

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. 44 - 2016 (ZRA - 162)

Introduced by

Jennifer Terrasa

AN ACT amending the Howard County Zoning Regulations' New Town (NT) District Downtown Revitalization regulations to include a 15 percent Affordable Housing Inclusionary Zoning provision for Downtown Columbia, under certain conditions; and generally relating to the NT District.

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.

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

Tabled 7/29/16
Extended & tabled 9/6/16
Extended & tabled 10/5/16
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 Howard
2 County Zoning Regulations are hereby amended as follows:

3
4 *By amending:*

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6 *Section 125.0: "NT (New Town) District"*

7 *Subsection A. "Definitions, Requirements and Restrictions Applicable to NT Districts"*

8 *Number 9. "Downtown Revitalization";*

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10 *Subsection E. "Final Development Plan—Downtown Revitalization"*

11 *Number 4. "Planning Board Review and Approval Criteria"; and*

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13 *Subsection H. "Site Development Plan—Downtown Revitalization"*

14 *Number 3. "Planning Board Review and Approval Criteria"*

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18 **Howard County Zoning Regulations**

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20 **SECTION 125.0: - NT (New Town) District**

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22 **A. Definitions, Requirements and Restrictions Applicable to NT Districts**

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24 **9. Downtown Revitalization:**

25 a. **Applicability:** To implement the recommendations of the Downtown
26 Columbia Plan, new development or redevelopment of any property
27 located within Downtown Columbia that is approved after April 6, 2010
28 must comply with all provisions applicable to Downtown Revitalization,
29 except as provided in Section 125.0.A.9.f. Downtown Revitalization
30 shall require approval of: (I), a Final Development Plan or Final
31 Development Plan Amendment, and (II), a Site Development Plan.

32 b. **Uses:** The following uses are permitted under the Downtown
33 Revitalization Approval Process: All uses permitted in the POR, B-1, B-
34 2, and SC Zoning Districts, Downtown Arts, Cultural and Community
35 Uses and Dwellings. Structures may be developed with individual or

1 multiples uses. Section 125.0.A.8. a. does not apply to Downtown
2 Revitalization.

3 c. Development Levels: The following maximum development level limits
4 apply to Downtown Columbia for Downtown Revitalization, except as
5 qualified by Sections 125.0.A.9.f.(1), (2) and (3).

6 (1) The maximum number of Downtown Net New dwellings
7 permitted is 5,500 dwellings. The number of dwellings permitted
8 under the Downtown Revitalization Approval Process, up to a
9 maximum of 5,500 Downtown Net New dwellings, shall be in
10 addition to the overall residential density established by Section
11 125.0.A.4. G.

12 (2) The maximum amount of Downtown Net New commercial
13 office development permitted is 4,300,000 square feet of gross
14 floor area.

15 (3) The maximum number of Downtown Net New hotel and motel
16 rooms permitted is 640 rooms.

17 (4) The maximum amount of Downtown Net New commercial retail
18 development permitted is 1,250,000 square feet of gross floor
19 area.

20 (5) The maximum development levels permitted above for
21 Downtown Revitalization shall be in addition to the number of
22 dwellings and gross floor area of nonresidential uses shown on a
23 Site Development Plan approved prior to April 6, 2010.

24 D. FULL SPECTRUM HOUSING: TO PROVIDE A FULL SPECTRUM OF HOUSING
25 AFFORDABILITY AS ENVISIONED IN THE DOWNTOWN COLUMBIA PLAN,
26 AT LEAST 15% OF THE RESIDENTIAL DWELLINGS IN EACH DOWNTOWN
27 COLUMBIA REVITALIZATION DEVELOPMENT SHALL BE AFFORDABLE AS
28 DESCRIBED BELOW:

29 (1) REQUIREMENTS.

30 (A) IN EACH RENTAL HOUSING PROJECT, AT LEAST 15%
31 OF THE UNITS MUST BE AFFORDABLE AS FOLLOWS:
32 5% AT 40% OF HOWARD COUNTY AREA MEDIAN

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INCOME (HC AMI), 5% AT 60% OF HC AMI, AND 5% AT 80% OF HC AMI.

(B) IN EACH FOR-SALE HOUSING PROJECT, AT LEAST 15% OF THE UNITS MUST BE AFFORDABLE AT 80% OF HC AMI.

(C) PROJECTS CONTAINING AFFORDABLE UNITS SHALL COMPLY WITH THE PROCEDURES SET FORTH IN THE MODERATE INCOME HOUSING UNIT (MIHU) LAW, SECTION 13.400 ET SEQ. OF THE HOWARD COUNTY CODE.

(D) NOTWITHSTANDING THE PROVISIONS OF SECTION 100.0E OF THE ZONING REGULATIONS, ANY PROJECTS THAT HAVE FILED A SITE DEVELOPMENT PLAN ON OR AFTER OCTOBER 1, 2015 WILL COMPLY WITH THE REQUIREMENTS PROVIDED IN SUBSECTIONS (A). AND (B). OF THIS SECTION.

(E) THE PER-UNIT DEVELOPER CONTRIBUTIONS REQUIRED PREVIOUSLY UNDER THE DOWNTOWN COLUMBIA PLAN ARE ELIMINATED FOR ALL PROJECTS OTHER THAN THOSE PROJECTS THAT HAVE SITE DEVELOPMENT PLANS FILED BEFORE OCTOBER 1, 2015.

(2) FLEXIBILITY.

(A) *LOW-INCOME ALTERNATIVE.* A PROJECT MAY SATISFY THE AFFORDABILITY REQUIREMENT IN D(1) ABOVE BY PROVIDING AFFORDABLE UNITS IN ONE OF THE FOLLOWING ALTERNATIVES:

ALTERNATIVE	40% HCAMI UNITS	60% HCAMI UNITS	80% HCAMI UNITS
1	6%	4%	3%
2	7%	3%	1%
3	8%	2%	0%
4	9%	0%	0%

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(B) *LOW-INCOME UNIT CREDIT EXCHANGE.* IF A RENTAL HOUSING PROJECT IS A MIXED-INCOME PROJECT IN WHICH MORE THAN 15%, BUT NOT MORE THAN 45%, OF THE UNITS IN THE PROJECT ARE AFFORDABLE UNITS, THE DEVELOPER WILL RECEIVE A ONE-TO-ONE CREDIT FOR EACH AFFORDABLE UNIT THAT IS IN EXCESS OF THE REQUIRED 15% AND IS AFFORDABLE AT 60% OF HC AMI OR LESS. A ONE-TO-ONE CREDIT MAY BE APPLIED TO REDUCE THE NUMBER OF UNITS REQUIRED TO BE AFFORDABLE AT THE SAME LEVEL OF AFFORDABILITY IN ANOTHER RENTAL HOUSING PROJECT IN DOWNTOWN. PROVIDED, HOWEVER, THAT USE OF THIS LOW-INCOME UNIT CREDIT EXCHANGE SHALL NOT RESULT IN A RENTAL HOUSING PROJECT HAVING LESS THAN 5% OF ITS UNITS AS AFFORDABLE.

19 **E. Final Development Plan—Downtown Revitalization**

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4. Planning Board Review and Approval Criteria

The Planning Board shall consider the Final Development Plan or Final Development Plan Amendment (see Errata at end of Section 125.0) at a public

1 hearing. The Planning Board shall approve, approve with conditions, or deny the
2 petition based on whether the petition satisfies the following criteria:

3 a. The Downtown Neighborhood Concept Plan, the Neighborhood Specific
4 Design Guidelines, and the Neighborhood Specific Implementation Plan
5 conform with the Downtown-Wide Design Guidelines, the Downtown
6 Columbia Plan, the Street and Block Plan, the Neighborhoods Plan, the
7 Maximum Building Heights Plan, the Primary Amenity Space
8 Framework Diagram, the Street Framework Diagram, the Bicycle and
9 Pedestrian Plan, and the Open Space Preservation Plan, or that any
10 propose change(s) will not be detrimental to the overall design concept
11 and phasing for Downtown Revitalization. Limited change in building
12 heights may be approved based on compatibility, character and height of
13 nearby existing and planned development and redevelopment, and open
14 spaces in the area. However, in no event shall the maximum building
15 height for Downtown Revitalization exceed twenty stories;

16 b. The Neighborhood Design Guidelines submitted with the Final
17 Development Plan or Final Development Plan Amendment offer
18 sufficient detail to guide the appearance of the neighborhood over time,
19 and promote design features that are achievable and appropriate for
20 Downtown Revitalization in accordance with the Design Guidelines and
21 the Downtown Columbia Plan;

22 c. The Final Development Plan conforms with the Neighborhood
23 Documents, the Revitalization Phasing Plan, the Downtown Community
24 Enhancements, (see Errata at end of Section 125.0) Programs, and Public
25 Amenities Implementation Chart and Flexibility Provisions, the
26 Downtown-wide Design Guidelines, the Downtown Columbia Plan, the
27 Street and Block Plan, the Neighborhoods Plan, the Maximum Building
28 Heights Plan, the Primary Amenity Space Framework Diagram, the
29 Street Framework Diagram, the Bicycle and Pedestrian Plan, and the
30 Open Space Preservation Plan. Limited change in building heights may
31 be approved based on compatibility, character and height of nearby
32 existing and planned development and redevelopment, and open spaces
33 in the area. However, in no event shall the maximum building height for
34 Downtown Revitalization exceed twenty stories;

