



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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Voice/Relay

Amy Gowan, Director

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TECHNICAL STAFF REPORT

Planning Board Meeting of July 7, 2022

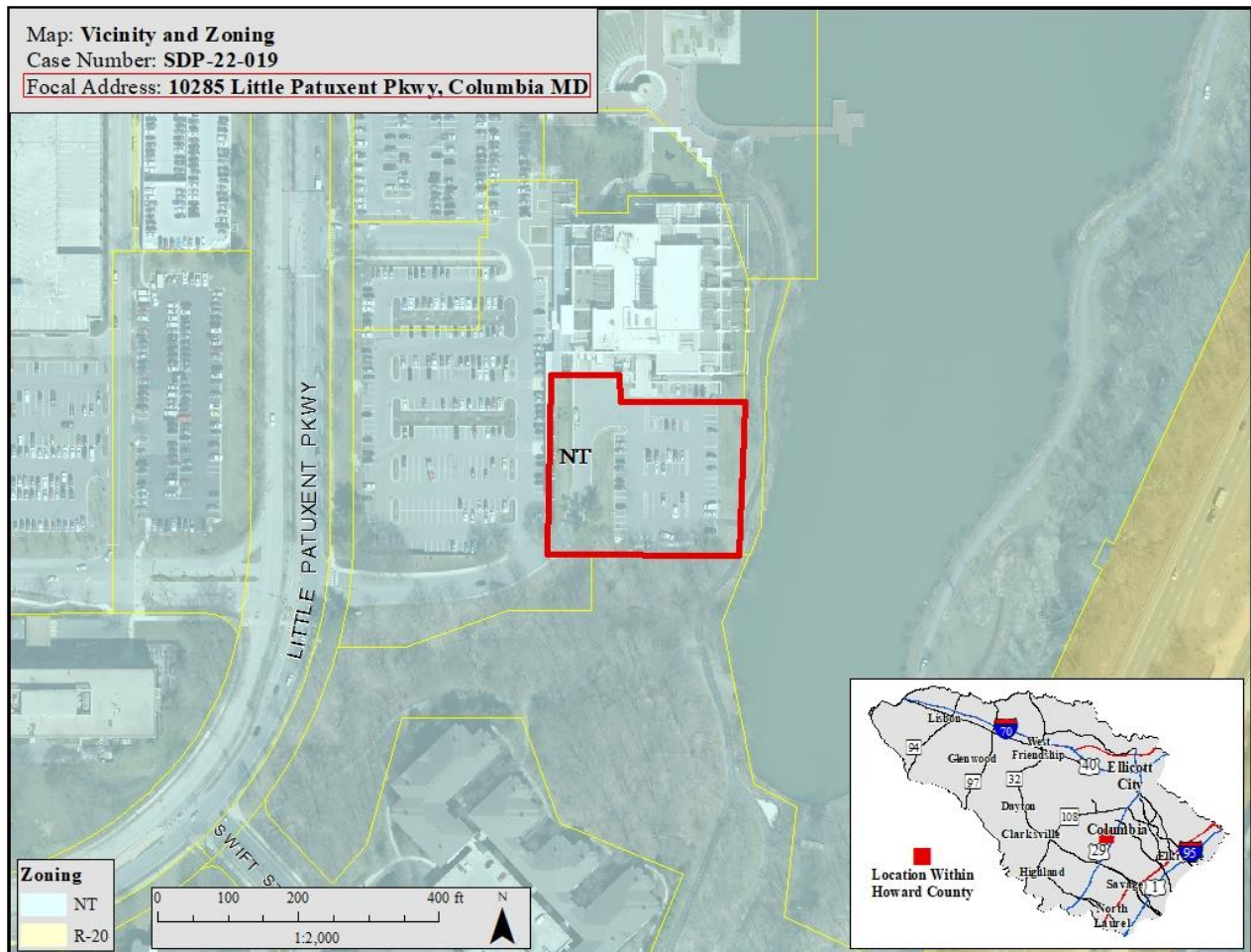
Case No./Petitioner: SDP-22-019, The Howard Hughes Corp. and The Howard Research & Development Corp.

Project Name: Southlake Office Building

DPZ Planner: Donna Despres

Request: A site Development Plan (SDP-22-019). Request to construct a 4 story 85,731 SF Medical Office Building with a 2-level parking garage below. This plan is being processed under the NT-DMUA (Downtown Mixed-Use Area) in accordance with FDP-DC-L-1 and Section 125.0.G of the Zoning Regulations.

Location: The New Town (NT) zoned site is located at 10285 Little Patuxent Parkway in the Lakefront Core Neighborhood of Downtown Columbia. Also identified on Tax Map 36, Grid 2, Parcel 321.



Vicinal Properties: Zoned NT and include:

North: Whole Foods currently occupies the commercial building to the north. The property is zoned NT.

East: East of the property is Columbia Association owned Open Space Lot 25 and Lake Kittamaqundi.

