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TECHNICAL STAFF REPORT

November 13, 2008

*Planning Board Hearing of December 11, 2008
County Council Hearing to be scheduled*

Case No. /Petitioner: ZRA 113 with an addendum to the 2000 General Plan related to the revitalization of Downtown Columbia / submitted by the Honorable Mary Kay Sigaty at the request of General Growth Properties, Inc.

Location: Fourth Election District

Area roughly bounded by the western shore of Lake Kittamaqundi along the east, Broken Land Parkway along the south, southwest and west, the western perimeter of Columbia Mall along the west and portions of Governor Warfield Parkway and Wilde Lake tributary along the north.

Area of Site: 364 acres

Zoning: New Town

Department of Planning & Zoning Recommendation:

Approval, with Revisions

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INTRODUCTION

The Technical Staff Report comprises Howard County Government's response to Zoning Regulation Amendment 113 and the associated addendum to the *General Plan 2000* submitted by the Honorable Mary Kay Sigaty at the request of General Growth Properties, Inc. (GGP). This report provides guidance to citizens, the Planning Board, and the County Council as they review GGP's proposal. It is another key step in the community-wide master planning process for the future of Downtown Columbia, an effort that began with the October 2005 Charrette.

The TSR recommends approval of GGP's proposal with numerous suggested revisions detailed in this document and recognizes that further refinements are expected and necessary before final approval by the County Council.

The foundation of the Technical Staff Report's critical review of GGP's proposed GPA and ZRA is the *Downtown Columbia – A Community Vision* (DCCV) framework document published last year. The DCCV established a shared vision for Downtown based on several years of formal and informal community dialogue, and GGP's proposal sought to translate that vision into a master plan. This report evaluates GGP's proposal and offers numerous suggestions, to achieve greater conformity with the community's vision. Specifically, this report evaluates GGP's proposals for traffic and other infrastructure improvements, community amenities, environmental sustainability goals, development phasing and other features.

There is widespread agreement that phased development with clear benchmarks is necessary to ensure orderly development that enhances rather than overwhelms Downtown and the broader community. Therefore, this report recommends a phased approach to approval of development rights based on clear, enforceable standards and benchmarks. This approach would allow as a possibility the proposed 30-year development program, but since this timeframe presents many unknowns, it is unclear at present if such development levels actually can be accomplished in Downtown. Accordingly, this report recommends dividing the development program into several shorter-term phases that would restrict additional development unless specified benchmarks for a particular phase are achieved. Among the recommended benchmarks are the timely delivery of cultural and other community amenities, fulfillment of environmental, affordable housing and traffic mitigation goals, and completion of designated infrastructure improvements. Critical oversight of the Downtown development process over the coming decades with identifiable goals and standards is essential to achieving the community's complete vision for Downtown Columbia.

Howard County's Department of Planning and Zoning prepares Technical Staff Reports for each proposed General Plan Amendment and Zoning Regulation Amendment. Because of the complexity of GGP's submittal, this document is a composite Technical Staff Report that is divided into three sections. First, there is a review of the proposed GPA using the DCCV as a framework that makes recommendations at the end of each vision theme. Second, the ZRA staff report evaluates GGP's proposal and recommends specific revisions. Third, the Appendices provide a summary review of supplemental documents that address various implementation mechanisms to be considered via future action, such as legislation or formalization of partnerships.

Summary of Proposal

The overarching vision described in the package is of a sustainable, diverse, pedestrian-friendly, mixed-use downtown. Also included are descriptions of a new concept for a workforce housing strategy, multi-modal transportation, five distinct neighborhoods, green technology recommendations, environmental restoration

plans, proposed cultural facilities and programs, and public and private financing approaches in support of these concepts. The proposal is divided into three overall phases and calls for a variety of funding strategies that are often similar to Columbia's original covenant-based funding and oversight system. The package proposes a potential for new development up to 5,500 new dwelling units, 1.25 million square feet of new retail, 5 million square feet of new office uses, 1,000 new hotel rooms and a variety of new community and cultural uses to be constructed in Downtown over the next 30 years.

The package includes a traffic study that recommends construction of seven new streets or street connections, widening of four street segments, improvements to three existing intersections and construction of a new, full-movement interchange with Route 29 to replace the South Entrance Road access break. The study recommends amending the Adequate Public Facility regulations (APF) to replace the current exemption for constrained Downtown intersections with a new Downtown level-of-service standard that includes pedestrian improvements.

In addition to the General Plan amendment and Zoning Regulation Amendment, the submission includes the following supplemental documents: proposed Adequate Public Facilities (APF) amendment, proposed Design Guidelines, Generalized Traffic Study with Appendix, proposed Sustainability Framework, Merriweather and Crescent Environmental Enhancement Study, and Best Management Practices for Symphony Stream and Lake Kittamaqundi Watersheds. These supplemental documents are reviewed under the Appendices.

Evaluation of Proposal

The proposal sets forth a new vision for Downtown Columbia (referred to as Columbia Town Center in the GPA) that is artfully described and illustrated in the 835 pages of documentation submitted in the package. The supplemental documents such as the draft APF amendment and Design Guidelines mentioned above help shape the strategy for implementation of the plan.

GGP has made a substantial effort to respond to the County's vision framework, expending considerable time and funds on the services of high-quality consultants in preparing an interesting and innovative proposal. In addition, GGP is proposing to contribute \$5,000,000 towards the creation of affordable housing in Downtown and also to substantially renovate Merriweather Post Pavilion with the goal of donating it to the community in the future.

The DCCV envisioned a GPA proposal that would include financial information to show how proposed levels of new development would support specific amenities and also specific required infrastructure. The proposal does not explain how the new development relates financially to amenities and infrastructure that may be needed. Funding concepts are introduced without demonstrating whether they are sufficient to provide for the kinds of physical improvements illustrated in the GPA. Downtown levels of development program, amenities and infrastructure require sophisticated management. A series of private associations are proposed to oversee and manage specific processes, but they are not analyzed to determine if revenues from proposed funding mechanisms are adequate to support these organizations. It may also be preferable to develop an alternate proposal with fewer new groups or to utilize existing community resources.

The DCCV called for preservation and enhancement of Symphony Woods which deserves special design and conservation measures. The plan discusses locating major arts, cultural and community facilities in Symphony Woods and could include a number of multi-story buildings and underground parking garages. Alternative facility locations and replacement of lost parkland should be addressed.

The DCCV described a phasing plan which would include specific projects, their timing, responsible parties and funding sources. The proposal does include a phasing plan, but it is not specific enough to be measurable and enforceable.

The plan proposes an innovative affordable housing financing strategy. However, the affordable housing strategy seems insufficiently empowered to require compliance with targets and goals. Affordable housing strategies must be enforceable; therefore, minimum standards are recommended in the zoning regulations.

The DCCV recommended a role for the County's newly formed Design Advisory Panel in reviewing Downtown development proposals. Although the proposal did include Design Guidelines, no mention of Design Advisory Panel review was included.

Numerous formal partnerships with a variety of public and private organizations would be required to realize fully the vision set forth in the package. GGP is expected to spearhead the formation of these partnerships and to work in good faith to ensure support from all affected organizations.

Some elements of the plan are not coordinated among the various components of the submission package. For example, new construction materials and approaches suggested in the Sustainability Framework, as well as height limits and numbers associated with the intensity of the development program are not mentioned in the Design Guidelines.

Howard County has a unique opportunity to weave together all the essential elements of a downtown that it has long deserved. GGP's proposal is a bold and ambitious attempt to implement the vision described in the DCCV. Although there are areas where the proposal should be strengthened, it clearly reflects the substantial investment of time, effort and resources which GGP has already committed to preparing for Downtown Columbia's future. This significant milestone in the planning process for Downtown will help focus the public dialogue on further clarifying the shared vision for Columbia's future. Through continued review and refinement by citizens, the Planning Board and ultimately the County Council, the final master plan and zoning will ensure that the Downtown envisioned will be the Downtown that is achieved.

Adoption of the General Plan and Zoning Amendments – Opportunities for Public Input

This staff report will be presented to the Planning Board and the public at a public hearing that begins at 7 p.m. on December 11, 2008 at The Bain Center, 5470 Ruth Keeton Way, Columbia, Maryland. The Planning Board will also hear a presentation by GGP that evening.

Public testimony will begin on January 8, 2009, at 6 p.m. at The Bain Center, 5470 Ruth Keeton Way, Columbia, Maryland. Additional nights will be scheduled as needed. Citizens may also submit written testimony to the Planning Board by email (PlanningBoard@howardcountymd.gov) or mail (c/o the Department of Planning and Zoning, 3430 Courthouse Drive, Ellicott City, MD 21043).

After closing the public hearings, the Planning Board will prepare and submit its recommendations on both the General Plan and Zoning Regulation Amendments to the County Council. The Council will file separate Council bills for the General Plan and Zoning Regulation Amendments, and will hold public hearings on both prior to taking action on the legislation.

PROPOSED GENERAL PLAN AMENDMENT

The following sections summarize a comparison of the County’s vision framework, *Downtown Columbia – A Community Vision (DCCV)*, with the proposed *General Plan Amendment*. Comments with ✓ denote responses to the DCCV. Comments with + denote areas in need of further clarification, additional evaluation or revision. Staff recommendations follow each major theme. At the request of the Planning Board during its meeting of September 25, 2008, this section of the technical staff report is presented in matrix format to more easily compare and evaluate the proposal with the County’s framework.

THEME 1: MAKING A SPECIAL PLACE

DCCV – VISION STATEMENTS	PROPOSED <i>GENERAL PLAN AMENDMENT</i>
<p>1.1 Rouse Vision Continue and enhance Jim Rouse’s vision of Columbia as a thriving, socially responsible and environmentally-friendly place for people of all ages, incomes and backgrounds.</p>	<ul style="list-style-type: none"> ✓ Proposes to design Downtown using all four of Jim Rouse’s goals towards a balanced city that respects the land, provides for all people and makes a profit ✓ Describes a vision where natural areas help shape and give character to the built environment
<p>1.2 Symbols Conserve symbols of Columbia’s past found throughout the Downtown area, recognizing that they contribute to the authentic character of Downtown and reinforce its qualities as a special place.</p>	<ul style="list-style-type: none"> ✓ Includes commitment to preserve specified works of public art ✓ Documents existing environment, symbols and values with text and images ✓ Describes potential for artisan-quality fixtures, lighting and benches ✓ Proposes redevelopment to highlight Lake Kittamaqundi and Merriweather Post Pavilion ✓ Recommends raising the design standards for Downtown to create a unique place + Does not address the preservation of the Rouse Company Headquarters
<p>1.3 Districts Shape new development to form well-defined districts within Downtown; orient structures to the street, making them inviting to pedestrians; and establish bulk regulations, including height limits, appropriate to each district’s character.</p>	<ul style="list-style-type: none"> ✓ Describes a vision for five distinct neighborhoods within Downtown ✓ Shows a range of high-quality commercial, residential and natural settings ✓ Proposes unique development and redevelopment ideas for each neighborhood ✓ Proposes multiple, major “green” pedestrian links to connect all neighborhoods + Height limits described are excessive in some areas + Permitted uses are described as varying but are uniform in ZRA + Heights and permitted uses are inconsistent among documents + Does not include or address the Columbia Mall as part of a neighborhood + Does not explain how pedestrian link through Mall works outside business hours + Does not define in text or delineate by map the extent of Lakefront core area + Does not relate to existing residential areas adjacent to Warfield neighborhood
<p>1.4 Commercial Balance Design a variety of Downtown commercial activities that complement the flexible evolution of neighboring Village Centers in Oakland Mills and Wilde Lake, recognizing each center’s identity and role.</p>	<ul style="list-style-type: none"> ✓ Describes positively the nearby village centers to be included for consideration ✓ Contains language and ideas to support village center revitalization efforts ✓ Proposes preserving the existing functions and core concepts of the village centers ✓ Includes specific, measurable recommendations to implement described vision + Does not address how to support local merchants in Downtown + Does not evaluate how proposed development and programming in the Downtown would complement rather than compete with the two neighboring village centers

THEME 1: MAKING A SPECIAL PLACE

DCCV – VISION STATEMENTS	PROPOSED <i>GENERAL PLAN AMENDMENT</i>
<p>1.5 Diverse Housing Provide a full spectrum and diverse mix of housing, ensuring that low-, moderate- and middle-income families have an opportunity to live in Downtown, thus continuing the original vision of Columbia as an inclusive community.</p>	<ul style="list-style-type: none"> ✓ Recommends contribution by GGP and innovative strategies towards affordable housing goals ✓ Recommends affordable housing construction standards with the goal that 10% of all new housing be affordable for families and individuals earning between 80% and 120% of the median income in Howard County ✓ Recommends that 10% of all new housing be affordable for families and individuals earning up to 80% of the median income in Howard County <hr/> <ul style="list-style-type: none"> + Lacks adequate provisions to require and enforce the specific percentages of affordable housing proposed + Does not address integration of units or external appearance of affordable versus market-rate units
<p>1.6 Economic Activity Support Downtown’s function as a major financial and economic center for Columbia and for Howard County.</p>	<ul style="list-style-type: none"> ✓ Recognizes Downtown as a major economic center in Howard County ✓ Proposes expanding Downtown’s many assets by adding new mixed uses ✓ Recommends enhancing Columbia Mall as existing, successful, retail component ✓ Proposes additional office and residential uses to create mixed-use environment <hr/> <ul style="list-style-type: none"> + Does not propose specific strategies to attract BRAC and other office tenants
<p>1.7 Civic Life Expand civic, community and educational facilities to augment Columbia’s nationally recognized quality of life.</p>	<ul style="list-style-type: none"> ✓ Envisions redevelopment to provide for new public facilities such as a new or renovated Fire Station, Police substation and new “Experience” Library ✓ Recommends expanding community facilities by designing and constructing a new Visitor’s Center, new Columbia Archives and new CA Headquarters ✓ Recognizes potential need for new or expanded educational capacity ✓ Recommends major (½ acre) community gathering spaces for each neighborhood <hr/> <ul style="list-style-type: none"> + Does not provide specific strategies for addressing the proposed improvements + Does not discuss a new Community Center or shuttle services to existing Centers
<p>1.8 Arts & Culture Enhance art and cultural offerings, providing new spaces and opportunities for an active arts community and for public art.</p>	<ul style="list-style-type: none"> ✓ Recommends renovation and donation of Merriweather Post Pavilion to the community ✓ Recommends innovative ideas for arts and culture ✓ Recognizes vital importance of key institutions such as Toby’s Dinner Theatre ✓ Envisions expanded roles for existing facilities such as a children’s theatre ✓ Suggests variety of potential cultural facilities, programs and enhancements ✓ Describes including public art and programming throughout the Downtown ✓ Recommends a new concept in The Center for Small Cities <hr/> <ul style="list-style-type: none"> + Does not address a “percent for art” program or alternate approach to supporting public art <p><i>Note:</i> Private covenants would generate a total of \$574,643 by end of 10 years and \$4,870,769 by end of 30 years if all development were built as proposed.</p>

THEME 1: MAKING A SPECIAL PLACE

DCCV – VISION STATEMENTS	PROPOSED <i>GENERAL PLAN AMENDMENT</i>
<p>1.9 Design Improve the design of Downtown development through flexible design guidelines and a design review panel to ensure that buildings, streets and public spaces will be aesthetically pleasing and contextually appropriate.</p>	<ul style="list-style-type: none"> ✓ Recognizes design as a critical aspect of creating a special and unique place ✓ Provides framework for design guidelines under Supplemental Documents ✓ Discusses neighborhood, site, street, building and amenity space design principles ✓ Includes examples in the document of visually attractive design + Does not include project review by County’s Design Advisory Panel (DAP) + Does not specify mechanism by which Design Guidelines would be publicly adopted + Does not provide for adequate differentiation among the neighborhoods

Key Recommendations for Making a Special Place

1. The Plan should address a strategy to preserve the former Rouse Company Headquarters.
2. The Plan should coordinate the proposed development program including heights, densities and number of hotel rooms in the General Plan amendment, Zoning Regulation amendment and Supplemental Documents.
3. The Illustrative Plans provided as exhibits should include all of the area covered by the Final Development Plans listed in the Zoning Regulation Amendment.
4. The Plan should provide for design guidelines for the Columbia Mall as part of one or more neighborhoods.
5. The Plan should delineate boundaries for the Lakefront core.
6. The Plan should provide for design guidelines to address how the Warfield neighborhood would provide pedestrian and multi-modal connections and design relationships with the existing residential communities.
7. The Plan should identify strategies to attract and support local merchants within the Downtown and to complement neighborhood retail uses in the nearby, neighboring village centers.
8. The Plan should include a 15-percent MIHU requirement consistent with other comparable zoning districts as well as the proposed 10-percent middle income housing requirement. These requirements should also be included within the Zoning Regulation Amendment and address concerns about external appearance.
9. The Plan should identify a suitable location for a new fire station so that construction may begin as soon as possible.
10. The Plan should include a revised phasing plan that ensures Merriweather Post Pavilion is renovated in the first phase of development in accordance with the General Plan Amendment.
11. The Plan should include a “percent for art” program for private development based on construction costs or an alternative commitment to support public art.
12. The Plan should include a strategy for County Council’s adoption of Downtown-wide design guidelines and review by the County’s Design Advisory Panel (DAP). DAP review and a strategy for the inclusion of more detailed neighborhood design guidelines at the Final Development Plan stage should be described in the Zoning Regulation Amendment.

THEME 2: MOVING AND CONNECTING PEOPLE

DCCV – VISION STATEMENTS	PROPOSED <i>GENERAL PLAN AMENDMENT</i>
<p>2.1 Multimodal System Develop a multimodal transportation system through investment in transit programs and roads that will provide a pedestrian- and bike-friendly environment.</p>	<ul style="list-style-type: none"> ✓ Recommends creation of a Transportation Management Association (TMA) ✓ Recommends creation of a new private covenant-based funding mechanism ✓ Recommends construction of new, grade-separated interchange at Route 29 ✓ Recommends an improved street network with pedestrian improvements ✓ Recommends use of a complete streets model to include all types of users ✓ Provides a Generalized Traffic Study (see review in Appendix B) ✓ Recommends coordinated revisions to APF and Road Design Manual <p>+ Does not provide a bicycle circulation plan for use with complete streets model</p> <p>+ Does not cross-reference street classification and street type on street framework</p> <p>+ Does not address park-and-ride connections or other options for commuter needs</p> <p><i>Notes:</i> Private covenants would generate total of \$574,643 by end of 10 years and \$4,870,769 by end of 30 years if all development were built as proposed.</p> <p>Road Excise Taxes would generate \$3,388,761 based on Phase I target goals and \$11,683,588 by end of 30 years if all development were built as proposed.</p>
<p>2.2 Traffic Mitigate traffic congestion so that vehicles will be able to move smoothly into and around Downtown without impeding pedestrian flow; encourage outside traffic to bypass Downtown.</p>	<ul style="list-style-type: none"> ✓ Recommends removing the constrained facilities designation ✓ Recommends a new level-of-service (LOS) standard in Downtown ✓ Recommends pedestrian impact statements as part of APF traffic studies <p>+ Does not analyze potential traffic diversion onto surrounding roadways</p> <p>+ Includes ambitious trip reduction assumptions (see review in Appendix B)</p> <p>+ Proposes examining nearby intersections only on a project-by-project basis</p> <p>+ Does not identify benchmarks or propose reassessments on a regular basis</p>
<p>2.3 Pedestrians Improve pedestrian connections throughout Downtown, to surrounding villages and to nearby destinations to encourage strolling and human interaction.</p>	<ul style="list-style-type: none"> ✓ Describes range of pedestrian improvements consistent with DCCV ✓ Recommends consultation with County’s Commission on Disability Issues <p>+ Does not address pedestrian, bicycle or multi-modal improvements across the existing pedestrian bridge and connecting to Oakland Mills Village Center or the connections to Wilde Lake Village Center</p>
<p>2.4 Transit Improve and expand transit service, reinforcing Downtown as the central hub for the local bus system, adding a Downtown shuttle and setting the stage for the possibility of future bus rapid transit and rail mass transit.</p>	<ul style="list-style-type: none"> ✓ Recommends creation of a Transportation Management Association (TMA) ✓ Recommends creation of a new private covenant-based funding mechanism ✓ Recommends a variety of improvements including bicycle facilities, signage, kiosks, bus stops, new transit hub, parking management and shared parking ✓ Proposes that a circulator route and transit vehicle(s) be funded by the TMA ✓ Proposes additional Howard Transit services into and within Downtown <p>+ Does not indicate location of transit hub and/or center on street framework</p> <p>+ Does not show potential transit corridors supported by the proposal such as regional bus transit, commuter bus, bus rapid transit, or possible future light rail and/or Metro</p> <p>+ Does not address the existing transit right-of-way on the street framework</p> <p><i>Notes:</i> Private covenants would generate total of \$574,643 by end of 10 years and \$4,870,769 by end of 30 years if all development were built as proposed.</p>

THEME 2: MOVING AND CONNECTING PEOPLE

DCCV – VISION STATEMENTS	PROPOSED <i>GENERAL PLAN AMENDMENT</i>
<p>2.5 Parking Provide an appropriate level of parking, fostering a park-once approach, substantially reducing or eliminating surface parking lots and integrating well-designed structured parking into Downtown.</p>	<p>✓ Describes the goals of a park-once strategy in terms very similar to DCCV</p> <p>+ Does not discuss alternative mechanisms to be considered other than TIF</p> <p>+ Does not explain how accommodating peak parking demands corresponds with reducing auto trips and increasing multi-modal trips into Downtown</p> <p>+ Does not address how street level retail would relate to a park-once strategy</p>

Key Recommendations for Moving and Connecting People

1. The Plan should provide for more fully developed bicycle accommodations for a *complete streets* approach.
2. The Plan should cross-reference street types described in the General Plan amendment, design guidelines and roadway classifications in County’s Roads Design Manual on Exhibit H: *Street Framework Diagram*.
3. The Plan should include a timetable for feasibility studies of transit and major transportation improvements.
4. The Plan should address requiring provisions in the *Adequate Public Facilities Act* for regular, five-year reassessments of transportation strategies, their successes or failures, and requiring further mitigation and adjustment of future projections as needed.
5. The Plan should recommend review (at the FDP stage) of proposals for design and funding of pedestrian, bicycle and transit improvements across the existing grade-separated pedestrian overpass at Route 29 and connecting to Oakland Mills Village Center.
6. The Plan should identify a strategy for locating the transit hub and potential transit corridors.
7. The Plan should include alternative strategies to address parking systems in Downtown.
8. The Plan should include specific Design Guidelines for the treatment of garages to include retail in the ground floor levels in order to support a successful park-once approach and improve the pedestrian experience.

THEME 3: SUSTAINING THE ENVIRONMENT

DCCV – VISION STATEMENTS	PROPOSED <i>GENERAL PLAN AMENDMENT</i>
<p>3.1 Green Technology Include green technology to help build a sustainable environment, incorporating measures to reduce energy consumption and pollution while preserving the environment.</p>	<ul style="list-style-type: none"> ✓ Includes initial research and studies performed by Biohabitats, Inc. ✓ Provides a Sustainability Framework (see review in Appendix E) ✓ Recommends creation of a new private association to oversee implementation ✓ Recommends creation of a new private covenant-based funding mechanism ✓ Acknowledges emergence and importance of green technologies and green building standards with goal to integrate into overall fabric of community ✓ Describes ‘whole community’ model including ease of mobility, energy-efficient buildings, healthy environment and connectivity to natural places ✓ Provides flexible guidelines for energy, water, transportation, green jobs <p>+ Does not strongly encourage developers to exceed the County’s required standards related to green construction and operations</p> <p><i>Note:</i> Private covenants would generate total of \$574,643 by end of 10 years and \$4,870,769 by end of 30 years if all development were built as proposed.</p>
<p>3.2 Nature Protect the natural resources and natural beauty of Downtown’s lake, streams and woodlands, forming them into a greenway system.</p>	<ul style="list-style-type: none"> ✓ Notes importance of maintaining and restoring health to natural systems ✓ Includes studies and discussion of riparian corridors and forested areas ✓ Describes design concept of green fingers as preliminary greenway system ✓ Provides a detailed Environmental Study (see review in Appendix F) ✓ Provides BMP: Best Management Practices (see review in Appendix G) ✓ Discusses joint application for Maryland State grant to assist with initial funding <p>+ Does not address corridor between the Lake and Route 29, which connects two wooded areas and is a potential opportunity for ecological enhancement</p> <p>+ Indicates new road and building construction on areas identified as prime forest</p> <p>+ Does not address ongoing maintenance of BMP (see Appendix A, DPW)</p>
<p>3.3 Central Park Identify Symphony Woods as Columbia’s “Central Park” area, which deserves special design and conservation measures.</p>	<ul style="list-style-type: none"> ✓ Proposes ambitious reforestation and afforestation for Merriweather and Crescent ✓ Provides a detailed Environmental Study (see review in Appendix F) <p>+ Includes significant reduction of parkland in Symphony Woods</p> <p>+ Does not provide for sufficient preservation of existing trees</p>
<p>3.4 Outdoor Spaces Require additional open space and amenity areas so that Downtown will retain the character of a “city in a park” with plazas, greens, promenades, paths, public art, natural areas and street trees.</p>	<ul style="list-style-type: none"> ✓ Recommends continuing Columbia model of providing community spaces ✓ Recommends 18 amenity areas including a wide variety of outdoor plazas, squares, and other framed spaces ✓ Suggests framework of greens, promenades, playgrounds, parks and mews <p>+ Does not clarify whether larger amenity spaces are public or private property</p> <p>+ Does not clarify responsibilities for management</p> <p>+ Does not coordinate Sustainability Framework and Design Guidelines standards</p> <p>+ Does not address the potential for community gardens and local farmers’ markets</p>

Key Recommendations for Sustaining the Environment

1. The Plan should include strategies for exceeding the County's required standards related to green construction and operations.
2. The Plan should provide a timetable for implementing environmental restoration and storm water management projects described in the Supplemental Documents. Environmental restoration and storm water management projects should be specifically described in the phasing plan and should include formal agreements for ongoing maintenance prior to completion of the phase.
3. The Plan should provide for an acre-to-acre replacement plan of parkland for each acre of Symphony Woods where new buildings are planned; or, the plan should suggest other locations for proposed arts, cultural and community facilities if the Columbia Association does not authorize such facilities on their land.
4. The Plan should discuss distinct (mutually exclusive) definitions and separate requirements for accounting of existing designated open space, new amenity areas and new arts, cultural and community uses and facilities.
5. The Plan should indicate a minimum required amount of total new amenity areas in acres per neighborhood.
6. The Plan should coordinate proposed Design Guidelines and proposed Sustainability Framework to provide for general Green Design Guidelines for all of Downtown Columbia for adoption by the County Council. These Green Design Guidelines could then be used as the basis for devising unique Green Design Guidelines for each neighborhood that could be included in each neighborhood-specific FDP amendment.
7. As the proposed master plan is refined, alternate designs should be pursued to minimize impacts on high-quality forest areas identified in Supplemental Documents.

THEME 4: BALANCING AND PHASING GROWTH

DCCV – VISION STATEMENTS	PROPOSED <i>GENERAL PLAN AMENDMENT</i>
<p>4.1 General Plan Recognize and implement the <i>General Plan 2000</i> policy to direct growth into Downtown as the largest of the County’s mixed-use centers.</p>	<ul style="list-style-type: none"> ✓ Discusses in detail Policy 5.5 and its related objectives for Downtown Columbia ✓ Recommends roughly ½ - acre community gathering spaces in each neighborhood ✓ Recommends signage plan for way-finding and helping to establish local identity <p>+ Does not address increased needs for County services (see Appendix A)</p>
<p>4.2 Phasing Establish targets for commercial and housing development for a balance of land uses and public services. This ensures that development does not place undue burdens on existing residents, infrastructure or service providers.</p>	<ul style="list-style-type: none"> ✓ Recommends pedestrian improvements projects within and into Downtown ✓ Recommends transportation improvements be phased via individual FDP <p>+ Does not address rationale for creation of new management-type associations</p> <p>+ Does not provide a phasing plan with measurable, objective, and enforceable benchmarks including immediate priorities in the first phase</p> <p>+ Does not require that a balance of uses (such as minimum levels of retail, office and residential) be built prior to commencing a subsequent phase</p> <p>+ Does not require benchmarks such as major transportation improvements to be completed prior to commencing a subsequent phase</p>
<p>4.3 Monitoring Monitor and evaluate implementation using a formal reporting process that will provide regular opportunity for public discussion and feedback, and that will allow for refinement as needed.</p>	<ul style="list-style-type: none"> ✓ Recommends individual developers submit annual progress reports to DPZ ✓ Recommends use of existing Development Monitoring System per DCCV ✓ Recommends use of existing General Plan Monitoring Report per DCCV <p>+ Does not include requirements for reporting by newly created associations</p>

Key Recommendations for Balancing and Phasing Growth

1. The phasing plan shall consist of six increments that set maximum levels of new development for each land use category: residential, retail, office and hotel. The phasing plan shall also require minimum levels of development that shall be completed for each land use category before the next phase commences.
2. Each phase shall include a list of infrastructure, restoration and amenity projects to be completed before the next phase can commence. Each project shall be funded, in part or in its entirety, by a financial contribution from the original petitioner. Each phase shall include at least one project from each the following categories:
 - Transit and major transportation improvements not currently required by APF (such as additional lanes or interchange improvements, etc.)
 - **First phase** shall include completion of feasibility studies for all needed major transportation improvements
 - Environmental restoration projects for those watersheds that include the Downtown area
 - Downtown Neighborhood Community Gathering Space (to be included within the first five phases)
 - Arts, Cultural and Community or public/civic facility (Schools, Fire Station, Police sub-station, Library)
 - **First Phase** shall include renovations to Merriweather Post Pavilion as described in the GPA and identification of a location for a new Downtown Fire Station.
3. The Plan shall require each FDP amendment to include tracking of all previous and current phases, to ensure completion of required projects, to provide a comparison of currently completed projects with phasing plan, and provide strategies on how a proposed FDP amendment will implement and comply with current phase.
4. The Plan should include project monitoring in five-year increments with developer reporting, association reporting, and GGP cumulative reporting including the regular five-year re-assessment of traffic analyses.

THEME 5: INVOLVING EVERYONE

DCCV – VISION STATEMENTS	PROPOSED <i>GENERAL PLAN AMENDMENT</i>
<p>5.1 Participation Enhance communication between citizens and County decision-makers through opportunities for public information and public participation, so that citizens are knowledgeable about the planning and development of Downtown and have multiple opportunities for input.</p>	<ul style="list-style-type: none"> ✓ Recounts the many meetings held by GGP as part of their vision series to present GGP’s consultants and their consultants’ plans to the community ✓ Proposes expanded submittals and new criteria for Planning Board review of new Final Development Plan amendments and Site Development Plans ✓ Includes DCCV envisioned pre-submission meeting with Village Board <p>+ Does not require amended FDP to contain at least one entire neighborhood for coordination of street network, infrastructure, open space and amenities</p>
<p>5.2 Collaboration Encourage a partnership in planning and implementation, realizing that many of the recommended strategies will depend on collaboration among the County, private property owners, residents, business owners and community organizations.</p>	<ul style="list-style-type: none"> ✓ Recommends creation of new Partnership group to oversee overall redevelopment ✓ Recommends creation of new private associations to oversee implementation <p>+ Does not provide for new associations’ composition, coordination, accountability or provisions for public participation</p> <p>+ Does not analyze or justify the strategies presented as the most effective to achieve the stated goals</p>

Key Recommendations for Involving Everyone

1. The Plan should clarify that Final Development Plans will address an entire neighborhood at a minimum.
2. The Plan should discuss possible, alternative management strategies for Downtown including an alternative for fewer entities to manage Downtown. Alternative strategies should include an explanation of managing entities composition, public participation procedures, decision-making processes, and enforcement mechanisms.

ADDITIONAL INFORMATION

The following presents further detail on information included in the notes from the matrix above. These figures are based on annual absorption rates submitted by GGP to HCPSS. Calculations and results are in 2008 dollars.

Anticipated Affordable Housing Funding during Phase I

Year	Dwelling Units	Retail in SF	Office in SF	Hotel in SF	MIHU Fee	GGP	Private Covenants	Covenant Cumulative
2011	0	0	0	0	\$0	\$3M	\$0	\$0
2012	114	80,635	93,142	268,250	\$456,000	\$0	\$22,101	\$22,101
2013	114	80,635	93,142	0	\$456,000	\$1M	\$8,689	\$30,790
2014	114	80,635	93,142	0	\$456,000	\$0	\$8,689	\$39,479
2015	114	80,635	93,142	0	\$456,000	\$1M	\$8,689	\$48,168
2016	164	20,000	108,142	0	\$656,000	\$0	\$6,407	\$54,575
2017	164	20,000	108,142	0	\$656,000	\$0	\$6,407	\$60,982
2018	214	20,000	123,142	0	\$856,000	\$0	\$7,157	\$68,139
2019	214	20,000	123,142	0	\$856,000	\$0	\$7,157	\$75,296
2020	214	40,318	123,142	0	\$856,000	\$0	\$8,173	\$83,469
2021	214	40,318	123,142	0	\$856,000	\$0	\$8,173	\$91,642
Subtotals	1,640	483,176	1,081,420	268,250	\$6,560,000	\$5M	Annual Only	\$574,643

Total \$12,134,643

Target Development Levels and Funds Generated by Type in Phase I

Target Development Levels						Funds Generated by Type				
Year	Dwelling Units	Housing in square feet	Retail in SF	Office in SF	Hotel in SF	GGP	MIHU Fee	HC Road Excise Tax	HC School Excise Tax	Five Private Covenants
2021										
Totals	1,640	1,968,000	483,176	1,081,420	268,250	\$5M	\$6,560,000	\$3,338,763	\$2,243,520	\$2,873,214

Target Development Levels and Funds Generated by Type in Phase II

Target Development Levels						Funds Generated by Type				
Year	Dwelling Units	Housing in square feet	Retail in SF	Office in SF	Hotel in SF	GGP	MIHU Fee	HC Road Excise Tax	HC School Excise Tax	Five Private Covenants
2031										
Totals	1,966	2,359,200	323,176	1,968,839	268,250	\$0	\$7,864,000	\$4,329,219	\$2,689,488	\$7,793,643

Target Development Levels and Funds Generated by Type in Phase III

Target Development Levels						Funds Generated by Type				
Year	Dwelling Units	Housing in square feet	Retail in SF	Office in SF	Hotel in SF	GGP	MIHU Fee	HC Road Excise Tax	HC School Excise Tax	Five Private Covenants
2041										
Totals	1,894	2,272,800	201,688	3,772,455	472,120	\$0	\$7,576,000	\$4,015,606	\$2,590,992	\$13,686,989

ZONING TECHNICAL STAFF REPORT

I. DESCRIPTION OF PROPOSAL

Request

1. Zoning Regulation Amendments to amend Section 103.A. of the Definitions section to define eight new terms to be associated with certain proposed regulations concerning a new redevelopment and revitalization process for the predominantly Town Center designated area of the NT District (the “Downtown Revitalization Approval Process”).
2. To amend Section 125.A concerning Definitions, Requirements and Restrictions Applicable to NT Districts to revise the Section 125.A.4. maximum density regulations by establishing that the maximum allowable density is a combined total of a set density ratio based on the area of the entire NT District, plus a certain number of proposed dwelling units allowed only in areas eligible for the Downtown Revitalization Approval Process; to amend Section 125.A.5. concerning apartment dwelling limitations; to amend Section 125.A. to revise the Section 125.A.8 land use proportions requirements by establishing an exception for the proposed Downtown Revitalization Approval Process and a clarification on the land use percentage calculation; and to establish a new Section 125.A.9. concerning the regulations for the proposed Downtown Revitalization Approval Process.
3. To amend Section 125.C concerning the Comprehensive Sketch Plan and Final Development Plan processes to make them applicable only to the Comprehensive Sketch plan process.
4. To amend Section 125 by inserting a new Section 125.D. concerning provisions for Final Development Plan approvals that amend associated current regulations in terms of the applicability of these regulations to the Downtown Revitalization Approval Process.
5. To amend Section 125 by inserting a new Section 125.E. concerning new procedures and requirements for the evaluation and approval of Final Development Plans for developments subject to the Downtown Revitalization Approval Process.
6. To amend the current 125.D. concerning Amendments to a Comprehensive Sketch Plan or Final Development Plan so it will become Section 125.F. and will establish a new provision whereby owners of properties that are subject to the Downtown Revitalization Approval Process may propose amendments to existing approved Final Development Plans for new revitalization developments.
7. To amend the current Section 125.E. concerning Site Development Plans so it will become Section 125.G. and will establish; a requirement that all Site Development Plans for developments subject to the Downtown Revitalization Approval Process must be approved by the Planning Board; a provision granting the petitioner the right to withdraw the plan; and approval criteria to be used by the Planning Board in its evaluation of such a Site Development Plan; and to amend the current Section 125.E.3 concerning Minor Projects Not Requiring Planning Board approval so it will become Section 125.G.4 and will add a provision requiring the Department of Planning and Zoning to make a determination on compatibility with existing structures.
8. To amend Section 133.B.4 of the Off-street Parking and Loading Facilities regulations concerning the limitations on providing required parking on lots that are separate from the principal use to establish two exceptions for developments subject to the Downtown Revitalization Approval Process; and to amend Section 133.E concerning Permitted Reductions in Off-street Parking Requirements to establish an option for the calculation of shared parking spaces for developments subject to the Downtown Revitalization Approval Process.

