Partners for Economic Solutions (PES), prepared for the SSDAC Plan indicates extensive building vacancies in the CBD:<sup>3</sup>

- Office: “Currently, 18 percent of office space in downtown Silver Spring is vacant, sharply up since Discovery Communication’s decision to relocate....” At the average pace of absorption between 2010 and 2020, even though 2018 was a very good year, it would take 53 years for office vacancy to decline to 9%.
- Retail: “PES estimates that 11% of retail space is vacant and that at the average pace of a absorption from 2017 to 2019 it could take 7 to 8 years for vacancy to fall to a healthier 5 per cent level.”

All of this building stock should be under active consideration for adaptive reuse as residential units, as well as for office space. Furthermore, Downtown Silver Spring has nearly **1.7 million square feet of commercial space that is approved but not built**.<sup>4</sup> In addition, there are **4,013 unbuilt (but approved) multifamily housing units in Downtown Silver Spring**.<sup>5</sup>

So why is the Planning Board including areas in adjacent residential neighborhoods in the plan? Is it because it is cheaper for developers to buy land in residential neighborhoods for their projects than it is to buy land and assemble parcels within the CBD?

**Clearly, we do not have to fold the adjacent communities into the SSDAC plan to achieve a variety of housing types in the Downtown Silver Spring area.**

**5. “By-right” construction of multiplex dwelling units bypasses community input and leaves the County without infrastructure funds.**

Under ‘by-right’ development, local control is effectively eliminated. Projects permitted under the by-right zoning do not require any legislative action or public hearings. The SSDAC plan proposes to allow higher-density housing “by right,” meaning that builders would no longer have to seek planning board approval or solicit public input, effectively blocking any measure or eliminating any response to the pressures and costs to the natural environment or physical infrastructure under this form of development.

Furthermore, because this plan is “market driven,” there is no requirement for developer contributions to infrastructure fees as part of “by right” development. Currently, all the proposed changes to the single-family neighborhoods are “by-right,” meaning the county would have to fund the costs of new infrastructure.<sup>6</sup> As a result of “by-right” development, the County loses control over important funding sources (such as impact fees) for infrastructure needs.

<sup>3</sup> <https://www.montgomerycountymd.gov/OPI/Resources/Files/pdf/2021/CEStmThrive-Montgomery-2050.pdf>, p.5.

<sup>4</sup> See September 2021, Montgomery County, Pipeline by Master Plan Report, <https://montgomeryplanning.org/tools/research/development-pipeline/>, cell P491.

<sup>5</sup> Ibid, cell N491. County-wide, there are more than 38,000 approved but unbuilt dwelling units, nearly 32,000 of which are multifamily dwellings (see cells L576 and N576, respectively).

<sup>6</sup> While this applies to Thrive2050, it would be disingenuous to consider the SSDAC plan without simultaneously considering Thrive 2050 and the zoning changes that would need to accompany the implementation of Thrive2050 and the SSDAC plan, in order for these plans to come to



Each neighborhood is unique. One-size does not fit all. Given the drastic and far-reaching changes proposed, the SSDAC's plan to bypass the community, review boards, and elected officials with "by-right" development undermines our democratic process and trust in local government.

**6. Upzoning without safeguards impedes home ownership. Home prices soar and absentee landlords collect the high rents and send dollars out of the area.**

Upzoning without safeguards is a free-for-all for developers, and the competitive bidding leads to skyrocketing home prices, high rentals, and absentee landlords. This makes home ownership even more out of reach and sends rental dollars out of the local region. When density objectives are met by absentee landlords and investors who purchase properties to generate cash flow, less privileged residents get stuck in a perpetual rental cycle...thereby putting them farther away from home ownership and exacerbating generational wealth disparities.

Upzoning and increased density, if they are to occur at all, need to be accompanied with safeguards, to discourage developers and investors from using upzoning and increased density as a land/cash grab opportunity, as well as to protect our environment and the character of the neighborhood.

Recommended safeguards include, but are not limited to, the following:

- Owner occupancy requirements,
- Tree canopy and green space preservation,
- Safeguards to prevent real estate developer exploitation,
- Safeguards from rising property taxes due to higher values of homes, as a result of competitive bidding,
- Safeguards to preserve the character of neighborhood, architecturally and environmentally.

**7. What is appropriate for Jesup Blair Park is an ecological restoration plan, not a development-oriented plan. Protect the remaining trees in Jesup Blair Park and encourage the return of native trees through a natural regeneration process.**

Jesup Blair Park is a unique and vital oasis in downtown Silver Spring, which is so lacking in nature. In the early 2000s, M-NCPPC's 'renovation' of Jesup Blair Park and the bridge that Montgomery College built into the old Oak grove, led to a tremendous loss of trees in Jesup Blair Park, especially the old growth Oaks. Despite this loss of trees, Jesup Blair Park has continued to be a treasured and valuable place of respite. Trees that are over 200 years old still remain in this park. **Preserving the existing trees, especially the mature trees, must be the number one focus of any further 'renovation' in Jesup Blair Park.** By using a natural regeneration process, and enlisting the "free" help of squirrels, birds, and the wind, we can begin the restoration of Jesup Blair Park by encouraging the return of native trees such as Black Gum, Hickory, Oaks, Maples and Tulip Poplar.

Jesup Blair Park provides a haven to escape the stress of daily life, a place to reconnect with nature and big trees, and improve our overall health and outlook. In 2017 "residents ranked trails, natural space, wildlife habitat, and nature recreation as the top three (sic) priorities for parks, across a variety of demographic segments."<sup>7</sup> Turning Jesup Blair Park into hardscape, pavement, and buildings is at odds with public sentiment to preserve nature and incompatible with Montgomery County's Climate Action Plan.

As is so well known by now, from an ecological perspective, these trees provide irreplaceable biological functions. They offer shade, filter pollutants from the air, provide fresh oxygen, retain and filter water, moderate the urban heat island effect, sequester carbon from the air, and act as a sound barrier. These

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fruition. <https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210726/20210726PHED3.pdf>. See Transportation Comments, p.4 (pdf p.28)

<sup>7</sup> <https://www.montgomeryparks.org/uploads/2018/06/508-2017.PROS-COMplete.pdf>, p.6.

**Testimony by Roberta (rg) Steinman to Montgomery County Council  
Silver Spring Downtown & Adjacent Communities Plan, February 17, 2022**

older forest trees also provide abundant food for urban wildlife. And, with their grace and beauty, these trees offer peace and serenity by their very nature. In short, parks with trees, particularly big, old trees, are an oasis from the hectic pace of life and contribute to a higher quality of life.

The planners' vision to "activate" Jesup Blair Park with additional hardscape and impervious surface areas is incompatible with tree and green space preservation and incompatible with Montgomery County's Climate Action Plan. The loss of green space is unjustifiable in light of the scarcity of green space in Downtown Silver Spring, and in light of the critical ecological importance of trees.

**Recommendations:**

- Remove the 118 acres of Adjacent Communities, including Woodside Park and other nearby neighborhoods, from the Silver Spring Downtown and Adjacent Communities Plan (SSDAC). Instead, explore increasing density, neighborhood by neighborhood, with *full neighborhood participation*.
- Preserve mature trees. Plant more trees.
- Actively consider underutilized and vacant building stock for adaptive reuse as residential units.
- Multiplex construction and upzoning, if they are to occur, must be accompanied without "by right" development and with safeguards, as described above.
- Begin the restoration of Jesup Blair Park by protecting the remaining trees in Jesup Blair Park, some of which are two hundred years old, and encourage the return of native trees through a natural regeneration process.

Thank you for considering my testimony and taking action on my suggestions.

Respectfully submitted,  
~ rg Steinman,  
Woodside Park, Silver Spring

**From:**  
**To:** [Council Public Hearing](#)  
**Subject:** FW: SSDAC Comments and Thrive Remarks  
**Date:** Monday, February 14, 2022 4:40:59 PM

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**From:** brenda freeman  
**Sent:** Monday, February 14, 2022 4:34 PM  
**Subject:** SSDAC Comments and Thrive Remarks

Last week residents of the Woodside Park Civic Association (WPCA) wrote County Council Chair Alborno and the County Council opposing Woodside Park being included in the Silver Spring Downtown Adjacent Communities. That letter is below this message.

Probably before our letter was received or possibly reviewed, the meeting which had been planned for March 1 was changed to February 15. The date change was posted on February 11, a four day advance notice including the weekend.

The abrupt change of the County Council's meeting date leaves the impression that it was intentionally changed on short notice to limit public participation.

The timing is interesting because in the same period the County Office of Legislative Affairs report was made public. Among others, OLO report recommendation to return to the original Thrive report and make it better. This refers to the version of Thrive before it was rewritten by the Planning Board Chair.

While the February 15 meeting is a briefing, it is unlikely that any Council member has read the Woodside Park letter or that it will be considered during the process.

At the same time the Office of Legislative Oversight report found what Thrive opponents have been saying all along. Thrive's implementation does not address racial equity nor fix the housing shortage. Montgomery County's own policies created the housing shortage.

Thrive is intentionally not addressing ways development could contribute to residential stability and grow wealth through property ownership for low income and moderate income people. In fact, Thrive could hurt minority, low income and fixed income home owners through up-zoning.

Unfortunately, as written the current version of Thrive will further enrich developers at the expense of most county residents, homeowners and others and will harm rather than help minority groups and seniors on fixed incomes, the latter being an increasing part of the County's population.

The OLO's recommendation to stop Thrive now is a must.

The County Council should return to the initial Thrive report and reach out to all county residents. The County has wasted hundreds of thousands of dollars of taxpayers' money in pursuit of a "vision" that benefits the few instead of the many. It's time to get real and come up with a plan for Montgomery County not for the residents not out of state developers and a real estate industry who won't have to live with the consequences of failure.

The County's Planning Board has ignored any public input that could improve Thrive

2050. Thrive will not let and moderate income residents to build wealth by purchasing condos and home. The Thrive will increase a class of permanent renters to enrich developers. Further the County through ZTA and pattern books will cede all control over residential development to developers and entrepreneurs. This means that unelected development interests would have more control than elected officials in determining housing and building policies. For development and real estate interests it doesn't get better than that.

The County Council should not ignore the Office of Legislative Oversight's report on equity and its disregard minorities, seniors and other County residents to developers, real estate industry and paid lobbyists. Thousands of hours of time and taxpayer dollars have been wasted trying to force through a flawed Thrive Plan.

County Council Chair Albornoz and Members of the County Council,

We, the undersigned residents of Woodside Park, are writing to urge that the Woodside Park properties — our homes and the Seventh-day Adventist Church — identified as an "Adjacent Community" be removed from the Silver Spring Downtown Sector Plan.

In the District Visions portion of the SSDAC Plan, the "vision" for Adjacent Communities reads:

*"Consistent with the recommendations of the Attainable Housing Strategies Initiative, the Adjacent Communities can include a greater variety of housing types, fully integrated into the existing fabric, to allow a wider range of residents to enjoy the valued proximity to the downtown."*

At this point, neither Thrive Montgomery 2050 nor the Attainable Housing Strategies Initiative has gone through the County Council approval process. One does not know what changes will be made to the "recommendations" contained in those drafted documents. It is unacceptable that a blank check be written for whatever those documents recommend in the final versions for Woodside Park and the other neighborhoods annexed into the Downtown Sector Plan.

All recommendations in the final and adopted Plans pertinent to Woodside, Woodside Park, Seven Oaks-Evanswood and East Silver Spring should be addressed and executed through the Master Plan process for each area, rather than as blocks and individual lots within blocks arbitrarily separated from the rest of their neighborhood.

**From:** [Robert Oshel](#)  
**To:** [Council President](#)  
**Subject:** Testimony for Silver Spring and Adjacent Communities Plan Public Hearing, Feb. 17  
**Date:** Monday, February 14, 2022 3:38:40 PM  
**Attachments:** [image.png](#)

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**[EXTERNAL EMAIL]**

*Please enter the following into the record for the February 17, 2022 Public Hearing on the Silver Spring Downtown and Adjacent Communities Plan*

**Remove the so-called "Adjacent Communities" from the Silver Spring Downtown and Adjacent Communities Plan**

The so-called "adjacent communities" are not communities and should be removed from the plan for the Silver Spring central business district. The residential areas included as "adjacent communities" are arbitrarily selected lots and blocks ripped from their natural communities only because they were within a theoretically measured distance from a transit station. Distance from a transit station does not define a community.

Communities are defined by the people who live there and typically are based on natural boundaries such as major streets or geographic features such as stream valleys; the neighborhood communities around the Silver Spring CBD have long been recognized not only by their residents but also by the county and the M-NCPPC. These neighborhoods include Woodside, Woodside Park, Seven Oaks-Evanswood, and East Silver Spring. They are all unified communities of residents. Yet as drafted, the Silver Spring and Adjacent Communities (SSDTAC) plan cherry picks individual lots or blocks from these neighborhoods and removes them from the plans for their neighborhoods and puts them in the SSDTAC plan.

The case of Woodside Park is an apt example. The SSDTAC plan picks 17 lots in Woodside Park and separates them from the rest of their neighborhood. As shown in the photo below (captured from Google Maps





satellite view), adjacent homes would be put in different master plan areas. The homes at 1000 and 1006 North Noyes Drive are in the SSDTAC plan while the home next door at 1010 North Noyes Drive and the homes directly across Noyes Drive are not. North Noyes Drive is a quiet residential street in the middle of a recognized neighborhood and by no means is a boundary between one "community" and another. Dividing neighborhoods makes no sense! It is contrary to any reasonable principle of good planning.