South: South of the project is Columbia Association Open Space Lot 2.

West: To the west of the site is existing surface parking.

Legal Notice: The property was properly posted and verified by DPZ in accordance with the legal requirements.

I. General Information

Site History:

- Plat Book 23 Page 86 recorded in September 1972 as Columbia Town Center Section 1 Lots 17 & 18, a re-subdivision of Lots 15 & 16 adjusted lot lines to create new lots 17 & 18.
- SDP-73-023 The Rouse Building Renovation revised the 1973 SDP in April 2013 to renovate the original Rouse Building, update SWM and change the use from a health club to a day spa. The current Parcel B was part of the site known as Lot 18 on Plat Book 23 Page 86. Parcel B is shown as existing surface parking.
- F-18-062 recorded as Plat 24707 in July 2018 Columbia Town Center Section 1, Lots 24, 26, 27 Open Space Lot 25 and Non-Buildable Bulk Parcel A and B, a re-subdivision of Lots 17 & 18 as shown on Plat Book 23, Page 86.
- FDP-DC-L-1 - Lakefront Core Neighborhood Phase 1, Columbia Town Center Section 1. This FDP was approved at a public hearing with Planning Board Case 435 and recorded in the Land Records as Plat number 24772-24778. A revised FDP will be required prior to SDP signature approval include this site (Parcel B) into the active FDP area.
- F-22-024 A plat to subdivide the subject property from existing Lot 28 (which includes the Rouse Building and the parking area the serves Whole Foods) to create new Lot 29 (shown as Parcel B on FDP-DC-L-1).
- WP-22-018 Alternative Compliance Application – request to permit grading, construct a building and relocate utilities in the 100-year floodplain. Approved with conditions October 29, 2021.
- ECP-22-005 Environmental Concept Plan was approved December 15, 2021.

Existing Site Conditions: The previously developed site is paved and used as surface parking. Over 40% of the site is covered by impervious surface. There are grassed areas between paved drive aisles on the eastern portion of the site. The site slopes from west to east and the eastern portion of the site is within the 100-year floodplain. There are no forest stands or specimen trees on the site.

Regulatory Compliance: Site Development Plans for this site are subject to the following:

- 1) **The Downtown Columbia Plan:** CB 58-2009, which approved an amendment to the Howard County General Plan, and was further amended November 9, 2016, with CB 52-2016.
- 2) **Lakefront Core Neighborhood Specific Guidelines:** Approved with PB 435, and recorded in the Land Records of Howard County as Liber 18398, Folio 338

- 3) The Lakefront Core Implementation Plan: Approved with PB 435, and recorded in the Land Records of Howard County as Liber 18398, Folio 308
- 4) The Lakefront Core Neighborhood Concept Plan: Approved with PB 435 and recorded in the Land Records of Howard County as Plat No 24770-24771.
- 5) The Lakefront Core Final Development Plan, FDP-DC-L-1A: To be recorded prior to signature approval of this SDP. (Note re-recording of FDP-DC-L-1 was approved as part of PB435 by the Planning Board August 20, 2018 for the purpose of including this parcel in a future phase).
- 6) The Zoning Regulations Section 125.0.A.9 and Section 125.0.H for Downtown Revitalization.
- 7) Presubmission Community Meeting: A Pre-Submission Community Meeting was held August 31, 2021, in accordance with Section 125.0.H.1.a. of the Zoning Regulations and Section 16.128(b)-(g), of the Subdivision and Land Development Regulations.
- 8) Design Advisory Panel (DAP) Review: The DAP reviewed the building and site design concepts for the Southlake Office Building on September 22, 2021 and November 10, 2021 in accordance with Section 125.0.H.1.b. of the Zoning Regulations and Title 16, Subtitle 15 of the County Code. Per Section 16.1504(f) of the Howard County Code, the Planning Board may consider the DAP's recommendations when making a final decision for Site Development Plan approval for Downtown Revitalization. See *Attachment A for a summary of recommendations and the applicant's response for the recommendations*

Definitions:

Downtown Columbia Definitions: Please refer to the attached definitions (*Attachment 'C'*) of terms relating to Downtown Columbia revitalization, as excerpted from Section 103.0.A.38-60 of the Zoning Regulations, as needed.

Lakefront Core Neighborhood Design Guidelines: See also Section 7.0 ("Definitions") of The Lakefront Core Neighborhood Design Guidelines.

II. Description of the Site Development Plan Proposal:

Proposed Site Improvements: Parcel B is 1.42 acres. The improvements on-site and off-site encompass a limit of disturbance (LOD) of 2.6 acres. The Site Development Plan proposes an 85,731 SF, 4-story Medical Office Building, vehicular drop off, pedestrian bridge and elevated plaza space, and associated vehicular ramps and access to a lower 2-level parking garage.

Roads and Site Access: The site is accessed by Moore Circle, a private road off Little Patuxent Parkway. Little Patuxent Parkway is a public County road.

