



PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only:

Case No. ZRA- 170

Date Filed: _____

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 of the Howard County Zoning Regulations to:

- 1. Delete Section 125.0.A.9.f.(2)(e)(i) to ensure that Moderate Income Housing Units comply with section 125.0.A.9.f. in Downtown Revitalization development projects;
2. Add new Section 125.0.A.9.f.(3) to exempt any affordable dwelling unit located in Downtown Columbia from the maximum number of downtown net new dwelling units established by Section 125.0.A.9.c.(1);
3. Add new Section 125.0.A.9.f.(4) to require that at least 10% of the dwelling units in each Downtown Revitalization development be Moderate Income Housing Units with certain alternatives.

To amend Section 125.0.H.3.g to require that a Site Development Plan that proposes Downtown Revitalization satisfies Section 125.0.A.9.f.(4).

To amend Section 133.0 to update the base parking ratios for residential land uses in Section 133.0.F.3.a. (Table 1) by breaking them down into two separate categories consisting of studio and one-bedroom units, and units with two or more bedrooms.

2. Petitioner's Name Valdis Lazdins, Director, Department of Planning and Zoning
Address 3430 Courthouse Drive, Ellicott City, MD 21043
Phone No. (W) 410-313-2350 (H) N/A
Email Address vlazdins@howardcountymd.gov

3. Counsel for Petitioner Paul Johnson, Deputy County Solicitor
Counsel's Address 3430 Courthouse Drive, Ellicott City, MD 21043
Counsel's Phone No. 410-313-2101
Email Address pjohnson@howardcountymd.gov

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HOWARD COUNTY COUNCIL

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed

1. Requiring Moderate Income Housing Units to comply with section 125.0.A.9.f. ensures that appropriate building heights are maintained and arts and culture amenities are realized.
2. Exempting affordable dwelling units in Downtown Columbia from the maximum number of net new dwelling units allocated to Downtown encourages development projects that would exceed current Howard County Code requirements for affordable housing.
3. Requiring at least 10% Moderate Income Housing Units for each Downtown Revitalization development ensures the units will be constructed, while maintaining consistency with other zoning districts.
4. Basing parking ratios on residential unit size and type will more accurately reflect true parking demand.

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County This ZRA is consistent with *PlanHoward 2030*, which discusses the importance of locating more affordable housing with convenient access to employment, schools, services and public transit. The General Plan also discusses the need for diverse housing types, including multifamily units affordable to the workforce. Specifically, Policy 9.2 calls for the County to "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." Further, Implementing Action b. advocates "Diverse rental opportunities through working 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." Additionally, the Zoning Regulation Amendment associated with Section 125.0.A.9.f. is in harmony with policy 8.11 to "Ensure County residents and visitors have access to a wide variety of arts and cultural programs; cultivate artists; and develop a creative workforce."

Finally, adjusted parking ratios for residential land uses are in harmony with policy 10.4 to "Review and update all County development regulations to respond to County General Plan development goals and changing market conditions, and to improve the efficiency of the County's review process."

6. The Legislative Intent of the Zoning Regulations in Section 100.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.A. All proposed amendments are in harmony with the legislative intent of the Howard County Zoning Regulations. Specifically, Section 100.0.A.5. of the Howard County Zoning Regulations indicates that it is the intent of these Regulations "To provide for adequate housing choices in a suitable living environment within the economic reach of all citizens."

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) . Social and economic well-being for seniors, individuals, and families is gained by increasing affordable housing choices located close to jobs, schools and other amenities.

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 number of properties is potentially greater than 12. The land use impacts related to Section 125.0.A.9.f.(4) are marginal since this section only requires 10% Moderate Income Housing Units for each Downtown Revitalization development and does not impact overall density. However, the proposed amendment to Section 125.0.A.9.f.(3) exempts affordable units from the maximum number of net new dwelling units. This provision will likely increase density within Downtown Columbia. Depending on the overall increase, impacts related to traffic/circulation, infrastructure, parking, schools, and other public services could occur.

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. This ZRA is a companion to the proposed revisions to Title 13 (Housing), Title 16 (Adequate Public Facilities Ordinance), and Title 28 (Downtown Columbia) of the Howard County Code, as well as amendments to *PlanHoward 2030* and the *Downtown Columbia Plan*, and an anticipated proposed Development Rights and Responsibilities Agreement.

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.

Valdis Lazdins, Director

Petitioner's name (Printed or typed)

Valdis Lazdins 3-15-16

Petitioner's Signature Date

Valdis Lazdins

Petitioner's name (Printed or typed)

Petitioner's Signature Date

Paul T. Johnson *of*

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.

For DPZ office use only:

Hearing Fee \$ _____

Receipt No. _____

PLEASE CALL 410-313-2350 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: www.howardcountymd.gov

Revised:5/08
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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.