I. DESCRIPTION OF PROPOSAL (continued)

- **The Petitioner proposes a number of significant amendments to the Zoning Regulations which are all related to an associated proposed General Plan Amendment for downtown Columbia entitled “Many Voices – One Vision” plus its supplementary documents (the “Downtown GPA”).**

In combination, the various ZRA 113 amendments intend to create an updated redevelopment and revitalization process for the predominantly Town Center designated area of the NT District, to be known as the Downtown Revitalization Approval Process, as a method of implementing the recommendations of the Downtown GPA. Each of the proposed amendments generally described above are given more detailed explanations below, in the same order.

1. Section 103.A Amendments

- **Eight new terms which are used within the bulk of ZRA 113 would have specific definitions added to the Section 103 Definitions section of the Zoning Regulations. These proposed new terms and definitions are for “Amenity Space”, “Arts, Cultural and Community Use”, “Downtown Columbia”, “Downtown Revitalization”, “Net New”, “Signature Building”, “Significant Community Gathering Space”, and “Student Housing”.**

The proposed definition for Amenity Space specifies examples of the general types of features, items and uses that can be considered to qualify under this special land use designation. This definition provides that improvements to environmental areas can be included as Amenity Space, that such spaces should be public, and that the land use areas of Amenity Spaces are excluded from a calculation of the maximum development limits described in general under the proposed definition of Net New, and more specifically in the proposed Section 125.A.9. Downtown Revitalization regulations.

- **The term Arts, Cultural and Community Use is another broadly defined land use category which could consist of sites for, or actual improvements for, certain types of non-residential and typically non-commercial civil-related uses, with libraries, fire stations, schools, museums, galleries, artistic work, transit facilities, and eating, seating, and gathering areas listed as potential examples. The definition essentially states that any Arts, Cultural and Community Use area may be open, enclosed, publicly owned, privately owned, and may be operated for profit.**
- **Downtown Columbia is a term relating the geographic boundaries of the area subject to the Downtown Revitalization Approval Process (the “Downtown”). These boundaries are expressed in two ways; a list of certain Final Development Plan phases for the general Town Center land use area, and a specific legal metes and bounds description given in an attached Appendix A.**

There is no accompanying plat graphically depicting this legal description so its precise meaning may be somewhat difficult to understand. However, it is presumed that the “Town Center Revitalization District” map in the principal Downtown GPA document, (Exhibit A on Page 72), gives a proper graphic depiction of the entire land area to be characterized by the terms “Downtown Columbia” or “Downtown”.

- **The term Downtown Revitalization is defined as a type of development that would be required in the Downtown after the effective date of ZRA 113 if it is approved (the “Effective Date”), and provides that such development must be in keeping with the NT District regulations and “...must be generally consistent with the recommendations of the Howard County General Plan.”**

Although the term Downtown Revitalization Approval Process is not given a specific definition itself, functionally it denotes all the proposed new Section 125 procedures necessary for achieving any particular Downtown Revitalization project.

I. DESCRIPTION OF PROPOSAL (continued)

1. Section 103.A Amendments (continued)

- **Net New is a term proposed to refer to those quantities of actual development items such as dwellings, rooms and floor area, that are to be allowed to be achieved in Downtown above the baseline totals of the same items as established in all the previously approved Site Development Plans in the Downtown.**
- **Signature Building is a term which appears to be intended to denote a building which due to some significance of its site, its architectural design is to be afforded special or a more unique consideration.**
- **The term Significant Community Gathering Space is defined as an Amenity Space, equal to or greater than 25,000 square feet, that is located outdoors, may be covered in whole or in part, and which would not include the area of any bike paths or sidewalks “...located along its perimeter.”**
- **The term Student Housing is defined as a building or portion thereof which does have individual “sleeping accommodations”, but which may provide cooking and sanitation facilities on either an individual basis or a shared basis.**

2. Section 125.A Amendments

- **The provisions of the current Section 125.A.4 of the NT Regulations are the basis upon which the overall maximum residential density for the entire NT District have been calculated since the first NT Regulations were established in 1965.**

Although these provisions are certainly familiar to many, basically they create a potentially achievable maximum number of dwelling units by multiplying the gross acreage of the entire NT District, regardless of the land use types, by 2.5.

This potential maximum number of dwelling units is as allowed by the zoning itself, but the New Town Preliminary Development Plan (the "NT PDP") has always set a dwelling-units-to-gross-acres factor lower than the zoning-permissible 2.5, and it is this lower NT PDP factor that has been used to calculate available density since the 1960s. Once the maximum available density is set, the available density can then be used in any type of residential project anywhere in the NT District, and the number of dwelling units constructed in that project is then subtracted from the total available density figure.

- **The available density under the current NT PDP is almost used up, although a PDP amendment to increase the available density to the 2.5 dwelling units per gross acres as permitted by the zoning could increase that available density slightly. However, the Downtown GPA envisions a more urban concentration of dwelling units in numbers that would exceed the density amounts that could be gained by such a PDP amendment. Therefore, the Petitioner proposes to amend Section 125.A.4. to accomplish three purposes:**

The proposed amendment would set a new maximum overall residential density for the entire NT District as a total of the number of dwelling units permitted by the longstanding 2.5 dwelling units per gross acres for all NT zoned land, including Downtown land, plus the number of dwelling units proposed in the proposed new Section 125.A.9. for Downtown Revitalization. This maintains the integrity of the residential density calculations for the considerable area outside of the Downtown, while allowing an increase in residential density within the Downtown that is separate from, and not subject to, the standard 2.5 dwelling units per gross acres calculation.

I. DESCRIPTION OF PROPOSAL (continued)

2. Section 125.A Amendments (continued)

The proposed amendment establishes that the maximum number of dwelling units in the Downtown is specified in the new Section 125.A.9.

The proposed amendment adds new text so that the more specific density limitations based on the land use types of low density, medium density, and apartments in subsections 125.A.4.a., b., and c. only apply to NT areas outside of the Downtown, which of course also means that the land within the Downtown is not subject to these limitations.

- **A relatively minor amendment is proposed to Section 125.A.5.b. to specify that in addition to being permitted in areas designated Apartments on a Final Development Plan, attached and semi-attached dwellings may also be permitted in areas designated Downtown Revitalization".**

The amendment then provides that these attached and semi-detached dwellings in the Downtown Revitalization area are subject to the new provisions in the new Section 125.A.9., while such units in areas designated Apartments are subject to the established standard requirements in Subsection 125.A.5.b.(1), (2), and (3).

- **Section 125.A.8. begins with the land use chart which sets the minimum and maximum percentages of the entire NT District land area that can be designated for each of the land use categories for open space, residential uses, commercial uses, industrial uses, and other unspecified uses (the "Land Use Chart"), and then continues with requirements concerning infrastructure and open space issues.**

The Petitioner proposes to amend this section by dividing it up into Subsections 128.A.8.a., b., and c. and then adding text to the new Subsection 128.A.8.a., which would contain the Land Use Chart, that essentially exempts land subject to the new Downtown Revitalization regulations from the chart requirements.

The Petitioner also adds text which specifies that after the Effective Date, the land uses in the Downtown boundaries as shown on the most recently approved NT PDP amendment are still to be used to calculate the land use percentages in the Land Use Chart.

This revision would maintain the integrity of the overall land use percentages as established to date, but would allow development in the Downtown to be realized outside the limitations of the Land Use Chart.

- **Along with the new Section 125.E concerning the proposed new procedures and requirements for the evaluation and approval of Final Development Plans for developments, the proposed new Section 125.A.9 is one of the major amendments proposed in ZRA 113.**

Section 125.A.9 establishes the foundations of the Downtown Revitalization process, setting the applicability of the regulations, the permitted use categories and restrictions for the use of previously designated open space land, the maximum numerical limits of the various types of development, and several provisions for existing developments in the Downtown, concerning the continued use, demolition, and reconstruction rights of such existing developments.

- **Section 125.A.9.a. serves as a basic purpose statement, with its beginning "To implement the recommendations of the General Plan for the Revitalization of Downtown Columbia", and then establishes the requirement that after the Effective Date, any property in the boundaries of Downtown to be approved for development with a new Final Development Plan or a Final Development Plan amendment must comply with the Downtown Revitalization regulations.**

I. DESCRIPTION OF PROPOSAL (continued)

2. Section 125.A Amendments (continued)

It specifies that all such development must be approved with a Final Development Plan or a Final Development Plan amendment, and a Site Development Plan.

- **Section 125.A.9.b. establishes that the permitted uses for developments "...under the Downtown Revitalization Approval Process" are all uses permitted in the POR, B-1, B-2, and SC Districts, and Dwellings, Student Housing and Amenity Space.**

Any permitted use may be located in any area of the Downtown. Multiple uses may be located in a structure, or a structure may have a single use.

- **This section contains a significant provision on the use of existing Open Space designated on a previously recorded Final Development Plan ("Preexisting Open Space"). It provides that, ordinarily, the use of such Preexisting Open Space is strictly limited to Open Space uses or Amenity Space uses and associated infrastructure.**

However, other uses may be permitted if "...an equivalent amount of non-environmentally sensitive Open Space is provided in exchange for the use..." of the Preexisting Open Space.

- **Section 125.A.9.b. concludes by stating that the Final Development Plan or a Final Development Plan amendment approving a Downtown Revitalization development shall "identify" the "...general mix of uses and the applicable bulk requirements..."**
- **Section 125.A.9.c. contains the maximum potentially achievable new development limits within the Downtown, expressed in terms of Net New items.**

To repeat the explanation of Net New, it is a defined term proposed to refer to those quantities of actual development items such as dwellings, rooms and floor area, that are to be allowed to be achieved in Downtown above the existing baseline totals of the same items as established in all the previously approved Site Development Plans in the Downtown.

- **The proposed Net New items amounts are:**

5,500 New New dwellings.

5,000,000 square feet net floor area of Net New commercial office space.

1,000 rooms of Net New hotel and motel rooms.

1,250,000 square feet net floor area of Net New commercial retail space.

- **Section 125.A.9.c. concludes with a statement that the Net New amounts are in addition to the total dwellings and total non-residential floor area approved on Site Development Plans prior to the Effective Date, and also in addition to the improvements specified in the proposed Section 125.A.9.g. (concerning demolition credits for preexisting development) and Section 125.A.9.h. (concerning rights to rebuild following destruction by calamities).**
- **Section 129.A.9.e. would establish that all Amenity Space "...must be provided in accordance with the recommendations of the General Plan." The Downtown GPA refers to five distinct areas of the Downtown (the "Crescent", the "Lakefront", "Merriweather", "Symphony Overlook", and "Warfield") as the "Neighborhoods". This section proposes that each neighborhood "...identified on a Final Development Plan or Final Development Plan amendment..." must include a Significant Community Gathering Space, in addition to other Amenity Space as approved by the Planning Board.**

I. DESCRIPTION OF PROPOSAL (continued)

2. Section 125.A Amendments (continued)

To repeat the explanation of the term Significant Community Gathering Space, it is defined as an Amenity Space, equal to or greater than 25,000 square feet, that is located outdoors, may be covered in whole or in part, and which would not include the area of any bike paths or sidewalks "...located along its perimeter."

Section 125.A.9.d. requires Amenity Space areas and areas of associated infrastructure to be included in a Final Development Plan and requires the fee simple owner of the land upon which the Amenity Space areas and areas of associated infrastructure will be located to sign the Final Development Plan petition.

Section 125.A.9.d. concludes by stating that Amenity Space areas and areas of associated infrastructure may be located within Preexisting Open Space.

- **Section 129.A.9.e. requires that the off-street parking and loading requirements applicable to the Downtown are as specified in the proposed amendment to Section 133 that concerns shared parking in the Downtown Revitalization area.**
- **Section 125.A.9.f. appears to concern properties with existing developments that were approved on a Final Development Plan on or before the Effective Date, and were approved on that Final Development Plan for a specified gross floor area, but have an existing net floor area on or before the Effective Date that is lower than the gross floor area permitted by the approved Final Development Plan ("Preexisting Uncompleted Development").**

This section provides that such Preexisting Uncompleted Developments may continue to be developed and used as authorized by the approved Final Development Plan after the Effective Date, subject to Site Development Plan approval.

This section also declares that such Preexisting Uncompleted Developments are not nonconforming uses, and can be "...constructed, used, maintained and repaired..." in accordance with the approved Final Development Plan.

- **Section 129.A.9.g. provides that any demolition of any existing dwellings or existing non-residential floor area within Downtown after the Effective Date automatically creates a "Demolition Development Credit" equal to the number of dwellings or amount of non-residential floor area that are demolished.**

Such Demolition Development Credits are intended to be applicable for use as additional dwelling units or non-residential floor area for any development in the Downtown after the Effective Date. The section emphasizes that the use of these Demolition Development Credits cannot be limited by any development levels in the Downtown GPA, or by the Net New development amounts of Section 129.A.9.c.

- **Section 129.A.9.h. expresses the rights for and limitations to reconstructing any existing structure in the Downtown if the structure is destroyed by calamity. It states that such reconstruction must be in accordance with the applicable approved Site Development Plan, provided that a building permit is issued within one year of the destruction, and reconstruction begins within 6 months of the building permit approval, and gives the Planning Board the authority to grant extensions.**

Similar to Section 129.A.9.g., the reconstructed development cannot be limited by any development levels in the Downtown GPA, or by the Net New development amounts of Section 129.A.9.c.

I. DESCRIPTION OF PROPOSAL (continued)

3. Section 125.C Amendments

- **As stated above, the minor additions and additions of the amendments to Section 125.C. are only to make this section applicable only to Comprehensive Sketch Plans. This is done because the Petitioner proposes that Downtown Revitalization projects would only be subject to the Final Development Plan and Site Development Plan approval processes.**

The Final Development Plan requirements as applicable to Downtown Revitalization developments are then specified in two new sections;

Section 125.D. which contains existing text that is added to or deleted so some requirements are still applicable to all NT areas including Downtown, and some requirements are not applicable to the Downtown; and

Section 125.E. which contains all new text setting forth very detailed requirements for Final Development Plans and Final Development Plan amendments for Downtown Revitalization.

4. Section 125.D Amendments

- **The Section 125.D. amendments take existing text and revise it in order to accomplish the following purposes in relation to the establishment of the new Final Development Plan process for Downtown Revitalization:**

Section 125.D.1 is made to apply only to Final Development Plans submitted in cases in which a Comprehensive Sketch Plan or Comprehensive Sketch Plan amendment is required, so because Comprehensive Sketch Plans and Comprehensive Sketch Plan amendments are not required for Downtown Revitalization, this is made inapplicable to Downtown Revitalization.

Section 125.D.2. concerns the Planning Board consideration of a Final Development Plan following Comprehensive Sketch Plan approval, and this section is is made inapplicable to Downtown Revitalization.

Section 125.D.3 concerns Planning Board approval of Site Development Plans if that is required by the Planning Board with its approval of a Final Development Plan. The new proposed text appears to intend that Site Development Plan approval by the Planning Board is required for all Downtown Revitalization, and that land use decisions made by the Planning Board for Final Development Plan amendments are also not subject to review or further consideration by the Planning Board in its evaluation of a Site Development Plan, similarly to what is now required for original Final Development Plan approvals.

Section 125.D.4. includes the existing text that requires the recalculation of the overall residential density and land use percentages as Final Development Plans are submitted in phases, and this section is is made inapplicable to Downtown Revitalization.

Section 125.D.5 includes the existing text that sets forth the right of a petitioner to submit an appeal to the Zoning Board if the Planning Board either denies a Final Development Plan or fails to approve it within a specific period. The proposed new text would make this section applicable to Final Development Plan amendments as well.

Section 125.D.6. contains the existing text requiring a Final Development Plan to be recorded following approval, and specifies that any new development or use not included in that recorded Final Development Plan can only be realized subject to an amendment to the Final Development Plan. The proposed new text would make this section applicable to Final Development Plan amendments as well.

I. DESCRIPTION OF PROPOSAL (continued)

4. Section 125.D Amendments (continued)

Section 125.D.7. contains the existing text that requires an approved Final Development Plan to be void if the associated construction has not commenced and completed to an extent of 25 percent within five years. The proposed new text would make this section inapplicable in cases in which the Final Development Plan or Final Development Plan amendment includes an approved staging plan.

Section 125.D.8. contains the existing text which specifies that in cases when a Final Development Plan approval becomes void if the associated construction has commenced but not completed to an extent of 25 percent within five years, the Planning Board may not revisit the issue of the completed portion(s), but may only evaluate the uncompleted portions. This existing text is amended in such a fashion that it would not apply to its original purpose, but would instead provide that for Final Development Plan amendments, the Planning Board could make no changes to the approved Final Development Plan except in relation to what is proposed in the Final Development Plan amendment.

Section 125.D.9. contains the existing text that requires in instances when the Planning Board denies a land use on a Final Development Plan, and that land use is one that would be a Conditional Use in any other zoning district, a petition for the same land use on the same parcel is not allowed to be submitted in the 12 months following the denial, with provisions for Planning Board reconsideration. The new text is to make this section also applicable to Final Development Plan amendments.

Section 125.D.10. is all new text specifying that the Section 125.D. requirements apply also to Downtown Revitalization, except where they are made inapplicable.

5. Section 125.E Amendments

- **The proposed Section 125.E is all new text which concerns Final Development Plan and Final Development Plan amendment proposals for all Downtown Revitalization (the "Revitalization FDP" or "Revitalization FDPs").**
- **Section 125.E.1 requires that all Downtown Revitalization must comply with the Section 125.E procedures. It provides that a petitioner for a Revitalization FDP may submit such a petition at any time.**

No amendment to the NT PDP or to any applicable Comprehensive Sketch Plan is necessary prior to submitting the petition for a Revitalization FDP.

Section 125.E.1 states that such a petition "...may cover all or a portion of Downtown Columbia" and that such a petition must include all the information specified in Section 125.E.3.

- **Section 125.E.2. requires the petitioner to follow the same procedures as given in Sections 16.128(b) through 16.128(g) of the Subdivision and Land Development Regulations concerning giving notice for and conducting a Presubmission Community Meeting, prior to submitting a petition for a Revitalization FDP.**

In addition to the noted Presubmission Community Meeting procedures, Section 125.E.2 also requires that the petitioner notify each Village Board and the Columbia Association about to the meeting.

I. DESCRIPTION OF PROPOSAL (continued)

5. Section 125.E Amendments (continued)

- **Section 125.E.3 repeats the requirement given in Section 125.E.1 that a Revitalization FDP petition must include the following information:**
 1. The boundaries of the property for the Revitalization FDP.
 2. The existing topography, woodlands and floodplain areas.
 3. A Context Plan showing certain existing features and uses within the Revitalization FDP area and within 500 feet of the boundary.
 4. The "...general location of any Neighborhoods that provide variety in character, height, density and intensity..." as given in the Downtown GPA.
 5. The total acreage covered by the Revitalization FDP and each Neighborhood.
 6. The location of developed and undeveloped land.
 7. A summary of the existing development and development on approved Site Development Plans. This summary would provide the number of existing dwelling units and the amounts of existing commercial floor area.
 8. The "general location and use of existing and proposed major amenity space."
 9. The general location of existing and proposed Signature Building sites, with the qualification that such a building site "...would terminate a vista."
 10. The existing and proposed streets and transit routes and facilities.
 11. The pedestrian circulation system.
 12. A conceptual plan for storm water management.
 13. Text material, on an entire plan basis or a Neighborhood basis, specifying the maximum Net New dwellings, Net New commercial floor area, Net New hotel rooms, the maximum size of a retail use footprint, and that maximum building height(s). For developments including dwellings, the percentage of the dwellings that are part of a "mixed income housing program" must be stated. This category also requires information on a phasing plan covering the sequence of development and the Amenity Space, a traffic study, and a text description of the Amenity Space within the proposed development.
 14. Design guidelines covering the proposed urban design features, street design, Amenity Space(s), and architecture.
 15. Information on the amount of development approved and built to date, and the "status" of required Amenity Space and of any "community enhancements, programs or amenities" of the Downtown GPA.
- **Section 125.E.4 requires that a Revitalization FDP must be considered by the Planning Board at a public hearing. It then gives a list of approval criteria, upon which the Planning Board would have to make positive findings in order for the Revitalization FDP to be approved.**

I. DESCRIPTION OF PROPOSAL (continued)

5. Section 125.E Amendments (continued)

The criteria required for a Revitalization FDP, as proposed by the Petitioner, are general consistency with the Downtown GPA, the provision of a balanced mix of uses, the provision of a variety of housing choices in terms of pricing, the provision of a convenient pedestrian network with connections to the existing and planned pedestrian network, the protection of environmentally sensitive features, the provisions of connections to existing and planned Open Space, the provision of "...appropriate land for Amenity Space", the compatibility of the proposed development with existing and planned vicinal land uses, and that the development will be served by adequate public facilities.

- **Section 125.E.5 provides that the Petitioner may withdraw a petition for a Revitalization FDP at any time prior to final action by the Planning Board.**
- **Section 125.E.6. somewhat repeats the requirement stated previously in Section 125.D.3. that Site Development Plan approval is required for all Downtown Revitalization, but for some reason does not state that this would be approval by the Planning Board.**

6. Section 125.F Amendments

- **The new Section 125.F. contains amendments to the former Section 125.D which concerns amendments to Comprehensive Sketch Plans and Final Development Plans. The first proposed amendment is to what was Section 125.D.1. which specified that only the original petitioner for the NT District can submit amendment to these plans, with certain minor exceptions.**

The minor revisions would specify that the exception for additional uses on individual lots in residential land use areas would continue, but creates a new Section 125.F.3. as an exception. It also deletes entirely the requirement that such amendments must be reviewed as required in Section 125.C (the "Section 125.O" shown is a typo.)

- **The proposed Section 125.F.3 contains new text providing an exception that any owner of a property located in the Downtown has the right to propose a Revitalization FDP as an amendment to a previously approved FDP.**

7. Section 125.G Amendments

- **The new Section 125.G. contains amendments to the former Section 125.E which concerns Site Development Plan approval by the Planning Board and minor exceptions to that requirement.**

The initial amendment is to the current Section 125.E.1 is intended to accomplish three things; to again require Planning Board approval of all Site Development Plans for all Downtown Revitalization proposals; to maintain an exception for minor additions and modifications while deleting what is apparently an old public hearing requirement provision, because the section it refers to concerns minor projects not requiring Planning Board approval; and to provide that a petitioner for Site Development Plan approval may withdraw the petition at any time.

- **The proposed Section 125.G.2 is new text which specifies the criteria for which the Planning Board must make positive findings in order to approve a Site Development Plan for Downtown Revitalization developments.**

I. DESCRIPTION OF PROPOSAL (continued)

7. Section 125.G Amendments (continued)

The criteria as proposed by the Petitioner are that the Site Development Plan; is generally consistent with the Town Center PDP; conforms with the approved Revitalization FDP, but only in terms of the bulk regulations and design guidelines, as written; is compatible with existing and planned adjacent land uses; is "logical and efficient: in terms of the location(s) of buildings, structures, Amenity Space(s), landscaping, and pedestrian and vehicular circulation systems; and provides Amenity Space that are reasonable and appropriate.

- **An amendment to the section providing for Minor Projects Not Requiring Planning Board Approval, the new Section 125.G.4, adds a requirement for a determination by the Department of Planning and Zoning that any modification allowed under this section is compatible with existing structures.**

8. Section 133 Amendments

- **This section concerns the Off-street Parking and Loading Facilities requirements. The initial amendment is to the Section 133.B.4. regulations for the approval of parking on a separate lot from the principal use, if certain criteria are met.**

Section 133.B.4.b. currently requires that for nonresidential uses, the off-site parking facility must be within 400 feet of the principal use building. Section 133.B.4.d. requires that the off-site parking facility is not separated from the principal use by a public street. New text is proposed to exempt all Downtown Revitalization development from these requirements.

- **Section 133.E. concerns Permitted Reductions in Off-street Parking Requirements, and Section 133.E.1. provides a chart and calculation requirements for developments with shared parking. The function of the proposed amendment is to allow an option for a Downtown Revitalization development to use a different shared parking methodology as established by the Urban Land Institute.**
- **The sections proposed to be amended and the amendment text is attached as Exhibit - Petitioner's Proposed Text (CAPITALS indicates text to be added; text in [single brackets] indicates text to be deleted).**

II. EVALUATIONS AND CONCLUSIONS

Preface

- **As previously noted, ZRA 113 was submitted in conjunction with the associated Downtown GPA as defined above. The Downtown GPA and its evaluation by the Department of Planning and Zoning contain broad concepts, goals, issues and recommendations for the Downtown which are of an unusual scope and complexity.**
- **One useful way to view ZRA 113 is that it is similar in many ways to the NT District regulation concepts that enabled Columbia to begin and to grow, but on a micro rather than a macro level.**

Columbia is of course many thousands of acres, and it has taken over 40 years to achieve its current form. The very basic foundations of the NT District idea, put into the NT District regulations in as elegant and concise a manner that legal writing in the 1960s could devise, is to allow the creation of an area of land where the special laws would apply, establish maximum development limits that cover that area overall, establish a very generalized overall development concept plan, and create a development review process which allows flexibility and creativity over time to achieve the purposes of this development concept plan, but always under the established development limitations.

- **By comparison, the area of the Downtown GPA is much smaller; approximately 364 acres of land. It has complex issues as an existing, mostly developed, more urban area of Columbia that surpass many of the less complicated issues of the mostly undeveloped rural land that comprised early Columbia.**

But ZRA 113 is fundamentally very similar to the original NT idea; it defines an area of land in which the various Downtown Revitalization regulations apply; it establishes maximum development limits that cover that area overall; by reference to the Downtown GPA it makes use of a more detailed overall development concept plan; and, it creates a development review process which will allow for much flexibility and creativity over time to achieve the purposes of the Downtown GPA.

- **The evaluations of ZRA 133 are presented in the same beginning-to-end sequence as the Description of Proposal section above.**

1. Section 103.A Amendments

- **The definition of the term Amenity Space must be made more specific to Downtown Revitalization purposes because the same term is used elsewhere in the Zoning Regulations, and the concepts of what such spaces should include in the Downtown differ from other areas in the County. It is recommended that a replacement definition be established for "Downtown Community Commons", and the term Amenity Space revised accordingly throughout ZRA 113.**

Similarly, most of the other proposed defined terms also need to be made specific to Downtown Columbia so that they are only applicable to Downtown Revitalization development. For this purpose, the Recommended Text for these terms adds the preface of "Downtown" to each proposed definition, and revises the rest of the text throughout ZRA 113 accordingly.

- **There are two minor comments on the proposed definition for Downtown Columbia. The Petitioner may have definite reasons, but it should be pointed out that the list of approved Town Center FDPs does not include Phase 233, nor does it include the reserved FDP Phase 225.**

II. EVALUATIONS AND CONCLUSIONS (continued)

1. Section 103.A Amendments (continued)

Merely making reference to an "Appendix A" will not suffice for documenting the metes and bounds description of Downtown Columbia on a zoning basis. It is recommended that a new Section 103.B. be created for Downtown Columbia Definition Details, and the definition revised to refer to this new Section 103.B.

- **In the definition for the term Downtown Revitalization, it is defined as a form of development required in Downtown Columbia (as defined) that "...must be generally consistent with the recommendations of the Howard County General Plan. There are several issues with the underlined text.**

The Howard County General Plan is the planning document covering the entire County, and the Downtown GPA, if approved, would become one new segment of that plan. Any type of development in the County is expected to be in harmony with the Howard County General Plan, but it is much more important for new development in the Downtown to follow the more precise concepts of the Downtown GPA, because of the specific purposes and much smaller area involved.

Therefore, it is recommended that a definition be added to Section 103.A. to define the term "Downtown General Plan Amendment", and to add this term throughout ZRA 113 to any mention of the General Plan in reference to Downtown Revitalization, or to replace the term "General Plan" with this term in the same instances.

Due to the relatively small area of the Downtown, to the extensive complexities involved in redeveloping this area, and mostly to the complex nature of the intended image and character of the Downtown Revitalization as envisioned by the Downtown GPA, it is recommended that the definition be revised to state "...must be in conformance with", rather than generally consistent. The Petitioner may believe this would be too exacting a test, but because the Petitioner is also the entity proposing the Downtown GPA, and it is assumed the Petitioner is well aware of the details of that proposal, the Petitioner should be able to achieve substantial consistency with that proposal.

- **The term Net New should become Downtown Net New and the amounts of floor area of the various non-residential uses should be changed from "net floor area" to "gross floor area".**
- **Minor revisions of the definition of the term Signature Building are recommended to make this term Downtown Signature Building and to delete "significant" and to replace it with "premiere".**

As noted later in this Technical Staff Report, it is recommended that all Downtown Revitalization developments be reviewed by the Design Advisory Panel (DAP) so that the Planning Board can have the benefit of the DAP recommendations on architectural design issues. This Signature Building definition stresses that such buildings require a more exacting design evaluation.

- **Later in ZRA 113, in Section 125.A.9.d., is a requirement that each Neighborhood identified on a Revitalization FDP must include a Significant Community Gathering Space. It is recommended that this term be made simpler and more descriptive by changing it to "Downtown Neighborhood Square".**

II. EVALUATIONS AND CONCLUSIONS (continued)

1. Section 103.A Amendments (continued)

- **The definition for the term "Student Housing" is unusual because the body of the definition does not relate the term in any way to students, and the body of the proposed ZRA 113 does not address how this type of housing relates to residential density, affordable housing, or other requirements. Student housing could be an appropriate use in Downtown; however, more information is needed before including it in ZRA 113. The Petitioner should provide more information on this issue.**

2. Section 125.A Amendments

- **The proposed amendment to Section 125.A.4. continues to include the acreage of Downtown land to calculate the maximum residential density for the overall NT District, while the Downtown itself is not bound by that calculation, but instead has its own limits established in Section 125.A.9. This could allow the density of the area outside Downtown to exceed 2.5 units per acre.**

The intent to maintain the integrity of the longstanding overall, Columbia-wide residential density calculations has merit. However, to better reflect the fact that Downtown Revitalization is a new stage in the evolution of Columbia and to avoid confusing about acreage accounting, it may be preferable to subtract the gross acreage of Downtown from the total NT acreage that is multiplied times 2.5 to establish the maximum potential density of Columbia outside of Downtown.

- **In the proposed amendment to Section 125.A.8. it states that the 1995 NT PDP would be used to establish the Downtown land uses for the purpose of calculating the overall land use percentages in the land use percentage chart.**

The intent of this section is to clarify land use compliance for Columbia as a whole. Compliance is tracked using precise land use acreage from recorded Final Development Plans, thus the Downtown land use areas must be determined using the recorded Town Center Final Development Plans. In addition, because there is land within the defined boundaries of Downtown Columbia that is not currently recorded on any Final Development Plan, this provision must be revised to account for that land. All of this information should be established in the format of a chart on the Final Development Plans.

- **For the first sentence in the proposed Section 125.A.9.a., which begins "To implement the recommendations of the General Plan for the revitalization of Downtown Columbia", please refer to the comments made above at the bottom of Page 15 concerning the definition of Downtown Revitalization. These comments should be considered to apply to any similar instances of the use of "General Plan", throughout the remainder of ZRA 113.**
- **In the Section 125.A.9.b., the proposed text concerning the potential conversion of existing open space to non-open space uses is far too basic a method for what is actually a very complex issue. It does not properly consider that there are areas of existing Open Space in Downtown Columbia, such as Symphony Woods and the Lakefront, that need to be specifically protected from development and preserved. There should also be more detailed provisions and restrictions covering the exchange and replacement of Open Space that may be appropriate for redevelopment.**

Importantly, as expressed in the Technical Staff Report for the Downtown General Plan Amendment, not only must there be no net loss of existing land used for parks, but there also must be a requirement for a minimum amount of new Open Space on land in Downtown Columbia that was not previously recorded as Open Space. Some currently developed Open Space such as the library and fire station might be appropriate for redevelopment, but it is necessary that regulations be established covering the replacement of such public facilities if the current land is used for other purposes.

II. EVALUATIONS AND CONCLUSIONS (continued)

2. Section 125.A Amendments (continued)

- **For these reasons, the Section 125.A.9.b. proposed text concerning the potential conversion of existing open space to non-open space uses is deleted, and is replaced with a much more detailed set of regulations added as a new Open Space Preservation subsection at the end of Section 125.A.9.**

In association with the proposed new Open Space Preservation regulations for Downtown Revitalization, there is a need to add three new definitions to Section 103.A. These proposed new definitions are for the terms “Downtown Parkland”, Downtown Mixed-Use” and “Downtown Arts and Entertainment Park”. These proposed definitions are fairly self-explanatory, and the use of these terms is made plain in the proposed new Open Space Preservation regulations.

Also for Section 125.A.9.b, the last sentence should be deleted here and the intent of this sentence moved to become part of the Revitalization FDP requirements of the new Section 125.E.

- **The beginning phrase of Section 125.A.9.c. seems to refer to the term Downtown Revitalization as a land use category, because it refers to Final Development Plans that would have such a designation.**

This may or may not be intentional. However, it would be much clearer to state that the following maximum development level requirements apply to Downtown Columbia, except as may be qualified by Sections 125.A.9.f., g., and h.

- **In subsections 129.A.9.c. (1) through (5), rather than repeat the same "...after [Effective Date] for each case, it would be better to simply revise the Net New definition to make the "after [Effective Date]" be an integral part of the definition. Also, the term would now become “Downtown Net New”.**
- **The Downtown Net New development amounts in Section 125.A.9.c. are considered to be the maximum limits in terms of the ultimate potential for such development. Because Downtown Revitalization will be realized over a long period of time, because of changes in development conditions that may occur, and because of the phasing standards recommended by this report, having such numbers established in the Zoning Regulations does not imply 'this will happen', but rather that the Downtown Net New numbers are more accurately 'what may happen'.**
- **There are some discrepancies between the maximum development target levels of the Downtown GPA and the Downtown Net New numbers in ZRA 113. These discrepancies are addressed in the Downtown GPA report, and ZRA 113 may need to be amended to reflect the amounts ultimately approved by the Downtown GPA.**
- **With the specific exceptions given in Section 125.A.9.g. and h. regarding not being limited by or counted against the Section 125.A.9.c. Net New levels, the end “(II)” statement of Section 125.A.9.c.(5) is unnecessary.**
- **There are no major substantive comments on Section 125.A.9.d., but there are many recommended revisions mostly related to changes in the defined terms that are reflected in the Department of Planning and Zoning Recommended Text.**

II. EVALUATIONS AND CONCLUSIONS (continued)

2. Section 125.A Amendments (continued)

- **The reference number given for the parking regulations section should be changed to Section 133.E.2.**
- **As written, Section 125.A.9.f. is somewhat confusing, so to simplify the intent of this section, it is to "grandfather" the development rights of approved but not yet built development, so that it does not count against the Net New development.**

The Department revises this section in the Recommended Text in order to make it somewhat clearer.

Section 125.A.9.f. does not appear to address the continued use of previously developed property for which the development permitted by the Final Development Plan was completed fully to the amount allowed by the Final Development Plan. It may be unnecessary to do so, but this should be noted.

The use of the word “nonconforming” in the fourth-to-last line in the paragraph may not be correct based on what the Petitioner is actually intending. “Nonconforming” as used in Zoning Regulations refers to “uses”, in the context of uses that previously had been permitted uses by the Zoning Regulations but are no longer permitted because of a change in zoning or of a change to the Zoning Regulations.

The uses proposed to be permitted in the Downtown appear to encompass any of the existing uses in the Downtown, so it is highly unlikely that the proposed regulation changes would cause any existing uses to become nonconforming. It is more likely that the Downtown Revitalization approvals of new Revitalization FDPs could cause some buildings or other improvements to become “noncomplying”, which refers to instances where a development complied with the bulk requirements (i.e., setbacks, maximum height...) in effect when it was constructed, but no longer complies with the bulk requirements because of a change in zoning or of a change to the Zoning Regulations. In its Recommended Text, the Department includes both terms.

