

HCCA Testimony in Opposition to CB-32-2017 (ZRA 172) April 19, 2017

Good evening. I'm Susan Garber, speaking tonight on behalf of the Howard County Citizens Association, P.O. Box 89, Ellicott City 21041

As you heard Mr. Kohn previously, speaking on ZRA 171, the Board of Directors of the HCCA has taken a position that there should be no additional zoning regulation amendments at this time due to the ongoing process to update/ clarify/ clean-up/ improve our zoning and subdivision regulations, master plans and the manuals which embellish them. Given that general policy position, it's understandable that the HCCA would also be against approval of ZRA 172. However, that alone does not constitute the reason behind our opposition to ZRA 172. Not unlike the numerous amendments that apply to the CAC Zone, ZRA 172 represents a fourth shot at setting regulations for Neighborhood Preservation Density Exchange.

It also represents yet another case where our zoning and subdivision regulations are not being done by professional planners with a comprehensive plan in mind. Instead, we seem to turn the process over to development attorneys who write and rewrite our codes to meet the desires of a single client, one at a time. To paraphrase another industry—Is that any way to run an airline? This is precisely why a development regulation update is necessary now.

I was pleased that members of our planning board asked such excellent questions when considering ZRA 172 back in December. The complexity of considering this seemingly simple change is exasperated by the stringing together of words which seemingly simply don't hang together. Neighborhood preservation density exchange, swimming pool, community for example. The effected codes sound more like sports reporters who eliminate parts of speech while trying to communicate how the local team did.

Similarly it was quite appropriate that a planning board member should ask “How many properties does this apply to?” and then finally “Which property does it apply to?” The response to both these questions should routinely be made perfectly clear in the ZRA Technical Staff Report. Further, including that information in the published bill summaries would be extremely valuable to members of the public potentially seeking to

testify---on property which could be right across the street. If there is nothing wrong with what is being requested, why hide it?

The argument has been made that passage of this ZRA will help assure the continued maintenance and care of an historic property. It is important to explore this further. I am personally a very strong supporter of preserving historic sites here in Howard County. There is no question that this County's response to saving its history beyond Ellicott City and Lawyer's Hill lags far behind other less affluent and less prestigious counties. Indeed maintenance of historic properties can be an extremely costly affair. But should we not pause for just a moment to question what it is we're willing to trade away in order to assuage our own consciences about the lack of a comprehensive plan to preserve significant properties. Why is it that entrepreneurs and business people are the only ones to seemingly benefit from a ZRA such as the one before you? Why are there no special zoning amendments, tax credits, etcetera for the 'average Joe' who is an employee (rather than an employer) who may want to restore an historic home without financial gain? Is this ZRA simply providing access to additional commercial space after an individual has already benefitted from selling development rights?

Once again, the devil is in the details. If the goal of neighborhood preservation is indeed preservation of neighborhoods—how can the commercial conditional use not be considered as a potential threat to the nature of that neighborhood? Especially when the conditional use can be expanded with an additional structure 50% of the footprint of the original—or more. I quote “However, if the average footprint size of the nearest six dwellings is greater than the footprint of an existing building, the Director may approve a footprint that does not exceed this average.” This was clearly written for a specific circumstance where a small historic building is surrounded by larger homes.

Instead of lumping this proposed change into regulations which originally were intended to deal with community swimming pools, let's pause and let this be part of the comprehensive updating of our codes. Let's vow to make our process one of regulation for optimal quality of life, not facilitation of any and all development. In the interim, we can certainly explore other means of *facilitating* much needed historic preservation.

Please vote No on CB 32-2017 (ZRA 172) so that our Development Regulations Update process won't be faced with revising a "moving target."