Bill: HB1137

Bill Title: Land Use - Multifamily Developments and Mixed-Use Developments - Authorization (Bring Back Main Street Act)

Position: **Favorable with Amendments**

Members of the House Economic Matters Committee,

As a group which believes that encouraging traditional, higher-density development patterns in Maryland will deliver us appealing, affordable, fiscally-sustainable communities, we support HB1137.

For centuries of human development, there was no concept of mixed-use development. It was simply development. It's only been for the past 100 years, with the U.S. Supreme Court's affirmation that exclusionary zoning is legal, that we've needed to label it.

The bones of all of our traditional main streets formed before the advent of exclusionary zoning. Examples in Baltimore City may be found in Federal Hill, Fell's Point, Hamilton-Lauraville, Highlandtown, Pennsylvania Ave, Pigtown, Belair-Edison, and Waverly. What makes these main streets unique is their dynamic flexibility.

In contrast, exclusionary zoning is designed to bring stasis. We are now seeing the fragility of that stasis. The real estate market is changing. Physical office space is hemorrhaging tenants. The market for retail space is weak. In contrast, the unsatisfied demand for residential housing is at crisis levels. Our system of exclusionary zoning forbids the dynamic flexibility necessary to adapt to these broad market shifts.

While exclusionary zoning is relatively new, it's now been entrenched long enough that, for everybody alive today, it's the only development model we've ever known. So, when a developer proposes to rezone their (possibly fallow) commercial property to allow residential housing, the surrounding community rises up in outrage. Few elected officials or developers have the stomach or resources to fight against such resistance. And so, parochialism wins and our communities remain locked in self-destructive stasis.

Allowing for mixed-use development is a critical tool for moving beyond that stasis. Mixed-use development is adaptive, flexible, and resilient. It only makes sense that housing density should increase as it nears commercial areas. The businesses gain a ready supply of customers and workers within easy walking distance. Those businesses then become less dependent on customers driving in from outside of the neighborhood, which reduces traffic and congestion on our roadways. The businesses can then (when allowed) pull back on the amount of expensive

and wasteful parking they provide, which allows for that space to be put into more productive use. The tax base strengthens and grows, yielding the resources necessary for upgrading and expanding the nearby facilities and infrastructure, if needed. A virtuous and sustainable cycle of development results.

With our support for this bill firmly established, in the interests of dynamic flexibility, we would like to see some small changes made to it.

- Nonresidential uses should not be limited to the first floor of buildings. Let's move beyond the vision of monolithic shopping centers and buildings the size of city blocks. Mixed-use could easily mean a three-story rowhouse filled with mostly commercial space next to a three-story rowhouse filled with mostly residential space.
- The minimum number of dwelling units should be lowered - possibly to three or four. Again, let's move beyond the vision of monolithic shopping centers and buildings the size of city blocks.
- Remove all government-imposed parking requirements. Parking mandates force communities to be automobile-oriented and disallow them to be walkable. Parking lots and parking garages are unpleasant to walk, bike, and roll past. They force "dead" space into the built environment that lengthens walking and biking times, making these modes of travel less convenient and appealing. Automobile-oriented development caps the economic potential of a place. You can only fit so many automobiles in one place and they don't bring dynamism to a place - people do.

We hope the committee finds these points helpful and convincing and we urge its members to **vote in favor of HB1137, with our suggested amendments**. Thank you for your efforts and the opportunity for us to testify on this legislation.

BaltPOP - Baltimoreans for People-Oriented Places