- **Section 125.A.9.g., proposes a Demolition Development Credit whereby existing development that is demolished is granted a replacement credit for the number of dwellings or the commercial floor area demolished that may be applied in any new Downtown Development without counting towards the amount of new development under the Downtown Revitalization limits.**

The Demolition Development Credits amounts would have to be verified by the County prior to the approval of the demolition permit(s) for the development, and then officially recorded and tracked in some fashion. The Petitioner needs to supply more details about how such a demolition credit system would function, and the proposed regulations may need to be expanded accordingly.

- **There is an issue with a “dwelling unit credit” based on the number of dwelling units alone. There is no control ensuring that the unit type or size of the replacement dwelling unit is comparable to the unit type or size of the dwelling unit demolished.**

The dwelling unit credit may need to be based on unit type or floor area, and not simply the number of dwellings.

- **Section 125.A.9.h. contains reasonably standard text concerning the destruction of existing structures by calamity, and the rights to reconstruct to the original approved level within a certain time limit.**

II. EVALUATIONS AND CONCLUSIONS (continued)

2. Section 125.A Amendments (continued)

This issue is really already covered in the Zoning Regulations in sections dealing with the destruction by calamity of nonconforming uses, and with the destruction by calamity of noncomplying structures and uses. There are no concerns with repeating a provision of this type here, but there is a minor recommended revision.

As noted above, it is more likely that existing development in the Downtown will become noncomplying than becoming nonconforming. The time limit given in the noncomplying regulations to obtain a building permit for reconstruction is two years, so it is recommended that this section be revised to also allow two years to obtain a building permit.

- **Although the proposed Downtown GPA addresses the issue of a mixed-income housing program in considerable length, the proposed ZRA 113 regulations are somewhat silent on the issue except for one Revitalization FDP approval criteria requiring a finding on a “variety of housing choices”.**

The need for affordable housing is well recognized, and all of the districts which allow higher density residential development, include definite minimum moderate income housing unit requirements in the Zoning Regulations. The Downtown Revitalization regulations should be no different. It is recommended that Section 125.A.9. be revised to include a new Section 125.A.9.i, titled “Additional Requirements”, and this new section should contain the requirement that for all Downtown Revitalization projects that propose dwelling units, 15 percent of the dwelling units shall be moderate income housing units. This would be similar to what is required for some of the US 1 Corridor Districts.

In addition, as proposed by the Downtown General Plan Amendment, to address the issue of providing more mixed income housing options in Downtown Columbia, it is recommended that a definition be added for the term “Middle Income Housing Unit” that defines these as dwellings offered for sale or rent to households with incomes of 80 percent to 120 percent of the median income in Howard County. Then, the new Section 125.A.9.i. should also contain a minimum requirement of 10 percent of any Downtown Net New Dwellings must be middle income housing units.

- **One important issue brought forth in the Downtown Columbia – Community Vision Report is the recommendation that public art be promoted in Downtown Columbia in association with the revitalization of the Downtown.**

This issue is not addressed in the proposed ZRA 113. In some communities, there are requirements related to the provision of public art which are often placed upon new development on the basis of a percentage of the construction costs of the new development. Such public art programs may be private programs proposed by a developer in association with a particular development, or they may be public programs administered by a jurisdiction, either directly or through a group such as a public arts committee.

It is recommended that ZRA 113 be revised to include a new requirement concerning public art in the new Section 125.A.9.i. Also, a definition for “Downtown Public Art” should be added to Section 130.A.

- **The Downtown GPA addresses the issue of new building height limits in the Downtown only in a very general manner, and even though there is a plan included as Exhibit F entitled “Building Height Zone Plan”, this plan is only a recommendation and as such, it does not establish legally enforceable maximum height requirements for Downtown Revitalization developments.**

II. EVALUATIONS AND CONCLUSIONS (continued)

2. Section 125.A Amendments (continued)

Recommendations on maximum building height limits are only guidelines, and would be subject to interpretation in any Downtown Revitalization development proposal. This creates the potential for proposed development in some areas of the Downtown that could be inappropriate in height in relation to the envisioned character of certain Neighborhoods, and in relation to existing development located adjacent to, but outside, Downtown Columbia.

For this reason, it is important that ZRA 113 include definite maximum height limitations, that are enforceable through the Zoning Regulations. The recommended method to achieve this is to do something which is new to the Howard County Zoning Regulations, but which is fairly common in the zoning regulations or ordinances of some other jurisdictions, and that is to include a graphic item: a map of Downtown Columbia that shows the maximum height limits, which would be an actual, enforceable part of the Zoning Regulations. To achieve this, a new definition to Section 103.A. is proposed, and a new maximum height requirement provision is added to Section 125.A.9.i. that relates the requirement to the added maximum heights plan. The Maximum Building Height Plan needs additional review and refinement to better distinguish the character of different neighborhoods and to ensure compatibility with vicinal property.

3. Section 125.C Amendments

- **There are no substantive comments concerning Section 125.C.**

4. Section 125.D Amendments

- **The proposed amendments in 125.D.1 through Section 125.D.7 are relatively minor, and the Department finds no substantive issues in these sections, but recommends extending the 60-day time limit for Planning Board action to 120 days.**
- **To repeat the description of the next section, Section 125.D.8. contains the existing text which specifies that in cases when a Final Development Plan approval becomes void if the associated construction has commenced but not completed to an extent of 25 percent within five years (as covered in Section 125.D.7. above), the Planning Board may not revisit the issue of the completed portion(s), but may only evaluate the uncompleted portions. This existing text is amended in such a fashion that it would not apply to its original purpose, but would instead provide that for Final Development Plan amendments, the Planning Board could make no changes to the approved Final Development Plan except in relation to what is proposed in the Final Development Plan amendment.**

The proposed amendments in Section 125.D.8. should be deleted entirely and the section returned to its original intended purpose. The intentions of the Petitioner's changes are unclear. The Petitioner should provide more details on the purposes of this proposed revision, and if these are found to be acceptable, it appears that this type of provision more properly belongs in Section 125.E than in Section 125.D.

5. Section 125.E Amendments

- **Again, Section 125.E. is all new text which covers the Revitalization FDP process, including various basic application procedures, the required information categories, and the Planning Board approval criteria. There is only one substantive issue with the proposed Section 125.E.1., but it is an important one.**

II. EVALUATIONS AND CONCLUSIONS (continued)

5. Section 125.E Amendments (continued)

As proposed, the text states "...the petition may cover all or a portion of Downtown Columbia...". This means that a proposed Revitalization FDP for an individual, relatively small site could be a valid submission. Evaluating such small sites becomes analogous to a jigsaw puzzle, because it would be more difficult to assess how such small sites fit into the greater context of the vision for the Downtown, and also how they relate to the ultimate, overall issues such as connections for vehicular and pedestrian circulation systems.

Therefore, in order to guarantee a more appropriate, broad analysis of a Revitalization FDP, it is recommended that the smallest area covered by any single Revitalization FDP should be that of a Neighborhood area. Consideration could be given to slightly smaller sub-neighborhood areas if such sub-neighborhoods can be clearly defined through the Downtown GPA process.

- **The last portion of Section 125.E.1. stating "...and must include all the information required under Section 125.E.3. is unnecessary and should be deleted.**
- **There are several wording changes recommended for the proposed Section 125.E.2, but essentially, this provision to require a pre-submission community meeting with additional notice to the Village Board and to the Columbia Association is sound.**
- **One issue not addressed in ZRA 113 concerns the potential future role of the Design Advisory Panel (DAP) in providing recommendations to the Planning Board on Downtown Revitalization design-related issues. Such recommendations could be quite beneficial to the Planning Board in its evaluation of a Revitalization FDP or a Site Development Plan.**

The Downtown GPA report recommends that there be a required DAP review as a pre-submission requirement for Final Development Plans and Site Development Plans for Downtown Revitalization. It is recommended that a subsection be added to the proposed Section 125.E.2. which would require DAP review of more detailed, Neighborhood-based design guidelines, that are derived from the Design Manual included as part of the Downtown General Plan, prior to the submission of the associated Revitalization FDP and Site Development Plan. The DAP regulations in the County Code will also need to be revised to establish such a procedure, but it is important to include this new requirement in Section 125.E. at this time.

- **Section 125.E.3. specifies all the information that is required to be submitted initially with any petition for a Revitalization FDP. There are a number of important issues with this section.**

As addressed above in the evaluation of Section 125.A.9.b., there are several new proposed land use categories that need to be established in order to make the Open Space Preservation concept function correctly. Therefore, the locations of and the sizes of these Downtown Columbia land uses need to be included as part of the required information for a Revitalization FDP.

The summary of the existing development needs to be more detailed regarding the development types and amounts.

- **The Department of Planning and Zoning evaluation of the Downtown General Plan Amendment emphasizes that as part of the Downtown General Plan Amendment, there must be an established implementation phasing plan that governs the pace of allowable Downtown Revitalization development in relation to the provision of**

II. EVALUATIONS AND CONCLUSIONS (continued)

5. Section 125.E Amendments (continued)

Downtown Community Commons space, infrastructure, and similar items. To implement this concept as part of the Zoning Regulation requirements, a new definition is proposed to be added to Section 103.A. for the term "Downtown Implementation Phasing Plan."

This relates to Section 125.E. because although there may be an overall Downtown Implementation Phasing Plan, it is important to also reflect the intent of such an overall plan in a much more detailed manner as part of the evaluation of a Final Development Plan or a Final Development Plan amendment. For this purpose, it is recommended that the proposed Section 125.E.3.m.(7) concerning a "phasing plan" be revised to include a requirement for a neighborhood-specific implementation plan, and also to greatly expand on the types and details of the information that is required to be provided with this plan.

Such a neighborhood-specific implementation plan must also distinctly relate the intended proposed balance of uses within each phasing period, the phasing of the required infrastructure, the phasing of circulation facilities if that is not covered elsewhere, the phasing of Downtown Mixed Use development, the phasing of Downtown Community Commons, environmental restoration, and the phasing of Arts, Cultural and Community Uses, within the area of the proposed Revitalization FDP.

- **There needs to be an added required information category for an explanation on how the development proposed in the Revitalization FDP addresses the environmental concepts put forth in Chapter 3 - Sustaining the Environment portion of "Downtown Columbia - A Community Vision".**

Most importantly, this required information should relate how and to what extent the proposed development will offer Green Buildings and Green Site Design improvements within the area of the Revitalization FDP.

- **There also needs to be an added required information category requiring a description of, and locations of, any existing sites, public art, and buildings or structures that have special significance on an historic or cultural basis.**
- **Finally, information must be submitted which addresses the issue of public art in association with the proposed Downtown Revitalization development.**
- **Section 125.E.4 concerns the criteria that would be evaluated by the Planning Board, for which the Board would have to reach positive findings in order to approve a Revitalization FDP. Again, aside from several minor revisions, there are a few more substantive recommendations. First, in the proposed 125.E.4.b. criteria regarding a finding on a balanced mix of uses, text should be added that requires this balanced-mix to be appropriate throughout all phase periods and consistent with the Downtown GPA phasing plan in terms of the infrastructure and amenities.**

Also, there is no need to require an evaluation of pedestrian access because that issue is covered later in the Section 125.E.4. approval criteria.

- **The Section 125.E.4.c. criteria should be revised to include an additional criteria that the proposed development complies with the minimum requirement of providing 15 percent moderate income housing units and for 10 percent middle income dwelling units.**
- **The last sentence of the proposed Section 125.E.4.e. states, "Vehicular, pedestrian and utility crossings of environmentally sensitive areas shall be permitted provided all applicable governmental permits and approvals are obtained."**

II. EVALUATIONS AND CONCLUSIONS (continued)

5. Section 125.E Amendments (continued)

First, this is not a criteria, and does not properly belong in Section 125.E.4. at all. Second, it is not prudent to allow an overall pre-acceptance of such environmentally sensitive crossings; instead, such crossings must be considered on a detailed case-by-case basis and determined on the merits of each proposal. The Department recommends that this sentence be deleted.

- **In the determination as to whether the proposed development will be compatible with the existing and planned vicinal development, an approval criteria must be added which requires a specific finding on the building height(s) and how this relates to the Downtown General Plan Amendment.**
- **An approval criteria should be added that requires a finding on whether the proposed development is protective of environmental features, and provides environmental corrections and/or enhancements to the redevelopment areas.**
- **An approval criteria should be added that requires a finding on whether the proposed development is protective of public art, and buildings or structures that have special significance on an historic or cultural basis.**
- **Approval criteria should be added that require a finding on whether the Design Guidelines for the proposed development offer sufficient detail and are consistent with the Design Manual approved as part of the Downtown GPA, and also a finding on the issue of Downtown Public Art.**
- **Section 125.E.5. proposes that the Petitioner have the right to withdraw the Revitalization FDP at any time prior to final action by the Planning Board. There is no issue with this proposal.**

6. Section 125.F Amendments

- **Section 125.F revises the text of the former Section 125.D concerning amendments to Comprehensive Sketch Plans and Final Development Plans. The initial revisions are in the new Section 125.F.1., which contains an existing provision that only the original petitioner for the NT District can propose amendments to such plans, with certain exceptions.**

The revisions change the reference numbers for the exceptions, but the Petitioner also deletes the last sentence of this section. This sentence, as shown is, “A proposed amendment shall be reviewed in accordance with Section 125.O above.”.

The Section 125.O is an error as it should be Section 125.C., but more importantly, the sentence does need to be retained for Comprehensive Sketch Plan amendments. So it is recommended that the sentence remain, with a revision that the review in accordance with Section 125.C is only for Comprehensive Sketch Plan amendments, and that proposed Final Development Plan amendments shall be reviewed in accordance with Section 125.D or Section 125.E, as applicable.

- **Except for a minor text change, there are no issues with the new Section 125.F.3.**

7. Section 125.G Amendments

- **Section 125.G revises the text of the former Section 125.E concerning Site Development Plan approval by the Planning Board. The only substantive issues with the proposed revisions are about the proposed 125.G.1., and about the proposed 125.G.2 which would have the Site Development Plan approval criteria for Downtown Revitalization proposals.**

II. EVALUATIONS AND CONCLUSIONS (continued)

7. Section 125.G Amendments (continued)

- **In the initial 125.G.1, the Petitioner makes a revision which would state “The Site Development Plan shall be considered at a public meeting, except where specified by Section 125.G.3.” if approved. The problem is that the proposed Section 125.G.3 doesn’t mention anything about what Planning Board process is required for the consideration of a Downtown Revitalization Site Development Plan.**

The Planning Board must meet as a body in order to make decisions. This must occur at public meetings or public hearings. The approval of a Downtown Revitalization Site Development Plan must be accomplished at a public meeting at least. So this section must be revised accordingly.

The deletion of “...a public hearing is required by Section 125.E.3. below” is correct because the current Section 125.E.3 concerns minor projects not requiring Planning Board approval, and there is no public hearing requirement for these.

- **The proposed new Section 125.G.2. concerns the proposed new Site Development Plan approval criteria for which the Planning Board must make positive findings in order to approve a Site Development Plan for a Downtown Revitalization development proposal. Due to the next comment, the title must be changed to “Site Development Plans Proposing Downtown Development.”**
- **One of the proposed criteria in Section 125.G.2. requires a finding that the Site Development Plan conforms to the Design Guidelines. As mentioned previously concerning the evaluation of Revitalization FDPs, it would be desirable for the Planning Board to have the benefit of a Design Advisory Panel recommendation on this issue, prior to its consideration of a Site Development Plan.**

Therefore, it is recommended that a new Section 125.G.2.a. be established which would include a provision requiring DAP review of the Site Development Plan prior to the Planning Board consideration of the Site Development Plan. The details of that process would be in the DAP regulations in the County Code.

- **The only other substantive comment on Section 125.G.2 concerns the current proposed Section 125.G.2.a.(2), which states “Conforms to the bulk regulations and Design Guidelines as established by the Final Development Plan.” This is a rather narrow perspective of the Final Development Plan, and the criteria should be revised to require a finding that the Site Development Plan complies with all aspects of the Final Development Plan, including the bulk regulations, the Neighborhood-specific Design Guidelines, and the Neighborhood-specific implementation plan.**
- **There are several word revisions and editing issues throughout Section 125.G.2, and these are reflected in the Recommended Text.**
- **The criteria concerning the evaluation of compatibility of the Site Development Plan with the existing and planned adjacent development needs to be expanded in terms of the items that are used for the evaluation.**
- **There also needs to be Site Development Plan approval criteria that address the issues of the provision of moderate income housing units and middle income housing units, of building height compliance with the Section 103.C plan, and of the provision for Downtown Public Art.**

II. EVALUATIONS AND CONCLUSIONS (continued)

8. Section 133 Amendments

- **The Department prefers to use specific shared parking requirements in the Zoning Regulations rather than permit the use of an outside source, which may change in unknown, and uncontrolled, ways over time. Therefore, the proposed amendment to allow the use of the Urban Land Institute shared parking calculations should be deleted.**

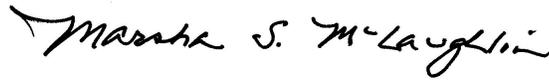
Shared parking is critical to the “park once” approach recommended in Downtown Columbia: A Community Vision. The Petitioner should propose specific shared parking requirements as part of the Zoning Regulations.

- **Based on the evaluations given above, the Department of Planning and Zoning Recommended Text is attached as Exhibit – Petitioner’s Proposed Text with DPZ’s Recommended Revisions. (Petitioner’s proposed text to be added is shown as CAPITALS and text in [brackets] is to be deleted. DPZ’s proposed text to be added is shown as UNDERLINED CAPITALS and ~~double strikethrough~~ indicates text to be deleted.**

III. RECOMMENDATION

APPROVAL, WITH REVISIONS

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-113 as noted above, be APPROVED, with the Recommended Text attached as Exhibit.



11/13/2008

Marsha S. McLaughlin, Director

Date

MM/JRL/jrl

NOTE: The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.

EXHIBIT – PETITIONER’S PROPOSED TEXT WITH DPZ’S RECOMMENDED REVISIONS

SECTION 103.A

~~AMENITY SPACE”: PLAZAS, PROMENADES, GREENS, GARDENS, PARKS AND ANY ASSOCIATED ARTWORK, SEATING AND ACTIVITY AREAS; PEDESTRIAN AND BICYCLE CIRCULATION SYSTEMS; ENHANCED STREETSCAPING; AND DOWNTOWN ARTS, CULTURAL AND COMMUNITY USES. AMENITY SPACE ALSO INCLUDES THE ENHANCEMENT OR REHABILITATION OF ENVIRONMENTALLY SENSITIVE AREAS. AMENITY SPACE MUST BE GENERALLY ACCESSIBLE BY THE PUBLIC, AND IS NOT COUNTED AGAINST THE MAXIMUM NET NEW DEVELOPMENT LEVELS ESTABLISHED IN SECTION 125.A.9 FOR DOWNTOWN REVITALIZATION.~~

DOWNTOWN COMMUNITY COMMONS: AMENITY SPACES SUCH AS PLAZAS, PROMENADES, GREENS, GARDENS, SQUARES AND OTHER PEDESTRIAN-ORIENTED AREAS THAT ARE INTENDED FOR COMMUNITY INTERACTION AND MAY INCLUDE SPACES FOR SEATING, EATING, GATHERING, FOUNTAINS, PUBLIC ART, WAY-FINDING SIGNAGE AND KIOSKS, OR OTHER SIMILAR PUBLIC AMENITIES. DOWNTOWN COMMUNITY COMMONS MUST BE GENERALLY ACCESSIBLE BY THE PUBLIC WITHOUT CHARGE. INCLUDED IN THIS CATEGORY ARE DOWNTOWN NEIGHBORHOOD SQUARES.

DOWNTOWN ARTS, CULTURAL AND COMMUNITY USE”: LAND AREAS, USES AND FACILITIES ESTABLISHED FOR CULTURAL, CIVIC, RECREATION, EDUCATIONAL, ENVIRONMENTAL, ENTERTAINMENT OR COMMUNITY USE OR BENEFIT, WHETHER OR NOT ENCLOSED AND WHETHER PUBLICLY OR PRIVATELY OWNED OR OPERATED FOR PROFIT, INCLUDING, BUT NOT LIMITED TO, LAND AREAS, USES AND FACILITIES SUCH AS LOCATIONS OR FACILITIES FOR LIBRARIES, FIRE STATIONS, SCHOOLS, MUSEUMS, GALLERIES, ARTISTIC WORK, **AND** TRANSIT FACILITIES. ~~AND~~ EATING, SEATING AND GATHERING AREAS **THAT ARE ACCESSORY TO THESE USES ARE PERMITTED.**

“DOWNTOWN COLUMBIA”: PHASE 4, PHASE 4-A-5, PHASE 21, PHASE 47-A-7, PHASE 52, PHASE 62-A-1, PHASE 95, PHASE 101-A, PHASE 105, PHASE 111-A-1, PHASE 115, PHASE 121, PHASE 122-A, PHASE 139-A-3, PHASE 140-A-1, PHASE 192-A, PHASE 211, PHASE 217-A-1, PHASE 219, PHASE 234, AND THE AREA WITHIN THE DESCRIBED LIMITS INCLUDED IN ~~APPENDIX A TO THESE REGULATIONS.~~ **SECTION 103.B.**

“DOWNTOWN REVITALIZATION”: A FORM OF DEVELOPMENT REQUIRED IN DOWNTOWN COLUMBIA AFTER (EFFECTIVE DATE) ~~PURSUANT TO~~ **IN COMPLIANCE WITH THE PROVISIONS OF SECTION 125 THAT MUST BE GENERALLY CONSISTENT IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE HOWARD COUNTY GENERAL PLAN. DOWNTOWN GENERAL PLAN AMENDMENT**

DOWNTOWN NET NEW”: AS APPLICABLE, THE NUMBER OF DWELLINGS, HOTEL AND MOTEL ROOMS, AND THE AMOUNT OF ~~NET~~ **GROSS** FLOOR AREA OF COMMERCIAL OFFICE AND COMMERCIAL RETAIL USES THAT ARE PERMITTED UNDER THE DOWNTOWN REVITALIZATION APPROVAL PROCESS **AFTER (EFFECTIVE DATE)** IN EXCESS OF THE NUMBER OF DWELLINGS, HOTEL AND MOTEL ROOMS, AND ~~NET~~ **GROSS** FLOOR AREA OF COMMERCIAL OFFICE AND COMMERCIAL RETAIL USES THAT ARE

SHOWN ON A SITE DEVELOPMENT PLAN FOR PROPERTY LOCATED WITHIN DOWNTOWN COLUMBIA THAT WAS APPROVED PRIOR TO [EFFECTIVE DATE].

DOWNTOWN SIGNATURE BUILDING”: A STRUCTURE WHICH REQUIRES PREMIERE ATTENTION TO ITS ARCHITECTURAL DESIGN BECAUSE OF ITS PROMINENT ~~WHOSE~~ LOCATION IN RELATIONSHIP TO THE PUBLIC REALM, SUCH AS ~~A ITS~~ POSITION ON A STREET OR OPEN SPACE, ~~OR AS THE TERMINUS OF A VISTA. REQUIRES SIGNIFICANT ATTENTION TO ITS ARCHITECTURAL DESIGN BECAUSE OF ITS PROMINENT LOCATION.~~

~~“SIGNIFICANT COMMUNITY GATHERING SPACE~~ **DOWNTOWN NEIGHBORHOOD SQUARE**”: AN OUTDOOR AMENITY SPACE COMPRISED OF NOT LESS THAN 25,000 CONTIGUOUS SQUARE FEET, EXCLUSIVE OF BIKE PATHS AND **REQUIRED** SIDEWALKS THAT MIGHT BE LOCATED ALONG ITS PERIMETER. A ~~SIGNIFICANT COMMUNITY GATHERING SPACE~~ **DOWNTOWN NEIGHBORHOOD SQUARE** ~~COULD~~ **MAY** BE COVERED OR PARTIALLY COVERED.

~~“STUDENT HOUSING”~~: ANY BUILDING OR PORTION OF A BUILDING THAT CONTAINS INDIVIDUAL SLEEPING ACCOMMODATIONS AND MAY CONTAIN EITHER INDIVIDUAL OR SHARED COOKING AND SANITATION FACILITIES.

DOWNTOWN GENERAL PLAN AMENDMENT: THE GENERAL PLAN AMENDMENT FOR DOWNTOWN COLUMBIA AS APPROVED BY THE COUNTY COUNCIL ON (APPROVAL DATE).

DOWNTOWN MAXIMUM BUILDING HEIGHT PLAN: THE PLAN WHICH GRAPHICALLY REPRESENTS THE MAXIMUM BUILDING HEIGHT REQUIREMENTS FOR ALL DOWNTOWN REVITALIZATION DEVELOPMENT, IN THE VARIOUS SECTORS OF DOWNTOWN COLUMBIA, AS DEPICTED IN SECTION 103.C.

MIDDLE INCOME HOUSING UNIT: A DWELLING UNIT OFFERED FOR SALE OR RENT TO HOUSEHOLDS WITH INCOMES OF BETWEEN 80 AND 120 PERCENT OF THE MEDIAN INCOME IN HOWARD COUNTY

DOWNTOWN PUBLIC ART: ORIGINAL OUTDOOR ARTWORK WHICH IS ACCESSIBLE TO THE PUBLIC.

DOWNTOWN IMPLEMENTATION PHASING PLAN: A DOCUMENT OF STEPS AND BENCHMARKS AND AN ACTION PLAN TO ENSURE ATTAINMENT OF DOWNTOWN REVITALIZATION DEVELOPMENT, INFRASTRUCTURE, DOWNTOWN COMMUNITY COMMONS, PARKLAND AND ENVIRONMENTAL RESTORATION WITHIN APPROXIMATE TIME PERIODS, INCLUDED AS PART OF THE DOWNTOWN GENERAL PLAN AMENDMENT

DOWNTOWN OPEN SPACE PRESERVATION PLAN: A PLAN DELINEATING ALL LAND IN NEW TOWN DESIGNATED AS OPEN SPACE ON A FINAL DEVELOPMENT PLAN RECORDED PRIOR TO (EFFECTIVE DATE) THAT IS REQUIRED TO RETAIN ITS EXISTING CHARACTER AS: ENVIRONMENTALLY SENSITIVE LAND AREAS; DOWNTOWN PARKLAND; DOWNTOWN COMMUNITY COMMONS; OR A DOWNTOWN

ARTS AND ENTERTAINMENT PARK, AS SPECIFIED IN SECTION 125.A.9.J. AND AS DEPICTED IN SECTION 103.D.

DOWNTOWN PARKLAND: AN AREA GENERALLY ACCESSIBLE BY THE PUBLIC WITHOUT CHARGE FOR ACTIVE AND/OR PASSIVE RECREATION PURPOSES WHICH CONSISTS PRIMARILY OF VEGETATED AREAS WITH A NATURAL CHARACTER, MORE FORMAL LAWNS, GARDENS AND WALKS, AND/OR ACCESSORY, MINOR ACTIVE STRUCTURED RECREATION USES SUCH AS URBAN PLAYGROUNDS AND TOT LOTS. PARKLAND MAY ALSO INCLUDE FEATURES SUCH AS PUBLIC ART AND FOUNTAINS AND MINIMAL STRUCTURES SUCH AS GAZEBOS, PAVILIONS, AND KIOSKS.

DOWNTOWN MIXED-USE: A LAND-USE DESIGNATION THAT PERMITS ANY USE OR COMBINATION OF USES PERMITTED UNDER SECTION 125.A.9.B. INCLUDING SUPPORTING INFRASTRUCTURE, UTILITIES, PUBLIC AND PRIVATE ROADWAYS, MULTI-MODAL CIRCULATION SYSTEMS ADJACENT TO PUBLIC AND PRIVATE ROADWAYS, SURFACE PARKING LOTS, PARKING STRUCTURES, AND UNDERGROUND PARKING.

DOWNTOWN ARTS AND ENTERTAINMENT PARK: A CONTIGUOUS AREA INCLUDING A LARGE OUTDOOR AMPHITHEATER WHICH MAY BE SURROUNDED BY A VARIETY OF SMALLER INDOOR OR OUTDOOR ARTISTIC AND PERFORMANCE SPACES IN A PARK-LIKE SETTING. ANCILLARY USES SUCH AS FOOD VENDORS AND SMALL RESTAURANTS MAY BE PERMITTED.

SECTION 125: NT (New Town) District

A. Definitions, Requirements and Restrictions Applicable to NT Districts

1. As used herein, the term “New Town” means an unincorporated city, town or village which:
 - a. Is designated and planned as an economically and culturally self-sufficient community with a population of at least 20,000 inhabitants; and
 - b. Is so designed and planned as to meet all of the requirements specified in this Section 125.
2. As used herein, the terms “New Town District,” “NT District” or “the District” means the land zoned for the erection of a New Town under the provisions of this Section 125.
3. No NT District shall be created except by the procedure set forth herein. Each NT District must contain a total area of at least 2,500 contiguous acres. Lands which are divided by streets, roads, ways, highways, transmission pipes, lines or conduits, or rights-of-way (in fee or by easement) owned by third parties shall be deemed to be contiguous for purposes of this Section 125. No NT District shall be established except upon land the beneficial title to which is in the person, firm or corporation executing the petition referred to in Section 125 thereof. The tenant under a lease having a term of not less than 75 years

shall be deemed to be the holder of the beneficial title to the land covered by the lease for the purpose of this Section 125.

4. No NT District shall have a greater overall ~~population~~ **RESIDENTIAL** density than that produced by the TOTAL COMBINED number of dwellings permitted [herein] IN THIS SECTION 125.A.4 AND IN SECTION 125.A.9. The maximum number of dwellings permitted [within an NT District] UNDER THE DOWNTOWN REVITALIZATION APPROVAL PROCESS IS ESTABLISHED IN SECTION 125.A.9. THE MAXIMUM NUMBER OF DWELLINGS PERMITTED THAT ARE NOT SUBJECT TO THE DOWNTOWN REVITALIZATION APPROVAL PROCESS shall be calculated by multiplying the total number of acres within the ~~entire~~ NT District [and], ~~INCLUDING EXCLUDING DOWNTOWN COLUMBIA (without excluding any areas regardless of their use)~~ [by the average number of dwellings per acre permitted with the NT District as specified in the “Final Development Plan,” as hereinafter defined; provided, however, that in no event shall the number of dwellings per acre permitted in any NT District exceed two and one half. within each NT District the following additional density] **BY TWO AND ONE-HALF. FOR DEVELOPMENT THAT IS NOT SUBJECT TO THE DOWNTOWN REVITALIZATION APPROVAL PROCESS, THE FOLLOWING DEVELOPMENT restrictions shall apply:**
 - a. In areas designated “single family -- low density” on the Final Development Plan, the maximum number of dwellings permitted shall relate to the overall total number of dwellings in all areas so designated within the NT District and shall be calculated by multiplying the number of acres within all areas so designated by two.
 - b. In areas designated “single family -- medium density” on the Final Development Plan, the maximum number of dwellings permitted shall relate to the overall total number of dwellings in all areas so designated within the NT District and shall be calculated by multiplying the number of acres within all areas so designated by four.
 - c. In areas designated “Apartments” on the Final Development Plan the maximum number of apartments permitted shall relate to the overall total number of apartments in all areas so designated within the NT District and shall be calculated by multiplying the number of acres within all areas so designated by 15.
5. The use of land within NT Districts shall be limited to those uses specified in the “Final Development Plan,” provided, however, that:
 - a. No uses permitted only in the R-MH or M-2 Districts under these Regulations may be permitted in an NT District; and
 - b. Attached or semi-detached dwellings may be erected only in areas designated “DOWNTOWN REVITALIZATION,” OR “Apartments” on [the] A Final Development Plan[,and]. WITHIN AREAS DESIGNATED “DOWNTOWN REVITALIZATION” SUCH UNITS SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 125.A.9. WITHIN AREAS DESIGNATED “APARTMENTS” SUCH UNITS MUST BE PROVIDED:

- (1) In groups having no more than 10 dwellings attached to one another if attached on the sides, or 16 dwellings if attached back to back; and
 - (2) In such numbers so as not to exceed 10 dwellings for each acre of such use, calculated by multiplying the number of acres so designated by 10; and
 - (3) In such physical relation to each other and to other uses as may be specifically approved on a subdivision layout submitted as part of the Final Development Plan.
6. Except for accessory uses as hereinafter provided, no structure within an NT District shall be:
- a. Erected except in accordance with the Final Development Plan, or
 - b. Used for any purpose other than the use designated for it on the Final Development Plan.
7. Except as otherwise provided in the Final Development Plan, the following restrictions shall be applicable to NT Districts:
- a. Access shall be provided from every use site to a public street or to a system of common streets and ways connecting with the public street system.
 - b. The off-street parking requirements of Section 133 of these Regulations shall be applicable.
 - c. The accessory use provisions of Section 110 shall be applicable to all residential uses within the NT District.
 - d. The provisions of Section 128 (Supplementary Zoning District Regulations) shall apply to the NT District except for those provisions which specifically exclude the NT District.

Subject to any additional specific permitted uses of land which may be designated on an approved Final Development Plan pursuant to Section 125.C.3.d of these Regulations, if an approved Final Development Plan designates POR, B-1, B-2, SC or M-1 District uses or any combination thereof for a specific area, then the general permitted uses for such area shall be those uses permitted as a matter of right in those districts. However, the bulk regulations for those districts regulating the location of structures, height limitations, setback provisions, minimum lot sizes, and coverage requirements shall not apply inasmuch as the controls therefore shall be included in the Final Development Plan approved by the Planning Board as provided under [Section 125.0 of] these Regulations.

8. A. [Each]EXCEPT AS SET FORTH IN SECTION 125.A.9, EACH New Town District must provide each of the following uses in the following proportions:

	(1) Minimum Percentage of Total Area of the District	(2) Maximum Percentage of Total Area of the District
Open Space Uses	36%	N/A
Single Family – Low Density	10%	N/A
Single Family – Medium Density	20%	N/A
Apartments	N/A	13%
Commercial (POR B-1, B-2 and SC uses)	2%	10%
Industrial Uses (M-1 uses)	10%	20%
Other uses presently permitted in any zoning district other than those permitted only in R-MH or M-2 Districts	N/A	15%
	Note: N/A means Not Applicable	

AFTER (EFFECTIVE DATE), THE LAND USES WITHIN DOWNTOWN COLUMBIA THAT ARE SHOWN ON ~~THE OCTOBER 23, 1995 PRELIMINARY DEVELOPMENT PLAN~~ **ALL THE PRIOR RECORDED FINAL DEVELOPMENT PLANS WITHIN DOWNTOWN COLUMBIA, AND ANY LAND LOCATED WITHIN THE BOUNDARIES OF DOWNTOWN COLUMBIA, AS DESCRIBED IN SECTION 130.B., WHICH WAS NOT RECORDED ON A FINAL DEVELOPMENT PLAN PRIOR TO (EFFECTIVE DATE) WHICH SUBSEQUENTLY BECOMES RECORDED ON A FINAL DEVELOPMENT PLAN** SHALL BE INCLUDED WHEN CALCULATING THE LAND USE PERCENTAGES IN SECTION 125.A.8.a.

- b. Each New Town District must also provide adequate public transportation facilities and public water and sewer systems in the areas shown on the Final Development Plan.
- c. As used in this Section the term “open space uses” is defined as being those uses which do not involve any extensive coverage of land with structures, as, for example, all lands devoted to raising of crops, agricultural uses, parks, playing fields, golf courses and any other outdoor recreational uses (whether any such uses be publicly owned or privately owned or operated for profit), as well as all lands covered by lakes, rivers or streams, and all lands devoted to public or community uses. Open land designated for residential uses shall be considered qualified as “open space use” only if it is held for the common use of the public or persons residing in the particular locality within the community, and if it is larger than two acres in size. For the purpose of meeting the 36 percent requirement imposed above:
 - (1) [a.]The term “open space uses” shall not include parking lots, streets, rights-of-way, amusement parks, golf driving ranges which are not ancillary to a golf course, or drive-in movies.
 - (2) [b.]All lands approved and credited as open space use on the Final Development Plan of the NT District shall be conclusively presumed to satisfy the requirements of this section.

