

## Item 8 - Correspondence

**From:** [CHRISTINE MORGAN](#)  
**To:** [MCP-Chair](#)  
**Cc:** [Rubin, Carol](#); [Verma, Partap](#); [Cichy, Gerald](#); [Patterson, Tina](#); [Margolies, Atara](#)  
**Subject:** SSDAC Plan  
**Date:** Tuesday, December 7, 2021 5:57:54 PM  
**Attachments:** [letter to pl.bd. 1272021.pdf](#)

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**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

Chairman Anderson,

We, the undersigned residents of Woodside Park, are writing to urge that the Woodside Park properties — our homes and the 7th 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 Daemmrch  
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. (rg) 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

Chairman Anderson,

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William Moore  
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Bessie Gewirtz  
Matt Dixon  
Amy Dixon  
Olivier Hartmann  
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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

**From:** [Robins, Steven A.](#)  
**To:** [MCP-Chair](#)  
**Cc:** [Margolies, Atara](#); [Robins, Steven A.](#)  
**Subject:** 20211207\_\_\_\_\_ LerchEarlyBrewer.pdf  
**Date:** Tuesday, December 7, 2021 2:34:39 PM  
**Attachments:** [20211207\\_\\_\\_\\_\\_ LerchEarlyBrewer.pdf](#)

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**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

Good afternoon. Attached is testimony that I delivered at the December 2<sup>nd</sup> public hearing before the Planning Board on the Silver Spring Downtown and Adjacent Communities Plan. This testimony is on behalf of the National Ready Mixed Concrete Association for their property located in the Ellsworth District. We also submitted a separate letter into the record as well. Thank you in advance for your consideration of our comments.

Steve Robins

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**Steven A. Robins**, Managing Partner  
Lerch, Early & Brewer, Chtd. rising to every challenge for over 70 years  
7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814  
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**Steven A. Robins**  
*Attorney*  
301-657-0747  
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**Silver Spring Downtown and Adjacent Communities Plan**  
**Public Hearing before the Montgomery County Planning Board**

**December 2, 2021**

**Testimony on Behalf of the National Ready Mixed Concrete Association**

Good evening Chair Anderson and Members of the Planning Board. My name is Steven Robins and I am an attorney with Lerch Early & Brewer. Before I begin my testimony, I would like to congratulate Commissioner Carol Rubin on her appointment. She will be a great addition to the Board.

Our firm represents The National Ready Mixed Concrete Association, the owner of property located at 900 Spring Street and 717 Ellsworth Drive (the “Property”) within the boundaries of the Silver Spring Downtown and Adjacent Communities Plan (the “Plan”). The Property is located in the Ellsworth District and is depicted on page 26 of the Plan.

The building on the Property, which was home to the former headquarters of the Association, was recently razed and is primed for redevelopment. The Property contains approximately 0.54 acres and is prominently located at a gateway entrance to Downtown Silver Spring. The Property is presently zoned CR 5.0 C 4.0 R 4.75 H 75 T. The Plan recommends rezoning the Property to the CR 5.0 C 5.0 R 5.0 H 90 zone. We support the equalization of the Commercial and Residential components of the zone. As the Public Hearing Draft appropriately recognizes, this equalization is important for maintaining maximum flexibility for future redevelopment. Having said that, the height essentially remains the same given the current “T” designation, which provides for additional height in certain circumstances and height averaging. The Public Hearing Draft notes that eliminating the “T” designation equates to approximately a 20% increase in height, but this may be insufficient when one considers the flexibility already afforded T zoned properties.

We support many things related to the Public Hearing Draft, including but not limited to creating a robust Downtown Silver Spring, identifying the Property as an Opportunity Site, including the Property in the Silver Spring Downtown Building Height Incentive Zone (BHIZ), and recognizing its importance as a gateway site. However, we believe the Public Hearing Draft misses the mark on the base height recommendation of 90 feet. Map 6 on page 27 of the Public Hearing Draft illustrates this point. Most of the properties within the same block are afforded heights of 175 feet, with another property across Colesville Road at a height of 100 feet (which also is too low). Furthermore, just to the west, across Fenton Street, properties have heights

ranging from 175 to 240 feet. While we understand that the Public Hearing Draft may envision a certain amount of tapering of heights along the edge of the BHIZ, the base height currently mapped may not allow for an appropriate transition. Because the additional height allowed under the BHIZ is calculated based on the mapped height, assuming the properties were to avail themselves of the additional height available, the immediately adjacent site could achieve an overall height that may be twice that of any building on the Property. We do not question or in any way object to those heights. But, this may not achieve a proportional or gradual transition in height. Even without availing oneself of the additional height that is available under the BHIZ, the transition from 175 feet to 90 feet seems extreme. As such, we would ask the Board to consider increasing the base height of the Property, to allow for the appropriate transition in height and a prominent gateway feature that the Public Hearing Draft desires on this Property.

Regarding density, as mentioned above, the zoning designation of a CR 5.0 is what exists today. In order to accommodate the additional heights envisioned by the Public Hearing Draft/BHIZ as well as our proposed increase in the base height, additional density logically would be needed. Given the small size of the Property, we believe an overall mapped FAR of 6.0 or 6.5 would be appropriate.

Regarding the BHIZ, there is only one reference to the ability to obtain additional “density” through the BHIZ. However, if the Board wants to take a Bethesda like approach, additional density should be made available as part of the base zoning designation and through the BHIZ to ensure properties can actually achieve the heights recommended and envisioned by the Public Hearing Draft. In addition to the recommendations previously mentioned, we request that the BHIZ either be clarified to confirm that additional density is available or amended to include this opportunity. Also, like Bethesda, the cost of the CIF contribution cannot be prohibitively high. This was addressed in Bethesda and the PIP payments resulted in significant amounts of BOZ density allocated to highly desirable projects that have allowed the Sector Plan’s visions to be achieved. Remember that in Bethesda, the Plan provided greater heights as part of the base zoning designation but expected density to be achieved via the BOZ. Here, the BHIZ presumably would provide height, but what about the density that is needed to fill that space (which needs to be addressed)? And importantly, economics must come into play to ensure projects are feasible.

We appreciate and congratulate Staff’s efforts on the Plan and thank the Board for its consideration of our comments. Thank you.

Testimony on the Silver Spring Downtown and Adjacent Communities Plan  
(SSDAC) before the Montgomery County Planning Board  
Thursday December 2, 2021

By Bill Scanlan  
President  
Woodside Civic Association

Chairman Anderson, Planning Board members, and staff, thank you for holding this hearing on the Silver Downtown and Adjacent Communities Plan.

I am president of the Woodside Civic Association. Woodside was one of several early 20<sup>th</sup> century railroad communities – though the oldest house in Woodside dates to the 1850's. Of Woodside's 300 plus homes, 27% of them are townhomes, each in their own unique neighborhood section spanning the last 4 decades. Woodside is a DIVERSE neighborhood in many meaningful ways – the range of housing types, the type of people and families who live here, the occupations and interests of our residents, and in neighbors' views on issues of immediate relevance to the community.

There has been, however, more unanimity of concern over and opposition to the zoning change aspects of the Adjacent Communities plan, and its proposed carve out of a section of Woodside.

As the Chairman well knows, in the 1990's Woodside was a key partner neighborhood in supporting the revitalization of downtown Silver Spring. My wife – Fran Meyer, a 37-year resident of Woodside, served on the panel that helped prevent downtown from becoming another Mall of America, or worse...and instead gave us Discovery and the vital retail and residential core we have seen grow over 25 years. Another Woodsider – the late Harry Sanders, was instrumental in tirelessly advocating for construction of the Purple Line. And HARRY, and his wife Barb helped get Woodsiders on board in supporting a retail and residential development at the Woodside Purple Line station on our western boundary.

I point those because I think there's a lot in the Adjacent Communities plan that would likely be supported by Woodside residents, and historically have been— expansion of parks and public spaces, more pedestrian and bicycle options, safer Metro access, expanding diverse independent businesses, preserving and expanding tree coverage, and more. The word cloud chart accompanying the plan – “What We Heard” about the future of Silver Spring...has phrases like “Affordable Housing” (who can be opposed to that)?...”preserve historic character of neighborhood”...”Preserve Trees in Surrounding Neighborhoods”... (count Woodside in)

In those sessions, however, you also heard from many Woodside residents about our deep concern over and opposition to this seemingly arbitrary annexation, carving out of nearly one-third of Woodside as an all-new zoning area with little chance of seeing any greater density.

The Planning Board has yet to finish work on Attainable Housing and the County Council is still working on the OVERALL plan – Thrive 2050. I think the Board knows that ALL of that could make this part of the Adjacent Communities plan moot.

Before this plan goes to the Council, the Woodside community will once again vote on what we would specifically support to expand housing access in Woodside. Through emails, letters, walk-throughs...I think the Board and Staff have a pretty good idea of the elements WE think are essential to DO that, while preserving Woodside's character, protecting its infrastructure & tree canopy, and encouraging owner-occupied housing. And several neighbors will speak on those issues tonight. We've also made it very clear to the Planning Board and Council that the Woodside Civic Association is FOR the affordable housing opportunities at the Purple Line Metro Station, and upon redevelopment of the nearly 3-acre HHS site in our neighborhood.

When those are goals are realized – combined with our townhome sections and our wide range of moderate size single family homes, Woodside will be even more diverse in density, population, and home choices. And we hope our future neighbors, future residents of Woodside will be just as eager to both preserve this neighborhood's character and engage on vital issues like this. Thank you.

Bill Scanlan

December 2, 2021

**From:** [Daniel Meijer](#)  
**To:** [MCP-Chair](#)  
**Cc:** [Margolies, Atara](#)  
**Subject:** Re: Montgomery County Planning Board holds Public Hearing on Silver Spring Downtown and Adjacent Communities Plan  
**Date:** Monday, December 6, 2021 6:21:44 AM  
**Attachments:** [CBD and Adjacent Area Plan.PDF](#)

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**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

As instructed in the email I received on December 3rd (copied below), please include the attached written testimony for the "Silver Spring Downtown and Adjacent Communities Plan" hearing "public record".

Thank you

Daniel Meijer

Cell or text: (240) 381-4396

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**From:** Montgomery Planning (M-NCPPC) <mcp-cr@mncppc-mc.ccsend.com> on behalf of Montgomery Planning (M-NCPPC) <atara.margolies@montgomeryplanning.org>  
**Sent:** Friday, December 3, 2021 1:12 PM  
**To:** dmeijer@hotmail.com <dmeijer@hotmail.com>  
**Subject:** Montgomery County Planning Board holds Public Hearing on Silver Spring Downtown and Adjacent Communities Plan

December 2021





## Montgomery County Planning Board holds Public Hearing on Silver Spring Downtown and Adjacent Communities Plan

*Community members testified in person or virtually during Public Hearing; four work sessions scheduled in December and January.*

The [Montgomery County Planning Board](#) held a Public Hearing for the [Silver Spring Downtown and Adjacent Communities Plan](#) on December 2, 2021. This plan builds upon the success of the 2000 [Silver Spring Central Business District Sector Plan](#) to help the area continue to be a regional destination for the next 20 years while supporting sustainable growth and development in the emerging areas of the downtown and adjacent communities. Community members testified in person or virtually during the Planning Board's Public Hearing. Some community members provided their comments in writing ahead of the Public Hearing for the Board's consideration.

Watch the [recording of the Planning Board's Silver Spring Downtown and Adjacent Communities Public Hearing](#).

