

Veto Override of Council Bill 2, questions

lmarkovitz@comcast.net

Sent: Tuesday, May 03, 2016 1:45 PM

To: CouncilMail

Dear Council Members,

Many members of The People's Voice have asked my opinion of the override of the veto of Council Bill 2-2016. Before publicizing my concerns, I have the following questions, and thought you all should see them. Thank you for your time in relaying this information.

It seemed that Council Member Terrasa didn't support the original bill, but voted to override the veto, due to two impressions. One being that since the Office of Law opined the amendment wasn't substantive, that meant a new hearing could not be held, and another concern being that more affordable housing would be provided with this bill than not.

The law is pretty clear that the decision is left to the Council, in a purely subjective way, every time, to determine if an amendment is substantive, and that was stated by the Office of Law when asked. So, regardless of conflicting personal opinions of Office of Law staff over time, if you had allowed the veto to stand, due to the amendment being substantive, you could have re-introduced the bill with the body of the bill including the amendment, and had a new public hearing. I would be surprised if the Office of Law does not confirm your ability to do that.

My question though, is whether or not the bill and/or amendment allows for more affordable housing in the zone. It seems to me only an increase in density in general flows down to a bit more affordable housing, but Ms. Terrasa stated there wasn't an increase in density planned.

Thus, it seems the concern was for the project happening or not happening with the planned affordable housing, such as it is. It seems odd that a project would be undertaken, financed and given multiple financial benefits already, to need that much more, even more than that which was requested, to be able to proceed.

Council Member Weinstein mentioned that commercial areas are experiencing a shortage in marketing demand and there are vacancies. The great reduction already to the requirements should have covered this concern.

The greatest frustration I personally feel with this decision is with the ever-changing opinion about what amounts to a "substantive amendment" not requiring further public hearing. I have proposed amendments in the past, most recently with regard to having the Planning Board beholden to giving their recommendations no less than two weeks prior to the next proceeding. The bill at the time dealt with requiring the DPZ to give its Technical Staff Reports no less than two weeks prior to Planning Board hearings. I was told this amendment wasn't able to be addressed due to it being substantive. Seems to me it was far less of a change to the issue at hand than the amendment to CB2. The statement on Monday, that if you are talking about an affect on the same zone, that's not substantive was patently absurd. Imagine the changes you can make to a zone without input! The public is getting the impression that "substantive", being subjective, will only apply to something you don't want to see happen regardless of how much change it entails.

Thank you for the opportunity to address concerns I, and others have, regarding this bill. I

look forward to seeing Council Member Terrasa's plans for a ZRA, to take concerns into consideration about this zone; however, starting the other bill over again would have made more sense, because a new ZRA will be problematic if it overrides issues in this now passed bill.

Good luck,

Lisa Markovitz
President, The People's Voice, LLC

Council Bill 2-2016

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Sent: Monday, May 02, 2016 6:25 PM**To:** CouncilMail

In regards to Council Bill 2-20. The implementation of CAC is a bittersweet implementation of zoning that affects large regions of Howard County's fastest growing neighborhoods. The additional density allowed was given as a "incentive" to develop higher quality projects at a cost of providing less profitable commercial venues that support the community with jobs and a more equitable commercial to residential base. A reduction of the requirements by a one-time fee, or reduced ratios is not in the public interest. Even with careful wording to suit an individual project, the precedent for spot zoning and additional "me too" requests from other projects minimize the intent of the zoning. Asbury provided a great example of the side effects, where abnormally high lease rates discouraged a marketable project which forced additional recommendations to convert a highly dense project into a poorly implemented feature anchoring the route one corridor indefinitely. As an advocate of well balanced APFO regulations to protect our education system, additional density exchanges such as these will further the need to address the impacts of these changes in our adequacy regulations.

-Brent Loveless

Veto of CB-2

John Garber [jgar2002@msn.com]

Sent: Monday, May 02, 2016 5:28 PM

To: CouncilMail

Dear members of the Howard County Council,

I urge you to provide citizens with an opportunity to speak regarding the amendments that were presented just before the vote was taken on CB-2. Therefore, I request that you **do not over-ride the Executive's veto, so that the procedural error can be corrected.**

While I understand the desire to see the development completed, I don't personally think a rapid--and incorrect response is the most appropriate. Many delays in the project are directly the result of ATAPCO's actions to date. I find the reduction in fees too steep at a time when Jessup/Elkridge has so many public facility deficits.

Thank you for your consideration,

John Garber
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