

Council overrides veto of Route 1 zoning bill

Executive had sought discussion of measure

BY FATIMAH WASEEM
fwaseem@baltsun.com

In a 4-1 vote Monday, the Howard County Council overrode the county executive's veto of a zoning measure that significantly reduces commercial requirements and fees paid-in-lieu in the Corridor Activity Center, one of the county's most heavily changed districts along Route 1.

Council Chairman Calvin Ball had introduced the measure on behalf of Atapco Howard Square I Business Trust, which said commercial space would "sit vacant and unoccupied" under the current rules. The change impacts Howard Square, a mixed used project southeast of Port Capital Drive in Elkridge, and Blue Stream, also in the Route 1 corridor.

"There is a half-completed development," Ball said, adding it was unreasonable to require commercial buildings that could remain vacant. Councilman **Jon Weinstein echoed Ball's concerns, saying failed commercial attempts undermine attempts to revitalize the district.**

A major amendment to the measure, which slashes the amount of commercial space required for developments with more than 800 units by more than half,



Calvin Ball

along with a host of other changes, came under fire for quietly averting vetting from the public, the zoning department and the administration.

County Executive Allan Kittleman, who vetoed the measure on the grounds the public and the zoning department did not have an opportunity to discuss an amendment that significantly changed the bill, said he was disturbed the council did not feel the public should discuss the changes openly and transparently.

Councilman Greg Fox, a Fulton Republican who cast the lone dissenting vote, plans to take the issue to a referendum, citing "grave concerns" about "backroom discussions" that resulted in a set of rules that "mysteriously dropped fees" to substantially benefit the developer.

The Department of Planning and Zoning met with the developer's attorney before the council's vote last month, but did not have adequate time to provide major input to the council, according to the department's director, Valdis Lazdins.

Ball said the county's auditor, the Office of Law and the head of Department of Planning and Zoning did not raise objections to the amendment after review

prior to the council's vote last month.

"This [zoning regulation amendment] was a collaborative effort that incorporated community concerns and corrected a flaw in our zoning regulations," Ball wrote in an email.

Council members upheld their vote, citing the amendment was not substantive enough to significantly alter the intention of the measure. "This ... will allow for a completed community," said Councilwoman Mary Kay Sigaty, who expressed overall concerns about the district. The amendment, she said, was partly in response to issues raised in previous public testimony.

Despite the vote, council members raised impassioned concerns about endemic problems in the Corridor Activity Center district, requiring a reexamination of a district that some said failed to live up to its purpose as a pedestrian-friendly urban center.

Councilwoman Jen Terrasa, who originally voted against the measure, said the district requires a re-hauling that she hopes to begin by filing for additional zoning changes. Terrasa said the county has "already been down the slippery slope" created by changes to the district.

The measure requires developers to pay fees when site plans are approved, a change that is not consistent with timing for other in-lieu fee payments, according to a comparative analysis by the Depart-

ment of Planning and Zoning. The amendment also carves out further fee reductions that critics said narrowly tailor to the needs of the development.

For example, the change allows an \$8-per-square-foot reduction for projects with more than 25 percent of residential units with LEED platinum certification, a move that applies directly to the Howard Square development. Critics said additional fee reductions based on undefined "excess amenity area" and "excess public improvements" could potentially allow developers to buy down the fee entirely.

Planning and zoning's preliminary comparison states: "It is unclear what constitutes a 'public improvement' for purposes of this reduction. The language is ambiguous and consequently difficult to enforce." The changes "could result in remnant parcels on the Route 1 corridor with limited development potential" and certain criteria could allow a developer to "buy down the in-lieu fee entirely... a big departure from the original discussions," according to the comparison.

The change also exempts moderate income housing from commercial development requirements and allows developers to further reduce the amount of commercial space to 20 square feet per unit in exchange for a \$50 fee for each square foot of reduced commercial space.

"We could have worked things out [if] we had the time to do so," Kittleman said.