

Sayers, Margery

From: Susan Garber <buzysusan23@yahoo.com>
Sent: Wednesday, January 20, 2021 7:56 PM
To: CouncilMail
Subject: Testimony on CB7-2021 and CB8-2021
Attachments: HCCA_CB7-2021 testimonyF.docx; HCCA testimony CB8-2021F.docx

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Attached is my testimony on behalf of the Howard County Community Association on CB 7 and CB 8-2021.

Susan Garber,
Laurel

Susan Garber, Board member, speaking on behalf of the HCCA in opposition to CB 8-2021.

While DPZ's proposal is superior to that of the petitioner's we ultimately believe it is inappropriate to consider such a wide reaching ZRA when the General Plan process is already underway. Therefore we urge you to vote NO on CB8-2021.

There's a lot of potential profit in the development industry precisely because there can also be a lot of risk. However in HoCo it appears a developer can simply reduce his or her risk through the use of ZRAs. Start a large project under a particular zone, and then, if conditions change, simply have that zoning regulation modified to protect you, to assure the profit level you desire. Some might say: "What's the harm in that? A man has a right to make a profit. That's business." What's wrong is the harm it does to an area—the way it can reduce resident's quality of life due to inadequate public facilities to accommodate the ever greater residential density requested to make that profit margin.

This scenario has been played one too many times for this Council to even consider it while the development of the next general plan is underway. CAC doesn't need another band-aid, it needs a comprehensive overhaul or elimination, as was considered in the Clarion study. There is a reason it is the most revised and reviled zone.

Sometimes one reaches too far, takes too many bites at the apple. Trying to justify the need for yet another change in the rules based on a self-commissioned market study IS that one bite too many.

Developers always say they need predictability. So does the County and its residents. HoCo anticipated certain funds to be generated from CAC, yet with each change those numbers decrease and tax payers are on the hook to provide facilities and services demanded by the new population. And then there is the loss from the decrease in 'fees' for reducing the ratio of commercial space to residential.

We urge you NOT to approve this request. It will in turn affect so many additional CAC properties—all once again in the Route One corridor--which still lacks its own comprehensive plan.

The public is still stinging from the manner in which the last ZRA affecting CAC was handled. CB2-2016, a substantially amended bill where without a PB hearing or DPZ analysis or public input--- the bill passed, was vetoed, and over-ridden. All at a cost of well over a million dollars in lost revenue to the County. Please, let's not play that game again. Vote NO. There is no urgency to do this while HoCo by Design is underway. The route one corridor should provide the benefit from an industrial, manufacturing, and commercial tax base, NOT a residential tax burden.

Thank you.



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

I, Susan Garber, have been duly authorized by
(name of individual)

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

County Council regarding **CB8-2021** to express the organization's
(bill or resolution number)

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

Printed Name: Susan Garber

Signature: _____

Date: 14 Jan 2021

Organization: HCCA

Organization Address: HCCA

P.O. Box 89 Ellicott City MD 21041

Number of Members: 500

Name of Chair/President: Stu Kohn

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.

Sayers, Margery

From: Jessica Burgard <jess.burgard@gmail.com>
Sent: Tuesday, January 19, 2021 7:13 PM
To: CouncilMail
Subject: testimony against CB8-2021
Attachments: CB8-2021 - IndivisibleHoCoMD Testimony.pdf

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Hello,
Please see the attached testimony against CB8-2021 on behalf of Howard County Indivisible.
Thank you,
Jessica Burgard

IndivisibleHoCoMD



CB8-2021

"Indivisible Howard County opposes this bill. This private developer is asking us to abandon our County planning principles so that it can make an even greater profit on their project. The County does not need any one developer's residential project so badly that it should abandon its own master plan to subsidize it. Howard County doesn't do corporate bailouts.

The County master plan states a "key guiding principle" is to provide residents with walkable offices and high quality retail. But once a residential developer buys out of the obligation to reserve part of their property for commercial use, there are no take-backs. That land has houses on it and is no longer available to serve the residents of the development and surrounding community.

The developer warns that unless we reduce penalties for monolithic development they will be tempted to build commercial space, but leave it unoccupied until market forces make leasing more profitable. The developer raises the specter of vacant 'empty shell' commercial property haunting Route 1 into the future, and the Council is justly concerned. But it is an empty threat. The County's own Market Trends Assessment indicates that the demand for commercial property is growing while the residential market is approaching saturation. New residents bring new demand for services.

