



February 26, 2024

The Honorable Brian J. Feldman, Chair
Education, Energy, and the Environment Committee
Miller Senate Office Building, 2 West
Annapolis, MD 21401

Oppose: SB 1088 – Environment – Public Participation in the Permitting Process

Dear, Chair Feldman and Committee Members:

On behalf of the NAIOP Maryland Chapters representing seven hundred companies involved in all aspects of commercial, industrial, and mixed-use real estate I am writing in opposition to SB 1088.

This bill makes changes to the review of environmental permits in locations that have an EJ Score in the 75th percentile or higher. NAIOP is concerned that the bill will be a disincentive to beneficial redevelopment in Environmental Justice Districts and that the selection criteria will apply the bill's provisions broadly to areas that may not be intended.

The rationale for NAIOP's opposition includes the following:

- The land area indicated as scoring in 75th percentile or higher in the EJ Screening Tool coincides with designated Priority Funding Areas and Transit Oriented Development Areas. Areas mapped as being in the 75th to 100th percentile include most of the City of Baltimore, Odenton Town Center, Columbia Gateway Innovation District, Columbia Wilde Lake as well as important redevelopment sites such as the Lake Forest Mall near Gaithersburg. Designated Transit Oriented Development Areas at New Carrollton, Greenbelt, Naylor Road, Branch Avenue, Savage, Odenton, Westport, State Center, and Reisterstown Plaza are in locations that the EJ Screening Tool scores are being in the 75th percentile or higher. Purple Line stations at New Carrollton, Annapolis Road / Glenridge, Beacon Heights, Riverdale Park, U of M East Campus, U of M Campus Center, Riggs Road, Piney Branch Road, Silver Spring Library, Woodside / 16th Street are mapped in the 75th percentile by the EJ Screening Tool. These results indicate to us that the EJ Screening Tool should be utilized in conjunction with local land use plans to ensure coordination and reduce inconsistent decision making at the state and local levels.
- The scope of permits covered by the bill is broad. Its provisions apply to almost all air and water discharge permits regardless of intensity. The bill covers activities like waste-water treatment plants and hazardous waste facilities as well as minor activities like stormwater management on development sites, restaurant grills, heating boilers, backup power generators. On balance we believe that redevelopment is a catalyst for positive economic and environmental change bringing housing, commercial amenities, and improved quality of life. Because it applies to permits regardless of the intensity of use, SB 1088 will serve as a disincentive to commercial and residential redevelopment projects in underserved and overburdened communities.
- Intervention should happen earlier than at permit application. The bill does allow appeals of local zoning and comprehensive plans designation, but it does not address the role those documents

have in determining land use in underserved and overburdened communities. Evaluating the suitability of a zoned land use should be done earlier in the land use planning process than is proposed. Raising fundamental issues of suitability at the permit application stage makes it more difficult to achieve desired outcomes related to both environmental justice and redevelopment goals. Local land use plans are required to include sensitive areas elements that inform decisions about zoning and permitted land uses in environmentally sensitive areas, Environmental Justice considerations could be incorporated in a similar fashion.

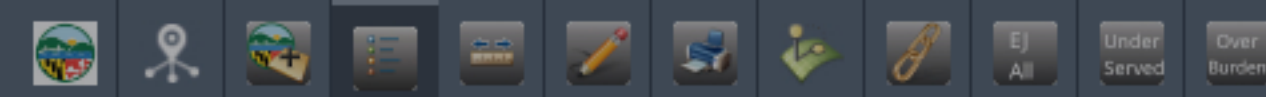
For these reasons NAIOP respectfully requests your unfavorable report on SB 1088