9. DOWNTOWN REVITALIZATION.

- a. TO IMPLEMENT THE RECOMMENDATIONS OF THE ~~GENERAL PLAN FOR THE REVITALIZATION OF DOWNTOWN COLUMBIA~~ **DOWNTOWN GENERAL PLAN AMENDMENT, NEW DEVELOPMENT OR REDEVELOPMENT** OF ANY PROPERTY LOCATED WITHIN DOWNTOWN COLUMBIA ~~REGARDLESS OF ITS SIZE~~ THAT OCCURS PURSUANT TO A FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT APPROVED AFTER (EFFECTIVE DATE) MUST COMPLY WITH ~~THE FOLLOWING~~ **ALL** PROVISIONS ~~FOR~~ **APPLICABLE TO** DOWNTOWN REVITALIZATION. DOWNTOWN REVITALIZATION SHALL REQUIRE APPROVAL OF A FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT AND A SITE DEVELOPMENT PLAN.
- b. THE FOLLOWING USES ARE PERMITTED UNDER THE DOWNTOWN REVITALIZATION APPROVAL PROCESS: ALL USES PERMITTED IN THE POR, B-1, B-2 AND SC ZONING DISTRICTS, **AND DWELLINGS, STUDENT HOUSING** EACH OF THE USES SHALL BE PERMITTED ANYWHERE WITHIN **DOWNTOWN MIXED USE AREAS OF DOWNTOWN COLUMBIA, BUT NOT IN DOWNTOWN COMMUNITY COMMONS, DOWNTOWN PARKLAND AND DOWNTOWN ARTS AND ENTERTAINMENT PARK AREAS.** ~~AND STRUCTURES MAY BE DEVELOPED WITH INDIVIDUAL OR MULTIPLE USES. HOWEVER, IN AREAS DESIGNATED OPEN SPACE UNDER A PREVIOUSLY APPROVED FINAL DEVELOPMENT PLAN, ONLY OPEN SPACE AND AMENITY SPACE USES AND SUPPORTING INFRASTRUCTURE ARE PERMITTED, UNLESS AN EQUIVALENT AMOUNT OF NON-ENVIRONMENTALLY SENSITIVE OPEN SPACE (AS DEFINED IN SECTION 125.A.8.C) IS PROVIDED IN EXCHANGE FOR THE USE OF EXISTING OPEN SPACE FOR SOMETHING OTHER THAN OPEN SPACE OR AMENITY SPACE (INCLUDING SUPPORTING INFRASTRUCTURE. THE GENERAL MIX OF USES AND THE APPLICABLE BULK REQUIREMENTS SHALL BE IDENTIFIED ON THE FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT.~~
- c. ~~IN AREAS DESIGNATED “DOWNTOWN REVITALIZATION” ON A FINAL DEVELOPMENT PLAN APPROVED UNDER SECTION 125.E:~~ **THE FOLLOWING MAXIMUM DEVELOPMENT LEVEL LIMITS APPLY TO DOWNTOWN COLUMBIA FOR DOWNTOWN REVITALIZATION, EXCEPT AS QUALIFIED BY SECTIONS 125.A.9.F., G, AND H.**
- (1) THE MAXIMUM NUMBER OF **DOWNTOWN NET NEW DWELLINGS** PERMITTED ~~AFTER [EFFECTIVE DATE]~~ IS 5,500 ~~TOTAL NET NEW~~ DWELLINGS. THE NUMBER OF DWELLINGS PERMITTED UNDER THE DOWNTOWN REVITALIZATION APPROVAL PROCESS, UP TO A MAXIMUM 5,500 ~~TOTAL~~ DOWNTOWN NET NEW DWELLINGS, SHALL BE IN ADDITION

TO THE OVERALL ~~POPULATION~~ **RESIDENTIAL DENSITY** ESTABLISHED BY SECTION 125.A.4;

- (2) THE MAXIMUM AMOUNT OF **DOWNTOWN** NET NEW COMMERCIAL OFFICE DEVELOPMENT PERMITTED ~~AFTER [EFFECTIVE DATE]~~ IS 5,000,000 SQUARE FEET OF ~~NET~~ **GROSS** FLOOR AREA;
- (3) THE MAXIMUM NUMBER OF **DOWNTOWN** NET NEW HOTEL AND MOTEL ROOMS PERMITTED ~~AFTER [EFFECTIVE DATE]~~ IS 1,000 ROOMS;
- (4) THE MAXIMUM AMOUNT OF **DOWNTOWN** NET NEW COMMERCIAL RETAIL DEVELOPMENT PERMITTED ~~AFTER [EFFECTIVE DATE]~~ IS 1,250,000 SQUARE FEET OF ~~NET~~ **GROSS** FLOOR AREA.
- (5) THE MAXIMUM DEVELOPMENT LEVELS PERMITTED ABOVE FOR DOWNTOWN REVITALIZATION SHALL BE IN ADDITION TO ~~(I) THE NUMBER OF DWELLINGS AND GROSS FLOOR AREA OF NONRESIDENTIAL USES SHOWN ON A SITE DEVELOPMENT PLAN APPROVED PRIOR TO (EFFECTIVE DATE) AND (II) IMPROVEMENTS ALLOWED BY SECTION 125.A.9.g AND h.~~

d. ~~AMENITY SPACE MUST~~ **DOWNTOWN COMMUNITY COMMONS** ~~SHALL BE PROVIDED LOCATED~~ IN ACCORDANCE WITH THE RECOMMENDATIONS ~~OF THE GENERAL PLAN. OF THE~~ **DOWNTOWN GENERAL PLAN AMENDMENT AND SECTION 125.A.9.J.** EACH NEIGHBORHOOD IDENTIFIED ON A FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT ~~MUST~~ **SHALL** INCLUDE A ~~SIGNIFICANT COMMUNITY GATHERING SPACE~~ **DOWNTOWN NEIGHBORHOOD SQUARE** IN ADDITION TO OTHER APPROPRIATE ~~AMENITY SPACE~~ **DOWNTOWN COMMUNITY COMMONS** ~~AMENITY SPACE RECOMMENDED IN~~ **THE DOWNTOWN GENERAL PLAN AMENDMENT AND AS** DETERMINED BY THE PLANNING BOARD. LAND ON WHICH DOWNTOWN **COMMUNITY COMMONS** IS PROPOSED ~~MUST BE INCLUDED IN~~ **DESIGNATED ON** THE FINAL DEVELOPMENT PLAN ~~PETITION~~, AND THE FEE SIMPLE OWNER OF THE LAND MUST SIGN THE ~~PETITION~~ **FINAL DEVELOPMENT PLAN.** ~~AMENITY SPACE AND SUPPORTING INFRASTRUCTURE~~ **DOWNTOWN COMMUNITY COMMONS** MAY BE LOCATED WITHIN AREAS DESIGNATED OPEN SPACE USE UNDER A PREVIOUSLY APPROVED FINAL DEVELOPMENT PLAN.

e. OFF-STREET PARKING AND LOADING FACILITIES WITHIN DOWNTOWN COLUMBIA MUST BE PROVIDED IN ACCORDANCE

WITH THE PROVISIONS FOR DOWNTOWN REVITALIZATION IN SECTION ~~133.E.3.~~ 133.E.2

- f. NOTWITHSTANDING ANY OTHER PROVISION OF THESE REGULATIONS, ANY PREVIOUSLY DEVELOPED PROPERTY THAT IS THE SUBJECT OF A FINAL DEVELOPMENT PLAN APPROVED ON OR BEFORE (EFFECTIVE DATE) THAT AUTHORIZED DEVELOPMENT IN EXCESS OF THE ~~NET~~ FLOOR AREA OF IMPROVEMENTS THAT EXISTED ~~WITHIN THE SAME FINAL DEVELOPMENT PLAN~~ ON THE PROPERTY ON (EFFECTIVE DATE) MAY CONTINUE TO BE DEVELOPED AND USED IN ACCORDANCE WITH THE TERMS AND REQUIREMENTS ~~THEREOF~~ ON THE APPROVED FINAL DEVELOPMENT PLAN, SUBJECT TO THE APPROVAL OF A SITE DEVELOPMENT PLAN PURSUANT TO SECTION 125.G. BUILDINGS AND OTHER IMPROVEMENTS CONSTRUCTED OR TO BE CONSTRUCTED UNDER THIS PROVISION SHALL NOT BE DEEMED NONCONFORMING OR NONCOMPLYING AND MAY BE CONSTRUCTED, USED, MAINTAINED AND REPAIRED IN ACCORDANCE WITH THE TERMS AND REQUIREMENTS OF THE EXISTING FINAL DEVELOPMENT PLAN.
- g. DEMOLITION OF EXISTING IMPROVEMENTS THAT ARE LOCATED WITHIN DOWNTOWN COLUMBIA THAT OCCUR AFTER [EFFECTIVE DATE] SHALL RESULT IN THE CREATION OF A DEMOLITION DEVELOPMENT CREDIT EQUAL TO THE NUMBER OF DWELLINGS AND GROSS FLOOR AREA DEVOTED TO NONRESIDENTIAL USES THAT WERE DEMOLISHED. A DEMOLITION DEVELOPMENT CREDIT: (I) MAY BE USED ANYWHERE WITHIN DOWNTOWN COLUMBIA; AND (II) SHALL NOT BE LIMITED BY OR COUNTED AGAINST RECOMMENDED DEVELOPMENT LEVELS IN THE GENERAL PLAN OR THE MAXIMUM LEVEL OF DEVELOPMENT PERMITTED BY SECTION 125.A.9.c.
- h. ANY EXISTING STRUCTURE OR IMPROVEMENT THAT IS LOCATED WITHIN DOWNTOWN COLUMBIA THAT IS DESTROYED BY FIRE, FLOOD OR OTHER CALAMITY MAY BE RESTORED TO THE SAME SIZE AND DIMENSIONS IN THE SAME LOCATION AS THE DESTROYED STRUCTURE IN ACCORDANCE WITH THE PREVIOUSLY APPROVED SITE DEVELOPMENT PLAN, PROVIDED THAT A BUILDING PERMIT IS ISSUED WITHIN ~~ONE (1) YEAR~~ TWO (2) YEARS FROM THE DATE SUCH STRUCTURE WAS DESTROYED AND RECONSTRUCTION BEGINS WITHIN SIX (6) MONTHS AFTER ISSUANCE OF THE BUILDING PERMIT. THE PLANNING BOARD MAY APPROVE AN EXTENSION FOR GOOD CAUSE SHOWN UP TO A MAXIMUM TWO ADDITIONAL YEARS TO OBTAIN A BUILDING PERMIT AND BEGIN CONSTRUCTION. STRUCTURES AND IMPROVEMENTS CONSTRUCTED UNDER THIS SECTION 125.A.9.h SHALL NOT BE LIMITED BY OR COUNTED AGAINST ~~RECOMMENDED~~ DEVELOPMENT LEVELS IN THE ~~GENERAL PLAN~~ DOWNTOWN GENERAL PLAN AMENDMENT OR THE MAXIMUM

DOWNTOWN NET NEW LEVEL OF DEVELOPMENT PERMITTED BY SECTION 125.A.9.c.

I. ADDITIONAL REQUIREMENTS

- (1.) FOR ANY DOWNTOWN REVITALIZATION DEVELOPMENT THAT INCLUDES DOWNTOWN NET NEW DWELLINGS, AT LEAST 15 PERCENT OF THE DOWNTOWN NET NEW DWELLINGS SHALL BE MODERATE INCOME HOUSING UNITS.**
- (2.) FOR ANY DOWNTOWN REVITALIZATION DEVELOPMENT THAT INCLUDES DOWNTOWN NET NEW DWELLINGS, AT LEAST 10 PERCENT OF THE DOWNTOWN NET NEW DWELLINGS SHALL BE MIDDLE INCOME HOUSING UNITS.**
- (3.) ANY DOWNTOWN REVITALIZATION DEVELOPMENT SHALL INCLUDE A SPECIFIC PROGRAM FOR PROVIDING DOWNTOWN PUBLIC ART, WHICH IS FUNDED BY THE DEVELOPER BASED ON 1 PERCENT OF THE CONSTRUCTION COSTS OF EACH DOWNTOWN REVITALIZATION DEVELOPMENT PROJECT.**
- (4.) ANY DOWNTOWN REVITALIZATION DEVELOPMENT SHALL BE IN COMPLIANCE WITH THE MAXIMUM BUILDING HEIGHT REQUIREMENTS AS REPRESENTED BY THE DOWNTOWN MAXIMUM BUILDING HEIGHT PLAN IN SECTION 103.C.**

J. OPEN SPACE PRESERVATION

- 1. FOR THE PURPOSE OF PRESERVING, CONSERVING AND INCREASING OPEN SPACE FOR ENJOYMENT BY THE PUBLIC, ALL LAND DESIGNATED AS CREDITED OPEN SPACE ON A FINAL DEVELOPMENT PLAN RECORDED PRIOR TO (EFFECTIVE DATE) SHALL, EXCEPT AS PROVIDED WITHIN THIS SECTION, RETAIN ITS EXISTING CHARACTER AS ONE OF THE FOLLOWING FOUR LAND TYPES, AS ARE ALSO DEPICTED ON THE DOWNTOWN OPEN SPACE PRESERVATION PLAN IN SECTION 103.D.:**
 - (A) ENVIRONMENTALLY SENSITIVE LAND AREAS WITH FLOODPLAINS, WETLANDS, STREAMS, BUFFERS AND STEEP SLOPES AS DESCRIBED IN SECTION**

16.115 AND SECTION 16.116 OF THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS.

- (B) DOWNTOWN PARKLAND**
- (C) DOWNTOWN COMMUNITY COMMONS.**
- (D) DOWNTOWN ARTS AND ENTERTAINMENT PARK.**

(2) THERE SHALL BE NO NET LOSS OF EXISTING DOWNTOWN COMMUNITY COMMONS, AND NEW DOWNTOWN COMMUNITY COMMONS SHALL BE PROVIDED IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:

- (A) A MINIMUM OF 22 ACRES OF LAND NOT PREVIOUSLY DESIGNATED AS OPEN SPACE SHALL BE PROVIDED AS NEW DOWNTOWN COMMUNITY COMMONS LAND.**
- (B) LAND COUNTED TOWARD THE MINIMUM REQUIREMENT FOR NEW DOWNTOWN COMMUNITY COMMONS LAND SHALL NOT INCLUDE ANY ENVIRONMENTALLY SENSITIVE LAND OR LAND DESIGNATED AS CREDITED OPEN SPACE ON A RECORDED FINAL DEVELOPMENT PLAN FOR THE PURPOSE OF FULFILLING THE 36 PERCENT MINIMUM OPEN SPACE REQUIREMENT IN THE NT DISTRICT.**
- (C) NEW DOWNTOWN COMMUNITY COMMONS SHALL BE OF A CHARACTER AND LOCATION THAT IS GENERALLY CONSISTENT WITH THE PROPOSED AMENITY SPACES DESCRIBED IN THE DOWNTOWN GENERAL PLAN AMENDMENT AS SHOWN ON EXHIBIT G: AMENITY SPACE FRAMEWORK DIAGRAM.**
- (D) AT LEAST ONE DOWNTOWN COMMUNITY COMMONS THAT MEETS THE DEFINITION OF DOWNTOWN NEIGHBORHOOD SQUARE IN SECTION 103.A. AND ALL THE PROVISIONS OF THIS SECTION SHALL BE DEEDED TO HOWARD COUNTY FOR PUBLIC LAND.**

- (E) THE BOUNDARIES OF ALL EXISTING AND NEW DOWNTOWN COMMUNITY COMMONS SHALL BE DELINEATED ON THE PROPOSED FINAL DEVELOPMENT PLAN WITH THE TOTAL LAND AREA OF EACH.**
- (3) THERE SHALL BE NO NET LOSS OF EXISTING DOWNTOWN PARKLAND AS DEPICTED ON THE DOWNTOWN OPEN SPACE PRESERVATION PLAN IN SECTION 103.D. IN AREAS DESIGNATED AS CREDITED OPEN SPACE UNDER A PREVIOUSLY APPROVED FINAL DEVELOPMENT PLAN WHICH EXIST AS DOWNTOWN PARKLAND AS OF (EFFECTIVE DATE), ONLY DOWNTOWN PARKLAND USES ARE PERMITTED, UNLESS AN EQUIVALENT AMOUNT OF LAND OTHERWISE AVAILABLE FOR DOWNTOWN MIXED-USE DEVELOPMENT IS PRESERVED AS DOWNTOWN PARKLAND IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:**
- (A) IN EXCHANGE FOR THE USE OF EXISTING DOWNTOWN PARKLAND FOR ANY OTHER USE, INCLUDING OTHER OPEN SPACE USES, NEW DOWNTOWN PARKLAND MUST BE PROVIDED AS AN ACRE-FOR-ACRE REPLACEMENT.**
- (B) ANY AREA DESIGNATED AS DOWNTOWN PARKLAND IN EXCHANGE FOR EXISTING DOWNTOWN PARKLAND MUST CONSIST OF AT LEAST ONE CONTIGUOUS ACRE.**
- (C) ENVIRONMENTALLY SENSITIVE LAND AREAS MAY NOT BE EXCHANGED TO REPLACE EXISTING DOWNTOWN PARKLAND.**
- (D) LAND DESIGNATED AS OPEN SPACE ON A RECORDED FINAL DEVELOPMENT PLAN FOR THE PURPOSE OF FULFILLING THE 36 PERCENT MINIMUM OPEN SPACE REQUIREMENT IN THE NT DISTRICT MAY NOT BE EXCHANGED TO REPLACE EXISTING DOWNTOWN PARKLAND.**
- (4) LAND DESIGNATED AS OPEN SPACE ON A FINAL DEVELOPMENT PLAN RECORDED PRIOR TO (EFFECTIVE DATE) ON WHICH A PUBLIC FACILITY SUCH AS A LIBRARY OR FIRE STATION HAS BEEN CONSTRUCTED MAY BE DESIGNATED AS DOWNTOWN MIXED-USE ON AN AMENDED FINAL DEVELOPMENT PLAN ONLY AFTER A REPLACEMENT PUBLIC FACILITY HAS BEEN**

**CONSTRUCTED AND IS OPERATING AT AN ALTERNATIVE
LOCATION WITHIN DOWNTOWN COLUMBIA.**

**(5) ALL TYPES OF DOWNTOWN OPEN SPACE SHOULD BE
DESIGNED AND MAINTAINED TO FURTHER THE
SUSTAINABILITY GOALS FOR DOWNTOWN COLUMBIA, AS
DESCRIBED IN THE DESIGN GUIDELINES AND
SUSTAINABILITY FRAMEWORK, THROUGH INNOVATIVE
DESIGN, CONSTRUCTION AND ENVIRONMENTAL
ENHANCEMENTS AND REHABILITATION.**

10. Anything in other sections of these regulations to the contrary notwithstanding, there shall be no restrictions upon the use of, or on the erection of structures on, land within an NT District, other than such as are provided in the various subsections of this section or in such other sections of these regulations as are expressly stated to be applicable by the various provisions of this section. Nothing herein shall render inapplicable any regulation of the County relating to construction requirements and/or subdivision approval to the extent that any of the same are not inconsistent with the provisions of this Section.

B. Procedure for Creation of NT Districts

1. The beneficial owner of any tract of land in Howard County meeting the requirements of Section 125 may petition the Howard County Zoning Board to designate the property described in the petition as an NT District. The petition shall contain:
- a. The exact name and address of the petitioner and a reference to the liber and folio of the Land Records of Howard County at which the deed conveying the property in question to the petitioner is recorded. If the petitioner is not the legal as well as beneficial owner of the property, the petition shall:
 - (1) So state;
 - (2) List the exact name and address of the legal title-holder and give a reference to the liber and folio of the Land Records of Howard County at which the deed conveying the property to the legal title holder is recorded; and
 - (3) Contain a written assent to the petition signed by the legal title holder.
 - b. A metes and bounds description of the property covered by the petition and a survey thereof demonstrating that the same meets the requirements of Section 125.A.3.
 - c. A Preliminary Development Plan of the property covered by the petition. As used in this Section the term "Preliminary Development Plan" shall mean a

generalized drawing or series of drawings of the proposed New Town, with appropriate text materials, setting forth:

- (1) The major planning assumptions and objectives, including the projected population, the planned development schedule, the method of assuring that all open space uses will be permanently maintained and devoted to open space uses, the proposed public transit system routes and method of operation, and the facilities for the proposed cultural activities of the New Town;
 - (2) The proposed general layout of major roads and highways stating projected average daily traffic flows;
 - (3) A statement of the number of acres within the proposed NT District intended to be devoted to:
 - (a) Residential uses, broken down into the number of acres to be used for each of the following specific residential uses:
Single-family -- low density areas;
Single-family -- medium density areas;
Apartment areas;
 - (b) Employment uses (i.e. any use involving the employment of individuals, including office buildings, private schools, hospitals, institutions, commercial undertakings, industrial enterprises, and all other forms of business, professional or industrial operations); and
 - (c) Open space uses.
 - (4) The general location of the uses referred to in subparagraph (3) above, including proposed sites for recreational uses, schools, parks and other public or community uses and, to the extent the petitioner has determined locations for commercial uses at the time of the filing of the Preliminary Development Plan, including a separate designation of commercial areas;
 - (5) A description of the proposed drainage, water supply, sewerage and other utility facilities including projected flows; and
 - (6) A statement of the intended overall maximum density of population of the proposed NT District, expressed in terms of the average number of dwellings per acre.
2. The Preliminary Development Plan shall indicate the location and nature of any commercial uses in relation to residential areas. All proposed and identified commercial or industrial uses shall be indicated on the drawings in areas marked "Employment Centers," defined as those areas shown on the Preliminary Development Plan which the petitioner proposes to develop for employment uses.

3. The Zoning Board shall consider the following guides and standards in reviewing the petition: the appropriateness of the location of the NT District as evidenced by the General Plan for Howard County; the effect of such District on properties in the surrounding vicinity; traffic patterns and their relation to the health, safety and general welfare of the County; the physical layout of the County; the orderly growth of the County; the availability of essential services; the most appropriate use of the land; the need for adequate open spaces for light and air; the preservation of the scenic beauty of the County; the necessity of facilitating the provision of adequate community utilities and facilities such as public transportation, fire fighting equipment, water, sewerage, schools, parks and other public requirements, population trends throughout the County and surrounding metropolitan areas and more particularly within the area considered; the proximity of large urban centers to the proposed NT District; the road building and road widening plans of the State and County, particularly for the area considered; the needs of the County as a whole and the reasonable needs of the particular area considered; the character of the land within the District and its peculiar suitability for particular uses; and such other matters relevant and pertinent to the relationship of the District to the comprehensive zoning plan of the area.

The petition shall be granted only if the Zoning Board affirmatively finds:

- a. That the petition complies with the provisions of these Regulations;
 - b. That a New Town District should be located at the proposed site; and
 - c. That the Preliminary Development Plan constitutes a general land use plan for the area covered thereby, designed to meet the objectives set forth in these Regulations.
4. If the petition is granted, the Zoning Board shall by Decision and Order approve the Preliminary Development Plan and shall create a New Town District covering all of the land included in the petition. If the proposed NT District contains more than 2,500 acres, the creation of the District may be accomplished by rezoning all of the land included in the petition at one time or, in the discretion of the Zoning Board, by rezoning the same in phases. If this latter course is taken:
 - a. The area included in the first such phase shall be at least 2,500 acres, and each additional phase shall be of such size and at such location or locations as will permit effective and economic development of the portion so zoned as a part of the New Town shown on the Preliminary Development Plan; and
 - b. The overall density restrictions, the density restrictions as to particular use areas, and the restrictions as to the maximum and minimum areas devoted to particular uses shall be applied with respect to the entire area shown on the Preliminary Development Plan and not merely with respect to the area of the phase so zoned.

5. If the petition is granted as above provided:
 - a. A copy of the Preliminary Development Plan shall be certified as approved by the Zoning Board and a verified copy of the same shall be forwarded to the Department of Planning and Zoning and the petitioner;
 - b. No further permanent improvements involving any new primary uses shall thereafter be erected on and no new primary uses made of, any part of the land within the new NT District prior to the approval of the Final Development Plan (or the phase thereof covering such development) as hereinafter provided, except for such as may be specifically approved by the Planning Board, but the petitioner shall discontinue any such use and demolish any such improvements so permitted by the Planning Board if such use and such improvements are not ultimately permitted by the Final Development Plan.
6. If the Zoning Board has approved a petition to create a NT District, then at any time thereafter the original petitioner may file a new petition to add to the NT District additional land which is owned by the petitioner and adjacent to the existing NT District. The new petition shall be subject to all the provisions of this Section, except that the minimum area requirement of Section 125.A.3 shall not apply.

C. Comprehensive Sketch Plan [and Final Development Plan]

1. Within 30 days following notification of the approval of the Preliminary Development Plan, the petitioner shall notify the Planning Board of the target date for the presentation to the Planning Board of a proposed Final Development Plan of the NT District PURSUANT TO SECTION 125.D BELOW, or of the first phase of a proposed Final Development Plan, if the petitioner desires to develop the NT District in separate geographical segments.
2. Promptly following the giving of such notice to the Planning Board, the petitioner shall [commence the preparation of a proposed Final Development Plan. The Final Development Plan process shall be initiated by the filing] FILE with the Department of Planning and Zoning for Planning Board approval of a Comprehensive Sketch Plan for that geographical phase of the NT District which the petitioner elects to develop.
3. As used herein, the term “Comprehensive Sketch Plan” shall mean a drawing or series of drawings, at an appropriate scale, of generally either one inch equals 200 feet or one inch equals 100 feet, setting forth:
 - a. The approximate boundaries and approximate acreage for each of the proposed land uses in sufficient detail to graphically illustrate the application of the adopted master final development plan criteria to the area encompassed by the Comprehensive Sketch Plan.
 - b. The location of all existing and proposed public streets, roads, and utilities.
 - c. The location of open space within which recreational, school, park and other public or community uses are permitted.

- d. Text material (criteria) regulating the following:
- (1) The general locations for all structures.
 - (2) The permitted “general use” or “specific use” as hereinafter defined, for each land use area, except that no uses shall be specified which are permitted only in R-MH or M-2 Districts.

Where the criteria designate the use for a particular structure, lot or parcel, as “uses permitted in a District” (e.g., “uses permitted in a B-1 District”), then the structure, lot or parcel may be used for all uses permitted in the particular district by the several sections of these regulations, the use so designated being herein referred to as a “general use.” Where, however, the criteria designate a structure, lot or parcel for a specific use or uses (e.g., “gasoline station”) the structure, lot or parcel must be used for those specific uses only, the use(s) so designated being herein referred to as “specific use(s).”

- (3) Height limitations, parking requirements, front, side and rear yard areas, setback provisions, minimum lot sizes and coverage requirements, stated generally and/or specifically with respect to particular improvements or types of improvements.
 - (4) The Planning Board shall hold a public hearing prior to the approval of a Comprehensive Sketch Plan under the following conditions:
 - a. If the Comprehensive Sketch Plan includes land which borders on property not within the New Town District (unless the owners of all lands abutting the New Town District land covered by the Comprehensive Sketch Plan shall sign a written waiver of the right to be heard in connection with the request for approval of said plan).
 - b. If the Comprehensive Sketch Plan deviates from the approved Preliminary Development Plan in any of the following particulars:
 - (1) If the overall maximum density of population within the NT District exceeds that stated in the Preliminary Development Plan; or
 - (2) If the number of acres to be devoted to the permitted employment uses shall be increased more than 10 percent, or the number of acres to be devoted to permitted residential uses shall be decreased by more than 10 percent, from that stated in the Preliminary Development Plan; or
 - (3) If the proposed Comprehensive Sketch Plan shows a use of land in the NT District within 300 feet of any outside boundary thereof which differs from that shown on the Preliminary Development Plan, unless the owners of all land abutting the NT District and within 300 feet of the

land in the NT District, the use of which is to be changed, sign a written waiver of the right to be heard in connection with such change in use.

If a public hearing is required to be held for any of the above three deviations from the Preliminary Development Plan, such hearing shall be limited to the particular deviation(s) which required the hearing, and the Planning Board shall require publication of Notice of Hearing and posting of the property.

- c. If the criteria submitted as a part of the Comprehensive Sketch Plan include a gasoline service station among the specified land uses.
5. In acting upon a Comprehensive Sketch Plan, the Planning Board shall be guided by Section 125 of these Regulations and shall particularly consider:
- a. The adequacy of the roads serving the proposed development and any proposed mitigation, in accordance with the Adequate Public Facilities Ordinance (Title 16, Subtitle 11 of the Howard County Code).
 - b. The location and adequacy of public utility and community facilities, including recreational uses and school properties, in relation to the density and distribution of population.
 - c. The location, extent and potential use of open space in the form of greenbelts, walkways, parkways, park land, etc., as it affects the general amenity of the community.
 - d. The impact of the proposed commercial and industrial uses on the residential uses within the NT District or adjacent thereto.
6. After review of the material submitted in light of the General Plan, and after carefully considering public agency comments, petitioner's testimony, public hearing testimony and the factors set forth in Section 125.C.5 above, the Planning Board shall:
- a. Approve the Comprehensive Sketch Plan as submitted by the petitioner; or
 - b. Approve the Comprehensive Sketch Plan as changed by the Planning Board; or
 - c. Reject the Comprehensive Sketch Plan in its entirety.
7. The Planning Board shall not unreasonably disapprove or change a proposed Comprehensive Sketch Plan. The fact that the proposed Comprehensive Sketch Plan is not in conformity with the Preliminary Development Plan shall be sufficient ground for disapproval or change. The Planning Board shall approve no Comprehensive Sketch Plan which varies the areas of uses below the minimum or above the maximum percentages for particular uses specified herein.

D. Final Development Plan – General Provisions.

1. [8. Upon approval of]IF a Comprehensive Sketch Plan OR COMPREHENSIVE SKETCH PLAN AMENDMENT IS REQUIRED, UPON ITS APPROVAL, the petitioner may submit a Final Development Plan OR FINAL DEVELOPMENT PLAN AMENDMENT to the Department of Planning and Zoning for approval by the Planning Board [covering]. THE PETITION MAY COVER all or a portion of the land covered by the Comprehensive Sketch Plan. THE DRAWINGS SHALL DELINEATE THE VARIOUS LAND USE AREAS BY COURSES AND DISTANCES. THE TEXT (CRITERIA) SHALL BE THAT WHICH WAS APPROVED BY THE PLANNING BOARD AS PART OF THE COMPREHENSIVE SKETCH PLAN.

[The drawings shall delineate the various land use areas by courses and distances. The text (criteria) shall be that which was approved by the Planning Board as part of the Comprehensive Sketch Plan.]

2. [9.]The Final Development Plan shall be considered by the Planning Board at a public meeting. In acting upon the Final Development Plan, the Planning Board shall be guided by the approved Comprehensive Sketch Plan, and comments received from the various public agencies which reviewed the Final Development Plan, and shall not unreasonably disapprove or change the Final Development Plan. THE PROVISIONS OF THIS SECTION 125.D.2 DO NOT APPLY TO DOWNTOWN REVITALIZATION.
3. [10.]At the time of the approval of the Final Development Plan, the Planning Board may provide for the subsequent approval by it of a Site Development Plan pertaining to the property which is the subject matter of such Final Development Plan. [Such subsequent]SITE DEVELOPMENT PLAN APPROVAL IS ALSO REQUIRED FOR ALL DOWNTOWN REVITALIZATION. SITE DEVELOPMENT PLAN approval shall not be a condition precedent to the approval and recordation of the Final Development Plan with respect to which a Site Development Plan is to be submitted, but shall be in addition to any administrative approvals required by the Subdivision and Land Development Regulations. Land use decisions made by the Planning Board as part of the approval of a Final Development Plan OR FINAL DEVELOPMENT PLAN AMENDMENT shall not be subject to review or further consideration as part of the subsequent Site Development Plan process.
4. [11.]In applying the provisions of this Section, where the proposed Final Development Plan is submitted in phases, the overall population density and the acres devoted to particular uses shall be recomputed by the Department of Planning and Zoning upon the consideration of each successive phase of proposed Final Development Plan so as to include all prior phases, but in making these recomputations, the gross area of the entire NT District covered by the Preliminary Development Plan shall be considered and not merely the area of the segments covered by the prior phases of the proposed Final Development Plan and the current phase being submitted for approval. THE PROVISIONS OF THIS SECTION 124.D.4 DO NOT APPLY TO DOWNTOWN REVITALIZATION.
5. [12.]If the Planning Board shall disapprove the proposed Final Development Plan OR FINAL DEVELOPMENT PLAN AMENDMENT (or any phase thereof) or shall fail to approve or disapprove the same within ~~60~~ 120 days after submission, then the petitioner, at his election, may take an appeal as permitted by law or may submit the proposed Final Development Plan OR FINAL DEVELOPMENT PLAN AMENDMENT (or the phase

thereof in question) directly to the Zoning Board. If the petitioner pursues the latter course, the Zoning Board shall hold a public hearing on the proposed Final Development Plan OR FINAL DEVELOPMENT PLAN AMENDMENT (or the phase thereof in question), shall require publication and posting of the property and shall ask for recommendations from the Planning Board, all as in the case of the hearing on the Preliminary Development Plan. After such hearing, the Zoning Board may approve, with or without changes, or disapprove the proposed Final Development Plan OR FINAL DEVELOPMENT PLAN AMENDMENT (or the phase thereof in question). In making this decision, the Zoning Board shall consider the matters set forth herein.

6. [13.] Upon approval of the Final Development Plan OR FINAL DEVELOPMENT PLAN AMENDMENT (or upon the approval of each phase thereof if submitted on a separate segment basis) the same shall be recorded among the Land Records of Howard County and the provisions thereof as to land use shall bind the property covered with the full force and effect of specific Zoning Regulations. After such recordation, no new structure shall be built, no new additions to existing structures made, and no change in primary use effected different from that permitted in the Final Development Plan OR FINAL DEVELOPMENT PLAN AMENDMENT except by an amendment to the Final Development Plan.

7. [14. If] ~~UNLESS OTHERWISE PROVIDED IN A STAGING PROGRAM~~ **DOWNTOWN IMPLEMENTATION PHASING PLAN** APPROVED AS PART OF A FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT, IF construction has not been commenced and completed to the extent of 25 percent of the ground floor area of a structure shown on the [Final Development] Plan within five years after the date of the approval thereof (or the date of the approval of the last phase thereof if submitted in phases), then the approval shall be void and the entire matter resubmitted to the Planning Board for reconsideration in light of existing circumstances to the same extent as if the same were simply a proposed Final Development Plan; provided, however, that the Zoning Board may grant not more than two extensions of time of one year each to be added to said five year period if it considers such extension to be proper after the receipt and consideration of a report and recommendation from the Planning Board with respect to such extension or extensions.

8. ~~[15. Any construction which has been commenced shall not be subject to reconsideration upon any resubmission of] PLANNING BOARD REVIEW OF ANY PROPOSED AMENDMENT TO a Final Development Plan [under this Section] SHALL BE LIMITED TO THE SUBJECT OF THE AMENDMENT, and the [Zoning] PLANNING Board shall make no changes in the Final Development Plan except in relation to [areas where construction has not been commenced] THE SUBJECT OF THE AMENDMENT REQUEST. During any such [reconsideration] REVIEW, the property covered by the EXISTING Final Development Plan shall continue to be bound until such Plan is changed or disapproved in the manner described above.~~

[15]. Any construction which has been commenced shall not be subject to reconsideration upon any resubmission of a Final Development Plan under this Section, and the [Zoning] PLANNING Board shall make no changes in the Final Development Plan except in relation to areas where construction has not been commenced. During any such reconsideration, the property covered by the Final Development Plan shall continue to be bound until such Plan is changed or disapproved in the manner described above.

9. [16.]If the Planning Board has denied a land use which was shown on a Final Development Plan OR FINAL DEVELOPMENT PLAN AMENDMENT and which would be a conditional use in any other zoning district, a petition for the same land use on the same parcel shall not be accepted for consideration by the Planning Board for a period of 12 months from the date of said denial except on grounds of new evidence or proof of changed conditions found to be valid by the Planning Board.
10. EXCEPT WHERE EXPRESSLY MADE INAPPLICABLE, THE PROVISIONS OF THIS SECTION 125.D ALSO APPLY TO DOWNTOWN REVITALIZATION.