ZONING MATTER: _____

AFFIDAVIT AS TO CONTRIBUTION

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

I, Valdis Lazdins, the applicant in the above zoning matter

_____, HAVE X 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.

Name: Valdis Lazdins

Date: 3-15-14

ZONING MATTER: _____

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.

Name: _____

Date: _____

ZONING MATTER: _____

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, Valdis Lazdins, 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.

Name: Valdis Lazdins
Date: 3-15-16

ZRA 162 – Exhibit A
Petitioner’s Proposed Text

Howard County Zoning Regulations.

Section 125.0: - NT (New Town) District

A. Definitions, Requirements and Restrictions Applicable to NT Districts

9. Downtown Revitalization:

f. Additional Requirements.

- (1) The maximum building height permitted for Downtown Revitalization shall conform to the building height shown on the Downtown Maximum Building Height Plan and shall not exceed twenty stories.
- (2) Any Downtown Revitalization Development shall provide for art in the community that is equivalent in value to 1% of the building construction cost.
 - (a) Art must be provided:
 - (i) On site;
 - (ii) On other property located within Downtown Revitalization development provided with the written consent of the owner of the fee simple property; or
 - (iii) The petitioner may pay a fee in-lieu of providing art on-site that is equivalent in value to 1% of the building construction cost.
 - (b) Art may be provided in combination with other Downtown Revitalization Developments.
 - (c) Each in-lieu fee must be paid prior to issuance of a use and occupancy permit for the first building in the project that generates the requirement, and the collected funds must be used to provide art on property within Downtown Revitalization Developments.
 - (d) If the value of the art provided on site or in combination with other projects exceeds 1% of the building construction cost, then the excess value beyond 1% can be credited towards the requirements of this subsection for a subsequent-Final

Development Plan subject to the procedures and requirements set forth in this subsection.

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

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

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

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

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

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

(3) ANY AFFORDABLE DWELLING UNIT LOCATED IN DOWNTOWN COLUMBIA IS EXEMPT FROM THE MAXIMUM NUMBER OF DOWNTOWN NET NEW DWELLING UNITS ESTABLISHED BY SECTION 125.O.A.9.C(1). FOR PURPOSES OF THIS SECTION, AN "AFFORDABLE DWELLING UNIT" IS ANY DWELLING UNIT THAT IS RESTRICTED BY HOWARD COUNTY'S MODERATE INCOME HOUSING UNIT PROGRAM SET FORTH IN TITLE 13, SUBTITLE 4 OF THE HOWARD COUNTY CODE, A DEVELOPMENT RIGHTS AND RESPONSIBILITY AGREEMENT, OR RESTRICTIVE COVENANT THAT IS ENFORCEABLE BY THE COUNTY FOR A TERM OF NOT LESS THAN 40 YEARS, SUCH THAT THE UNIT MUST BE MADE AVAILABLE FOR OCCUPANCY BY A HOUSEHOLD WITH AN INCOME OF NOT MORE THAN 80% OF THE HOWARD COUNTY MEDIAN INCOME.

(4) A DEVELOPER SHALL PROVIDE A MINIMUM OF 10% OF ALL RESIDENTIAL DWELLING UNITS AS AFFORDABLE DWELLING UNITS ONLY IN ACCORDANCE WITH THE MODERATE INCOME HOUSING UNIT PROGRAM UNLESS:

- (I) A DEVELOPER OF FOR-SALE UNITS, AT ITS OPTION, PAYS A PER UNIT PAYMENT TO THE DOWNTOWN COLUMBIA COMMUNITY HOUSING FOUNDATION (“DCCHF”) IN THE AMOUNTS SET FORTH IN TITLE 28, SUBTITLE 1 OF THE HOWARD COUNTY CODE AND THIS PAYMENT SHALL BE:
 - A. IMPOSED UPON THE ISSUANCE OF ANY BUILDING PERMIT FOR A BUILDING CONTAINING FOR-SALE DWELLING UNITS; AND
 - B. ADDITIONAL TO ANY OTHER FEES REQUIRED TO BE PAID BY THE DEVELOPER; OR
- (II) THE COUNTY DETERMINES THAT THE PURPOSES OF THE AFFORDABLE HOUSING REQUIREMENTS OF THE ZONING REGULATIONS AND TITLE 13, SUBTITLE 4 OF THE HOWARD COUNTY CODE WILL BE SERVED TO A GREATER EXTENT BY ENTERING INTO A DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT WITH THE DEVELOPER IN ACCORDANCE WITH TITLE 16, SUBTITLE 17 OF THE HOWARD COUNTY CODE.

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:

- g. The Site Development Plan satisfies the affordable housing requirements in accordance with the approved Final Development Plan AND SUBSECTION A.9.F(4) OF THIS SECTION.

Howard County Zoning Regulations.

Section 133.0: - Off-Street Parking and Loading Facilities.

