

Introduced 7/8/16  
Public hearing 7/18/16  
Council action 11/9/16  
Executive action \_\_\_\_\_  
Effective date \_\_\_\_\_

# County Council of Howard County, Maryland

2016 Legislative Session

Legislative day # 7

**BILL NO. 43 – 2016**

**Introduced by**

**Jennifer Terrasa**

**AN ACT** amending the *Downtown Columbia Plan* to establish an Affordable Housing Inclusionary Zoning provision for Downtown Columbia, under certain conditions; amending certain Community Enhancements, Programs, and Public Amenities (CEPPAs) requirements regarding affordable housing; and generally relating to planning, zoning and land use in Howard County.

Introduced and read first time July 8, 2016. Ordered posted and hearing scheduled.

By order Jessica Feldmark  
Jessica Feldmark, Administrator to the County Council

Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on July 18, 2016.

Tabled 7/29/16  
Extended & tabled 9/6/16  
Extended & tabled 10/5/16

By order Jessica Feldmark  
Jessica Feldmark, Administrator to the County Council

This Bill was read the third time November 9, 2016 and Passed , Passed with amendments , Failed .

By order Jessica Feldmark  
Jessica Feldmark, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_\_\_ day of \_\_\_\_\_, 2016 at \_\_\_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

Approved/vetoed by the County Executive on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law. Strikeout indicates material deleted by amendment; Underlining indicates material added by amendment.

1            **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the  
2 *Downtown Columbia Plan, is hereby amended as shown in the attached Exhibit A.*

3  
4            **Section 2. And Be It Further Enacted** by the County Council of Howard County that the  
5 *Director of the Department of Planning and Zoning is authorized to publish this amendment to*  
6 *the Downtown Columbia Plan by adding or amending covers, title pages, table of contents, and*  
7 *graphics to improve readability.*

8  
9            **Section 3. Be It Further Enacted** by the County Council of Howard County, Maryland,  
10 *that this Act shall become effective 61 days after its enactment.*

## Exhibit A

### 1.5 DIVERSE HOUSING

This Plan recognizes and celebrates the original vision of Jim Rouse to create a socially responsible city for people of all ages, incomes and backgrounds. The establishment of an ongoing mechanism to provide a full spectrum of housing into the future is an important social responsibility shared by us all. Of related but equal importance is encouraging within downtown Columbia itself the diversity of people that exists elsewhere in Columbia today. Realizing this diversity will be important to the social and economic success of the downtown, where the mixing of individuals with different backgrounds and incomes will result in an ongoing exchange of ideas in an environment where residents, workers and visitors will have an opportunity to learn from one another and grow together as a community.

*Downtown Columbia: A Community Vision* recaptures the spirit of the Rouse vision for a complete city in which different types of people live together to create a fully realized community. In such respect, this Plan also recognizes the enrichment a community can experience through the diversity of its people. This Plan strives to achieve this objective through the provision of expanded residential opportunities for in-town living in both housing form and affordability, and through the establishment of a community housing fund **AND INCLUSIONARY ZONING POLICIES** which will be used to help meet the affordable housing needs of the community.

### BACKGROUND

The need for affordable housing exists today and will likely continue to grow into the future. Significantly, however, what at times can be overlooked is the important relationship between reasonable opportunities for affordable housing and the economic health of the County. *General Plan 2000* recognized this significance and identified the important relationship between the need for affordable housing and the County's employment growth, and its demand for low and moderate income workers. In this regard, *General Plan 2000* recognized that to the degree low- and moderate- income workers can be housed in the County, the County's economic development prospects are improved. In addition, *General Plan 2000* further recognized that by providing more affordable housing it becomes possible for residents' children and parents, as well as teachers, firemen and policemen to live in the County. The accommodation of work force housing is a goal shared by all.

*General Plan 2000* (Policy 4.2) recommends providing affordable housing for existing low- and moderate-income residents and for the diverse labor force needed for continuing economic growth. Policy 4.2 also recommends that new funding sources be identified to enable the Office of Housing and Community Development to expand the supply of affordable housing to serve low- or moderate-income households, including seniors and persons with disabilities. In a similar context, *Downtown Columbia: A Community Vision* expands upon these objectives and suggests that new models for developing affordable housing in combination with mixed-use development should generate new and innovative techniques for achieving these objectives. It is with these policy statements in mind that this Plan proposes a means of providing a full spectrum of housing for

Downtown Columbia.

## **DOWNTOWN COLUMBIA COMMUNITY HOUSING FOUNDATION**

A full spectrum housing program for Downtown Columbia should establish a flexible model that aspires to make new housing in downtown affordable to individuals earning across all income levels. In order to create an effective, flexible means of providing a full spectrum of housing for Downtown Columbia, GGP will establish the Downtown Columbia Community Housing Foundation ("DCCHF"), as detailed below. The intent of this full spectrum housing program, **INCLUDING THE DCCHF AND INCLUSIONARY ZONING FOR MIXED-INCOME DEVELOPMENT IN** Downtown Columbia, is to satisfy all affordable housing requirements for downtown.

### **Initial Source Fund**

GGP will establish the DCCHF at its expense and will contribute \$1.5 million to the DCCHF upon issuance of the first building permit for new housing in Downtown Columbia. GGP will contribute an additional \$1.5 million upon issuance of a building permit for the 400th new residential unit in Downtown Columbia. Each payment will be contingent on expiration of all applicable appeal periods associated with each building permit without an appeal being filed, or if an appeal is filed upon the issuance of a final decision of the courts upholding the issuance of the permit.