E. FINAL DEVELOPMENT PLAN – DOWNTOWN REVITALIZATION.

1. THE FOLLOWING DEVELOPMENT REVIEW PROCESS IS REQUIRED FOR ALL DOWNTOWN REVITALIZATION. THE PETITIONER MAY SUBMIT A FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT TO THE DEPARTMENT OF PLANNING AND ZONING FOR APPROVAL BY THE PLANNING BOARD AT ANY TIME, AND AN AMENDMENT TO THE PRELIMINARY DEVELOPMENT PLAN OR ANY APPLICABLE COMPREHENSIVE SKETCH PLAN IS NOT REQUIRED. THE PETITION ~~MAY~~ **SHALL COVER ALL OR A PORTION AN ENTIRE NEIGHBORHOOD OF DOWNTOWN COLUMBIA AS DEPICTED IN EXHIBIT E OF THE DOWNTOWN GENERAL PLAN AMENDMENT AND MUST INCLUDE ALL THE INFORMATION REQUIRED UNDER SECTION 125.E.3 BELOW.**
2. PRIOR TO FILING A FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT FOR DOWNTOWN REVITALIZATION THAT PROPOSES ANY USE:
 - (A) A PRESUBMISSION COMMUNITY MEETING IS REQUIRED ~~ACCORDING TO~~ **USING THE SAME PROCEDURES** ESTABLISHED IN SECTIONS 16.128(b) – (g) OF THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS. **IN ADDITION,** NOTICE IN ACCORDANCE WITH SECTIONS 16.128(b)-(g) MUST ALSO BE GIVEN TO EACH VILLAGE BOARD AND THE COLUMBIA ASSOCIATION.
 - (B) **THE PETITIONER IS REQUIRED TO SUBMIT MORE DETAILED PROPOSED NEIGHBORHOOD DESIGN GUIDELINES, WHICH ARE BASED UPON THE APPROVED DOWNTOWN DESIGN MANUAL, FOR REVIEW BY THE DESIGN ADVISORY PANEL, FOR ITS RECOMMENDATIONS IN ACCORDANCE WITH THE APPLICABLE PROVISIONS IN TITLE 16, SUBTITLE 15 OF THE COUNTY CODE.**
3. THE PETITION ~~MUST~~ **SHALL** INCLUDE THE FOLLOWING INFORMATION FOR THE LAND AREA COVERED BY THE PLAN:
 - a. BOUNDARIES OF THE PROPERTY COVERED BY THE PLAN.

- b. EXISTING TOPOGRAPHY, WOODLANDS, AND 100-YEAR FLOODPLAIN AREAS.
- c. A CONTEXT PLAN SHOWING EXISTING ROAD CONNECTIONS, MAJOR PEDESTRIAN NETWORKS, LAND USES AND MAJOR STORM WATER MANAGEMENT FACILITIES **AND OPEN SPACE** WITHIN THE ENTIRE PLAN AREA AND ADJOINING LAND WITHIN 500 FEET.

~~THE GENERAL LOCATION OF ANY PROPOSED NEIGHBORHOODS THAT PROVIDE VARIETY IN CHARACTER, HEIGHT, DENSITY AND INTENSITY IN ACCORDANCE WITH THE GENERAL PLAN.~~

- d. TOTAL ACREAGE WITHIN THE AREA COVERED BY THE PLAN ~~AND EACH NEIGHBORHOOD.~~
- e. LOCATION OF DEVELOPED PARCELS AND UNDEVELOPED LAND.
- f. SUMMARY OF **ALL** EXISTING DEVELOPMENT AND **ALL** DEVELOPMENT SHOWN ON APPROVED SITE DEVELOPMENT PLANS **FOR THE AREA COVERED BY THE PLAN , THE SQUARE FOOTAGE OF OFFICE SPACE AND, THE SQUARE FOOTAGE OF RETAIL/SERVICE SPACE, THE SQUARE FOOTAGE OF ANY OTHER NON-RESIDENTIAL USES, THE NUMBER OF HOTEL AND MOTEL ROOMS, AND THE NUMBER OF DWELLING UNITS.**
- g. ~~THE GENERAL LOCATION AND USE OF EXISTING AND PROPOSED MAJOR AMENITY SPACE.~~

THE APPROXIMATE LOCATION AND TOTAL LAND AREA OF THE FOLLOWING EXISTING AND/OR PROPOSED LAND USES:

- (1) **DOWNTOWN COMMUNITY COMMONS**
- (2) **DOWNTOWN PARKLAND**
- (3) **DOWNTOWN ARTS AND ENTERTAINMENT PARK**
- (4) **ENVIRONMENTALLY SENSITIVE AREAS**
- (5) **DOWNTOWN MIXED-USE**

- h. THE GENERAL LOCATION OF EXISTING AND PROPOSED DOWNTOWN SIGNATURE BUILDINGS ~~SITES THAT WOULD TERMINATE A VISTA.~~
- i. GENERAL VEHICULAR CIRCULATION SYSTEM SHOWING EXISTING AND PROPOSED STREETS AND THE APPROXIMATE LOCATION OF ANY PROPOSED TRANSIT ROUTES AND FACILITIES.

- j. GENERAL LAYOUT OF THE **EXISTING AND PROPOSED PEDESTRIAN AND BICYCLE CIRCULATION SYSTEMS INCLUDING SIDEWALKS AND PATHWAYS.**
- k. CONCEPTUAL STORM WATER MANAGEMENT PLAN.
- l. TEXT MATERIAL REGULATING THE FOLLOWING FOR THE ENTIRE PLAN OR BY NEIGHBORHOOD:
 - (1) MAXIMUM NUMBER **AND UNIT TYPES** OF DOWNTOWN NET NEW DWELLINGS.
 - (2) ~~PERCENTAGE OF ANY PROPOSED DWELLINGS THAT WILL BE PROVIDED IN ACCORDANCE WITH A MIXED INCOME HOUSING PROGRAM.~~ **THE NUMBER OF MODERATE INCOME HOUSING UNITS AND MIDDLE INCOME HOUSING UNITS.**
 - (3) MAXIMUM GROSS **FLOOR** AREA OF DOWNTOWN NET NEW COMMERCIAL OFFICE USES AND COMMERCIAL RETAIL USES.
 - (4) MAXIMUM NUMBER OF DOWNTOWN NET NEW HOTEL ROOMS.
 - (5) MAXIMUM BUILDING HEIGHTS ~~FOR EACH NEIGHBORHOOD.~~
 - (6) MAXIMUM SIZE OF A RETAIL-USE FOOTPRINT.
 - (7) ~~A PHASING PLAN~~ **NEIGHBORHOOD-SPECIFIC IMPLEMENTATION PLAN, COMPLYING WITH THE DOWNTOWN IMPLEMENTATION PHASING PLAN APPROVED AS PART OF THE DOWNTOWN GENERAL PLAN AMENDMENT, WHICH ADDRESSES THE IMPLEMENTATION SCHEDULE AND BENCHMARKS FOR THE FOLLOWING: INDICATING THE SEQUENCE OF DEVELOPMENT, AND THE SEQUENCE FOR THE PROVISION OF AMENITY SPACE,**
 - (a) **THE BALANCE OF USES WITHIN EACH IMPLEMENTATION PLAN PERIOD.**
 - (b) **THE PHASING OF DOWNTOWN MIXED-USE DEVELOPMENT.**
 - (c) **THE PHASING OF DOWNTOWN COMMUNITY COMMONS SPACES .**
 - (d) **THE PHASING OF THE TRANSPORTATION AND CIRCULATION FACILITIES.**

- (e) **THE PHASING OF THE REQUIRED INFRASTRUCTURE INCLUDING PUBLIC WATER AND SEWER.**
 - (f) **TRANSPORTATION AND CIRCULATION FACILITIES.**
 - (g) **ENVIRONMENTAL RESTORATION**
 - (h) **DOWNTOWN ARTS, CULTURAL AND COMMUNITY USES**
 - (i) **ANY OTHER ITEMS AS SPECIFIED IN THE DOWNTOWN IMPLEMENTATION PLAN.**
- (8) A TRAFFIC STUDY AS SPECIFIED IN THE HOWARD COUNTY ADEQUATE PUBLIC FACILITIES ACT FOR THE EVALUATION OF THE ADEQUACY OF TRANSPORTATION FACILITIES.
- (9) A DESCRIPTION OF THE ~~AMENITY SPACE~~ **DOWNTOWN COMMUNITY COMMONS** THAT WILL BE INCLUDED IN THE DEVELOPMENT.
- (10) **AN EXPLANATION OF HOW THE PROPOSED DEVELOPMENT ADDRESSES THE ENVIRONMENTAL CONCEPTS OF CHAPTER 3 OF THE DOWNTOWN COLUMBIA – A COMMUNITY VISION REPORT, AND SPECIFICALLY ADDRESSING THE CONCEPTS OF GREEN BUILDINGS AND GREEN SITE DESIGN.**
- (11) **THE LOCATIONS AND DESCRIPTIONS OF EXISTING SITES, PUBLIC ART, AND BUILDINGS OR STRUCTURES WHICH MAY HAVE SPECIAL SIGNIFICANCE ON AN HISTORIC OR CULTURAL BASIS, AND AN EXPLANATION OF THE METHODS EMPLOYED TO RETAIN AND PRESERVE THESE ITEMS.**
- (13) **A DESCRIPTION OF THE DOWNTOWN PUBLIC ART PROGRAM THAT IS IN COMPLIANCE WITH SECTION 125.A.9.i.(3), AND ANY PROPOSED PUBLIC ART.**
- m. **NEIGHBORHOOD** DESIGN GUIDELINES THAT ADDRESS THE FOLLOWING:
- (1) URBAN DESIGN, INCLUDING SCALE AND MASSING, BLOCK CONFIGURATION, PARKING AND SERVICE FUNCTIONS, BUILDING ENTRANCES, AND STREET LIGHTING AND FURNITURE.
 - (2) STREET DESIGN AND FRAMEWORK.

- (3) ~~AMENITY SPACE~~, **DOWNTOWN COMMUNITY COMMONS AND DOWNTOWN PARKLAND**
- (4) ARCHITECTURAL DESIGN.
- (5) **GREEN BUILDING AND GREEN SITE DESIGN**.
- (6) A STATEMENT IDENTIFYING (I) THE CUMULATIVE AMOUNT OF DEVELOPMENT APPROVED AND BUILT TO DATE UNDER SECTION 125.A.9; (II) THE STATUS OF ANY ~~AMENITY SPACE REQUIRED UNDER SECTION 125.A.9~~; **ANY REQUIRED DOWNTOWN COMMUNITY COMMONS AND DOWNTOWN PARKLAND** AND (III) THE STATUS OF ANY COMMUNITY ENHANCEMENTS, PROGRAMS OR ~~AMENITIES RECOMMENDED BY THE GENERAL PLAN~~, **INFRASTRUCTURE AS ADDRESSED IN THE DOWNTOWN GENERAL PLAN AMENDMENT**.

4. **BASED ON THE FOLLOWING CRITERIA** THE PLANNING BOARD SHALL CONSIDER THE FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT AT A PUBLIC HEARING. THE PLANNING BOARD SHALL APPROVE, **APPROVE WITH CONDITIONS, OR DENY** THE PETITION IF:

- a. THE PLAN IS ~~GENERALLY CONSISTENT~~ **IN COMPLIANCE** WITH THE ADOPTED ~~GENERAL PLAN~~ **DOWNTOWN GENERAL PLAN AMENDMENT**, INCLUDING ~~GENERAL PLAN PHASING~~ **THE DOWNTOWN IMPLEMENTATION PHASING PLAN**.
- b. THE PROPOSAL, WHEN CONSIDERED IN THE CONTEXT OF SURROUNDING PLANNED OR EXISTING DEVELOPMENT, PROVIDES A BALANCED MIX OF HOUSING, JOBS, COMMERCIAL SERVICES AND ENTERTAINMENT USES ~~WITHIN PEDESTRIAN ACCESS OF EACH~~, **THROUGHOUT EACH PHASE**.
- c. IF HOUSING IS PROPOSED, A VARIETY OF HOUSING CHOICES WILL BE PROVIDED AT DIFFERING PRICE LEVELS WHEN CONSIDERED IN THE CONTEXT OF SURROUNDING EXISTING OR PLANNED DEVELOPMENT, **AND AT LEAST 15 PERCENT OF THE DOWNTOWN NET NEW DWELLING UNITS ARE MODERATE INCOME HOUSING UNITS AND AT LEAST 10 PERCENT OF THE DOWNTOWN NET NEW DWELLING UNITS ARE MIDDLE INCOME HOUSING UNITS**.
- d. THE PEDESTRIAN NETWORK WILL CREATE CONVENIENT CONNECTIONS THROUGHOUT THE SUBJECT AREA AND CONNECT, WHEREVER POSSIBLE, TO EXISTING AND PLANNED SIDEWALKS AND PATHS ADJOINING THE DEVELOPMENT.
- e. THE DEVELOPMENT WILL PROTECT LAND COVERED BY LAKES, STREAMS OR RIVERS, FLOOD PLAINS AND STEEP SLOPES, PROVIDE

CONNECTIONS, WHERE POSSIBLE, TO EXISTING AND PLANNED OPEN SPACE WITHIN THE ~~SUBJECT AREA~~ **NEIGHBORHOOD** AND IN SURROUNDING AREAS, AND PROVIDE APPROPRIATE LAND FOR ~~AMENITY SPACE~~ **DOWNTOWN COMMUNITY COMMONS**.
~~VEHICULAR, PEDESTRIAN AND UTILITY CROSSINGS OF ENVIRONMENTALLY SENSITIVE AREAS SHALL BE PERMITTED PROVIDED ALL APPLICABLE GOVERNMENTAL PERMITS AND APPROVALS ARE OBTAINED.~~

- f. THE DEVELOPMENT **PLAN** WILL BE COMPATIBLE WITH EXISTING AND PLANNED VICINAL LAND USES. IN MAKING THIS DETERMINATION, THE PLANNING BOARD ~~MAY~~ **SHALL** CONSIDER:
- (1) THE USE OF AN EXISTING OR PLANNED ROAD ON THE EDGE OF THE PLAN AREA AS A SEPARATION BETWEEN DIFFERENT LAND USES;
 - (2) THE SIZE OF BUILDINGS ALONG THE EDGES OF THE PLAN AREA THROUGH LIMITS ON BUILDING HEIGHT OR OTHER REQUIREMENTS;
 - (3) THE PROTECTION OR ESTABLISHMENT OF LANDSCAPE FEATURES ON THE BOUNDARY OF THE PLAN AREA. THIS MAY INCLUDE PROTECTION OF EXISTING VEGETATION OR GRADE CHANGES THAT PROVIDE A NATURAL SEPARATION, OR LANDSCAPE DESIGN STANDARDS APPLICABLE TO AN EDGE WHERE SPECIFIED TYPES OF LAND USES ABUT;
 - (4) THE CHARACTER OF NEARBY PROPERTIES AS ENVISIONED BY THE ADOPTED GENERAL PLAN FOR THE AREA; AND
 - (5) THE ADOPTED ~~GENERAL PLAN RECOMMENDATIONS~~ **DOWNTOWN GENERAL PLAN AMENDMENT RECOMMENDATIONS** FOR **HEIGHT**, BUILDING MASSING AND SCALE.
- g. THE DEVELOPMENT WILL BE SERVED BY ADEQUATE PUBLIC FACILITIES, INCLUDING ANY PROPOSED MITIGATION OR DEVELOPMENT STAGING IN ACCORDANCE WITH THE ADEQUATE PUBLIC FACILITIES ACT (TITLE 16, SUBTITLE 11 OF THE HOWARD COUNTY CODE)
- h. **THE DEVELOPMENT PLAN IS PROTECTIVE OF ENVIRONMENTALLY SENSITIVE FEATURES AND MAY PROVIDE SOME ENVIRONMENTAL RESTORATION WITHIN THE PLAN AREA AND DOWNTOWN COLUMBIA.**
- i. **THE DEVELOPMENT IS PROTECTIVE OF EXISTING SITES, PUBLIC ART, AND BUILDINGS OR STRUCTURES WHICH MAY HAVE SPECIAL SIGNIFICANCE ON AN HISTORIC OR CULTURAL BASIS.**

- j. **THE NEIGHBORHOOD DESIGN GUIDELINES SUBMITTED WITH THE FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT OFFER SUFFICIENT DETAIL TO GUIDE THE APPEARANCE OF THE NEIGHBORHOOD OVER TIME, AND PROMOTE DESIGN FEATURES THAT ARE ACHIEVEABLE AND APPROPRIATE FOR DOWNTOWN REVITALIZATION IN ACCORDANCE WITH THE DESIGN MANUAL OF THE DOWNTOWN GENERAL PLAN AMENDMENT.**

K. KEY LOCATIONS FOR DOWNTOWN PUBLIC ART ARE IDENTIFIED, IN COMPLIANCE WITH SECTION 125.A.9.I.(3).

- 5. AT ANY TIME PRIOR TO FINAL ACTION BY THE PLANNING BOARD ON A FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT, THE PETITIONER MAY WITHDRAW THE PETITION.
- 6. **PLANNING BOARD** APPROVAL OF A SITE DEVELOPMENT PLAN SHALL BE REQUIRED FOR ALL DOWNTOWN REVITALIZATION.

F. [D.]Amendments to a Comprehensive Sketch Plan or Final Development Plan

- 1. Amendments Submitted by Original Petitioner

Except as allowed by Section[s] 125.[D]F.2 and [125.E.]3 below, only the original petitioner for the New Town District may propose amendments to an approved Comprehensive Sketch Plan or Final Development Plan. A proposed **COMPREHENSIVE SKETCH PLAN** amendment shall be reviewed in accordance with Section 125.C above. **A PROPOSED FINAL DEVELOPMENT PLAN AMENDMENT SHALL BE REVIEWED IN ACCORDANCE WITH SECTION 125.D. OR 125.E. AS APPLICABLE.**

- 2. Additional Uses on Individual Lots in Residential Land Use Areas

Within areas designated on a Comprehensive Sketch Plan for residential land use, any property owner may propose amendments to the Final Development Plan to allow a particular use on his or her property which is not allowed by the Final Development Plan criteria. No amendment shall be proposed which would either alter the land use designation established by the Comprehensive Sketch Plan or allow an increase in residential density. The proposed amendment shall be considered in accordance with the following procedures:

- a. The property owner shall submit the number of copies of the complete Final Development Plan as required by the Department of Planning and Zoning, with the proposed criteria amendments clearly noted on each copy, accompanied by an explanation of the request.
- b. The proposal shall be considered by the Planning Board at a public hearing.

- c. The Planning Board shall approve, approve with modifications or deny the proposed amendments to the Final Development Plan, stating the reasons for its action. The Planning Board shall approve the request only if it finds that:
 - (1) The use is consistent with the land use designation of the property as established on the recorded Final Development Plan and compatible with existing or proposed development in the vicinity.
 - (2) The use will not adversely affect vicinal properties.
- d. If the use is approved:
 - (1) The Planning Board may provide for the subsequent approval by it of a Site Development Plan for the property which is the subject of the proposal; and
 - (2) Revised text for the Final Development Plan indicating the additional allowed use of the particular property shall be submitted by the applicant and recorded in the Land Records of Howard County.

3. THE FEE SIMPLE OWNER OF ANY PROPERTY LOCATED WITHIN DOWNTOWN COLUMBIA MAY PROPOSE AMENDMENTS TO AN APPROVED FINAL DEVELOPMENT PLAN ~~FOR~~ **IN ACCORDANCE WITH DOWNTOWN REVITALIZATION REQUIREMENTS.**

G. [E.]**Site Development Plans**

1. Planning Board Approval

If the Planning Board reserved for itself the authority to approve a Site Development Plan AND for [an area]ALL DOWNTOWN REVITALIZATION, no permit shall be issued for any use until the Site Development Plan is approved by the Planning Board. The Site Development Plan shall be considered at a public meeting, ~~except where [a public hearing is required by Section 125.E.3 below]~~**SPECIFIED BY SECTION 125.G.3 BELOW.** AT ANY TIME PRIOR TO FINAL ACTION BY THE PLANNING BOARD ON A SITE DEVELOPMENT PLAN OR SITE DEVELOPMENT PLAN AMENDMENT, THE PETITIONER MAY WITHDRAW THE PETITION.

2. ~~CRITERIA FOR APPROVAL OF A~~ **SITE DEVELOPMENT PLAN** PROPOSING DOWNTOWN REVITALIZATION.

A PRIOR TO THE SUBMISSION OF A SITE DEVELOPMENT PLAN FOR DOWNTOWN REVITALIZATION, THE PETITIONER SHALL SUBMIT THE PROPOSED SITE DEVELOPMENT PLAN FOR REVIEW BY THE DESIGN ADVISORY PANEL, IN ACCORDANCE WITH THE APPLICABLE PROVISIONS IN TITLE 16, SUBTITLE 15 OF THE COUNTY CODE. THE PLANNING BOARD SHALL CONSIDER ANY DESIGN ADVISORY PANEL RECOMMENDATIONS IN THE EVALUATION OF THE SITE DEVELOPMENT PLAN.

- B. THE PLANNING BOARD SHALL APPROVE, **APPROVE WITH CONDITIONS, OR DENY** A SITE DEVELOPMENT PLAN THAT PROPOSES DOWNTOWN REVITALIZATION IF IT FINDS THAT THE PLAN:
- (1) ~~IS GENERALLY CONSISTENT~~ **IN COMPLIANCE** WITH THE ADOPTED ~~GENERAL PLAN~~ **DOWNTOWN GENERAL PLAN AMENDMENT.**
 - (2) ~~CONFORMS TO THE~~ **COMPLIES WITH THE APPROVED FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT INCLUDING THE BULK REGULATIONS AND NEIGHBORHOOD-SPECIFIC DESIGN GUIDELINES ESTABLISHED BY THE FINAL DEVELOPMENT PLAN. AND THE NEIGHBORHOOD-SPECIFIC IMPLEMENTATION PLAN**
 - (3) WILL BE COMPATIBLE WITH EXISTING AND PLANNED ADJACENT LAND USES **AS ESTABLISHED IN THE FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT, CONSIDERING WITH CONSIDERATION OF** THE FINAL LOCATION AND USE OF BUILDINGS AND STRUCTURES, BUILDING HEIGHT, MASSING, LANDSCAPING, ~~AMENITY SPACE AND~~, **DOWNTOWN COMMUNITY COMMONS, DOWNTOWN PARKLAND. PEDESTRIAN, BICYCLE** AND VEHICULAR CIRCULATION SYSTEMS;~~AND~~
 - (4) **IS WELL-ORGANIZED IN TERMS OF** THE LOCATION OF BUILDINGS AND STRUCTURES, ~~AMENITY SPACE~~ **DOWNTOWN COMMUNITY COMMONS, LANDSCAPING, AND PEDESTRIAN AND VEHICULAR CIRCULATION SYSTEMS IS LOGICAL AND EFFICIENT, AND OTHER DOWNTOWN REVITALIZATION FEATURES.**
 - (5) PROVIDES ~~AMENITY SPACES~~ **DOWNTOWN COMMUNITY COMMONS AND DOWNTOWN PARKLAND** THAT ARE REASONABLE AND APPROPRIATE GIVEN THE LOCATION, SCALE AND ANTICIPATED INTENSITY OF ADJACENT USES.
 - (6) **PROVIDES MODERATE INCOME HOUSING UNITS AND MIDDLE INCOME HOUSING UNITS IN COMPLIANCE WITH SECTION 125.A.9.I.**
 - (7) **THE MAXIMUM BUILDING HEIGHTS ARE IN COMPLIANCE WITH THE DOWNTOWN MAXIMUM BUILDING HEIGHT PLAN IN SECTION 103.C.**

(8) FOR ANY SITE DEVELOPMENT PLANS PROPOSING DOWNTOWN PUBLIC ART, THE DOWNTOWN PUBLIC ART IS PROVIDED IN COMPLIANCE WITH THE DOWNTOWN PUBLIC ART PROGRAM APPROVED WITH THE FINAL DEVELOPMENT PLAN OR FINAL DEVELOPMENT PLAN AMENDMENT APPROVAL.

C. MINOR ADJUSTMENTS TO THE GENERAL PEDESTRIAN CIRCULATION SYSTEM, ROAD NETWORK AND ~~AMENITY SPACE~~ **DOWNTOWN COMMUNITY COMMONS** SHOWN ON THE FINAL DEVELOPMENT PLAN MAY BE APPROVED AS A PART OF THE SITE DEVELOPMENT PLAN, PROVIDED THE ADJUSTMENT(S) ARE GENERALLY CONSISTENT WITH THE FINAL DEVELOPMENT PLAN AND WILL NOT BE DETRIMENTAL TO THE PUBLIC WELFARE.

3. [2.]Minor Additions and Modifications

Minor additions and modifications to Site Development Plans approved by the Planning Board and meeting the criteria below shall not require Planning Board approval. Also, minor new projects which have been granted a waiver of the Site Development Plan requirement by the Director of Planning and Zoning do not require Planning Board approval. However, all changes of use which require exterior site alterations shall require Planning Board approval.

4. [3.]Minor Projects Not Requiring Planning Board Approval PROVIDED THE DEPARTMENT OF PLANNING AND ZONING DETERMINES THE PROPOSED MODIFICATION IS COMPATIBLE WITH EXISTING STRUCTURES:

- a. Minor additions to structures, with a floor area no larger than 10 percent of the existing floor area of the main floor, not to exceed 5,000 square feet.
- b. Minor new accessory structures if the location does not interfere with existing site layout (e.g. circulation, parking, loading, storm water management facilities, open space, landscaping or buffering).
- c. Minor additions to parking lots comprising no more than 25 percent of the original number of parking spaces required, not to exceed 25 spaces.
- d. Clearing or grading that does not exceed 5,000 square feet in area.
- e. House-type revisions to approved Site Development Plans for single-family detached developments and for no more than 25 percent of the total number of dwelling units on the Site Development Plans for single-family attached or apartment developments.
- f. Similar minor modifications as determined by the Department of Planning and Zoning.

5. [4.]Adjustments to Bulk Regulations for Individual Lots

Upon the request of the owner of a particular lot, the Planning Board may approve parking, setback, height, lot coverage, or other bulk requirements for such lot or parcel which differ from those required by the applicable Final Development Plan, in accordance with the following procedures:

- a. A public meeting shall be held on the site development plan requiring the adjustment. If no site development plan is available, an accurate plot plan drawn to scale shall be submitted for Planning Board review at the public meeting.
- b. A Site Development Plan or plot plan submitted for review shall clearly indicate the requirement from which relief is sought and the requested relief, and shall be accompanied by a written statement explaining the reasons for the requested adjustment.
- c. In addition to the notice for public meetings required by the Planning Board's Rules of Procedure, the property that is the subject of the application shall be posted with the date, time, and place of the meeting for at least 15 days immediately before the public meeting.
- d. The requested adjustment to the parking or bulk requirements shall be granted if the Planning Board finds that:
 - (1) The adjustment will not alter the character of the neighborhood or area in which the property is located, will not impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare; and
 - (2) The adjustment a) is needed due to practical difficulties or unnecessary hardships which arise in complying strictly with the Final Development Plan; and/or b) results in better design than would be allowed by strict compliance with the development criteria.
- e. The Planning Board may approve, approve with conditions, or deny a requested adjustment.

SECTION 133: OFF-STREET PARKING AND LOADING FACILITIES

B. Layout and Location

4. Required minimum parking may be provided on a separate lot from the principal use if:
 - f. For residential uses, the location and distribution of parking spaces complies with the Subdivision and Land Development Regulations.
 - g. For nonresidential uses, the major point of pedestrian access to the parking facility is within 400 feet of the entrance to the building. THIS

REQUIREMENT DOES NOT APPLY TO DOWNTOWN
REVITALIZATION;

- h. The parking facility is within a zoning district in which the use being served by the parking facility is permitted;
- i. The parking facility is not separated from the use being served by a public street. THIS REQUIREMENT DOES NOT APPLY TO DOWNTOWN REVITALIZATION; AND
- j. The parking facility is subject to recorded covenants or easements for parking, or other proof is provided that the continued use of the parking area is guaranteed throughout the life of the land use.

E. PERMITTED REDUCTIONS IN OFF-STREET PARKING REQUIREMENTS.

3. DOWNTOWN REVITALIZATION

OFF-STREET PARKING AND LOADING FACILITIES FOR DOWNTOWN REVITALIZATION ~~MUST~~ **SHALL** BE PROVIDED IN ACCORDANCE WITH SECTION 133. ~~HOWEVER, AT THE PETITIONER'S OPTION, THE MINIMUM NUMBER OF REQUIRED PARKING SPACES MAY BE CALCULATED EITHER IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 133.E.1.a AND b OR USING THE METHODOLOGY SET FORTH IN THE MOST RECENT ADDITION OF "SHARED PARKING" PUBLISHED BY THE URBAN LAND INSTITUTE (ULI). IN EITHER EVENT, THE CONDITIONS OF APPROVAL PROVISIONS IN SECTION 133.E.1.c SHALL APPLY.~~

SECTION 103.B.

B. DOWNTOWN COLUMBIA

ALL OF THOSE LOTS OR PARCELS OF LAND LOCATED IN HOWARD COUNTY, MARYLAND AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THE RESIDUE OF THE 801.198 ACRE PARCEL OF LAND CONVEYED BY G & S ENTERPRISES, INC. TO THE HOWARD RESEARCH AND DEVELOPMENT CORPORATION BY DEED DATED OCTOBER 14, 1963 AND RECORDED AMONG THE LAND RECORDS OF HOWARD COUNTY IN LIBER 409, FOLIO 8, AND THE 53 ACRE PARCEL OF LAND CONVEYED BY SEBRING, INC. TO THE HOWARD RESEARCH AND DEVELOPMENT CORPORATION BY DEED DATED NOVEMBER 7, 1963 AND RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER 409, FOLIO 549.

MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERN RIGHT-OF-WAY LINE OF BROKEN LAND PARKWAY, AS RECORDED IN PLAT NO. 6598 AMONG THE LAND RECORDS OF HOWARD COUNTY, MARYLAND, SAID POINT BEING ON THE SOUTHERN RIGHT-OF-WAY LINE OF LITTLE PATUXENT PARKWAY, ROUTE 175, WIDTH VARIES, AS RECORDED IN PLAT BOOK 12, PLAT NO. 60; THENCE DEPARTING SAID BROKEN LAND PARKWAY AND RUNNING WITH THE SOUTHERN LINES OF SAID LITTLE PATUXENT PARKWAY

174.04 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 676.29 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 87°37'00" EAST 173.56 FEET TO A POINT; THENCE

NORTH 85°00'39" EAST 665.90 FEET TO A POINT ON THE EASTERN LINE OF LOT 9B, AS RECORDED IN PLAT BOOK 15, PLAT NO. 32; THENCE DEPARTING SAID LITTLE PATUXENT PARKWAY AND RUNNING WITH THE WESTERN LINE OF SAID LOT 9B

SOUTH 04°59'21" EAST 27.00 FEET TO A POINT BEING THE NORTHWEST CORNER OF THE EXTERIOR BOUNDARY OF LOT 23, COLUMBIA, TOWN CENTER, SECTION 1, AS RECORDED IN PLAT BOOKS 13535 AND 13536; THENCE DEPARTING SAID LOT 9B AND RUNNING WITH THE LINES OF SAID LOT 23

200.24 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 260.75 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 17°00'39" WEST 195.36 FEET TO A POINT; THENCE

SOUTH 39°00'39" WEST 20.04 FEET TO A POINT; THENCE

358.03 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 905.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 50°20'39" WEST 355.70 FEET TO A POINT; THENCE

SOUTH 61°40'39" WEST 102.79 FEET TO A POINT; THENCE

251.98 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 225.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 29°35'39" WEST 239.02 FEET TO A POINT; THENCE

SOUTH 02°29'21" EAST 272.12 FEET TO A POINT; THENCE
SOUTH 82°37'23" EAST 315.92 FEET TO A POINT; THENCE
SOUTH 16°14'58" EAST 275.00 FEET TO A POINT; THENCE
SOUTH 65°24'27" EAST 516.84 FEET TO A POINT; THENCE WITH THE
LINE OF SAID LOT 23, AND THE TERMINUS LINE OF SYMPHONY WOODS
ROAD, A PUBLIC RIGHT-OF-WAY, UNIMPROVED, AS RECORDED IN PLAT
BOOK 30, PLAT NO. 45, AND THE SOUTHERN LINE OF LOT 11C, RECORDED
IN PLAT BOOK 30, PLAT NO. 45

NORTH 79°40'05" EAST 891.63 FEET TO A POINT ON A WESTERN LINE
OF LOT 1, COLUMBIA TOWN CENTER, SECTION 5, AREA 4, AS RECORDED IN
PLAT NO. 14054; THENCE DEPARTING SAID LOT 11C AND RUNNING WITH
THE LINES OF SAID LOT 1

SOUTH 08°22'37" WEST 199.80 FEET TO A POINT; THENCE
SOUTH 56°51'37" EAST 133.42 FEET TO A POINT; THENCE
SOUTH 21°05'06" WEST 924.51 FEET TO A POINT ON THE NORTHERN
RIGHT-OF-WAY LINE OF BROKEN LAND PARKWAY, AS RECORDED ON
MARYLAND STATE HIGHWAY ADMINISTRATION RIGHT-OF-WAY MAPS
51703, 51704, 51705 & 52147; THENCE DEPARTING SAID LOT 1 AND RUNNING
WITH THE RIGHT-OF-WAY OF SAID BROKEN LAND PARKWAY

SOUTH 76°02'42" WEST 239.27 FEET TO A POINT; THENCE
SOUTH 86°19'11" WEST 75.00 FEET TO A POINT; THENCE
NORTH 39°13'05" WEST 86.02 FEET TO A POINT; THENCE
SOUTH 86°19'11" WEST 234.41 FEET TO A POINT; THENCE
SOUTH 39°28'56" WEST 53.89 FEET TO A POINT; THENCE
339.06 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A
RADIUS OF 536.62 FEET AND A CHORD BEARING AND DISTANCE OF NORTH
77°37'57" WEST 333.45 FEET TO A POINT; THENCE

NORTH 60°39'20" WEST 378.19 FEET TO A POINT; THENCE
425.83 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A
RADIUS OF 1,350.00 FEET AND A CHORD BEARING AND DISTANCE OF
NORTH 49°20'57" WEST 424.07 FEET TO A POINT; THENCE

SOUTH 47°39'26" WEST 33.45 FEET TO A POINT ON THE EASTERN
RIGHT-OF-WAY LINE OF BROKEN LAND PARKWAY AS RECORDED IN PLAT
NO. 6598; THENCE RUNNING WITH SAID BROKEN LAND PARKWAY

346.21 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A
RADIUS OF 1,070.92 FEET AND A CHORD BEARING AND DISTANCE OF
NORTH 23°00'44" WEST 344.70 FEET TO A POINT; THENCE

NORTH 13°45'03" WEST 972.71 FEET TO A POINT; THENCE
524.31 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A
RADIUS OF 806.47 FEET AND A CHORD BEARING AND DISTANCE OF NORTH
04°52'27" EAST 515.13 FEET TO A POINT; THENCE

NORTH 23°29'57" EAST 147.00 FEET TO A POINT; THENCE

NORTH 61°35'15" EAST 123.74 FEET TO THE POINT OF BEGINNING
CONTAINING 2,843,633 SQUARE FEET OR 65.2808 ACRES, MORE OR LESS.

Note: GGP should provide a map delineating the boundary for Downtown Columbia to be inserted here following this metes and bounds description.

