

Date: 19 January 2016

Subject: Howard County Citizens Association Opposes CB2-2016 (ZRA-156)

The Howard County Citizens Association (HCCA) opposes the approval of CB2-2016, ZRA-156. We simply ask is there a real need to amend the Corridor Activity Center (CAC) zoning regulations at this time. We especially ask this question based on the fact that before us tonight is a proposed Bill and rightfully so to analyze the feasibility of the BRX zone. The CAC is currently one of 42 zoning types in the County. In looking at the Technical Staff Report on page 2, Section II – Existing Regulations it states, “CAC District regulations have had a long history of Zoning Regulation Amendment cases. Since the CAC District was established in the 2004 Comprehensive Zoning Plan and prior to the 2013 nine Zoning Regulation Amendment cases had revisions to the CAC District regulations. These have included many endeavors to adjust and augment the original CAC requirements to better meet the practical realities of CAC developments in the US 1 Corridor. The most significant of these were ZRA 98, ZRA 104, and ZRA 106, which collectively included adjustments to the requirements for maximum building height, setbacks, amenity areas, residential density, and the requirements for both residential and non-residential development. In addition, adjustments to the CAC District regulations were also included in the 2005 Continuation to the 2004 Comprehensive Zoning Plan.”

So after the extensive number of attempted CAC revisions it is apparent that this particular zoning type is not working and has admitted problems thus the need to put on hold like the BRX until further review. Furthermore this technical staff report was signed off by the previous DPZ Director and we believe the new Director with his staff should have an opportunity to review it.

We also note that in the Planning Board Recommendations on page 1 lines 25 thru 28 that Mr. Oh stated, “The Technical Staff Report did a good job of expressing the issues about the provision of commercial space in CAC developments. He explained that this issue was discussed during the Comprehensive Zoning Plan process, and he emphasized that if it can work on an economic basis, the developers do prefer to build the commercial space.” So if this is the case what is the compelling need to propose such a Bill? One should not be allowed to make changes to fit their needs without hearing the pros and cons from both sides. Please refer to the Technical Staff Report, Exhibit A – The Petitioner's Proposed Text and Exhibit B – DPZ's Recommended Revisions. You will notice that the Petitioner wants to delete from “F” the Moderate Income Housing requirement while DPZ rightfully does not.

HCCA recommends that it would be very prudent on the Council’s part to consider forming a Working Group consisting of DPZ, a few citizens, developers and land-use attorneys to get together to completely review, analyze the feasibility, determine the merits and the contents of not only the CAC zoning, but the BRX as well as the other zoning types. Like the proposed CB-55 BRX, the acronym CAC should be substituted which would be a step in the right direction. It would read that there should be consideration for temporarily prohibiting applications for proposed re-zonings to the CAC zoning districts; finding that such applications, if approved under the current Zoning Regulations, could lead to development incompatible with surrounding residential uses; finding that the potential incompatibility represents a current threat to the public health, safety and welfare; providing that the purposes of this Act are to provide the Department of Planning and Zoning with time to study the deficiencies in the CAC districts, investigate

alternatives and make recommendations for improvement and give the County Council time to act on the recommendations.

If the Council agrees that a Working Group should be established then HCCA would like your consideration for us to be a member of such a Group. We ask you to consider not having business as usual as we hope you really zone in on the problem so we will not have any setbacks in the future.

Thank you,

Stu Kohn  
HCCA, President