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- d. The Final Development Plan, when considered in the context of surrounding planned or existing development, provides a balanced mix of housing, employment, and commercial and arts and cultural uses throughout each phase;
- e. The Final Development Plan satisfies the affordable housing requirement IN ACCORDANCE WITH SECTION 125 A.9.D OF THESE ZONING REGULATIONS;
- f. The bicycle, pedestrian, and transit network creates convenient connections throughout the subject area and connect, wherever possible, to existing and planned sidewalks, path, and routes adjoining the development;
- g. The Final Development Plan protects land covered by lakes, streams or rivers, flood plains and steep slopes, and provides connections, where possible to existing and planned open space within the neighborhood and in surrounding area;
- h. The Final Development Plan provides the location of Downtown Community Commons required under Section 125.0.A.9.h as indicated in the Neighborhood Concept Plan;
- i. The Final Development Plan is in harmony with existing and planned vicinal land uses. In making this determination, the Planning Board shall consider, if appropriate:
 - (1) Landscape features on the boundary of the plan area, which may include protection of existing vegetation or grade changes that provide a natural separation, or landscape planting;
 - (2) The size of buildings along the edges of the plan area through limits on building height or other requirements;
 - (3) The use and design of nearby properties and
 - (4) The adopted Downtown Columbia Plan recommendations for height, building massing and scale, and neighborhood connectivity;
- j. The development proposed by Final Development Plan is served by adequate public facilities, including any proposed mitigation or

1 development staging in accordance with the Adequate Public Facilities
2 Ordinances (Title 16, Subtitle 11 of the Howard County Code);

3 k. The Final Development Plan protects environmentally sensitive features
4 and provides environmental restoration in accordance with the
5 Downtown Columbia Plan;

6 l. The Final Development Plan protects any historic or culturally significant
7 existing sites, buildings or structures, and public art;

8 m. The Final Development Plan proposes any appropriate plan to satisfy the
9 requirement for art in the community;

10 n. The Final Development Plan provides a plan to hold, own, and maintain
11 in perpetuity land intended for common, quasi-public amenity use and
12 public art that is not publically owned, including, without limitation, any
13 Downtown Community Commons, Downtown Parkland, Downtown
14 Arts, Cultural and Community Use, and Downtown Neighborhood
15 Square shown on the Final Development Plan; and

16 o. To better ensure conformance with the Community Enhancements,
17 Programs and Public Amenities provisions, the Final Development Plan
18 provides for a plan to establish membership in the Downtown Columbia
19 Partnership and payment of the annual charges. Each Final Development
20 Plan shall show a consistent means of calculating and providing the
21 required annual charges.

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23 **H. Site Development Plan—Downtown Revitalization**

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25 3. Planning Board Review and Approval Criteria.

26 The Planning Board shall approve, approve with conditions, or deny a Site
27 Development Plan that proposes Downtown Revitalization based on whether the
28 petition satisfies the following criteria:

29 a. The development conforms with the adopted Downtown Columbia Plan.

- 1 b. The development implements and conforms to the approved Final
2 Development Plan or Final Development Plan Amendment including all
3 applicable Final Development Plan approval criteria and conditions.
- 4 c. The development is well-organized in terms of the location of buildings
5 and structures, downtown community commons, landscaping, pedestrian
6 and vehicular circulation systems, and other Downtown Revitalization
7 features.
- 8 d. If the development provides Downtown Community Commons and/or
9 Downtown Parkland, they are reasonable and appropriate given the
10 location, scale and anticipated intensity of adjacent uses in accordance
11 with the Downtown Columbia Plan.
- 12 e. The maximum building heights will conform to the Final Development
13 Plan.
- 14 f. The development satisfies the Downtown Public Art Program approved
15 with the Final Development Plan or Final Development Plan Amendment
16 approval.
- 17 g. The Site Development Plan satisfies the affordable housing requirements
18 in accordance with SECTION 125 A.9.D OF THESE ZONING REGULATIONS
19 AND the approved Final Development Plan.
- 20 h. The development satisfies the Adequate Public Facilities Ordinance, if
21 applicable.
- 22 i. The development indicates the manner in which any land intended for
23 common or quasi-public use, but not proposed to be in public ownership,
24 will be held, owned and maintained in perpetuity for the indicated
25 purposes.
- 26 j. The petition is accompanied by documentation demonstrating
27 membership in the Downtown Columbia Partnership including the
28 required annual charges.

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31 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act*
32 *shall become effective 61 days after its enactment.*

Amendment 1 to Council Bill No. 44-2016

BY: Jennifer Terrasa

Legislative Day No: 18

Date: 11/9/16

Amendment No. 1

(This amendment would delete the proposed Low-Income Unit Credit Exchange concept.)

1 On page 3, strike lines 24 through 28, and substitute:

2 “(2) LOW-INCOME ALTERNATIVE.

3 A PROJECT MAY SATISFY THE AFFORDABILITY REQUIREMENT IN D(1) ABOVE BY PROVIDING

4 AFFORDABLE UNITS IN ONE OF THE FOLLOWING ALTERNATIVES:”.

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6 On page 4, strike lines 2 – 17, in their entirety.

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ADOPTED 11/9/16
FAILED
SIGNATURE Jessica Feldman

Amendment 2 to Council Bill No. 44-2016

BY: Jennifer Terrasa

Legislative Day No: 18
Date: 11/9/16

Amendment No. 2

(This amendment would add a requirement for public art in MIHU developments)

1 On the title page, in line 3 of the title, after the semi-colon, insert “requiring that certain
2 types of construction provide for art in the community;”.

3
4 On page 4, in line 18, insert the following:

5 “[[d]]E. Off-Street Parking: Off-street parking and loading facilities within
6 Downtown Columbia must be provided in accordance with the provisions for
7 Downtown Revitalization in Section 133.0.E.3.

8 [[e]]F. Previously Developed Properties.

9 (1) Notwithstanding any other provision of these Regulations, any property
10 currently improved with a building and any associated parking lots
11 pursuant to a recorded Final Development Plan and an approved Site
12 Development Plan as of April 6, 2010, may continue to be used in
13 accordance with the terms and requirements on the Final Development
14 Plan, but only to the same size and dimensions in the same location as
15 shown on the approved Site Development Plan, except for minor changes
16 to the Site Development Plan, which shall be governed by Section
17 125.0.G.

18 (2) Demolition of existing improvements that are located within Downtown
19 Columbia that occurs after April 6, 2010 shall result in the creation of a
20 Demolition Development Credit equal to the number of dwellings and
21 gross floor area devoted to nonresidential uses that were demolished. A
22 Demolition Development Credit: (I) may be used anywhere within
23 Downtown Columbia; and (II) shall not be limited by or counted against

1 recommended development levels in the Downtown Columbia Plan or the
2 maximum level of development permitted by Section 125.0.A.9.c.

3 (3) Any existing structure or improvement that is located within Downtown
4 Columbia that is destroyed by fire, flood or other calamity may be restored
5 to the same size and dimensions in the same location as the destroyed
6 structure in accordance with the previously approved Site Development
7 Plan, provided that a building permit is issued with two (2) years from the
8 date such structure was destroyed and reconstruction begins within six (6)
9 months after issuance of the building permit. The Planning Board may
10 approve an extension for good cause shown up to a maximum two
11 additional years to obtain a building permit and begin construction.
12 Structures and improvements constructed under this Section
13 125.0.A.9.f.(3) shall not be limited by or counted against development
14 levels in the Downtown Columbia Plan or the maximum Downtown Net
15 New level of development permitted by Section 125.0.A.9.c.

16 [[f]]G. Additional Requirements.

17 (1) The maximum building height permitted for Downtown Revitalization shall
18 conform to the building height shown on the Downtown Maximum Building
19 Height Plan and shall not exceed twenty stories.

20 (2) Any Downtown Revitalization Development shall provide for art in the
21 community that is equivalent in value to 1% of the building construction cost.

22 (a) Art must be provided:

23 (i) On site;

24 (ii) On other property located within Downtown Revitalization development
25 provided with the written consent of the owner of the fee simple property;

26 or

27 (iii) The petitioner may pay a fee in-lieu of providing art on-site that is
28 equivalent in value to 1% of the building construction cost.

29 (b) Art may be provided in combination with other Downtown Revitalization

1 Developments.

2 (c) Each in-lieu fee must be paid prior to issuance of a use and occupancy permit
3 for the first building in the project that generates the requirement, and the
4 collected funds must be used to provide art on property within Downtown
5 Revitalization Developments.

6 (d) If the value of the art provided on site or in combination with other projects
7 exceeds 1% of the building construction cost, then the excess value beyond
8 1% can be credited towards the requirements of this subsection for a
9 subsequent-Final Development Plan subject to the procedures and
10 requirements set forth in this subsection.

11 (e) The following construction projects are not subject to the requirements of this
12 section:

13 [(i)](i) Construction of Moderate Income Housing Units.]

14 [(ii)](ii) Construction of places of worship and their accessory uses.

15 [(iii)](iii) Renovations to existing or construction of new cultural facilities
16 which include facilities located within a Downtown Arts and
17 Entertainment Park, Downtown Arts, Cultural and Community Uses, and
18 Downtown Community Commons.

19 [(iv)](iv) Parking Structures.