The plan's [Public Hearing Draft](#) includes recommendations for land use and zoning, housing, economic growth, urban design, transportation, parks and public spaces, environmental resiliency, community facilities, and historic resources. As the first Sector Plan to follow the passage of Montgomery County's Racial Equity and Social Justice Act, equity is woven throughout the plan and the four overarching themes that emerged after engaging with stakeholders:

- Diversity
- Resiliency
- Connectivity
- Community Health

"We are pleased that so many community members have taken the time to provide feedback on what they want Silver Spring to look like over the next 20 years, not just during the Public Hearing, but

throughout the planning process,” said Planning Director Gwen Wright. “The plan’s recommendations address topics we heard about most from the community, such as strengthening the area’s diverse mix of stores, restaurants, and entertainment, as well as enhancing pedestrian and bicycle networks.”

Since kicking off the plan in July 2020, Planning staff have received input from residents, community organizations, property owners, civic associations, condo boards, employers, business owners, students at Montgomery College, and county agency partners. Over 150 community members participated in a series of online workshops during the plan’s Visioning Phase and staff received over 500 comments on the ReactMap, an online mapping tool where community members could submit comments anywhere within the plan area.

The Planning team created an [explainer](#) to help community members quickly understand the plan’s goals and draft recommendations ahead of the Public Hearing. This explainer is available in [English](#), [Spanish](#), and [Amharic](#).

The Planning Board will hold work sessions on the Silver Spring Downtown and Adjacent Communities Plan during its meetings on December 9, 16, and 23 and on January 6, 2022. Community members can watch the work sessions online via live stream on the [Planning Board’s website](#). The community is invited to submit written comments to the Planning Board via email at [mcp-chair@mncppc-mc.org](mailto:mcp-chair@mncppc-mc.org). Comments received by 6 p.m. on December 7, 2021 will be included as part of the public record.

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## Questions, comments?

Contact Montgomery Planning staff:

Atara Margolies, Project Manager  
301-495-4558  
[Atara.Margolies@montgomeryplanning.org](mailto:Atara.Margolies@montgomeryplanning.org)

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Like us: [Facebook.com/montgomeryplanning](https://www.facebook.com/montgomeryplanning)  
Learn more: [www.montgomeryplanning.org](http://www.montgomeryplanning.org)



## About the Silver Spring Downtown Plan

The 2000 [Silver Spring Central Business District Sector Plan](#) established a planning framework for downtown Silver Spring that envisioned a green, transit-oriented and pedestrian-friendly downtown with a strong commercial and residential development market. In the 20 years since the adoption of the downtown Silver Spring sector plan, the area has transformed from an area in decline to a vibrant destination for offices, retail, restaurants and entertainment that is defined by its unique diversity. Montgomery Planning is updating the downtown Silver Spring sector plan to guide Silver Spring’s future growth.

Through the Silver Spring Downtown and Adjacent Communities Plan process, Montgomery Planning will analyze and reevaluate all aspects of the existing plan, consider the recommended changes implemented from the last plan, and assess future needs – all informed by community conversation and input. [View the plan’s Scope of Work](#) that the Planning Board approved in June 2020.

The Maryland-National Capital Park and Planning Commission | 2425 Reedy Drive, Wheaton,  
MD 20902

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**Daniel Meijer**  
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December 5, 2021

Casey Anderson  
Chair, Montgomery County Planning Board  
2425 Reddie Drive,  
Wheaton, MD 20902

RE: Written testimony – Silver Spring Downtown and Adjacent Communities

Dear Members of the M-NCPPC Planning Board,

In response to an e-mail, I received on 12/3/2021 from: "Montgomery Planning (M-NCPPC)" that states: "The community is invited to submit written comments to the Planning Board...", I would like the following to be included in the public regarding the subject matter shown above.

This will be the third Central Business District (CBD) "Silver Spring Sector Plan" to occur since I moved here.

In the 1993 one, we were told that if all the development permitted by the 1974 one was built, the CBD infrastructure could not support it. In addition, the CBD was rezoned to concentrate dense development in the core which tapered down in areas such as South Silver Spring or Fenton St Village to: 1. keep those properties affordable for small business that were displaced from the core (to migrate to) and 2. providing a smooth transition to the residential neighborhoods that surround the CBD.

I continue to support that concept and hope the current planning staff does the same now.

In addition, we were also told that the zoning code re-write was needed due to the proliferation of past ZTAs, which made the zoning code too confusing. Thus, it is of great disappointment to see that such ZTA practices still continue – and again, their accumulative effect will ultimately circumvent the calculated infrastructure limited capacity of such a Sector Plan.

Attached is my written testimony regarding my concerns about the current proposed: "Thrive Montgomery 2050" plan which I understand might have an inappropriate influence on this matter.

Sincerely Yours,

A handwritten signature in blue ink, appearing to read "D. Meijer".

Daniel Meijer

Daniel Meijer  
929 Gist Avenue  
Silver Spring Maryland 20910  
(240) 381-4396  
[dmeijer@hotmail.com](mailto:dmeijer@hotmail.com)

November 28, 2021


Montgomery County Council  
Stella Werner [Council] Office Building  
100 Maryland Avenue, 4<sup>th</sup> Floor  
Rockville Maryland 20850

RE: Written "Listening Session" testimony regarding Thrive Montgomery 2050

Dear Montgomery County Councilmembers,

1. Please find attached as "Exhibit 1", a copy of a well written, thoughtful post that appeared on a local neighborhood web site that I feel accurately reflects my concerns about the present proposed "Thrive Montgomery Plan".
2. This follows with Exhibit 2, which is a copy of my 10/20/2021 letter to the Chairman of the Planning Board and to the Washington Council of Governments (COG), that raises the issue of another possible sewer moratorium which may be caused by the implication of the present proposed "Thrive Montgomery Plan". I feel this agency & COG have a duty/responsibility to first address this issue before any such long-term land use plan is approved.
3. Lastly; Exhibit 3, my letter to the National Fire Protection Institution (NFPA), Fire & Life Safety Policy Institute, in which I raise the effects that increased density in older neighborhoods will have on public safety (& homeowner's insurance premiums).

Thank you for taking the time to consider the concerns raised the attached exhibits,

A handwritten signature in black ink, appearing to read 'D. Meijer', with a stylized flourish at the end.

Daniel Meijer

## FYI: "Next Door East Silver Spring" posting (a response to the 11/21/2021 Washington Post article)

*I agree with Roberta Faul-Ziegler on serious pitfalls (& miscues) in yesterday's WAPO article by Katherine Shaver. Shaver tilts towards very intrusive so-called "Up-zoning" that inserts without regulatory review for-profit new 'multiplexes' & even apartments in existing suburban residential neighborhoods all over MOCO. Top-Down Central Planning is the main stratagem of deliberately vague and far too 'drafty' THRIVE: to replace (in one fell swoop) entire current County-wide zoning system. MOCO's M-NCPPC Planning Board and urbanist planning advocates claim this badly designed major overhaul will somehow or other "solve" problems of insufficient affordable housing AND historically racist house ownership discrimination in Montgomery County, Maryland.*

*Their claims are specious, as Roberta points out: proposed new For-Profit Developer-built Multiplexes and apartments intended to displace existing neighborhood single family homes (both attached and detached) will be marketed for profit as Rentals. They will not be sold to deserving families unless THRIVE plan is thoroughly rewritten/modified to include bottom-up participation by existing suburban neighborhoods of owner-occupied housing. Outcomes (if this odd new THRIVE draft is approved more or less as is by County Council) will mean more and denser rental units 'shoe-horned' into residential streets on many existing small lots without enough on-street/off-street parking or needed Parkland, public schools, underground utility infrastructure, etc. THRIVE will NOT raise real numbers of owner-occupied housing units, or percentage of Minority or lower-income owner-occupied homes. It will shift the ratio of owned to rental units in a neighborhood towards higher percentages of rental units with absentee owners.*

*I need not go into how ongoing rising and inflationary prices for house ownership will vitiate assertions that THRIVE make homes more affordable. If multiplex units are sold by Developers or Real Estate corporate owners, they will be priced far too high to be 'attainable' by prospective buyers who lack enough current income to acquire prime mortgages and do not have adequate financial assets to afford down payment, settling costs, taxes. The chimera of so-called 'Attainable' home-ownership through peculiar THRIVE device is nothing more than a 'mirage', it is an ideological posture by those calling themselves 'Progressives'.*

*My assessment is this faddish juggernaut effort is likely to fail miserably and set back the long-term cause espoused by pragmatic (real) progressive thinking and analysis. A more productive approach calls for proceeding in two key ways: 1) Starting immediately, pass regulations and rules to actually preserve and improve the quality and availability of existing affordable family housing, both subsidized and market-rate. 2) use Federal/State/County funding to build new government-subsidized family-sized affordable apartment units in designated higher-density areas like former shopping malls and failed Office blocks, deploying a stepwise approach with measurable targets. 3) Create more For Sale attached housing (e.g., Townhouses) through in-fill on available empty lots (private & County-owned) that use the*

*MPDU approach. Include neighborhoods that vote to participate in housing densification fully into decision-making. 4) Close For-Profit MPDU loopholes allow Developers to avoid sales of below market rate home by paying a derisory amount upfront into a County-wide fund that does not actually help leverage sale of more subsidized housing in the same localities. Same goes for expanding Parks - not just anywhere in the County - but in very same housing neighborhoods with raised densities. In short, let's come up with a participatory design, targeted and interactive approach to actually increasing affordable home ownership, and preventing market-driven 'Rent is Too High' adverse impacts on affordability.*

*Give aspiring first time home buyer residents realistic options of mortgage-affordable homes and/or preservation of existing affordable rentals (e.g., via a reformed HOC). Incentivize Non-Profit sector (rather than For-Profit Developers) to renovate and/or construct affordable houses and apartments (e.g., Habitat and County-based affordable housing builders). Design buildings for reasonably-priced, quality family-sized rentals - rather than highly irrational Planning Board policy of approving mainly luxury apartments in posh high-rises OR too many studios/1-bedroom units in tiny apartments for single persons or non-family renters - mainly younger unmarried individuals/roommates who are transient. Place policy emphasis on enhanced housing stability for families in communities rather than top-down urbanist 'densification'. Get over the notion that a THRIVE type of 'Silver bullet' CONCEPT will solve MOCO housing insufficiency problems, provide equity, fill the so-called 'Missing Middle', and somehow lower prices and costs for aspiring homeowners.*

*This bizarre centralized planning 'FAD' is puffed-up 'Trickle-down Economics' - using unproven economic models like 'filtering': basically, a corporate Real Estate 'economic fiction' to incentivize for-profit building of massive new upscale housing units, that supposedly translates to older, less modern units declining in rental cost and/or purchase price due to simply the generic policy of adding more (often far more costly) total units to the County's available housing stock. THRIVE - as contrived by the M-NCPPC Planning Board urbanist planners - is basically a propaganda piece. The term THRIVE appears borrowed from a recent Kaiser-Permanente Health marketing LOGO for a big Health Care/Health Insurance system. The THRIVE 'concept' is a 'one-size fits all' centralized scheme ill-fitted to real-world affordable housing needs in MOCO.*

*Joel Teitelbaum*

Daniel Meijer  
929 Gist Avenue  
Silver Spring Maryland 20910  
[dmeijer@hotmail.com](mailto:dmeijer@hotmail.com)

October 20, 2021

Mr. Casey Anderson  
Chair of the M-NCPPC Planning Board  
2425 Reedie Drive, 14th Floor,  
Wheaton, MD 20902

[MCP-Chair@mncppc-mc.org](mailto:MCP-Chair@mncppc-mc.org)

301-495-4605

Dear M-NCPPB Chair Casey Anderson & Washington Council of Governments,

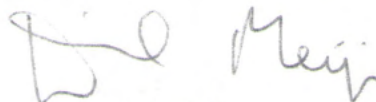
Please find attached a Washington Post article that describes the previous WSSC moratorium imposed upon Montgomery County that delayed *"for an undetermined period construction of 13,000 housing units and about 20 commercial and industrial projects planned throughout the county."*

According to this article this was because: *"the county had exceeded the amount of sewage it can send to the huge Blue Plains sewage treatment plant in the District of Columbia and a much smaller plant in Seneca".*

Considering the large amount of increased density that "Thrive Montgomery 2050" is proposing, a similar and likely scenario will come up. Does that long term plan include a section that suggests a solution to this inevitable problem?

