

February 16, 2022

Michael Gurwitz  
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Montgomery County Council  
Rockville, Maryland

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

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

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

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

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

### Trees Provide Invaluable Environmental Benefits

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

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

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

According to an NPR report dated June 23, 2021:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I appreciate the opportunity to provide you with this testimony.

Yours truly,

/s/

Michael Gurwitz

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