20 [(v)](v) Renovations to existing buildings or structures required by
21 government mandated code compliance construction projects, such as
22 projects exclusively designed for compliance with the Americans with
23 Disabilities Act ("ADA"), the Maryland Accessibility Code, the National
24 Fire Protection Association (NFPA) Life Safety Code, and/or fire sprinkler
25 retrofits."

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ADOPTED 11/9/16
FAILED _____
SIGNATURE Jessica Feldman

1 COUNCIL MEMBER JEN TERRASA * BEFORE THE
2 PETITIONER, * PLANNING BOARD OF
3 GPA 2016-02, ZRA-162 * HOWARD COUNTY, MARYLAND

4 * * * * *
5 * * * * * * * * * * * * *

6 MOTON I: Recommend approval of GPA 2016-02 and ZRA-162.

7 ACTION: Recommended Approval; Vote 0 to 5.

8 * * * * * * * * * * * * *

9 RECOMMENDATION

10
11 On April 14, 2016, the Planning Board of Howard County, Maryland, held a public meeting to
12 consider a General Plan Amendment (GPA 2016-02) and Zoning Regulation Amendment (ZRA-162)
13 submitted by Council Member Jen Terrasa to make recommendations to the Howard County Council. The
14 meeting followed a thirty day noticing period advertised on the Howard County website and in the Baltimore
15 Sun and Howard County Times newspapers. It was continued to April 28, 2016 and again to May 10, 2016
16 before closing. The proceedings were televised, streamed live on the internet and are available to the public
17 on the Howard County website. The Planning Board's work session followed the meeting in which all
18 received citizen and department representative testimony was evaluated to develop the Board's
19 recommendations.

20
21 Board Discussion and Recommendation

22 The Board's work session discussion focused on comparing and contrasting the affordable housing
23 program - GPA 2016-02 and ZRA-162 - proposal with the alternative affordable housing program -
24 Developments Rights and Responsibilities Agreement, GPA 2016-03 and ZRA-170 ("The Package") -
25 proposal. In recommending approval of The Package, the Board recommended denial of both GPA 2016-02
26 and ZRA-162.

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28 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 31* day of
29 May, 2016, recommends that GPA 2016-02 and ZRA-162, as described above, be DENIED.

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HOWARD COUNTY PLANNING BOARD

Bill Santos /#3
Bill Santos, Chairman

Phil Engelke /#3
Phil Engelke, Vice-Chair

Delphine Adler /#3
Delphine Adler

Jacqueline Easley /#3
Jacqueline Easley

Erica Roberts /#3
Erica Roberts

ATTEST:

Valdis Lazdins
Valdis Lazdins, Executive Secretary



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

March 31, 2016

TECHNICAL STAFF REPORT

*Planning Board Meeting of April 14, 2016
County Council Hearing to be Scheduled*

Case No./Petitioner: Jen Terrasa, Howard County Council

Request: That the Planning Board review and make recommendations on a legislative package for affordable housing in Downtown Columbia (hereafter "GPA 2016-02 Package"), which is comprised of GPA 2016-02 (revisions to the Downtown Columbia Plan) along with ZRA-162 (Zoning Regulation Amendment 162).

Recommendation: Denial

I. Overview

PlanHoward 2030 outlines key initiatives to enhance the high quality of life of all Howard County residents. Affordable housing is an important initiative in *PlanHoward 2030*, which states, "The County will continue to develop new models to provide sustainably affordable housing in mixed income communities, and to educate both home-seekers and the general public on the many benefits of compact, mixed-use, mixed income, location efficient homes." The Downtown Columbia Plan (DCP), which is a component of *PlanHoward 2030*, embraces the diversity of Howard County residents and emphasizes the need to "recognize and celebrate 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."

To implement the DCP's vision of a full spectrum housing program for Downtown Columbia, the County Council adopted Council Bill No. 24-2012 establishing a Downtown Columbia Community Housing Foundation (DCCHF) which would administer a housing fund to be created from contributions from Howard Research and Development (HRD), the master developer, other developer and property owners

and other sources. The bill recognized the Columbia Downtown Housing Corporation (CDHC) as the Downtown Columbia Housing Foundation under the DCP.

In March of 2014, the CDHC reported that legislative changes were necessary to realize the DCP's affordable housing goals. In October of 2014, the County Council passed Council Resolution No. 120-2014 requesting the CDHC to recommend any changes believed necessary and appropriate to the County Council and County Executive. From February through July 2015, representatives of the CDHC and HRD provided recommendations, and alternative proposals, to the County Council. Concurrently, from June through August 2015, representatives of CDHC, HRD, the Howard County Housing Commission and the County Executive met to discuss a set of joint recommendations for the affordable housing program.

In October 2015, Councilwoman Terrasa filed a petition for a General Plan Amendment and accompanying Zoning Regulation Amendment to implement the original recommendations of the CDHC. Councilwoman Jen Terrasa has submitted this proposal with the aim that Downtown Columbia develops with a full spectrum of housing options as envisioned in the DCP. Calling for at least 15% affordable housing ranging from 40% to 80% of Howard County area median income for all future Downtown residential development, Councilwoman Terrasa indicates that these proposed amendments would implement the original recommendations which the CDHC presented to the County Council in February 2015. DPZ agrees that there is a need to achieve a full spectrum of housing options in accordance with the DCP. As a result, this report reviews and analyzes the viability of her legislative package to bring affordable housing to Downtown Columbia.

II. Description of GPA Package 2016-02

The following strategies are used to achieve a full spectrum of housing affordability:

1. Minimum Unit Requirement

At least 15% of residential units in each Downtown Columbia Revitalization development shall be affordable at the following levels:

- Each rental housing project, at least 15% of the units must be affordable as follows: 5% at 40% of HCAMI, 5% at 60% of HCAMI and 5% at 80% of HCAMI.
- Each for-sale housing project, at least 15% of the units must be affordable at 80% of HCAMI.

2. Low-Income Alternative

A flexible compliance strategy for a project to satisfy affordability requirements by providing units in one of the following alternative affordability levels:

Low-Income Alternative Compliance			
Alternative	40% HCAMI Units	60% HCAMI Units	80% HCAMI Units
1	6%	4%	3%
2	7%	3%	1%
3	8%	2%	0%
4	9%	0%	0%

3. Low-Income Unit Exchange

For mixed-income rental housing, with more than 15%, but not more than 45%, of all units in the project being affordable, the developer will receive a one-time-credit for each affordable unit in excess of the required 15% and affordable at 60% HCAMI or less. The following provisions apply:

- The one-to-one credit can be used to reduce the number of units required to be affordable at the same level of affordability in another project and
- The use of the credit shall not result in a project with less than 5% of its units affordable.

4. Housing Fund

The one-time, per-unit developer contribution required under the Downtown Columbia Plan is eliminated for all projects exclusive of those with Site Develop Plans (SDPs) filed before October 1, 2015.

III. Evaluation of ZRA-162

Although DPZ recommends denial of the GPA-2016-02 package, the following evaluation of ZRA-162 provides technical recommendations should the Planning Board desire to recommend ZRA-162, or a portion thereof.

The petitioner proposes to create Sec. 125.0.A.9.d which provides for Full Spectrum Housing, however this section currently exists. Therefore, DPZ proposes to change the section to 125.0.A.9.i. This change is reflected in the following evaluations, as well as in Exhibit B - DPZ's proposed text.

1. Section 125.0.A.9.d- Change to Section 125.0.A.9.i

Staff recommends inclusion with revisions

The proposed amendment adds a new section entitled "Full Spectrum Housing." It requires 15% affordable residential dwellings in each Downtown Columbia Revitalization development, in accordance with the requirements of five proposed subsections.

DPZ recommends that dedicated affordable housing be required in new development in Downtown Columbia in accordance with the objectives of *Plan Howard 2030* and the DCP. Since an MIHU requirement currently exists in the MXD, RH-ED, R-ED, RSI, POR, CCT, CEF, RSA-8, R-SC, R-12,

R-20, RR, RC, RA-15, TOD and CAC Zoning Districts, the proposed language has been revised to maintain consistency with the MIHU requirement used in other Zoning Districts.

2. Section 125.0.A.9.d(1)(A)- Change to Section 125.0.A.9.i(1)(A)

DPZ recommends this requirement be located in the Howard County Code Title 13, Subtitle 4

The proposed amendment adds a requirement that 15% of the dwelling units in a rental housing development in Downtown Columbia be affordable; with 5% at 40% of Howard County Area Median Income (HC AMI), 5% at 60% of HC AMI, and 5% at 80% of HC AMI.

According to the Petitioner's proposal a minimum affordable housing requirement would be included in the Zoning Regulations in Sec. 125.0.A.9.i. DPZ prefers that details regarding affordability levels and/or compliance with this requirement be located in the Housing Code (Title 13, Subtitle 4 of the Howard County Code). Section 13.402 of the Howard County Code governs development procedures associated with affordable units, affordable development agreements, and outlines various compliance options. Therefore, DPZ recommends that all compliance provisions be located in the Housing Code. This approach avoids duplication within various regulations and is consistent with how the regulations are currently organized.

3. Section 125.0.A.9.d(1)(B)- Change to Section 125.0.A.9.i(1)(B)

DPZ recommends this requirement be located in the Howard County Code Title 13, Subtitle 4

The proposed amendment adds a requirement that 15% of the dwelling units in a for-sale housing development in Downtown Columbia be affordable at 80% of HC AMI.

See comments in Evaluation #2. Details regarding compliance or affordability levels should be located in the Housing Code (Title 13, Subtitle 4 of the Howard County Code).