Why was this done by the Planning Board? Initially the Planning Board created the so-called "adjacent communities" so they could increase the housing density in them as a matter of right. This was done without regard to the objections of residents and neighborhoods, but nonetheless the Planning Board went forward. Then the Planning Board decided that densities on single family lots should be increased as a matter of right in all single family zones throughout the county -- except for the large lot R-200 zone where density could actually be increased without substantial negative impact on existing residents -- through the Thrive plan and Attainable Housing Strategies Initiative to be implemented through a Zoning Text Amendment. That rendered the Planning Board's inclusion of the so-called "adjacent communities" in the SSDTAC plan totally unnecessary to implement its desired by-right housing density increase. In other words, even if you think the densification of existing single family home neighborhoods is a good idea -- which I do not -- there is no reason to divide existing residential neighborhoods in Silver Spring to do it. Remove the so-called "adjacent communities" from the plan. Their inclusion is unnecessary, arbitrary, and detrimental to good planning for the neighborhoods.

At least the Planning Board notified the surrounding neighborhoods this time. In the Forest

Glen / Montgomery Hills Sector Plan the Planning Board adopted strip zoning along Georgia Avenue from Montgomery Hills south to the Silver Spring CBD -- an area in neither Forest Glen nor Montgomery Hills -- without notice to either the affected homeowners or the neighborhood associations. If the lots or blocks identified as "adjacent communities" in the SSDTAC plan are left in that plan, the long-recognized neighborhoods of Woodside and Woodside Park will both end up being Balkanized by inclusion of some of their lots in three separate plans. It is obviously poor planning to divide unified neighborhoods with natural boundaries that have been recognized for almost 100 years or more into three pieces for planning purposes. Not only should the so-called "adjacent communities" be removed from the SSDTAC plan, the Forest Glen / Montgomery Hills Sector Plan should be amended to remove the lots along Georgia Avenue in Woodside and Woodside Park that were strip zoned into it.

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### **Send the February 1 "Street Sections Supplement" Back to the Planning Board for Public Input, Correction, and Reconsideration**

On February 1st the Planning Board forwarded a "Street Sections Supplement" to the SSDTAC plan to the County Council. This supplement shows drawings that at least in the case of Colesville Road go well beyond the boundaries of either Downtown Silver Spring or the "adjacent communities" and go more than a half mile farther to Sligo Creek. The Colesville Road plan also appears to require taking of considerable private property along the route, although the situation is confused since the existing right-of-way is not indicated and some drawings show a right-of-way of 120 feet while Figure 10 shows a right-of-way of 100 feet even though the lanes and other areas shown actually total 120 feet. Based on measurements using a close-up aerial view of an affected property, creating a 120 foot right-of-way would require taking about 24 feet of the home's front yard, presumably through eminent domain.

In addition, the Supplement has no discussion of how the proposal for Colesville Road conforms or conflicts with MCDOT's recent "US 29 Mobility & Reliability Study" that covers the same section of roadway. Surely such a discussion is needed before the Council can make any decision on how Colesville Road should be configured even if it is determined that Colesville Road beyond the SSDTAC plan is somehow appropriate for that plan.

Furthermore, and in keeping with recent disclosures concerning the troubling lack of transparency by the Planning Board, there appears to have been no public input or review of the Streets Sections Supplement.

Prior to any consideration by the County Council, the Street Sections Supplement should be returned to the Planning Board for public input, correction of errors, and discussion of its recommendations in relation to MCDOT's "US 29 Mobility and Reliability Study."

Robert E. Oshel  
Silver Spring, MD

## Silver Spring Downtown & Adjacent Communities Plan

Testimony by George French, 2/17/22

I crafted and submitted testimony concerning this initiative to the Planning Board, 12/2/2021. I was put in one of the matrix summary boxes for comments that were completely, 100% opposite of my testimony in this regard. I stated NOT to renovate and construct more park “amenities” in Jesup Blair Park, but rather restore the Jesup Blair House and lease it to a group to further activate the Park which some people consider “underutilized.” There is an organization ready and able to activate and lease the Historic Mansion/House. That is Carpe Diem Arts run by the multitalented award winning founder and executive director, Busy Graham. They have had meetings with state and local government officials, the Parks Dept, architects, interested arts organizations and concerned individuals who would be willing to lease and program the House.

The Park is a Gem! Except for minor maintenance, let it be! Some may have the wrong impression about the recreation facilities available. There are lighted basketball courts that get no mention in the study, which gives the wrong impression of the perceived need for basketball courts. Parks sports a full size regulation soccer field which has myriad uses, jogging paths, amphitheater, and 2 tennis courts.

From the plan, staff seems as if they would turn the Historic Park into a circus park, or a carnival park or an amusement park. I am totally opposed to that concept. Please leave the Park alone. The Park is a Gem! It has 330 trees in its 15 acres; 20 of which are ancient oaks. The Park would make a wonderful Arboretum No dog park please with its attendant problems. In the Parks public dog park survey several parks were favored ahead of Jesup Blair Park; with patrons begging to receive a dog park. I believe the more requested parks were North Four Corners Park, Nolte, and one other.

Please request and read the comments that were left on the Montgomery Planning MReactMap website, requested by Parks and Planning offering comments on what is liked, not liked, and needs fixing about Jesup Blair Park. There are many good recommendations not collated or otherwise presented from this interactive site. Again, the BEST way to activate the Park further is to restore the Mansion and its Annex and lease to arts groups led by Carpe Diem Arts!

I am opposed to the Parks dept proposal to spend \$8 million to construct a one acre interim park at 1110 East West Hwy. A fraction of that amount could be used to restore the Jesup Blair House. Then the Plan is to spend millions more in the future, to expand this interim park by a half acre more and make it permanent. This is only 4 blocks from the Jesup Blair House and 3 blocks from Jesup Blair Park, a Park falsely perceived by many officials as “underutilized.” This begs the question of why have competing parks if you believe the established park is sparsely used. Please fix up the Mansion first before constructing the interim park. Restore the Mansion first, and then revisit the proposed new park later.

To safely access the Park and see that it has more users, set up more cross walks or enhanced cross walks on Ga. Av. and Blair Rd. for South Silver Spring patrons of the Park. The other answer is to fix up the mansion and lease to Carpe Diem Arts.

Here is the cost of the proposed Urban Park at 1110 East West Highway: \$7, 500,000 to acquire the 1 acre piece of land (from the Parks land acquisition fund) for the property. Then \$500,000 to demolish and land fill the NTB building, a useful business and the former Coca cola bottling plant, and set up an Interim park. Then spend around \$3,000,000 to \$4,000,000 (this is unspecified) for the half acre adjacent church property to expand the interim park to 1.5 acres. Other yearly costs associated with this endeavor: \$2,500 OBI (Operating Budget Impacts), initially for Interim park, expanding to \$5,000/yr for the completed park. Figures are from MOCO announcement.

George French, Takoma Park, MD

**SSDT/AC Testimony by Marcie Stickle, Silver Spring Historical Society, Advocacy Chair  
County Council, Th., 2/17/2022**

Restoration of our historic Jesup Blair House [The 1850 Moorings], must swiftly be brought to fruition, and immediately re-entered into the CIP process! Our historic 15-acre Green Oasis of a Park is already active:

The CIP process noted on the Parks chart for J.B. Park needs immediately to be switched to the House Restoration as its top priority, or a co-equal House Restoration CIP Category be immediately created! In fact, SSDT/AC **P. 80** specifically refers to The Moorings: "Inside the contemplative zone consider going beyond the traditional passive uses by introducing active programs such as yoga, tai-chi, **and other activities that can benefit of [from] the natural settings of this zone including its beautiful restored historic building.**"

SSHS is poised to testify as always we have as requested by Parks Dept. in the previously active CIP process!

The Pandemic, as elsewhere in Parks, temporarily brought our House Restoration to a severe pause, a standstill, now is the time immediately to get back on track! Our House calls out now for re-activation! Our treasure, now a tight & dry shell, eagerly anticipates Restoration completion and vibrant use:  
**An Artful, Diverse, Multi-Cultural, Inter-Generational, Socially Just, Joyful Destination!**

**SSHS enthusiastically endorses the stewardship of Carpe Diem Arts, Busy Graham, Founder & Executive Director, and her superb Board, and Team, as the lead tenant, guiding light, and organizing principle enlivening the Mansion's design, activities and mission visions.**

**Jesup Blair House will again become Jesup Blair COMMUNITY House** as it was referred to between 1934 & 1957 when it served as the S.S. Library! With Carpe Diem Arts' superb visionary Leadership, embracing, engaging all of the vibrant Arts & Humanities groups' creativities & abilities, J.B. House & its Green Oasis of Land will be a "Hub," a pro-active magnet drawing us all in to express, enjoy, share our pro-active creativity with each other & others! Carpe Diem's visionary Busy Graham, Board, Team, & Advisory Council are experienced, pro-active, nurturing leaders in their fields. <https://www.carpediemarts.org> <https://JesupBlairHouse.org>

**Arts Advocate Busy Graham** was bestowed the Mo Co Executive's Lifetime Impact Award 2013:  
<https://www.youtube.com/watch?v=PeXOE7oN4gM>

"Graham echoed the celebratory sentiments of the evening while accepting her award for Lifetime Impact. 'Time and time again,' she stated, 'the arts and humanities have proven to be the most accessible and affordable way to celebrate what is right in the world and to give people of all ages the means to imagine and then create a better world for themselves. I believe we can rest assured that the arts and humanities will continue to thrive in Montgomery County.' "

**"Arts Angel" Busy Graham** receiving 2017 **Sue Hess Maryland Arts Advocate of the Year Award:**

<https://www.culturespotmc.com/stories/getting-to-know-you/arts-angel/>

<https://carpediemarts.org/blogs/busy-s-blog/posts/busy-graham-receives-2017-sue-hess-maryland-arts-advocate-of-the-year-award>

**SSHS will serve as the historic roots of the House & the Park, sharing The Moorings and Downtown Silver Spring's sweeping history!**

Jesup Blair House & Park, "The Moorings," "The Anchor," is "The Peoples' Park," the Community's. All will be served through visiting the SSHS Archives, sharing in a variety of historical events we will hold in the (24) & in



the House, e.g., Tours of the Trees, Re-enactments, "meet Lincoln's Postmaster General Montgomery Blair," who also represented the free formerly enslaved Dred Scott before the Supreme Court 1857; FREED, Female Re-enactors of Distinction, presentations, book signings, musical performances, celebrations!

**SSHS has been promoting, extolling the virtues of the historic J.B. House & Park, "The Moorings," since the 1990s, significant at national, state, county, local levels, on the Master Plan for Historic Preservation, National Register-eligible, a "public park in perpetuity," an Underground R.R. site, pre-Civil War, Civil War site, last remaining House & its surrounding Land, green oasis of 15 acres, of S.S.'s founding Blair family.**

Around 2009, Parks Dept. asked us to join them in the House renovation, rehabilitation, restoration. Our vision as a partner is that the lowest level will house SSHS Archives & artifacts, once the House is restored. Upon request by Parks Cultural Division, SSHS annually testified before the County Council to assure that CIP Funding was to be provided for the historic House and other historical structures in the Parks System.

We project at least 1 Weekend Day a Month to hold an Open House for the Community. We are a completely Volunteer 501(c)3. We will also hold appointments for researchers & community members to enjoy & "imbibe" our Archives stories.

Our seeing the need for Park Grove interpretation and protection, we were honored to be asked to assist Parks in the creation of 3 "History in the Parks" Heritage Signs along the Park's walking path!

Celebrating Earth Day at The Moorings in its idyllic setting is a joy! Violet Blair Janin who bequeathed our "public park in perpetuity," wrote an eloquent Poem praising her beloved Oak Trees!

***"I think of the joyous e'enings, Under our old oak trees, With the moonlight shadows moving, When Stirred by the gentle breeze."***

SSHS is very excited and honored to be joining with Carpe Diem Arts & other vital Partners in the Restoration, Revitalization, Re-Activation of our Jesup Blair Community House!!

### **J.B. Park Discussion:**

Retain Regulation Soccer Field, including retaining its moveable goal posts: Diverse, Multi-Cultural Adult Teams & Children's Teams play regularly on the Field, with their family & friends cheering them on from Park picnic tables & stone wall. Happening right now while I'm composing this Testimony! Sun. 11/28/21! When not in use for Soccer matches, Soccer practice, folks fly kites on windy days, throw Frisbees, throw balls & play baseball, do Yoga & Zumba!

Do not widen the Pedestrian Bridge into the Park, no more impermeable surfaces in the Park, No impacting the trees' critical root zones! Protecting the Trees are intrinsic to Violet's 1933 Will!

Strolling paths in the Park need to remain as such: Individuals & families stroll comfortably, some with strollers, baby buggies; runners run gently by.

Park paths do not need widening, and are not to become speeding extensions of the Metropolitan Branch Bike Trail, completely changing the nature of the Park. No more hardscape, no Skate Board Park! No Bridge widening. No Zip Line. No Dog Park! No Trenching. Without changing the footprint of the Children's Playground, adding some swings, And especially the new modern see-saws the kids love, would be so used and enjoyed! Socializing can take its natural place in a Garden in the Park. Jesup Blair Park is also an arboretum! (25)

#### **4.9 “Historic Preservation Resources”**

**We applaud the HP “Historic Preservation Resources” Diverse Analyses, especially:**

**4.9.3. New Sites or Districts to be Studied as future Historic Preservation Master Plan Amendment(s), PPs 133. SSHS endorses and requests that Weller’s Dry Cleaners receive Master Plan designation!**

**4.9.4. National Register of Historic Places, PPs 134-137.**

**We endorse and request these unique Heritage structures receive National Register of Historic Places Designation:**

- \* Medical Office Building (1111 Spring Street)**
- Metropolitan Building (8720 Georgia Avenue)**
- Montgomery Center (8630 Fenton Street)**
- Operations Research, Inc., Building (1400 Spring Street)**
- Perpetual Bank Building (8700 Georgia Avenue)**
- U.S. Industries Building (949 Bonifant Street)**
- American National Bank Building (8701 Georgia Avenue)**
- Garden and Mid-Rise Apartment District**

We respectfully request that the **Falkland North Parcel be included** within the **Garden Apartment District: Falkland North represents authentic Middle-Missing Housing** since architect Justement’s Falkland Apts’ New Deal inception in 1936, Mrs. Eleanor Roosevelt cutting the Blue Ribbon opening day. The North Parcel, many apartments with porches, is abundant with fragrant flowering & other significant trees, set in its green terrain with dramatic gorge, providing a natural Park setting with children’s playground & picnic tables for Falkland North residents. At that time, William Blair’s Land of the founding Blair family.