Parking: A parking study was prepared under Section 133.0.F.3 of the Zoning Regulations. This site is part of a recorded shared parking agreement based on a parking study that evaluated the parking needs for all the sites included in the agreement. The study indicated that a maximum of 985 parking spaces are required to serve the proposed and existing uses. Following the construction of this SDP, 1,064 spaces will be provided. Sheet 3 of the SDP provides a parking breakdown and demonstrates the site exceeds the number of spaces needed per the parking study.

Building Height: The office building will be 4 stories above a 2-level parking garage with a maximum height of 66'. See criteria E below for more details.

Setback Requirements: The FDP does not provide a setback requirement, rather Lakefront Core Design Guidelines recommend a 15-35' setback from face of curb to buildings unless an amenity area is located

between the building and the street. Since there is no street along the property line of this site within the Lakefront Core Neighborhood Concept Plan, this recommended setback does not apply. However, the proposed building exceeds this recommendation and is setback 68' from the property line, which contains existing surface parking.

Landscaping: The proposed landscaping complies with the Lakefront Core Neighborhood Guidelines. The landscaping plan includes a drive aisle median at the front of the building, which will be densely planted with trees, shrubs and grasses. There are ornamental trees on the lake side trail and the east view of the garage is screened with a living wall of vine plantings (see comments under Criteria C below).

Stormwater Management (SWM)/Environmental Considerations:

The existing surface parking and the site's location in the floodplain presented an opportunity to improve both the lack of onsite SWM and floodplain volume. On previously developed sites, the amount and type of SWM required by MDE is less extensive than if a site is newly developed- only treating for water quality (runoff from 1 inch of rainfall) for 50% of the existing impervious area. Therefore, to obtain approval of alternative compliance (WP-22-018) for disturbance in a floodplain, two conditions of approval were imposed 1) the entire limit of disturbance (100%) must be treated using Environmental Site Design (ESD) practices as a greenfield (undeveloped) condition and 2) the development must provide additional treatment for the existing loading dock area prior to its discharge into the lake.

Accordingly, full SWM will be provided for the entire LOD using a stormceptor, an underground storage chamber and an underground stormfilter. The lowest level of the parking garage will be set 2' above the 100-year floodplain elevation. The area under the lowest level of the parking garage will be open for the 100-year flood backwater resulting in a net increase of storage volume. The requisite SWM far exceeds MDE requirements and the underground storage increases the site's floodwater capacity.

Forest Conservation:

This site is subject to a Development Rights and Responsibilities Agreement (DRRA) and is exempt from forest conservation requirements of section 16.1200 of the Howard County code. The since removed exemption (formally known as section 16.1202 (b)(1)(iv) – a PUD with a PDP approved prior to 12/31/92) was in place at the time the development rights and responsibilities agreement was recorded in February 2017 and applies to this site under the terms of the DRRA.

III. Planning Board Criteria:

In accordance with Section 125.0.H.3. of the Howard County Zoning Regulations, the Planning Board is to evaluate and approve, approve with conditions, or deny a Site Development Plan that proposes Downtown Revitalization, based on whether the petition satisfies the following criteria:

A. The development conforms with the adopted Downtown Columbia Plan.

Conformance is specifically interpreted in Section 125.0.A.2.b of the Zoning Regulations:

“When a provision in this section requires that an action “will conform”, “conform with”, “conforms with” or “conforms to”, the Downtown Columbia Plan or any part of the plan, the action being taken shall further, and not be contrary to, the following items in the Downtown Columbia Plan:

- (1) Policies;*
- (2) Timing and implementation of the plan;*
- (3) Timing of development;*
- (4) Development patterns*
- (5) Land uses; and*
- (6) Densities and intensities.”*

The Downtown Columbia Plan envisioned the Lakefront Core Neighborhood as a modestly scaled mixed-use neighborhood oriented to water and lakefront plaza with accessible open space at the lakefront. The proposal for Southlake Office Building provides an office component and connection via an entry level plaza on the north side and pathway connections to the existing lakefront pathway.

Downtown Phasing-

At this time, building permits have been issued for a total of 241,562 SF of retail, 667,859 SF of office/conference, 0 hotel rooms, and 1,671 residential units in Downtown Columbia. Including the demolition that has also occurred as part of redevelopment within Downtown Columbia, this brings the net new development levels to 203,762 SF of retail, 394,846 SF of office/conference, 0 hotel rooms, and 1,671 residential units. This proposed project would add 85,731 SF of new office in Downtown Columbia, bringing the net new office space to 480,577 SF, which keeps the project within Phase 1 of the Downtown Columbia Phasing Chart, as shown below.