4. Section 125.0.A.9.d(1)(C)- Change to Section 125.0.A.9.i(1)(C)

Staff recommends inclusion as proposed

The proposed amendment requires that projects comply with the procedures set forth for Moderate Income Housing Unit (MIHU) law, Sec. 13.400 et seq. of the Howard County code.

Pursuant to Sec. 13.400(f) "Residential developments in the R-SA-8, R-A-15, CCT, POR, R-SI, TOD, CAC Zoning Districts and any other zoning districts that may include a moderate income housing unit requirement" are subject to Subtitle 4 Moderate Income Housing Units. Therefore, this section is not technically necessary. However, DPZ supports the reference to Sec. 13.400 of the Howard County Code for information purposes.

5. Section 125.0.A.9.d(1)(D) – Change to Section 125.0.A.9.i(1)(D)

DPZ does not recommend inclusion

The proposed amendment requires all projects that submit a site development plan after October 1,

2015 comply with the requirements of subsections (A) and (B).

This section provides grandfathering rights for developments that submitted a Site Development Plan (SDP) prior to October 1, 2015. Any project that filed an SDP on or after October 1, 2015 would be required to comply with these regulations, even if the SDP was approved.

This provision is not consistent with Sec. 100.E.3 which states:

“Any amendment or change to the Zoning Regulations, whether previously or hereafter adopted, shall be applicable to all pending and future proceedings and actions of any Board, Hearing Authority or agency empowered to decide applications under these Regulations, whether decided on original application or remand from Court, unless the amendment or change expressly provides that it only applies to future proceedings and actions...b. Applications for subdivision or Site Development Plan approval are considered pending unless the initial residential plan submittal, as defined in the Subdivision and Land Development Regulations, or the Site Development Plans for all other types of development is technically complete prior to the date the legislation is effective, except that development projects of over 300 units which have processed Site Development Plans on at least 50% of the overall site shall not be considered pending.”

Although grandfathering provisions are allowable, DPZ does not support applying new affordable requirements to developments that have submitted SDP's and have been deemed technically complete. Therefore, DPZ's recommends that Sec. 100.E.3 apply.

6. Section 125.0.A.9.d(1)(E) - Change to Section 125.0.A.9.i(1)(E)
DPZ does not recommend inclusion

Similar to #5 above, this section does not allow projects that filed SDPs after October 1, 2015 to pay the “per unit developer contribution” required in the Downtown Columbia Plan. With respect to the grandfathering date of October 1, 2015, a Downtown Columbia Plan amendment has been submitted with this ZRA that will address this requirement. However, as stated in #5 above, DPZ recommends that any affordable housing requirements apply prospectively in accordance with Section 100.E.3.

7. Section 125.0.A.9.d(2)(A)- Change to Section 125.0.A.9.i(2)(A)
DPZ recommends this requirement be located in the Howard County Code Title 13, Subtitle 4

The proposed amendment provides alternative HC AMI allocations to meet the affordable housing requirements in subsections (A) and (B).

See comments in Evaluation #2. Details regarding compliance or affordability levels should be located in the Housing Code (Title 13, Subtitle 4 of the Howard County Code).

8. Section 125.0.A.9.d(2)(B)- Change to Section 125.0.A.9.i(2)(B)
DPZ recommends this requirement be located in the Howard County Code Title 13, Subtitle 4

The proposed amendment allows for a housing unit exchange for rental housing developments that

provide affordable units above the required 15%. The units above the 15% can be used to meet the affordable housing requirement of other rental housing developments.

See comments in Evaluation #2. Details regarding compliance or affordability levels should be located in the Housing Code (Title 13, Subtitle 4 of the Howard County Code).

9. Section 125.0.E(4)(e)- Change to Section 125.0.E(4)(e)

DPZ does not recommend inclusion

The proposed amendment adds a reference to Sec. 125.0.A.9.D in the existing affordable housing requirement criterion related to Final Development Plan Approval.

Inclusion of this section reference is unnecessary, as the existing language regarding satisfying the affordable housing requirement is sufficient to ensure compliance. However, if this is included the reference should be changed to refer to Sec. 125.0.A.9.i

10. Section 125.0.H(3)(g)

DPZ recommends inclusion with revision

The proposed amendment adds a reference to the Sec. 125.0.A.9.D in the existing affordable housing requirement criterion related to Site Development Approval.

DPZ recommends that this section be included but the reference be revised to reflect Section 125.0.A.9.i.

ZRA-162 and its accompanying DCP amendments (i.e. GPA 2016-02 Package) represent a potential strategy for the creation of full spectrum housing in Downtown Columbia. However, DPZ does not support the inclusion of housing policy provisions into the Zoning Code and prefers that affordability requirements be included in Title 13, Subtitle 4 of the Howard County Code. Many jurisdictions codify affordable housing goals through adoption of an Inclusionary Housing Ordinance or Housing Code that is separate from Zoning Regulations.

Additionally, it should be stressed that this section of the technical staff report focuses on zoning text changes rather than the ability of GPA 2016-02 Package to create a full spectrum of housing opportunities. The sections below evaluate the proposal in relation to the DCP and analyze its viability in relation to the competing GPA 2016-03 Package.

If the GPA 2016-02 Package is recommended for adoption, DPZ recommends relocating the detailed regulations governing compliance with the affordable housing requirement to the Housing Code (Title 13, Subtitle 4 of the Howard County Code). DPZ also recommends revising affected subsections to reference the Housing Code for those requirements. The Department of Planning and Zoning's recommended amendment text is attached to this Technical Staff Report as Exhibit B.

IV. Evaluation of GPA 2016-02

1. The following summarizes proposed revisions to the DCP, which is incorporated into *PlanHoward 2030* by reference:

- a. **Downtown Columbia Plan, Chapter 1. Making a Special Place
Section 1.5 Diverse Housing**

Downtown Columbia Community Housing Foundation (DCHF)

The Downtown Columbia Plan's vision of a full spectrum of housing is established through the DCHF which uses developer required funds to support affordable housing opportunities. GPA 2016-02 revises the program's design by acknowledging the Fund's application with previous residential projects, eliminating its requirement for new projects and replacing it with unit affordability requirements.

Mixed-Income Housing

Inclusionary policies intend to create mixed-income housing throughout Downtown and produce affordable units for a broad spectrum of incomes. Optional provisions are included to facilitate a greater number of low income units and provide flexibility within the parameters set for the overall mix of affordable and market rate units (see II. Section 1-3). The specific parameters of the policy are only referenced by GPA 2016-02 and are incorporated into the supporting Zoning Regulation Amendment (ZRA-162).

- b. **Downtown Columbia Plan, Chapter 4. Balancing and Phasing Growth
Downtown Community Enhancements, Programs and Public Amenities (CEEPAs)
Implementation Chart**

GPA 2016-02 revises CEEPA 26 by removing the one-time, per unit development fee for new residential projects through a timing provision that applies the requirement to SDPs filed prior to October 1, 2015.

2. The following policies of PlanHoward 2030 are directly related to, and implemented by, GPA 2016-02:

- a. **Chapter 9 Chapter 9. Housing**

POLICY 9.2 Expand full spectrum housing for residents at diverse income levels and life stages, and for individuals with disabilities, by encouraging high quality, mixed income, multigenerational, well designed, and sustainable communities.

Implementing Actions

- **Range of Affordable Options.** Continue to expand current options for full spectrum, affordable housing through affordable housing requirements in additional zoning districts; increased regulatory flexibility to provide low and middle alternatives to moderate income housing; institution of density or other incentives; use of fee-in-lieu option; accessory apartments

establishment of public, private, and nonprofit partnerships; and promotion of business community support for workforce housing.

- **Diverse Rental Opportunities**. Work with developers to provide increased full spectrum rental choice for all incomes, ages and abilities throughout Howard County, especially in areas designated for increased density and revitalization.

While the GPA 2016-02 Package provides consistency with the referenced policy of *PlanHoward 2030*, its strategies to deliver full spectrum housing through a range of affordability options and diverse rental opportunities are not as far reaching as those incorporated into the competing GPA 2016-03 Package. The DCHF would receive no further funding. As an instrument of the DCP's affordable housing program, the Fund remains a critically important element of a comprehensive set of options to meet affordable housing needs.

Also, the intent of *PlanHoward 2030* Policy 2.1 is to foster broad public participation in the DCP's implementation process (see GPA 2016-03 Package). While the GPA 2016-02 Package is with merit in terms of its attempt to advance affordable housing policy, it undermines the process of seeking consensus with difficult issues, like affordable housing, which is implicit to Policy 2.1.

The amendments in the GPA 2016-02 Package express the single perspective of the CDHC prior to it revisiting the issue to collaborate with stakeholders and prompt the competing GPA 2016-03 Package. As a result of working through the consensus building process, that prior position of the CDHC, which was first presented in February 2015, has since been broadened to reflect a collective response to affordable housing policy by the CDHC, HRD, the Howard County Housing Commission and the County Executive – the position represented in the GPA 2016-03 Package.

V. Comparison to the GPA 2016-03 Package

Credit is due to the GPA 2016-02 Package for initiating the process to implement affordable housing in Downtown Columbia, and many of its components served as a spring-board for the GPA 2016-03 Package. Still, it is only the GPA 2016-03 Package, described in a separate technical staff report, that is based upon the Joint Recommendations - a cooperative effort by key stakeholders in Downtown Columbia.

