

September 17, 2018

Lisa Markovitz

for The People's Voice on CB 70-2018 Support

Thank you for addressing the duties of the Zoning Counsel. This is a position that already exists and is helpful to the public in Zoning Board matters. Broadening the scope and venue of this position makes sense and the subject matter of the Planning Board hearings (which are quasi-judicial, versus meetings), should not be limited.

Publicizing the availability and contact information of Zoning Counsel should be increased. The public should more readily know they can speak to Zoning Counsel regarding the process and ask questions about the legal aspects of a hearing. This information should be posted on the sites where the agenda are noted for these hearings, alongside the rules of procedure for these types of hearings.

Many may not realize that Zoning Counsel has already existed for some time. I found that very helpful when participating in piecemeal rezoning cases of the Zoning Board. This Zoning Counsel activity previously has not been a problem regarding the separation and understanding of duties of the Office of Law, Boards and Counsel in the past and should not cause any such issues in the expansion of the role of Zoning Counsel to the Planning Board. It is an increase in transparency and community service.

Thank you.



**HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, Lisa Markowitz, have been duly authorized by
(name of individual)

the People's Voice to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB 70-18 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Lisa Markowitz

Signature: [Handwritten Signature]

Date: 9/17/18

Organization: the People's Voice

Organization Address: 3209 B Corporate Ct

Ellizott City MD 21042

Number of Members: 2314

Name of Chair/President: Lisa Markowitz

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.

Date: 17 September 2018

Subject: HCCA Testimony on CB70-2018

Good Evening Madame Chairwoman and members of the county council. My name is Hiruy Hadgu and it is my privilege to testify on behalf of the Howard County Citizens Association, HCCA as its newest board member.

We are in unanimous favor of the proposed Bill that will begin to level the playing field for the residents of Howard County. We thank Councilwoman Terrasa for once again trying to look out for the tax payer! The scales for years have been unbalanced.

The county's quasi-judicial proceedings in front of the Planning and Zoning Board require change. On one side is the Petitioner, represented by a very experienced land-use and zoning attorney. The Petitioner is well-funded, has all the experts at his disposal, and the attorney is steeped in the arcane procedures of a court trial.

On the other side is the community stakeholder. This stakeholder is sometimes very knowledgeable of zoning and has perhaps served on various committees and task-forces related to zoning and land-use. Most times however, the community stakeholder has minimal knowledge of the issue and is not an attorney and yet s/he will serve as the pseudo attorney.

Passage of this Bill will no doubt help to bring a means of justice for all. After hopefully you pass this Bill, the Zoning Counsel process will be incorporated into both the Zoning and Planning Board Rules of Procedure. This would be especially appreciated since the last time these two documents were update was 2002 and 2007 respectively. HCCA has for years asked that these be updated. They are woefully outdated and require a review and revision.

We would like to offer suggestions to improve this legislation.

First, one might wonder- if a Zoning Counsel is already a provision in the County code then how come the citizens have not received access to a through representing^g by one? It might be because as it stands, it is not a requirement, but an optional provision. We need to change a few “may” clauses to “shall”.

Second, we think the provision in the existing code that requires the zoning attorney to wait one year before representing other clients before the zoning board or board of appeals is not sufficient to reduce a potential conflict of interest. This should be increased to three or four years.

Third, CB70 only addresses Downtown Columbia – Why? It should apply to all of Howard County. I was a witness to a hearing in front of the Planning Board involving Savage residents where they could have certainly used one.

It is important this Bill has sharp teeth to evoke the power of the Zoning Counsel. The current proceedings before the Planning Board are essentially perfunctory. The board merely goes along for the most part with the suggestions of the Department of Planning and Zoning.

We need an independent zoning counsel.

A zoning counsel will begin to level the playing field and allow the stakeholders to have a say in quality of life matters so we ask you to pass this bill with the suggested changes.

Thank You,

Hiruy Hadgu

HCCA Board of Directors



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I, Hiruy HAGDU, have been duly authorized by
(name of individual)

Howard County Citizens Association to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB70-2018 to express the organization's
(bill or resolution number)

support for / opposition to request to amend this legislation.
(Please circle one.)

Printed Name: Hiruy HAGDU

Signature: Sh Kal for Hiruy HAGDU

Date: 17 Sept 18

Organization: HCCA

Organization Address: HCCA PO Box 89, ELLICOTT CITY MD 21041

Chair/President: Sh Kal

Howard Hughes.



Mary Kay Sigaty, Chairperson
and Members of the Howard County Council
George Howard Building
3430 Court House Drive
Ellicott city, Maryland 21043



September 17, 2018

Re: CB 70-2018

Dear Chairperson Sigaty and Members of the County Council:

On behalf of The Howard Research And Development Corporation ("HRD"), this letter expresses our opposition to Bill 70-2018. Please include this letter in the public hearing Record.

Bill 70-2018 inherently suggests the Howard County Planning Board has based prior decisions approving CEPPA flexibility on an incomplete record. This is factually incorrect. In our view, the suggestion also unjustly maligns the efforts of the Planning Board and the Department of Planning and Zoning.

In the Downtown Columbia Plan and Downtown Zoning Regulations approved by the County Council, authority was purposefully delegated to the Planning Board to, on a case-by-case basis, grant alternative timing for a particular CEPPA or to approve an alternative CEPPA and timing. In so doing, the County Council recognized that for the Downtown Columbia Plan to be successful, flexibility in its implementation would be needed to address specific circumstances that exist at a particular time.

The Planning Board has applied this flexibility in a thoughtful manner and without compromising the important public benefits provided by the CEPPAs. In fact, it was this flexibility, in part, that facilitated the accelerated transfer of Merriweather Post Pavilion to the Downtown Columbia Arts and Culture Commission. This transfer occurred many years, perhaps as much as a decade, ahead of the CEPPA schedule. Recent CEPPA flexibility also allowed the Planning Board to exchange the timing of two CEPPAs to accelerate the improvement and no-cost transfer to the County of important public space adjacent to the Lakefront.

Importantly, in exercising CEPPA flexibility, the Planning Board has allowed Downtown Revitalization to continue rather than to stall for specious reasons. The Planning Board's considered judgment in this regard has and will continue to yield important benefits to the County that are identified by the Downtown Columbia Plan and PlanHoward 2030, including the creation of additional residential units Downtown, including affordable housing; the transfer of Merriweather Post Pavilion to DCACC; the long-term protection and enhancement of environmental spaces; and the continued economic development that establishes Downtown Columbia as the County's Urban Center.

Columbia Regional Office
The Howard Research And Development Corporation
10480 Little Patuxent Parkway, Suite 400
Columbia, MD 21044

Howard Hughes.

Lastly, as a matter of course, the Planning Board accepts testimony and other evidence from multiple witnesses at its proceedings. The Planning Board allows citizens both for and against a particular application to testify, present photographs and other evidence and to cross-examine witnesses. Planning Board decisions are informed by DPZ staff, both in a written Report and Recommendation for each matter and in response to Board member questions in public session. Board decisions are also informed by the recommendations of the Design Advisory Panel. Moreover, Board members frequently question individual witnesses to gather additional information. In short, the need for zoning counsel to assure a complete record is contrary to our experience.

Thank you for your consideration.

Sincerely,



Greg Fitchitt
Vice President