**4.9.6. Cultural and Heritage Resources, especially 4.9.6 A, PPs. 137-138.**

- Establish a legacy business registry to recognize the economic, cultural, and social contributions of long-standing businesses to the fabric of Silver Spring.**
- Study potential incentives to preserve local, independently owned businesses.**

**In synchronicity with the Art Deco Society, we respectfully request that the historic 1938 Silver Spring Shopping Center’s parking lot and its function be preserved:** It’s a legal part of the historic resource and the historic context of the Center, its existence allows a clear view of the art deco architecture of the Center from all vantage points. It reverberates with the 1930’s Park & Shop theme, serving its customers. Importantly, from a human caring perspective, the parking’s proximity to the Center makes the Center and the AFI Silver Theater more accessible to older residents, and those with disabilities than the further off parking garages on Wayne and Ellsworth.

**We ask that the Adjacent Communities Plan be removed from the Downtown Silver Spring Plan.**

**Working Together, Equity & Reparations are best served through the Guidance and Protections of our 1967 Montgomery County Fair Housing Law, our “Open Housing Law,” signed into law 1 year before the U.S. government’s 1968 Fair Housing Law.**

**These results are NOT achieved through the proposed Adjacent Communities Plan.**

See [https://www2.montgomerycountymd.gov/mcgportalapps/Press\\_Detail.aspx?Item\\_ID=22322](https://www2.montgomerycountymd.gov/mcgportalapps/Press_Detail.aspx?Item_ID=22322)

**Mo Co's Open Housing Law, 7/20/1967, was proclaimed "nearly a full year before President Lyndon B. Johnson signed the federal Fair Housing Act into law on April 11, 1968."**

Montgomery County Proclaims Open Housing Day For Immediate Release: Tuesday, July 31, 2018

[history of the Montgomery County Office of Human rights](https://montgomerycountymd.gov/humanrights/Resources/Files/civil_right_progress.pdf)

[https://montgomerycountymd.gov/humanrights/Resources/Files/civil\\_right\\_progress.pdf](https://montgomerycountymd.gov/humanrights/Resources/Files/civil_right_progress.pdf)

See 1965-1971, "Years of Activism" "Mo Co Open Housing Law" Passed by Mo Co Council July 20, 1967



**Equity & Reparations can best be achieved rather through Already Existing Opportunities & Avenues, Including Adaptive Reuse!** One golden Opportunity is the elegant mid-century modern Guardian Bank Building of glass panels and brick at Ga. & Cameron, by noted Mo Co architect Fon J. Montgomery, originally advertised to be developed for Millennials, however, nothing has happened there for years; what a wonderful superb spot for authentic Equitable, Equity Condos or Apt. Homes, for Missing Middle, for the Work Force, what a terrific vital location in DTSS!

Also, PB's 8787 Ga. Ave! Including saving many of its wonderful trees, could have been the perfect Appropriate Model Spot for Equity, Equitable "housing, homes" of many different types, single-family homes, townhouses, condos, duplexes, small apt buildings! A great location also in DTSS! **Let's put on our thinking caps to arrive at other existing Equitable solutions! Let's Work Together!**

Marcie Stickle, SSHS Advocacy Chair, 8515 Greenwood Ave., Takoma Park, MD 20912, [marcipro@aol.com](mailto:marcipro@aol.com)

#### **SSHS MISSION STATEMENT**

**The mission of the all volunteer 501(c)(3) Silver Spring Historical Society is to create and promote awareness and appreciation of downtown Silver Spring's heritage through sponsorship of educational activities and the preservation and protection of historical sites, structures, artifacts and archives.**

**See also Statements by Mo Co Taxpayers League, Mo Co Civic Federation, & Responsible Growth for Montgomery County, emphasizing Working Together to achieve "inclusiveness, diversity, prosperity."**

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)  
Silver Spring, MD 20901

# CARPE DIEM ARTS

## Bringing the Arts to Life!

*Promoting the arts and engaging communities  
across generations and cultures*

Testimony: Carpe Diem Arts % Busy Graham  
Public Hearing before the County Council re. DTSS/AC  
February 17, 2022

Thank you Council President Alborno and Council members for the opportunity to speak about the Downtown Silver Spring and Adjacent Communities Plan—specifically with regard to the Historic Jesup Blair House.

My name is Busy Graham, and I have been a resident of Silver Spring for 36 years. I am the founder and Executive Director of Carpe Diem Arts, a Silver Spring nonprofit providing a broad range of culturally diverse visual, literary and performing arts programs to our County residents.

I am here today representing Carpe Diem Arts and several other interested nonprofits, plus numerous programming partners.

We are glad to see the DTSS Plan bring some focus to the beautiful 14.5 acre Jesup Blair Park.

Barely mentioned, however, is the Jesup Blair House which is owned by Montgomery Parks/ M-NCPPC and has been vacant for 14 years.

Located within the designated Arts and Entertainment District, the House was built in 1850 and is connected to the founding family of Silver Spring, the Underground Railroad, the Civil War, and President Abraham Lincoln's Cabinet. It also served as the Silver Spring Library from 1934-1957.

The Jesup Blair House could serve as a catalyst for drawing residents to the Park, while also serving as a vibrant center for arts, culture and education, and a venue for major outdoor festivals and other special events.

In addition, the House would provide a much-needed home for several Silver Spring and Takoma Park nonprofits, including Carpe Diem and the Silver Spring Historical Society whose valuable archives would be housed on the lower level and featured in a Period Room.

We believe our vision would revitalize both the Park and the Jesup Blair House, supporting the County's goals for South Silver Spring, while also celebrating our diversity and addressing the priority of equity, access and inclusion.

Now is the time for our County to honor the history of Silver Spring and preserve this unique public resource as a sound investment in a bright future for arts and humanities—and vital community development.

We seek your support for restoring this remarkable property—and ask you to find ways to help fund the estimated \$1.5-2 million rehabilitation.

To learn more about our collective vision, please visit [JesupBlairHouse.org](http://JesupBlairHouse.org)

Thank you for your consideration.



C. Robert Dalrymple, Esquire  
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Direct Dial: 301-634-3150

February 17, 2022

**VIA EMAIL DELIVERY**

The Honorable Gabe Alborno, President  
and Members of the County Council  
Montgomery County Council  
100 Maryland Avenue  
Rockville, Maryland 20850

Re: Silver Spring Extra Space LLC's Written Testimony for the February 17, 2022, County Council's Public Hearing on the Planning Board Draft of the Silver Spring Downtown and Adjacent Communities Plan (the "Draft Sector Plan")

Dear Council President Alborno and Members of the County Council:

On behalf of Silver Spring Extra Space LLC ("Extra Space"), the owner and operator of the self-storage facility located at 8001 Newell Street (the "Property"), we are submitting these written comments to the Draft Sector Plan. The Property includes approximately 41,245 square feet of net lot area and is located at the northeast corner of Newell Street and Eastern Avenue in the South Silver Spring District. The Property is improved with a 1-story warehouse that was originally built in 1950's and subsequently retrofitted to a self-storage facility in 2002. The Property is also located in the Ripley/South Silver Spring Overlay Zone. As explained in greater detail below, Extra Space is requesting that the Draft Sector Plan be modified to incorporate recommendations that allow for an expansion of the self-storage uses that is necessary to respond to market demands in this undersupplied area of the County.

While the Draft Sector Plan recommends rezoning the Property to CR-3.0 C-3.0 R-3.0 H-125 and that "redevelopment of this site transition in height to the garden apartment buildings across Newell Street and the single-family homes across Eastern Avenue Northwest in D.C," reliable studies relating to supply/demand for self-storage at this location reflect a gross shortage of supply in Silver Spring. (Draft Sector Plan, pp. 57 and 59). More specifically, there is approximately 600,000 square feet of

**Selzer Gurvitch Rabin Wertheimer & Polott, P.C.**

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self-storage within a 3-mile radius of the Property, but there is demand from residents and businesses for between 1.6 million to 3 million square feet of self-storage uses. Therefore, the market for self-storage in Silver Spring is underserved by at least 3 times the demand, and that doesn't account for the future demand that will be generated by the Draft Sector Plan's recommendations for redevelopment of significant commercial and residential uses throughout the Sector Plan boundaries.

Extra Space is requesting that the Council recognize that the Property is uniquely situated for an incremental expansion of self-storage uses that will be market responsive and consistent with Draft Sector Plan's Economic Growth goals. To this end, the Draft Sector Plan recommends encouraging "economic growth that will be sustainable into the future," and focusing "on strengthening the retail and business economy in Silver Spring by attracting large and small new employers and retailers, and by supporting the businesses that have been in the downtown for years." (Draft Sector Plan, p. 85). Allowing for additional self-storage uses at the Property will allow for more sustainable economic growth into the future by supporting an existing business that has been in the downtown for 20 years which can deliver much needed self-storage space in the community. Also significant, the design and overall aesthetics of self-storage facilities have vastly improved since the time that Extra Space established the self-storage use at the Property 20 years ago. To this end, the inclusion of Master Plan recommendations that encourage expansion of the self-storage uses at the Property will create an opportunity for enhanced urban design and architecture that is more compatible with the adjacent community.

In addition to being consistent with the Draft Sector Plan's Economic Growth goals, allowing for an expansion of the existing self-storage uses could also accomplish several other important goals in the Draft Sector Plan by creating an opportunity for additional public benefits in the form of design excellence through enhanced urban design review by the proposed Design Advisory Panel (DAP), and funding toward the Housing Initiative Fund (HIF) and/or Connectivity and Infrastructure Fund (CIF). As described below, the Draft Sector Plan should be revised to recommend expansion of existing self-storage facilities (as of the date of the approved Sector Plan) where the expansion provides these identified public benefits and meets certain defined standards. The proposed criteria for expansions of self-storage uses at the Property could be incorporated into the Chapter 59 of the Montgomery County Code (the "Zoning Ordinance") through a subsequent Zoning Text Amendment ("ZTA") process that will be necessary to implement other recommendations in the Draft Sector Plan.

As part of the ZTA that would implement the Draft Sector Plan's recommendation that the Ripley/South Silver Spring Overlay Zone be eliminated (and any other recommended changes), Extra Space respectfully requests that the Zoning Ordinance be modified to allow for limited expansion opportunities of self-storage facilities, subject to the following standards:

Mr. Gabe Albornoz, President  
and Members of the County Council  
February 17, 2022  
Page 3

- The self-storage use must have been established before the effective date of the Sector Plan;
- Site Plan approval under the CR optional method of development is required, which will include review by the Design Advisory Panel (DAP) for consistency with the Design Guidelines;
- The expanded self-storage use would be limited to 60 feet of building height; and
- Any additional density added beyond the as-built density at the time of Sector Plan adoption would be subject to a contribution to the HIF or CIF.

The requested recommendations for the Property will allow for an expansion opportunity that is both market-responsive and consistent with the Draft Sector Plan recommendation that there be a compatible transition from the single-family community across Eastern Avenue. Moreover, the proposed expansion of Extra Space's self-storage facility will enhance the County's commercial tax base and help to fulfil the storage needs of residents and businesses in the community. Thank you for consideration of Extra Space's written comments, and if you have any questions or require any additional information, please do not hesitate to contact us.

Very truly yours,

**Selzer Gurvitch Rabin Wertheimer & Polott, P.C.**

*C. Robert Dalrymple*

C. Robert Dalrymple

*Matthew M. Gordon*

Matthew Gordon

cc: Montgomery County Councilmembers  
Planning Board  
Pam Dunn  
Gwen Wright  
Elza Hisel-McCoy  
Harvey B. Maisel

00411536;2

**Resolution on the Montgomery County Planning Board's  
Recommendations for Attainable Housing Strategies Initiative**

1) WHEREAS

Woodside is a small and diverse residential neighborhood adjacent to downtown Silver Spring that is comprised of single-family homes, townhomes, and accessory dwelling units that are an integral part of the community, along with religious institutions, a government services building, and a county park, and

2) WHEREAS

Woodside has supported and encouraged smart growth in recent decades, including missing middle townhouses that constitute 27% of the neighborhood, while recognizing the rights of existing and future homeowners of all housing types to live in residences that are walkable, with green space, a sufficient tree canopy, unencumbered by excessive storm runoff and overburdened street parking, and with access to quality school systems, and

3) WHEREAS

Woodside previously resolved to oppose the proposed boundary change to annex portions of Woodside into the downtown master plan, and

4) WHEREAS

The Planning Board's purported goals related to rezoning have repeatedly shifted which has stymied genuine efforts of the Woodside Civic Association and Woodside residents to meaningfully participate in the process, and

5) WHEREAS

The Woodside community believes that the expedited way the Planning Board has handled the issue of long term housing needs amidst an immediate pandemic crisis is a disservice to the community, that further study is needed to understand the possible effects of the pandemic on future housing needs, and that the Planning Board must give serious consideration to questions of how to protect the neighborhood's naturally occurring affordable housing and infrastructure needs, including school enrollment and potential negative environmental impacts.



## BE IT THEREFORE RESOLVED

### 6) THAT

The Woodside Civic Association supports the development of high and medium density housing-on the numerous undeveloped or underutilized sites within the downtown.

### 7) THAT

The Woodside Civic Association supports the development of affordable and attainable housing on the existing 2.6 acre site of the Health and Human Service (HHS) property at 8818 Georgia Avenue, as well as on the 4.6 acre site of the Woodside/16<sup>th</sup> Street Purple Line station at 8600 16<sup>th</sup> Street.

### 8) THAT

The Woodside Civic Association supports retaining the local master planning process, looking at Woodside as a whole, and including consideration of climate effects on any planned development and data-driven analysis of the housing market, typologies in demand, price ranges in demand and effective measures to foster homeownership and affordability.