DOWNTOWN REVITALIZATION PHASING PROGRESSION															
Use Type	PHASE I				PHASE II CUMULATIVE				PHASE III COMPLETION				PHASE IV COMPLETION		TOTAL
	Min		Max		Min		Max		Min		Max		Up To	Up To	
	Units	SF	Units	SF	Units	SF	Units	SF	Units	SF	Units	SF	Units	SF	
Retail		300,000		676,446		429,270		1,100,000		558,540		1,250,000		691,460	1,250,000
Office/ Conf*		1,000,000		1,513,991		1,868,956		2,756,375		2,737,912		4,300,000		1,562,058	4,300,000
Hotel Rms**	100		640		200***		540***		300		640		340		640
Residential**	656		2,296		1,442		4,700		2,228		5,500		4,016		6,244

CEPPAs: The Department of Planning and Zoning has also evaluated the SDP for conformance with all applicable Community Enhancements, Program and Public Amenities (CEPPA) Requirements. See the attached CEPPA Conformance Chart (Attachment B). With the inclusion of this proposed office building, there will be a total of 2,782,343 SF of new development in Downtown Columbia. The total net new square footage of Downtown Revitalization is reduced to 2,509,333 once accounting for the demolition of the American Cities Building, the Ridgely Building and the Sterrett Building. This site development plan does not trigger any CEPPA requirements.

B. The development implements and conforms to the approved Final Development Plan or Final Development Plan Amendment including all applicable Final Development Plan approval criteria and conditions.

The Lakefront Core FDP permits residential, retail and office uses in the Lakefront Core Neighborhood and Parcel B is shown as a Downtown Mixed-Use Area (DMUA). The FDP identified residential development for this site; however, the FDP also allows for the relocation of uses to different parcels within the neighborhood provided that there is no net increase of square footage for any use approved within the FDP.

C. The development is well-organized in terms of location of buildings and structures, downtown community commons, landscaping, pedestrian and vehicular circulation systems and other Downtown Revitalization features.

The development proposes one office building next to the existing Whole Foods building and provides a plaza and pedestrian access through the site to the lakefront. The development of this site is integrated into the larger vision of organized development in the Lakefront Core Neighborhood. The west façade is heavily planted with trees, shrubs and grasses which create a separation between the ramp to the parking levels and the existing surface parking on the adjacent lot. Landscaping on the lakefront side (east) provides a living green wall to screen the garage from

the lakefront path open space area. During review of the plans, DPZ and DAP identified two areas for additional design focus, the proposed living screen wall on the east garage facade and screening the existing Whole Foods loading and service area from the new pedestrian plaza connection. Highlighting concerns with the viability of the living screen, DPZ encouraged the applicant to provide additional trees in case the vine plantings do not thrive and included a note (see beneath surety calculation on sheet 34) that additional plantings must be provided should the vines fail to establish. The Planning Board may modify this note as appropriate. The DAP motion for the screening of the service area was to study to possibility of adding a vertical screening element along the terrace that could incorporate art and redirect the focus to the Lake. The design team has been evaluating proposals that would meet this design direction.

D. If the development provides Downtown Community Commons and/or Downtown Parkland, they are reasonable and appropriate given the location, scale and anticipated intensity of adjacent uses in accordance with the Downtown Columbia Plan.

No Downtown Community Commons are proposed with this Site Development Plan

E. The maximum permitted building heights will conform to the Final Development Plan.

Building heights as tall as 9 stories, not to exceed 120' on Parcel B, are permitted per the Final Development Plan. The proposed office building is 4 stories and 2 levels of parking garage for a total of 6 stories and a maximum height of 66'. The building is below the maximum height permitted for this area on the FDP.

F. The development satisfies the Downtown Public Art Program approved with the Final Development Plan or Final Development Plan Amendment approval.

Several locations for public art are identified on sheet 32 of the SDP to satisfy the 1% requirement. The initial details for public art will be submitted with, or prior to the submission of the building permit or a fee-in-lieu request. See attachment D, June 6, 2014 Policy Memo regarding DPZ process to verify provision of 1% art requirement for Downtown Revitalization.

G. The Site Development Plan satisfies the affordable housing requirements in accordance with the Final Development Plan.

No residential units are proposed with this SDP.

H. The development satisfies the Adequate Public Facilities Ordinance, if applicable.

The development was tested for adequate transportation facilities, in accordance with the Adequate Public Facilities Ordinance (Title 16, Subtitle 11 of the Howard County Code). There are no proposed roads to be constructed with this site improvement. The APFO study shows the need for a second left turn lane replacing an existing thru lane at the intersection of Little Patuxent Parkway and Symphony Woods Road. This is an interim condition until the ultimate realignment of Symphony Woods Road is constructed.

I. The development indicates the manner in which any land intended for common or quasi-public use, but not proposed to be in public ownership, will be held, owned and maintained in perpetuity for the indicated purposes.

There are no Downtown Community Commons, or other designated public or quasi-public amenity provided with the site development plan or shown on the final development plan credited toward Downtown Revitalization requirements.

J. The petition is accompanied by documentation demonstrating membership in the Downtown Columbia Partnership including the required annual charges.

Payments for inclusion in the Downtown Partnership will be paid in accordance with CEPPAs #25.