Sincerely,

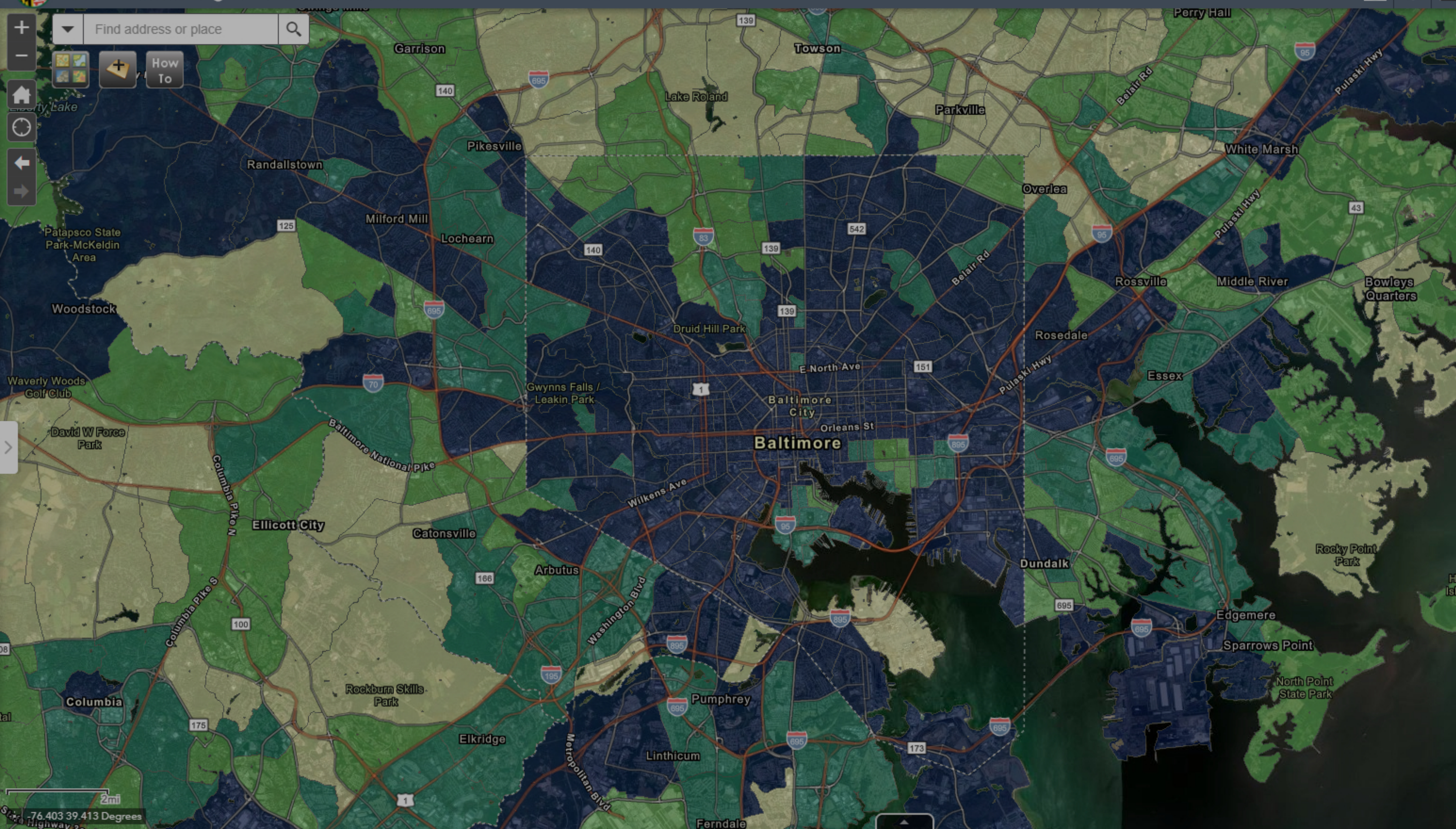
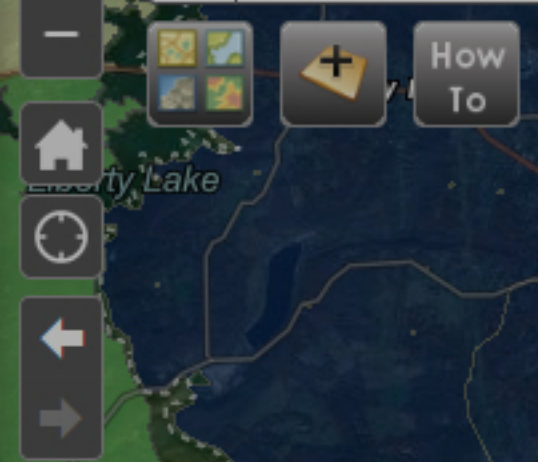
A handwritten signature in blue ink, appearing to read "T.M. Ballentine", with a horizontal line extending to the right.

Tom Ballentine, Vice President for Policy
NAIOP – Maryland Chapters, *The Association for Commercial Real Estate*

cc: Education, Energy, and the Environment Committee Members
Manis – Manis, Canning Assoc.



Find address or place



Legend

MDE_EJ_Score_All

MDE Final EJ Score (%ile score)

- 0% - 24.9th %ile
- 25% - 49.9th %ile
- 50% - 74.9th %ile
- 75% - 100th %ile

2mi
-76.403 39.413 Degrees



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How To

Map navigation controls: Home, Back, Forward, Refresh, etc.