### **Ongoing Developer Contributions**

**FOR PROJECTS THAT HAVE A SITE DEVELOPMENT PLAN FILED PRIOR TO OCTOBER 1, 2015, EACH** **[[Each]]** developer will provide a one-time, per unit payment to the DCCHF in the following amounts, to be imposed upon the issuance of any building permit for a building containing dwelling units. Payment will be contingent upon the expiration of all applicable appeal periods associated with each building permit without an appeal being filed, or if an appeal is filed upon the issuance of a final decision of the courts upholding the issuance of the permit:

1. \$2,000/unit for each unit up to and including the 1,500<sup>th</sup> unit.
2. \$7,000/unit for each unit between the 1,501<sup>st</sup> unit up to and including the 3,500<sup>th</sup> unit.
3. \$9,000/unit for each unit between the 3,501<sup>st</sup> unit up to and including the 5,500<sup>th</sup> unit.

The amounts to be paid under 1, 2 and 3 above will be subject to annual adjustment based on a builder's index, land value or other index provided in the implementing legislation.

Each owner of property developed with commercial uses pursuant to the Downtown Revitalization Zoning Regulations shall provide an annual payment to the DCCHF in the amount of five cents (\$0.05) per square foot of Gross Leasable Area for office and retail uses, and five cents (\$0.05) per square foot of net floor area for hotels. The payment will be made annually by the property owner, with the initial payment being made prior to the issuance of an occupancy permit for net new commercial development on the property. The amount of the charge will be subject to annual adjustment based on a builder's index, land value, or other index provided in the implementing

legislation.

### **DCCHF Notice of Sale**

The DHCCF should be notified by the developer or joint venture, via first class mail, of land for or all residential units offered for initial sale in each new residential or mixed use building in Downtown Columbia. No later than 10 days after the sale of rental housing, the owner must provide written notice of the sale. The DCCHF also should be notified by the developer, via first-class mail, of all apartment units offered for rental in each new residential or mixed-use building containing rental units. In support of these objectives, GGP should involve DCCHF in meaningful discussion with land purchasers in Downtown Columbia in order to encourage full spectrum housing in each and every neighborhood.

### **DCCHF Organizational Structure**

It is anticipated that Howard County, in consultation with GGP, will determine, by legislation, the organizational entity, organizational structure, membership, functions, and implementation of the DCCHF. The legislation should provide that, in order to be eligible to receive the funds provided for in this Plan, the DCCHF must be a non-profit entity organized for the purpose of providing full spectrum, below market housing in Downtown Columbia. Use of DCCHF funds is limited to providing full spectrum, below market housing in Downtown Columbia, which may include, but is not limited to, funding new construction; acquiring housing units; preserving existing homes; financing rehabilitation of rental housing; developing senior, family or special needs housing; providing predevelopment, bridge, acquisition and permanent financing; offering eviction prevention and foreclosure assistance.

## **MIXED-INCOME HOUSING**

**THE INTENT OF THIS PLAN IS TO ENSURE THAT AFFORDABLE HOUSING UNITS WILL BE DEVELOPED THROUGHOUT THE DOWNTOWN AREA IN MIXED-INCOME PROJECTS AND THAT THE UNITS BE AFFORDABLE AT A BROAD SPECTRUM OF INCOMES. IN ADDITION, THE DEVELOPERS ARE PROVIDED OPTIONS TO FACILITATE MORE LOW INCOME UNITS AND TO PROVIDE FLEXIBILITY WITHIN CERTAIN PARAMETERS IN THE MIX OF AFFORDABLE UNITS AND MARKET RATE UNITS. THE INCLUSIONARY ZONING REQUIREMENT WILL APPLY TO EACH RESIDENTIAL PROJECT IN DOWNTOWN COLUMBIA WITH A SITE DEVELOPMENT PLAN SUBMITTED ON OR AFTER OCTOBER 1, 2015 IN ACCORDANCE WITH SECTION 125 OF THE ZONING REGULATIONS.**

## **DOWNTOWN COMMUNITY ENHANCEMENTS, PROGRAMS, AND PUBLIC AMENITIES (CEPPAs) IMPLEMENTATION CHART**

26. **FOR ANY SITE DEVELOPMENT PLAN FILED PRIOR TO OCTOBER 1, 2015, TO** **[[To]]** fulfill an affordable housing obligation, each developer will provide a one-time, per unit payment to the DCCHF in the following amounts, to be imposed upon the issuance of any building permit for a building containing dwelling units. Payment will be contingent upon the expiration of all applicable appeal periods associated with each building permit without an appeal being filed, or if an appeal is filed upon the issuance of a final decision of the courts upholding the issuance of the permit:

- 1). \$2,000/unit for each unit up to and including the 1,500th unit.
- 2). \$7,000/unit for each unit between the 1,501th unit up to and including the 3,500th unit.
- 3). \$9,000/unit for each unit between the 3,501st unit up to and including the 5,500th unit.

*The amounts to be paid under 1), 2) and 3) above will be subject to annual adjustment based on a builder's index, land value or other index provided in the implementing legislation.*