We should remember that the developer commissioned the economic study to support its case for a county handout, and take it with a grain of salt. However, if, in the short term, the developer does fail to lease out the commercial space, there are options. The County could collaborate with the developers to fill these spaces with life. Under low cost leases, the County could use the space to offer services such as youth programs or elder care. Likewise, community and charitable organizations could use the space for programming to support working families. The developer would get some revenue in the short term, and the community would receive an enormous boost. The developer could then transition to market-rate office and high-end retail as the demand for it grows.

We do not need to be modest in our request to hold the developers to the existing law. The County has the right to stick to its master plan and existing statutes, even if developers would wish them away for their own profit. Here, the developer has named its own price for our future quality of life, derived from an economic study that it commissioned. The Council should reconsider offering buy-outs at any price, and base its decisions on independent market analysis and the benefit to County residents."

Jessica Burgard,

IndivisibleHoCoMD Economic Equity Action Team



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


I, Jessica Burgard, have been duly authorized by
(name of individual)

Howard Count Indivisible's Economic Equity Action Team to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB8 - 2021 to express the organization's
(bill or resolution number)

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

Printed Name: Jessica Burgard

Signature: 

Date: 1/18/2021

Organization: Howard County Indivisible

Organization Address: IndivisibleHoCoMD@gmail.com

IndivisibleHoCoMD@gmail.com

Number of Members: 600

Name of Chair/President: Elizabeth Kato

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Written testimony on CB8-2021
Suggested Amendments

CB8 seeks to reduce the CAC required commercial mix of space (overall) in a project. This zone has been modified quite a bit over time, and the mixed use goal is becoming lost.

There needs to be greater care when allowing for short-run maximized profits when there are economic changes, to be careful about longer-term effects and market supply needs.

We very well may need a change to accommodate pandemic shifts, but this large degree of flexibility left up to DPZ is not appropriate for long-term planning responsibilities.

The County has a responsibility to many residents, and not just to provide any and all residential growth wherever possible. We owe it to small businesses, as they recover from the pandemic, to not have a dearth of supply, leading to high rents.

A much smaller reduction in the required commercial space, such as 10% makes more sense to allow DPZ as a flexible accommodation, in this zone that was specifically meant to create mixed use and was originally given a higher residential density allowance because of that goal.

If the requirement decrease is not more limited, then an independent, long-term market analysis should be the basis of it, and not a developer-provided, single parcel goal-oriented study.

Thank you,
Lisa Markovitz,
President

Sayers, Margery

From: Elly Colmers Cowan <ecowan@presmd.org>
Sent: Tuesday, January 19, 2021 2:11 PM
To: CouncilMail
Cc: Ruby Nwaebube Ruby Nwaebube
Subject: Testimony for tonight's hearing
Attachments: SGAHC Testimony_CB8-21.pdf; SGAHC Testimony_CB7-21.pdf

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Good Afternoon,

Attached please find testimony on behalf of the Smarter Growth Alliance for Howard County for CB7-2021 and CB8-2021 for tonight's County Council Legislative Public Hearing.

Thanks so much,
Elly Cowan

Elly Colmers Cowan

(she/her)

Director of Advocacy

PRESERVATION MARYLAND

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[Baltimore, MD 21211](#)

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e. ecowan@presmd.org *w.* presmd.org

Smarter Growth Alliance For Howard County

January 19, 2021

The Honorable Howard County Council
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043

RE: CB8-2021 – Reduction of Commercial Space Requirement in Mixed Use CAC Zone

Dear Council Members:

The Smarter Growth Alliance for Howard County (SGAHC) is an alliance of local and state organizations working together to foster healthy, equitable, and sustainable communities through smarter development and transportation decisions and improved protections for the county's natural, historic and cultural resources.

The SGAHC opposes CB8 as we believe it is premature to make such alterations while the County is actively in the process of updating the General Plan and making large changes in County land use planning.

There is certainly precedent to make adjustments to the percentages of required types of use in mixed-use zones to reflect shifts in market factors, but it is concerning that the justification for the changes proposed by CB8 is a developer-sourced market study and not a study from DPZ or another unbiased entity. There needs to be great care to not prioritize short-term project profits for the developer at the expense of general County land use supply needs.