Application is a key differentiator in the competing legislative packages. Howard County can set an inclusionary requirement at any level it wants, but the intended number of affordable units may not be built due to market limitations. The Joint Recommendations (i.e. the GPA 2016-03 Package) comes as close as possible to guaranteeing the full number of affordable units envisioned. A 15% MIHU requirement in the absence of density increases and parking modifications may not be economically feasible and therefore is less likely to result in the construction of units and alignment with the DCP. An analysis of the proposals in the GPA 2016-02 Package by Sage Policy Group, Inc. notes that “compliance

would likely bring investment returns to levels that would not support ongoing redevelopment in Downtown Columbia” and that “the return for investors in Downtown Columbia’s redevelopment will be reduced enough to frustrate construction.”

The competing GPA 2016-03 Package provides an alternative to the GPA 2016-02 Package by serving affordable housing needs to a greater extent. The GPA 2016-03 Package proposes the development of more affordable units serving a broader range of incomes and has a higher likelihood of being successfully implemented as summarized in the table below.

DCP Affordable Housing Amendment Comparison				
Affordable Housing Program	2010 DCP (Current Law)	GPA 2016-03 Package Without the DRRRA	GPA 2016-03 Package	GPA 2016-02 Package
Initial Fund	•	•	•	•
Ongoing Developer Fees	•	•	•	
Multiple Developers of Affordable Units			•	
Stakeholder Consensus			•	
Provides Land for LIHTC Projects			•	
Provides for Housing Commission Ownership			•	
Minimum Affordable Unit Requirement		10%	>10%	15%
Potential Affordable Units*		468	900	702
HC AMI Range		60%	0% - 80%	40% - 80%

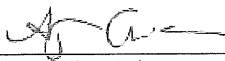
* Applies minimum requirement across remaining 4,683 units in Downtown Revitalization. Excludes units at the Columbia Flier building.

As the chart above indicates, the legislative package under review would produce less affordable units in Downtown Columbia than the competing GPA 2016-03 Package. Under the GPA 2016-02 Package, the projected number of rental units that will be affordable to households of low or moderate income at full build-out will be nearly 200 less than the projected number under the Joint Recommendations. In addition, the competing GPA 2016-03 Package requires the inclusion of a broader range of incomes (0% - 80% vs. 40% - 80%).

The objectives of the GPA 2016-02 Package are commendable and align with many of the affordable housing goals of the DCP, but the competing GPA 2016-03 Package is a more comprehensive and consensus-driven package and will better achieve the full-spectrum affordable housing goals in Downtown Columbia. Given this, DPZ recommends GPA 2016-03 and does not recommend GPA 2016-02. Please refer to the technical staff report on GPA 2016-03 for more details on that package.

VI. Recommendation

The Department of Planning and Zoning recommends denial of this GPA 2016-02 legislative package.

 3-31-16

Valdis Lazdins, Director Date

VII. Exhibits

- **Exhibit A:** ZRA-162 (Petitioner's Proposed Text)
- **Exhibit B:** DPZ's Proposed ZRA-162 Text
- **Exhibit C:** Amendment to General Plan (revisions to the Downtown Columbia Plan)

**NOTE: The file is available for public review at the Department of Planning and Zoning Public Information Counter.*

Exhibit A

Petitioner's Proposed Text

(CAPITALS indicate text to be added; [[brackets indicate text to be deleted]])

Sec. 125.0.A.9

D. FULL SPECTRUM HOUSING: TO PROVIDE A FULL SPECTRUM OF HOUSING AFFORDABILITY AS ENVISIONED IN THE DOWNTOWN COLUMBIA PLAN, AT LEAST 15% OF THE RESIDENTIAL DWELLINGS IN EACH DOWNTOWN COLUMBIA REVITALIZATION DEVELOPMENT SHALL BE AFFORDABLE AS DESCRIBED BELOW:

1. REQUIREMENTS

- A. IN EACH RENTAL HOUSING PROJECT, AT LEAST 15% OF THE UNITS MUST BE AFFORDABLE AS FOLLOWS: 5% AT 40% OF HC AMI, 5% AT 60% OF HC AMI, AND 5% AT 80% OF HC AMI.
- B. IN EACH FOR-SALE HOUSING PROJECT, AT LEAST 15% OF THE UNITS MUST BE AFFORDABLE AS FOLLOWS AT 80% OF HC AMI.
- C. PROJECTS CONTAINING AFFORDABLE UNITS SHALL COMPLY WITH THE PROCEDURES SET FORTH IN THE MODERATE INCOME HOUSING UNIT (MIHU) LAW, SECTION 13.400 ET SEQ. OF THE HOWARD COUNTY CODE.
- D. NOTWITHSTANDING THE PROVISIONS OF SECTION 100.O.E OF THE ZONING REGULATIONS, ANY PROJECTS THAT HAVE FILED A SITE DEVELOPMENT PLAN ON OR AFTER OCTOBER 1, 2015 WILL COMPLY WITH THE REQUIREMENTS PROVIDED IN SUBSECTIONS (A) AND (B) OF THIS SECTION.
- E. THE PER-UNIT DEVELOPER CONTRIBUTIONS REQUIRED PREVIOUSLY UNDER THE DOWNTOWN COLUMBIA PLAN ARE ELIMINATED FOR ALL PROJECTS OTHER THAN THOSE PROJECTS THAT HAVE SITE DEVELOPMENT PLANS FILED BEFORE OCTOBER 1, 2015.

2. FLEXIBILITY

- A. LOW-INCOME ALTERNATIVE. A PROJECT MAY SATISFY THE AFFORDABILITY REQUIREMENT IN D(1) ABOVE BY PROVIDING AFFORDABLE UNITS IN ONE OF THE FOLLOWING ALTERNATIVES:

ALTERNATIVE	40% HCAMI UNITS	60%HCAMI UNITS	80% HCAMI UNITS
1	6%	4%	3%
2	7%	3%	1%
3	8%	2%	0%
4	9%	0%	0%

- B. LOW INCOME UNIT CREDIT EXCHANGE. IF A RENTAL HOUSING PROJECT IS A MIXED-INCOME PROJECT IN WHICH MORE THAN 15%, BUT NOT MORE THAN 45%, OF THE UNITS IN THE PROEJCT ARE AFFORDABLE UNITS, THE DEVELOPER WILL RECEIVE A "ONE-TO-ONE CREDIT" FOR EACH AFFORDABLE UNIT THAT IS IN EXCESS OF THE REQUIRED 15% AND IS AFFORDABLE AT 60% OF HC AMI OR LESS. A "ONE-TO-ONE CREDIT" MAY BE APPLIED TO REDUCE THE NUMBER OF UNITS REQUIRED TO BE AFFORDABLE AT THE SAME LEVEL OF AFFORDABILITY IN ANOTHER RENTAL HOUSING PROJECT IN DOWNTOWN. PROVIDED, HOWEVER, THAT USE OF THIS LOW-INCOME UNIT CREDIT EXCHANGE SHALL NOT RESULT IN A RENTAL HOUSING PROJECT HAVING LESS THAN 5% OF ITS UNITS AS AFFORDABLE.

Sec. 125.0.E.4

- e. The Final Development Plan satisfies the affordable housing requirement IN ACCORDANCE WITH SECTION 125.A.9.d OF THESE ZONING REGULATIONS;

Sec. 125.0.H.3

- g. The Site Development Plan satisfies the affordable housing requirements IN ACCORDANCE WITH SECTION 125.A.9.d OF THESE ZONING REGULATIONS AND the approved Final Development Plan.

Exhibit B

Department of Planning and Zoning's Proposed Text

(CAPITALS indicate text to be added; [[brackets indicate text to be deleted]].)

Sec. 125.0.A.9

FULL SPECTRUM HOUSING:

- i. AT LEAST 15% OF THE RESIDENTIAL DWELLINGS IN EACH DOWNTOWN COLUMBIA REVITALIZATION DEVELOPMENT SHALL BE MODERATE INCOME HOUSING UNITS.

Sec. 125.0.H.3

g. The Site Development Plan satisfies the affordable housing requirements IN ACCORDANCE WITH SECTION 125.A.9.i. OF THESE ZONING REGULATIONS AND the approved Final Development Plan.

Exhibit C

I. Proposed Changes to Section 1.5 of the Downtown Columbia Plan

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 FUND 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 1,500th unit.
2. \$7,000/unit for each unit between the 1,501st 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.

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 DCCHF 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.¹

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 PLANS SUBMITTED ON OR AFTER OCTOBER 1, 2015 IN ACCORDANCE WITH SECTION 125 OF THE ZONING REGULATIONS.

II. Proposed Change to CEPPA #26

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.

1 COUNCIL MEMBER JEN TERRASA * BEFORE THE
2 PETITIONER, * PLANNING BOARD OF
3 GPA 2016-02, ZRA-162 * HOWARD COUNTY, MARYLAND

4 * * * * *
5 * * * * * * * * * * * * *

6 MOTION I: Recommend approval of GPA 2016-02 and ZRA-162.

7 ACTION: Recommended Approval; Vote 0 to 5.

8 * * * * * * * * * * * * *

9 RECOMMENDATION

10
11 On April 14, 2016, the Planning Board of Howard County, Maryland, held a public meeting to
12 consider a General Plan Amendment (GPA 2016-02) and Zoning Regulation Amendment (ZRA-162)
13 submitted by Council Member Jen Terrasa to make recommendations to the Howard County Council. The
14 meeting followed a thirty day noticing period advertised on the Howard County website and in the Baltimore
15 Sun and Howard County Times newspapers. It was continued to April 28, 2016 and again to May 10, 2016
16 before closing. The proceedings were televised, streamed live on the internet and are available to the public
17 on the Howard County website. The Planning Board's work session followed the meeting in which all
18 received citizen and department representative testimony was evaluated to develop the Board's
19 recommendations.