Section 103.C. - Downtown Maximum Building Height Plan



Up to:	Zone
4 Stories	1
7 Stories	2
9 Stories	3

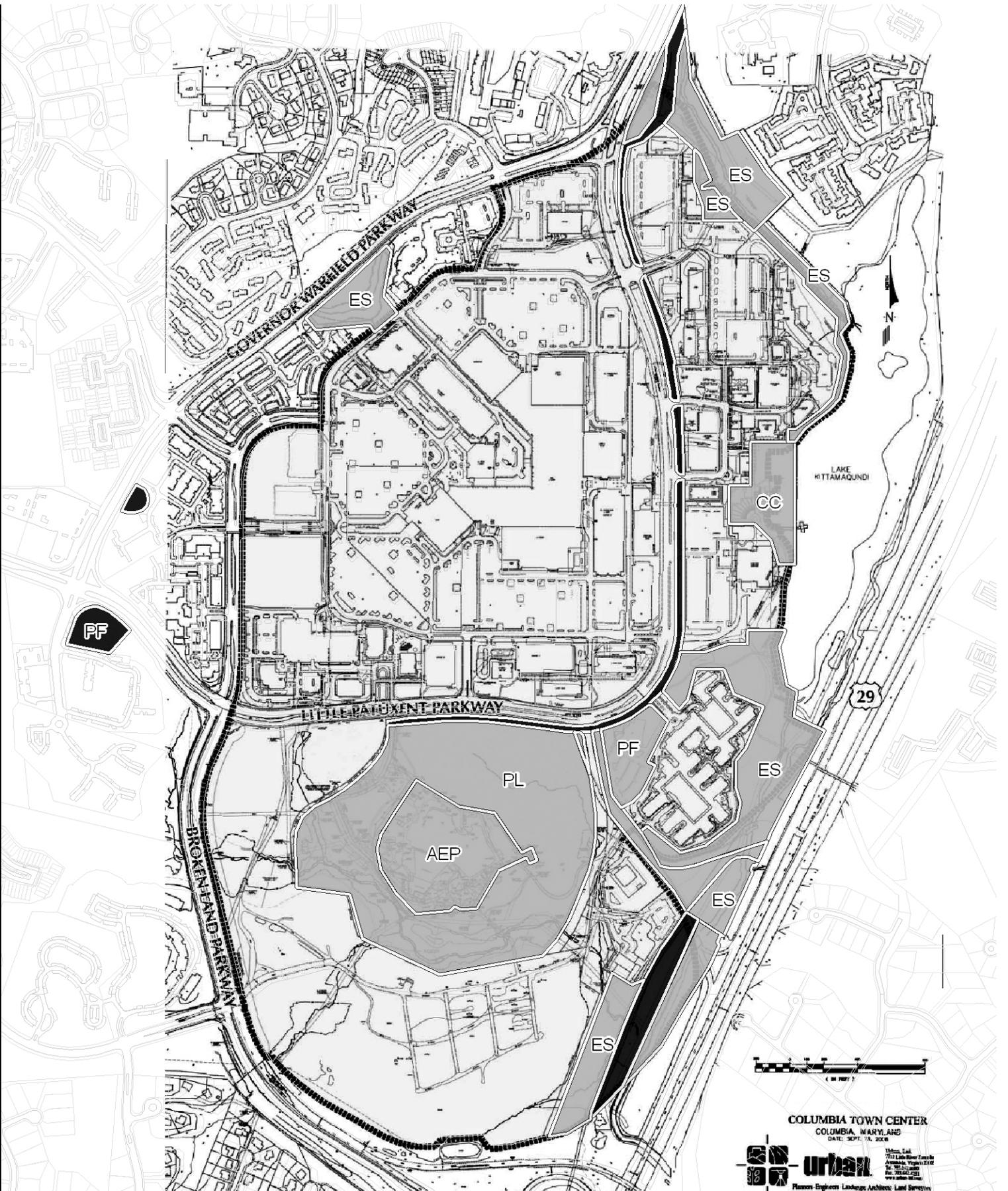
Up to:	Zone
15 Stories	4
20 Stories	5

6 Lakefront Core Area: minimum 2 stories, maximum 4 stories

*Previously approved future development (23 stories)



Section 103.D. - Downtown Open Space Preservation Plan



COLUMBIA TOWN CENTER
 COLUMBIA, MARYLAND
 DATE: SEPT. 14, 2008



- Credited Open Space
- Non-Credited Open Space

- AEP Arts and Entertainment Park
- CC Community Commons
- ES Environmentally Sensitive
- PF Public Facility
- PL Park Land

APPENDICES

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Appendix G: *Best Management Practices for Symphony Stream and Lake Kittamaqundi Watersheds*

APPENDIX A:
AGENCY COMMENTS

Columbia Town Center General Plan Amendment

Appendix A: Agency Comments

As part of the Department of Planning and Zoning’s review of the proposed General Plan Amendment and Supplemental Documents, copies of the submission were distributed to County departments and affiliated agencies. DPZ held meetings with these departments and agencies to discuss their analysis of and responses to the proposed GPA. In addition, several departments and agencies submitted written comments summarizing their responses to the proposal. Copies of written comments submitted are included in this appendix.

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Howard County Library



October 22, 2008

Marsha S. McLaughlin, Director
Department of Planning & Zoning
3430 Court House Drive,
Ellicott City, Maryland 21043

Dear Ms. McLaughlin:

Howard County Library is excited about the concept of a new, state-of-the-art Central Library—a venue with ample parking, along with plenty of classroom, meeting room, and event space—that would serve as both an **anchor and a draw** to the “Cultural Center Avenue” described in General Growth Properties’ proposed plans for a revitalized Columbia Town Center.

Despite current Central Library’s limited space and severe parking limitations:

- Of the 2.6 million visits at our six branches last year, *700,000* were to the Central Library.
- Of the 5.6 million items borrowed systemwide, *1.5 million* were from the Central Library.

We are confident that a new spacious Central Library featuring many “wow” factors would attract over one million residents and tourists. Such a spectacular a new library has the potential to:

- Create an *interactive, enlightening education center for all ages*, combining visual exhibitions with interesting architecture, and gathering space to bring the community together.
- generate *immense community pride*.
- become a **Columbia and Howard County icon**.

Performances, films, museum quality exhibits, and classes for all ages are but a few of the possibilities envisioned for such a community hub.

We would also capitalize on the opportunity to expand and strengthen our partnerships with many County organizations, such as Howard County Public School System, Howard Community College, Howard County General Hospital, the Columbia Archives, and Toby’s Dinner Theatre.

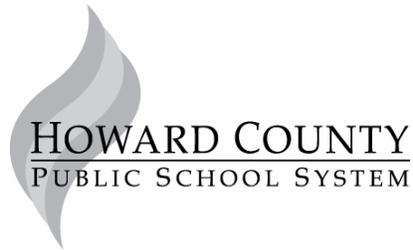
The Howard County Library Board of Trustees will discuss the concept of a new Central Library at its November 19, 2008 meeting. Discussions will include a vision for such a facility, along with the impact that such a project might have on the timeline for all Library projects in the *Howard County Library Facilities Assessment and Master Plan 2004 – 2030*.

Sincerely,

A handwritten signature in black ink that reads 'Valerie J. Gross'.

Valerie J. Gross
Executive Director & CEO

Howard County Public School System

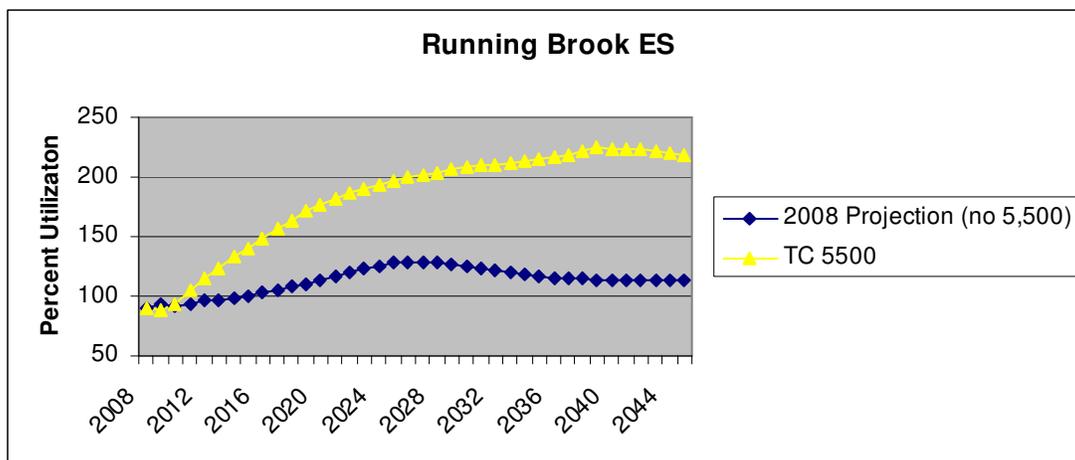


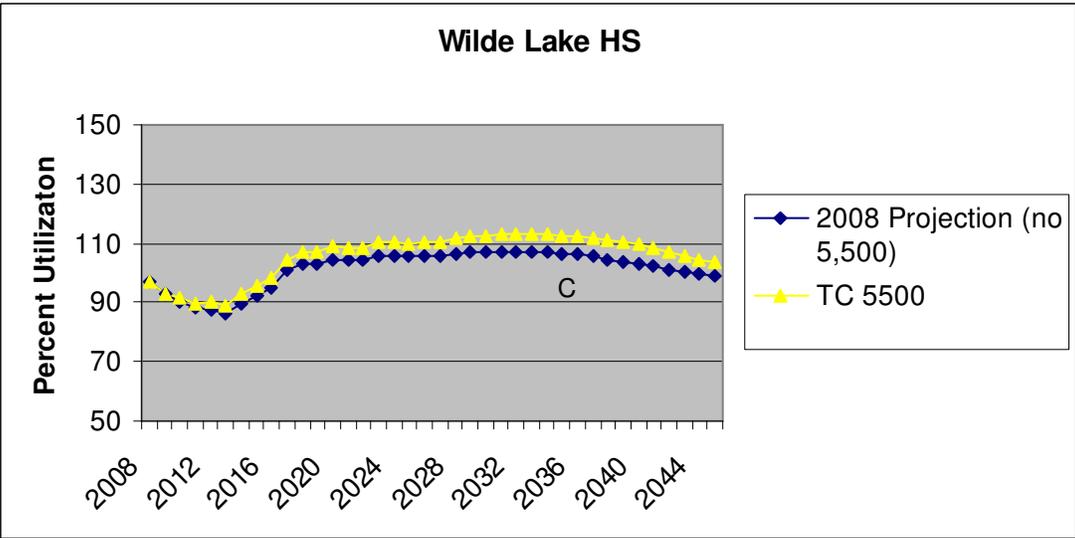
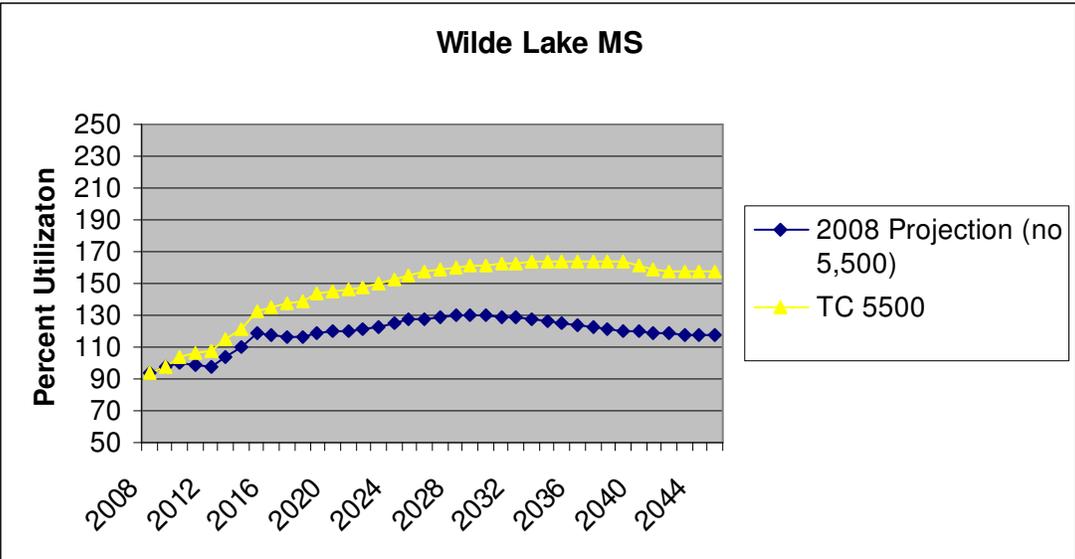
MEMORANDUM

DATE: October 17, 2008
TO: Mr. William Mackey, AICP Planning Supervisor
Howard County DPZ
FROM: Joel Gallihue, AICP
RE: Columbia Downtown Plan

Staff has made a preliminary analysis of the potential effect of new development in Columbia Town Center. In our modeling we make use of historical yield rates for neighborhoods and countywide. These rates account for differences in pupil generation by unit type. Earlier in the Columbia Downtown planning process a concern was raised that our historical data may not capture new forms of development that have not historically been present in Howard County, like residential high rise projects. We addressed this concern in earlier correspondence where we showed that we can make use of data from Montgomery County to help model plans for high-rise residential development. Our current pupil generation data for multi-family units shows more robust generation of students than in a past study.

In the attached model, we have taken the absorption rates supplied by GGP and applied all assumptions used in the development of the 2008 Enrollment projection. As you can see the effect of the development is fairly strong at the elementary and middle levels. We would like to continue to coordinate with DPZ in the analysis of this effect and in making appropriate recommendations on this proposal.





Howard Community College



10901 Little Patuxent Parkway
Columbia, MD 21044-3197
410-772-4820
Fax: 410-772-4964
www.howardcc.edu

November 13, 2008

Mr. William Mackey, AICP
Division Chief, Comprehensive and Community Planning
Department of Planning and Zoning, Howard County
3430 Court House Drive
Ellicott City, MD 21043

Dear Mr. Mackey:

Howard Community College (HCC) appreciates the opportunity to provide input on the Downtown Columbia plan the county is submitting to General Growth Properties.

HCC input on the plan includes:

- HCC would be interested in partnering with other community organizations to develop a centralized facility for educational programming or community.
- HCC would be interested in partnering with organizations to develop and promote vibrant art, cultural and civic centers.
- HCC endorses the planned proposal for green initiatives with buildings, storm water management, native plantings, and wildlife management.
- HCC will continue to see growth in its student population during the development of the downtown plan. Traffic volume is already increasing at the main entrance to the college on Little Patuxent Parkway based on the increased number of cars entering the college at the traffic light. The college's master plan defines a new secondary entrance on Hickory Ridge Road. It is not clear how the new downtown plan would impact traffic patterns to the college.
- HCC encourages the development of better pathways for pedestrian and bike paths that are outlined in the plan. Connecting the college to the downtown project pathways would be a benefit to the college and the community.
- HCC encourages and would give input into the development of multi-modal transportation networks for the town center and surrounding communities.

Please contact me at 410-772-4820 if you have questions. We look forward to working with the county and other community partners on the Downtown Columbia project.

Sincerely,

Kathleen Hetherington, Ed.D.
President

Memo

Howard County Arts Council

To: Bill Mackey, DPZ Project Manager
From: Coleen West, Executive Director
Date: 11/13/2008
Re: Downtown Columbia General Plan Amendment and Zoning Regulation Amendment Review

Bill,

In looking over the arts and culture section in GGP's *Many Voices. One Vision General Plan Amendment*, the recommendations, in general, appear to be consistent with the arts recommendations included in Howard County's *General Plan 2000* and the *Downtown Columbia: A Community Vision* report. In addition, GGP's plan supports the recommendation of the Merriweather Advisory Committee for an arts campus located in Symphony Woods and addresses the well-documented call of Columbia residents for more arts spaces and cultural vitality in Town Center. It also supports the long and well-documented needs of the arts community – namely adequate and more performance, work and exhibit spaces and greater visibility. The plan, however, does not get into specifics.

More information is needed on the make-up, decision-making process and authority of both the Columbia Town Center Partnership and the Columbia Town Center Cultural Commission before commenting on the first recommendation to establish these entities.

The next recommendation, to develop a cultural plan for the downtown district, is prudent. That said, if the County is involved in covering the cost of this plan, it is the Arts Council's hope that a cultural plan for the entire County be undertaken.

As the GGP plan does not indicate the size or type of arts venues to be included, nor does it indicate how many venues will be stand-alone buildings or shared spaces, it is hard to estimate what the capital costs will be. Some local comparisons are available:

Black Rock Art Center, in Germantown, a 34,000 multi-disciplinary space with a 209 seat theatre, smaller studio theatre, galleries and classrooms, cost \$10.5 million. The Center opened in the 2003.

The Horowitz Center for the Arts, a 78,000 sq. ft., multidisciplinary art and educational building at Howard Community College, cost \$20 million. The Center opened in 2006.

Strathmore Hall, a 190,000 sq. ft. state-of-the art performing arts venue and educational center, cost \$100 million. Strathmore opened in 2005.

In terms of the arts and culture piece of the GGP plan, it appears that much more work needs to be done. The arts community has a strong history of partnering with other sectors and, based on this history, there is reason to believe it will continue in the future.

Hope this helps,

Coleen West, Executive Director

Housing and Community Development



TO: William Mackey
Department of Planning and Zoning

FROM: Stacy L. Spann, Director and Executive Director
Howard County Housing

RE: Housing Comments - Downtown Columbia Plan

Howard County Housing has several specific comments and recommendations regarding the plan at this time but would like to reserve the right to make further comments as the plan is refined.

Overall, Housing is concerned about the mix of housing choices for the full spectrum of housing seekers (both renters and purchasers). The plan provides some indications of a range of housing choices but provides little detail about the mechanisms for supporting the range of affordable housing options.

We strongly support including mixed-income housing in downtown Columbia. The stated intent to make 20% of the housing affordable to those with incomes less than 120% of the Howard County median is laudable. That said, we believe that at least 15% of the housing in downtown Columbia should be made affordable to those with incomes less than 80% of Howard County median income, and at least 10% should be affordable to those in the 80-120% range. The lower range is consistent with the County's inclusionary zoning (Moderate Income Housing Unit or MIHU) program. Housing suggests that these goals be included as part of the zoning amendments. This will ensure the ability to monitor the successes and challenges associated with downtown's affordable housing. Moreover, such a zoning requirement will make downtown consistent with similar zones in Howard County. Additionally, this will assist in management of the downtown program as unit size requirements, affordability formulas, reporting and the like will be part of the program management requirements.

Should these requirements be included in the zoning requirements, then government would be responsible for monitoring, compliance and reporting on the affordable housing objectives. Otherwise, there is no real enforcement and consequently, no consistent method of measuring success. Enforcement is most appropriately a governmental function and would dovetail well with the governance of the County's Moderate Income Housing Unit program. Additionally, government is best-suited to ensure congruence with existing housing policies.

Office of Environmental Sustainability



MEMORANDUM

TO: Bill Mackey
Department of Planning and Zoning

FROM: Joshua Feldmark
Director, Office of Environmental Sustainability

SUBJECT: Review Comments, General Plan Amendment

DATE: October 31, 2008

This statement constitutes the response of the Howard County Office of Environmental Sustainability to the General Plan Amendment (GPA) and supplemental materials submitted by General Growth Properties (GGP).

Generally speaking, it is commendable that the submission embraces the language of sustainable development. Specifically, green technologies to reduce water and energy use, pedestrian access and transit to reduce automobile use, protection and restoration of natural landscapes, and creation of a sustainable development program are essential to sustainable development in Downtown Columbia. However, it is concerning that development in Downtown Columbia could deviate from the GPA and the Sustainability Framework proposed if sustainable development elements are not specifically required in the Zoning Regulations or Design Manual.

Sustainable development provisions of the GPA should be explicitly included in the Zoning Regulations or Design Manual and should include the following issues:

- Storm water diversion
- Nutrient loads
- Energy conservation
- Green construction
- Water conservation

The amendment is, at times, inconsistent with the following environmental sustainability provisions of the Howard County Framework:

3.2 Nature

Protect the natural resources and natural beauty of Downtown's lake, streams and woodlands, forming them into a greenway system.

3.3 Central Park

Identify Symphony Woods as Columbia's "Central Park" area, which deserves special design and conservation measures.

3.4 Outdoor Spaces

Require additional open space and amenity areas so that Downtown will retain the character of a "city in a park" with plazas, greens, promenades, paths, public art, natural areas and street trees.

Of specific concern, the GPA proposed by GGP would reduce the natural areas within Symphony Woods and includes building and road construction which would damage or remove prime areas of healthy mature forest. While there are many strong environmental enhancements included in the plan, it also calls for the removal of 48% of the trees in the Merriweather and Crescent areas (588 of 1214 trees).

The amendment should include stronger protection of open space, especially natural areas. The promenade from Symphony Overlook could be redesigned to include only a minimal removal of trees and construction of small park-like facilities, and civic buildings proposed to be built in Symphony Woods could be moved to other locations. Another option would be to trade the north Symphony Woods area for the northwest corner of the Crescent property. This corner property includes high quality forest and is between two tributaries of Symphony Stream. Reforestation of the open land between these two tributaries should be included in this option.

Special attention should be given to the few areas of high-quality forest that exist Downtown. GGP should pursue alternative design options to minimize the impact of the plan on these prime forested areas.

Design Manual

The design manual, similar to the General Plan Amendment, includes many good sustainability features. Of particular note is the idea of considering the vistas from amenity areas and of signature buildings.

At the same time, the design guidelines suffer from the lack of enforceability. Many important priorities are included merely as recommendations. These guidelines should be strengthened.

The Guidelines say that Signature Buildings should be LEED Gold or better, but that other buildings need only meet the new County requirement for LEED certified. Silver or better should be required for all new buildings Downtown.

The design manual should also, to the extent possible, incorporate elements of the Sustainability Framework to ensure that the innovative strategies discussed for promoting sustainability will actually be implemented.

Public Works



HOWARD COUNTY DEPARTMENT OF PUBLIC WORKS

3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-4400

www.howardcountymd.gov/PublicWorks
James M. Irvin, Director

jirvin@howardcountymd.gov
FAX 410-313-3408
TDD 410-313-2323

SUBJECT: Review Comments, General Plan Amendment

TO: Bill Mackey

FROM: Mark De Luca

DATE: 10/21/08

DPW's comments in response to General Growth Properties' proposed General Plan Amendment focus on the traffic study submitted, road design and storm water management.

Traffic Study

- 1 Internal capture rates and transit rates projected in the study need to be broken down by phase with the developer being held accountable for achieving that goal before moving on to next the phase. If these rates are not achieved, they need to add those trip reductions back into the next traffic study.
- 2 The diverted trip assumption is very high and should be carefully monitored. The consultant must explain the rationale for these numbers. Also, they reassigned trips to intersections and segments outside the cordon line of their study. We suggest that in order to take these trip reductions they must study the impact on the diverted trip intersections, discuss impacts and possible mitigations. If the actual trip diversions are not as great as anticipated, the difference in trips should be added back into the cordon area for the next traffic impact study.
- 3 The consultant discusses the need for additional lanes on LPP and BLP. They should show how these lanes will affect the interchanges at both locations.
- 4 Generally, consultant should identify which new roads are intended to be county maintained after dedication.

Design Guidelines:

1. All county maintained roads should have center crowns not single cross slopes.
2. On closed plates, we suggest creating center crown with curb cuts in curb/gutters to allow drainage on both sides of road.

Stormwater Management

1. Any stormwater management and/or water quality best management practices (BMPs) **required** for new development or redevelopment by GGP will go through the normal DPZ review and approval process and will be designed and approved per County regulations including execution of a SWM maintenance agreement. Future maintenance will be addressed through the County's existing SWM inspection program.

Proposed **voluntary** environmental enhancements (i.e. green roofs, rain gardens, bioswales in roadway medians, etc) must include agreements to ensure that these facilities will be maintained properly. There needs to be a mechanism to insure that these BMPs are sustainable through an inspection and maintenance program.

2. Many proposed BMPs noted in the GGP supplemental documentation are referred to as being "Public" including many BMPs on Board of Education (BOE) and Howard Community College (HCC) property, and in some cases Columbia Association (CA) open space. There are also some initiatives labeled as "Public/Private". Firstly, BOE, HCC, and CA lands are not the responsibility of the general County government, and, therefore, it should not be assumed that these projects will be funded through the County's capital budget. Secondly, it is not clear why some projects are considered joint projects, and what the expectations are for County involvement and funding.
3. The report suggests that there is no stormwater management for the Columbia Mall, which is not completely true. There are some areas of the Mall, which do have stormwater controls, primarily through an underground storage facility under the parking lot and there are some smaller areas receiving water quality pre-treatment through hydrodynamic devices, e.g. Stormceptors.
4. Thought should be given to the sequencing of the multitude of stream and upland environmental improvements, e.g. phasing projects from upstream to downstream and/or addressing upland issues prior to repairing the streams.

Inspections, Licenses and Permits



HOWARD COUNTY DEPARTMENT OF INSPECTIONS, LICENSES AND PERMITS

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2433

Robert J. Frances, P.E., Director
bfrances@howardcountymd.gov

FAX 410-313-3298
TDD 410-313-2323

Subject: GGP General Plan Amendment Staff Report Comments

To: Marsha McLaughlin, Director
Department of Planning and Zoning

From: Robert J. Frances, P.E., Director
Department of Inspections, Licenses & Permits

Date: November 12, 2008

After having reviewed the General Plan Amendment submittal package from General Growth Properties, and meeting with representatives from your Department and other Department heads I have the following comments.

1. We in DILP see the GGP submittal as a very “high level”, visionary proposal. As such we see nothing at this time that would be in conflict with or be unable to be addressed by the building code. Also, given the promulgation, and review & update process for building codes, both now and as I foresee it in the future, I would anticipate DILP to be able to coordinate with DPZ as the GGP plan unfolds. As specific zoning changes and other “ground level” proposals come out as a result of this master plan, DILP will continue to monitor, comment, and coordinate with members of the DPZ staff.
2. The GGP plan discusses enhanced signage provisions. The current Howard County Sign Code is in need of updating. There are also broad differences between the current Howard County Sign Code and the Howard Research and Development (HRD) requirements. This would be an ideal opportunity to update the County’s sign code to make it more consistent with other requirements, not just in New Town but County-wide.
3. The GGP plan also addresses LEED and Sustainable Design. As additional U.S. Green Building Institute standards for various types of construction and design become available, new methods, materials, and technological innovations will come online. The International Code Council and other organizations are already reviewing and passing changes to their documents that not only allow for, but encourage sustainable technologies. As specifics are developed and we move forward, it will be important to make sure the plan allows for the incorporation of these methods, materials, and technologies.

Recreation and Parks



HOWARD COUNTY DEPARTMENT OF RECREATION & PARKS

7120 Oakland Mills Road ■ Columbia, Maryland 21046 ■ 410-313-4640

Gary J. Arthur, Director
garthur@howardcountymd.gov

FAX 410-313-1699
TDD 410-313-2323

SUBJECT: Downtown Columbia General Plan Amendment

TO: Marsha McLaughlin, Director
Department of Planning and Zoning

FROM: John Byrd, Chief, Bureau of Parks & Program Services
Department of Recreation and Parks

DATE: October 21, 2008

General Growth's proposal is impressive in its inclusion of many concepts of park design. It is quite an ambitious plan, especially on relatively small sites, and special attention must be given to the expertise needed for proper maintenance and management. It will take a fairly intense maintenance program to sustain the design, and the idea of a special fee to be assessed on new downtown development would help.

The Department of Recreation and Parks will be responsible for the maintenance of at least one public square as well as the existing County-owned pathways. A strong partnership among DRP, the Columbia Association, General Growth and other private property owners will be essential to ensure that all of downtown's outdoor spaces are programmed and maintained at a high quality.

Any loss of mature trees should be very carefully considered. Concentrating uses on hardscaped areas is good. It lends itself to a variety of outdoor cultural programs throughout downtown and helps protect the quality of natural areas.

DRP is very supportive of the plan's emphasis on enhancing bicycle and pedestrian circulation systems. Continued coordination of Oakland Mills revitalization and Blandair would be beneficial as this proceeds.

Police

KEN ULMAN
County Executive



WILLIAM J. MCMAHON
Chief of Police

HOWARD COUNTY DEPARTMENT OF POLICE

3410 Court House Drive, Ellicott City, Maryland 21043

Subject: Downtown Columbia – GGP Submittal Package
Police response

To: Marsha S. McLaughlin, Director
Department of Planning and Zoning

From: William J. McMahon, Chief
Police Department

Date: October 30, 2008

Police Manpower:

Population growth and increased retail and office development in Downtown Columbia would create a greater need for police resources to handle the increased calls for service and workload. With this in mind, the County needs to ensure that growth in the police department is proportionate to the growth anticipated in Downtown Columbia.

Traffic Management:

As decisions are made on final design of the roadways surrounding Downtown Columbia, there should special attention put into the proper engineering of roadways to ensure both pedestrian and vehicular safety are considered. Also, since the current populace is not used to having a large pedestrian base crossing the roadways in this area, a comprehensive public awareness campaign should be done to make certain that people are aware of the new traffic patterns and foot traffic.

Safety Measures:

The proposal would bring the benefit of additional “eyes on the street” throughout Downtown Columbia. When building the Downtown Columbia area, there should be adequate lighting throughout the retail and residential area. Consideration should be given into integrating camera systems into the infrastructure as it’s developed. With adequate lighting and camera monitors throughout the area, the overall safety for the public and security of businesses will be enhanced.

GGP should continue to make sure that their security force maintains a strong collaboration with the police department. The agencies need to partner with each other to handle calls such as disorderliness, thefts, and trespassing and take proactive measures together to prevent them.

Fire and Rescue



HOWARD COUNTY DEPARTMENT OF FIRE AND RESCUE SERVICES

6751 Columbia Gateway Drive, Suite 400, Columbia, Maryland 21046
410-313-6000 • www.hcdfrs.org

Joseph A. Herr, *Fire Chief*

Ken Ulman, *County Executive*

Subject: Downtown Columbia General Plan Amendment

To: Marsha S. McLaughlin, Director
Department of Planning and Zoning

From: Joseph A. Herr, Fire Chief
Department of Fire and Rescue

Date: October 22, 2008

Access to structures is important to consider. The Department of Fire and Rescue Services will carefully review all downtown development plans for appropriate access to all sides of buildings.

Providing paramedic services is another important consideration. Additional personnel and additional vehicles may be needed to accommodate population growth within this area of the County.

Fire Station 7 (Banneker Station) is currently not capable of housing any additional personnel and/or equipment due to space constraints. A need exists to renovate or relocate this station in the very near future.

Citizen Services



HOWARD COUNTY DEPARTMENT OF CITIZEN SERVICES

6751 Columbia Gateway Drive ■ Columbia, Maryland 21046 ■ 410-313-6400

Susan Rosenbaum, Director
srosenbaum@howardcountymd.gov

FAX 410-313-6424
TTY 410-313-6401

TO: William Mackey
Department of Planning and Zoning

FROM: Susan Rosenbaum, Director
Department of Citizen Services

RE: Comments, Downtown Columbia Plan

The Department of Citizen Services does not have specific recommendations regarding the plan at this time, although the Commission on Aging and the Commission on Disabilities Issues may have some specific comments that they will share in the future.

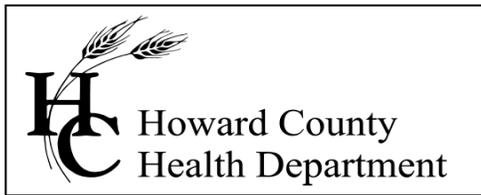
However, the Department wants to ensure that the downtown area is accessible, pedestrian friendly and has a variety of housing choices and is pleased that the plan addresses these issues.

We strongly support including mixed use housing for downtown Columbia, especially including 20% of the housing to be affordable to those making less than 120% of the Howard County median and 10% to be for those in the 80-120% range. It will be critical that day care services, access to public transportation and shopping be close to this group of residents.

We like the connectivity of the design of the lakefront area, Symphony Overlook and Merriweather Post to other amenities and neighborhoods and making the whole downtown area more pedestrian friendly. The Department is pleased that the report recommends that the Access Committee of the County's Commission on Disabilities Issues be consulted in the development of the pedestrian connections throughout Town Center and we welcome the opportunity for this ongoing involvement.

Cc: Marsha McLaughlin

Health Department



Bureau of Environmental Health
7178 Columbia Gateway Drive, Columbia MD 21046
(410) 313-2640 Fax (410) 313-2648
TDD (410) 313-2323 Toll Free 1-866-313-6300
website: www.hchealth.org

Peter L. Beilenson, M.D., M.P.H., Health Officer

MEMORANDUM

TO: Marsha McLaughlin, Director
Department of Planning and Zoning

FROM: Dr. Peter Beilenson, MD, MPH
Howard County Health Officer

DATE: October 3, 2008

The Howard County Health Department supports the downtown redevelopment plan.

The plan has many "green" elements, including a healthy emphasis on increased opportunities for walking and biking by citizens and visitors alike.

We have no health concerns about the redevelopment. It is a great step forward for Howard County and Columbia.

State Highway Administration

Email Correspondence from George Miller
With Correspondence from Vaughn Lewis

Vaughn Lewis, Regional Planner
State Highway Administration
Mail-Stop C-502
707 N. Calvert Street
Baltimore MD 21202

- While there are no State roads in downtown Columbia, the enhanced local circulation patterns that are conceptualized in the plan are important such that trips between various LU components can be accomplished entirely on the local system
- We fully support the "complete streets" aspect of the plan - the pedestrian and bicycle elements, as well as the consideration for transit noted in the amendment
- As elements of the plan move forward that do impact State roadways (US 29), we will certainly work closely with the County / development team(s) to ensure all applicable laws and processes are adhered to and that these improvements are developed in a way that enhances safety and operational efficiency on the State system. From what I could see there are only two such references in the plan (none in the ZRA application itself) - a new interchange on US 29 and the collector road linking the downtown grid to the Brokenland Parkway / US 29 interchange. These references are very conceptual in nature and well qualified - (e.g. "..... dependant on subsequent, detailed engineering studies"; and "..... the planning, design and funding of this interchange would be coordinated among the private sector, Howard County and the State"). There is nothing in terms of these concepts that in my view presents a red flag. For sure there will be challenges to overcome as they are developed - be they environmental, safety, operational, etc. - but those challenges will become clearer in a planning study.

George Miller, Transportation Engineering Manager
State Highway Administration
Engineering District 7
5111 Buckeystown Pike
Frederick, Maryland 21704

Attached is an outline on the SHA access control process provided by the Engineering Access Permit Division (EAPD). According to EAPD, the value of a break in access controls is based upon appraisals that review the before and after value situation to determine the difference. If the SHA determines a break would be considered, the developer must make an advanced payment to cover the cost of the appraisals (two are required). The fee can be applied to the final transaction if pursued.

GUIDELINES FOR REQUESTS TO BREAK THE RIGHT OF WAY LINE OF THROUGH HIGHWAY OR DENIAL OF ACCESS CONTROLS ALONG MARYLAND HIGHWAYS

GENERAL

The SHA maintains controls of access along many roadways throughout the state. The SHA right of way plats indicate these controls of access by the notations such as "Right of Way Line of Through Highway" or other similar reference to denial of access. A request for a change in the status of existing SHA controls of access is a step that is not taken lightly since these controls assist SHA in maintaining a safe and efficient highway system. The request essentially would require a break in the SHA access controls which are considered a property right.

The SHA considers requests from a variety of sources and perspectives. First, it is important to understand that the State acquired the right to control access in order to limit the number of entrances onto a roadway and thereby improve traffic safety and operations. Second, the acquisition of this right was generally made with public funds. The decision to give up these rights must therefore account for the impact on traffic safety and operations as well as ensure that the State receives the fair market value of these rights in exchange for their release. To ensure that each of these concerns is adequately addressed, the SHA has a process to review requests.

PROCESS:

The SHA considers requests for a break in access controls using the following steps. Each location and situation is considered on its own merits:

- 1) **Conducting a technical review and evaluation.** This step addresses such issues as: safety and operational concerns; accident data; roadway capacity; level of service; stopping and intersection sight distances; plans for future roadway improvements; and other design criteria. The cost of alternate access, reasons why alternate access may not be possible, and the legality of any denial of alternate access are also considered. This technical review and evaluation, in which several SHA offices participate, takes approximately 45 days. The property owner is notified of the results and of any conditions that must occur before a break in access could be allowed.
- 2) **Obtaining the Administrator's concurrence of the break in access controls.** If the property owner agrees with the terms and conditions of the break in access controls, this step involves obtaining the Administrator's concurrence of the concept. The concept of the access break location and relevant details (from the technical evaluation) are presented to the Administrator for concurrence that the access break is acceptable and subject to the Board of Public Works (BPW) approval and payment by the property owner.
- 3) **Placing a value on the break in access controls.** This step is pursued only if the results of the previous step support the request for an access break. Value is based on an appraisal of the property and other relevant factors. Performance of the appraisal, for which the property owner must pay in advance, takes approximately 75 to 90 days.
- 4) **Obtaining the approval of the Board of Public Works (BPW).** This step is pursued only if the property owners and SHA agree on the value of the break in access controls. It takes approximately 60 to 90 days. Of course, there is no guarantee that the BPW will approve the request.
- 5) **Finalizing the transaction.** This step is pursued only if the BPW approves of the State's release of the specified rights to control access. The terms of all paperwork, and the amount of compensation paid by the property owners, must comply with the terms approved by the BPW. Payment of this compensation must be made before the State will release its rights to control access.

**APPENDIX B:
GENERALIZED TRAFFIC STUDY**



Howard County

Internal Memorandum

SUBJECT: Additional Traffic Review Comments to the General Plan Amendment

TO: Bill Mackey

FROM: Mark De Luca

DATE: November 7, 2008

In November of 2007, the Department of Public Works released a traffic study of the Columbia Town Center entitled Columbia Town Center Short and Long-Term Traffic Assessment. The study was prepared by our consultant, Sabra Wang and Associates, Inc.

Because of their familiarity and expertise with current and future traffic conditions in Town Center, we retained their services to provide a second independent technical review and comment on the GGP traffic study. Attached are their comments for your review and inclusion in the staff report.



MEMORANDUM

From: Paul Silberman, P.E., PTOE, Sabra, Wang & Associates, Inc.