Will the other jurisdictions (currently sharing the capacity of the Blue Plains Treatment plant in the District of Columbia that Montgomery County exports it's sewage to), be triggered by the large density increase proposed in "Thrive Montgomery 2050", to **thus insist this long term plan must include a requirement to build an additional waste treatment plant along a major river like Blue Plains but in Montgomery County: for example, along the Potomac River [1]?**

Concerned affected citizen,



Daniel Meijer

[1] See second attached Washington Post article titled: "Sludge Plant to Be Closed" in which then County Executive Ike Leggett is quoted: "It was a mistake to put this facility at that [North White Oak, next to the Prince Georgia County border] location. It's just too much of a dense highly populated area"

# WSSC Puts Curbs On Sewer Lines In Montgomery

By **Judith Valente**

May 31, 1979

In a split vote, the Washington Suburban Sanitary Commission imposed a new sewer moratorium yesterday on Montgomery County that will delay for an undetermined period construction of 13,000 housing units and about 20 commercial and industrial projects planned throughout the county.

The commission acted after a report by its general manager indicated the county had exceeded the amount of sewage it can send to the huge Blue Plains sewage treatment plant in the District of Columbia and a much smaller plant in Seneca. The WSSC oversees water and sewer construction and operations for both Montgomery and Prince George's counties.

It was not immediately clear how long this latest moratorium on new development could last. But it comes at an awkward time for Montgomery, which had been pushing hard recently to attract the new development denied it during eight years of earlier moratoriums.

The new moratorium will not affect projects already under construction, but only proposed construction still awaiting commitments of sewage capacity from the WSSC.

The simmering regional rivalry between the two counties was reflected in yesterday's vote: The three WSSC commissioners representing Prince George's County all approved the moratorium while two of the three Montgomery County commissioners abstained.

The third Montgomery County commissioner, David Scotton, left the meeting before the vote but indicated before leaving that he also wanted to abstain.

Montgomery and Prince George's have been feuding for months over a number of sewer-related issues. One of the key points of dispute is whether Prince George's, which has more sewage capacity at the Blue Plains plant than it needs right now, can lend some of its excess capacity to Montgomery.

Issues in this proposed trade are still unresolved.

Montgomery can send up to 82.6 million gallons a day into the local treatment plants, which are shared by four metropolitan area jurisdictions. Currently, Montgomery is sending 71.3 million gallons daily into the system, and has given out sewer commitments for an additional 12 million gallons a day, according to Arthur Brigham, a WSSC spokesman.

That puts Montgomery 560,000 gallons a day over its authorized capacity.

The county reached its limit earlier than expected because April's heavy rainfall increased the sewage flow already in the system, according to Edward Graham, assistant director of the county's Office of Environmental Planning.

When the ground water level goes up, the sewage flow goes up. "More sewage flows through the pipes in wet weather," Graham said.

County Executive Charles W. Gilchrist said the current moratorium "will have a serious effect [on growth and economic development] as it continues." He said he is counting on Prince George's County to let Montgomery use some of its estimated 12 million gallons a day in unused capacity at Blue Plains.

Prince George's also has 30 million gallons of unused daily capacity available at other sewage treatment plants.

Montgomery County is "going to be in a constant tight situation" unless it can use some of the Prince George's allocation, he said.

Even if Montgomery recalculates its estimates of average household sewage use, the county will be able to come up with only about 2 million gallons a day of sewage capacity to give out in future sewer commitments, according to Steve Poteat, an environmental planner.

Among the projects being held up by the new moratorium are 13,000 housing units, including nine subsidized housing projects, several churches and commercial and industrial projects, and a community center for the Scotland area. All are planned for construction over the next three years.

# Sludge Plant to Be Closed

By Manuel Perez-Rivas

Washington Post Staff Writer

Sunday, January 24, 1999; Page C1

Sixteen years after a sludge composting operation opened, Montgomery County is set to abandon the \$68 million plant that was built over the heated objections of nearby residents as well as officials in neighboring Prince George's County.

The Montgomery County Regional Composting Facility, north of White Oak, lived up to many expectations of Montgomery's environmentally conscious leaders, turning sewage sludge into compost so rich it has been spread on the White House lawn. Its many environmental awards fill a wall inside its offices.



Compost operator Steve Broznowicz works at the Montgomery County Regional Composting Facility, in Silver Spring. (Rick Bowmer — The Washington Post)

But the benefits of composting sludge have not been enough to quiet the protests of neighbors, who for years have complained about the odors. After spending millions of dollars trying to stop the smell, county officials say it is time to look at alternatives for handling Montgomery's share of the sludge generated by the Blue Plains Wastewater Treatment Plant in the District.

"What a big waste of money," said Del. Barbara Frush (D-Prince George's), who lives in nearby Calverton and was a leading civic opponent of the east Montgomery site.

On Wednesday, board members from the Washington Suburban Sanitary Commission, the bi-county water and sewer agency that runs the plant, are slated to consider a proposal to shut it down. Montgomery County Executive Douglas M. Duncan (D) and County Council President Isiah Leggett (D-At Large) are backing closure, citing the neighborhood opposition and saying there are cheaper methods of disposing the sludge, such as spreading it on fields.

"It was a mistake to put this facility at that location. It's just too much of a dense, highly populated area," Leggett said.

Duncan said he has gotten complaints from residents and commercial landowners about the plant's smell. But, he said, financial considerations persuaded him to push for its closure. Because of the odor, WSSC had for years operated the facility at less than half its capacity of 400 tons a day, driving up the cost per ton. County officials said it costs \$100 to compost a ton of sludge. Meanwhile, spreading it on fields -- which is how most of Montgomery's sludge from Blue Plains is handled -- costs \$35 a ton.

"It's cost-prohibitive to run that facility," he said. "It's never going to operate at capacity. I want to cut our losses now instead of waiting five years and spending another \$10 million."

The county is considering closing the plant at a time when other jurisdictions, such as Virginia and counties on Maryland's Eastern Shore -- two potential recipients of additional Montgomery County sludge -- are showing a growing resistance to imported waste. Some officials and environmental advocates caution that this backlash could make land application much more expensive in the future.

"This [composting] is the kind of experiment that we need to make work for us," said Neal Fitzpatrick, conservation director at the Audubon Naturalist Society, an environmental group. "I'm going to be very disappointed if we give up on it."

The composting facility has been a thorn in the side of Montgomery officials since the late 1970s, when the County Council chose to situate it on 110 acres in an industrial park off Route 29 near the county's eastern border. The plant was needed to handle Montgomery's share of Blue Plains sludge, which now amounts to 400 tons a day.

The selection drew immediate protests from people in nearby communities and from Prince George's officials, who saw the site selection as an affront because it was so close to their boundary. At the time, the two counties were involved in a dispute over sewer capacity.

"This was as much a snubbing of Prince George's County as anything else," said Robert B. Ostrom, the Prince George's county attorney at the time. Montgomery prevailed after a lengthy court fight, and the plant opened in 1983.

Over the years, WSSC, with backing from Montgomery officials, has spent millions in upgrades, such as enclosing storage areas and installing state-of-the-art exhaust scrubbers to try to diminish the odors produced while turning sludge into compost.

But the complaints about the smell never went away.

"They put a lot of money into it. They've gone through a lot of effort," said Bruce Donaldson, an engineering professor and longtime opponent of the plant who is a member of the Calverton Citizens Association. "It still stinks."

Some county officials, such as council member Marilyn Praisner (D-Eastern County), who represents the area surrounding the plant, have backed efforts to close it for years. The push gained momentum last year, when Duncan recommended shutting it down as part of the county's 10-year solid waste plan.

This month, WSSC commissioner Kevin P. Maloney, one of three Montgomery representatives on the agency board, said he would make a formal motion to close the facility. "It's too expensive to run," Maloney said in an interview, "but the reason it's closing is political: The people don't want it there."

The three Prince George's representatives on the board said they would support closing the plant if several conditions are met, including promises that no sludge would be disposed of in their county and that the WSSC would not have to repay federal grants for building the composting plant.

Montgomery County's Chief Administrative Officer Bruce Romer, who is working on meeting those conditions, said Friday that he expects everything to be set in time for Wednesday's meeting. "All of these things are being worked out," he said.

The actual decision of what to do with the physical plant itself -- the \$68 million investment -- would come later.

"Our interests are grounded in economics," Romer said. "This has never been an economic equation that can work."

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Daniel Meijer  
929 Gist Avenue  
Silver Spring Maryland 20910  
dmeijer@hotmail.com  
March 22, 2021

EXHIBIT 3

National Fire Protection Association (NFPA)  
Attention: Ms. Meghan Housewright  
Director, Fire & Life Safety Policy Institute (The Policy Institute)  
1 Batterymarch Park  
Quincy, Massachusetts 02169-7471

Dear Director Housewright,

I understand from a 9/14/2017 NFPA press release that: "*The Policy Institute will study a range of issues and provide guidance and information to policymakers on the best approaches governments can take to improve safety for the citizens they serve*". Thus, please find attached my testimony to the local Council of this County that expresses my concerns on such a matter that I believe the NFPA Fire & Life Safety Policy Institute should address.

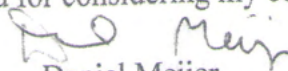
The bases for my concern are the many narrow residential access roads that were designed and built in the 1920/30's in this area. Fire trucks and ambulances were much smaller then. In particular, ambulances, which at that time were modified station wagons (of narrow width - till the 1950s fin era) - then became modified vans (but still reasonably narrow) and are now wide modified trucks. The recently built nearby fire station garage doors for these vehicles I have measured to be over 15 feet wide. From that, one may reasonably conclude residential roads must have at least that width? Perhaps the Policy Institute could for example: recommend specific road width requirements for such emergency vehicles?

I am also concerned that such obstructions may increase the response time for fire trucks that may eventually reduce the "Town Grading" of my community - which according to what my brother experienced in his community - results in a considerable increase in one's homeowner's policy premium.

Increasing the occupancy load of existing single family homes to a multifamily use on small lots has become a nationwide trend under the category of "Smart Growth". I have noticed that most of the active proponents of this concept tend to be younger adults who have not had to face the health concerns that older adults do (in particular "Senor Citizens of Advanced Age" - who have chosen to age in place). This is when rapid ambulatory access to residential dwellings may be a life or death situation.

For the reasons described above, I strongly feel the NFPA Fire & Life Safety Policy Institute should place this issue on their agenda and issue guidelines on the matter.

Thank you for considering my concerns,

  
Daniel Meijer

Daniel Meijer  
929 Gist Avenue  
Silver Spring Maryland 20910  
(240) 381-4395  
[dmeijer@hotmail.com](mailto:dmeijer@hotmail.com)

February 15, 2021

President Tom Hucker & other Members of the Montgomery County Council  
100 Maryland Ave, 6<sup>th</sup> floor  
Rockville Maryland 20850

Written Testimony Concerning: **ZTA 20-07**

Dear President Tom Hucker and other Members of the Montgomery County Council,

As stated in my oral testimony in the "Public Hearing – ZTA 20-07, R-60 Zone – Uses and Standards" last Thursday. I am very concerned that this ZTA, (along with the recent previous ones that will impact the allowable density in such zones) may interfere with timely access by emergency vehicles in older residential communities.

This is because many of the older neighborhoods have very narrow roads that were only designed to handle the traffic from the occupancy load of the single family lots they serve.

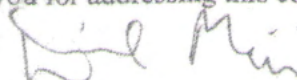
Increasing the occupancy load of existing single family homes to a multifamily use on the small lots (that are common in older neighborhoods) – puts the entire community at a public safety risk.

