

THE HOWARD HUGHES CORPORATION, * BEFORE THE
PETITIONER * PLANNING BOARD OF
PLANNING BOARD CASE NO. 448 * HOWARD COUNTY,
MARYLAND

* * * * *

DECISION AND ORDER

The Planning Board of Howard County Maryland held a public hearing on November 7, 2019, in accordance with Section 125.0.E of the Howard County Zoning Regulations, to consider the petition of the Howard Hughes Corporation, Owner, to approve a Final Development Plan, FDP-DC-L-2, which proposes Downtown Mixed-Use Development consisting of 150,000 SF of net new retail and restaurant, 200,000 SF of office (44,088 SF net new) and a maximum of 775 residential dwelling units on 12.77 acres. 1.05 acres of Downtown Community Commons is also proposed within the project area. The project is located within an area known as the Lakefront Neighborhood, located east of Little Patuxent Parkway and west of Lake Kittamaquindi on land identified as Tax Map 30, Parcel 373, Lots D-1 and H, Tax Map 30, Parcel 275, Lots A-1 and D-1; Tax Map 30, Parcel 290, Lots B, C-2 and G, and Tax Map 30, Parcel 269, Lot F-2. It is zoned NT and designated as Downtown Mixed-Use Area on the Downtown Columbia Plan – A General Plan Amendment.

The Notice of Hearing was published and the subject property was posted in accordance with the Planning Board’s requirements, as evidenced by certificates of publication and posting, all of which were made a part of the record of the case.

Pursuant to the Planning Board’s Rule of Procedure, the reports and official documents pertaining to the petition, including the Technical Staff Report, the Downtown Columbia Plan, the Zoning Regulations, Downtown-wide Design Guidelines, Subtitle 11 of the Subdivision and Land Development Regulations – Adequate Public Facilities, and the Sign Ordinance, amended for Downtown Columbia as Council Bill 56-2010, were made part of the record.

The Petitioner was represented by Todd Brown, Esq. Joan Lancos testified on her own behalf in support of the petition, and Jessica Bellah, testified on behalf of the Columbia Association in opposition to select components of the proposed plan.

The Planning Board has the authority to review and make a decision regarding the proposed Final Development Plan in accordance with the pertinent criteria set forth, pursuant to Section 125.0.E.4 of the Zoning Regulations. Those criteria are as follows:

- a. The Downtown Neighborhood Concept Plan, the Neighborhood Specific Design Guidelines, and the Neighborhood Specific Implementation Plan conform with the Downtown-Wide Design Guidelines; the Downtown Columbia Plan (including the Street and Block Plan, the Neighborhoods Plan, the Maximum Building Heights Plan, the Primary Amenity Space Framework Diagram, the Street Framework Diagram, the Bicycle and Pedestrian Plan, and the Open Space Preservation Plan). Any proposed change(s) will not be detrimental to the overall design concept and phasing for Downtown Revitalization. Limited change in building heights may be approved based on compatibility, character and height of nearby existing and planned development and redevelopment, and open

spaces in the area. However, in no event shall the maximum building height for Downtown Revitalization exceed twenty stories.