### 9) THAT

The Woodside Civic Association supports the creation of a county-wide Citizens Advisory Panel to review and as appropriate recommend changes to any Zoning Text Amendment (ZTA) when it is sent to the County Council.

### 10) THAT

The Woodside Civic Association reiterates its opposition to zoning proposals that geographically segment the Woodside neighborhood.

### 11) THAT

The Woodside Civic Association is prepared to work with the Planning Board to create attainable duplexes within Woodside that are by-right, owner-occupied and house-scale. Any plan to create such duplexes must be environmentally sound; preserve the tree canopy; have non-waivable stormwater runoff requirements; adhere to the size, height, setback and maximum lot coverage requirements that apply to single family homes; adhere to a pattern book that encourages compatibility with surrounding

structures; and permit community input into the Planning Board process for the pattern book and other considerations listed above for duplexes.

12) THAT

The Woodside Civic Association opposes any planned zoning changes that do not include measures to limit investor-owned housing in Woodside. Permitting more investor-owned development does not meet the stated goals of providing attainable housing and will make opportunities for homeownership more difficult. Specifically, with respect to any permitted multifamily structures on current R-60 parcels, the proposed zoning changes should mandate owner occupancy in line with existing ADU regulations.

13) THAT

The Woodside Civic Association opposes any planned zoning changes that do not include identifiable criteria by which the Planning Board's stated goal of creating attainable or affordable housing can be measured and a timeline for doing so.

14) THAT

The Woodside Civic Association opposes initiatives for zoning changes in Woodside that provide for by-right development of multifamily or medium and high density developments that do not allow for community input, except with regard to duplexes as outlined above.

15) THAT

The Woodside Civic Association opposes any plan that allows for the assemblage of lots for the purpose of constructing larger structures.

Approved by Zoning Subcommittee on

Approved by the Executive Committee on 12/15/21

Presented as amended at the General Meeting on 01/12/22

General Meeting Vote

For - 60 Against – 2 Abstentions - 1

I have one very specific request to make. There is no persuasive argument for expanding the downtown master plan boundary north of Spring Street into Woodside. Without changing a single word of the plan document, I urge you to simply remove the expansion into Woodside from the master plan drawing.

In the draft plan, staff states “The Council should take action on Affordable Housing Strategies and adopt a county-wide ZTA...for the Adjacent Communities”, but Chair Anderson asserted at the December 23 hearing “... the recommendations we make in this plan do not depend in any legal sense on Thrive.... the recommendations we’re making in the [master] plan are not dependent on any new laws or General Plan.” [1:59].

That’s precisely the problem. Allowing an expansion of the downtown master plan into Woodside sets a dangerous precedent for neighborhoods all across the County. There is no reason for removing a portion of an historically designated neighborhood from its greater context solely so that untested zoning theories, with unproven claims of equity, can be implemented at a faster timeline than would be the case if the communities were left in their current masterplans and subject to coming general plan regulations. These blocks are not on a transit line or a traffic corridor- they’re in the interior of one of the oldest neighborhoods in Silver Spring, one that is still designated as historic on the Planning Board’s own locational atlas.

The objectives first outlined by Commissioner Verma for exploring an expanded boundary of the downtown are admirable and will be addressed county-wide by Thrive 2050 and the Affordable Housing Strategies Initiative, just as staff identified in their report. A portion of Woodside has already been redistributed to the Montgomery Hills master plan and rezoned as a CRT parcel. Our Civic Association submitted a Resolution to the Council supporting density and affordable housing in this quadrant, as well as at the Woodside Purple Line station. But I can’t support this incursion into the core of the neighborhood.

Happily there is a very simple solution. Maintain the current downtown boundary. Maintain the many positive aspects of this plan for that downtown. Just leave Woodside and the adjacent communities in their current master plans. I’m pretty certain not a word of the document needs to be revised to achieve that; just revise the plan drawing.

Ellen Sands

February 15, 2022

Montgomery County Council  
Rockville Md.

Written testimony by **Jean Cavanaugh, Silver Spring MD 20901** on the draft  
Downtown Silver Spring and Adjacent communities plan.

### **Protect existing and restore missing Tree Canopy**

- 1) Require 35% tree canopy cover for CBD area without exception for green roofs or other substitutes;
- 2) Require 65% tree canopy for adjacent communities without exception for green roofs or other substitutes. The adjacent communities are losing canopy cover at an astonishingly fast rate due to lack of protection for mature shade trees.
- 3) Protect existing mature shade trees and assign value they deserve as critical to lowering heat index and other benefits in the plan area;
- 4) Recognize difficulty of planting trees in dense area thick with utilities above and underground, paved surface requirements wrt sidewalks and driveways;
- 5) Identify and target public land even as small as two tennis courts to plant Miyawaki or “microforests” as described by the [World Economic Forum](#) and [Urban Forests](#). Microforests grow 10x faster and store 400% more carbon than a typical forest.

### **Remove adjacent communities from the DTSS plan**

- 1) Planners did not include the adjacent communities in the original DTSS sector plan update. The initiative came from one PB member who, from third hand accounts, solicited support from his personal communication channels from certain people in support of his suggestions before the PB voted on the expansion;
- 2) Adjacent communities’ zoning will be addressed in the AHSI process along with R60 and other residential zones in the rest of the county. This is indicated in the DTSS draft plan (with the exception of Bonifant+ noted below), so those adjacent communities should be removed and restored to the North and West SS master plan process;
- 3) It makes no sense to include the adjacent communities in the DTSS plan because the two are completely different animals with different requirements.

**Retain R60 on Bonifant west of Cedar**

- 1) The Silver Spring CBD never met its full development potential from its last master plan. There is no reason to spread the density to this R60 section filled with older homes on small lots.
- 2) CR development over the last ten years has given DTSS lots of luxury one bedroom apartments. The Silver Spring core needs to retain residential homes for families, eg the small houses on Bonifant, to retain a mix of activity in the core - eg families, singles, young couples, elderly, etc.

**Delete suggestion for creating a new street connecting Bonifant and Thayer.**

- 1) I suggest creating a non-auto connection or an alley to accommodate pedestrians and cyclists and other non-motorized transportation.
- 2) I don't understand why the planners and Planning Board want to make a new street for cars in a residential area where they are trying to encourage more non-motorized means of moving.

SS DAC  
SS Downtown and Adjacent Communities Plan  
Testimony to County Council  
Thursday, Feb 17, 2022

2 minutes ORAL TESTIMONY, this accompanies my longer written submittal.

Hello, I am Kathleen Samiy I live in Silver Spring.

This **Plans Environmental Appendix E states** that **“Extreme Heat is MoCo’s #1 climate threat”** Currently Downtown Silver Spring has an alarmingly scant 8 % tree canopy, **92% has no tree canopy - that means no shade!** This is a social justice & equity issue, a public health issue, an economic issue.

**NOAA heat maps from July 2020, show street heat at 130-155 degrees in the sun! This is Killer heat. To quote the appendix, “The findings were astonishing.”**

Extreme Heat is a deterrent to going outdoors to work, play, bike, shop, socialize. We need to **carve up concrete to make more space** for Canopy Trees to cool and shade downtown.

**This plan does not meet the goal of creating a livable downtown.** We need our leaders to actually lead, and to make scientifically informed environmental decisions. They need to set canopy goals, measures, and laws to solve our #1 problem. Even the June 2021 Climate Action Plan says to increase and protect tree canopy.



This Plan “**Encourages**” 35% green COVER, only for **more dense** development.  
The Bethesda Plan **Requires** 35%.

Thrive, AHSI and ZTA plans propose development ‘by right’, not by ‘green cover’.  
**This is INEQUITABLE and discriminatory.**

**The proposed Green Cover is a hodge-podge** of hot plastic grass, plastic playground equipment, green painted bike lanes and some vegetation, perhaps a small tree. **These plastic fossil fuel materials radiate 30% more heat than concrete.**

We need aggressive **plans**, not a shameful stab at 35% green cover. We need a minimum of 25- 40% tree canopy in urban areas, and 65% in residential areas.  
My neighborhood has lost 20% tree canopy in 10 years!

**This is a Regressive Plan, made by proclaimed Progressives. It needs to be rejected. The Planning Board has failed to balance and meet the heat of this moment.**

SS DAC  
SS Downtown and Adjacent Communities Plan  
Testimony to County Council  
Thursday, Feb 17, 2022

I am Kathleen Samiy, Silver Spring. I live a few blocks down the hill from the Civic Building.

**Please read the Environmental Plan Appendix. Look at the NOAA heat maps, they are alarming. FIRE alarming.** It states: **“Extreme Heat is MoCo’s #1 climate threat”** This is a social justice issue, a public health and well-being issue, an equity issue, and an economic issue.

Downtown Silver Spring has a scant 8 % tree canopy, **92% has no tree canopy- 92% no shade! In July 2020, per NOAA, the street heat was 130-155 degrees in the sun! Measured over one-month. This is Killer heat. To quote the report, “The findings were astonishing.”**

Extreme Heat does not make bikeways nor sidewalks cool. Heat is a deterrent to going outdoors to work, play, bike, shop, socialize. What is cool is SHADE TREES, CANOPY TREES.

We need leaders to lead, to set tree goals, establish laws, requirements, measures, and projections over time **to meet, exceed and solve the #1 problem:** Even the June 2021 Climate Action Plan says we must increase and protect tree canopy. We need more shade from the heat.

This plan **“Encourages”** 35% green COVER -- for Optional Method -- which equals extra density for MPDU’s. Thrive, AHSI and ZTAs are allowing development ‘by right’, not by ‘green cover’. The Bethesda Plan **Requires** 35% green cover, the<sup>(43)</sup>

Silver Spring Plan 'encourages' green cover. **This is INEQUITABLE. This is Discriminatory.**

**What is Green Cover?** It is an ala carte MIX of green rooftops in the sky, some vegetation, plastic grass, and perhaps a tree. It is bike paths made of plastic Astroturf that radiates 20-30% more heat than concrete. It is playground materials made of plastic gym equipment, plastic grass, fossil fuel materials.

We need aggressive, comprehensive, sustainable tree canopy and tree maintenance laws, not a shameful stab at 35% green cover. Do Silver Spring better than Bethesda!

**What is Tree Canopy?** It is overstory trees with a trunk diameter of 24-36 inches and heights of 60-150 feet. It is not 2-4" young trees. It is not 11-18" decorative understory trees. Canopy leaves and limbs MUST touch each other to provide any effective cooling, carbon reduction and pollutant reducing affects.

We must have trees everywhere in front yards, side yards, backyards, and along public streets. BUT street trees are governed by Pepco and DOT, who cut them down for sight lines, to clear power lines; these trees have NO legal protections long term.

**To the proclaimed Progressives, this is a highly REGRESSIVE Plan. Reject it.**

**Restructure the Commission. Hire an Environmental Science expert to be the Director of Planning or to Head a division of scientists.** Make the division independent, separate, so plans are not picked apart by generalists, development reviewers, **or the smart growth coalition developer lobby.**

**Legally establish UTC, Urban Tree Canopy, tree shade requirements, such as 50% over an existing parking lot.**

Create tree canopy minimum laws: 25- 40% in urban commercial/residential areas, and **65% in adjacent neighborhoods.**

**Create a law to stop the destruction of trees on private and public property.**

**Fully fund ROW stump grinding. Enact Soil volumes laws of 1,000 cubic feet for canopy trees to grow and thrive.** NYC, DC, Philly have these laws, why don't we?

Carve up concrete to make space for canopy trees.

**Do not rely on these Plans:** 100,000 Trees, Cool Streets, Carbon Emissions, Climate Action. Many are still drafts, without fact-based evidence proving they would lower radiant street level heat. **Tree Canopy is the most cost-effective solution to combine the goals of reducing carbon AND lowering radiant street heat.**

**FIRE the Planning Board Chair and Commissioners that approved this plan.** They are undermining intelligent environmental science by moving this incongruous plan forward.