One can easily visualize an ambulance or fire truck stuck on a narrow street obstructed by the off-site parking needs of multifamily conversions of single family home lots in older communities where existing road structure was not designed to support such an increased "occupancy load" density.

As I described in my oral testimony – such delays can have a life threatening impact on the residents in such neighborhoods – giving my sister as an example who has a serious heart condition and has had required ambulance services to her home in East Silver Spring that if delayed – might have become a life or death situation. Something which should be of grave concern to those who wish to "Age in Place" in their current homes.

For that reason, I believe this could rise to a legal level of "gross negligence" \* if land use decision makers (such as the Council) simply do not dutifully address this public safety issue that is described in this written testimony on ZTA 20-07.

Thank you for addressing this concern,



Daniel Meijer

\*Maryland Courts and Judicial Proceedings Section 5-522 (a) (4) (ii): "Immunity of the State is not waived ... [for] Any tortuous act or omission of State personnel that: ...is made with malice or gross negligence" (emphasis added)

**From:** [Michael Dutka](#)  
**To:** [MCP-Chair](#)  
**Subject:** Comments on Silver Spring downtown and adjacent communities plan  
**Date:** Friday, December 3, 2021 4:12:43 PM

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**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

Dear MCP-Chair,

I reviewed the public hearing draft of the master plan for Silver Spring downtown and adjacent communities and my impression was that the plan does not allow for much (if any) additional housing in the adjacent communities. I would urge the planning board to push for more density in the single family neighborhoods surrounding downtown Silver Spring. I would also suggest eliminating parking requirements in the downtown area and removing all height and density limits.

Mike Dutka

713 Shetland St, Rockville, MD 20851

<https://montgomeryplanning.org/planning/communities/downcounty/silver-spring/silver-spring-downtown-plan/>

--

Dr. Michael S. Dutka

US Navy (civilian)

USNO Phone Number- 202-762-0242

Cell- 301-996-3588

**From:** [Titman, Dorothy R.](#) on behalf of [Harris, Robert R.](#)  
**To:** [MCP-Chair](#)  
**Cc:** [Wright, Gwen](#); [Kronenberg, Robert](#); [Margolies, Atara](#); [Harris, Robert R.](#)  
**Subject:** Silver Spring Downtown & Adjacent Communities Plan - 8807 Colesville Road  
**Date:** Friday, December 3, 2021 11:19:55 AM  
**Attachments:** [Ltr to Casey Anderson Silver Spring Downtown and Adjacent Communities Plan\(4353070.1\).docx](#)  
[Testimony of RRH -Silver Spring Downtown & Adjacent Communities Plan - December 2, 2021\(4348140.1\).docx](#)  
[Photo of 8807 Colesville Road.pdf](#)

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**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

On behalf of Robert Harris, I am forwarding to you the attached documents.

**Robert R. Harris**, Attorney

Lerch, Early & Brewer, Chtd. rise to every challenge  
7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814  
T 301-841-3826 | F 301-347-1779 | Cell 301-580-1319  
[rrharris@lerchearly.com](mailto:rrharris@lerchearly.com) | [Bio](#)

**Lerch Early COVID-19 Resource Center**

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**Robert R. Harris**

Attorney

301-841-3826

[rrharris@lercheearly.com](mailto:rrharris@lercheearly.com)

December 3, 2021

The Honorable Casey Anderson, Esq.  
Chairman  
Montgomery County Planning Board  
2425 Reddie Drive  
Wheaton, MD 20902

Re: Silver Spring Downtown and Adjacent Communities Plan – 8807 Colesville Road

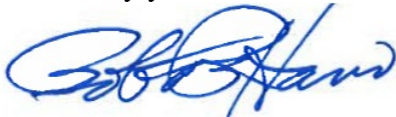
Dear Chairman Anderson:

I want to apologize to you and your fellow Commissioners for being unable to testify at the hearing last night after having signed up. I had planned to do it in person but then my plans changed. I joined online before the hearing began and saw my speaking slot had moved to near the end. I listened until about 8:30 when I had to sign off.

I am attaching for you and the Board a copy of the testimony I would have provided. To this, I would add that I heard some very supportive comments from the first 20 speakers. I was particularly interested in the testimony from Nancy Mills, from Chelsea Heights, because it struck me that some of the ideas she had for improving Ellsworth Drive where my client's property is located (see attached photo) could well be achieved with redevelopment of 8807 Colesville Road. Many speakers, include Zach Weinstein, Liz Brendt Dan Reed, Randy Hardy and a diverse group of others spoke in favor of additional development in Silver Spring, particularly in the more urbanized portions such as my client's property at 8807 Colesville.

I know it was a long evening for you and your colleagues but I felt it was largely a strong validation of accommodating additional development Silver Spring. With appropriate recommendations for 8807 Georgia Avenue, my client looks forward to being part of that.

Cordially yours,



Robert R. Harris

cc: Gwen Wright, Robert Kronenberg, Atara Margolies

TESTIMONY OF ROBERT HARRIS  
SILVER SPRING DOWNTOWN & ADJACENT COMMUNITIES PLAN

DECEMBER 2, 2021

Good evening. For the record I am Bob Harris of Lerch, Early & Brewer speaking on behalf of the owner of 8807 Colesville Road (the northeast corner of Spring Street and Colesville Road). It is within the Ellsworth District which the draft identifies as the “active heart of Downtown Silver Spring.” This property is occupied by a very small office building and a large surface parking lot but is virtually surrounded by high rise multifamily and commercial buildings. Staff has appropriately identified this is a key site in the working draft because of its tremendous redevelopment potential and its gateway location to downtown Silver Spring.

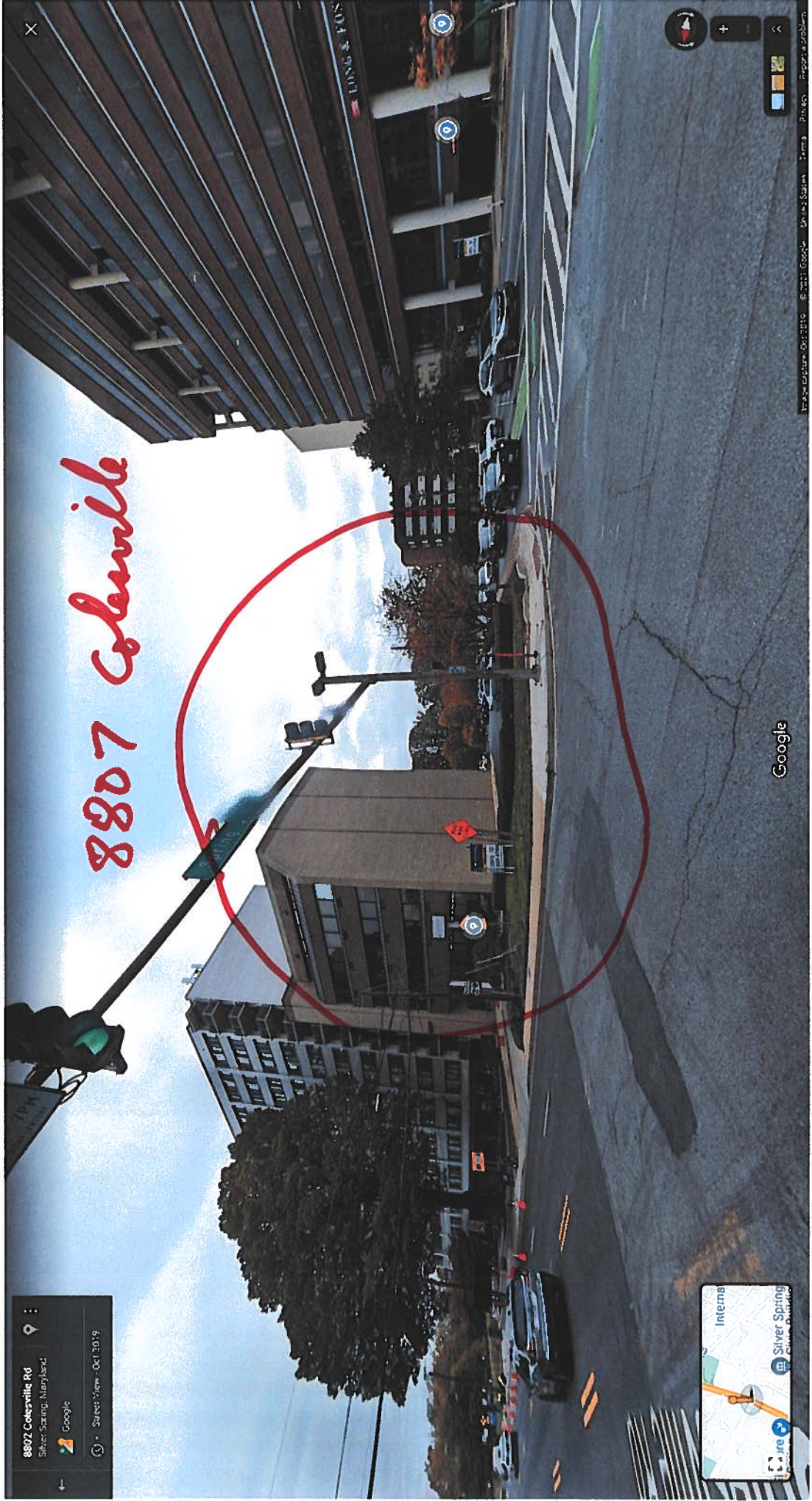
The working draft, like many other County policy documents, notes the strong county desire to create new housing opportunities. The draft concludes that CR zoning is more appropriate for the site than the existing EOF zone which limits it only to employment. The CR zone, has been used very effectively elsewhere in Silver Spring and in Bethesda to accommodate both commercial and residential uses depending on market demand. We support this recommendation.

We differ somewhat, however, with respect to the height and density recommendations both for this site and for the adjoining/confronting multifamily buildings. Our client’s property, fronting on Colesville Road, is a gateway into downtown Silver Spring and has tremendous transportation resources based on existing roadways, the proximity of Metro and the Purple Line, robust bus service and an excellent pedestrian/bicycle network which will be improved in the future with the Green Loop. What I think the working draft misses, is that the existing multifamily buildings directly adjoining the site, and across Colesville Road are developed at heights of approximately 120 feet and at densities greater than 6 FAR.

A recommendation for 100 feet and 3 FAR seems to ignore this. When the Planning Board looked at a similar situation in Bethesda (for example along East-West Highway, the northern end of Wisconsin Avenue and in the Battery Lane area), it applied new zoning to make such existing buildings conform with the relevant height and density of their zoning. This was done in large part because buildings like these are much easier to refinance if the zoning matches the existing conditions, rather than having the building be a nonconforming structure. More specifically, along East-West Highway, the Bethesda Downtown plan included heights up to 145 feet for properties that already existed at that height, and it assigned FARs as high as 6.25 to make those buildings conform. We believe this should be done for the properties neighboring this subject site.

Similarly, recognizing in Bethesda that those pre-existing buildings are likely to remain for a long period of time, and that they establish actual conditions for compatibility, the Board generally recommended heights and densities for undeveloped or underdeveloped properties adjoining them that were more comparable.

The subject property is a key redevelopment site either for residential or commercial uses. Based on the built environment adjoining the site, a height of 120 feet is more appropriate than a more limited 100 foot limit. Similarly, given that the adjoining densities are over 6 FAR, a density greater than 3 and more comparable to the surrounding buildings would be compatible. With the working draft recommendation for a 15% MPDU requirement for new development, this height and density would immediately translate into a substantial number of additional MPDUs as well as market rate units at a very desirable location.



**From:** [Dan Reed](#)  
**To:** [Coello, Catherine](#); [MCP-Chair](#)  
**Subject:** Testimony on the Silver Spring Downtown Plan  
**Date:** Thursday, December 2, 2021 6:36:49 PM

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**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

Hi! Please find below my testimony for the Silver Spring Downtown Plan. Thank you for the opportunity to testify!