- b. The Neighborhood Design Guidelines submitted with the Final Development Plan offer sufficient detail to guide the appearance of the neighborhood over time, and promote design features that are achievable and appropriate for Downtown Revitalization in accordance with the Design Guidelines and the Downtown Columbia Plan.
- c. The Final Development Plan conforms with the Neighborhood Documents; the Revitalization Phasing Plan, the Downtown Community Enhancements, Programs, and Public Amenities (CEPPA) Implementation Chart and Flexibility Provisions; the Downtown-wide Design Guidelines; the Downtown Columbia Plan, (including the Street and Block Plan, the Neighborhoods Plan, the Maximum Building Heights Plan, the Primary Amenity Space Framework Diagram, the Street Framework Diagram, the Bicycle and Pedestrian Plan, and the Open Space Preservation Plan). Limited change in building heights may be approved based on compatibility, character, and height of nearby existing and planned development and redevelopment, and open spaces in the area. However, in no event shall the maximum building height for Downtown Revitalization exceed twenty stories.
- d. The Final Development Plan, when considered in the context of surrounding planned or existing development, provides a balanced mix of housing, employment, commercial, arts, and cultural uses in each phase.
- e. The Final Development Plan satisfies the affordable housing requirement.
- f. The bicycle, pedestrian, and transit network creates convenient connections throughout the subject area and connect, wherever possible, to existing and planned sidewalks, path, and routes adjoining the development.
- g. The Final Development Plan protects land covered by lakes, streams or rivers, flood plains and steep slopes, and provides connections, where possible to existing and planned open space within the neighborhood and in surrounding area.
- h. The Final Development Plan provides the location of Downtown Community Commons required under Section 125.A.9.h as indicated in the Neighborhood Concept Plan.
- i. The Final Development Plan is in harmony with existing and planned vicinal land uses. In making this determination, the Planning Board shall consider, if appropriate:
 - 1. Landscape features on the boundary of the plan area, which may include protection of existing vegetation or grade changes that provide a natural separation, or landscape planting;
 - 2. The size of buildings along the edges of the plan area through limits on building height or other requirements;
 - 3. The use and design of nearby properties and
 - 4. The adopted Downtown Columbia Plan recommendations for height, building massing and scale, and neighborhood connectivity.
- j. The development, as proposed by this Final Development Plan, is adequately served by public facilities; including any proposed mitigation or development staging. It further complies with the Adequate Public Facilities Ordinances (Title 16, Subtitle 11 of the Howard County Code) for both schools and roads.
- k. The Final Development Plan protects environmentally sensitive features and provides environmental restoration in accordance with the Downtown Columbia Plan.

- l. The Final Development Plan protects any historic or culturally significant existing sites, buildings or structures, and public art.
- m. The Final Development Plan proposes any appropriate plan to satisfy the requirement for art in the community.
- n. The Final Development Plan provides a plan to hold, own, and maintain in perpetuity land intended for common, quasi-public amenity use and public art that is not publicly owned, including, without limitation, any Downtown Community Commons, Downtown Parkland, Downtown Arts, Cultural and Community Use, and Downtown Neighborhood Square shown on the Final Development Plan.
- o. To better ensure conformance with the Community Enhancements, Programs and Public Amenities provisions, the Final Development Plan provides for a plan to establish membership in the Downtown Columbia Partnership and payment of the annual charges. Each Final Development Plan shall show a consistent means of calculating and providing the required annual charges.

After carefully evaluating all of the testimony and evidence accepted into the record, the Planning Board made the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Jill Manion presented the Technical Staff Report for the Department of Planning and Zoning, which recommended approval of the Lakefront Neighborhood Final Development Plan (FDP), Phase 1, FDP-DC-L-2, which includes the Lakefront Neighborhood Concept Plan, Lakefront Neighborhood Specific Design Guidelines, and Lakefront Neighborhood Specific Implementation Plan, subject to addressing all remaining Subdivision Review Committee comments in the letter dated September 19, 2019.

Ms. Manion described the existing conditions of the proposed FDP land area as existing improved land consisting 155,912 SF of existing office, and surface parking lot, all will be demolished with the development. The area would be redeveloped as a mixed-use project with 150,000 SF of new retail, 200,000 SF of new office and 775 residential units for a net increase of 150,000 of retail, 44,088 SF of office, and 775 residential units. The new land use configuration would be 11.72 acres of proposed Downtown Mixed-Use Area (DMUA) and 1.05 acres of Downtown Community Commons (DCC). A grid street network is proposed, including a north extension of Wincopin Circle from the existing right-of-way, which is a road segment originally included in the Downtown Columbia Plan Street Framework Diagram. Ms. Manion summarized minor changes to the grid structure from the Downtown Columbia Plan, as well as minor changes to the alignment of the Downtown Community Commons areas. Ms. Manion introduced the requested height increase for 9 story buildings from 120' to 145' to allow more workable floor-to-floor designs to accommodate different uses. Ms. Manion explained that 775 tentative allocations have been granted for the proposed residential dwellings units, but that the current school charts identify the Running Brook Elementary School is closed. Non-residential development may proceed, and residential projects would be tested annually for four years or until the school is opened for development. Alternatively, the developer may elect to construct age-restricted units, which do not require the schools test.