F. Permitted Reductions in Off-street Parking Requirements

3. Downtown Revitalization

Off-street parking and loading facilities for Downtown Revitalization shall be provided in accordance with the following shared parking methodology and parking ratios:

a. The methodology for determining the shared parking demand consists of the following steps and is described in the following paragraphs:

- (1) Determine individual weekday and weekend peak parking ratios for each land use.
- (2) Determine the number of reserved parking spaces for each use.
- (3) Select time-of-day and monthly parking variation factors.
- (4) Adjust parking ratios for modal split, auto occupancy, and captive market effects.
- (5) Calculate the hourly parking demand for weekdays and weekends for each month.

Step 1: Determine individual weekday and weekend peak parking ratios for each land use.

Table 1 presents the base parking ratios for weekdays and weekends. These ratios must be used unless the petitioner provides reasonable justification for use of alternative ratio(s) that will not be detrimental to the public welfare. For land uses not listed in Table 1, data from the current edition of "Parking Generation" (ITE), "Shared Parking" (ULI), the Howard County Zoning Regulations, or other applicable sources may be used.

Step 2: Determine the number of reserved parking spaces for each use.

A significant proportion of residential parking spaces are typically reserved, due to market and security requirements. Some portion of office, retail, hotel, or other uses may require reserved spaces for some portion of the day. These reserved spaces should be outlined and specified by land use on an hourly basis.

Step 3: Select time-of-day and monthly parking variation factors.

The time-of-day adjustment factors for weekdays and weekends are shown in Tables 2

and 3, respectively. Table 4 shows the monthly adjustment factors for customer and visitor parking, while Table 5 includes the monthly adjustment factors for employees. These typical factors are taken from the ULI Shared Parking Manual and may be modified based on other published data or independent studies to ensure accuracy for specific land uses or circumstances.

Step 4: Adjust parking ratios for modal split, auto occupancy, and captive market effects.

Modal split, auto occupancy, and captive market effects will be different for each Downtown Revitalization development. Modal splits and auto occupancy can be determined through U.S. Census journey-to-work data, patron surveys, or other local data, and can be adjusted to reflect future conditions.

Non-captive adjustments reflect the proportion of users that are not already parked nearby for a primary purpose. These adjustments for captive market effects should only be applied to simultaneous trips, not sequential trips. For example, an office worker who walks across the street for a snack during the day is part of the captive market, while a couple who has dinner before a movie is not. Table 6 includes sample non-captive adjustment factors for weekdays and can be modified based on the characteristics of the land use and surroundings.

Step 5: Calculate the hourly parking demand for weekdays and weekends for each month.

The individual parking demands for each land use during each time period are then computed by multiplying the parking ratios (adjusted for modal split, auto occupancy, and captive market effects) by the time-of-day and monthly variation factors. No adjustment factors or variation factors are applied to reserved parking spaces.

The sum of the adjusted parking demands for each land use are then compared for each scenario (each hour of each day of each month), and the maximum total parking demand represents the shared parking requirement for the project.

Table 1Howard County Shared Parking Methodology
Base Parking Ratios

Land Use	Weekday		Weekend		Unit
	Visitor	Employee	Visitor	Employee	
General Retail/Personal Service	2.90	0.70	3.20	0.80	/ksf GLA
Shopping Center	3.20	0.80	3.60	0.90	/ksf GLA
Restaurants, standard, and beverage establishments	15.25	2.75	17.00	3.00	
Fast Food Restaurant	12.75	2.25	12.00	2.00	/ksf GLA
Cinema	0.19	0.01	0.26	0.01	/seat
Performing Arts Theater	0.30	0.07	0.33	0.07	/seat
Health Club	6.60	0.40	5.50	0.25	/ksf GLA
Hotel	0.90	0.25	1.00	0.18	/room
Restaurant/Lounge	10.00		10.00		/ksf GLA
Conference Ctr./Banquet (20 to 50 sq ft/guest room)	30.00		30.00		/ksf GLA
Convention Space (>50 sq ft/guest room)	20.00		10.00		/ksf GLA
Residential UNIT (1) – STUDIO AND ONE-BEDROOM UNITS	0.15	[[1.50]] 1.15	0.15	[[1.50]] 1.15	/unit

RESIDENTIAL UNIT (1) – TWO OR MORE BEDROOMS	0.15	1.50	0.15	1.50	/UNIT
General Office up to 100 ksf	0.275	3.30	0.028	0.33	/ksf GLA
General Office over 100 ksf	0.20	2.60	0.02	0.26	/ksf GLA
Medical/Dental Office	3.00	1.50	3.00	1.50	/ksf GLA

Note(s):	(1) 1.0 space reserved for residents' sole use; remainder may be shared.
	(2) For all other land uses, data from the current edition of "Parking Generation" (ITE), "Shared Parking" (ULI), the Howard County Zoning Regulations or other applicable sources may be used.