

HOWARD COUNTY COUNCIL
RECEIVED



HOWARD COUNTY OFFICE OF COUNTY EXECUTIVE
3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2013

2016 APR 15 PM 3:29

Allan H. Kittleman
Howard County Executive
akittleman@howardcountymd.gov

www.howardcountymd.gov
FAX 410-313-3051
TDD 410-313-2323

April 15, 2016

Dr. Calvin Ball, County Council Chairperson
Howard County Council
3430 Courthouse Drive
Ellicott City, Maryland 21043

Calvin
Dear Dr. Ball:

Today, by the authority granted by Section 209 of the Howard County Charter, I have vetoed Council Bill No. 2-2016 (CB 2). I do acknowledge that there are valid concerns about the viability of the Corridor Activity Center (CAC) zoning district, but I do not believe that we have had adequate time to properly analyze CB 2, as amended, to determine if this is the best way to address issues with the CAC.

On April 4, 2016 an amendment (Amendment No. 1) to CB 2 was introduced and approved by the County Council, which constituted a significant change to the initial Bill. While CB 2 was vetted through a public process, Amendment No. 1 was not provided to the Department of Planning and Zoning (DPZ) with sufficient time in advance to evaluate potential impacts or unintended consequences of the revised proposal; Amendment No. 1 was never discussed or vetted at a public work session and the public has not had an opportunity to provide input on the significant changes to the original Bill.

CB 2 was introduced by the Council on January 4, 2016 and a public hearing was held on January 19, 2016. Testimony was offered at the public hearing in opposition to the Bill. On February 1, 2016 the Bill was tabled. The Bill was initially included on the Council work session agenda for March 1, 2016. A revised agenda was issued for the March 1, 2016 work session that removed the Bill from the list of items for discussion. CB 2 was not on the agenda for the work session on March 28, 2016. Despite the public opposition, the Bill and any proposed amendments were not discussed at any Council work sessions. On March 31, 2016, Amendment No. 1 was filed, which significantly altered the Bill introduced at the January 4, 2016 legislative session.

The Council approved Amendment No. 1 at the April 4, 2016 legislative session by a vote of 3-2. During the legislative session, Councilmembers expressed concerns regarding the impact and effect of the Amendment.

CB 2 was not amended with the benefit of recommendations of the DPZ or the Planning Board. Further, the Amendment approved at the April 4, 2016 legislative session differs significantly from that originally proposed by the Petitioner and reviewed by the DPZ and the Howard County Planning Board.

Changes made to the Bill by Amendment No. 1 are, in my opinion based on my experience as a former Councilmember, significant and substantive. First, Amendment No. 1 exempts moderate-income housing from the commercial development requirements in the CAC Zoning District. The subject of moderate-income housing units was never reviewed or discussed by the DPZ or the Planning Board. Second, while the Planning Board discussed the option of allowing a fee payment in-lieu of commercial development, the discussions focused on the appropriate amount of commercial space that could be "bought down" and the amount of the buy-down. Amendment No. 1 extends beyond those matters and stipulates the timing of such payments and includes specific criteria by which the fee can be reduced. DPZ did not have an adequate opportunity to review these criteria for clarity and enforceability. Likewise, the DPZ has not assessed the timing of the in-lieu fee payment, based on the operational needs of the various departments involved in fee collection.

Finally, Amendment No. 1 precludes developments that exercise the in-lieu fee payment option from receiving any additional residential density. This provision has not been tested by staff to evaluate potential impacts to the CAC Zoning District.

Given the significant changes made by Amendment No. 1, the prudent course of action would be to restart the ZRA process. This course of action will allow the Planning Board to review the proposed amendments in a public forum and provide a recommendation based on technical advice from staff and testimony from the public.

Sincerely,



Allan H. Kittleman
County Executive

cc: Howard County Council
Jessica Feldmark, Council Administrator
Gary W. Kuc, County Solicitor