The technical staff report found that the petitioner's application met all applicable criteria for approval, including for the proposed modifications from the Downtown Columbia Plan exhibits.

In response to a question from Mr. Coleman regarding coordination between this development and future development on the adjacent Sheraton site, Ms. Manion responded that the regulations account for development if coordination is not possible by requiring conformance with the Downtown Plan and allow each property owner to set Guidelines binding only on their property provided there was conformance with the Plan and the Downtown-wide Design Guidelines. Ms. Manion responded that she does not believe this will result in piecemeal development.

In response to a question from Mr. McAliley regarding whether new schools must be built for the Development to pass the schools test, Ms. Manion and Ms. Gowan explained that APFO charts are updated annually and projects are tested for four years but then ultimately permitted to proceed. Mr. McAliley further question whether the Planning Board should request funding for school construction for Downtown when reviewing the school board budget, Mr. Gowan responded that the Board could make a recommendation to Council and Council can decide if they want to pursue such funding.

In response to a question from Ms. Adler, Ms. Manion affirmed that it is the Board of Education's determination whether new school construction will be proposed. Mr. Brown responded that all deeds for land from Howard Hughes Corporation to the Board of Education for future school construction have been transferred. In a response to a question from Ms. Adler regarding the summary of traffic findings in the technical staff report, Ms. Manion responded that the SDP study evaluates actual construction and proposed construction to avoid overbuilding infrastructure.

2. Ahead of calling expert witnesses for the Petitioner, Mr. Brown requested that the DPZ file for FDP-DC-L-2 be incorporated into the record in its entirety including, the justification statement from the petitioner dated July 25, 2019. In addition, Mr. Brown added the following exhibits into the record: a. APFO Letter dated October 17, 2019; b. Copy of the PowerPoint presentation; c. Errata Sheets for the Neighborhood Design Guidelines

3. Cecily Bedwell, Principal, Design Collective, 601 East Pratt Street, Baltimore, testified on behalf of the petitioner regarding the proposed Lakefront Neighborhood Design Guidelines and the Lakefront Neighborhood Implementation Plan. Ms. Bedwell affirmed the DAP reviewed the Lakefront Design Guidelines on November 13, 2018, and that the panel recommended approval without modifications. Ms. Bedwell summarized the highlights of the neighborhood design guidelines and the neighborhood implementation plan, and how they were crafted to meet both Downtown-wide and Lakefront Neighborhood specific objectives in conformance with the Downtown Columbia Plan. Ms. Bedwell testified how minor alterations to the neighborhood boundary, the street network, and the downtown community commons network do not impact the FDP's conformance with the Plan. The applicant reviewed the boundary changes which reflected changes to the boundaries of adjacent neighborhoods from how they were originally delineated on the Downtown Columbia Plan and were minor in nature. Ms. Bedwell explained that the height limit for nine-story buildings create architectural design problems that constrain leasing flexibility. Ms. Bedwell further explained that allowing taller 9-story building on the east side of Little Patuxent Parkway provides a smoother transition to the higher elevation and height limits on the west side of Little Patuxent Parkway.

Mr. Coleman questioned if the change in the Downtown Community Commons brings the connection closer to the Exxon. Ms. Bedwell testified that the Promenade will remain in place, and the shifting of the Wincopin Green allows for greater separation from the Exxon station. The promenade was placed on the north side of Sterrett Place, which allows for better shade on the north side of the street and brings it further from the Exxon Station.

Mr. Brown requested Ms. Bedwell summarize the Errata sheets for the Neighborhood Design Guidelines to the Board.

Mr. Coleman asked why the pedestrian bridge over Route 29 was excluded from the exhibit. Ms. Bedwell noted that it was there, and that she will ensure it is included on all networks.

