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Kensington, MD

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TO: Montgomery County Council

FROM: Donna R. Savage

RE: **ZTA 20-07, Missing Middle Housing: testimony for 2/11/21 public hearing**

My name is Donna R. Savage and I live in Kensington Heights. Approximately half of our neighborhood of 800 homes would be affected by this ZTA, as many of us, myself included, live within a 1-mile radius of the Wheaton Metrorail station. I speak here only for myself, but please note that I am a former president, vice president, and land use chair for the Kensington Heights Civic Association.

I am in favor of a sound strategic planning process for advancing more housing in our County. Although it is likely that I will not live long enough to see the full impact of such a proposal, I believe it is my responsibility as a Montgomery County resident to ensure that whatever housing proposal moves forward is evidence-based and as fair as possible.

Summary Recommendation Based on This Testimony

ZTA 20-07 should not be passed by the Council. Its concept should be studied and brought back to the Planning Board and Council after much additional research and public consultation, and not as a zoning text amendment. My primary concerns are enumerated below.

Process and Planning Concerns

1. ZTAs drafted outside the full planning process are appropriate only for minor zoning changes, not for major alterations to the zoning code such as proposed in ZTA 20-07.
2. Any zoning changes should await completion of Thrive Montgomery 2050.
3. This proposal negates some of the carefully crafted objectives of master and sector plans. For example, from the Wheaton Sector Plan p. 35, this paragraph: “The heights and densities decrease closer to the single-family residential communities surrounding Wheaton’s commercial areas and ***no change in zoning is recommended for the developed low-density stable residential communities that surround the more dense central areas.***”
ZTA 20-07 would violate this recommendation – and the expectations of the relevant residents.

4. Because increased population density is a major result of this proposed change, the ability of public facilities, streets, etc. to handle the additional density should be studied and reported before the density increase is allowed.
5. A full review by a myriad of stakeholders should take place prior to implementing any such program.
6. “Best practices” should be studied extensively; we can learn much from cities and municipalities that have already implemented MMH. Locally, Arlington has been studying MMH extensively; see what they’ve done here: <https://housing.arlingtonva.us/missingmiddle/documents/> We could borrow many good ideas from Arlington and others.

Specific Concerns

1-mile distance. How was the 1-mile radius from Metrorail stations determined? For example, several years ago our Kensington Heights Civic Association was negotiating with the Planning Department and a developer regarding the zoning of “Outlot B” in the NW corner of our neighborhood. We were told that a ½-mile radius from the Wheaton Metro station, which was the distance from the closest corner of this 3-acre lot, was considered walkable distance to Metrorail and therefore all of Outlot B should be considered for more-dense zoning. Most people will **not** walk a mile to Metrorail for work or for a pleasure trip. This 1-mile radius is not a reasonable measure and should be changed to no more than ½ mile.

Other residential zones. If this concept is implemented, it should include properties within [whatever] distance from transit stations in R-60 and R-90 zones, and maybe R-40 and R-200 zones as well.

Other types of transit stations. If this concept is implemented, it should not be limited to Metrorail stations. It should include neighborhoods near Purple Line stations, MARC stations, and BRT routes – or should state specifically and logically why such neighborhoods are excluded.

Density cap. If this concept is implemented, location and quantity of MMH should be limited within single-family-zoned neighborhoods, for reasons of compatibility, infrastructure, and parking.

Site plan and/or design review. A property proposed for MMH building should include some sort of public review process, e.g., site plan and design reviews. The reason is obvious.

Land ownership. For MMH properties, who would own the land? If condos, common ownership? If rentals, owner/property manager?

Increase in affordable/attainable housing? Will we really achieve this goal with this MMH proposal? Studies should be cited that show that increasing the amount of housing within 1 mile of transit stations will help us reach the goal of additional housing that is affordable, if such studies exist. The few studies I have seen do not show this result. The real estate in Montgomery County close to Metrorail stations is extremely

expensive; therefore, MMH units, however small, are unlikely to be affordable, even for middle class people. Such units might be less costly than single-family homes, but not necessarily more attainable or affordable.

Compatibility. This proposal not only would allow duplexes and triplexes, but also quadplexes, apartment buildings, and courtyard cottages – anywhere within a residential zone that is within 1 mile of a Metrorail station. This radical change is simply not acceptable to me, should not be acceptable to the County Council, and I am certain will not be acceptable to nearly all residents so affected.

Is MMH really needed? Further study will ferret out the answer, but meanwhile let me offer our Kensington Heights neighborhood as an example. Many of our 800 homes are within 1 mile of the Wheaton Metrorail station. We have a fairly wide variety of homes – post-WWII starter homes of 900 square feet, townhomes (10 on my block), new luxury builds & rebuilds, older homes of varying sizes, and the (updated) 1800s farmhouse for this area. Approximately 25% are rentals (4/18 on my block). We have lot sizes that range from 4,000 square feet to nearly an acre, with the mean being approximately 7,200 square feet. Zoning is primarily R-60 with some townhome zoning as well. We have a diversity of residents – by age, race, ethnicity, income, and employment. Let’s prove we need MMH by studying the specific areas in which it would be implemented.

Recommendations Based on This Testimony

The County Council should not approve ZTA 20-07. Significant further study and research are needed. The report of the Planning Staff comes to this same conclusion.

The County Council should discuss the basic merits and underlying goals of this ZTA and, if the Council believes MMH in general is worthy of further study, should set up a method to study it and establish a reasonable (multi-year) timeline to refine this proposal to include significant public input and then bring it to the Planning Board and the County Council – and not as a zoning text amendment.

The motives behind this ZTA are laudable, but this ZTA as proposed is “not ready for prime time.” I hope the Council will support full research and public engagement before allowing such significant zoning-definition changes, and before countenancing changes that would run roughshod over the lifetime investments of thousands of County homeowners.

Thank you for this opportunity to express my views about ZTA 20-07.