SRC: The proposed SDP has completed the Subdivision Review Committee process, subject to the technical comments issued in the letter dated May 26, 2022. Additional drafting comments may be generated in advance of final signature.

DocuSigned by:

Amy Gowan

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Amy Gowan, Director
Department of Planning and Zoning

ATTACHMENT A DAP RECOMMENDATIONS

South Lake Medical Office Building, Columbia
Design Advisory Panel
2021-11-10 Review (21-14)



Ref #	Design Advisory Panel Recommendation	Response by Applicant	DPZ Director's Endorsement
1.	<p>That the applicant studies the possibility of adding a vertical screening element from the west entry along the terrace pier to the eastern edge to screen the loading dock at Whole Foods.</p> <p>Vote: 4-0 (approved)</p>	<p>HRD agrees with the Motion and is evaluating the potential use of a vertical element, which could incorporate public art, to screen the view of the Whole Foods loading/service area. However, if incorporated, this element would be located closer to the western end of the pedestrian/bridge connection to the outdoor terrace. The intent would be to use a vertical design element to reduce the visibility of the Whole Foods loading/service area near the pedestrian bridge while redirecting views toward the east end of the terrace and the Lake. Once past this element, visitors to the terrace would be able to enjoy unobstructed views of the former Rouse Company Headquarters signature building and Lake Kittamaquidi.</p>	<p><input checked="" type="checkbox"/> Accept DAP Recommendation <input type="checkbox"/> Accept Applicant Response</p> <p><i>*The response lists 'if' an element is incorporated. DPZ approves of the continued investigation of how to best accomplish this motion but expects to see an element that's integrated with the design and fully addresses this DAP concern depicted on the SDP for this project.</i></p>

ACTION OF THE DAP EXECUTIVE SECRETARY

Conditions as outlined above and/or modified on this form.

DocuSigned by:

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12/14/2021

Anthony Cataldo, AICP, Chief
Division of Land Development
Department of Planning and Zoning

Date

ATTACHMENT B CEPPA STATUS

Community Enhancements, Programs and Public Amenities (CEPPA's) Tracking Chart		
Downtown Columbia Plan		
CEPPA	Trigger	Notes
1 Environmental Assessment	Prior to Submission of First FDP	Satisfied
2 Environmental Sustainability Program	Prior to Submission of First FDP	Satisfied
3 Rte. 29 Interchange Study	Prior to Submission of First FDP	Satisfied
4 Downtown Wide Design Guidelines	Prior to Approval of First FDP	Satisfied
5 Transportation Feasibility Study	Prior to Approval of First FDP	Satisfied
6 Downtown Columbia Partnership	Prior to Approval of First FDP	Satisfied
7 Environmental Restoration Phasing/initial SDP	Prior to Approval of First FDP	Satisfied
8 Downtown Arts and Culture Commission (DCACC)	Prior to Approval of First FDP	Satisfied
9 Fire Station	Prior to the Issuance of the First Building Permit	Satisfied
10 \$1.5 million Housing Fund Payment	Upon Issuance of the First Building Permit	Satisfied
11 \$1.5 million Housing Fund Payment	Upon Issuance of the First Building Permit for the 400th Residential Unit	Satisfied
12 Downtown Pedestrian Pathways	Prior to Issuance of a Building Permit for the 500,000th SF of Development (Pathway SDP Only)	Satisfied, per Alternative Compliance
13 Rouse Building Covenants	Prior to Issuance of a Building Permit for the 500,000th SF of Development	Satisfied
14 Transit Center	Prior to Issuance of a Building Permit for the 1,300,000th SF of Development	Pending; Alternative Timing to 3,200,000 SF Approved November 17, 2017
15 Environmental Restoration	Prior to Issuance of a Building Permit for the 1,300,000th SF of Development	Satisfied
16 Phase 1 Merriweather Improvements	Prior to Issuance of a Building Permit for the 1,300,000th SF of Development	Satisfied
17 School Site or Equivalent	Upon Issuance of the of a Building Permit for the 1,375th Residential Unit	Satisfied
18 Wilde Lake Pathway	Prior to Issuance of a Building Permit for the 3,900,000th SF of Development.	Satisfied
19 Lakefront Terrace	Prior to Issuance of a Building Permit for the 2,600,000th SF of Development.	Pending - Alternative timing to 3.9 MSF approved June 21, 2018
20 Phase 2 Merriweather Improvements	Prior to Issuance of a Building Permit for the 2,600,000th SF of Development.	See Alternative Compliance approved November 4, 2016
21 Phase 3 Merriweather Improvements	Prior to Issuance of a Building Permit for the 3,900,000th SF of Development.	See Alternative Compliance approved November 4, 2016
22 Downtown Neighborhood Square to County	Prior to Issuance of a Building Permit for the 2,600,000th SF of Development.	Satisfied
23 \$1million funding for Downtown Shuttle	Prior to Issuance of a Building Permit for the 5,000,000th SF of Development.	Pending
24 Transfer of Merriweather to DCACC	Prior to Issuance of a Building Permit for the 5,000,000th SF of Development.	Satisfied
25 *Downtown Columbia Partnership Funding (ongoing)	Prior to each FDP	On-going
26 Removed	n/a	Removed by passage of C 52-2016
27 ** Housing Fund Payments (ongoing)	Additional CEPPA Contribution	On-going

ATTACHMENT C

DOWNTOWN COLUMBIA DEFINITIONS

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, libraries, fire stations, schools, museums, galleries, artistic work, and transit facilities. Eating, seating and gathering areas that are accessory to these uses are permitted.

