

# **CSG Testimony on HB 819 “Montgomery County - Off S**

Uploaded by: Carrie Kisicki

Position: FAV

March 28, 2023

**Committee:** Senate Judicial Proceedings Committee

**Testimony on:** HB 819, “Montgomery County - Off Street Parking Requirements Near Mass Transit Stations MC/PG 106-23”

**Position:** Support

**Hearing Date:** March 29, 2023

Dear Chair Smith and Committee Members,

My name is Carrie Kisicki and I am speaking on behalf of the Coalition for Smarter Growth in support of HB 819 to eliminate parking requirements within a quarter-mile radius of Metro and Purple Line stations in Montgomery County.

This bill will support increased development of affordable housing near transit in our county and will help Montgomery County reach our climate goals by creating opportunities for more people to live car-free and car-lite lifestyles.

In the Thrive 2050 General Plan, Montgomery County committed to reducing vehicle miles traveled and increasing non-auto-driver mode share. We decided to move away from decades of policies that favored investments in cars over people. These policies have imposed a disproportionate share of pollution and health risks, injuries and deaths on our roads, and inadequate access to public transit on low-income communities and people of color.

With Thrive, we recognized that eliminating parking requirements near transit is not only an essential tool for moving *away* from car dependence and *towards* our equity and climate goals, but also for building more of the housing that our county desperately needs.

Thrive states that reducing the supply of parking and eliminating minimum parking requirements for new developments will promote mixed-use development, improve pedestrian-friendly design, and perhaps most critically, *reduce the cost of development*. That means more units for more people, and more opportunities to build affordable units in high-amenity, transit-oriented communities where affordable units are most lacking today.

This bill is smart climate and housing policy—and it would be enough to support it for that reason. But even more than that, it is an opportunity to advance the housing, climate, and equity goals Montgomery County has already set for itself. Over and over again, what I hear from

community members, advocates, and members of the Council is that we need more affordable housing, and especially affordable housing near transit, *now*, and that we cannot afford to keep making excuses about why now is not the right time to do it.

This bill is a chance to meet the urgency of the climate crisis and housing crisis with the action that we know they deserve. For this reason, we ask that the committee support this bill and take a step towards building the transit-oriented, affordable housing that we need in Montgomery County.

# **Mike English Testimony in support of HB819 - Googl**

Uploaded by: Michael English

Position: FAV

Testimony in support of HB 819

## Off-Street Parking Requirements Near Mass Transit Stations

Hello,

I am writing to provide my writing testimony in support of HB 819 Delegate David Moon's bill to reform parking requirements near transit. The bill would prevent Montgomery County from enforcing any law that requires the creation of new off-street parking for a residential development that is located near a current or planned Metro or Purple Line station.

This bill is a simple, but important step, in addressing rising housing costs in our region for a basic reason. Requiring parking adds to the cost of developing housing, and requires space that could go to additional housing instead go to parking spaces that may or may not be needed, both of which further increase already high housing prices.

It also passed the house unanimously, and I look forward to this straightforward, common sense bill receiving similar treatment in the senate.

I understand the Montgomery County Planning board expressed it's opposition, but, as much as I respect the planning board and staff, that stance shows \*exactly\* why we need this reform, and is not an effective argument against it

Local control is not progressive, just like "States rights" are not progressive in opposition to good federal reforms. We got our housing crisis because we defer too much to local people and authorities that like things the way they are, and are focused on a small scale, however good their intentions. Deferring to "local control" for its own sake, and not on the merits of the bill, is the best way to perpetuate the status quo of expensive, exclusionary housing.

If you want to support that problem, go ahead and vote against this bill, but I hope that is not your goal here.

To be clear, banning the enforcement of parking minimums does not ban the \*parking\*. Developers and property owners will still be able to provide parking if they feel it is needed at a site. This reform would simply allow them the flexibility to allow less than current minimums. . Further, since the bill is limited to properties near rail transit, where less parking is needed, and artificially inflating parking, as current standards do, makes the area more car dependent than it would otherwise be. That's bad for traffic, the environment, pedestrian safety, economic development, and any number of other issues that the county needs to make strides on.

You will hear complaints that there won't be enough parking. Again, parking can still be provided, this just eliminates an artificial floor.

You will hear complaints that this usurps local control. To be honest, this concern doesn't bother me very much. Housing policy in general has suffered too long by a focus on deferring to the interests of those that have already cleared the economic hurdles to living in an area. Shaking that up a bit in this modest way is a good thing, not a bad thing. It is inherently conservative to defer to local authority over state authority for its own sake, just like it is inherently conservative to defer to state over federal power for its own sake. We should do progressive things, not defer to hyper local, often status quo defending mindsets.

We wouldn't even be the first place to do this. California, further along in the same housing shortage we face here, recently passed a bill that would eliminate parking minimums (while again, still allowing parking) within a half mile of transit, in part because developers noted that it can cost tens of thousands of dollars for each parking space, and parking requirements have forced them to build fewer homes than they otherwise could, or avoid building homes altogether ([California to ban parking minimums near transit - Los Angeles Times \(latimes.com\)](https://www.latimes.com)).

This bill isn't revolutionary. It's a common sense first step towards making housing near transit more walkable, more abundant, and more affordable. Please support it.

As a side note, I encourage you to once again allow virtual testimony. I am thankful for this written option, but I am not sure I will be able to attend tomorrow in person, and this is a needless barrier to participation that not all have the same ability to overcome.

Thank you for your time and attention. Vote for the bill. We need it.