Mr. Coleman asked if there would be enhanced architecture for buildings facing the Lakefront and the amenity space. Mr. Coleman suggests there should be enhanced facades about ground level.

Mr. Coleman questioned if the height would be more prominent on the Lakefront. Ms. Bedwell responded that the proposed building height is compatible with existing and future buildings in the area, which are 9 feet-15 feet. Mr. Coleman asked why there is not a 50% limit on increased height. Ms. Bedwell responded that the number of stories will not be increased but only the floor to floor clearance. Upon request by Mr. Brown, Ms. Bedwell read the architectural articulation guidelines outlined in the Lakefront Neighborhood Design Guidelines.

In response to a question from Ms. Adler as to whether there were any plans for a pedestrian connection to the Mall, Ms. Bedwell responded that the parcel on the west side of Little Patuxent Parkway is not controlled by the developer and there are no immediate plans.

4. Mr. Carl Gutschick, Professional Engineer and Principal, Gutschick Little and Weber, 3909 National Drive, Burtonsville, testified regarding the drawings of the Final Development Plan and Neighborhood Concept Plan. Mr. Gutschick described the essential elements of both plans and testified that stormwater management would be designed with the site development plan using state redevelopment standards. Mr. Gutschick testified that no environmental restoration is proposed within the final development plan boundaries.

In response to a question from Mr. McAliley, Mr. Gutschick responded that the storm drain retrofits would address and correct existing erosion.

In response to a question from Mr. Coleman, Mr. Gutschick responded that the Redevelopment credits for the 2010 Maryland Stormwater Management Regulations will be utilized and will increase the overall stormwater management occurring on the site today.

5. Michael Workosky, Vice President, Wells and Associates, 1420 Spring Hill Rd, Tysons, VA, testified regarding the traffic study submitted with the Final Development Plan. Mr. Workosky identified the intersections studied as part of the adequate public facilities analysis for roads, and stated that impacts to vehicular, bicycle and pedestrian travel was included in the analysis. Mr. Workosky testified that the submitted traffic study does not include the future Symphony Woods Road connection to Broken Land Parkway or a future jug-handle near that location, as they are not necessary to meet APFO requirements. Mr. Workosky identified potential improvements and signalization to ensure requirements are met and testified that the project would be served by adequate transportation facilities in accordance with the Howard County Adequate Public Facilities Act (APFO). Each Site Development Plan will be tested again to ensure the project continues to be served with the adequate public traffic facilities as buildings are constructed, in accordance with APFO.

Mr. Workosky also testified that the realignment of the street network for Wincopin Extended would improve traffic operation and driver expectations for pedestrian and vehicular movement in the area.

Mr. Coleman asked if all intersections highlighted are found in compliance with APFO, to which Mr. Workosky affirmed they would be. In response to a question from Mr. Coleman, Mr. Workosky testified that no traffic discounts were accounted for when considering the construction of age-restricted units.

6. Mr. Coleman asked if the varied building heights would result in a desirable design. Mr. Bedwell testified that for a nine-story commercial building, it is more important to have workable, standardized floorplates. Mr. Coleman asked if allowing an increase in stories or height above 145' would be desirable to create a varied roof-line. Ms. Bedwell responded that the articulation and design would respond best to the function of the building.

7. Jessica Bellah, Community Planner for the Columbia Association, testified in opposition to certain portions of FDP-DC-L-2 and certain components of the Lakefront Neighborhood Design Guidelines. The points of opposition include:

- a. The proposed linear increase of nine-story buildings to 145'
- b. The described operational intent for open space amenities serving the neighborhood.
- c. The language associated with the multi-use pathway planned along the eastern side of Little Patuxent Parkway.