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, museums, galleries and similar cultural or educational uses in a park-like setting. Ancillary uses such as food vendors, gift shops, small restaurants and supporting infrastructure such as utilities, public and private roadways, multi-modal circulation systems adjacent to public and private roadways, surface parking lots, parking structures, and underground parking are also permitted.

Downtown CEPPA Implementation Chart : The chart and associated text and flexibility provisions contained in the Downtown Columbia Plan which identify the phasing for Downtown Community Enhancements, Programs and Public Amenities.

Downtown Columbia : The following recorded Final Development Plan Phases: 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 exhibit A of the Appendix in these Zoning Regulations.

Downtown Columbia Plan : The General Plan Amendment for Downtown Columbia approved by County Council Bill No. 58-2009.

Downtown Community Commons : Amenity spaces such as plazas, promenades, greens, gardens, squares and other pedestrian-oriented areas, whether publicly or privately owned, that are intended for community interaction and may include spaces for seating, walking, eating, gathering, fountains, public art, way-finding signage, kiosks, or other similar public amenities. Downtown Community Commons can also include walkways that are designed to enhance and be an integral part of the adjacent amenity space, but shall not include any drive lane for vehicular traffic such as private streets, alleys and public roadways for automotive use. Downtown Community Commons must be generally accessible by the public without charge. Included in this category are Downtown Neighborhood Squares. Downtown Community Commons may be integrated into or developed as a part of other uses and may include underground parking, utilities and other infrastructure supporting downtown revitalization.

Downtown Community Enhancements, Programs and Public Amenities (CEPPA) : The specific feasibility studies, improvement and management organizations, environmental enhancement programs, and physical improvements identified in the Downtown CEPPA implementation chart contained in the Downtown Columbia Plan.

Downtown Environmental Restoration : Projects within Downtown Columbia that are identified in Columbia Towncenter Merriweather and Crescent Environmental Enhancements Study or Best Management Practices for Symphony Stream and Lake Kittamaquindi Watersheds involving forest restoration and enhancement, reforestation and afforestation, wetland enhancement, and stream restoration activities.

Downtown Environmentally Sensitive Land Area : An area within Downtown Columbia meeting the definition in the Howard County Land Development Regulations of either a floodplain, steep slope, stream or wetland buffers.

Downtown Maximum Building Height Plan : The plan which graphically represents the maximum building height requirements for all Downtown revitalization, as depicted in the Downtown Columbia Plan.

Downtown Mixed-Use : A land-use designation that permits any use or combination of uses permitted under Section 125.0.A.9.B. including supporting infrastructure, such as utilities, public and private roadways, multi-modal circulation systems adjacent to public and private roadways, surface parking lots, parking structures, and underground parking.

Downtown Neighborhood Concept Plan : A concept plan showing an individual neighborhood identified in the Downtown Columbia Plan that depicts a general layout for proposed public and private streets, block sizes and configurations, maximum building heights and proposed Downtown Community Commons as context for the evaluation of the Final Development Plans.

Downtown Neighborhood Design Guidelines : Urban design guidelines for an individual neighborhood identified in the Downtown Columbia Plan.

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 Downtown Neighborhood Square may be covered or partially covered.

Downtown Net New : As applicable, the number of dwellings, hotel and motel rooms, and the amount of gross floor area of commercial office and commercial retail uses that are permitted under the Downtown Revitalization Approval Process after April 6, 2010 in excess of the number of dwellings, hotel and motel rooms, and 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 April 6, 2010.

Downtown Open Space Preservation Plan : A plan included in the Downtown Columbia Plan delineating all land in Downtown Columbia designated as open space on a Final Development Plan recorded prior to April 6, 2010 that is required to retain its existing character as: Downtown Environmentally Sensitive Land; Downtown Parkland; Downtown Community Commons; or a Downtown Arts and Entertainment park, as specified in Section 125.0.A.9.H.

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, pedestrian connections, minor active structured recreation uses such as urban playgrounds, public art, fountains and minimal structures such as cafes and outdoor dining areas, gazebos, pavilions, outdoor stages, and kiosks.

Downtown Primary Amenity Space Framework Diagram : A plan and associated text included in the Downtown Columbia Plan depicting existing and proposed primary amenity and natural spaces in Downtown Columbia.

Downtown Public Art : Original outdoor artwork which is accessible to the public.