20
21 Board Discussion and Recommendation

22 The Board's work session discussion focused on comparing and contrasting the affordable housing
23 program – GPA 2016-02 and ZRA-162 – proposal with the alternative affordable housing program –
24 Developments Rights and Responsibilities Agreement, GPA 2016-03 and ZRA-170 (“The Package”) –
25 proposal. In recommending approval of The Package, the Board recommended denial of both GPA 2016-02
26 and ZRA-162.

27
28 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 31st day of
29 May, 2016, recommends that GPA 2016-02 and ZRA-162, as described above, be **DENIED**.

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HOWARD COUNTY PLANNING BOARD

Bill Santos /HB
Bill Santos, Chairman

Phil Engelke /HB
Phil Engelke, Vice-Chair

Delphine Adler /HB
Delphine Adler

Jacqueline Easley /HB
Jacqueline Easley

Erica Roberts /HB
Erica Roberts

ATTEST:
Valdis Lazdins
Valdis Lazdins, Executive Secretary



**PETITION TO AMEND THE
ZONING REGULATIONS OF
HOWARD COUNTY**

DPZ Office Use Only:
Case No. ZRA- 162
Date Filed: 10-1-15

1. Zoning Regulation Amendment Request

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows: To amend Section 125.0 NT (New Town) District and the Downtown Columbia Plan to include Inclusionary Zoning provisions in the Downtown Columbia Revitalization process

[You must provide a brief statement here. "See Attached Supplement" or similar statements are not acceptable. You may attach a separate document to respond to Section 1 in greater detail. If so, this document shall be titled "Response to Section 1"]

2. Petitioner's Name Jennifer Terrasa, Councilperson

Address 3430 Courthouse Drive, Ellicott City, MD 21043

Phone No. (W) 410-313-2001 (H) _____

Email Address jterrasa@howardcountymd.gov

3. Counsel for Petitioner Paul Johnson, Esq.

Counsel's Address 3450 Courthouse Drive, Ellicott City, MD 21043

Counsel's Phone No. 410-313-2101

Email Address PJohnson@howardcountymd.gov

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed To implement the Columbia Downtown Housing Corporation's (CDHC's) recommendations, which were requested by the County Council via Council Resolution 120-2014, to ensure that affordable housing units will be developed throughout the Downtown area in mixed-income projects and that the affordable units include a broad spectrum of incomes ranging from 40% to 80% of Howard County area median income.

2015 OCT - 1 P 5: 14
HOWARD COUNTY
RECEIVED

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County The General Plan's POLICY 9.2 – Expand full spectrum housing for residents at diverse income levels and life stages, and for individuals with disabilities, by encouraging high quality, mixed income, multigenerational, well designed, and sustainable communities. The General Plan goes further to state in “Implementing Action A - Range of Affordable Options. Continue to expand current options for full spectrum, affordable housing through affordable housing requirements in additional zoning districts; increased regulatory flexibility to provide low and middle alternatives to moderate income housing; institution of density or other incentives;...”

[You may attach a separate document to respond to Section 5. If so, this document shall be titled “Response to Section 5”]

6. The Legislative Intent of the Zoning Regulations in Section 100.0.A. expresses that the Zoning Regulations have the purpose of “...preserving and promoting the health, safety and welfare of the community.” Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.0.A. According to the *Downtown Columbia Plan*, in the section entitled, “1.5 Diverse Housing”, providing a full spectrum of housing is an important aspect of promoting the welfare of the community. The opening paragraph of that section states:

“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.”

[You may attach a separate document to respond to Section 6. If so, this document shall be titled “Response to Section 6.”]

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s) . See numbers 5 and 6 above.

[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

8. Does the amendment, or do the amendments, have the potential of affecting the development of more than one property, yes or no? Yes.

If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.

The proposed Inclusionary Zoning provisions will impact any new residential development that occurs in Downtown Columbia found in the NT zoning district.

[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]


9. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition. The petitioner would like the Columbia Downtown Housing Corporation's Report on Columbia Downtown Housing Corporation's Recommendations in Response to Howard County Council Resolution No. 120-2014 (dated February 27, 2015) to be considered as well. Also, there is a General Plan amendment that should be considered in conjunction with this proposed ZRA (See attachment B).

[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

10. You must provide the full proposed text of the amendment(s) as a separate document entitled "Petitioner's Proposed Text" that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and any existing text to be deleted must be in [[Double Bold Brackets]]. In addition, you must provide an example of how the text would appear normally if adopted as you propose.

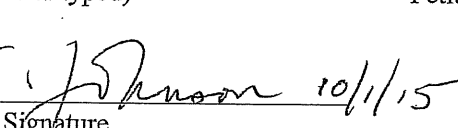
After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the "Petitioner's Proposed Text" to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, and may be submitted by email or some other media if prior arrangements are made with the Division of Public Service and Zoning Administration.

11. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling on the case.
12. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information. If the Petitioner is an entity that is not an individual, information must be provided explaining the relationship of the person(s) signing to the entity.

<i>Jennifer R Terrasa</i>		<i>9/30/15</i>
Petitioner's name (Printed or typed)	Petitioner's Signature	Date

Petitioner's name (Printed or typed)	Petitioner's Signature	Date

Petitioner's name (Printed or typed)	Petitioner's Signature	Date

<i>Paul T. Johnson</i>		<i>10/1/15</i>
Counsel for Petitioner's Signature		

[If additional signatures are necessary, please provide them on a separate document to be attached to this petition form.]

FEE

The Petitioner agrees to pay all fees as follows:

Filing fee\$695.00. If the request is granted, the Petitioner shall pay \$40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment (\$40.00 minimum, \$85.00 maximum)

Each additional hearing night..... \$510.00*

* The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner. The County Council may refund part of the filing fee for withdrawn petitions. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.

APPLICATIONS: One (1) original plus twenty (24) copies along with attachments.

For DPZ office use only:

Hearing Fee \$ _____

Receipt No. _____

PLEASE CALL 410-313-2395 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: www.howardcountymd.gov

INSTRUCTIONS TO THE APPLICANT/PARTY OF RECORD

- As required by State Law, applicants are required to complete the AFFIDAVIT AS TO CONTRIBUTION that is attached, and if you have made a contribution as described in the Affidavit, please complete the DISCLOSURE OF CONTRIBUTION that is attached.
- If you are an applicant, Party of Record (i.e., supporter/protestant) or a family member and have made a contribution as described in the Affidavit, you must complete the DISCLOSURE OF CONTRIBUTION that is attached.
- Filed affidavits and disclosures will be available for review by the public in the office of the Administrative assistant to the Zoning Board during normal business hours.
- Additional forms may be obtained from the Administrative Assistant to the Zoning Board at (410-313-2395) or from the Department of Planning and Zoning.
- Completed form may be mailed to the Administrative Assistant to the Zoning Board at 3430 Courthouse Drive, Ellicott City, MD 21043.
- Pursuant to State Law, violations shall be reported to the Howard County Ethics Commission.

PETITIONER: _____

AFFIDAVIT AS TO CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

I, _____, the applicant in the above zoning matter
_____, HAVE _____ HAVE NOT

made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate or the treasurer of a political committee during the 48-month period before application in or during the pendency of the above referenced zoning matter.

I understand that any contribution made after the filing of this Affidavit and before final disposition of the application by the County Council shall be disclosed within five (5) business days of the contribution.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: _____

Signature: _____

Date: _____

PETITIONER: _____

DISCLOSURE OF CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

This Disclosure shall be filed by an Applicant upon application or by a Party of Record within 2 weeks after entering a proceeding, if the Applicant or Party of Record or a family member, as defined in Section 15-849 of the State Government Article, has made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate of the treasurer of a political committee during the 48-month period before the application was file or during the pendency of the application.

Any person who knowingly and willfully violates Sections 15-848-15-850 of the State Government Article is subject to a fine of not more than \$5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

APPLICANT OR
PARTY OF RECORD: _____

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Printed Name: _____

Signature: _____

Date: _____

PETITIONER: _____

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

I, _____, the applicant in the above zoning matter
_____, AM _____ AM NOT

Currently engaging in business with an elected official as those terms are defined by Section 15-848 of the State Government Article of the Annotated Code of Maryland.