To: Mr. Mark A. DeLuca, P.E., Deputy Director, Howard County Department of Public Works

Subject: **Columbia Town Center Traffic Impact Study Review
Published September 18, 2008**

Date: November 6, 2008

The purpose of this memorandum is to provide comments on the subject report including existing conditions, traffic forecasts, and proposed mitigation. The comments herein focus on the technical content and accuracy of the report, including adherence to ITE methodology and recommended guidelines, validity of assumptions, and quality and consistency of data.

The site is proposed as a mix of uses including 4.3 million SF net new office space, 0.99 million SF net new retail space, 5,500 new dwelling units, and 640 new hotel rooms. In comparison to the County-commissioned December 2007 *Columbia Town Center Short and Long-Term Traffic Assessment* by Sabra Wang & Associates, Inc., the Wells + Associates, Inc. new study program evaluates an identical number of new dwelling units, 800,000 SF less net new office space, 90 additional new hotel rooms, and 240,000 additional SF of net new retail.

The new land uses will be developed in five separate districts within the Town Center area: The Lakefront, Warfield, Symphony Overlook, Merriweather and the Crescent.

- *Does the study area include all likely affected intersection?*

The study evaluated sixteen intersections primarily along the arterial roadways of Little Patuxent Parkway, Broken Land Parkway and Governor Warfield Parkway.

All but two intersections are controlled by traffic signals.

Notable differences between the County's study area and the Wells study are the exclusion of the Little Patuxent Parkway at Harper's Farm Road, Cedar Lane at Little Patuxent Parkway, and Cedar Lane at Hickory Ridge Road intersections, as well as the MD 175/ US 29 interchange ramps and Broken Land Parkway/ US 29 interchange ramps. However, the Wells study does include the intersection of Hickory Ridge Road at Martin Drive.

- *Is the existing roadway network accurately documented?*

All of the intersections are accurately documented including traffic control and lane configuration, with the following error:

Little Patuxent Parkway at Governor Warfield Parkway – SB should be a single through lane and a double left-turn lane.

In addition, existing transit routes are documented including Howard Transit and Corridor Transportation Corporation local bus service, Maryland Transit Administration commuter bus service.

- *Is the traffic count data valid?*

Peak hour traffic data was collected in June, 2008, on mid-week days during the AM, PM and on Saturday (6:00 AM – 9:00 AM, 4:00 PM-7:00 PM and 10:00 AM to 2:00 PM, respectively) peak periods at all study intersections. Although public schools were in session, Howard Community College may not have been in session. **The consultant should verify this.**

Traffic count discrepancies greater than 10% between the 2007 County-commissioned study and the 2008 Wells study were noted at the following critical intersections (AM inbound and PM outbound movements underlined):

- 1) Broken Land Parkway at Little Patuxent Parkway – AM EB Thru 48% low, AM EB Right 15% low, AM SB Thru 30% low, AM NB left 39% low, AM WB Thru 48% low, AM WB left 37% low, PM EB Right 33% low, PM NB Left 19% low, PM NB Right 62% high
- 2) Little Patuxent Parkway at Governor Warfield Parkway (North) – AM SB right 18% low, PM SB Right 16% high, PM SB Thru 17% high, PM WB Left 23% high
- 3) Little Patuxent Parkway at Columbia Road – AM EB Left 29% high, PM SB Right 38% high
- 4) Little Patuxent Parkway at Governor Warfield Parkway (South) – AM EB left 23% low, AM WB Thru, 36% low, AM SB Right, 23% low, PM EB Thru 26% low, PM WB Thru 17% low, PM SB Right 39% low
- 5) Broken Land Parkway at Hickory Ridge Road – AM SB Thru 20% low, AM NB Left 14% low, PM NB Thru 25% high, PM EB left 92% high, PM SB thru 20% low

The report also documents peak hour pedestrian volumes at all study intersections, which are minimal save for Saturdays during major events.

Overall, the 2008 study documented a net 2.26% annual growth rate in existing traffic volumes, while the 2007 County-commissioned study documented an annual growth rate of 1.67% per year.

- *Is growth in existing traffic volumes accounted for, and if so, is the growth rate reasonable? Are calculations accurate?*

A 10% global growth in existing traffic volumes is applied to all movements at all intersections. Since a build-out year is not specified, this translates to a 1% annual growth rate over 10 years or 0.5% annual growth rate over 20 years. However, the subject study similarly notes to the 2007 study that based on the defined study area and development program, no other developments would be permitted to occur within the Town Center.

- *Are other future developments accounted for and documented? Are the trip generation and distributions for background developments documented?*

Four background development projects are noted in the report: 1) Mall expansion (273,000 SF new retail), 2) Plaza residences (155 dwelling units), 3) Howard Community College expansion (1,775 students), and 4) Howard General Hospital expansion (160,000 SF medical office building and 114,000 SF hospital expansion)

All four background developments were included in the 2007 study.

Trip generation rates for background developments were checked and found to be accurately calculated.

- *Is the horizon study year reasonable?*

Due to cited market conditions, a study year or build-out year is not specified but is estimated at between 10 to 20 years.

- *Are the proposed trip generation rates explained and documented? Are the ITE land use categories appropriate? Are any trip discounts applicable (i.e. transit, pedestrian, internal capture and by-pass)?*

ITE trip generation rates for land use codes for retail (820), residential (230), office (710) hotel (310) and restaurant (932) were selected and accurately calculated.

Pass-by trips based on ITE data were accurately calculated and discounted for retail and restaurant uses for all time periods using equations provided by ITE. Internal capture discounts were also applied for all land uses, totaling 4 percent in the AM, 12 percent in the PM, and 19 percent on Saturdays. These rates were reviewed and found to be within appropriate ranges based on ITE guidance for the time of day and mix and intensity of land uses.

In addition, a TDM and transit discount of 15 percent was assumed for new trips that used transit, carpools, flex-hours, and/ or parking controls. It is important to note that this assumption was not made in the 2007 County-commissioned study, however, a growth rate in existing traffic volumes was also not assumed therefore these discrepancies approximately negate each other.

Overall, the total trip reduction discount factors reduce the AM raw trips by 25%, the PM raw trips by 35%, and the Saturday raw trips by 47%. Adding then subtracting the TDM/growth factor adjustments, the subsequent trip reduction applied in the Well’s report would be 15% for the AM compared with 11% in the 2007 study, and 25% in the PM compared with 20%. ***In summary, the trip reduction rates are overall a few percentage points higher than the 2007 study, but within reason based on current ITE guidance and practice.***

The adjusted calculations project the full buildout of Town Center to generate 6,664 AM, 8390 PM and 7,725 Saturday peak hour net new vehicular trips.

- *Does the trip distribution seem reasonable?*

Assumed trip distribution is summarized below in **Table 1**

Table 1 – Summary of Trip Distribution for Columbia Town Center

Land Use	Distribution
Commercial	<ul style="list-style-type: none"> • 50% to and from the north and east via US 29/ MD 175 • 17% to and from SB US 29 via South Entrance Road • 15% to and from the south via Broken Land Parkway/ US 29 <ul style="list-style-type: none"> • 6% to/ from the west via Little Patuxent Parkway • 5% to/ from the west via Hickory Ridge Road • 4% to/ from the west via Twin Rivers Road • 3% from Windstream Drive and Sterrett Place
Residential	<ul style="list-style-type: none"> • 50% to and from the north and east via US 29/ MD 175 • 20% to and from SB US 29 via South Entrance Road • 20% to and from the south via Broken Land Parkway/ US 29 <ul style="list-style-type: none"> • 5% to/ from the west via Little Patuxent Parkway • 2% to/ from the west via Hickory Ridge Road • 1% to/ from the west via Twin Rivers Road • 2% to/ from the Mall

One significant concern is noted with the assumed trip distribution. When adding up all of the traffic oriented to the north via US 29 (including South Entrance Road) and east via MD 175, this accounts for 67% to 70% of all new trips entering the Town Center study area. The 2007 County-commissioned study assumed a distribution of 45% of all new trips from the north and east via US 29 and MD 175 including the South Entrance Road. ***Thus, a discrepancy of 20% of inbound trips are under-assigned to US 29 from the south and Broken Land Parkway to the east based on the previous report.*** It is felt that this discrepancy may result in overestimation of traffic impact on roadways to the north and east of Town Center, and underestimation of traffic impact on roadways to the south and east of Town Center.

The overall trip distribution in the report is cited as based on previously approved studies, existing traffic counts and local knowledge, although it is not specifically mentioned which studies. However, existing traffic counts document at 50% AM inbound distribution from US 29 / MD 175 including South Entrance Road, and a 35% AM inbound distribution from US 29 Broken Land Parkway. In the PM the outbound distribution is 42% toward US 29/ MD 175 and 35% toward US 29/ Broken Land Parkway including South Entrance Road. ***More detailed rationale for the trip distribution should therefore be provided.***

- *Are there any other proposed capacity-enhancing transportation improvements in the study area by others?*

The report notes two planned roadway improvement associated with surrounding developments

- 1) Extension of Hickory Ridge Road from Broken Land Parkway to Little Patuxent Parkway/ South Entrance Road
- 2) US 29 mainline widening from two to three lanes northbound between MD 32 to MD 175 (State and County-funded project)

- *Is the capacity analysis methodology correct? Are the calculations correct?*

Existing, background and total future levels of service were calculated at each of the key intersections in the study area, using only the Critical Lane Volume analysis.

It should be noted that the 2008 Well's study considers the AM, PM and Saturday peak hours, while the 2007 County-commissioned study considers only the AM and PM peak hours. In almost all cases the PM peak hour was the most critical, with the exception of Little Patuxent Parkway at Columbia Road and Little Patuxent Parkway at Broken Land Parkway, where the CLV was 10% and 1% higher on a Saturday, respectively.

In addition, the CLV methodology is the preferred methodology for the County's Adequate Public Facilities Act. The CLV is primarily a planning analysis tool, as it does not consider site-specific traffic characteristics critical to evaluating traffic operations in an urban grid system such signal timing, left-turn treatment, signal control type, pedestrian movements, queuing and metering, gap acceptance and delays. The CLV level of service is correlated with the critical lane volume, while the HCM level of service is correlated with the average vehicle delay. As a result, the HCM and CLV level of service results may differ. In order to make the most consistent possible comparison, volume-to-capacity ratios from the 2007 study HCM analysis and 2008 study CLV analysis were compared and summarized in Table 1. The volume-to-capacity calculated by the CLV analysis is based on the calculated CLV divided by 1,600.

Table 2. Comparison of Existing Intersection Capacity Analysis – AM (PM)

Intersection	2007 Existing HCM V/C Ratio	2008 Existing CLV V/C Ratio
Little Patuxent Pkwy and Broken Land Pkwy	0.69 (1.01)	0.36 (0.73)
Little Patuxent Pkwy and S. Mall Entrance	0.27 (0.39)	0.25 (0.34)
Little Patuxent Pkwy and S. Entrance Rd	0.31 (0.44)	0.33 (0.56)
Little Patuxent Pkwy and E. Mall Entrance	0.34 (0.46)	0.27 (0.49)
Little Patuxent Pkwy and Sterrett Place	0.40 (0.62)	0.39 (0.66)
Gov. Warfield Pkwy and Little Patuxent Pkwy (N. Intx)	0.54 (0.76)	0.55 (0.94)
Gov. Warfield Pkwy and Windstream	0.49 (0.50)	0.37 (0.53)
Gov. Warfield Pkwy and Twin Rivers Rd	0.40 (0.57)	0.36 (0.55)
Little Patuxent Pkwy and Gov. Warfield Pkwy (S. Intx)	0.65 (0.62)	0.49 (0.50)
Broken Land Pkwy and Hickory Ridge Rd	0.59 (0.80)	0.69 (0.79)
Little Patuxent Pkwy and Running Brook Rd	0.60 (0.71)	0.64 (0.78)
Little Patuxent Pkwy and Columbia Rd	0.63 (0.72)	0.66 (0.73)
Broken Land Pkwy and Ramp from SB US 29	0.51 (0.59)	0.48 (0.45)

Under existing conditions, only one intersection was noted as deficient (level of service E – volume-to-capacity ratio > 0.90) – Little Patuxent Parkway at Governor Warfield Parkway (North) in the PM peak hour. This differs from the 2007 County-commissioned study which found Little Patuxent Parkway at Broken Land Parkway the sole deficient intersection.

It should also be noted that the analysis differs significantly (greater than 15%) in calculating capacity at the following intersections:

- Little Patuxent Parkway at Broken Land Parkway PM peak hour (1.01 in 2007 vs. 0.73 in Wells' study) 28% less saturated
- Little Patuxent Parkway at Governor Warfield Parkway (North) PM peak hour (0.76 in 2007 study and 0.94 in Wells' study) 18% more saturated

- Little Patuxent Parkway at Governor Warfield Parkway (South) AM peak hour (0.65 in 2007 study vs. 0.49 in Wells' study) 16% less saturated

These differences are correlated directly to the discrepancies in existing traffic counts previously noted rather than calculation errors.

- *Do the recommended improvements mitigate the impact and achieve desirable level of service?*

Under total future build conditions, a key assumption and calculation is made regarding the likely future diversion of a percentage of non-local traffic. Specifically, a large percentage of 'through trips', i.e. traffic not originating nor destined to land uses within the Town Center, are assumed to be diverted away from a more congested Town Center roadway to a lesser congested nearby roadway facility in the future year analysis. While it may be logical to expect some less sensitive or flexible trip types to divert to other times or other roadway facilities, there are several major concerns with the potential oversimplification of this assumption:

- A standard traffic impact analysis (four-step) model does not have the capability to estimate iterative route reassignments based on link capacity. Only an advanced regional travel demand model, such as the one developed by the Baltimore Metropolitan Council of Governments can and should perform this type of analysis.
- Lack of investigation of alternative routes for residual capacity or functional classification to receive such diversions such as Harper's Choice Road, Columbia Road, MD 108, Cedar Lane and Hickory Ridge Road
- Lack of consideration of existing major uses directly served by the Town Center roadway network that have limited alternative access, such as Howard Community College, Howard General Hospital, residential neighborhoods and retail uses within the Village of Wilde Lake, public schools within the Village of Wilde Lake, recreational facilities within the Village of Wilde Lake and Town Center area.
- Lack of documentation of existing through traffic volumes such as an origin-destination survey

Based on our evaluation of this issue, it would be necessary in further assessing the diversion assumptions to produce a figure illustrating the additions and subtractions at each affected intersection within the study area, and critical intersections outside the study area.

The report proposed the following improvements to accommodate the subject development:

- 1) Roadway improvements
 - i. Creation of a grid network of local streets, including current internal Mall roadways

- ii. Extension of Wincopin Street from East Mall Drive (Corporate Blvd) to Little Patuxent Parkway north of Governor Warfield Parkway
 - iii. New grade separated interchange along US 29 between Broken Land Parkway and MD 175 but not noted as a developer-funded improvement
 - iv. Intersection improvements at
 - a. Broken Land Parkway and Hickory Ridge Road
 - b. Little Patuxent Parkway at Broken Land Parkway
 - c. Little Patuxent Parkway at East Mall Drive
 - d. Little Patuxent Parkway between Governor Warfield Parkway (North) and US 29 (additional 4th through lane) but not noted as a developer-funded improvement
 - e. Broken Land Parkway between Little Patuxent Parkway and US 29 (additional 4th through lane) but not noted as a developer-funded improvement
- 2) Transit Improvements
- i. Increased and intergrated local transit service including a new Town Center Shuttle service with a centralized transit hub and upgraded bus shelters
 - ii. Creation of a Town Center Transportation Management Association
 - iii. Enhanced pedestrian and bicycle networks
 - iv. Extension of regional rapid transit connections (but not noted as a developer-funded improvement)
- 3) Transportation Demand Management Initiatives through lease agreements
- i. Discounted transit passes
 - ii. Carpool incentives and priority parking
 - iii. Car sharing

In light of the above-noted forecasting and network improvement assumptions, it is difficult to effectively compare the two sets of traffic forecasts, and the two sets of proposed roadway networks.

The report departs from the County APFA Ordinance by suggesting the threshold for intersection level of service D (CLV 1,450) be raised to a level of service E (CLV 1,600) based on the provision of greater travel choices in, out and around the future Town Center area. This recommendation is consistent with the County-commissioned 2007 study.

The proposed improvements in the Wells' study are consistent with the 2007 County-commissioned study with the following exceptions:

- Did not propose signalization of either N. or S. Wincopin Cricle at Little Patuxent Parkway

- Proposed different alignment of Wincopin Street extension to tie into Little Patuxent Parkway and create new intersection on north end, and not to connect to East Mall Entrance Extension on south end
- Did not suggest improvements to Little Patuxent Parkway at Running Brook Road
- Did not mention improvements to MD 175/ US 29 interchange, however this was not within the subject study limits
- Proposed different alignments for Hickory Ridge Road extension, Symphony Woods extension, and Little Patuxent Parkway extensions which would require a direct connection to the Broken Land Parkway/ US 29 ramps
- Did not proposed 2nd exclusive EB left-turn lane at Hickory Ridge and Broken Land

Although there are notable differences in the traffic forecasts and proposed transportation network improvements between the two studies, a comparison is shown below in Table 3 of the total future build ‘improved’ volume-to-capacity ratio at each study intersection for the critical PM peak hour.

Table 3. Comparison of Future Build Intersection Capacity Analysis with Network Improvements – PM Peak Hour

Intersection	Future Build Improved HCM V/C Ratio	Future Build Improved CLV V/C Ratio
Little Patuxent Pkwy and Broken Land Pkwy	1.21	0.99
Little Patuxent Pkwy and S. Mall Entrance	0.86	0.72
Little Patuxent Pkwy and S. Entrance Rd	1.06	0.51
Little Patuxent Pkwy and E. Mall Entrance	0.94	0.94
Little Patuxent Pkwy and Sterrett Place	1.02	1.00
Gov. Warfield Pkwy and Little Patuxent Pkwy (N. Intx)	1.06	1.00
Gov. Warfield Pkwy and Windstream	0.83	0.95
Gov. Warfield Pkwy and Twin Rivers Rd	0.86	0.83
Little Patuxent Pkwy and Gov. Warfield Pkwy (S. Intx)	0.81	0.78
Broken Land Pkwy and Hickory Ridge Rd	1.11	0.99
Little Patuxent Pkwy and Running Brook Rd	1.13	1.17
Little Patuxent Pkwy and Columbia Rd	1.05	1.12
Corporate Blvd and SB US 29 Ramp (S. Ent. Road and Hickory Ridge Ext)	1.04	0.94

Under total future build conditions *with* proposed network improvements, only two intersections are noted as deficient (level of service F – volume-to-capacity ratio > 1.10) – Little Patuxent Parkway at Running Brook Road and Little Patuxent Parkway at Columbia Road. This differs from the 2007 County-commissioned study which found one additional intersection significantly over-saturated - Little Patuxent Parkway at Broken Land Parkway the sole deficient intersection.

It should also be noted that the analysis differs significantly (greater than 15%) in calculating capacity at Little Patuxent Parkway and Broken Land Parkway, and Little Patuxent Parkway at South Entrance Road. These differences are correlated directly to the discrepancies in the traffic forecast and traffic assignment assumptions as well as proposed network improvements such as the location of the US 29 new interchange, and the alignment of Little Patuxent Parkway extension rather than calculation errors.

APPENDIX C:
ADEQUATE PUBLIC FACILITIES AMENDMENT

Columbia Town Center General Plan Amendment

Appendix C: Adequate Public Facilities

Summary of Proposed Adequate Public Facilities Amendment

General Growth Properties' (GGP) submission package includes a supplement that proposes to amend the Howard County Adequate Public Facilities (APF) Regulations in several very important ways. Most of the proposed amendments pertain to the APF requirements for testing road capacity, but a few pertain to the definitions and processing provisions.

The five most significant aspects of the proposed revisions are summarized here since they pertain to fundamental issues that should be addressed in either the General Plan Amendment or the Zoning Regulation Amendment. Specific language for revising the APF regulations would be developed when drafting APF regulation amendments.

First, GGP proposes to subject all Downtown intersections to the APF regulations by eliminating the existing exception for five intersections that are currently exempt as "constrained intersections." These include: Little Patuxent Parkway/ Broken Land Parkway; Little Patuxent Parkway/Governor Warfield Parkway (at both the north and south ends); Governor Warfield Parkway/Twin Rivers, and Broken Land/Hickory Ridge). The constrained road designation currently exempts these intersections from being required to meet the County road intersection level of service (LOS) standard. This exemption was authorized in recognition that requiring Downtown intersection capacity improvements to achieve the LOS standard typically requires adding turn lanes in order to allow more cars to move more quickly through the intersection. This is contrary to the 2000 General Plan policy of encouraging Downtown Columbia to become a less auto-oriented, more pedestrian and bicycle friendly place. GGP proposes to eliminate this exemption in favor of imposing an alternate standard for Downtown Columbia that is intended to further the goal of promoting multi-modal access and a better balance between convenience for the automobile vs. safe and efficient access for pedestrians, bicyclists and transit users.

Second, the current APF intersection LOS standard is based on a critical lane volume (CLV) limit of 1450 peak hour trips. The proposed new LOS standard is 1600 CLV with an additional requirement that the traffic study for Downtown developments also include a "pedestrian impact statement". This would include: a description of existing and proposed pedestrian and bicycle facilities; pedestrian and bicycle intersection counts; and assessment of the impact of any proposed road improvements on pedestrian and bicycle safety and convenience. GGP's amendment does not specify whether pedestrian, bicycle or transit improvements could be counted towards APF intersection mitigation. However, increasing the current APF threshold of 1450 CLV to 1600 CLV does not provide information on how a higher volume, more urban intersection actually functions. In order to more clearly understand the impact of higher traffic volumes on intersection capacity, a queuing analysis may be desirable. A queuing analysis would identify how many cycles of the traffic signal are necessary to clear the intersection of waiting cars. It would assess what drivers care about "How long will I have to wait during peak traffic hours?" A queuing analysis would also identify improvements to would reduce delays.

Third, GGP's proposed APF amendments retain the central premise of the APF regulations, which requires analysis and if necessary, mitigating improvements to the intersections closest to the proposed development. Intersections are the choke points in traffic flow and will fail long before the connecting road links. The APF regulations do not require evaluation or mitigation of grade separated interchanges since they serve regional traffic. However, a significant component of Downtown traffic is the very high volume of vehicles that pass through the Downtown from surrounding West Columbia Villages to access

US 29. Thus for revitalization of Downtown Columbia, the capacity of the US 29 interchanges and the through roads leading to them (Little Patuxent Parkway and Broken Land Parkway) are of critical concern. Anticipating the timing of interchange improvements is particularly critical due to the high cost and long lead times for these major improvements.

Fourth, GGP's Downtown Traffic study is generally consistent with the traffic study Howard County commissioned in 2007, but there are some optimistic assumptions that (see Howard County consultant Sabra Wang's comments on GGP's 2008 Downtown Traffic Study). Of greatest concern are:

- Assumes a 15% trip reduction due to modal alternatives to the auto. While it is doubtful that a 15% reduction can be achieved in the short term, it seems reasonable to phase in trip reduction over six phases with monitoring at the end of each phase to confirm trip reduction strategies are working.
- Assumes a 50% trip diversion to alternate roads outside Downtown which seems high and provides no information about the impact of diversion on other roads (Cedar Lane, Twin Rivers, Harpers Farm Road, Columbia Road, Hickory Ridge Road, MD 108).

Monitoring over time to confirm or adjust these assumptions is needed.

Fifth, the APF regulations require traffic studies to be submitted with the initial development plans. Under the NT (New Town) zoning regulations, this traditionally would be the Comprehensive Sketch Plan or a Site Development Plan (SDP) depending on the nature of the development proposal. Under GGP's proposed NT amendments for Downtown revitalization, the Final Development Plan is proposed to be the initial submission and to be much more specific than is currently required for the Comprehensive Sketch Plan. As such it should be the submission that triggers the APF traffic study and testing. However, the FDP is expected to cover an entire neighborhood that will be developed over a number of years. Since conditions may change over time, the FDP traffic study is to be updated with the Site Development Plan for each individual development to monitor neighborhood traffic assumptions and the need to adjust the phasing of road or multi-modal improvements.

Additionally, there are a number of other provisions that GGP is proposing that are important considerations to be addressed after adoption of the General Plan and zoning amendments, when drafting implementing APF legislation. These include funding the cost of APF transportation improvements, as well as ensuring that housing allocations are available to support the phased residential development program adopted via the GPA and ZRA.

Recommendations

1. After the County Council establishes a clearly defined development program through the Downtown General Plan amendment and the implementing zoning regulation amendment, DPZ will prepare legislation to strengthen and expand the scope of the Adequate Public Facilities Regulations for Downtown Columbia. Additional research will be required to determine the best means of addressing the unique issues presented by Downtown.
2. The County should have the 2007 Sabra Wang Downtown Traffic Study updated at the end of each phase, or every 5 years if sooner, to assist in monitoring: the APF traffic study assumptions; the impact of Downtown development on the surrounding road network and multi-modal access; and the phasing of needed improvements, including interchange improvements.

APPENDIX D: DESIGN GUIDELINES

Columbia Town Center General Plan Amendment

Appendix D: Design Guidelines

Summary

The Design Guidelines are presented as a supplemental document to the General Plan Amendment. They put forward both physical and visual characteristics recommended for new development within Downtown and propose design criteria and methods envisioned as important to developing a vibrant, walkable and sustainable mixed-use urban center.

Guidelines are organized around the four areas of urban design, street design, amenity space and architecture. Five neighborhoods are proposed for further organizing the elements of each into Downtown's overall design. They include Warfield, The Lakefront, The Crescent, Merriweather and Symphony Overlook.

New connections between each neighborhood are described in the Neighborhood Framework and support the development of a more walkable, pedestrian-oriented environment. A new east/west connection proposed for Warfield to The Lakefront should continue to be evaluated for alignment and accessibility. Changing grades as well as the use of the connection when the mall is closed can be addressed through creative design. In total, five new connections between neighborhoods are proposed and will provide opportunities for including sustainable design features such as rainwater gardens.

Preliminary Review

This is a preliminary review. Design Guidelines cannot be finalized until the extent of the development program is known based on the adopted General Plan amendment and Zoning regulations Amendment.

General Recommendations

Merriweather Post Pavilion is described as a signature feature of the Merriweather neighborhood that can be designed for enhanced community use. As MPP evolves into a more prominent attraction, important design considerations for buildings should include strategies for minimizing noise impacts through material choice and construction methods that dampen sound and provide better environmental balances among different uses in Downtown.

Provisions for streetscape design include placement, scale and appearance considerations for furnishings such as lighting, benches and planters. Streetscape can enhance the pedestrian experience and distinguish primary activity areas through higher levels of design. In some locations, streetscape patterns have already been defined and include sculptural details that reflect Columbia's meaning. The distinctive blue fixtures in The Lakefront can be reviewed to begin assembling an architectural vocabulary of materials for use in new development. As with the Lakefront, other neighborhoods will develop distinctive street appearances as they evolve.

Street Guidelines are structured around a framework that introduces an expanded street typology to include parkways, boulevards, avenues and alleys. Emphasis is placed on designing each for both people and cars. The design of curbs and curb ramps is particularly important in supporting the pedestrian orientation of different street types. Conditions that promote innovative approaches to design such as "curbless" features can provide flexible design options for bringing parity between pedestrian and vehicular modes of travel.

Additional provisions are made for crosswalks and a sidewalk system that would develop based on the proposed grid pattern of streets. Standards detailing the typical use of sidewalks between the building face and curb edge for primary pedestrian areas with ground level retail will further define how the streetscape is organized and provides variations among neighborhoods. Clear walking zones of a minimum six feet to eight feet width are important in promoting a walking environment. Outdoor dining spaces should also be considered for locating along the building face and not along the curb edge to avoid interrupting walkways. .

Amenity Space Guidelines are proposed with variations among each in type, size and design throughout Downtown. They are considered key distinguishing elements among neighborhoods and include parks, greens, mews and plazas, as well as paths and promenades, and preserved natural areas. Each neighborhood would be required to provide a “primary amenity space” of at least 25,000 square feet.

Architecture Guidelines provide general principles for consideration in the design of buildings. Provisions include orientation, massing and articulation, exterior walls, roofs, doors and windows, storefronts, and signage. Rather than prescribe any one style, they are meant to invoke forward-looking design that promotes a diversity of architectural expression.

Although design consideration should be given to all sides of buildings, primary and secondary elevations, and the treatment of their facades, should be identified to differentiate the orientation of buildings, especially as they relate to streets. Flexibility in the treatment of exterior walls and roofs can allow each the ability to respond and contribute to the unique character of each neighborhood. Materials consistent with the construction of certain types of buildings should not limit design options. The challenge presented in these guidelines is how to effectively unify the architectural design of buildings throughout Downtown while allowing each of its neighborhoods the ability to develop distinguishing characteristics that promote individual identity and meaning people will embrace and celebrate.

Recommendations by Section

The following summarizes key issues and identifies topics needing clarification. After such time as the General Plan and zoning amendments are approved, formal adoption of design guidelines should be one of the first implementation measures. A more detailed review should be completed after the development program is established.

Applicability of the Guidelines

General Growth Properties (GGP) proposes to incorporate the design criteria into each Final Development Plan (FDP) for the Planning Board’s approval. This is consistent with how design requirements are currently established for the New Town Zoning District. GGP also proposes to continue providing design oversight through a private Architectural Review Committee established under existing architectural covenants. DPZ suggests the legislative adoption of design requirements through a Downtown Design Manual that provides overall guidance. FDP criteria for each neighborhood could provide for refinements that further the goals of creating distinctive identity expressed in the GPA. An advisory review for compliance by the County’s Design Advisory Panel (DAP) is recommended.

Urban Design

1. The Neighborhood Framework Diagram does not include Columbia Mall, Lake Kittamaqundi or the existing residential development adjacent to Warfield. Addressing each of these areas will better articulate the urban character envisioned for all of Downtown.
2. Neighborhood character is not clearly distinguished. Bulk requirements such as building heights and block configuration are generally unvaried; many of the same standards are presented for each neighborhood and are not included in the ZRA.
3. The cultural park proposed for the area north of the Merriweather Post Pavilion would allow for vehicle circulation within Symphony Woods and would include removal of parkland and the placement of several buildings. Among further design considerations are the scale of development, alternative locations for activities and requirements for the replacement of natural areas.
4. Preservation and enhancement guidelines may be needed to more fully understand the cultural and historic significance of The Lakefront. The “core” area needs to be identified. Amenity enhancements to The Lakefront should reference and build upon previous planning efforts for the area.
5. A Parking Framework Diagram is needed. Further guidance on the appearance of garages and their integration into the surrounding development context should be offered. Parking preferences should be for garages that are lined on the ground floor with retail uses or, at least, designs that provide visual interest to passing pedestrians, especially along important pedestrian-oriented streets.
6. The Sustainability Guidelines should be incorporated into the Design Guidelines to assure compliance with the Sustainability Program or Guidelines.

Street Design

1. Consideration should be given to reorganizing the Street Design Section around transportation guidelines rather than streets and include facilities for pedestrians, bikes, transit and cars. Typical sections should reflect each mode of transportation.
2. Frameworks for bike and transit should be prepared in support of the GPA vision for a multi-modal environment. The existing transit right-of-way throughout Downtown and the surrounding villages should be identified and evaluated in support of transit goals.
3. Appropriate locations for a transit hub that provides convenient access from each of the Downtown neighborhoods should be identified
4. The Primary Pedestrian Street Diagram generally reflects a perimeter circulation pattern without direct and open internal connectivity north of Little Patuxent Parkway. Further evaluation should strengthen complete and unimpeded east/west and north/south connections that do not rely solely on access through the Mall.

Amenity Space

1. The US 29 pedestrian/bike overpass should be evaluated for enhanced design that includes transit and creates a primary east/west multi-mode travel spine
2. With the many varied amenity spaces proposed, additional consideration of preserving view sheds and ensuring adequate light to these and natural areas is needed.

Architecture

1. Recommendations for the compatibility of new development with existing are not strong enough to ensure adequate regard for existing forms of development. Requirements should be made for new development at a scale and height respectful of or compatible with that of adjacent development.
2. Applying the same guidelines for building design throughout Downtown may be contrary to the primary goal of developing five unique neighborhoods of distinctive character. Guidelines further defining variations among neighborhoods should be included in the FDP.
3. Rather than prescriptive requirements, design should be able to respond to contextual details in each neighborhood, thereby developing an appropriate and unique character.
4. Guidelines should be developed for signature buildings and include higher levels of design. Sites for these buildings should also be identified. Typical illustrations and plans identifying these elements should also be included.
5. Provisions for exceeding the County's standards related to both green site and building design should be included. Best practices found in the Sustainability Framework should be also included.
6. Provisions for storefronts should balance the importance of creating unifying architectural building design with the importance of allowing the façades at ground level retail to develop unique characteristics to more fully express individual identities.

APPENDIX E:
SUSTAINABILITY FRAMEWORK

Columbia Town Center General Plan Amendment

Appendix E: Sustainability Framework Supplemental Document

Summary

The Framework document, prepared by Biohabitats, Inc., shows a clear understanding of the best of current thinking about sustainability and makes strong connections to the themes and visions in the County’s document, *Downtown Columbia: A Community Vision*. The Sustainability Framework establishes the goals, outline and format for a future Columbia Town Center Sustainability Program, that will have two components: a land framework and a community framework. The land framework is comprised of six elements: livability, water, transportation, energy, ecology and materials. The community framework will be defined in the future Sustainability Program with community input. The General Plan Amendment (GPA) confirms that during Phase I of the Phasing Plan, the Sustainability Program will be initiated within two months of approval of the Amendment and the document will be completed prior to the submittal of the first Site Development Plan proposing new development in downtown. The GPA phasing plan shows that, in Phases II and III: “All FDPs and development programs will be compliant with the CTC Sustainability Guidelines.” The Sustainability Guidelines are not mentioned in the Framework document.

Future establishment of a Columbia Town Center Sustainability Association (CTCSA) is also envisioned in the Framework. The Framework recommends the CTCSA help guide implementation of the community program, but does not identify the entity, presumably GGP, that will implement the land program. According to the GPA, the CSCTA, an extensive community stakeholder effort, will be established during Phase I within 12 months of the approval of the GPA. GGP will provide initial operating funding until sufficient developer contributions are available to operate the Association.

Recommendations

1. The Applicant should provide an understanding of the CTCSA’s potential role in administration, research, outreach and education, etc. for the land and community components of the Sustainability Program; and clarify who will be responsible for implementing Program goals and components.
2. The Applicant should clarify the relationship between the Sustainability Program (mentioned in the Sustainability Framework) and the Sustainability Guidelines (mentioned in the GPA) and identify a mechanism to ensure compliance with the Sustainability Program and / or Sustainability Guidelines. The Sustainability Guidelines should be incorporated into the *Columbia Town Center Design Guidelines*.
3. The Applicant should include Phase I in the GPA Phasing Plan commitment (which currently is shown only for Phases II and III): “All FDPs and development programs will be compliant with the CTC Sustainability Guidelines.”

Document Description and Analysis

The Sustainability Framework provides guidance for “integrating social, economic and ecological sustainability measures into the design, construction, operations and programming of Columbia Town Center.” It envisions Columbia Town Center as an exemplary resource-sensitive community, characterized by “green buildings, compact urban design, mixed-use housing and transit opportunities.”

The Framework establishes the goals, outline and format for a future Columbia Town Center Sustainability Program. The document envisions an adaptable, flexible program that can evolve as the community grows and as responsibilities and ownership are assumed by developer, builders and community. This future Program will include an implementation plan and an institutional framework and plan. The Framework document does not make it clear who will prepare the Program or when, nor

does it specifically say if the process will include community participation. The General Plan Amendment (GPA) confirms that during Phase I, the Program will be initiated within two months of approval of the Amendment and the document will be completed prior to the submittal of the first Site Development Plan proposing new development in downtown.

Future establishment of a Columbia Town Center Sustainability Association (CTCSA) is also envisioned in the Framework, yet the document provides no description of who might form this group or when. The framework recommends the CTCSA help guide implementation of the community program, but does not identify the entity that will implement the land program. According to the GPA, the Columbia Town Center Sustainability Association, an extensive community stakeholder effort, will be established during Phase I within 12 months of the approval of the GPA. Subsequent submittals should provide some understanding of the Association's potential role in administration, research, outreach and education, and implementation of goals and programs.