The Columbia Association highlighted that the DAP has not had the opportunity to review the increase height of 145' for nine-story buildings. Further, Ms. Bellah asserted that the Downtown-wide Design Guidelines describe the Lakefront Neighborhood as a modestly scaled, mostly residential neighborhood. The Columbia Association requested that the Planning Board include language in the Lakefront Neighborhood Design Guidelines so that the average height for the FDP area shall be no greater than 9 stories and 120 feet. The maximum building height shall be 145'. To achieve a variety of heights, at least one building of 145' is encouraged. In response to questions from Mr. Engelke and Mr. Coleman regarding the prescriptive nature of the proposed language, Ms. Bellah stated it may be more appropriate to have generalized language requiring that the plan is evaluated at the SDP level for a variety of building heights.

The Columbia Association opposed the identified function of the relocated Wincopin Green to activate the street corner, stating that it alters the original intended use of this space as identified in the Downtown-wide Design Guidelines, which was to be a passive area with space for children's play and dog walking. Ms. Bellah recommended that the language be added to the Lakefront Neighborhood Design Guidelines to state at least one amenity space within the FDP area shall be designated and designed to appropriately accommodate residential focused activities.

The Columbia Association expressed concerns about the timing of the construction of the ten-foot shared use pathway planned along the east side of the Little Patuxent Parkway. First, the pathway construction should occur with the timing of the adjacent site development plan. Further, while the Exxon Station will not be redeveloped, Columbia Association owns an open space strip in front of the station that the path should be constructed on to complete the pathway to Sterrett Place. The Columbia Association wants to ensure the developer intends to build the pathway to Sterrett Place at the time the Lakefront development occurs to avoid a gap in the infrastructure. In response to this concern, Mr. Brown suggested that the developer could work with Columbia Association to build within the open space lot along Little Patuxent Parkway, including in front of the Exxon station, and that the developer could submit a plan for the multi-use pathway at such time that the site development plan for the neighborhood is submitted.

8. Joan Lancos, 6110 Covington Road, testified in support of the plan, the overall proposed circulation, and the height limit changes, but expressed concern regarding how traffic is evaluated for Downtown Columbia. In response to a question from Mr. Engelke regarding the traffic studies that would be submitted with the site development plan, Mr. Lancos responded that her concerns were based on the way the traffic was addressed in the technical staff report, in expert testimony, and given intermediate traffic patterns in Downtown. She requested that traffic be evaluated more comprehensively to predict future conditions. In response to these concerns, Ms. Manion stated the County is scoping comprehensive traffic study to plan for the necessary long-term infrastructure that best addresses traffic through build-out.

9. Gabe Cheung, Senior Vice President for Development for Howard Hughes Corporation, testified that the developer would accept a condition that commercial buildings can have a maximum height of 145' and buildings with residential uses may have a maximum building height up to 145' but with additional scrutiny at the Design Advisory Panel to achieve a variety of building heights.

CONCLUSIONS OF LAW

1. The Board is persuaded that the evidence, based on the testimony provided by the petitioner's witnesses and as further set forth above, and the information in the Department of Planning and Zoning's Technical Staff Report, convincingly demonstrate the proposed Lakefront Neighborhood Concept Plan, the Lakefront Neighborhood Design Guidelines, the Lakefront Neighborhood Implementation Plan, and the Lakefront Final Development Plan meet the requirements established in the criteria set forth in Section 125.0.E.4 of the Zoning Regulations and summarized in the Department of Planning and Zoning's Technical Staff Report, in particular:

a. Overall, the Board believes the Neighborhood Concept Plan, the Neighborhood Specific Design Guidelines, and the Neighborhood Specific Implementation Plan conform with the Downtown-Wide Design Guidelines; the Downtown Columbia Plan (including the Street and Block Plan, the Neighborhoods Plan, the Maximum Building Heights Plan, the Primary Amenity Space Framework Diagram, the Street Framework Diagram, the Bicycle and Pedestrian Plan, and the Open Space Preservation Plan). While the Board acknowledges the concerns of the opponents regarding the building height, it also finds that the Petitioner offered compelling testimony, particularly as described the Findings of Fact, that demonstrate that the building height increases would be limited in nature particularly with the prescribed mitigation outlined of requiring additional scrutiny in the design of residential building.