Mike English  
8005 13th Street,  
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Silver Spring, MD  
20910

# **HB819 MC OffStreet Parking\_FINAL.pdf**

Uploaded by: Jordan BaucumColbert

Position: UNF



## POSITION STATEMENT

**Bill:** HB 819- Montgomery County – Off–Street Parking Requirements Near Mass Transit Stations (MC/PG 106–23)

**Position:** OPPOSE

**Contact:** Debra Borden, General Counsel  
Jordan Baucum Colbert, Government Affairs Liaison

**Date:** March 23, 2023

Dear Chair William C. Smith Jr. and Vice Chair Jeff Waldstreicher,

The Maryland-National Capital Park and Planning Commission (the “Commission”) opposes this bill, but does not oppose the underlying policy of minimizing required parking near transit stations. The Commission respectfully requests the Judicial Proceedings Committee to consider our position and the information below and include it in the record.

**What this Bill Does:** This bill prohibits the Montgomery County District Council from adopting or enforcing a local law that requires the creation of new off–street parking for a residential development that is located within a certain distance of a present or planned Metro or Purple Line station; and generally relating to requirements for off–street parking for developments in Montgomery County.

**Overrides Current Local Land Use Laws:** In Montgomery County, land use is subject to local zoning laws that determine how the land can be used and what public facilities and amenities are needed to provide service to the community. The Montgomery County Council, sitting as the District Council (the “Council”), is the final legislative authority on land use matters. The Commission’s Montgomery County Planning Board (“the Planning Board”), along with various Montgomery County Government Executive agencies, implement and enforce zoning conformance. Zoning determines the land use, lot size, building height, and setbacks for property.

Over the years, with the assistance of the Montgomery County Planning Department, the Council has enacted updates to the County’s Zoning Ordinance in an effort to modernize antiquated, redundant zoning regulations, and create new tools to help achieve the County’s goals. The current of Zoning Ordinance regulation is complex, but it is a direct result of years of public debate and technical analysis by planning staff. Therefore, it is important for this Committee to consider that adding layers of ambiguous language and complexity will probably lead to unintended consequences.

**Ambiguous Terms:** The bill currently indicates “the District Council may not adopt or enforce a local law that requires the creation of new off-street parking or residential development that is located within a 0.25-mile radius of a present or planning metro or purple line station.” If enacted, this bill may



create a gap in interpretation for developers and future projects within the Montgomery County. Since the Planning Board as part of its regulatory decision-making for residential projects may require a certain amount of parking, this bill makes no reference to or clarification on how the new law, if enacted would impact the Planning Board's role. Under current the law, the Planning Board implements the Zoning Ordinance by considering development applications. One of the first steps in the development process involves the subdivision of land which is governed by the County's Subdivision Regulations (Chapter 50 adopted under Section 23- 104 of the land use article). The subdivision process is the province of the Planning Board, so this bill represents a potential conflict between the Subdivision Regulations and the Zoning Ordinance.

Additionally, there are three categories of residential uses in the code, household living, group living, and accessory residential uses. Group residential uses can be senior housing or large residential care facilities. As drafted, this bill applies the term residential uses without delineation, however some residential uses are more comparable to, and resemble closely, commercial enterprises. The other issue is not every Metro/Purple Line Station is similarly situated in terms of off-street parking. The County has a number of stations that are in fact surrounded by residential development, and some that do not have appropriate off-street parking alternatives, at least not currently. Furthermore, some of the County's Transit-Oriented Development (TOD) areas near Metro and Purple Line Stations are already served by Parking Districts. In these areas, developers are charged a parking tax, and in exchange, their projects **are already exempt** from providing minimum off-street parking that is otherwise required. This bill simply takes no notice of these nuances. If this bill passes will the parking tax be enforceable in those areas? None of these issues are addressed in the bill.

**Uncertainty is never a good thing for land development.** This bill simply takes no notice of the nuances described above. In the absence of an in-depth technical review of the impact of the bill, there's no telling what the consequences will be for the development process in the County.

While the Planning Board and Planning Department have generally supported the policy of minimizing parking requirements near transit, the implementation of this policy should take the myriad of impacts into account and for this reason, these tools are ideally crafted at the local level in consultation with all stakeholders. We are happy to work with the sponsor and the Council to address his specific concerns going forward.

**HB 819 - MoCo\_Elrich\_OPP\_ Senate (GA 23).pdf**

Uploaded by: Marc Elrich

Position: UNF



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich  
County Executive

March 29, 2023

TO: The Honorable William C. Smith, Jr.  
Chair, Judicial Proceedings Committee

FROM: Marc Elrich  
County Executive

RE: House Bill 819, *Montgomery County – Off-Street Parking Requirements Near Mass Transit Stations MC/PG 106-23*  
OPPOSE

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I am writing to express my opposition to House Bill 819, *Montgomery County – Off-Street Parking Requirements Near Mass Transit Stations MC/PG 106-23*. This bill prohibits the Montgomery County Council, sitting as District Council, from adopting or enforcing a local law that requires the creation of new off-street parking for a residential development that is located within a 0.25 radius of a present or planned Metro or Purple Line Station.

I strongly support the policy goal reflected in this bill to minimize parking near transit stations. However, I oppose this bill because it intrudes on local autonomy over land use and zoning matters, which are core functions of local government. Montgomery County's current land use and zoning laws are the result of decades of public debate and technical analyses conducted by the County Executive, County Council, and Montgomery County Planning Board and their respective staff. The type of change requested in this bill should be considered at the local level with sufficient time to obtain necessary input from all community stakeholders and to conduct appropriate staff analyses on community impacts. Without this type of due diligence at the local level, I am concerned that the specific policy change reflected in this bill could have negative unintended consequences that are not possible to fully comprehend at this stage.

I respectfully request that the Judicial Proceedings Committee give this bill an unfavorable report and allow decisions about off-street parking for residential areas near Metro and Purple Line stations to be made at the County level.