Small businesses have faced unprecedented challenges in the face of the Covid-19 pandemic. There has been a reduction in the demand for commercial space in the face of the public health crisis, but that does not mean the demand may not shift soon, especially as vaccinations become more widespread and the state looks toward reopening. We know that Howard County is committed to helping assist small businesses as they look toward recovery, and passing CB8 could have the unintended consequence of raising commercial rental pricing for those businesses looking to reopen due to a supply that has been too vastly reduced. We should proceed with caution as it is very difficult to change a residential zoning back to commercial once altered.

*Audubon MD-DC • Audubon Society of Central Maryland • Bicycling Advocates of Howard County
Chesapeake Bay Foundation • Clean Water Action • Coalition for Smarter Growth • Community Ecology Institute
Earth Forum of Howard County • HARP • Horizon Foundation • Howard County Citizens Association
Howard County Conservancy • Howard County Sierra Club • Maryland Conservation Council
Maryland League of Conservation Voters • Maryland Ornithological Society • Patapsco Heritage Greenway
Preservation Maryland • Safe Skies Maryland • Savage Community Association • The People's Voice • Transition Howard County*

The Smarter Growth Alliance for Howard County opposes CB8 because we believe that a change of such magnitude, that seeks to practically eliminate commercial space in a zone meant to incentivize that type of use, needs to be addresses and vetted through the upcoming review of the General Plan. Barring that, we request that the reduction in the total commercial space requirement is limited to 10% to prevent any unforeseen negative effects and that an independent economic measurement be conducted.

We thank you for your consideration of this important issue that could have long term consequences for Howard County.

Sincerely,

Howard County Citizen's Association
Stu Kohn
President

Safe Skies Maryland
Mark T. Southerland
Legislative Director

Howard County Sierra Club
Carolyn Parsa
Chair

Savage Community Association
Susan Garber
Board Chair

Preservation Maryland
Elly Cowan
Director of Advocacy

The People's Voice
Lisa M. Markovitz
President

cc: The Honorable Calvin Ball, County Executive



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

I, Kevin Burke, have been duly authorized by
(name of individual)

the Savage Community Association to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB7-2021 & CB8-2021 to express the organization's
(bill or resolution number)

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

Printed Name: Kevin Burke (in opposition to)

Signature: _____

Date: 1/17/2021

Organization: Savage Community Association

Organization Address: P.O. Box 222 Savage 20763

P.O. Box 222 Savage 20763

Number of Members: 410

Name of Chair/President: Susan Garber

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.

Sayers, Margery

From: LISA MARKOVITZ <lmarkovitz@comcast.net>
Sent: Sunday, January 24, 2021 2:25 PM
To: CouncilMail
Subject: CB8 work session/didn't get a chance to present

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

The following are issues/concerns regarding CB8 that were not able to be presented, given time constraints.

Thank you,
Lisa Markovitz
President, The People's Voice

1. We heard that the petitioner is concerned about having to provide unviable commercial space, and at the same time is concerned about having more commercial space cause undo added competition to area businesses. These issues cannot co-exist. It is hard to believe the commercial would be unviable, since it would not have to serve the larger community, but the captured consumer base of the parcel's hundreds of apartments. Is 1100 a critical mass?
2. If we cause a dearth of commercial supply across a zone, because residential is more profitable to developers, we are decreasing income to the County, and hurting small businesses as they recover from the pandemic as they will face higher rents due to decreased supply.
3. **FEE REDUCTION** - The regulations have the on or off Route 1 issue tied to having over 800 units. Are we really saying that if a parcel has over 800 units it cannot afford to have the \$50 fee and should be reduced to \$25? We need to lessen the amount given to funding help for other business needs? Of course, they will decide whether or not to pay it, or create the units, that's the whole reason the fee is there, to make a scale in the decision for the developer. Having a market study of ad hoc regulation is not good planning. There are **OTHER WAYS IN THE ZONE NOW TO LESSEN THE FEE**. In the zone currently, providing more amenity area, public improvement contributions or more LEED certification can lower the fee.
4. The high density in this zone was supposed to be a trade-off for providing more commercial space, and thus the mixed incentive goal. It has been lowered from 300 to 70 and now suggested to be 0, without increasing amenities or other trade-offs. If we are going to eliminate the mixed use goal, then a countering decrease in density makes sense, along with a balanced offset of increased amenity requirement for those added residents. Increase the amenity requirement percentage on an even scale with any percentage decrease in commercial.
5. REQUIRE more affordable if commercial is decreased. REQUIRE it all be provided on-site, no fees, no alternative compliance.