b. The Board was persuaded by the staff's technical staff report and the testimony of Ms. Bedwell that the Neighborhood Design Guidelines offer sufficient detail to guide the appearance of the neighborhood over time and promote design features that are achievable and appropriate for Downtown Revitalization in accordance with the Design Guidelines and the Downtown Columbia Plan.

c. The Board was persuaded that the Final Development Plan conforms with the submitted Neighborhood Documents, the Revitalization Phasing Plan, the Downtown Community Enhancements, Programs, and Public Amenities (CEPPA) Implementation Chart and Flexibility Provisions; the Downtown-wide Design Guidelines; the Downtown Columbia Plan, (including the Street and Block Plan, the Neighborhoods Plan, the Maximum Building Heights Plan, the Primary Amenity Space Framework Diagram, the

Street Framework Diagram, the Bicycle and Pedestrian Plan, and the Open Space Preservation Plan), as outlined by staff in the technical staff report and identified by witnesses for the Petitioner as summarized in the above Findings of Fact.

d. The Final Development Plan, when considered in the context of surrounding planned or existing development, provides a balanced mix of housing, employment, commercial, arts, and cultural uses in each phase as outlined in the DPZ technical staff report.

e. The Final Development Plan satisfies the affordable housing requirement. The Board was persuaded by the information in the DPZ staff report.

f. The Board was persuaded by the evidence submitted and the testimony of Ms. Bedwell and Mr. Workosky as outlined above that convenient connections were established with this plan, and acknowledged that while the FDP established the framework for a connection to the properties west of Little Patuxent Parkway, that such improvements were beyond the scope of the plan and that the responsibility of the Petitioner is to set the framework for the connection.

g. The Board was persuaded by the staff's technical staff report that the Final Development Plan protects land covered by lakes, streams or rivers, flood plains and steep slopes, and provides connections, where possible to existing and planned open space within the neighborhood and in surrounding area.

h. The Board was persuaded by the staff's technical staff report and the testimony as outlined above that the Final Development Plan provides the location of Downtown Community Commons required under Section 125.A.9.h, as indicated in the Neighborhood Concept Plan.

i. The Board was persuaded that the Final Development Plan is in harmony with existing and planned vicinal land uses. The Planning Board was persuaded that the design responded to the natural grade change in the project area appropriately and that the use and design for nearby properties would be complimented and encourage connectivity. The Board was further persuaded that visual height and design articulation would be adequately evaluated by the Design Advisory Panel and the Site Development Plan stage.

j. The Board was persuaded that the development, as proposed by this Final Development Plan, is adequately served by public facilities and that the proposed mitigation identified by Mr. Workosky as summarized above are appropriate. It was further acknowledged that additional traffic studies would be submitted with each SDP. The Board was further persuaded that the County plans to conduct a comprehensive traffic study for Downtown to evaluate growth and circulation options. The Board accepted the letter entered into the record as Applicant Exhibit #1 as evidence that allocations are available for the proposed 775 residential units but that the project has not yet passed the open/closed schools test. The Board was persuaded that the non-residential components of the development may proceed and that the developer has the option to proceed with age-restricted units that do not require schools testing. Further, the Board acknowledges that the County retests schools annually for four years and then permits a project to proceed regardless of capacity. The Board found that sufficient evidence was presented that the proposed FDP complies with the Adequate Public Facilities Ordinances (Title 16, Subtitle 11 of the Howard County Code) for both schools and roads.

k. The Board is persuaded, as established in staff's technical staff report and as testified by Mr. Gutschick that there are no environmentally sensitive features within the project area and no environmental restoration required within the project area.

l. The Board is persuaded by testimony that public art within the project area will be kept safe during construction and will ultimately be located within the project vicinity. The Board did not identify any historic or culturally significant sites, buildings or structures negatively impacted by the proposal.

m. The Board was persuaded by the testimony that the Final Development Plan proposes an appropriate plan to satisfy the requirement for art in the community.

n. The Board was persuaded, as outlined in staff's technical staff report, that the Final Development Plan provides a plan to hold, own, and maintain in perpetuity land intended for common, quasi-public amenity use and public art that is not publicly owned, including, without limitation, any Downtown Community Commons, Downtown Parkland, Downtown Arts, Cultural and Community Use, and Downtown Neighborhood Square shown on the Final Development Plan.

o. The Board was persuaded, as outlined in staff's technical staff report that the Final Development Plan provides for a plan to establish membership in the Downtown Columbia Partnership and payment of the annual charges. Each Final Development Plan shall show a consistent means of calculating and providing the required annual charges.