My name is Dan Reed, and I live and work in downtown Silver Spring. I'm vice president of the East Silver Spring Citizens Association—which does not take positions on land use issues—so tonight I'm speaking for myself. I'm here to support the Downtown Plan—and to talk about how we can push it further.

I grew up here and have watched Silver Spring grow and flourish. But while the conversation 20 years ago was about how to revive the downtown, we're at a different place now. We're a regional destination for jobs, shopping, nightlife - and people come here from all over the nation and the world to build their lives. But we also compete for residents, businesses, and customers with a lot of other places that are stepping up their game, like DC, Arlington, the Route 1 corridor, and other places around the country.

I'm excited for what the coming years could bring: more homes and jobs, safer streets for walking and bicycling, more places to gather and celebrate. This plan almost takes us there, but it's not there yet. My two cents:

- I want to see a vision for reimagining the big streets - Georgia, Colesville, East-West Highway - as walkable, bikeable urban boulevards. East-West Highway doesn't even have sidewalks in part of it. We can do better!
- I want to see us celebrate Silver Spring nightlife and find ways to grow it. This plan basically leaves Auto Row alone. Why? Do we even know if property owners want that? It would be a pretty logical place for loud things that people don't want to live next to - or a number of other things, if we entertain the possibility of it.
- I want more homes, and more types of homes. Right now we're building lots of high-rise apartments in the downtown and \$1.3 million houses around it. Surely we can offer people an alternative. My neighborhood has lots of duplexes, townhomes, and apartment buildings of all sizes. The recommended zoning only changes this in East Silver Spring - but if they're good enough for us, they're good enough for Woodside, Woodside Park, and Seven Oaks.
- I wouldn't mind more outreach. As an urban planner myself, I understand that the pandemic makes outreach difficult - but we need to hear from renters, from young people, from minority business owners, from people who want to stay but are being priced out. This plan needs to center their needs, and I think we need to hear more from them. And there are ways to do that: the Fairland/Briggs Chaney planning team is doing door-knocking in apartment complexes. The Bethesda Downtown Plan had some innovative, interactive events geared towards young people. Surely we can make that happen here.

I worry that this plan is too focused on managing change than embracing it. In the name of protecting neighborhood character we risk losing the people who make this place worth living in. I don't recognize the Silver Spring I grew up in, but that's part of why I love it and why I wanted to move back. I sure hope it doesn't look the same in 20 years. and I urge this Planning Board not to let that happen.

best regards,  
Dan

Dan Reed (he/they)  
[justupthepike@gmail.com](mailto:justupthepike@gmail.com)  
[www.justupthepike.com](http://www.justupthepike.com)  
[www.imdanreed.com](http://www.imdanreed.com)  
202/256-7238

December 2<sup>nd</sup> 2021

Ms. Atara Margolies  
Project Manager  
Silver Spring Downtown and Adjacent Communities Plan

Re: Comments on the Draft Silver Spring Downtown and Adjacent Communities Plan

Dear Ms. Margolies,

My name is David Schneider and I have lived at 749 Thayer Avenue (within the “adjacent neighborhoods” District of the Silver Spring Downtown Plan area) since 2003. Over the past eighteen years, I have benefited from many positive developments, from new restaurants lining Ellsworth Avenue, to the Civic Building, the Public Library, Transit Center, the forthcoming Purple Line, and more. I’ve also valued the small-scale, locally owned businesses in Fenton Village and nearby, especially during the pandemic, when the chance to simply leave home for a cup of coffee or order takeout from a nearby restaurant provided an emotional boost. I am privileged to live in a “15 minute neighborhood” where almost all of my needs and wants are within walking distance. I’m also pleased that several new residential buildings, including ones with affordable housing, have opened their doors. I hope that, over the next twenty years, new residents of all backgrounds can have similar opportunities to the ones that I’ve enjoyed.

I’d like to commend the Montgomery County Planning Department for its thoughtful roadmap for the future of Downtown Silver Spring. I share the document’s vision for a vibrant, connected, resilient, diverse, and sustainable community and support the overwhelming majority of recommendations in the plan.

I’m writing to offer suggestions that, if adopted, will further enhance the Plan’s vision for a safe and prosperous Downtown. While some of my recommendations may not be entirely within the jurisdiction of County planners, I encourage you to coordinate with other responsible parties.

**1. Promote compact communities by naming additional redevelopment opportunity sites.**

I’m pleased that the plan identified multiple low-density or auto-oriented parcels of land, including the Whole Foods Parking Lot, the former home of the National Ready Mix Concrete Association, the Safeway parking lot, and several parking garages in Fenton Village as opportunity sites for mixed use redevelopment. The final plan should also name the following additional areas as opportunity sites:

1. *The surface parking lot adjoining the Capital One Bank Branch.* (located in between Thayer Avenue and Bonifant Streets). This site is a large, surface parking lot with a pair of drive-through ATM machines more suited for an auto-oriented suburb than for a walkable urban setting. Redeveloping this site would provide additional density within steps of the new Purple Line station and nearby amenities (the bank branch itself would not necessarily need to be redeveloped).

2. *The surface parking lot at Silver Spring Avenue and Fenton Street* (located on the southeast corner of Silver Spring and Fenton). There have been plans to develop this lot for many years but, to my knowledge, none have yet come to fruition. I encourage county planners to make redeveloping this site a priority.

3. *The vacant lot next to the former Addis Ababa restaurant on Fenton Street* (across from the Fenton Apartment building). This lot has been vacant for over ten years. There is a faded sign promising new development but nothing appears to be forthcoming. I hope county planners will explore development options for this parcel.

4. *The county-owned parking lot on Fenton and Easley Street* (across from the Silver Spring towers). As with the public parking garages already designated as opportunity sites, this surface lot could be redeveloped with a mix of uses that are compatible with the surrounding residential neighborhood.

Some of these additional opportunity sites are privately owned and redevelopment may be dictated by market forces. However, including the parcels in the plan's list of opportunity sites sends an important signal that the County would support more compact, dense, and context-sensitive development in downtown.

## **2. Promote more connectivity, walkability and pedestrian safety with additional “flexible streets” and narrower highways.**

I support the plan's proposal to identify certain street segments as “flexible streets” that “would make pedestrians a priority and better balance the roadway for all users by providing safe and efficient access for pedestrians and bicyclists.” (see page 99).

In addition to the street segments listed on page 99 (portions of Bonifant, Ellsworth and Newell streets, and Silver Spring Avenue), please also consider including the segment of Fenton Street between Wayne Avenue and Colesville Road as a flexible street, allowing it to be closed to auto traffic or converted to a one-way street from time to time. Thousands of pedestrians use this section of Fenton street on weekends. Pedestrian traffic can spill into the street when sidewalks are crowded and people frequently jaywalk across Fenton Street to reach their destinations. Closing the street to traffic during festivals or on designated weekends would create an extended plaza from the civic building through Ellsworth street and a more vibrant, safe space.

I also encourage planners to work with the Maryland State Highway Administration to narrow the major thoroughfares that run through Downtown Silver Spring, primarily Georgia Avenue (Maryland Route 97) Colesville Road (Maryland Route 29), and East-West Highway (Maryland Route 410). It's hard to imagine Downtown Silver Spring ever becoming a truly connected community or beautiful place to live and work so long as it is bisected by six-lane state highways designed to funnel as many commuters as possible as quickly as possible between Washington DC and surrounding suburbs. In the era of COVID and work-from-home, can we at least ask ourselves: do we still need to operate three lanes in each direction through Downtown Silver Spring? What if two lanes in each direction would suffice, at least in some segments and/or at some times of day? Could portions of the highways be turned over to BRT lanes (as

the Plan suggests) or bike and pedestrian lanes or “streeteries” (as was the case for several months during 2020) without crippling traffic? Whose interests take primacy: the people who live and work in Downtown Silver Spring and adjacent areas, or commuters who travel through DTSS and rarely stop to eat, work or shop? What is the right balance between the needs of these groups? I encourage local and state officials not to take our current state highway system as an immovable object, but to imagine a future where change is possible.

### **3. Promote safe streets and sidewalks with a policy for where micro-mobility devices can (and cannot) be used.**

The draft plan briefly mentions micromobility, noting that “More corrals should be provided so they are widely and conveniently available and riders begin to see them as an easy way to park the devices safely” (page 92). I encourage planners to take a more holistic approach to micromobility in DTSS, including developing policies on where and how dockless and docked electric and non-electric bikes, scooters, and the panoply of other emerging devices may be used. For example:

- Should micromobility users be allowed to ride on any surface area (streets, bike lanes, and sidewalks)?
- Should micromobility be limited to one type of area (such as streets only, sidewalks only, or bikelanes only)?
- Should micromobility use vary based on the speed of the vehicle? (Such as electric vehicles using streets or bike lanes and non-electric vehicles on sidewalks)?
- What, if any rules, should govern where dockless micromobility devices should be parked or left for others?

Although the volume of micromobility devices may not soon approach the number of dockless bikes deployed in the 2019 pilot program, it's prudent to design policies for their safe use and seek feedback from DTSS and adjacent community residents and in coordination with the relevant District of Columbia and Montgomery County agencies.

### **4. Implement the Plan's equity principles by evaluating the benefits and burdens of the plan recommendations on underserved communities.**

The draft plan is committed to diversity, affordability, social justice, equity and equitable access (i.e. to economic and civic outcomes, to natural resources, to housing, etc). I strongly support these goals, however, I was surprised that the plan includes very little demographic information about the people who live in the Districts in the DTSS area, even though this information is readily available at the Census block and block group level. I was also surprised to see no analysis of which demographic groups would benefit from the many investments proposed in the draft plan (other than a discussion of Equity Focus Areas in the Plan's section on parks and public spaces).

I recommend the final plan include an equity analysis that provides detailed information on the demographics of people living in DTSS and adjacent communities and seeks to better understand who will benefit from the improvements proposed in the plan. Such an analysis could include Census data on race, income, national origin, age, ability, and other demographic information for each District in the

plan area, analysis that compares the demographics of each District to one another and to the demographics of Montgomery County as a whole, an inventory of the site-specific investments proposed for each district (such as street or intersection enhancements, the proposed new bridge over the railroad tracks, renovated parks, etc); and an assessment of whether these benefits are distributed equitably throughout the Plan area.

Thank you for taking the time to read and consider my recommendations. Feel free to reach out to me if you'd like additional information. You can reach me at [schneiderd41@gmail.com](mailto:schneiderd41@gmail.com). I look forward to reading the final Plan and I look forward to continuing to live in and contribute to a vibrant Downtown Silver Spring.

Sincerely,

*David Schneider*

David S. Schneider

Dear Planning Board Members:

My name is Michael Bodaken. I have resided at 9209 Midwood Road in Woodside Park for over 28 years. I am a single family homeowner and love my neighborhood.

I am excited to see the plan prioritize diversity, connectivity, resiliency, and health Silver Spring is the right place to grow and a great place to live. More people should have the opportunity to live here. We have to intentionally work to make sure Silver Spring remains diverse and becomes more affordable.

**Affordable Housing:**

The plan relies too much on the market providing middle income housing. Market supply will not solve for affordability. Hence, attention must be paid to assure that the MPDU and developments dedicated to low-income housing will also be key to improving affordability. I strongly support increasing moderately priced dwelling unit requirement to 15% in and around Silver Spring.

The plan needs to identify more strategies for preserving existing income-restricted and market-rate affordable housing and to create more income-restricted housing

I support the redevelopment of public garages and parking lots to include income-restricted affordable housing, but we should strive for more than 30%, which is what the plan recommends.

