

September 14, 2022

The Honorable Mel Franklin  
Chair, Planning, Housing and Economic Development Committee  
Wayne K. Curry Administration Building  
1301 McCormick Drive, 2nd Floor  
Largo, MD 20774

RE: Oppose CB-77, CB-91, and CB-92-2022

Dear Chairman Franklin and members of the Committee:

Please accept this letter on behalf of the Coalition for Smarter Growth (CSG). CSG is the leading non-profit organization in the Washington, D.C. region, including suburban Maryland, dedicated to making the case for smart growth. Our mission is to promote walkable, inclusive, and transit-oriented communities, and the land use and transportation policies and investments needed to make those communities flourish.

We participated in the extensive process to create a new zoning code, following Plan 2035. We are dismayed after so much careful work and public engagement, that a set of bills are being rushed through the Council to dismantle the new zoning code. Fast-tracking these misguided zoning bills (specifically CB-69, 77, 78, 91, 92) not only devalues residents' participation in the 8-year process that created the new code, it also undermines efforts to attract high-quality transit-oriented development.

Regarding CB-77: This is a drastic departure from the existing transition and grandfathering provisions. This bill would instead allow access by property owners to all prior uses and regulations to reconstruct and expand in perpetuity. All the owner must do is file an application by April 2024. This bill creates a duplicate zoning regime that disregards Plan 2035's goals to focus growth and improve the quality of development. The bill reduces transparency in the development review process and makes zoning even more confusing for the public. The bill harms the county's ability to offer stable, clear guidance for quality development and instead encourages low quality, auto-oriented development to be built in perpetuity. This drastic change to the zoning regime will harm the county's ability to attract and guide quality development, leverage its transit stations, and foster walkable places that increase value.

Regarding CB-91: This bill would require a two-thirds vote -- a supermajority -- for any future changes to the zoning code. While setting new standards for zoning changes is well worth considering, rushing this bill through under the current circumstances is reckless. This proposal requires a thoughtful process needed to assess how best to manage the relationship between the County Council and its power to change the zoning code. Fast-tracking a raft of bills to dismantle the new zoning code, and then cementing those changes in place with a new supermajority requirement for future Council action is truly Machivellian. The bill would disempower the new county council -- whom the voters chose -- which will be seated in a few months. We ask the

council to step back and create a more consultative process with the public and planners to consider how the county council should change the zoning code.

CB-92 - This bill eliminates the ability of a council member to ask for a development case to be reviewed by the District Council. Removal of this tool is premature, especially given the set of objectionable bills discussed in this letter that radically alter the county's zoning code. The public is largely supportive of the current call-up provisions because it distrusts the development review process. Achieving greater confidence in the development review process would be the first step before removing the call up provision, especially under the current circumstances.

Given the concerns cited above regarding CB-69, 77, 78, 91, 92, I urge you to oppose and set aside these flawed bills. Deliberate well-crafted legislation, with ample time for analysis and input from planning staff and the public is required for good land use policy. We cannot not let a handful of concerns dictate sweeping changes that impact the quality of community and economic development for generations.

Again, I urge you to not support these destructive bills - CB 77, CB 91, and CB 92 - that will set back the county and undermine the modernized zoning code.

Thank you for your consideration.

Sincerely,



Cheryl Cort  
Policy Director