The GPA phasing plan shows that, in Phases II and III: "All FDPs and development programs will be compliant with the CTC Sustainability Guidelines." This compliance requirement should be included in Phase I as well. The GPA and Sustainability Framework should clarify if the Sustainability Guidelines refer to the Sustainability Program or to another document. The *Columbia Town Center Design Guidelines, Supplemental Document, General Plan Amendment*, in Section 5 Amenity Spaces, briefly describes a general sustainability strategy and provides several diagrams showing how rainwater planters, porous paving and bioswales can be incorporated into urban streetscape design. The comprehensive Sustainability Program extends far beyond this minor, limited treatment in the *Design Guidelines*. A mechanism is needed to ensure compliance with the Sustainability Program or Guidelines. Ideally, Sustainability Guidelines would be fully incorporated into the *Columbia Town Center Design Guidelines* and the Howard County Design Advisory Panel would be charged with review of development proposals for compliance with the Sustainability Guidelines as part of the County's development review process.

The Framework document shows a clear understanding of the best of current thinking about sustainability, applying appropriate characteristics: compact, connected, resilient, healthy, vibrant, diverse, adaptive, evolving, efficient and effective. It makes strong connections to the themes and visions in the County's document, *Downtown Columbia: A Community Vision*. Then it takes those themes and visions and recasts them in a manner that makes valid and exciting links to sustainability principles. The Sustainability Framework also addresses many of the policies established in the *Policy Guide on Planning for Sustainability* adopted by the American Planning Association. Many of the terms used in the Framework document may not be familiar to the general public (Green Streets, Green Area Factor, etc.), so it may be helpful to add a glossary to subsequent editions of this document and to the future Sustainability Program document.

The Sustainability Framework is organized into two major sections: a Land Framework, which focuses on the physical and built elements of sustainability, and a Community Framework, which addresses the social elements. Each section includes multiple elements with associated goals and numerous components that will contribute to achieving the goals.

Land Framework

The Land Framework discusses six elements: livability, water, transportation, energy, ecology and materials. In general, there is much to admire in the description of each component. The list below focuses on the areas where components add new material that exceeds expectations outlined in

Downtown Columbia: A Community Vision offering a few minor questions and comments that arise from review of the document.

1. **Livability**: Accessibility and safety are recognized as major contributors to livability. Access to convenient travel options promotes health and frees time for other activities. The healthy food component notes the importance of local food and individual and community gardens, yet these features are not incorporated in the GPA. Conversely, the GPA describes potential farmers' markets in downtown, an idea not mentioned in the Framework. The future Program offers the opportunity to provide greater specificity about this important sustainability component.
2. **Water**: In discussing the importance of potable water, the Framework addresses the need for conserving water, using nonpotable rather than potable water for certain functions and harvesting rainwater. The Framework further makes the connection between water resource decisions and energy consumption and wastewater treatment.
3. **Transportation**: The Framework recognizes the themes of providing transit service, reducing the emphasis on the car and facilitating connections. It also makes the important link between such practices and decreasing greenhouse gas emissions and improving air quality.
4. **Energy**: Passive and active strategies for conserving energy are described. A goal of striving to purchase green source or clean natural source energy is stated, but no mention is made of producing such energy on site. The GPA, however, does mention energy production techniques that may be incorporated into new building design.
5. **Ecology**: A provocative image is portrayed of downtown transitioning from an urban ecology to a restored habitat. Restoration ideas are portrayed for Lake Kittamaquidi. Wetland creation is already proposed as part of the Columbia Association's Lake dredging proposal. The suggested stormwater retrofits, however are not addressed in the BMP supplemental document. Further consideration of how such restoration might be accomplished is needed.
6. **Materials**: The ideas express in this component are inspiring. Although the Program is expected to further define how such concepts might be accomplished, it is important that these approaches be incorporated into the *Columbia Town Center Design Guidelines*.

Community Framework

The components of the Community Framework are adapted from the work of the Center for Whole Communities. Further description of the components and how they might be implemented is left to the future Program and input from the community itself, presumably through the mechanism of the Columbia Town Center Sustainability Association.

APPENDIX F:
ENVIRONMENTAL ENHANCEMENT STUDY

Columbia Town Center General Plan Amendment

Appendix F: Merriweather & Crescent Environmental Enhancements Supplemental Document

Summary

The study, prepared by Biohabitats, Inc., provides helpful information and guidance for the Applicant's property, and for lands owned by the Columbia Association (CA) and others in the southernmost 150 acres of Columbia Downtown. The General Plan Amendment (GPA), in the Phase I of its Phasing Plan, commits to "Fund and or complete restoration work identified in the Merriweather & Crescent Environmental Enhancement Study submitted with this Amendment. The work should be initiated within 12 months after approval of: 1) this Amendment; 2) issuance of the first building permit for redevelopment in Town Center; 3) the Columbia Association or other property owners on whose land the work will be done and 4) issuance of any permits required for this work." According to the study, GGP will conduct ecological restoration and enhancements to create or improve 4,880 linear feet of stream, 6.7 acres of wetlands and 90 acres of forest. The proposal shows extensive reforestation of almost all undeveloped land, leaving very little area for other landscape treatments such as lawns, meadows, gardens, ornamental plantings, etc. instead. Furthermore, the reforestation is proposed to be accomplished using high-density plantings of small seedlings.

The forests in the study area are recognized as a significant natural resource for Town Center, worthy of protection and enhancement. The GPA proposes development of the central area of Symphony Woods along Little Patuxent Parkway which, although rated "very poor" as a forest, offers the important visual and ecological benefits of mature trees and a park-like setting. The study does not identify how many acres of forest will be disturbed. The majority of the trees on the site are healthy and of a significant size. The plan, however, proposes clearing 588 trees, of which almost half (48%) are 18" and larger, about 87% are currently in good or fair condition and more than half (53 %) are two feet in diameter or greater. The development plan will result in disturbance to about 945 linear feet of perennial stream, primarily at road crossings. As noted in the GPA Phasing Plan, since some of the proposed environmental impacts are on CA's Symphony Woods property. GGP's disturbance, restoration and enhancement of forests, trees and Symphony Stream will need to be coordinated with CA.

Recommendations for the General Plan Amendment

1. The Applicant should: itemize the number of acres of restoration and enhancement, by type, that will be accomplished on GGP-owned land and that will be conducted by GGP on lands owned by others; explain the projected timing of forest, stream and wetland restoration and enhancement; and provide for alternative approaches if the Applicant is not able to conduct restoration and enhancement on property owned by others.
2. The Applicant should reduce the forest and tree impact of the proposed development. In particular, the plan should minimize removal of "very good" to "good" forests in the northwest quadrant of the site; minimize removal of healthy, mature trees in Symphony Woods along Little Patuxent Parkway; and minimize clearing of forests rated "good" when creating wetlands.
3. The Applicant should reduce the acreage proposed for reforestation, so that land is available for lawns, ornamental planting and other landscape treatments. The proposal should also include reforestation with larger plant materials, particularly in areas that are expected to be visible from roadways or that are adjacent to proposed development.

Document Description and Analysis

The applicant and its consultant Biohabitats, Inc. are commended for conducting the environmental enhancements study. The document describes the Natural Resource Assessment (NRA) for 150 acres of land designated as Merriweather, The Crescent and Little Patuxent Corridor. This area of Columbia Town Center contains the last remaining undeveloped areas; other lands within the downtown area are either substantially developed or designated as open space. The supplemental document, in its scope and research methodology, exceeds the County's expectations for such a planning study. The study provides helpful information and guidance for the Applicant's property and for lands owned by the Columbia Association (CA) and others. It shows a commitment to the land and its resources, considering the environmental impact of development, minimizing that impact, remediating environmental damage and enhancing the land so that a healthy sustainable landscape is created.

The protection and enhancement of the Little Patuxent River and its tributaries is inspired by Jim Rouse's original vision for stream valley protection. The Environmental Enhancements document describes the environmental degradation that threatens the ecological health of Columbia. The NRA characterizes and ranks forest, stream, and wetland and floodplain resources, evaluates the potential impact of the proposed development plan on the resources and then makes recommendations for: forest restoration, enhancement and reforestation; stream restoration; and wetland enhancement and creation. It also notes that specific forest management plans will be proposed in an integrated vegetation management plan to be prepared later. According to the document, GGP will conduct ecological restoration and enhancements to create or improve 4,880 linear feet of stream, 6.7 acres of wetlands and 90 acres of forest.

Although the Executive Summary states that the document addresses improvement plans for the Little Patuxent River and Symphony Stream corridors, recommendations focus on the Symphony Stream corridor and include stream, wetland and forest restoration. Restoration along the Little Patuxent is only addressed in the discussion of forests.

The study does not discuss land ownership in the study area (GGP, CA, SHA, Howard County, etc.). Only Figure 1 / Figure 7 shows property ownership boundaries. The General Plan Amendment, in Phase I of its Phasing Plan, commits to "Fund and or complete restoration work identified in the Merriweather & Crescent Environmental Enhancement Study submitted with this Amendment. The work should be initiated within 12 months after approval of: 1) this Amendment; 2) issuance of the first building permit for redevelopment in Town Center; 3) the Columbia Association or other property owners on whose land the work will be done and 4) issuance of any permits required for this work." A significant amount of restoration can be accomplished on GGP-owned land without the approval of other property owners, thus item 3) may be a separate issue that relates primarily to scheduling of stream restoration.

Forests and Trees

The forests in the study area are recognized as a significant natural resource for Town Center, worthy of protection and enhancement. The majority of the trees in the forest are healthy and of a significant size. The report provides considerable information about the adverse ecological effect of non-native invasive plants on forest conditions in the NRA area and notes the economic costs associated with remediation. The text refers to "noxious weeds" and appears to be using the term interchangeably with non-native, invasive plants. In Maryland, noxious weeds are defined as plants that pose a serious threat to agriculture (certain thistles, canes and johnsongrass), and control of these weeds is required by the state. The use of this term should be deleted in subsequent editions of this document and the term non-native, invasive plants should be substituted.

Biohabitats, Inc. assessed 106 acres of forest in the 150 acre NRA area. The classification identifies four primary communities, yet never explicitly uses these terms in its descriptions of the 22 forest community subcategories. Six of the subcategories are missing from Figure 3 and Appendix A, which depict and describe the forests. Ten parameters were used to score forest conditions. The score sheets for each forest should be provided with subsequent submittals.

Figure 3 maps each of the identified forest communities and depicts their forest stand quality score. For the purpose of this staff report, we will designate the scores as Very Good, Good, Medium, Poor and Very Poor, rather than by numerical range (see Table A, below). The document should provide no calculation of the amount of very good to very poor forest being cleared

An expansive tree survey was conducted to document the species, size and health of trees 18” DBH and greater. The largest portion of the detailed individual tree survey (789 trees) included the Merriweather area, which includes Symphony Woods Park and the Merriweather Post Pavilion properties. Additional areas in the Crescent were also included in the individual tree survey.

Table 2 shows the number of trees of significant size in the study area. The associated text refers to the percentage of the dominant trees. There may be an error in the table as the text indicates 12% of the trees surveyed are American beech, yet the table shows only 2 beech trees and 95 (or 12%) bigtooth aspen. The applicant may wish to add a column to the table calculating all percentages for ease of data confirmation. Table 3 reports that an impressive 86% of the trees surveyed were found to be in good or fair condition.

The assessment describes the effect of the proposed development plan on individual trees. The plan will result in clearing almost half (48%) of the trees 18” and larger within the NRA area. About 87% of those trees are currently in good or fair condition and more than half (53 %) are two feet in diameter or greater.

The assessment does not discuss the impact of the plan on the forest communities; therefore this staff report provides Table A, below, in an attempt to understand this impact. The document notes that integrated vegetation management plans should be developed and implemented. The Executive Summary states that GGP will restore or enhance 90 acres of forest This statement is based on Figure 1 / Figure 7 which identifies about 56 acres of restoration opportunity areas and 34 acres of potential reforestation and afforestation areas. The proposed reforestation includes virtually all land not covered by buildings, roads or existing forests. It is unlikely that all this land will be suitable for reforestation. Further, it may be appropriate to reserve some of the land proposed for reforestation for lawns, meadow areas, gardens, ornamental plantings, etc. If, as noted in Table 5, reforestation planting is proposed at a ratio of 400 plants per acre (which implies seedling plantings), such a treatment may not be appropriate adjacent to heavily used areas. Reforestation with larger stock is recommended, particularly in areas that are visible from roadways or that are adjacent to proposed development. Planting of larger stock should provide aesthetic and environmental benefits. The calculations provided also imply that thousands of seedlings can provide a benefit to exceed the removal of 588 large, mature trees, most of which are healthy. The ecological function of a new forest of seedlings is not comparable to the forests being removed.

The Howard County Forest Conservation Manual is used as a reference for evaluating the benefits proposed by the Environmental Enhancements document. Since Columbia is not subject to the Forest Conservation Act, such references are inappropriate.

Table A, below, cross-references the Forest Type Characterization described in Appendix A with habitat location, score, potential impact from the proposed development. It also includes review comments highlighting questions and issues of concern. Of particular concern is proposed clearing of habitat areas #1, 2 and 4. Habitat #1 is rated “very poor” as a forest; however this score may undervalue the important visual and ecological benefits of the mature trees and park-like setting. This woodland has historical significance for the Columbia community. Any proposal for this area should minimize the impact to the healthy, mature trees. The extensive clearing proposed for “good” habitat #2 and “very good” habitat #4 is unfortunate. Strategies for minimizing disturbance to these areas should be considered. As noted in the GPA Phasing Plan, since some of the proposed clearing and forest restoration is on CA’s Symphony Woods property, GGP’s disturbance, restoration and enhancement of these areas will need to be coordinated with CA.

Table A, Forest Summary

Habitat #	Location & Description	Score	Action	Proposed Enhancements and Comments
1	Symphony Woods, central area, mature park vegetation, limited understory	Very Poor	Majority cleared for buildings, roads and driveways	CA open space. Contains many large, healthy trees which should be saved where possible
2	West of Symphony Woods, mature upland forest, regenerating	Good	Majority cleared for road and development	GGP property.
3	Symphony Stream and tributaries west and south of MWPP, riparian forest	Good	Retained , stream crossings proposed	Forest restoration and some wetland enhancement proposed on CA & GGP properties
4	LPP / BLP Intersection, mature upland forest	Very Good	All cleared for development	Unfortunate that best forest is proposed for clearing, minimizing disturbance should be considered
5	BLP, riparian forest, wetland, headwater of Symphony Stream	Very Poor		Forest replaced by wetland creation
6	Edges of clearings in Crescent, early succession upland forest	Poor	Majority cleared for road and development	
7	Upland near BLP / HRR Intersection, mature upland forest	Good	Portion retained , portion cleared for road and development	Forest restoration and wetland enhancement and creation proposed
8	Tributary stream near BLP / HRR Intersection, riparian forest, wetland	Poor	Retained	Forest restoration and wetland enhancement proposed
9	Along BLP and interchange ramp, early succession upland forest	Poor	Majority cleared for development	
10	Along new ramp / access road through Crescent, riparian forest	Good	Majority cleared for interchange and road	Road essential, could minor realignment save more of good #10 and disturb more of poor #6?
11-14	No information			
15	LPAX, north of SER, riparian forest, floodplain	Very Good	Retained	Forest restoration and reforestation proposed on SHA ROW and NT open space owned by GGP

Habitat #	Location & Description	Score	Action	Proposed Enhancements and Comments
16	North of Town Center Apts, mature forest, ravine and upland, regenerating	Poor	Portion retained , portion cleared	Retained portion slated for restoration, cleared portion designed as new amenity area
17	LPAX, south of SER, riparian forest, floodplain	Very Poor	Retained , minor disturbance for ramp	Minor disturbance essential, forest restoration proposed
18	Stream south of Toby's Dinner Theater, riparian forest, early succession forest	Medium	Retained , minimal disturbance for road	Forest restoration proposed
19	Edges of stream east of MWPP, riparian forest, floodplain	Good	Retained	Forest restoration proposed on CA-owned Symphony Woods
20	No information			
21	No information			
22	Symphony Woods, east side adjacent to SER, mature upland forest, regenerating	Very Good	Retained	Forest restoration and reforestation proposed on CA-owned Symphony Woods

BLP: Broken Land Parkway
HRR: Hickory Ridge Road
LPP: Little Patuxent Parkway

LPAX: Little Patuxent River
MWPP: Merriweather Post Pavilion
SER: South Entrance Road

Streams

A stream habitat assessment methodology was used for this assessment, a different methodology from the stream corridor assessment used in the Best Management Practices (BMP) for Symphony Stream and Lake Kittamaquindi Watersheds supplemental document. The habitat assessment method is acceptable for the evaluation of this less developed area, whereas the stream corridor assessment is more appropriate for identifying problem areas in a developed subwatershed. Ten stream reaches or segments were identified and classified as Optimal (one reach with a stable bedrock channel), Sub-optimal (5 reaches), Marginal (2 reaches) and Poor (2 reaches). The assessment used 3 reference reaches to identify the “best attainable” score. The location of the three reference reaches should be identified in the document. The assessment forms for each stream reach were not included in an appendix.

The development plan will result in disturbance to about 945 linear feet of perennial stream, primarily at road crossings. The document mentions that additional impacts to streams from increased imperviousness can be found in the BMP supplemental document. The BMP document, however, does not address this area of the watershed. The BMP report gives an assessment of the impacts to upstream areas from increased storm flows associated with older development, most of which was built prior to current stormwater management requirements. However, new development and redevelopment in Town Center will be required to meet current stormwater management requirements. The Environmental Enhancements document does not address how upstream restoration referenced in the BMP supplemental document will be coordinated with restoration and enhancements in the Merriweather and Crescent areas. The sequence and timing of such actions is important and be accounted for in the sequence and timing of mitigation plans for the NRA area.

The Introduction notes that Symphony Stream and its tributaries total 5,000 linear feet. Section 3.2 and Figure 1 indicate that approximately 4,880 linear feet of stream are identified for restoration. Section 4.2, however, states that stream mitigation of 3,935 linear feet will more than offset the 945 linear feet of impacts. The extent of disturbance and restoration should be clarified.

The assessment does not include the stream reach on the southeast corner of the NRA area, a location that will be significantly impacted by the proposed expansion of the Broken Land Parkway interchange; however, that reach is proposed for restoration on Figure 1 / Figure 7. This reach is a tributary of the Little Patuxent, not Symphony Stream.

The document provides a road crossing design that is sensitive to wildlife needs. The cross-section notes the needs for adequate eight-foot high fencing, designed into street edge vegetation to ensure that wildlife are channeled through the bottomless culverts channels. Bottomless stream culverts should be provided at all stream crossings, not just those designated as wildlife crossings.

Table B, below, attempts to correlate stream location, stream condition scores, potential impacts that may result from the proposed development plan and proposed enhancements. Some of the proposed stream restoration is on CA’s Symphony Woods property. As noted in the GPA Phasing Plan, GGP’s disturbance, restoration and enhancement of these areas will need to be coordinated with CA.

Table B, Stream Summary

Reach #	Location	Condition	Action	Proposed Enhancements and Comments
1	Symphony Stream, south of Tobey’s and Office Building	Marginal	No disturbance	Stream restoration, NT open space owned by GGP
2	Symphony Stream, east of MWPP, in Symphony Woods	Optimal	Road crossing	Wildlife crossing and road disturbance on NT open space owned by GGP; no disturbance on CA-owned Symphony Woods
3	Symphony Stream, southeast of Merriweather Post Pavilion	Sub-optimal	Driveway crossing	Stream restoration and wildlife crossing on CA-owned Symphony Woods
4	Southern tributary of Symphony Stream, from MWPP to ring road	Sub-optimal	Road crossing	Stream restoration on GGP property and CA-owned Symphony Woods
5	Symphony Stream, southwest of MWPP	Sub-optimal	Road crossing	Stream restoration and wildlife crossing on CA-owned Symphony Woods
6	Southern tributary of Symphony Stream, far south of MWPP from ring road to BLP	Sub-optimal	No disturbance	Stream restoration, wetland enhancement and wetland creation proposed on GGP property
7	Symphony Stream, west of MWPP	Sub-optimal	No disturbance	Stream restoration and wetland enhancement on GGP property and CA-owned Symphony Woods
8	Symphony Stream, far west of MWPP to BLP	Poor	No disturbance	Stream restoration, wetland enhancement and wetland creation proposed
9	Northern tributary of Symphony Stream, west of MWPP	Poor	Potential disturbance from adjacent road	Stream restoration and wetland enhancement on CA-owned Symphony Woods
10	Northern tributary of Symphony Stream, northwest of MWPP to LPP	Marginal	No disturbance	Stream restoration on GGP property

BLP: Broken Land Parkway
LPP: Little Patuxent Parkway
MWPP: Merriweather Post Pavilion

Wetlands & Floodplains

Wetlands were identified using mapped information and boundaries were field verified by observing topography and vegetation; however, no formal delineations were conducted. No wetland assessment report was provided, so it is unclear how the wetlands were evaluated. It appears that all were identified as riparian forested wetlands and thus were identified as part of the forest assessment.

About 0.1 acre of wetland will be impacted by the proposed plan. About 2 acres of wetland creation and 5 additional acres of wetland enhancement are recommended in the NRA area. These calculations should be coordinated with [Figure 1](#) / [Figure 7](#) which note 1.7 acres of wetland enhancements and 5.0 acres of existing wetlands. The proposed wetland creation and enhancement substantially exceed mitigation required by federal and state regulations. It appears that wetland creation will occur adjacent to existing wetlands along stream reaches 6 (replacing poor and good forest) and 8 (replacing very poor forest).

The report notes that 40 acres of floodplain exist. They are identified, but the source of floodplain information was not provided except to note that it was an AutoCAD files obtained as part of the project engineering data. [Figure 1](#) / [Figure 7](#) appear to map only the floodplain of Symphony Stream and its tributaries. About 2.74 acres of floodplain will be impacted by the proposed plan, primarily for road crossings and wetland creation, although it appears that some floodplain disturbance is proposed for development in the northwest corner of the site.

APPENDIX G:
BEST MANAGEMENT PRACTICES

Columbia Town Center General Plan Amendment

Appendix G: Best Management Practices for Symphony Stream and Lake Kittamaquondi Watersheds

Summary

The Best Management Practices (BMP) report, prepared by Biohabitats, Inc., provides a watershed assessment that evaluates stormwater retrofit, stream corridor restoration and vegetation management opportunities for the Symphony Stream (SS) and Lake Kittamaquondi (LK) watersheds in Columbia Town Center and portions of the adjacent Wilde Lake and Hickory Ridge villages. As such, the report provides a strategy for watershed enhancement that could affect many of the public and private property owners in the area, including public schools, the community college, Columbia Association open space, residential communities and commercial developments. Three types of BMPs are proposed:

- **Stormwater (SWM) Retrofits.** The majority of development in both watersheds predates current stormwater management requirements. Of the more than 60 potential stormwater retrofit sites assessed, 49 were selected as candidate sites: 30 in the SS watershed (one on GGP property) and 19 in the LK watershed (eight on GGP property). Based on a pollutant loading analysis, these projects will reduce total phosphorus and total suspended solids loadings in both watersheds.
- **Stream Corridor Restoration.** The assessment identified ten restoration opportunities, nine in the SS watershed (six on GGP property); and one in the LK watershed, just below the Wilde Lake dam.
- **Vegetation Management.** The report also recommends integrated vegetation management for four areas, three along the SS corridor (one partly on GGP property) and one along the LK corridor.

The report recommends a multistage implementation strategy that begins in the headwaters areas and then moves downstream. The tables below summarize the recommendations in the report. The cost estimates do not itemize GGP’s funding share for a potential vegetation management plan.

	Number of Sites: All BMPs		
	SS	LK	All
SWM	30	19	49
Stream	9	1	10
Vegetation	3	1	4
Total	42	21	63
Estimated Cost	\$12.3 to \$14.4 million	\$5.5 to \$6.4 million	\$17.8 to \$20.8 million

	Number of Sites: GGP Property BMPs		
	SS	LK	All
SWM	1	8	9
Stream	6	0	6
Vegetation	p/o 1	0	p/o 1
Total	8	8	16
Estimated Cost	\$3.7 million plus	\$3.7 million plus	\$7.4 million plus

Although the report does not include a timeline for completing these restoration activities or address how they will be funded, the General Plan Amendment, in Phase I of its Phasing Plan, commits to: “Work with the Columbia Association, Howard County, private property owners and the State to help facilitate stormwater retrofitting and riparian corridor restoration opportunities for the watersheds of the two streams that flow through Columbia. Provide resource documents including the Best Management Practices for Symphony Stream and Lake Kittamaquondi Watersheds report submitted with this Amendment.” BMP planning and implementation are not mentioned in Phases II or III.

Recommendations for the General Plan Amendment

1. The Applicant should itemize the BMP commitments for GGP property within Columbia Downtown and incorporate such actions in Phases II and III of the GPA Phasing Plan.

Document Description and Analysis

The Best Management Practices (BMP) report, prepared by Biohabitats, Inc., provides a watershed assessment that evaluates stormwater retrofit and stream corridor restoration opportunities for the Symphony Stream (SS) and Lake Kittamaquondi (LK) watersheds in Columbia Town Center and portions of the adjacent Wilde Lake and Hickory Ridge villages. The SS and LK watersheds extend beyond the area that is the subject of the downtown Columbia General Plan Amendment. As such, the report provides a strategy for watershed enhancement that could affect many of the public and private property owners in the area, including public schools, the community college, Columbia Association open space, residential communities and commercial developments. The SS watershed to the east of Broken Land Parkway is addressed in the separate report, "Columbia Town Center Merriweather & Crescent Environmental Enhancements Study," by Biohabitats, Inc.

This assessment uses evaluation techniques and recommends retrofit and restoration techniques that are currently accepted as appropriate for an urban watershed. The report acknowledges previous and ongoing studies of the Little Patuxent River watershed. Biohabitats, Inc. has begun coordination efforts with Versar, Inc., the consultant to the Columbia Association for their ongoing Little Patuxent watershed study.

Existing Conditions

The Symphony Stream watershed is approximately 1.1 square miles in area and contains institutional campuses (Howard Community College, Wilde Lake High School and Middle School), commercial development (including the west side of Columbia Mall), and mixed residential development. The SS watershed is approximately 27% impervious. The Lake Kittamaquondi watershed is approximately 0.4 square miles in area and contains a large portion of Columbia Mall, commercial development and mixed residential development. The LK watershed is approximately 42% impervious. The report incorrectly describes this watershed as being located to the northwest of Town Center, rather than the northeast.

The majority of development in both watersheds predates current stormwater management requirements. Most existing stormwater management facilities provide quantity control with minimal water quality treatment and are privately owned. Streams in both watersheds have been impacted by high storm flows associated with urban development, leading to disconnection from their floodplains and undersized channels with severe bank erosion. Some channels have been straightened. In addition, invasive species dominate the riparian buffers.

Stormwater Retrofits

Field assessments were conducted in spring 2008, covering approximately 2 miles of stream corridor and over 60 potential stormwater retrofit sites. Field efforts in the SS watershed were focused to the west of Symphony Woods and Broken Land Parkway, and to the north of Hickory Ridge Road. Potential retrofit sites were assessed for drainage area, impervious cover, land use, existing stormwater management and drainage patterns, and constraints such as utilities and permitting factors.

Of the more than 60 potential retrofit sites assessed, 49 were selected as candidate sites. There were 30 retrofit opportunities selected in the SS watershed and 19 selected in the LK watershed. Retrofit options include bioretention, bioswales, rain gardens, rain barrels, cisterns, sand filters, permeable pavement, wooded wetlands, regenerative stormwater conveyance and modification of existing stormwater basins. Selected retrofit sites generally had one or more of the following characteristics:

- Located upstream of potential stream restoration projects
- Located at uncontrolled hotspots
- Included drainage area with a large amount of impervious cover

- Contained existing drainage infrastructure or insufficient stormwater management
- Located on publicly-owned or operated land
- Considered potential demonstration project

In the SS watershed, the selected sites are almost evenly divided between public (15) and private (14) ownership, with the one remaining site owned by GGP. (It is assumed that GGP owns this retrofit site, as it is located at Columbia Mall. However, the report indicates this site is privately owned.) In the LK watershed, ten sites are privately owned, eight sites are owned by GGP, and only one site is publicly owned. Unfortunately, field assessment sheets are missing from Appendix C for 24 selected sites in the SS watershed and four selected sites in the LK watershed. In addition, the field sheet for Site SS-R12 in the SS watershed doesn't appear to match the project description given in the text.

The selected retrofit sites were prioritized based on the following factors:

- Water quality improvement (based on removal of total phosphorus and total suspended solids)
- Groundwater recharge
- Storage or water quantity
- Cost (based on planning level design, normalized to cost per impervious acre)
- Visibility
- Feasibility (based on access and public ownership)

There is no explanation of this scoring system, but it appears from the table in Appendix G that all factors were weighted equally, except visibility, which had slightly less weighting.

The study identifies approximately \$9.0 million in retrofit projects for the SS watershed and \$5.1 million in projects for the LK watershed. Based on a pollutant loading analysis, these projects will reduce total phosphorus and total suspended solids loadings in the SS watershed by 13% and 27%, respectively. They will reduce total phosphorus and total suspended solids loadings in the LK watershed by 16% and 32%, respectively. The report gives pollutant loading reductions in pounds per year. Since this analysis uses a mean pollutant loading concentration based on national averages, it is more reasonable to show a relative pollutant reduction rather than give an absolute number.

Stream Corridor Restoration

The stream corridor assessment used the Unified Stream Assessment protocol, developed by the Center for Watershed Protection for the evaluation of small, urban watersheds. This protocol evaluates eight common urban stream impairments, including stormwater pipe outfalls, severe erosion, impacted upland buffers, utilities, trash and debris, stream crossings, channel modifications, and other miscellaneous impacts. Field sheets are included in Appendix D, but there is no summary given on the type and number of impairments found. Impairment assessments are instead summarized for the stream segments identified for restoration opportunities.

The assessment identified ten restoration opportunities, nine in the SS watershed, which address all stream miles assessed, and one in the LK watershed, just below the Wilde Lake dam. Recommended restoration techniques include: bank stabilization, regenerative stormwater conveyance, floodplain reconnection, riparian buffer enhancement and stream channel restoration. In the SS watershed, GGP owns six of the nine stream restoration sites, one site is publicly owned, and the remaining two sites are a combination public/private ownership. The stream restoration site in the LK watershed is publicly owned. The estimated cost for the SS projects is \$2.5 million and for the LK project is \$100,000.

Vegetation Management

This report also recommends integrated vegetation management for four areas, three along the SS corridor and one along the LK stream corridor. Integrated vegetation management includes removing invasive plant species and regenerating native plant species, especially forest and wetland species. The designated areas are a mix of private and public ownership, except for one publicly owned area at the Howard Community College in the SS watershed. Costs for these efforts vary widely, based on the potential management activities. Estimated costs for the SS watershed are \$755,000 to \$2.9 million and for the LK watershed are \$314,000 to \$1.2 million. Table 3-3, which presents estimated costs for vegetation management, gives a total estimated cost of \$49,000; however, this cost seems questionable when the lowest estimated cost for one area is \$77,000.

Implementation Strategy

The report recommends a multistage implementation strategy that focuses retrofit and restoration efforts in specific areas within each watershed, as presented in the following tables. In the SS watershed, these efforts begin in the headwaters areas and then move downstream. The report does not include a timeline for completing these restoration activities nor address how they will be funded. The General Plan Amendment, in Phase I of its Phasing Plan, commits to: “Work with the Columbia Association, Howard County, private property owners and the State to help facilitate stormwater retrofitting and riparian corridor restoration opportunities for the watersheds of the two streams that flow through Columbia. Provide resource documents including the Best Management Practices for Symphony Stream and Lake Kittamaqundi Watersheds report submitted with this Amendment.” BMP planning and implementation are not mentioned in Phases II or III of the General Plan Amendment Phasing Plan. Although it is understandable that GGP does not make any commitments for stormwater retrofits or stream restoration on lands owned by others outside the General Plan Amendment area, it would be appropriate for subsequent submissions to address BMP commitments for GGP property within downtown. If upstream enhancements are not accomplished, will it affect decisions GGP will make about improvements for its property?

In total, the report recommends 42 projects in the SS watershed, with an estimated cost of \$12.3 to \$14.4 million. If the cost for these projects is assigned based on project location/land ownership, then the cost will be divided somewhat evenly between public, private and GPP funds, as shown in the following table. Most of the projects on publicly-owned land are recommended for the earlier implementation stages, with the majority of projects recommended for Stage 1 and 2 being located on publicly owned land.

In the LK watershed, the report recommends 21 projects, with an estimated cost of \$5.5 to \$6.4 million. Again, if the cost for these projects is assigned based on project location/land ownership, then GGP funds will cover almost two-thirds of the cost, private funds will cover almost one-third of the cost, and public funds will cover the remainder, as shown in the following table. As with the SS watershed, the projects on publicly owned land are recommended for earlier implementation, but the majority of projects in the early stages for the LK watershed are on privately-owned land.

The County has a limited capital budget (an average of \$1.2 million per year) for stormwater retrofits and stream channel restoration. The Little Patuxent River watershed is a priority for restoration, but the County has a substantial list of priority projects from previous watershed studies in other subwatersheds of the Little Patuxent and Patapsco River watersheds. The County, CA and GGP are joint applicants for a Chesapeake Bay 2010 Trust Fund Grant to conduct restoration in the Little Patuxent River watershed, and projects from this study are included in the project list for that grant application. If awarded, these grant funds would contribute to this restoration effort.

**Table 1
Symphony Stream**

Order of Work	Action to be Taken	Property Owners	Number of Projects & Cost
Stage 1	<ul style="list-style-type: none"> ▪ Work with Howard County to retrofit the Wilde Lake school campuses and the Wilde Lake Interfaith Center ▪ Pursue the stream restoration project immediately downstream of the Wilde Lake school campuses ▪ Develop and implement integrated vegetation management near the Wilde Lake school campuses 	HCPSS Interfaith Center HCPSS & Private HCPSS & Private	11 projects, \$1.1 million 1 project, \$0.5 million 1 project, \$0.5 million 1 project, \$77,000 to \$287,000
Stage 2	<ul style="list-style-type: none"> ▪ Work with Howard Community College (HCC) to retrofit its campus ▪ Pursue the stream restoration projects on and adjacent to the HCC campus 	HCC HCC GGP	2 projects, \$1.4 million 2 projects, \$0.6 million 2 projects, \$0.8 million
Stage 3	<ul style="list-style-type: none"> ▪ Retrofit the Century Office Bldg to use as a demonstration project for private property owners ▪ Work with Howard County to retrofit the Little Patuxent Parkway (LPP) and Governor Warfield Parkway ▪ Encourage or work with private property owners along and north of the LPP to implement retrofits ▪ Pursue the stream restoration projects downstream of the LPP 	Private Howard County Private GGP	1 project, \$1.0 million 2 projects, \$0.4 million 7 projects, \$1.3 million 3 projects, \$0.6 million
Stage 4	<ul style="list-style-type: none"> ▪ Retrofit the Avalon at Symphony Glen residential complex, the townhomes on College Square and The Bluffs at Hawthorn residential complex ▪ Pursue the stream restoration project adjacent to the Avalon at Symphony Glen residential complex and the townhomes on College Square 	Private GGP	5 projects, \$1.1 million 1 project, \$29,400
Stage 5	<ul style="list-style-type: none"> ▪ Develop and implement integrated vegetation management for the remaining two areas in the watershed 	GGP, CA & HoCo HCC	1 project, \$0.4 to 1.4 million 1 project, \$0.3 to 1.2 million
Stage 6	<ul style="list-style-type: none"> ▪ Pursue additional retrofits in the watershed 	GGP	1 project, \$2.3 million

Symphony Stream Estimated Cost Summary

Property Ownership (by type)	Estimated Project Cost (by ownership type)
Public	\$3.8 to 4.7 million
Private	\$3.8 million
Public/Private	\$0.5 to 0.7 million
GGP	\$3.7 million
GGP/CA/Howard County	\$0.4 to 1.4 million
Total Cost	\$12.3 to 14.4 million

**Table 2
Lake Kittamaquondi**

Order of Work	Action to be Taken	Property Owners	Number of Projects & Cost
Stage 1	Pursue priority retrofit projects in the watershed	Private Howard County	6 projects, \$0.9 million 1 project, \$25,000
Stage 2	Develop and implement integrated vegetation management for the watershed	Private and Howard County	1 project, \$0.3 to 1.2 million
Stage 3	Pursue the stream restoration project	Howard County	1 project, \$100,000
Stage 4	Pursue additional retrofits	GGP Private	8 projects, \$3.7 million 4 projects, \$0.5 million

Lake Kittamaquondi Estimated Cost Summary

Property Ownership (by type)	Estimated Project Cost (by ownership type)
Private	\$1.4 million
Public/Private	\$0.3 to 1.2 million
GGP	\$3.7 million
Total Cost	\$5.5 to \$6.4 million