Downtown Revitalization : A form of development required in Downtown Columbia after April 6, 2010 in compliance with the applicable provisions of Section 125.0 that must conform with the recommendations of the Downtown Columbia Plan.

Downtown Revitalization Phasing Plan : A phasing plan included in the Downtown Columbia Plan identifying additional development rights by phase for Downtown Revitalization.

Downtown Signature Building : An existing or proposed structure which requires premiere attention to its architectural design because of its cultural significance or prominent location in relationship to the public realm, such as its position on a street or open space, or as the terminus of a vista.

Downtown-wide Design Guidelines : General urban design guidelines for Downtown Revitalization adopted by the Howard County Council.

ATTACHMENT D
Department of Planning and Zoning Memo June 6, 2014



Howard County

Department of Planning and Zoning

Subject: *DPZ Process to Verify Provision of the 1% Art Requirement for Downtown Revitalization*

To: Downtown Columbia Property Owners, Developers, Design Professionals, and Artists; DLD and DED Review Staff; DPZ Front Counter Staff; DCCP Review Staff; DILP

Through: Marsha S. McLaughlin, Director
Department of Planning and Zoning *MSM*

Mark Thompson, Director
Downtown Redevelopment

From: Kent Sheubrooks, Division Chief *KS*
Division of Land Development

Date: June 6, 2014

POLICY INTERPRETATION PURPOSE

This policy interpretation describes the process by which development projects can demonstrate that the 1% art requirement has been met and directs Department of Planning and Zoning (DPZ) staff on how to process and verify that this 1% art requirement for Downtown Revitalization has been met.

DOWNTOWN COLUMBIA PLAN INTENT

Per the adopted *Downtown Columbia Plan* (Council Bill 58-2009): "It is anticipated that property owners in Downtown Columbia will either provide art as an integral part of their projects, work together with other owners to provide a more significant Art in the Community contribution, perhaps as part of one or more of the Downtown Community Commons or, if either of those choices are impractical, support the program with an in-lieu fee." To facilitate provision of this requirement for privately-funded, publically-accessible art, the Plan envisions the Howard County Arts Council as a resource for information and facilitation.

ZONING CODE REQUIREMENT

Per Section 125.0.A.9.f (2) of the Zoning Regulations, Downtown Revitalization must provide for art in the community that is equivalent in value to 1% of the building construction cost. Art must be provided:

- On site as an integral part of the project (most preferred); or
- On other property located within Downtown Revitalization Development; or
- In combination with other Downtown Revitalization Development; or
- By a fee-in-lieu contribution (least preferred).

Public art must be installed outdoors and be accessible to the public. This regulation provides for a credit for any art funding beyond the 1% of the building construction cost to be used for future projects.

PRELIMINARY STEP

The intent of the 1% art requirement is to allow Downtown Revitalization developers to evolve their own innovative and creative solutions for privately-funded, publically-accessible art as an integral part of their project design. There is no review of the content of the art by County staff or an independent committee.

Property owners, developers, design professionals, artists, and interested parties will be directed by DPZ to contact the Howard County Arts Council upon first contact and at any time as both a resource and for art-related facilitation during this process. Howard County Arts Council provides resources related to:

- Models for and assistance with Requests for Qualifications for hiring artists;
- Models and recommendations for best practices in contractual agreements;
- Models and recommendations for conservation and maintenance plans; and,
- Assistance and recommendations related to the County's ARTsites program.

DPZ PROCESS OVERVIEW

1. Final Development Plan: Conceptual Plan for Art in the Community

A conceptual plan for how and where privately-funded, publically-accessible art is being provided shall be submitted as part of a Final Development Plan (FDP) application to the County's Design Advisory Panel (DAP). The FDP shall include how the developer intends to fulfill the art requirement (within the FDP area, partnering with another FDP area, or fee-in-lieu). If all or part of the art will be provided within the FDP area, potential target location(s) should be shown on the FDP and a description of the artistic approach for the development area should be provided within the Neighborhood Design Guidelines (please note at this stage, these are general visions and not specific artistic piece concepts). Off-site art, combined development art, fee-in-lieu payment and the application of art credits, if any, shall be acknowledged as plan notes on the FDP.

2. Site Development Plan: Initial Planning for Individual Art Contributions

- For each Site Development Plan, provide the location or locations that are to be reserved for the public art installation for the project. Please note that it is acceptable for a project with multiple buildings to have one location for the art installation that would equal 1% of the sum of construction costs. The submission should also include a description of the artist concept or the developer's artistic intent in the request for proposals to artists to design the piece(s).
- If all or a part of the public art requirement for the site development plan can use credit from a previous Downtown Columbia development (per the provisions in the Zoning Code) or if a fee-in-lieu is to be paid (which must be approved by the Department of Planning and Zoning), then a general note describing these provisions must be included on the plan. A note regarding any credit to be used must name the previous development it is obtaining credit from and any requisite permissions to use such credit.
- Final verification for fees, credits and art contributions will be made with the building permit.