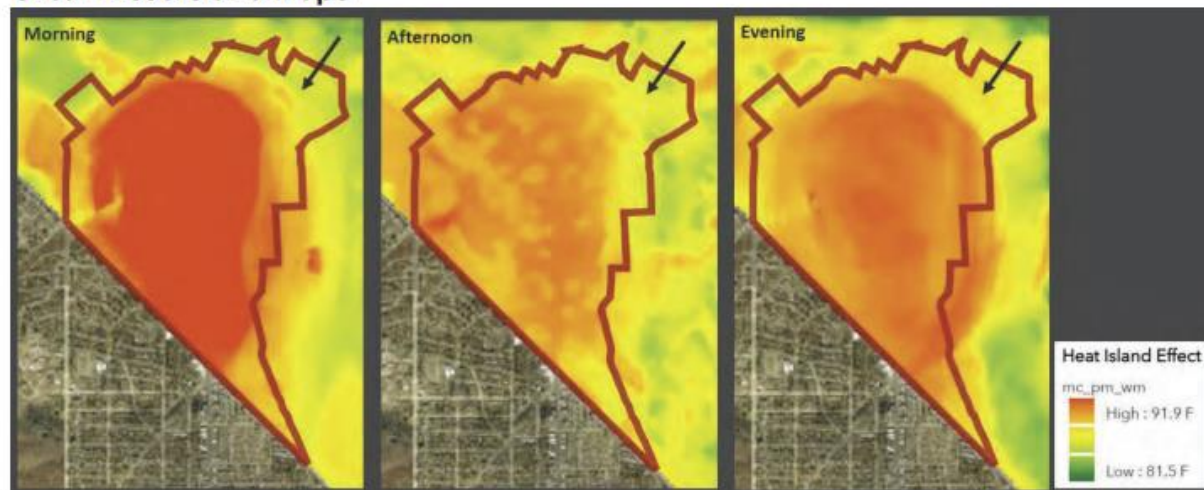
**This Silver Spring plan is REGRESSIVE. Lead us. Create strategic, substantive solutions, reject this Plan, and adopt these solutions.**

## Environmental Appendix E

<https://montgomeryplanning.org/wp-content/uploads/2022/01/SSDAC-Appendix-E-Environment.pdf>

screen shots of several pages

### Urban Heat Island Maps



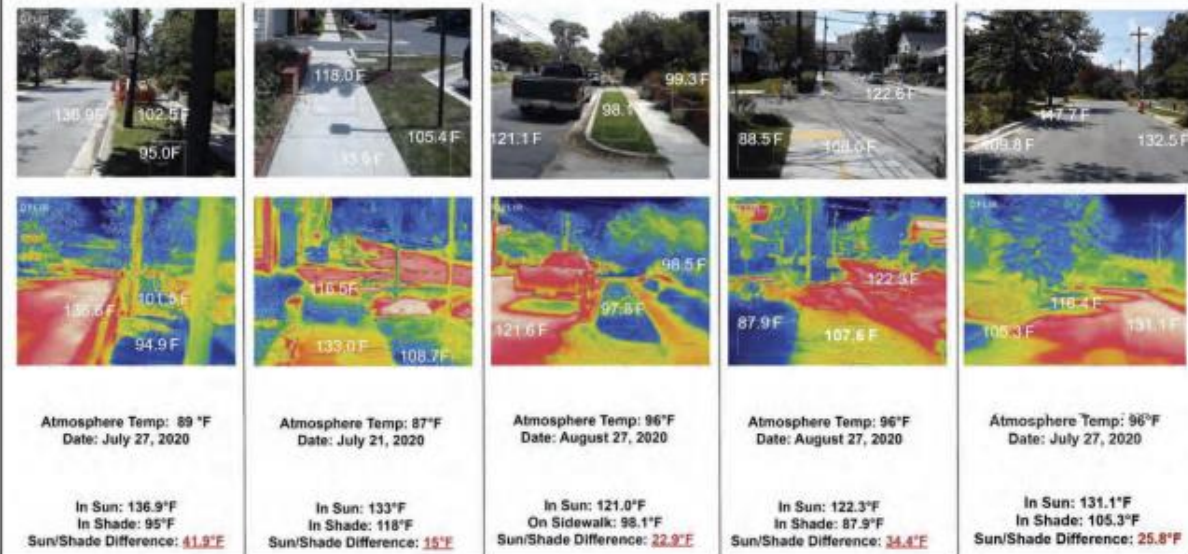
### Surface Temperature Analysis

Impervious surfaces, buildings with low-albedo materials, and a lack of vegetated areas are the major causes of extreme pedestrian thermal temperatures during the summer months. In the summer of 2020, Environmental Planning staff used high resolution, Forward Looking Infrared (FLIR) thermal imaging cameras (Model T430sc) to identify the surface temperatures of various microclimates within downtown Silver Spring. FLIR camera works by receiving radiation from the target object (sidewalks, streets, play surfaces, parking lots, etc.), plus radiation from its surroundings that has been reflected onto the objects surface. The findings were astonishing.

Conventional, unshaded paving materials found throughout Silver Spring averaged between 109 to 155 degrees Fahrenheit. These temperatures are unbearable for extended periods of time and dangerous for humans and wildlife alike. Temperature variations differed due to the various kinds of surface pavement materials, colors, coatings, porosity, reflectivity, orientation, building and vegetative shade. In general, lighter colored surfaces were cooler than darker surfaces.

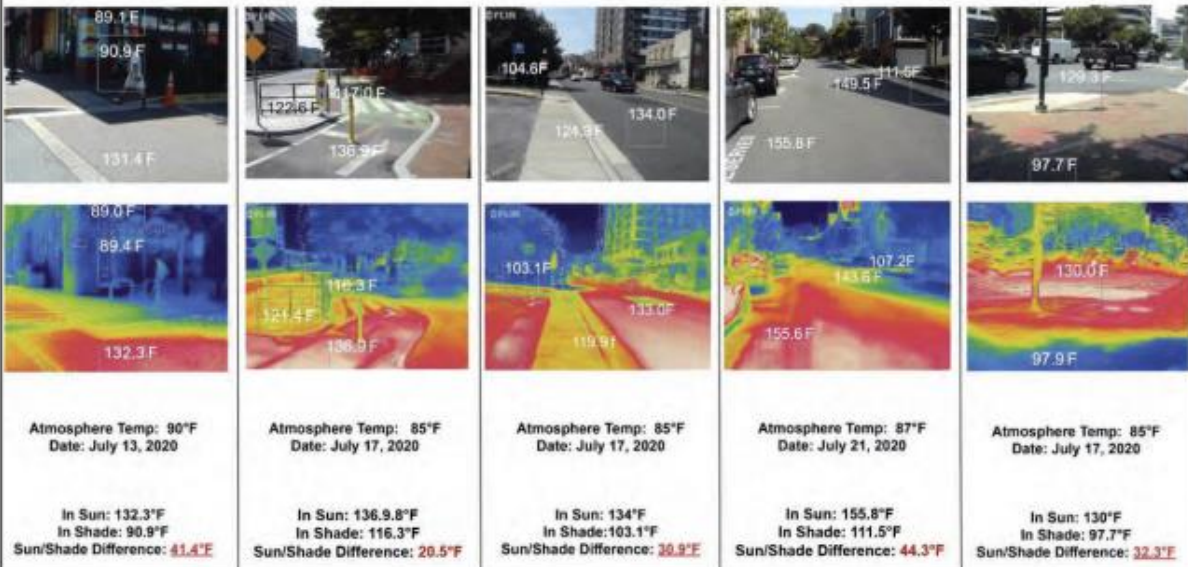
## Silver Spring: Summer 2020

### Residential Zone: Infrared Surface Temperature Readings



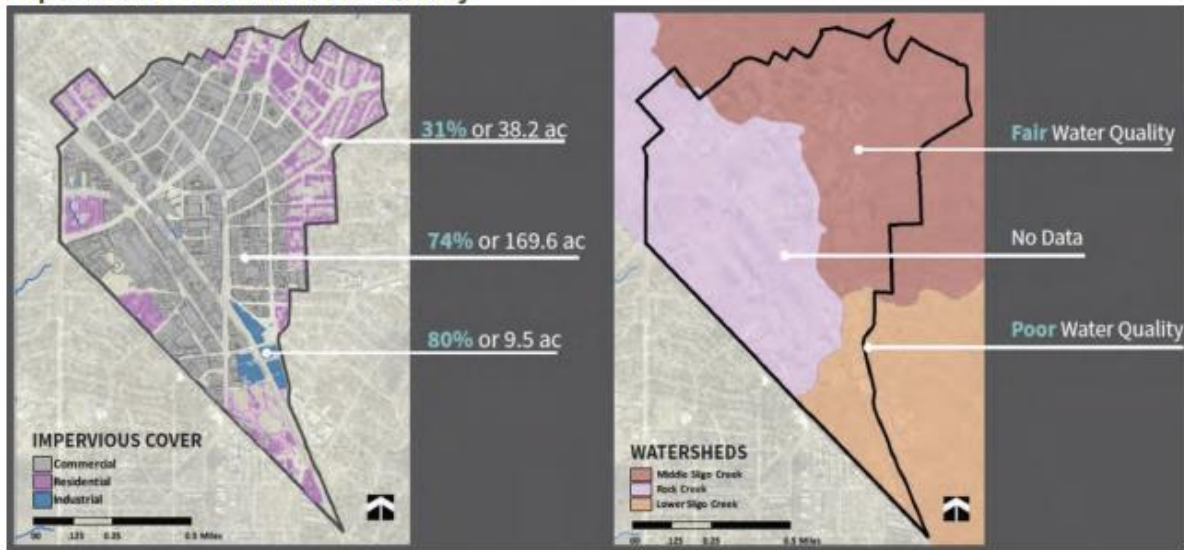
## Silver Spring: 2020

### Commercial Zone: Infrared Surface Temperature Readings





## Impervious Cover and Water Quality



- Encourage a minimum of 35% green cover on Optional Method Development projects. A project may achieve the 35% green cover requirement by:
    - Providing an intensive green roof (6 inches or deeper) on the rooftop of the buildings.
    - Providing native canopy tree cover on the landscape of the project site area at ground level; and/or
    - Providing a combination of tree canopy cover and intensive green roof for a total of 35% or greater on the total site.
- \*May be reduced for on-site energy generation or occupiable rooftop amenities.

## Recommendations

There are many strategies to combat heat island temperatures and build a resilient community. The most effective and proven methods are installing Nature Based Solutions (NbS) on every parcel of land including the right-of-way. NbS will have countless benefits and they will address the escalating temperatures, heat island effect, tree loss, water quality, habitat loss, and human health and desirability.

- Implement the principles of the Cool Streets Recommendations that will be included in the Design Guidelines into new site development and street renovations on public and private property.
  - Plant diverse, stratified, and climate- and region-appropriate native tree species to reduce vulnerabilities, diseases, and improve their ability to thrive in a changing climate. Update Silver Spring Streetscape Standards, Forest Conservation, and other environmental guidelines as necessary.
  - Prioritize urban tree canopy and green infrastructure in targeting the hottest streets and where tree canopy is deficient (see Map 25).
  - Encourage a minimum of 35% green cover on Optional Method Development projects. A project may achieve the 35% green cover requirement by:
    - Providing an intensive green roof (6 inches or deeper) on the rooftop of the buildings.
    - Providing native canopy tree cover on the landscape of the project site area at ground level; and/or
    - Providing a combination of tree canopy cover and intensive green roof for a total of 35% or greater on the total site.
- \*May be reduced for on-site energy generation or occupiable rooftop amenities.
- All new rooftops not covered in green roofs or alternative energy generation should be cool roofs with low-albedo surfaces.

## Testimony of the County Executive

### County Council Public Hearing on the Silver Spring Downtown and Adjacent Communities Plan

February 17, 2022

Meredith Wellington, testifying on behalf of the County Executive. The County Executive and departments will be sending detailed comments on the Plan in advance of the PHED Committee work sessions. Tonight, I will mention only a few of the many important issues raised by this Plan.

1. The County Executive supports the addition of new, smaller housing types through master plan review of entire neighborhoods, not segments of neighborhoods. Each master plan will identify appropriate sites for new market rate housing types that comply with enhanced environmental requirements and provide adequate public facilities.
2. The decision to include Adjacent Communities has distracted the County from the significant issues facing the Silver Spring Downtown.<sup>1</sup> The CE does not support the unprecedented addition of small fragments of neighborhoods to the boundary of the Silver Spring Downtown Plan. The Council should roll back the boundary change and return the fractured segments called Adjacent Communities to the master plans that they are in now. Any rezoning of these neighborhoods would take place in the context of the appropriate master plan.
3. The Silver Spring Downtown and Adjacent Communities Master Plan should be sent to OLO for a RESJ report. Like Thrive, the SS plan focuses on past discrimination, and, like Thrive, it fails to identify current forms of discrimination that perpetuate inequality.
4. Residents are confused that the SS Plan is moving forward when the Plan clearly states that it is based on assumptions about Thrive and the Attainable Housing Initiative, neither of which is in final form nor adopted. Until this confusion is resolved, the Plan should not move forward, and the scheduled PHED work sessions should be postponed.

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<sup>1</sup> There is little, if any, discussion of the needs of the Adjacent Communities. Rather, they are treated only as a subject for rezoning under the Attainable Housing Initiative, rather than a living, breathing part of Silver Spring with their own strengths and needs. The delineation may be based on a walking distance from transit, but in terms of any other marker that is used to develop a master plan, the delineation is arbitrary and a disturbing precedent for future master plans.

**5. Housing—The Plan says, "Promote a diverse mix of housing types throughout the Plan area." P. 76**

But the Plan does not promote a diverse mix of housing. It promotes 11,000 multifamily units, most planned for high-rises, judging by the recommended up-zoning of the CR zoned properties in the Downtown. There is no estimate of the number of Missing Middle housing types that could be built either in the Downtown or in the Adjacent Communities.

These housing numbers need much more detail to be meaningful. The Plan needs to discuss how it assesses the likelihood that the 11,000 units will be built over the next 20 years; as compared to the risk that nothing will be built until the market allows the developers to use the whole building envelope that the Plan awards them. It also needs to explain how the Plan provides housing for those with the greatest need in Silver Spring. **The County Executive does not agree with the "trickle-down" theory that more housing, no matter the affordability level, will solve the problem.**

Thank you for your consideration.

February 16, 2022

Montgomery County Council  
Rockville Md.

Written testimony by **Anne Spielberg, Silver Spring MD 20901** on the draft Downtown Silver Spring and Adjacent Communities Plan.

I have resided at my home within the boundaries of the proposed Downtown Silver Springs and Adjacent Communities Plan for almost 29 years and submit this testimony as a long-time member of this vibrant, diverse, and once affordable community. This plan has serious and fundamental flaws that require major revision to avoid destruction of our community. The plan has been conceived and drafted in a defective and tainted Planning Board process with the apparent primary goal of increasing development and generating additional profits for developers and their associates. The plan improperly includes adjacent communities in a plan that should be limited to Downtown Silver Spring. The plan does *nothing* to increase affordable housing, and by relying on the highly problematic Thrive Montgomery 2050 adopts an “economic development approach [that] could widen racial and social inequities as it primarily offers benefits to affluent and disproportionately White people,” as found in the Office of Legislative Oversight (OLO) preliminary Racial Equity and Social Justice (RESJ) review of Thrive 2050. Finally, in a time of environmental crisis, the plan encourages environmental degradation. The Council must reject the current plan and address the following issues:

**Adjacent Communities should be removed from the Downtown Silver Spring plan and restored to the North and West Silver Spring Master Plan where those communities properly and have long belonged.**

At its June 4, 2020, meeting, the Planning Board decided to reject the approach of the planning department and for the first time expand the Downtown Silver Spring Plan to include what are now known as the “Adjacent Communities.” These residential communities have historically and rightly been part of the North and West Silver Spring Master Plan, with which they are highly similar and to which they are also “adjacent.” This decision of the Planning Board was made without notice to, consultation with, or input from the affected community; without allowing sufficient time for property owners and neighborhood associations to be fully informed and meet and assess the proposals; and at a time when our communities were primarily focused on living amidst a pandemic and during a period of great upheaval. Instead of consultation with the affected neighbors, the proposal was made with primary input from the developer community

and through a process that involved potential ethical violations by the planning board commissioner who proposed the change and gave advance talking points to his cronies to use in their presentations.