Legend

MDE_EJ_Score_All

MDE Final EJ Score (%ile score)

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- 25% - 49.9th %ile
- 50% - 74.9th %ile
- 75% - 100th %ile



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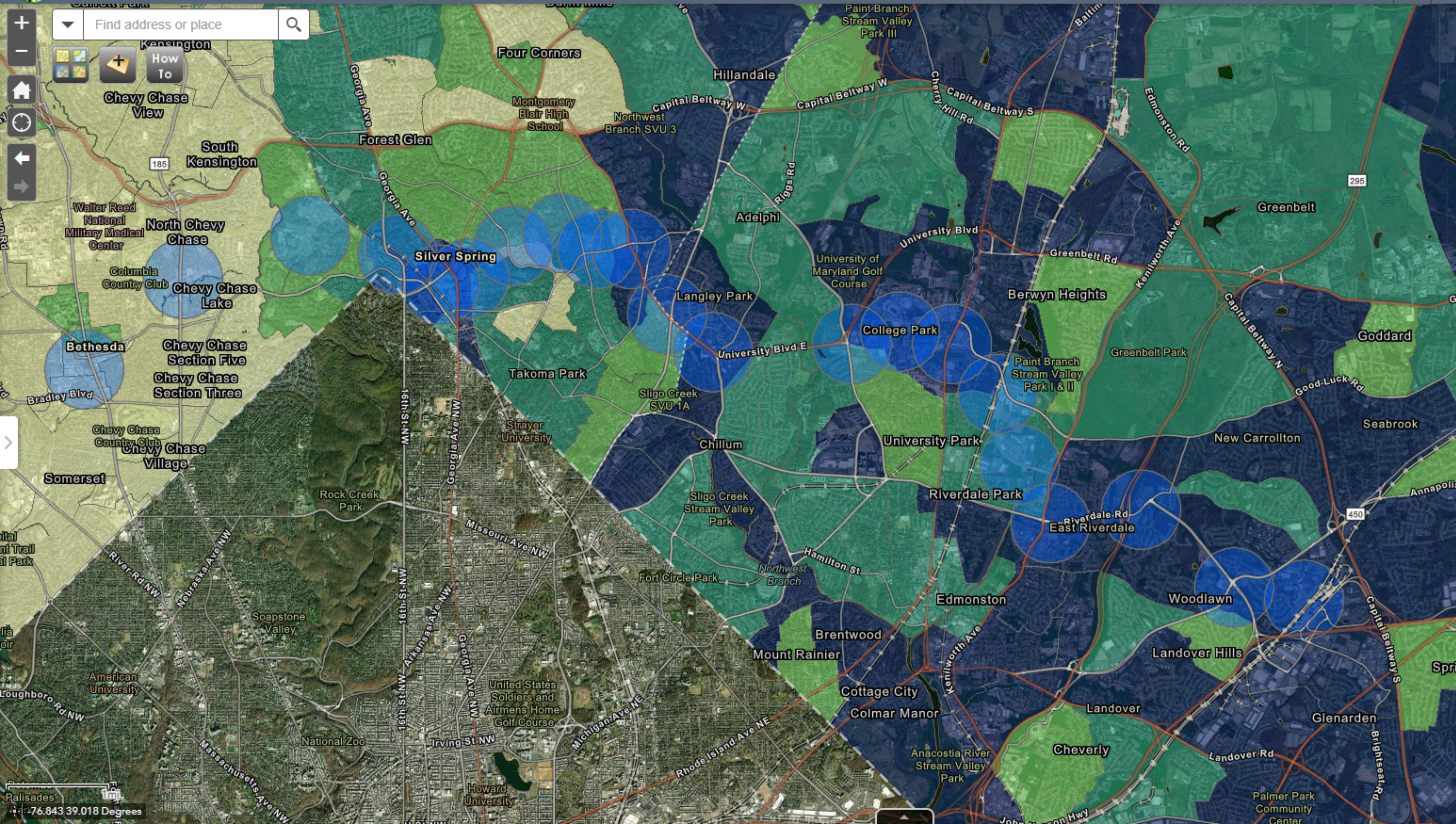
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MDE Final EJ Score (%ile score)

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- 50% - 74.9th %ile
- 75% - 100th %ile

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Legend

Purple Line Station Half Mile Buffers - Purple_Line_Stations_Half_Mile_Buffer

MDE_EJ_Score_All

MDE Final EJ Score (%ile score)

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- 25% - 49.9th %ile
- 50% - 74.9th %ile
- 75% - 100th %ile