Finally, it is important to have a diverse housing stock in terms of types, age, bedroom sizes, etc. in order to have a diverse population

**Transportation:**

I am excited about the idea of transforming streets to have protected bike lanes, better sidewalks, street trees, and other green infrastructure. I support a new pedestrian connection over the railroad tracks to improve connectivity. However, this plan should do more to reimagine East-West Highway, Colesville Road, and Georgia Avenue as safe, green, multi-modal boulevard. Finally, I support dedicated bus lanes along Colesville Road and Georgia Avenue

**Land use:**

I am excited by the idea to redevelop the Whole Foods/Ace Hardware parking lot with a mix of uses, structured parking, and a green open space I look forward to having more density in the Metro Center District. Finally, I would support increasing height limit

**Resilience:**

I would like to see more about where stormwater infrastructure improvements should be prioritized and highlight how new development can actually help this by plans to plant more street trees.

Thank you.

Best

Michael Bodaken

9209 Midwood Road

Silver Spring, MD 20910

**Montgomery Preservation Inc.**  
**P.O. Box 4661**  
**Rockville, MD 20849-4661**  
<https://www.montgomerypreservation.org/>

TO: Casey Anderson, Chair, and Members, Montgomery County Planning Board  
FROM: Eileen McGuckian, President, Montgomery Preservation Inc  
RE. Silver Spring Downtown and Adjacent Communities Plan - Dec. 2 Hearing  
DATE: December 1, 2021

I am pleased to represent Montgomery Preservation Inc. (MPI), the countywide nonprofit historic preservation organization, in providing comments on the Silver Spring Downtown and Adjacent Communities Plan. The mission of MPI is to preserve, protect, and promote the County's architectural heritage and historic landscapes.

Our comments on this quite complex document had to be selective. Below are topics and related issues that stand out for MPI.

### **Historic Sites and Communities**

MPI strongly supports the Plan's listing of several properties as potentially eligible for the National Register of Historic Places and the goal to explore future evaluation of these properties for listing on the County's Master Plan for Historic Preservation. We also welcome the recommendation – long overdue - to study the striking mid-century Weller's dry cleaning building for the Master Plan listing. We urge that the goal of assisting property owners with nominations for Master Plan or National Register be extended to assisting preservationists or other community activists who wish to submit nominations.

MPI urges the eventual addition of several other buildings for historic designation.

In particular, we applaud the proposal for a Garden and Mid-Rise Apartment Complex Historic District. In addition to their architectural and historic qualities, these apartments continue to provide market rate affordable housing, with rents significantly lower than in more recently constructed high rises and deserve to be recognized and preserved.

It is disappointing that the north parcel of the Falkland Apartment complex is excluded from the Garden Apartment District. Falkland North, unlike the other two parcels of the complex, is not on the County's Master Plan. Nevertheless, all of **Falkland, with its 2 and 3-story buildings, fits the definition of Missing Middle housing** that Montgomery Planning argues is needed, so it seems contradictory to allow a portion of Falkland to be demolished. Falkland North belongs in the Garden Apartments District despite lacking the potential for historic designation, and should be preserved along with the other apartment complexes. There is more than one way to preserve buildings, other than designation.

Finally, MPI welcomes this statement in the Plan:

*The community's sense of place relies upon historic buildings such as the Silver Spring Shopping Center and Theatre, the Fillmore, Hecht's Building, Canada Dry Building, Dyers and Cleaners Building, and the North Washington Shopping Center.*

We strongly urge that these buildings be preserved and **continue to provide a sense of place** for Silver Spring, along with the many buildings in downtown Silver Spring that reflect its history.

### **The Plan for Adjacent Communities**

The plan to define parts of nearby residential communities as within Silver Spring's downtown is likely to negatively impact these communities. We know that this plan opens these areas to upzoning and has implications beyond Silver Spring as the Thrive 2050 plan indicates. Yet permitting multiplexes in historically single-family neighborhoods would not achieve affordable or attainable housing, nor social equity, as county planners have claimed. Any homes, including apartments, in established neighborhoods near metro stations will be expensive in today's economy. The market will dictate the price. Upzoning could result in rising property taxes for the largely middle-income homeowners, and the winners would be developers and builders. Moreover, the reason for opposing this plan is to preserve the physical character - the tree canopy, the historic and diverse architecture, the green space. Zoning limited to single family homes could (and perhaps should) be avoided in new development, but changing the zoning in established communities, particularly older ones like Silver Spring, could destroy the physical fabric of "places that matter" in the words of the National Trust. **MPI believes, respectfully, that the Adjacent Communities plan be excluded from the Downtown Silver Spring Master Plan.** We urge The County to find another way to achieve the laudable goal of increasing affordable and attainable housing. The Silver Spring plan, and Thrive 2050, are pursuing this goal in a way that damages established communities, and the goal will not succeed.

### **Jesup Blair Park**

Jesup Blair Park, the largest park in downtown Silver Spring, is also unique in retaining a natural setting in contemplative zones where visitors can enjoy the trees, the green space, and even some wildflowers. MPI is concerned that the plan to make it an "urban recreational park" and install recreational structures and hardscaping in the contemplative zones would reduce precious open space and possibly harm trees and their roots. We urge that the Historic Preservation Commission work with planners and preservation organizations to ensure that this property, listed on the County's Master Plan for Historic Preservation, retains its natural character. MPI certainly welcomes the Plan's numerous ideas for promoting the park and drawing users – e.g., with wayfinding on adjacent streets, and public art. Jesup Blair Park already has a number of well used recreational areas that attract users.

### **The Moorings – Jesup Blair Mansion**

The Silver Spring Plan has recognized that the historic mansion in Jesup Blair Park – the Moorings – with its rich history, enhances the user experience in the large contemplative zone of

the park. Like the park, the Moorings is listed on the County's Master Plan for Historic Preservation. MPI has been working with Silver Spring Historical Society and the arts community to attract tenants to occupy the Moorings. We are in close touch with the Parks Department in this process. The building, while in fairly good condition, although in dire need of funding to continue basic restoration and rehabilitation to hold off deterioration and make it ready to occupy. We urge County and the Parks Department to provide further funding for this purpose.

### **Georgia Avenue**

The segment of Georgia Avenue in downtown Silver Spring has been the County's largest concentration of early early 20<sup>th</sup> century commercial buildings. We have already lost a number of buildings in that corridor in the push for density. Many communities across the country take pride in their Old towns" and make efforts to preserve them. **Georgia Avenue is downtown Silver Spring's Old Town.** It would be sad should it become unrecognizable as the Silver Spring we have known, losing that sense of place that historic buildings provide. While the Silver Spring Plan rarely mentions the word "demolition", this would follow from a number of the recommendations. MPI urges that as we move forward, density and demolition would not be the default but the exception, regardless of the monetary value of land. We are richer than that, in history and in resources.

Sincerely,

Eileen McGuckian  
President

1225 Noyes Drive  
Silver Spring, MD 20910  
bditzler@gmail.com  
December 1, 2021

Brian Ditzler comments on Silver Spring Downtown and Adjacent Communities Draft Plan

My wife and I moved to a single family home within easy walking distance of downtown Silver Spring about 16 years ago. We love living in Woodside Park, a quiet, pleasant neighborhood with a range of house styles and lots of tall trees that is close to downtown and its retail stores, library, doctors' offices, restaurants and Metrorail. We had experienced "15 minute living" when we lived in London some years ago, and chose our current home's location to enjoy similar 15 minute living again.

I am excited by the SS Downtown and Adjacent Communities draft plan because it would build on many of the benefits this area already provides. I like the plan's emphasis on smart growth, improving connectivity, encouraging diversity, resiliency, walkability, and affordability, and making Silver Spring an even greater place to live and work.

We need to promote mixed-income neighborhoods where duplexes and triplexes are allowed by right as long as building height and appearance restrictions can protect the current look and feel of neighborhoods. Multi-unit, transit-oriented housing along major traffic corridors also makes eminent sense. We need more affordable housing that ideally would be integrated into neighborhoods, and requiring new multi-unit residential buildings to have at least 20% MPDUs would be ideal.

I strongly support having improved pedestrian and bike infrastructure to reduce auto dependence, as well as more trees and more green infrastructure. It would be wonderful to have new and enhanced parks and public spaces, as well as more opportunities for recreation, social gatherings and enjoyment of nature. Building a Green Loop to increase connectivity, and a new bridge connection across the railroad tracks are great proposals, as are recommendations to support small business growth and increase employment opportunities downtown.

Retrofitting existing roads to be safer with greater use of complete streets is needed, and dedicated lanes need to be reserved for BRT on Colesville Road and Georgia Avenue to enable and encourage greater transit ridership. Redeveloping underused parking garages and repurposing existing parking lots would make better use of limited space downtown and also encourage more transit use. With climate change already underway, sustainable strategies for buildings and streetscapes are important, including greater use of solar power on building roofs and parking areas, and implementing effective stormwater management to handle the inevitable heavy downpours.

In summary, I'm pleased to support the proposed Silver Spring Downtown and Adjacent Communities plan.

Brian Ditzler



**Patricia A. Harris, Esq.**  
(301) 841-3832  
[paharris@lerchearly.com](mailto:paharris@lerchearly.com)

December 1, 2021

*Via Electronic Mail*

Casey Anderson, Chair  
Montgomery County Planning Board  
2425 Reddie Drive, 14<sup>th</sup> Floor  
Wheaton, MD 20902

Re: Silver Spring Downtown and Adjacent Communities Plan – Falkland Apartments

Dear Chair Anderson and Members of the Planning Board:

On behalf of Falkland Road Residential, LLC, an affiliate of JBG Smith (the “Owner”), we appreciate the opportunity to provide written comments on the Silver Spring Downtown and Adjacent Communities Plan (the “Plan”) as it relates to the Falkland Apartments property located in the northeast quadrant of the intersection of 16<sup>th</sup> Street and East West Highway (the “Property”). Our comments focus on the following proposed recommendation that appears on page 48 of the Plan:

- Include a large public open space fronting on East West Highway as part of the redevelopment plan.

The diagram on page 49 locates this proposed open space at the corner of East West Highway and 16<sup>th</sup> Street.

I. Background

By way of brief background, the Falkland Apartments project comprises the Property, as well as the existing residential development located in the southeast and southwest quadrants of the 16<sup>th</sup> Street and East West Highway intersection. The southeast and southwest quadrants are designated historic and only the Property is available for redevelopment. On September 10, 2015, the Planning Board approved a Sketch Plan, Preliminary Plan Amendment and Site Plan Amendment for the development of the Property with 1,200 dwelling units and 120,000 square feet of nonresidential uses (the “Approvals”). The elevated Purple Line is located along the northern boundary of the Property.

## II. Concerns Regarding Public Open Space Recommendation

The Owner recognizes the value of open space – the Approvals required a total of 30,500 square feet of public use space, as well as a requirement to perform stream restoration work over an acre of land area in the Falklands’ southeast quadrant. However, the Plan recommendation for the “large public open space” is too much; too concentrated; and in a prime location that will hinder the development of the Property.

Our specific concerns are as follows:

- The open space is recommended for the corner of the Property bounded by two major six-lane arterials -- 16<sup>th</sup> Street and East West Highway. This is a prime corner for development – not open space that will be highly exposed on two sides.
  - The corner is one of the only areas of the Property not impacted by the Purple Line; the Owner should have the ability to development this corner.
- In order to achieve the densities desired on this metro-oriented Property and accommodate a “large public open space,” the Owner would be forced into expensive high-rise construction that the current land values and foreseeable future land values simple cannot support; the result is that no development will occur.
- The Property is already disproportionally burdened by a number of commitments that further the public interest. These include:
  - Historic preservation precluding the redevelopment of roughly two-thirds of the Falkland property
  - Obligation to provide workforce housing as part of the development of the Property (above and beyond the MPDU requirement)
  - Purple Line construction resulting in the conveyance of 25,000 square feet of land area to the Maryland Transit Authority
  - Purple Line construction resulting in a retaining wall up to 20 feet high across the northern boundary of the Property
  - Stream restoration in southeast quadrant

As a matter of equity, the obligation to provide additional public use space should be imposed on a different, less burdened site.