I understand that if I begin engaging in business with an elected official between the filing of the application and the disposition of the application, I am required to file an affidavit in this zoning matter at the time of engaging in business with elected official.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: _____

Signature: _____

Date: _____

Attachment A

SECTION 125.0: - NT (New Town) District

- A. Definitions, Requirements and Restrictions Applicable to NT Districts
1. As used herein, the term "New Town" means an unincorporated city, town or village which:
 - a. Is designated and planned as an economically and culturally self-sufficient community with a population of at least 20,000 inhabitants; and
 - b. Is so designed and planned as to meet all of the requirements specified in this Section 125.0.
 2. As used herein:
 - a. The terms "New Town District," "NT District" and "The District" mean the land zoned for the erection of a New Town under the provisions of this Section 125.0.
 - b. When a provision in this section requires that an action "will conform", "conform with", "conforms with", or "conforms to" the Downtown Columbia Plan or any part of the plan, the action being taken shall further, and not be contrary to, the following items in the Downtown Columbia Plan:
 - (1) Policies;
 - (2) Timing and implementation of the plan;
 - (3) Timing of development;
 - (4) Development patterns;
 - (5) Land uses; and
 - (6) Densities and intensities.
 3. No NT District shall be created except by the procedure set forth herein. Each NT District must contain a total area of at least 2,500 contiguous acres. Lands which are divided by streets, roads, ways, highways, transmission pipes, lines or conduits, or rights-of-way (in fee or by easement) owned by third parties shall be deemed to be contiguous for purposes of this Section 125.0. No NT District shall be established except upon land the beneficial title to which is in the person, firm or corporation executing the petition referred to in Section 125.0 thereof. The tenant under a lease having a term of not less than 75 years shall be deemed to be the holder of the beneficial title to the land covered by the lease for the purpose of this Section 125.0.
 4. No NT District shall have a greater overall residential density than that produced by the total combined number of dwellings permitted in this Section 125.0.A. The maximum number of dwellings permitted under the Downtown Revitalization Approval Process is established in Section 125.0.A. The maximum number of dwellings permitted that are not subject to the Downtown Revitalization Approval Process is established by this section and shall be calculated by multiplying the total number of acres within the NT District by two and one-half. For development that is not subject to the Downtown Revitalization Approval Process, the following development restrictions shall apply:
 - a. In areas designated "single-family—low density" on the Final Development Plan, the maximum number of dwellings permitted shall relate to the overall total number of dwellings in all areas so designated within the NT District and shall be calculated by multiplying the number of acres within all areas so designated by two.

- b. In areas designated "single-family—medium density" on the Final Development Plan, the maximum number of dwellings permitted shall relate to the overall total number of dwellings in all areas so designated within the NT District and shall be calculated by multiplying the number of acres within all areas so designated by four.
 - c. In areas designated "Apartments" on the Final Development Plan the maximum number of apartments permitted shall relate to the overall total number of apartments in all areas so designated within the NT District and shall be calculated by multiplying the number of acres within all areas so designated by 15.
5. The use of land within NT Districts shall be limited to those uses specified in the "Final Development Plan," provided, however, that:
 - a. No uses permitted only in the R-MH or M-2 Districts under these Regulations may be permitted in an NT District; and
 - b. Attached or semi-detached dwellings may be erected only in areas designated "Downtown Revitalization," or "Apartments" on a Final Development Plan. Within areas designated "Downtown Revitalization" such units shall be subject to the provisions of Section 125.0.A. Within areas designated "apartments" such units must be provided:
 - (1) In groups having no more than 10 dwellings attached to one another if attached on the sides, or 16 dwellings if attached back to back; and
 - (2) In such numbers so as not to exceed 10 dwellings for each acre of such use, calculated by multiplying the number of acres so designated by 10; and
 - (3) In such physical relation to each other and to other uses as may be specifically approved on a subdivision layout submitted as part of the Final Development Plan.
6. Except for accessory uses as hereinafter provided, no structure within an NT District shall be:
 - a. Erected except in accordance with the Final Development Plan, or
 - b. Used for any purpose other than the use designated for it on the Final Development Plan.
7. Except as otherwise provided in the Final Development Plan, the following restrictions shall be applicable to NT Districts:
 - a. Access shall be provided from every use site to a public street or to a system of common streets and ways connecting with the public street system.
 - b. The off-street parking requirements of Section 133.0 of these Regulations shall be applicable.
 - c. The accessory use provisions of Section 110.0 shall be applicable to all residential uses within the NT District.
 - d. The provisions of Section 128.0 (Supplementary Zoning District Regulations) shall apply to the NT District except for those provisions which specifically exclude the NT District.
8. Subject to any additional specific permitted uses of land which may be designated on an approved Final Development Plan pursuant to Section 125.0.C. of these Regulations, if an approved Final Development Plan designates POR, B-1, B-2, SC or M-1 District uses or any combination thereof for a specific area, then the general permitted uses for such area shall be those uses permitted as a matter of right in those districts. However, the bulk regulations for those districts regulating the location of structures, height limitations, setback provisions, minimum lot sizes, and coverage requirements shall not apply

inasmuch as the controls therefore shall be included in the Final Development Plan approved by the Planning Board as provided under these Regulations.

- a. Each New Town District must provide each of the following uses in the following proportions:

	(1) Minimum Percentage of Total Area of the District	(2) Maximum Percentage of Total Area of the District
Open Space Uses	36%	N/A
Single-family—Low Density	10%	N/A
Single-family—Medium Density	20%	N/A
Apartments	N/A	13%
Commercial (POR, B-1, B-2 and SC uses)	2%	10%
Industrial Uses (M-1 uses)	10%	20%
Other uses presently permitted in any zoning district other than those permitted only in R-MH or M-2 Districts	N/A	15%
	Note: N/A means Not Applicable	

- b. Except as provided in Section 125.0.A.8.c. below, the land use percentages in Section 125.0.A.8.a. do not apply to Downtown Revitalization. However for purposes of determining and maintaining compliance with the land use percentages chart in Section 125.0.A.8. for areas in the New Town District outside of Downtown Columbia, land uses recorded on Final Development plans within Downtown Columbia prior to the effective date shall continue to be included when calculating the land use percentages in this chart.
- c. Upon recordation of a Final Development Plan within Downtown Columbia, environmentally sensitive land areas that are designated "open space" on the Final

Development Plan will be credited towards the minimum percentage of open space uses in Section 125.0.A.8.a. above.

- d. Each New Town District must also provide adequate public transportation facilities and public water and sewer systems in the areas shown on the Final Development Plan.
 - e. As used in this Section the term "open space uses" is defined as being those uses which do not involve any extensive coverage of land with structures, as, for example, all lands devoted to raising of crops, agricultural uses, parks, playing fields, golf courses and any other outdoor recreational uses (whether any such uses be publicly owned or privately owned or operated for profit), as well as all lands covered by lakes, rivers or streams, and all lands devoted to public or community uses. Open land designated for residential uses shall be considered qualified as "open space use" only if it is held for the common use of the public or persons residing in the particular locality within the community, and if it is larger than two acres in size. For the purpose of meeting the 36% requirement imposed above:
 - (1) The term "open space uses" shall not include parking lots, streets, rights-of-way, amusement parks, golf driving ranges which are not ancillary to a golf course, or drive-in movies.
 - (2) All lands approved and credited as open space use on the Final Development Plan of the NT District shall be conclusively presumed to satisfy the requirements of this section.
9. Downtown Revitalization:
- a. Applicability: To implement the recommendations of the Downtown Columbia Plan, new development or redevelopment of any property located within Downtown Columbia that is approved after April 6, 2010 must comply with all provisions applicable to Downtown Revitalization, except as provided in Section 125.0.A.9.f. Downtown Revitalization shall require approval of: (I), a Final Development Plan or Final Development Plan Amendment, and (II), a Site Development Plan.
 - b. Uses: The following uses are permitted under the Downtown Revitalization Approval Process: All uses permitted in the POR, B-1, B-2, and SC Zoning Districts, Downtown Arts, Cultural and Community Uses and Dwellings. Structures may be developed with individual or multiples uses. Section 125.0.A.8. a. does not apply to Downtown Revitalization.
 - c. Development Levels: The following maximum development level limits apply to Downtown Columbia for Downtown Revitalization, except as qualified by Sections 125.0.A.9.f.(1), (2) and (3).
 - (1) The maximum number of Downtown Net New dwellings permitted is 5,500 dwellings. The number of dwellings permitted under the Downtown Revitalization Approval Process, up to a maximum of 5,500 Downtown Net New dwellings, shall be in addition to the overall residential density established by Section 125.0.A.4. G.
 - (2) The maximum amount of Downtown Net New commercial office development permitted is 4,300,000 square feet of gross floor area.
 - (3) The maximum number of Downtown Net New hotel and motel rooms permitted is 640 rooms.
 - (4) The maximum amount of Downtown Net New commercial retail development permitted is 1,250,000 square feet of gross floor area.
 - (5) The maximum development levels permitted above for Downtown Revitalization shall be in addition to the number of dwellings and gross floor area of

nonresidential uses shown on a Site Development Plan approved prior to April 6, 2010.

D. FULL SPECTRUM HOUSING: TO PROVIDE A FULL SPECTRUM OF HOUSING AFFORDABILITY AS ENVISIONED IN THE DOWNTOWN COLUMBIA PLAN, AT LEAST 15% OF THE RESIDENTIAL DWELLINGS IN EACH DOWNTOWN COLUMBIA REVITALIZATION DEVELOPMENT SHALL BE AFFORDABLE AS DESCRIBED BELOW:

(1) REQUIREMENTS.