Essentially, by annexing surrounding parts of residential communities into a plan for the central Silver Spring Business District, the plan attempts to bring commercial development into the midst of the surrounding single-family residential communities and to substantially increase the density of existing residential development. Given the ample space and opportunities in the core downtown for commercial development, mixed use, and high-density residential development, there is no actual need for such increased development in the surrounding residential community. Inclusion of the so-called "Adjacent Communities" in the downtown Silver Spring plan instead allows developers to push further profit at the expense of the surrounding residential community that is central to the vibrancy of the Silver Spring downtown, while neglecting the downtown core which would benefit from greater developer investment.

While during community meetings, planners made representations that the "Adjacent Communities" would not be the focus of increased development that belongs in the Silver Spring downtown core, there are a number of sections of the plan where that is exactly what is happening -- development that belongs in the core is being pushed outward, destroying residences and crucial parts of the surrounding thriving community that the plan disingenuously claims to want to preserve. The plan's recommendations to up-zone and remove R-60 zoning on Bonifant west of Cedar, on the lot of the former Silver Spring library, on the site of the Springvale retirement center, in Ellsworth Park, and elsewhere are all inappropriate and reflect poor planning. These are residential sections of the community that provide modest, single-family homes, opportunities for reasonable, low-density residential housing, or green space that should remain R-60, consistent with the R-60 neighborhood of which they are a part. They should not be the site for CRT zoning or for other up zoning that involves commercial, mixed use, and dense residential development that belongs in downtown Silver Spring.

The Council should remove the "Adjacent Communities" from this plan that is for the downtown Silver Spring core and prevent this land grab at the expense of residents and to the benefit of wealthy, moneyed interests. Failing such removal, the Council should reject all attempts to up-zone existing R-60 sections of the Adjacent Community.



**Elements of the Plan pushing for increased housing density should be rejected as only serving the interests of developers; they do nothing to increase affordability or equity.**

The Downtown Silver Spring and Adjacent Communities Plan touts goals and recommendations that incorporate the poorly thought out and misguided Thrive Montgomery 2050 plan. Thrive includes various components that would substantially increase **density** in areas zoned as R-60 in our community. However, density is not a value in and of itself, except for developers and their supporters who can make more money by always building more. Importantly, **increasing density is not the same thing as increasing affordability** or even attainability, which has somehow become a meaningless substitute for providing housing to those in actual need. **There also is nothing about density that addresses issues of racial and economic justice.**

The missing middle report cited in the plan acknowledges that increasing the availability of other forms of housing beyond single family homes **does nothing** to increase the availability of affordable housing (or “attainable” housing). Indeed, the housing created will likely only be more expensive and increase the cost of existing homes. The missing middle report also makes no claims and provides no support for the claim that Increasing density addresses racial equity. As recently found by the Office of Legislative Oversight (OLO) preliminary Racial Equity and Social Justice (RESJ) review of Thrive 2050, **this approach of increasing density is likely to only increase racial and social inequities.** It is simply window dressing for more profits by wealthy and moneyed interests.

As the plan notes, there is substantial affordable housing within the downtown core that needs to be preserved and can be expanded. The plan could provide actual incentives for the **preservation** of existing modest, more affordable, single-family homes within R-60, which is the most important way for Montgomery County to address the supply of such housing. Addressing housing needs does not instead involve making it easier for developers to assemble lots and tear down and/or convert existing housing with structures and density that overwhelm and destroy our existing neighborhoods. If any increased density is to be allowed in the adjacent communities, the plan must require that it be accompanied by meaningful affordability requirements to provide between 25-50% affordable units. If private developers claim that is not feasible, that only shows once again that density has nothing to do with affordability or equity.

It is easy to pretend that affordable housing and equity matter, while in fact promoting only density and wealth for developers. If the Council wants to create affordable housing, accessible to all, then it must reject all of the recommendations and goals

embracing Thrive, increased density for its own sake, and the give aways reflected in this plan that only increase racial and wealth gaps.

**The plan must be revised to protect the environment and remove the incentives that maximize building footprint and destroy green space.**

In this time of a climate crisis, there is absolutely no basis to approve a plan that will lead to the destruction of more trees and the loss of more green space through the proposed increases in development and density. If the plan continues to include the Adjacent Communities, it must be revised to require a *minimum* of 65 percent *tree* canopy in the Adjacent Communities and to explicitly retain all of the existing requirements for lot coverage, height, and setbacks. The “Adjacent Communities” have already lost a large percentage of their previous tree canopy as a result of recent development that has cut down mature trees with the only mitigation occurring not only outside our community, but outside our watershed. Preserving existing, mature trees and the other existing green space is essential for storm water management and both wildlife and human health. Having sufficient trees and green space is just as essential for communities of color and those who live in affordable housing as it is for wealthy communities. Plan elements must explicitly protect existing trees, prohibit any expanded building footprint or lot coverage, not allow green rooves to be a replacement for trees, and preserve all existing park land or pocket parks. The constant destruction and increased development included in this plan are unproductive and unsustainable.

Respectfully Submitted,

Anne Spielberg

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

February 16, 2022

Michael Gurwitz  
Silver Spring, MD 20910

Montgomery County Council  
Rockville, Maryland

Re: Planning Board Draft of the Downtown Silver Spring and Adjacent Communities Plan;  
February 17, 2022, 7:30-9:30 pm, Public Hearing

My name is Michael Gurwitz. I have lived in the Seven Oaks-Evanswood neighborhood of Silver Spring for more than 22 years. My home is within the boundaries of the Planning Board Draft of the Downtown Silver Spring and Adjacent Communities Plan (“the Plan”), in zip code 20910. These boundaries were extended by the Planning Board to include the “Adjacent Communities” late in the process, during a pandemic, with little opportunity for public notice or involvement.<sup>1</sup> My home is on the front line of what is being proposed by the Plan, specifically, its recommendation that the Council take action on the Attainable Housing Strategies initiative (AHSI) or otherwise adopt a county-wide Zoning Text Amendment (ZTA) to allow the development by right of duplexes, triplexes, and quadruplexes within adjacent communities such as Seven Oaks-Evanswood.<sup>2</sup> Doing so will result in the destruction of numerous mature, large

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<sup>1</sup> The Planning Board staff initially recommended a plan boundary within one-half mile of the Silver Spring Metro station. During a March 26, 2020, Planning Board hearing, as discussion on the plan was ending, a commissioner proposed increasing the boundary to one mile. Video of this meeting shows that other Board members said that this proposal would “rile people up” and “get people upset.” Staff members seemed taken aback and advised the Board not to take any action until staff had time to study the proposal. Despite this, the Board voted to approve the increased boundary in June 2020, based in part on numerous public comments that contained identical language in support, including a blanket description of houses in Silver Spring as “mansions,” that were clearly part of a coordinated campaign. This is why parts of Seven Oaks-Evanswood and other adjacent neighborhoods now fall within the Plan’s boundaries.

<sup>2</sup> Winter 2022 Planning Board draft of the Silver Spring Downtown and Adjacent Communities Plan, p. 89.

trees and the loss of the vital environmental benefits they provide, to the detriment of longstanding residential neighborhoods and the surrounding area.

### Trees Provide Invaluable Environmental Benefits

Like many homes in the adjacent neighborhoods, my house is modestly sized at 1700 square feet, on a lot that is less than 7000 square feet. The house was built in 1939. We have 11 trees on our lot, including a magnificent silver maple in our backyard that was recently classified by the County as a champion tree. It is a shade tree with a 72-foot crown that provides habitat for songbirds. We also have many large shrubs that provide wildlife habitat. This is typical of Seven Oaks-Evanswood, which is characterized by its mature, soaring trees and dense vegetation.

Aside from their natural beauty, these plants, especially trees, provide crucial environmental benefits during our time of global warming:

- They capture stormwater runoff<sup>3</sup>
- They remove carbon dioxide and other pollutants from the air
- They cool neighborhoods, protecting lives and lowering energy bills
- They provide mental health benefits
- They provide wildlife habitat

According to an NPR report dated June 23, 2021:

As the globe heats up, cities across America are taking a fresh look at their trees. They keep urban neighborhoods cooler, make air conditioning bills manageable and, most importantly, protect lives during heat waves. **They help capture stormwater runoff, and as trees grow, they remove heat-trapping carbon dioxide from the air.** Some cities are now moving to increase their tree canopy, in part to shield against the worst effects of climate change.<sup>4</sup> [Emphasis added].

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<sup>3</sup> Montgomery County is vulnerable to extreme rainfall and widespread flooding.  
<https://www.washingtonpost.com/weather/2020/09/10/dc-area-forecast-tropical-downpours-today-could-produce-areas-flooding/>

<sup>4</sup> <https://www.npr.org/2021/06/23/1006223328/bringing-back-trees-to-forest-citys-redlined-areas-helps-residents-and-the-clima>

### Allowing Denser Development in R-60 Zones Will Result in the Destruction of Large Trees

The Plan calls for preserving mature tree canopy found along streets, but that is not good enough because it overlooks both the many large trees in front yards and backyards, and PEPCO's removal of large trees on County right-of-way land next to streets. Seven Oaks-Evanswood has large, mature trees because it was designed as a community of detached single-family home lots that left enough room in their yards for trees to grow large and flourish. But, these trees are in danger of being torn down under the Plan, which calls for the development by right of duplexes, triplexes, and quadruplexes on what are now lots with detached single family houses through a ZTA. Developers will seek to maximize their profits by demolishing modestly sized houses to build as densely as possible on the available land.

This will also lead to developers, or wealthy speculators, out-bidding families seeking to purchase modest detached single-family homes with yards and trees, so that the existing houses can be demolished to make way for duplexes, triplexes, or even larger buildings. Please note that the Planning Board's Winter 2021 "Missing Middle Market Study" states that most "Missing Middle" housing will be market rate and can be more expensive than existing homes such as mine. The financial incentive to demolish and replace a modest-sized house with as big a building as possible will be high, leaving fewer such houses available on the market.

The end result will be large, mature trees torn down and the ground paved over to make way for big buildings and parking areas, regardless of how long those trees have been there, and how large their crowns are. You can see this for yourselves in the massing models prepared by the Planning Board staff in their Attainable Housing Strategies – Recommendations, dated June



24, 2021, at page 41. Construction of duplexes, triplexes, and quadruplexes on detached single family home lots will decimate backyards that currently have large trees, leaving room for, at best, small decorative trees in the front or back. Such trees provide a fraction of the environmental benefits of large shade trees.

As for the argument that existing detached single-family homes can be torn down by their owner to build a much larger detached single-family home on the same lot, the Planning Board notes in its Winter 2021 “Missing Middle Market Study,” at page 20, that in zip code 20910, demolition permits for detached single family units have been relatively rare, with only 61 such permits being issued in the last 21 years. The true danger of teardowns would come from allowing development by right of duplexes or larger on these lots. What are now longstanding green neighborhoods will become gray neighborhoods, and our shared environment will suffer accordingly. Please do not allow this to happen.

#### Loss of Shade Trees Will Endanger the Public

Shade tree canopy lessens the heat island effect. According to the Plan, the Silver Spring CBD has less than 9% tree canopy. My neighborhood is close to the CBD. In 2009, its canopy coverage was 53.6%. By 2018, this had plummeted to 33%. Even worse, since 2018, many large shade trees along Wayne Avenue and elsewhere were cut down due to Purple Line construction, so the canopy percentage is now even lower. You can see the results for yourselves in the heat island map on p. 17 of Appendix E to the Plan. My neighborhood is orange: the highest heat island color. Extreme heat kills and sickens more people than any other weather-related event.<sup>5</sup> High heat is especially dangerous for the elderly and vulnerable, as well as wildlife, and drives people indoors during the hottest months. As you all know, the number of very hot months in our

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<sup>5</sup> <https://weather.com/en-CA/canada/science/news/2018-05-31-weather-event-fatalities-heat>

area has been steadily increasing due to global warming. The more canopy we lose, the worse will be the heat island effect.

#### Loss of Large Trees will Decrease Racial Equity and Social Justice

The Plan emphasizes the goals of racial equity and social justice. It is well-documented that lower income individuals and people of color live in neighborhoods that have far fewer trees than other neighborhoods.<sup>6</sup> This is why President Biden supports spending millions of dollars for “tree equity.” It would be ironic if, in the name of equity and justice, the Council approves policies that will result in canopy trees being torn down in any neighborhood in which it seeks to further such goals.

#### The Plan Will Worsen Silver Spring’s Loss of Tree Canopy

There is no question that Silver Spring needs more large tree canopy, not less. Appendix E to the Plan notes that, **“mature, larger canopy trees are stronger against winds, storms, drought, and disease while providing over triple ecological value, and cool the streets by well over 10 degrees. Yet, we are rapidly losing them. Only 12% of all trees in Silver Spring are 18-inches in diameter or larger.”** [Emphasis added]. We are going backwards.