- Any development of the Property will be phased with the likely first phase being the southwest corner of the Property. The imposition of public use space in this area greatly diminishes the potential yield of the first phase such that development may not be feasible. The public open space also creates inefficient building footprints.

### III. Alternative Recommendation

By virtue of the Property's size and its location fronting two right-of-ways, the Zoning Ordinance requires that in connection with the redevelopment of the Property, 10 percent of the Property (i.e. 30,373 square feet) be devoted to open space. Given this requirement, we believe it is unnecessary for the Plan to address the open space on the Property. Instead, how this 10 percent is provided can be determined at the time of redevelopment.

To the extent the Planning Board determines that a specific recommendation is needed, we recommend in place of the "large public use space" recommendation the following:

- Include meaningful public open space as part of the redevelopment plan.

In order to provide the needed flexibility associated with the redevelopment of the Property, we also recommend that the graphic on page 49 of the Plan, as well as the reference to the open space on the Park Hierarchy Diagram (page 73), be deleted. The appropriate location of the open space can be determined at the time of redevelopment, in the context of the development being proposed.

This proposed recommendation recognizes the value of public open space and at the same time recognizes the development realities and the fact that the Property is already significantly burdened with other development obligations.

### IV. Conclusion

We appreciate your consideration of this alternative recommendation and look forward to working with you and the Planning Board staff during this process.

Sincerely,



Patricia A. Harris

cc: Ms. Leslye Howerton  
Mr. Tony Greenberg



December 2, 2021

Mr. Casey Anderson, Chair  
Montgomery County Planning Board  
2425 Reddie Drive, 14th Floor  
Wheaton, Maryland 20902

**Re: Downtown Silver Spring and Adjacent Communities**

Dear Chair Anderson and Planning Board members –

Over the past 20 years, Silver Spring has grown into a major transit-oriented community, housing many diverse cultures, and a growing and unique small business retail market. Many new assets have materialized -- the new Silver Spring library, the Civic Building and Veterans Plaza, a new Recreation and Aquatic center (under construction) and the east/west Purple Line light rail (also under construction). Now it is time to plan for the next twenty years.

Sierra Club Montgomery Group supports transit-oriented development and the “15-minute living” concept, where people can access their everyday needs – schools, jobs, housing, restaurants, retail, parks and community amenities --- by walking, biking, rolling or transit.

**The plan provides many opportunities for land-use that we support:**

- Permit diverse housing types and unit sizes
- Promote mixed-income neighborhoods where exclusive single-family zoning is not a barrier to development
- Allow additional height in core downtown via flexible zoning
- Redevelop underused parking garages into mixed-use buildings. And since this is county-owned property, residential units should include 30% MPDUs to benefit more lower income households.
- Convert empty office space into residential units (this is currently happening)
- Office-to-School adaptive reuse of existing office buildings – other school districts have done this, for example Alexandria VA. (So, even if adding more housing were to increase the school population, this could serve as a remedy.)

**In terms of energy use and climate threats:**

- Solar-oriented buildings to maximize active and passive solar energy
- Stormwater management lays out goals, with some innovative treatments like combining stormwater treatment areas and pedestrian access by using permeable grid-decking in lieu of concrete sidewalks (Section 4.7.6)
- Assure innovative/integrated stormwater design as properties are redeveloped
- Prioritize urban tree canopy and green infrastructure, targeting the hottest streets
- Add new parks and open spaces; redevelop 14-acre Jesup Blair Park



**Transportation opportunities we support:**

- Dedicated Bus Lanes from SS Transit Center on Colesville Rd – all the way up to the Howard County Line!
- Dedicated Bus Lanes on Georgia Avenue -- adding BRT stations and stops
- Upgrade all bus shelters in downtown SS and provide real-time bus arrival display
- Green Loop (Central and Outer Loops), for pedestrians and bicyclists, will connect downtown to residential areas and to parks and open space thereby promoting active/healthy living

This plan outlines smart growth policies, transit-oriented development, comprehensive new bike/ped infrastructure, and methods to provide income-diverse housing for our growing population. The plan underscores preserving and adding green spaces, building an urban tree canopy, and upgrading stormwater management practices -- essential steps to cope with escalating climate change.

The Sierra Club Montgomery County Group is pleased to support the Silver Spring Downtown and Adjacent Communities Plan.

Sincerely,

Shruti Bhatnagar, Chair  
Sierra Club Montgomery County  
Shruti.bhatnagar@mdsierra.org | 240.498.3459



**Matthew M. Gordon**  
[Mgordon@sgrwlaw.com](mailto:Mgordon@sgrwlaw.com)  
Direct Dial: (301) 634-3150

December 1, 2021

**Via Email - [MCP-Chair@mncppc-mc.org](mailto:MCP-Chair@mncppc-mc.org)**

Mr. Casey Anderson, Chair  
And Members of the Planning Board  
Montgomery County Planning Board  
2425 Reedie Drive, 14<sup>th</sup> Floor  
Wheaton, MD 20902

Re: Public Hearing for the Silver Spring Downtown and Adjacent Communities Plan  
(the “Master Plan”) – Fastest Car Wash LLC’s Written Comments (*Item #8*)

Dear Chair Anderson and Planning Board Commissioners,

On behalf of Fastest Car Wash LLC (“Mr. Wash”), the owner and operator of the Mr. Wash Car Wash located at 7996 Georgia Avenue (the “Property”), we are submitting these written comments to the Public Hearing Draft of the Master Plan. We intend to supplement these written comments with oral testimony at the December 2, 2021, public hearing. As described in greater detail below, Mr. Wash supports many of the Public Hearing Draft recommendations but is respectfully requesting that the Property be recommended for up to a 4.0 FAR through the Master Plan.

By way of background, Mr. Wash is a third generation, family run business that owns and operates nine (9) car wash facilities across Maryland, Virginia, and Delaware. The Property is approximately 25,000 square feet in size and is located at the southwest corner of the intersection of Georgia Avenue and 13th Street, in the Ripley/South Silver Spring Overlay Zone (a copy of a tax map with the Property outlined in yellow is attached for your reference and use). Mr. Wash has operated its car wash in Downtown Silver Spring for nearly 20 years, and the car wash has operated at this Property for approximately 50 years. The existing car wash captures significant market demand and represents the highest and best use of the Property in the near-term. While Mr. Wash plans to continue to operate a successful car wash at the Property for the next several years, it is very much interested in the long-term opportunity for an urban, infill redevelopment that includes a mix of residential and commercial uses at the Property.

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

4416 East West Highway ■ Fourth Floor ■ Bethesda, MD 20814-4568  
Phone: (301) 986-9600 ■ Fax: (301) 986-1301 ■ Toll Free: (888) 986-9600  
[www.selzergurvitch.com](http://www.selzergurvitch.com)

As a general matter, we commend Staff's thoughtful and innovative recommendations in the Public Hearing Draft. It is clear that Staff took a fresh look at the various opportunities and strengths of Downtown Silver Spring with the goal of allowing for the creation of additional housing, public benefits and infrastructure, and economic development. To this end, we support the Public Hearing Draft's recognition that up to 125 feet of mapped building height is appropriate for the Property and that Commercial and Residential Density Values in CR zones should be equalized to allow for maximum flexibility in future redevelopment. However, more than the recommended 3.0 FAR is necessary to spur reinvestment and redevelopment of the Property in the long-term for the following reasons.

In addition to the fundamental need for redevelopment of the Property to exceed the value of the existing car wash use to support the cost and risk of urban, infill redevelopment at the Property, a 3.0 FAR does not provide sufficient density to fill-in the 125 feet of building height recommended. In order to support the recommendations for increased affordable housing (a minimum of 15% Moderately Priced Dwelling Units – "MPDUs") and that developments in the South Silver Spring Overlay Zone with ground floor retail provide at least one 1,200 square-foot or smaller retail bay, additional mapped FAR is needed to incentivize redevelopment with desirable public benefits and amenities for the community. In this respect, the Property must be mapped with a minimum of 4.0 FAR to allow for sufficient multi-family density to create a scale of economy that is comparable to nearby mixed-use residential projects. By way of example, the nearby Affinity on Georgia apartment building (8021 Georgia Avenue) was developed with closer to a 4.0 FAR and that project (while located on a larger site), is limited to 90 feet of building height. As a result, a 4.0 mapped FAR for the Property is necessary to allow for a redevelopment project with amenities and units that are market responsive. Moreover, by recommending a 4.0 FAR for the Property, the Master Plan will create additional opportunities for increased affordable housing beyond 15% MPDUs because there will be sufficient mapped density to leverage allowable bonus density and bonus height under the CR zoning for the Property.

Last, we also request that the urban design recommendations for the South Silver Spring District be revised to allow for greater flexibility. More specifically, the Public Hearing Draft provides that "[a]t 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." (Public Hearing Draft, p. 39). Given that the Public Hearing Draft recommends the creation of Design Guidelines, these specific recommendations relating to base building heights and tower step-backs are more appropriately located in such Design Guidelines. Applicants and their architects should have opportunities to come up with innovative design approaches that deviate from rigid base building height and proscribed tower step-backs. For example, it is entirely possible that a project could meet the spirit and intent of the urban design recommendations in the Public Hearing Draft by providing a three (3) or four

(4)-story base and a five (5) to ten (10) foot step-back above the base. In lieu of such prescriptive language for base building heights and tower step-backs along Georgia Avenue that may constrain urban redevelopment in the future, we suggest that the Master Plan provide broader urban design recommendations that redevelopment include a clearly differentiated base that relates to the pedestrian scale, with substantial variation in the building massing, façade, and materials to respond to the surrounding built environment. Such language would better foster creativity and design excellence and allow for redevelopment to respond to market demands.

Thank you for the opportunity to submit these written comments to the Public Hearing Draft, and we look forward to continuing to work with you and your Staff through future work sessions for the Master Plan.

Very truly yours,

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

*Matthew M. Gordon*

Matthew M. Gordon

Enclosure

cc: Gwen Wright, Planning Director  
Robert Kronenberg, Deputy Director  
Elza Hisel-McCoy, Chief, DownCounty Planning Division  
Atara Margolies, Planner Coordinator, DownCounty Planning Division  
Steve Harris, Mr. Wash

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22) CODM

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Georgia Ave

BURLINGTON

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UNIT 1A



Maryland

DEPARTMENT OF PLANNING

December 1, 2021



Casey Anderson, Chair  
Montgomery County Planning Board  
2425 Reedie Drive  
Wheaton, MD 20902

**RE: WMATA's Comments on the Silver Spring Downtown and Adjacent Communities Plan Working Draft**

To the Chair Casey Anderson and Montgomery County Planning Board Commissioners:

The Washington Metropolitan Area Transit Authority (WMATA) offers the following comments on Silver Spring Downtown and Adjacent Communities Plan Working Draft. These comments are consistent with WMATA's perspective on what most supports a robust transit-oriented development, which includes high-density, mixed-use development at and near the Metro station, connected by pedestrian and bicycle networks.

WMATA's property holdings in the planning area include: (i) the Metrorail station mezzanine, platform, and tracks, (ii) Silver Spring Transit Center, (iii) the ground area underneath the Purple Line tracks, (iv) a small portion of Bonifant Street, and (v) the ground area underneath the Purple Line tracks, and (v) the open space at the corner of the Colesville Road and Wayne Ave that is currently used as construction laydown area for the Purple Line construction. This open space is the land that is most reasonable to consider for development and is described in the Silver Spring Downtown and Adjacent Communities Plan Working Draft as the "Transit Center Development Site."