- (A). IN EACH RENTAL HOUSING PROJECT, AT LEAST 15% OF THE UNITS MUST BE AFFORDABLE AS FOLLOWS: 5% AT 40% OF HC AMI, 5% AT 60% OF HC AMI, AND 5% AT 80% OF HC AMI.
- (B). IN EACH FOR-SALE HOUSING PROJECT, AT LEAST 15% OF THE UNITS MUST BE AFFORDABLE AT 80% OF HC AMI.
- (C). PROJECTS CONTAINING AFFORDABLE UNITS SHALL COMPLY WITH THE PROCEDURES SET FORTH IN THE MODERATE INCOME HOUSING UNIT (MIHU) LAW, SECTION 13.400 ET SEQ. OF THE HOWARD COUNTY CODE.
- (D). NOTWITHSTANDING THE PROVISIONS OF SECTION 100.0E OF THE ZONING REGULATIONS, ANY PROJECTS THAT HAVE FILED A SITE DEVELOPMENT PLAN ON OR AFTER OCTOBER 1, 2015 WILL COMPLY WITH THE REQUIREMENTS PROVIDED IN SUBSECTIONS (A). AND (B). OF THIS SECTION.
- (E). THE PER-UNIT DEVELOPER CONTRIBUTIONS REQUIRED PREVIOUSLY UNDER THE DOWNTOWN COLUMBIA PLAN ARE ELIMINATED FOR ALL PROJECTS OTHER THAN THOSE PROJECTS THAT HAVE SITE DEVELOPMENT PLANS FILED BEFORE OCTOBER 1, 2015.

(2). FLEXIBILITY.

(A) *LOW-INCOME ALTERNATIVE.* A PROJECT MAY SATISFY THE AFFORDABILITY REQUIREMENT IN D(1) ABOVE BY PROVIDING AFFORDABLE UNITS IN ONE OF THE FOLLOWING ALTERNATIVES:

ALTERNATIVE	40% HCAMI UNITS	60% HCAMI UNITS	80% HCAMI UNITS
1	6%	4%	3%
2	7%	3%	1%
3	8%	2%	0%
4	9%	0%	0%

(B). *LOW-INCOME UNIT CREDIT EXCHANGE.* IF A RENTAL HOUSING PROJECT IS A MIXED-INCOME PROJECT IN WHICH MORE THAN 15%, BUT NOT MORE THAN 45%, OF THE UNITS IN THE PROJECT ARE AFFORDABLE UNITS, THE DEVELOPER WILL RECEIVE A "ONE-

TO-ONE CREDIT" FOR EACH AFFORDABLE UNIT THAT IS IN EXCESS OF THE REQUIRED 15% AND IS AFFORDABLE AT 60% OF HC AMI OR LESS. A "ONE-TO-ONE CREDIT" MAY BE APPLIED TO REDUCE THE NUMBER OF UNITS REQUIRED TO BE AFFORDABLE AT THE SAME LEVEL OF AFFORDABILITY IN ANOTHER RENTAL HOUSING PROJECT IN DOWNTOWN. PROVIDED, HOWEVER, THAT USE OF THIS LOW-INCOME UNIT CREDIT EXCHANGE SHALL NOT RESULT IN A RENTAL HOUSING PROJECT HAVING LESS THAN 5% OF ITS UNITS AS AFFORDABLE.

E. Final Development Plan—Downtown Revitalization

4. Planning Board Review and Approval Criteria

The Planning Board shall consider the Final Development Plan or Final Development Plan Amendment (see Errata at end of Section 125.0) at a public hearing. The Planning Board shall approve, approve with conditions, or deny the petition based on whether the petition satisfies the following criteria:

- a. The Downtown Neighborhood Concept Plan, the Neighborhood Specific Design Guidelines, and the Neighborhood Specific Implementation Plan conform with the Downtown-Wide Design Guidelines, the Downtown Columbia Plan, the Street and Block Plan, the Neighborhoods Plan, the Maximum Building Heights Plan, the Primary Amenity Space Framework Diagram, the Street Framework Diagram, the Bicycle and Pedestrian Plan, and the Open Space Preservation Plan, or that any proposed change(s) will not be detrimental to the overall design concept and phasing for Downtown Revitalization. Limited change in building heights may be approved based on compatibility, character and height of nearby existing and planned development and redevelopment, and open spaces in the area. However, in no event shall the maximum building height for Downtown Revitalization exceed twenty stories;
- b. The Neighborhood Design Guidelines submitted with the Final Development Plan or Final Development Plan Amendment offer sufficient detail to guide the appearance of the neighborhood over time, and promote design features that are achievable and appropriate for Downtown Revitalization in accordance with the Design Guidelines and the Downtown Columbia Plan;
- c. The Final Development Plan conforms with the Neighborhood Documents, the Revitalization Phasing Plan, the Downtown Community Enhancements, (see Errata at end of Section 125.0) Programs, and Public Amenities Implementation Chart and Flexibility Provisions, the Downtown-wide Design Guidelines, the Downtown Columbia Plan, the Street and Block Plan, the Neighborhoods Plan, the Maximum Building Heights Plan, the Primary Amenity Space Framework Diagram, the Street Framework Diagram, the Bicycle and Pedestrian Plan, and the Open Space Preservation Plan. Limited change in building heights may be approved based on compatibility, character and height of nearby existing and planned development and redevelopment, and open spaces in the area. However, in no event shall the maximum building height for Downtown Revitalization exceed twenty stories;
- d. The Final Development Plan, when considered in the context of surrounding planned or existing development, provides a balanced mix of housing, employment, and commercial and arts and cultural uses throughout each phase;
- e. The Final Development Plan satisfies the affordable housing requirement IN ACCORDANCE WITH SECTION 125 A.9.D OF THESE ZONING REGULATIONS;

- f. The bicycle, pedestrian, and transit network creates convenient connections throughout the subject area and connect, wherever possible, to existing and planned sidewalks, path, and routes adjoining the development;
- g. The Final Development Plan protects land covered by lakes, streams or rivers, flood plains and steep slopes, and provides connections, where possible to existing and planned open space within the neighborhood and in surrounding area;
- h. The Final Development Plan provides the location of Downtown Community Commons required under Section 125.0.A.9.h as indicated in the Neighborhood Concept Plan;
- i. The Final Development Plan is in harmony with existing and planned vicinal land uses. In making this determination, the Planning Board shall consider, if appropriate:
 - (1) Landscape features on the boundary of the plan area, which may include protection of existing vegetation or grade changes that provide a natural separation, or landscape planting;
 - (2) The size of buildings along the edges of the plan area through limits on building height or other requirements;
 - (3) The use and design of nearby properties and
 - (4) The adopted Downtown Columbia Plan recommendations for height, building massing and scale, and neighborhood connectivity;
- j. The development proposed by Final Development Plan is served by adequate public facilities, including any proposed mitigation or development staging in accordance with the Adequate Public Facilities Ordinances (Title 16, Subtitle 11 of the Howard County Code);
- k. The Final Development Plan protects environmentally sensitive features and provides environmental restoration in accordance with the Downtown Columbia Plan;
- l. The Final Development Plan protects any historic or culturally significant existing sites, buildings or structures, and public art;
- m. The Final Development Plan proposes any appropriate plan to satisfy the requirement for art in the community;
- n. The Final Development Plan provides a plan to hold, own, and maintain in perpetuity land intended for common, quasi-public amenity use and public art that is not publically owned, including, without limitation, any Downtown Community Commons, Downtown Parkland, Downtown Arts, Cultural and Community Use, and Downtown Neighborhood Square shown on the Final Development Plan; and
- o. To better ensure conformance with the Community Enhancements, Programs and Public Amenities provisions, the Final Development Plan provides for a plan to establish membership in the Downtown Columbia Partnership and payment of the annual charges. Each Final Development Plan shall show a consistent means of calculating and providing the required annual charges.

H. Site Development Plan—Downtown Revitalization

3. Planning Board Review and Approval Criteria.

The Planning Board shall approve, approve with conditions, or deny a Site Development Plan that proposes Downtown Revitalization based on whether the petition satisfies the following criteria:

- a. The development conforms with the adopted Downtown Columbia Plan.
- b. The development implements and conforms to the approved Final Development Plan or Final Development Plan Amendment including all applicable Final Development Plan approval criteria and conditions.
- c. The development is well-organized in terms of the location of buildings and structures, downtown community commons, landscaping, pedestrian and vehicular circulation systems, and other Downtown Revitalization features.
- d. If the development provides Downtown Community Commons and/or Downtown Parkland, they are reasonable and appropriate given the location, scale and anticipated intensity of adjacent uses in accordance with the Downtown Columbia Plan.
- e. The maximum building heights will conform to the Final Development Plan.
- f. The development satisfies the Downtown Public Art Program approved with the Final Development Plan or Final Development Plan Amendment approval.
- g. The Site Development Plan satisfies the affordable housing requirements in accordance with SECTION 125 A.9.D OF THESE ZONING REGULATIONS AND the approved Final Development Plan.
- h. The development satisfies the Adequate Public Facilities Ordinance, if applicable.
- i. The development indicates the manner in which any land intended for common or quasi-public use, but not proposed to be in public ownership, will be held, owned and maintained in perpetuity for the indicated purposes.
- j. The petition is accompanied by documentation demonstrating membership in the Downtown Columbia Partnership including the required annual charges.

Attachment B

Proposed General Plan Amendments

I. Proposed Changes to Section 1.5 of the Downtown Columbia Plan

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 FUND 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 1,500th unit.
2. \$7,000/unit for each unit between the 1,501st 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.

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 DCCHF 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-pro fit 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 PLANS SUBMITTED ON OR AFTER OCTOBER 1, 2015 IN ACCORDANCE WITH SECTION 125 OF THE ZONING REGULATIONS.

II. Proposed Change to CEPPA #26

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.