



The Hellman Company, inc.

**CASE NO. 08-06-1 (Comprehensive Zoning Regulations Rewrite: Height)
25 September 2008**

Government's job is to write the rules so the private sector finds it easier to make money doing the right thing rather than the wrong thing.

Problem: Reality Check / Technology Change

Sprawl: predominant regional automobile based land plan

- #2 worst traffic congestion in America
 - waste time which costs money
 - social cost
 - public safety cost: cannot get someplace in an emergency
- oil wasted (an economic and political consequences)
- air pollution is not "just" global warming
 - >25% of nitrogen pollution in Chesapeake Bay comes from automobile exhaust
 - asthma
- sitting in a car in traffic is being a stressed couch-potato (Public Health)

Land-use and Transportation are inseparably inter-dependent:

- An elevator is a vertical Metro-rail;
- A Metro-rail is a horizontal elevator;

Neither makes sense without the other.

Guiding quotes: Don't micro-manage: Gov'ts job is to address the big-picture long-term

Thinking is hard work. If you are not sweating when you are thinking, just like pumping iron, then you aren't really thinking. You are just repeating something you heard somewhere without asking "Does it make sense? If so — why? If not — why not?"

JJH to his kids:

"Thinking is the hardest work there is, which is probably the reason so few engage in it."

Henry Ford

You can't depend on your eyes if your imagination is out of focus.

- Mark Twain

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Building Height

*in an urban, metro-rail served location
delivers profoundly significant public benefits*

Pros

Experience of place:

- architectural diversity / height diversity
- historic preservation
- *Fairmont Avenue retains charm/ sets example for Woodmont Triangle;*
- views (at many levels)
- Woodmont Triangle gets its Town Square

Retail diversity needs customers

- *the more people that live and work within walk-proximity, the more business is done.*

Public financial benefits:

- * One-time up front payments
 - Amenity Fund contribution
 - transfer tax on cluster/TDR
- * Annual recurring / growing public revenues
a stream of additional tax revenues:
 - real estate taxes
 - sales taxes from increased retail activity
 - parking revenues
 - metro-rail ridership revenues
 - water and sewer user fees

Reduce auto-use

- *density and mixed-use in delightful urban setting makes walking actually productive!*
- reduce automobile traffic congestion
- reduce air pollution
- conserve energy
- reduce property damage (private and public)

Public Health

- increase walking (cardio / over-weight)
- cleaner air

Public Safety

- reduce deaths, personal injury from auto
- reduce crime w/better sidewalk life

Public Welfare

- all items listed above!

Cons

It isn't exciting:

- bad architecture
- bad materials

*Bigger is better up to a point:
when it doesn't look good
— when it overwhelms!*

- context and design are absolutely key

The site-plan review process is the ultimate tool enabling intelligent flexibility.

Follow Ed McMahon's advice:

* focus on what the goals are — the spirit, intent, philosophy ... and encourage creativity on the part of the private-sector to come forward with imaginative plans. Then use the site plan review process as the evaluator of success.

This is an open, inclusive process!

There should be NO absolute height limit (just like minimum lot size made no sense, and just like the Amenity Fund is far more rational, productive and effective than rigid, arbitrary public space requirements at every building.)

Permit flexible increases (based upon design and context merit) to encourage preserving and improving some of the older buildings and retaining and enhancing existing businesses, contributing more money to the Amenity Fund, adding street front retail and improving their success by delivering pedestrians, getting better use of existing county-owned parking garages and more Metrorail ridership at non-peak hours as well as peak ...

The judgment of "correct" height is a function of design quality, contribution to the pedestrian's experience of place (low-rise open space surrounding an iconic tower combines with architecture, materials, street-front retail, quality of enhancements to older buildings being preserved to create a dramatic sense of place ...)

Additional height is critically needed as **Metro is a transformative transportation network and land-use has to evolve to complement it.** Think of the elevator as a vertical Metro-rail — it is profoundly better than Ride-on buses.

Since project approval is a site-plan review process, focus on goals and take advantage of private-sector ingenuity!!! Roger Lewis's Washington Post article 5 Jan 08 addresses this.

The public investment in urban infrastructure is considerable:

- metro-rail
- roads and sidewalks
- water and sewer
- street lighting

The cost of delivering services is dramatically lower in a compact area than in sprawl:

- police
- fire
- mail
- school bus

Reality Check / Envision Maryland:

On February 2, 2005, a watershed event took place at the Ronald Reagan Building downtown. A diverse group of regional decision-makers from 21 jurisdictions convened to face the question, "Where will 2 million new residents and 1.6 million new jobs go?"

Royce Hanson advised the Mont. Cty Council at one of their Growth Policy worksessions that even if you stopped homebuilding in Mont. Cty tomorrow, traffic would still increase.