2. The Petitioner, as one seeking the Planning Board's approval of the Lakefront Neighborhood Concept Plan, Lakefront Neighborhood Design Guidelines, the Lakefront Neighborhood Implementation Plan, and the Lakefront Neighborhood Phase I Final Development Plan, collectively filed with the Department of Planning and Zoning as FDP-DC-L-2, has the burden of demonstrating that criteria of subsections a. through o. of Section 125.0.E.4 have been met, in order for the Board to approve the above-mentioned plan and associated neighborhood documents. 3. There is sufficient evidence in the record, as identified in the Board's Findings of Fact above, for the Board to conclude that the Petitioner has met its burden of demonstrating that it has satisfied the above-cited criteria for approval.

4. For the reasons stated in the above Findings of Fact, the Board concludes that the Petitioner has conclusively established through the evidence in the record that the following criteria for approval have been met by its proposal:

- a. The Downtown Neighborhood Concept Plan, the Neighborhood Specific Design Guidelines, and the Neighborhood Specific Implementation Plan conform with the Downtown-Wide Design Guidelines; the Downtown Columbia Plan (including the Street and Block Plan, the Neighborhoods Plan, the Maximum Building Heights Plan, the Primary Amenity Space Framework Diagram, the Street Framework Diagram, the Bicycle and Pedestrian Plan, and the Open Space Preservation Plan). Any proposed change(s) will not be detrimental to the overall design concept and phasing for Downtown Revitalization. Limited changes in building heights may be approved and have been approved based on compatibility, character and height of nearby existing and planned development and redevelopment, and open spaces in the area, as specifically provided in the above findings of fact. However, in no event shall the maximum building height for Downtown Revitalization exceed twenty stories.
- b. The Neighborhood Design Guidelines submitted with the Final Development Plan offer sufficient detail to guide the appearance of the neighborhood over time, and promote design features that are achievable and appropriate for Downtown Revitalization in accordance with the Design Guidelines and the Downtown Columbia Plan.
- c. The Final Development Plan conforms with the Neighborhood Documents; the Revitalization Phasing Plan, the Downtown Community Enhancements, Programs, and

Public Amenities (CEPPA) Implementation Chart and Flexibility Provisions; the Downtown-wide Design Guidelines; the Downtown Columbia Plan, (including the Street and Block Plan, the Neighborhoods Plan, the Maximum Building Heights Plan, the Primary Amenity Space Framework Diagram, the Street Framework Diagram, the Bicycle and Pedestrian Plan, and the Open Space Preservation Plan). Limited changes in building heights may be approved based on compatibility, character, and height of nearby existing and planned development and redevelopment, and open spaces in the area. However, in no event shall the maximum building height for Downtown Revitalization exceed twenty stories.