When WMATA evaluates sites for development, it considers site conditions and property constraints as well as existing and future transit facility operational requirements. For the Transit Center Development Site, WMATA has identified the following issues:

- The remaining property available for development is small with a shallow depth (roughly 100-120 feet at the narrowest sections). These dimensions make constructing an efficient building floorplate complicated and more expensive on a per square foot basis. Additional setbacks may be required from the roadway or the Purple Line tracks that will further reduce the developable area.
- There are major changes in grade between Colesville Road, Wayne Ave, and Ramsey Ave that reduce the locations available for the building lobby.
- There is limited street frontage available to support vehicular access for loading, servicing, or parking future development without impacting the operations of the Silver Spring Transit Center.
- There are additional space needs to support bus layover activity between routes. Montgomery County dropped these facilities from the original Silver Spring Transit Center design scope because of costs, but the space is still required. Previous layover space was available on Bonifant Street but was permanently removed in 2019 to support the Purple Line. Currently up to 5-10 buses layover along Colesville Road, Wayne Ave, and Ramsey Ave. Layover space on-site is preferred, where feasible, over off-site to minimize additional driving distance and operational costs during non-revenue service (also called "dead-heading").
- Any new development must not add significant traffic congestion or travel time for bus operations that could impact service reliability and customer demand.

**Washington  
Metropolitan Area  
Transit Authority**

600 Fifth Street, NW  
Washington, D.C. 20001  
202/962-1234

*By Metrorail:  
Judiciary Square-Red Line  
Gallery Place-Chinatown  
Red, Green and  
Yellow Lines*

*A District of Columbia  
Maryland and Virginia  
Transit Partnership*

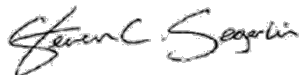
Regarding the recommendations of the Silver Spring Downtown and Adjacent Communities Plan Working Draft, WMATA agrees with the following proposals.

- Creating a world-class destination and experience for all users of the Silver Spring Transit Center and enhancing the pedestrian experience from the Silver Spring Transit Center to the surrounding Districts. WMATA and Montgomery County should collaborate on the charrette and design competition to supporting the visioning for this objective.
- Designing a signature building at the Transit Center Development Site that is a landmark for Silver Spring.
- Activating the corner of Colesville Road and Wayne Ave to enhance the station area's character as the center of a growing urban area.
- Not requiring parking on the Transit Center Development Site and suggesting a shared approach to private parking, loading, or servicing with the possible redevelopment County Parking Garage site. This approach may be critical to resolve the site access constraints and the bus layover space needs.
- Prioritizing open space that may be provided underneath the purple line tracks to preserve the land available for development.

In addition to these ideas, WMATA recommends that the Planning Board also consider the following opportunities to maximize the feasibility of a project at the Transit Center Development Site.

- Proposing the inclusion of a civic or public use for the Transit Center Development Site such as a cultural institution or government office. These tenants can complement private uses and make the development opportunity more attractive to the private sector. They would also help to activate the ground-floor frontages along Colesville Road and Wayne Ave that are at a much lower grade than Ramsey Ave. The space behind the storefronts of these lower floors would be more difficult to lease as commercial or residential space because the building will be constructed into a hillside. The ground-floor could also be used as an on-site bus layover facility.
- Increasing the maximum height allowances for the Transit Center Development Site from 200 feet to match or exceed the surrounding properties (240 feet). This approach will communicate to the private sector the Working Draft's vision and recommendation that this publicly owned site shall become a landmark building for Silver Spring and merits a different treatment than other properties.
- Conducting a financial impact analysis of the recommendation to exclude "Transit Proximity" or "Structured Parking" from the list of public benefits available for projects pursuing the optional development method and the requirement for financial contributions to the Connectivity and Infrastructure Fund (CIF) under the Building Height Incentive Zone (BHIZ). These additional conditions may make pursuing the maximum building height and density prohibitive on the small Transit Center Development Site since the average development costs per square foot will increase with each additional story as the building's core expands, reducing project feasibility.

If you have any questions or require clarification on any responses, please contact me by email at [scsegerlin@wmata.com](mailto:scsegerlin@wmata.com) or by phone at 202-962-5062.



Steven Segerlin  
Program Manager, Real Estate & Station Area Planning  
Office of Real Estate & Parking



November 30, 2021

The Honorable Casey Anderson, Chairman  
Montgomery County Planning Board  
2425 Reedie Drive, 14th Floor  
Wheaton, MD 20902

Re: Written Testimony - Silver Spring Downtown and Adjacent Communities Plan

Dear Chairman Anderson,

On behalf of the Montgomery County Food Council (Food Council), I would like to thank you and the Planning Board Members for considering community perspectives on the Silver Spring Downtown and Adjacent Communities Plan (SSDAC). The Food Council submits testimony today to thank Planning Commission Staff for the inclusion of specific food security goals and recommendations under the *Resilient Downtown* section (4.7.8), in addition to other sections of the Plan.

In particular, we applaud the food system issues specifically addressed in the draft plan, including the importance of: retaining identified existing retail food access points such as full-service grocery stores and farmers markets; expanding community garden space in Fenton Village; intentionally aligning vision for a new urban park with nearby food services establishments; prioritizing innovative use of available urban space for agricultural activities; and supporting outdoor eateries.

Other plan recommendations can be strengthened by applying a food-systems lens, such as connecting bus frequency and route stops to food access, defining community garden use as a priority for parkland, and identifying food businesses specifically as a large percentage of small business storefronts, retail renters, and employers. We would also like to call attention to the unacknowledged impact that several sections of the SSDAC plan, such as 4.1 Land Use and Zoning, 4.3 Economic Growth and Resiliency, 4.5 Parks, Trails and Public Spaces, and 4.6 Transportation, have on our food system and, as a result, the health of local residents. In addition, we would like to highlight newly-developed resources and tools that planners may use to incorporate food system considerations more comprehensively into planning efforts.

The Montgomery County government, with support and leadership from the Food Council, created the [Montgomery County Food Security Plan](#) in 2017. The five-year strategic plan

envisioning Montgomery County as a community in which all people at all times have access to safe, sufficient, nutritious food, with dignity. As noted in the plan, stakeholders and County agencies agreed on the importance of establishing Health in All Policies as an overarching strategy to support the health of all residents, but particularly residents facing structural and historic inequities. The Centers for Disease Control and Prevention [defines](#) Health in All Policies as “a collaborative approach that integrates and articulates health considerations into policymaking across sectors to improve the health of all communities and people”. The planning we do now can either support improved health for all residents, or make it even more difficult to achieve in future years.

The food system encompasses food production, distribution, access, consumption and disposal / recycling. It is interwoven into the daily life of Montgomery County residents, so issues such as reliable access to healthy food have an outsized impact on population health. Diet-related diseases, like diabetes and heart disease, account for [six of the top ten](#) pre-COVID causes of death in Montgomery County. Those same diseases are comorbidities for severe cases of life-threatening infectious diseases such as influenza and COVID-19. The prevalence of diet-related disease is higher in Black and Latino/x residents than white residents, with historic and persistent inequities being one major contributing factor. Overall, these preventable, diet-related chronic diseases affect [over 50% of Americans and make up over 85% of all healthcare costs](#).

The Planning Board works to maintain and improve quality of life in our community. Although the food system plays a major role in residents' health and quality of life, related goals and recommendations make up less than one full page in the SSDAC Plan. With intentional visioning and incentivization, Montgomery County can succeed in becoming a food resilient community. There are tools that planners can use to develop a more equitable, just, and sustainable food system. A recent [report from the Healthy Food Policy Project](#) was led by an AICP-certified community planner and highlights the effects of planning on our food system, as well as tools and examples to incorporate food systems more intentionally into planning processes, including:

- **Incentive zoning:** Urban Agriculture Incentive Zones allow owners of vacant, unimproved and blighted land to grow and sell agricultural products in exchange for a reduction in property taxes.
- **Overlay districting:** Healthy Neighborhoods Overlay ordinances can create spacing requirements for retail such as dollar stores, and supplement the overlay with a reduction of parking requirements for prospective healthy retail.

Based on the above factors, the Food Council recommends the following for inclusion in the SSDAC plan:

Increase access to local affordable food in all zones (markets, grocery stores, etc.) through specific actions identified in the [Montgomery County Food Security Plan](#) (FSP), such as:

- Enable access to nutritious food and include provisions for multiple food access points at which culturally-appropriate, affordable, and nutritious food options are available and accessible via public transportation for those unable to walk or bike
- Align recommendations with the 2017 Retail Trends Study and support the establishment of healthy corner stores, farmers markets, and other access points for federal benefits usage
- Conduct Analysis of RideOn Service on Weekends in Food Security Plan's Target Areas (FSP Recommendation 1.3)
- Continued Research on Montgomery County populations experiencing food insecurity (FSP Recommendation 1.6)
- Increase local capacity for the production of culturally appropriate foods, through increased opportunities for community gardening and agriculture efforts (as noted in FSP Recommendation 3.4)

#### Support Agriculture:

- Allow urban agriculture and associated businesses on vacant lots, underutilized land, and parking areas with landowner agreements. For example: vacant lot use could be made more accessible through an Adopt-a-Lot program and toolkit; Parking lots, public property, and open space for food related events and uses could be allowed
- Remove obstacles to urban agriculture activities and support land access for local agricultural initiatives such as community farms, food farms, commercial food kitchens, food processing, rooftop farms, food forests, community gardens and micro plots, green houses and hoop houses, farmers markets, [food carts](#) and stalls, etc.
- Maximize opportunities for food production on sites eligible for property tax credits under the Urban Agriculture Tax Credit
- Support zoning that allows agricultural and agricultural related land uses on the Montgomery County College campus
- Support equitable, long-term, and affordable land and resource access for local food production by farmers, residents, and community groups.

#### Support the Environment:

- Explore and implement food waste composting infrastructure within the County's borders, to bring us closer to meeting the County's Zero Waste goals.
- Support onsite community composting and education hubs and necessary regulatory changes needed.
- Support use of compost for soil health and carbon sequestration.

#### Support the Local Food Economy:

- Allow temporary retail (carts, trucks, etc) outside businesses and residences in designated areas
- Increase access to licensed and shared-use kitchen space, cut and wash facilities, processing equipment for farm product, aggregation and distribution infrastructure, and storage for food entrepreneurs
- Encourage affordable leasing, low-interest loans, infrastructure investment, and/or operational supports (such as urban loading and deliveries) to maintain the economic viability of food retail establishments that promote convenient, healthy, affordable and culturally appropriate\* food options for residents in walkable or transit-accessible locations.

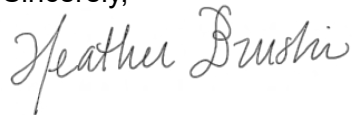
- Promote procurement and utilization of local foods in County owned and/or operated facilities.

Supporting Local Food Assistance Resources:

- Leverage Montgomery County Planning and other government GIS and data analysis expertise to map out healthy food access priority areas in the County
- Work with County Council and community stakeholders to identify and address restrictive zoning ordinances that limit small businesses from opening a corner store in healthy food access priority areas
- Further encourage the growth of urban and community gardening, as well as residential agriculture, to bolster a sustainable, nutritious and culturally appropriate local food supply. Every Silver Spring resident should live within a fifteen minute walk of a community garden.

Again, thank you for including food access goals and recommendations in the SSDAC Plan. We believe this is an excellent opportunity to create equitable communities that reflect our shared values, including access to affordable, culturally appropriate food. We look forward to engaging with Planning Board Members and Planning Commission Staff on more comprehensive strategies for food system inclusion in this and future community plans. Thank you for considering this testimony and for your leadership in cultivating a sustainable, robust, and equitable food system in Montgomery County.

Sincerely,

A handwritten signature in cursive script that reads "Heather Bruskin".

Heather Bruskin,  
Executive Director, Montgomery County Food Council