When Councilmember Glass was Chair of the Silver Spring Advisory Board, he wrote to then-County Executive Leggett on February 23, 2013:

A healthy tree canopy enhances health and well-being among residents, improves property values and enhances the aesthetic value of the County. As Silver Spring and surrounding areas continue to develop in both commercial and residential sectors, there is a real need for strong legislation to protect and increase tree canopy and green space.<sup>7</sup>

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<sup>6</sup> <https://www.americanforests.org/our-programs/tree-equity/>

<sup>7</sup> <https://www.montgomerycountymd.gov/silverspring/Resources/Files/SSCABTreeCanopyBillAdviceFeb23.pdf>

This was right then, and it is right, now. Tree canopy coverage in the adjacent communities must be increased, preferably to at least 65%, but it will keep going down unless the Council protects our large canopy trees.<sup>8</sup>

The Council Must Protect Large Mature Trees and Their Canopy, Not Enable Their Destruction

As the Council considers the Planning Board Draft of the Downtown Silver Spring and Adjacent Communities Plan and your next steps, I urge you to protect the many mature, large trees, and the invaluable environmental benefits of their canopy, in Seven Oaks-Evanswood and the other adjacent communities by not allowing the construction of duplexes or larger buildings on detached single family home lots – lots on which so many of these invaluable trees exist. **The best way to accomplish this is for the Council to return the Plan to its original parameters of within one-half mile of the Silver Spring Metro station.** In the alternative, the Council should ensure that the current zoning of R-60 in the parts of adjacent neighborhoods within the Plan's boundaries should not be altered by a ZTA that would allow the construction of duplexes or larger structures within R-60 zoned areas. Protecting large mature trees and the environmental benefits they provide is vitally important in a time of global warming. The Montgomery County Council should lead the way in this effort.

I appreciate the opportunity to provide you with this testimony.

Yours truly,

/s/

Michael Gurwitz

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<sup>8</sup> The goal for the CBD's canopy coverage should be at least 35%.



*P.O. Box 1160 • Silver Spring, Maryland • 20910-1160*

TO: Montgomery County Council President Gabe Albornoz and Council Members

FROM: Jerry A. McCoy, President, Silver Spring Historical Society, PO Box 1160, Silver Spring, MD, 20910.

RE: The Silver Spring Downtown and Adjacent Communities Plan, February 17, 2022

DATE: February 22, 2022

Since 1998, our mission has been to create and promote awareness and appreciation of downtown Silver Spring's heritage through the preservation and protection of historical sites, structures, artifacts and archives. In this spirit, we wish to share our opinions on key aspects of the Plan.

Partial upzoning envisioned in the **Adjacent Communities Plan** of four historic neighborhoods, Woodside, Woodside Park, Seven Oaks-Evanswood and East Silver Spring, could result in greater density through the incentive to purchase and raze single-family homes. It would not increase affordable housing.

The landmark 1850 **Jesup Blair House**, located in Jesup Blair Park, has been inactive for over a decade. We ask that the Plan add full restoration of the house for use as a cultural and arts facility in the Capital Improvement Plan. In 2009 Montgomery Parks invited our society to utilize a portion of the Blair House as a safe repository for our materials and to share the collections with the public. A leading architect has recently designed an archival space for these materials in the house's lower level.

For the past twelve years, we have been a strong advocate on behalf of Montgomery Parks to seek funding to renovate and adaptively reuse this historic home. In partnership with Carpe Diem Arts, we hope that our two organizations, in addition to others, will be tenants. Together we will activate this long dormant property by providing educational, performing arts, artistic, social justice, and recreational activities to the public.

**Jesup Blair Park** is the crown jewel of Downtown Silver Spring's historic, cultural, and recreational parks and needs to be carefully respected for the history and nature that it embodies. We request limits be placed on hardscaping of the park's grounds and that improvements and widening of the park's pedestrian bridge be reconsidered. **The original construction of this bridge came at the loss of two historic park structures and several old-growth trees.** As a Montgomery County Master Plan for Historic Preservation listed and National Register for Historic Places eligible site, Jesup Blair Park's natural character must be preserved and protected.

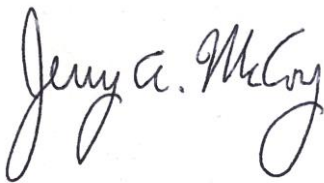
**The Garden Apartments District** in the Plan is welcome and commendable. These apartments offer historic architecture, affordable market rate housing and are the very embodiment of Missing Middle Housing. The large north parcel of the 1938 Falkland Apartments offers these same advantages and should be included in the district and preserved. “

Downtown Silver Spring is fortunate to retain a large percentage of early to mid-20<sup>th</sup> century historic commercial buildings on its two main thoroughfares, Georgia Avenue and Colesville Road. The Master Plan designated 1938 Silver Spring Shopping Center and Silver Theatre, including its parking lot, is at the heart of downtown Silver Spring. The parking lot and its functions are of integral importance to the complex's historic context, but alterations are being reviewed and we would object to any physical changes that would reduce its function as a parking lot.

The assemblage of these varied historic properties, many occupied by small independent businesses, offers great opportunities for heritage tourism via an “Old Town Silver Spring” marketing campaign. Old and new Downtown Silver Spring CAN coexist, offering a diverse community that will prove attractive...but only if continued demolition is halted.

Sincerely,

Jerry A. McCoy

A handwritten signature in black ink that reads "Jerry A. McCoy". The signature is written in a cursive, flowing style with a large initial 'J' and 'M'.

President

Silver Spring Historical Society

sshhistory@yahoo.com

The February 2022 WPCA meeting was held virtually on the evening of the 9<sup>th</sup>. Fifty-three individual logins were recorded for this meeting. The meeting opened with the quick approval of the January meeting minutes. Afterwards, President Adriana Gonzalez announced that nominations for the next slate of WPCA Executive Officers were now open, as were volunteers for the Nominating Committee.

During officer reports, Bob Oshel reported that the two new neighborhood benches could not be installed on account of poor weather. Treasurer Lou Razetti announced that WPCA has 75 dues paying members. He also formally announced that Kay Johnson had volunteered to coordinate sales of WPCA hats and reflective vests, and was so successful in her first month on the job that we had sold out of them! Finally, Lou requested that for those who pay their dues via PayPal to please note your address so that he has a record of which houses have submitted their payments.

In New Business, Christine Morgan proposed two separate motions, both of which were passed overwhelmingly via Zoom poll. The first motion called for the removal of 17 Woodside Park properties from the proposed Silver Spring Downtown and Adjacent Communities Plan, while the second asked the County to delay adopting a supplement to the SSDAC based on a new recommendation regarding the future of Colesville Road, which had not yet been subject to public comment. The full-text of these motions is presented at the end of this column.

Following new business, Jim Burke gave a presentation on multiple tree-planting programs available to WP residents via Montgomery County and the State of Maryland, including Maryland Tree-Mendous, Tree Montgomery, Street Trees, Maryland Back Yard Buffers, and Tree Coupons available from both the county and state. Jim noted that given that WP is approaching its 100<sup>th</sup> anniversary, and that the natural lives of many of our native species of trees is 80-100 years, the neighborhood could lose a significant percentage of our tree cover in the coming decades. The presentation is available to all subscribers of the WPCA listserv under the Files section of our groups.io website.

The March meeting will be hosted on Wednesday, March 9<sup>th</sup>, in the undercroft of Grace Church Episcopal and will feature our annual Beer Tasting. We hope to see you there!

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#### Motion 1

Whereas seventeen properties in Woodside Park, including sixteen homes and the Seventh-day Adventist Church, were arbitrarily included in the SSDAC plan, and

Whereas these properties were included because of an algorithm's erroneous calculation of the walking time of residents to the Purple Line station at the Silver Spring Library, and

Whereas the seventeen arbitrarily selected properties do not even comprise full blocks but were included in a way that puts adjoining homes on a block in different master plan areas, and

Whereas true communities must be defined by the people living in them and not by factors that vary among individuals, such as walking time to a transit station, and

Whereas these seventeen properties are not a "community" in and of themselves; instead they are part of an existing unified neighborhood, unrelated to the CBD, and

Whereas Woodside Park has been in existence for 99 years and so recognized historically by the Planning Board and Woodside Park residents, and

Whereas the Woodside Park neighborhood should not be divided or balkanized for planning purposes but respected and treated as a unified neighborhood,

Therefore, the Woodside Park Civic Association, on behalf of its members, objects to the inclusion of the seventeen lots conscripted into the SSDAC Plan and asks that they be removed from the plan before its adoption by the County Council.

For reference, but not in the resolution, the addresses (verified from <https://mcatlas.org/viewer/>) are:

- (1) 8808 Colesville Road
- (2) 1000 Noyes Drive
- (3) 1004 Noyes Drive
- (4) 1006 Noyes Drive
- (5) 1007 Noyes Drive
- (6) 1008 Noyes Drive
- (7) 1009 Noyes Drive
- (8) 8900 Colesville Road (Seventh-day Adventist Church)
- (9) 8904 Colesville Road
- (10) 8906 Colesville Road
- (11) 2 Noyes Court
- (12) 3 Noyes Court
- (13) 4 Noyes Court
- (14) 5 Noyes Court
- (15) 8910 Colesville Road
- (16) 1000 North Noyes Drive
- (17) 1006 North Noyes Drive

#### Motion 2

Whereas a Supplement to the Silver Spring Downtown and Adjacent Communities Plan was submitted to the County Council on February 1, following the January 11, 2022 official transmission of the SSDAC plan to the Council, and

Whereas, much of the Colesville Road area shown in the supplement is not in the area included in the Silver Spring Downtown and Adjacent Communities Plan, and was not studied by the planners, discussed in any public meetings about the plan, or presented for public comment, and

Whereas the street cross-sections referred to on pages 9-12 for Colesville Road are presented as conceptual direction for the future of traffic and transit on Colesville Road, and

Whereas the cross-sections in this Supplement differ markedly from the recommendations of a recently issued Mobility Study for Route 29 (Colesville Road) in the use of right of way, and

Whereas the proposed street cross-sections may have a substantial impact on the residents along Colesville Road, and

Whereas the affected Colesville Road residents and the Woodside Park, Woodside Forest, and



Seven Oaks-Evanswood neighborhoods bordering Colesville Road were not asked to participate in discussions with the Montgomery Planning staff or MCDOT or provide input on the development of these conceptual changes.

Therefore the Woodside Park Civic Association requests that the Montgomery County Council table consideration of the Supplement to the Silver Spring Downtown and Adjacent Communities, with the understanding that affected residents and neighborhoods participate with M-NCPPC Planning Staff in an open process for discussion and review of both the Mobility study and the Supplement's recommended Colesville Road cross-sections, and that there should be no further consideration of the Supplement by the Council take place until this process has been completed.

The WPCA further requests that the Council table any proposed modification to the Colesville Road right-of-way so that there is sufficient time to incorporate the findings of the Route 29 Mobility and Reliability Study and to address the adverse effects of the new proposal in the SSDAC Plan Supplement.

This is a resubmission of letters sent to County Council President Gabe Albornoz on February 12, 2022, with copies to all the other Council members, County Executive Marc Elrich and Ms. Meredith Wellington. I have been informed that if testimony or letters pertaining to matters before the Council are submitted to addresses other than this one they will not be presented as part of the public record. Though I'm not sure that that is correct, I'm still covering all bases by using this portal. I apologize if this is duplicative.

Christine Morgan

Dear Council President Albornoz,

The attached letter was submitted to Planning Chair Casey Anderson on December 7, 2021. The then 97 resident signatories requested that the seventeen Woodside Park properties annexed into the Silver Spring Downtown and Adjacent Communities (SSDAC) Plan be removed from that Plan.

Now that SSDAC is now in the hands of the County Council, we submit the same request to you, with 191 signatories. Additionally, the WPCA has overwhelmingly endorsed a resolution on the same matter.

We look forward to you and the other County Council members giving serious attention to the contents of the attached letter as well as the WPCA resolution.

Sincerely,

Christine Morgan  
Silver Spring, Maryland 20910

Cc: all County Council members

County Executive Mark Elrich  
Ms. Meredith Wellington

County Council Chair Albornoz and Members of the County Council,

We, the undersigned residents of Woodside Park, are writing to urge that the Woodside Park properties — our homes and the Seventh-day Adventist Church — identified as an “Adjacent Community” be removed from the Silver Spring Downtown Sector Plan.

In the District Visions portion of the SSDAC Plan, the “vision” for Adjacent Communities reads:

*“Consistent with the recommendations of the Attainable Housing Strategies Initiative, the Adjacent Communities can include a greater variety of housing types, fully integrated into the existing fabric, to allow a wider range of residents to enjoy the valued proximity to the downtown.”*

At this point, neither Thrive Montgomery 2050 nor the Attainable Housing Strategies Initiative has gone through the County Council approval process. One does not know what changes will be made to the “recommendations” contained in those drafted documents. It is unacceptable that a blank check be written for whatever those documents recommend in the final versions for Woodside Park and the other neighborhoods annexed into the Downtown Sector Plan.

All recommendations in the final and adopted Plans pertinent to Woodside, Woodside Park, Seven Oaks-Evanswood and East Silver Spring should be addressed and executed through the Master Plan process for each area, rather than as blocks and individual lots within blocks arbitrarily separated from the rest of their neighborhood.

