

**WILLIAM KOMINERS, Esquire  
3 Bethesda Metro Center, Suite 800  
Bethesda, MD 20814**

March 1, 2011

House Environmental Matters Committee  
House Office Building, Room 251  
6 Bladen Street  
Annapolis, MD 21401

Dear Chair McIntosh and Members of the Committee:

Please accept this letter of support for House Bill 948 ("HB 948"), which is currently scheduled for hearing before the House Environmental Matters Committee on March 3, 2011.

HB 948 proposes significant new land use tools for use by Maryland's local jurisdictions. These new tools provide a means to promote the State's sustainability objectives while supporting local planning and development authority. The tools proposed by this legislation will assist local jurisdictions in maximizing utilization of public investments, and assist the private sector in implementing Smart Growth solutions—such as transit-oriented development and the promotion of multiple transit modes—at appropriate, primarily infill, locations throughout the State.

The Bill recognizes that land located within walking distance of public transportation has inchoate ability to contribute towards the State's sustainability objectives. Only by tapping that potential, by intensifying the uses made of such land, can the pressures that give rise to "sprawl" development be reduced. More specifically, HB 948 provides jurisdictions with the authority to designate areas adjacent to railroad stations, Metro stations and light rail stations as "State Rail Station Overlay Districts" ("SRSOD"). (See Section 9.02). Within SRSODs, taller, more vertical development is encouraged in order to increase the density of, and activity within, such areas. As a result, SRSODs will provide local jurisdictions with a means of promoting and implementing better use of existing transportation infrastructure. Furthermore, SRSODs can accomplish this result without substantially increasing the footprint of infill development or the net amount of impervious surfaces. Likewise, new expenditures for road improvements would be reduced (from what might otherwise be required for more spread out development in exurban locations). By allowing localities to tap the vertical

potential more fully, the ground plane can continue to provide opportunities for open, urban places, and community activities.

The importance of SRSODs as a tool for local jurisdictions to ensure maximum returns on the billions of public dollars invested in rail transportation cannot be overstated. Because ridership must be sufficiently high to make rail transportation cost-effective, local governments must have sufficient flexibility to address situations where zoning regulations otherwise operate to limit the number of potential departures or destinations (and, hence, the number of potential riders visiting such destinations or departing their homes) that can be accommodated in the vicinity of rail stations. HB 948 provides the needed flexibility by allowing jurisdictions to respond to local conditions on a case-by-case basis, adjusting the development potential of land located near transit improvements as necessary to stimulate and encourage maximum transit use.

At the same time, HB 948 allows the SRSODs to be treated as a unified whole, following a uniform set of rules. This contrasts with the normal patchwork of different zones and standards that cause properties to compete with each other for private sector attention. With the SRSOD, the whole of the unified area can compliment its parts.

In addition to the foregoing physical benefits, SRSODs provide important new means of public infrastructure and amenity financing, and also create markets for new transferrable development rights. Both the public and the private sectors will be able to engage these opportunities as market participants. By allowing for these additional mechanisms within SRSODs, HB 948 will provide local governments with a more expansive and comprehensive toolkit for promoting and supporting infill redevelopment. At the same time, the Bill will make that infill development more attractive, economic, and supportive of the significant infrastructure investments already made—and of those necessary to be made in the future. Such measures will be of primary value in areas where the status quo, operating under more limiting local zoning rules and regulations, fails to embrace the kinds of near-term urban transformations that are required for long-term sustainability.

For all of the above reasons, I encourage the adoption of HB 948. I look forward to your discussion of this important legislation.

Very truly yours,

A handwritten signature in black ink that reads "William Kominers". The signature is written in a cursive, slightly slanted style.

William Kominers

cc: Mr. Jay Hellman

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