3. Building Permit: Final Verification for Art in the Community

Documentation of the provision of privately-funded, publically-accessible art shall be submitted as a transmittal to the SDP plan reviewer in the Division of Land Development (DPZ-DLD) for review and approval, in coordination with the Director of Downtown Development prior to or concurrent with the Application for Building Permit (*per Section 125.0.A.9.f(2)(c), fee-in-lieu payments for public art must be*

paid prior to Use & Occupancy Permit, but information calculating the fee will be required at building permit application):

A. ALL PROJECTS:

- A final cost of building construction estimate, which will provide a statement of total construction costs. (This will be verified with the estimate provided on the building permit application as well as an independent review for average construction costs for the region); AND

B. SELECT ONE OR MORE OF THE FOLLOWING OPTIONS BASED ON THE PROPOSED ART COMPLIANCE TECHNIQUE(S):

i. If proposing new art installation for all or part of the 1% obligation:

- A detailed plan and narrative description of the art and how it is provided;
- An itemization of costs related to the art; and
- A final contract and quote by the artist for design, development, long-term maintenance and installation of the art project.

ii. If using a credit for all or part of the 1% obligation:

- A signed agreement between parties that the owner of the previous development is in agreement for surplus credit from their project to go to the current project; and
- A final cost breakdown for the previous artwork being used for the credit (or DPZ will use the last estimate on record).

iii. If paying a fee-in-lieu for all or part of the 1% obligation (*this option must be previously approved by the Department of Planning and Zoning*):

- It is strongly recommended applicants provide the final cost of building construction estimate to DPZ Division of Land Development (DPZ-DLD) at least 1 month PRIOR to the anticipated *issuance* of the building permit;
- A flag will be placed in Accela by DPZ to hold the Use & Occupancy until fee-in-lieu payment is received by the Downtown Columbia Arts and Cultural Commission.
- Once DPZ-DLD approves the building construction estimate, the project manager will send a letter to the applicant with the fee-in-lieu amount to be paid to the Downtown Columbia Arts and Cultural Commission; and
- At least 30 days prior to the estimated date of final inspection preceding the Certificate of Occupancy, provide DPZ a receipt from the Downtown Columbia Arts and Cultural Commission for the required fee-in-lieu payment.
- Once DPZ receives the receipt from the Downtown Columbia Arts and Cultural Commission, DPZ will send a notification letter to DILP and Zoning within 5 business days and the flag for the U&O permit will be removed.

No other alternate compliance is available for art.

ART INSTALLATION: Please note that a Use and Occupancy Permit will NOT be withheld for the installation of public art pieces. However, if the site construction is completed for a substantial time period and the developer does not communicate with DPZ regarding a reasonable timeline for art completion and installation, be advised DPZ may issue a Zoning Violation against the site plan.

EXEMPT PROJECTS: Per Section 125.0.A.9.f(2)(e) of the Zoning Regulations, the following projects are exempt:

- Construction of Moderate Income Housing Units;

- Construction of places of worship and their accessory uses;
- Renovations to existing or construction of new cultural facilities which include facilities located within a Downtown Art and Entertainment Park, Downtown Arts Cultural and Community Uses, and Downtown Community Commons;
- Parking Structures; and
- Renovations to existing buildings or structures required by government mandated code compliance construction projects, such as projects exclusively designed for compliance with the Americans with Disabilities Act ("ADA"), the Maryland Accessibility Code, the National Fire Protection Association (NFPA) Life Safety Code, and/or fire sprinkler retrofits.

This policy interpretation is effective as of the date of this memorandum.

For more information on the development process, please contact:

Department of Planning and Zoning at 410-313-2350 or at or visit the DPZ Public Service Desk located on the first floor of the George Howard Building, 3430 Courthouse Drive, Ellicott City, Maryland 21043. DPZ is open Monday through Friday from 8:00 am until 5:00 pm, except weekends and public holidays.

For more information on the Design Advisory Panel, please contact:

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 Comprehensive & Community Planning
 Howard County Department of Planning and Zoning
 3430 Court House Drive
 Ellicott City, MD 21043
wmackey@howardcountymd.gov
 410-313-4321 (voice/relay)
 410-313-3467 Fax
 443-791-8438 Mobile (voice/relay)
www.howardcountymd.gov

For more information on the Howard County Arts Council, please contact:

Coleen West, Executive Director
 Howard County Arts Council
 8510 High Ridge Road
 Ellicott City, Maryland 21043
coleen@hocoarts.org
 410-313-ARTS (2787)
 410-313-2790 Fax
 MD Relay 711
<http://hocoarts.org/>

cc: Marsha McLaughlin, Director
 Kimberley Flowers, Deputy Director
 Mark Thompson, Director of Downtown Redevelopment
 Coleen West, Executive Director, Howard County Arts Council
 Bob Frances, Director, Department of Inspections, Licenses and Permits
 Cindy Hamilton, Chief, Division of Public Service and Zoning Administration
 Bill Mackey, Chief DCCP