- d. The Final Development Plan, when considered in the context of surrounding planned or existing development, provides a balanced mix of housing, employment, commercial, arts, and cultural uses in each phase.
- e. The Final Development Plan satisfies the affordable housing requirement.
- f. The bicycle, pedestrian, and transit network creates convenient connections throughout the subject area and connect, wherever possible, to existing and planned sidewalks, path, and routes adjoining the development.
- g. The Final Development Plan protects land covered by lakes, streams or rivers, flood plains and steep slopes, and provides connections, where possible to existing and planned open space within the neighborhood and in surrounding area.
- h. The Final Development Plan provides the location of Downtown Community Commons required under Section 125.A.9.h, as indicated in the Neighborhood Concept Plan.
- i. The Final Development Plan is in harmony with existing and planned vicinal land uses. In making this determination, the Planning Board shall consider, if appropriate:
 - i. Landscape features on the boundary of the plan area, which may include protection of existing vegetation or grade changes that provide a natural separation, or landscape planting;
 - ii. The size of buildings along the edges of the plan area through limits on building height or other requirements;
 - iii. The use and design of nearby properties and
 - iv. The adopted Downtown Columbia Plan recommendations for height, building massing and scale, and neighborhood connectivity.
- j. The development, as proposed by this Final Development Plan, is adequately served by public facilities; including any proposed mitigation or development staging. It further complies with the Adequate Public Facilities Ordinances (Title 16, Subtitle 11 of the Howard County Code) for both schools and roads.
- k. The Final Development Plan protects environmentally sensitive features and provides environmental restoration in accordance with the Downtown Columbia Plan.
- l. The Final Development Plan protects any historic or culturally significant existing sites, buildings or structures, and public art.
- m. The Final Development Plan proposes an appropriate plan to satisfy the requirement for art in the community.
- n. The Final Development Plan provides a plan to hold, own, and maintain in perpetuity land intended for common, quasi-public amenity use and public art that is not publicly owned, including, without limitation, any Downtown Community Commons, Downtown

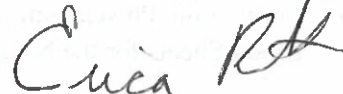
Parkland, Downtown Arts, Cultural and Community Use, and Downtown Neighborhood Square shown on the Final Development Plan.

- o. To better ensure conformance with the Community Enhancements, Programs and Public Amenities provisions, the Final Development Plan provides for a plan to establish membership in the Downtown Columbia Partnership and payment of the annual charges. Each Final Development Plan shall show a consistent means of calculating and providing the required annual charges.


For the foregoing reasons, the petition of the Howard Hughes Corporation to approve the Lakefront Neighborhood Concept Plan, the Lakefront Neighborhood Design Guidelines, the Lakefront Neighborhood Implementation Plan, and the Lakefront Neighborhood Phase 1 Final Development Plan, on this 9th day of January 2020, APPROVED by the Planning Board of Howard County, Maryland, subject to the following conditions:

1. Building Heights may be increased to 145' for nonresidential development. For buildings that includes a residential component, heights may be increased up to 145' but with additional design scrutiny at the Design Advisory Panel.
2. To see a plan for the multiuse pathway along Little Patuxent Parkway when the site development plan for the Lakefront Neighborhood is submitted.


HOWARD COUNTY PLANNING BOARD



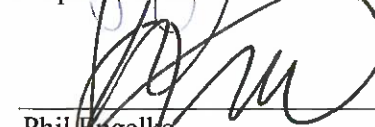
Erica Roberts – Chairperson



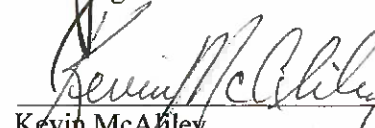
Ed Coleman – Vice-Chairperson



Delphine Adler



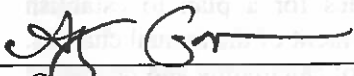
Phil Engelke



Kevin McAuley

PB Case No. 448

ATTEST:

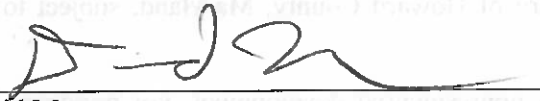


Amy Gowan
Executive Secretary

REVIEWED FOR LEGAL SUFFICIENCY BY:

HOWARD COUNTY OFFICE OF LAW

Gary W. Kuc, County Solicitor



David Moore
Senior Assistant County Solicitor

List of Petitioner's Exhibits

- a. APFO Letter dated
- b. Copy of the PowerPoint presentation
- c. Errata Sheets for the Neighborhood Design Guidelines

List of Protestant's Exhibits

1. Written Copy of Ms. Bellah's testimony