Respectively submitted:

Christine Morgan  
Patrick A. Sidwell  
Roberta Faul-Zeitler  
Saiping Tso  
Julie R. Good  
Ross Bettinger  
Shira Bettinger  
Mayra Davalos  
Kenneth Jeruchim  
Carla Holt  
Les Holt

Beatrice Hoppe  
Aaron Hoppe  
Adina Gewirtz  
Arthur Daemmrach  
Brenda Freeman  
Daniel Gewirtz  
Omar Teitelbaum  
Abigail Glenn-Chase  
Kalyani Chadha  
Samir Khuller  
Betsy Gressler

Sioux Thompson  
Christopher Hatch  
Sandra Hatch  
Liora Moriel  
Susan Kirshner  
Chris Shlemon  
Carol Slatick  
Dawn Leaf  
Lou Razzetti  
Kay H. Oshel  
Robert E. Oshel

Graham Anderson  
Kevin N. Keegan  
Linda DeRuvo-Keegan  
Rosa Gwinn  
James Gormally  
Clara Hill  
Karin Leff  
Howard Horowitz  
Judith Deitz  
William Moore  
Rosemarie Gallant  
Benyamin Marks  
Bessie Gewirtz  
Matt Dixon  
Amy Dixon  
Olivier Hartmann  
Rita Karimi  
Andy Alderdice  
Kirk Alderdice  
Jen Doherty  
Dan Doherty  
Ralph Tryon  
Maida Schifter  
Grace Boeringer  
Kate O'Neill  
Trevor O'Neill  
Madlyn McPherson  
David Dickerson  
Barbara Warner  
Carolyn Davis  
Eugene Slatick  
Rosanne Skirble  
Daniel Klein  
John Martin  
Jaclyn Martin  
Roberta G. Steinman  
John Parrish  
Susan Miles  
Rob Williams  
Francesca Macchiarini  
Beatriz Camino

Raul Camino  
Barbara Doran  
Eric Landau  
Ago Ambre  
Aade Ambre  
Anna Sabin  
Jim Sabin  
Michael McClary  
Frith Crandall  
Eric Svendson  
Murray McCombs  
Cynthia Mackie  
Diane Case  
Amelia Watkins  
Laura Forman  
Denise Sherer  
Charles Sherer  
Peter Hoffman  
Roberta Hoffman  
Marian Dirda  
Michael Dirda  
Francie Hester  
Tim Hester  
Elizabeth Hayes  
Raymond Hayes  
Michelle Schuster  
Steve Schuster  
Candace Conway  
Karen Schafer  
Joe Anderson  
Katherine Anderson  
Cecile O'Connor  
Bridget M. Stewart  
Mary Beth Wertime  
Carolyn Weber  
Eduardo Aponte  
Nancy Nelkin  
Eric Nelkin  
Daniel Wolf  
Isaac H. Marks, Sr.  
Zana H. Marks

Jamie Blech  
Lynne Marks  
Tjip Walker  
Meg Dickerson  
Larry Good  
Carol Crawford  
LaVeeda Garlington  
Bob Braganza  
Helen Ramsey  
Alan Ramsey  
Bernard Dorr  
Eric Stewart  
Lea Stern  
Roger Barlow  
Katrina Wiemann  
Nicholas Sampson  
Carol Frick  
Jimmy McPherson  
Eric Platt  
Linda Platt  
Gilberte S. Vest  
Charles T. Vest  
Terry Melo  
Joshua Buursma  
Sandra Zeese  
Lori Chatman  
Rebecca Gorski  
Monte Jackel  
Rob Dean  
Roger A. Lewis  
Dr. Lynne F. Haims  
Ricky Albores  
Claire Maklan  
Randall Swisher  
Carol Schaffer  
Meg Stallings  
Alika Nagpaul  
Christopher Bublitz  
John Francis  
Maryann Penna  
Eva Brown

David Maklan  
Gale Frank-Adise  
Stephen Z. Adise  
Ping Chang  
Diane B. Raynes  
John M. Miller  
Stuart Kern  
Rosemarie Kelley  
Melanie Dolan  
Chuck Dolan  
Deb Gilbert  
Nick Gilbert  
Sharon Horowitz  
Alan Horowitz  
Connie Raab  
Arun Mallikarjunan  
Subha Nagasubramanian  
Roy Lykes  
Howard Witt  
Lauren Ruby  
Heather Schmidt  
E. Josephine Nippard  
Jon Lourie  
David Remes  
Elizabeth Thomas  
Marilyn Seitz  
Marty Seitz  
Joy Conley-Cooke  
Todd Cooke  
Marjorie Hoffman  
Richard Bender  
Jennifer Iba  
Terry Rudd  
Jim Tarrant  
Katherine Anthony

TO: County Council, Montgomery County Maryland

FROM: Carol A. Jones and John Pendergrass, Silver Spring MD

RE: Comments on the Draft Silver Spring Downtown and Adjacent Communities (SSDAC) Plan

DATE: February 25, 2022

We have been residents since 1993 in the SOECA community, east of Wayne Avenue, a location included in the Plan's "Adjacent Communities". As environmental professionals and proud Silver Spring residents, we have the following comments on the SSDAC Plan.

**Summary: This Plan has serious and fundamental flaws that need to be addressed.**

- *There is no evidence provided to suggest that the strategy to increase density in the "Adjacent Community" fragments added to the DTSS in this Master Plan will achieve its stated goal of increasing affordable housing; indeed the Plan is based on an economic development approach that could widen racial and social inequities (based on the preliminary OLO Racial Equity and Social Justice Review of Thrive 2050).*
- *Further, both through acts of commission and omission, the Plan will further exacerbate the low – and dramatically declining – tree canopy in Downtown Silver Spring (DTSS) and adjacent residential areas, causing serious harm to the environment, public health, and nature-based amenities essential to a vital Silver Spring community.*
- *To remedy this, plan elements must be revised to explicitly protect existing trees, prohibit any expanded building footprint or lot coverage through up-zoning, not allow green roofs as a replacement for trees, preserve all existing park land or pocket parks, and drop proposals for sidewalks on both sides of the street on minor roads (in adjacent communities) with one lane of traffic each way.*

We offer specific comments and recommendations.

**The Plan should focus on Downtown Silver Spring: remove the fragments of contiguous long-standing neighborhoods ("Adjacent Communities") from the Plan**

- The arbitrarily selected lots and blocks plucked from their natural communities should be removed from the DTSS Master Plan and restored to the North and West Silver Spring Master Plans, where those communities properly and have long belonged. To achieve coherent community planning, any rezoning should take place within the context of the appropriate Master Plan.
- The stitching together of adjacent residential community fragments with the CBD makes no sense: Distance from a transit station as the basis for inclusion does not define a community. The CBD and contiguous residential communities are very different types of land use.

**Remove upzoning from identified R-60 "opportunity zones" (if Adjacent Communities are retained in the Plan), because it will not increase affordable housing but it will destroy green space and tree canopy**

- Allowing denser development will result in the destruction of large, mature trees as developers expand the building footprints to the maximum allowed and pave over green space to expand parking, resulting in harm to the environment, public health and nature-based amenities essential to a vital community.
- Increasing housing diversity and affordability are the stated goals of the recommendations to up-zone properties currently zoned R-60 on Bonifant west of Cedar, Cedar between Bonifant and Wayne, the lot of the former Silver Spring library, the site of the Springvale retirement center, Ellsworth Park, and elsewhere; however, there is no evidence offered to support such an outcome from the recommended increase in density.
  - The “missing middle” report cited in the plan acknowledges that increasing the availability of other forms of housing beyond single family homes will do little if anything to increase the availability of affordable housing (or “attainable” housing); some of the new housing may be more expensive, as we see in the Ellsworth Heights townhouse development, where town houses are selling for over \$1 million.
  - In its preliminary Racial Equity and Social Justice (RESJ) review of Thrive 2050, the Office of Legislative Oversight (OLO) found that this approach of increasing density is likely to only increase racial and social inequities.
- If any increased density is allowed in the adjacent blocks, it much be accompanied by meaningful affordability requirements to provide 25%-50% affordable units
- Alternatively, to expand housing supply and achieve housing diversity, we recommend focusing on the substantial opportunities that exist in the CBD.
  - For one, the Plan could focus on the substantial affordable housing in that area that needs to be preserved – both to preserve what we have, as well as to expand on it.
  - According to the May 2020 Pipeline by Master Plan report,<sup>1</sup> the SS CBD has plenty of potential to expand housing stock, with over 400 approved but unbuilt multifamily residential units. Further the high level of vacancies in office and retail space identified in a Planning staff study for Thrive 2050 should be under active consideration for adaptive reuse as residential units as well as for office space.<sup>2</sup>

**Remove by-right construction of multiplex dwelling units through zoning text amendments, which bypasses community input and leaves the County without infrastructure funds.**

- By establishing higher-density development “by right”, builders would not have to seek Planning Board approval or public input when changing land use to multiplexes. This eliminates the opportunity to address any negative impacts to the environment or physical infrastructure through those fora.
- With by-right construction, the county also loses control over funding sources (such as impact fees) for infrastructure needs.

**Protect the existing - and restore the missing - tree canopy**

With its Climate Action Plan and MyGreenMontgomery programs, Montgomery County has stated it is committed to climate mitigation and to sustainability. Tree canopy cover is critical to both. Yet tree

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<sup>1</sup> See September 2021, Montgomery County, Pipeline by Master Plan Report, <https://montgomeryplanning.org/tools/research/developmentpipeline/>, cell P491.

<sup>2</sup> <https://www.montgomerycountymd.gov/OPI/Resources/Files/pdf/2021/CEStmtThrive-Montgomery-2050.pdf>, p. 5.



canopy is only 9% in DTSS and 38% in my neighborhood as of 2018 – among the three lowest rates of tree canopy among downtown areas through the county; further, it has been declining further with the major negative impacts from the loss of aging tree stock, Derecho 2012, utility tree trimming, as well as from Purple Line construction. See Figure 1 below illustrating a dispiriting series of tree stumps from the mature trees cut down along Wayne Avenue. The Map in Figure 2 below illustrates the heartbreaking amount of tree cover loss in SSDAC from 2009 to 2020. (Note: The tree cover in the Plan’s Map 27 [p. 149] presents an out-of-date rosier scenario, because the data are from 2018.)

It is well understood that the substantial decline in tree cover in the CBD is having major negative environmental impacts on climate change mitigation, human health through heat island impacts, water quality, and air quality. Indeed the County has identified low tree cover as a major issue in urbanized areas for more than a decade and has a number of disparate programs designed to address it.

And it is a *promising start* that the Plan itself does acknowledge the problem in a section identifying the dramatic heat island effects we are observing in the area, where street surface temperatures reached as high as 155 degrees Fahrenheit in 2020. [p. 146, and Fig. 59]

However, the plan only offers a few, limited strategies to address it. Further, a variety of proposed actions will have negative unintended impacts on tree cover, and need to be reconsidered in light of that.

Specific recommendations include:

- The County needs to develop an **Integrated Tree Plan**, which sets clear goals for tree cover in various areas (for public, commercial and residential areas), and appoint a **Tree Czar**, who will be responsible for overall accountability in achieving the canopy targets, as recommended in the Climate Action Plan. The Tree Czar would be responsible for coordinating across current programs and initiatives to accomplish these goals, and developing additional ones to ensure the County meets these goals.
  - **Require** 35% tree canopy cover for CBD – as the Bethesda Master Plan does – and disallow any exceptions for green roofs or other substitutes, rather than “encourage” green cover (as in the current draft)
  - **Require** 60-65% tree canopy cover for adjacent communities without exception for green roofs or other substitutes
- Require a tree impact analysis for policies, which explicitly takes into account the value of mature shade trees in lowering heat index, preventing stormwater runoff, and improving air quality
- Drop the recommendation for sidewalks on both sides of all streets in the Adjacent Communities zone.
  - Adding sidewalks impinges upon tree roots in the sidewalk zone, which leads to tree death, and loss of tree canopy.
  - The likelihood of public safety benefits needs to be **weighed on a street by street basis** before accepting this loss, *particularly* for minor roads with single lanes in each direction. For minor roads such as the 700 block of Dartmouth Ave or the 700 block of Bonifant St (which lost a LOT of trees when a sidewalk was put in on one side), putting in a sidewalk on the second side of the street would mean greater loss of canopy – for no discernible safety benefit.

**Figure 1. Destruction of Mature Trees along Wayne Avenue for the Purple Line: A Sampling Adjacent to Whole Foods.**

Source: Jones 2019.





**Figure 2. Changes in Tree Cover, 2009-2020.** Source: MNCPPC Planning staff





February 27, 2022

Montgomery County Council  
Rockville, Maryland

Re: Planning Board Draft of the Downtown Silver Spring and Adjacent Communities Plan.

Written testimony of by Maria Schmit, Silver Spring, Maryland 20910, on the draft Downtown Silver Spring and Adjacent Communities Plan.

I have lived in my home in the Seven Oaks-Evanswood neighborhood of Silver Spring, which is within the boundaries of the proposed Downtown Silver Spring (DTSS) and Adjacent Communities Plan, for more than 22 years. I urge you to remove adjacent communities from the plan.

**Reasons to remove the adjacent communities from the plan.**

As drafted, this plan makes adjacent communities surrounding DTSS up for grabs for denser development. However, there is a clear delineation between DTSS and the adjacent communities, and this delineation should be respected by the County Council.

When the Central Business District of DTSS was being re-developed, it was never suggested that this would lead to or be used as justification for higher-density development within the surrounding residential areas, i.e., the adjacent communities. Residents of the adjacent communities supported the re-development in DTSS, with an understanding that the higher density would be limited to DTSS. Notably, the Purple Line Functional Master Plan stated that there was no intent to change the zoning in the single-family residential neighborhoods in and around the Dale Drive/Wayne Avenue intersection if a station established at this location in the future. We now know that this was a bait and switch by our own local government.

If this plan is approved in its current version, the increased density within the adjacent communities will lead to the destruction of tree canopy and many large trees, and permanently harm the environment. We have already lost many large trees to make way for the Purple Line, especially along Wayne Avenue. An environmental study of this plan would reveal the harm already caused by this loss, and the additional harm that would come from losing even more large trees to development. However, the Planning Board no longer has a division Director for the Environment and does not consider it important to protect our environment. The County Council, whose members proudly proclaim themselves to be environmentalists, must take action to protect our environment because the Planning Board has failed to do so.

Ironically, the plan is being promoted in the name of equity, although there is nothing equitable about it. Any new denser development will not be affordable, and there is no reason to believe that it will increase diversity in the adjacent communities that, like mine, are already diverse. In fact, this is a developer land grab, a land grab that cynically co-opted the principle of equity to justify itself. The true

inequity is the painfully obvious and unjust influence that developers (and their unregistered lobbyists) wield over the Montgomery County Planning Board and their policy decisions.

Fortunately, there remains great opportunity for additional, denser development within DTSS that without would provide additional housing opportunities without encroaching upon the adjacent communities. For these reasons, I respectfully urge you to remove the adjacent communities from the Planning Board Draft of the Downtown Silver Spring and Adjacent Communities Plan.

Sincerely,

Maria Schmit