



Deep Dive Discussion #1: Land Use and Zoning Policy

Housing Opportunities Master Plan & Task Force

Meeting Summary

Date: 10/19/2020

Time: 3:00 – 5:30

Location: Virtual Call

The first deep dive discussion was held over the phone on October 19, 2020. The following were in attendance:

Name	Sector	Employer / Organization
Task Force Members		
Kelly Cimino, <i>Project Manager</i>	Housing/ Community Development	Howard County Dept. of Housing and Community Development
Dr. Caroline Harper, <i>Task Force Co-Chair</i>	Housing/Policy	
Bill McCormack, <i>Task Force Co-Chair</i>	Housing/Policy	
Peter Engel, <i>Workgroup Chair</i>	Housing	Howard County Housing Commission
Brent Loveless, <i>Workgroup Chair</i>	Education	PTA Council of Howard County
Pat Sylvester, <i>Workgroup Chair</i>	Housing/Disabilities	Columbia Downtown Housing Corporation
Roger Barnes	Faith Community	African American Roundtable
Steve Breeden	Developer	SDC Group
Jennifer Broderick	Housing/Affordability	Bridges to Housing Stability
Jeff Bronow	Planning/Zoning	Howard County Dept. of Planning and Zoning
Paul Casey	Housing/Policy	
Joan Driessen	Community Services	Association of Community Services /Housing Affordability Coalition
Kevin Kelehan	Legal	Carney Kelehan
Leonardo McClarty	Business	Howard County Chamber of Commerce
Larry Twele	Economic Development	Howard County Economic Dev. Authority
Linda Wengel	Affordability/Council Representative	
Consultant Team		
Erin Talkington	Consultant Team	RCLCO
Jacob Ross	Consultant Team	RCLCO
Michael Spotts	Consultant Team	Neighborhood Fundamentals
Julie Pagaduan	Consultant Team	Neighborhood Fundamentals
Elisabeth McCollum	Consultant Team	JMT
Sarah Diehl	Consultant Team	JMT
Additional Community Members		
Jessica Bellah		Columbia Association
Jason Jannati		Howard County Economic Dev. Authority
Quanita Kareem		Howard County Dept. of Housing and Community Development
Joe Wilmott		Community Member
Kristin Russell		Columbia Association



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The purpose of this meeting was to focus discussion on the land use and zoning policy recommendations of the Task Force. These deep dive discussions are to ensure that the Task Force is on the same page with the recommendations before the next community meeting where they will be presented in draft form.

Elisabeth McCollum kicked off the meeting by thanking Task Force members for attending. She handed the meeting over to Mike Spotts who lead the deep dive discussions.

The following items were discussed:

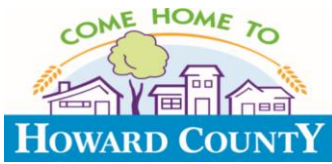
Meeting Overview

- Mike noted that the Task Force indicated during the last meeting we are headed in the right direction with high-level recommendations, and since the last meeting, the team has moved forward in drafting policy detail in that direction. He added that within the work there are some examples where there is a clear path forward, but we want to make sure that the Task Force thinks we are on the right path.
 - If there are different directions that we should be taking, now is the time to encourage that debate between Task Force members.
- There is overlap between recommendations and strategies, many of which will be talked about during the other deep dive discussions. Mike will be highlighting these throughout the course of the meeting, and it may be appropriate to table that discussion for the other meetings.

Challenges for Discussion/Background

- Housing supply has not kept up with housing demand, particularly over the last decade and given the recent employment growth. This imbalance between supply and demand is leading to rising affordability issues.
- A lack of affordable housing throughout the county inhibits racial and socioeconomic integration. Historically disadvantaged populations, lower income households, and households experiencing poverty find that most of the housing options affordable to them are concentrated in only a few locations. This challenge is especially problematic considering that most remaining land and school capacity is in the Rural West, where current zoning regulations largely prohibit affordable housing development of any kind.
- New development today is less diverse than the housing inventory overall. In recent years, new development has shifted in favor of rental apartments, and at the same time the for-sale market has largely stopped building smaller, more attainably priced for sale housing.
- Many topics overlap with the General Plan, which guides land use decisions based on shifting demographics, regional growth, and community goals/objectives
 - Housing plan establishes strategy/direction, recommends specific policy changes within direct purview
 - General plan implements strategy/direction in areas germane to planning, land use and zoning considering issues such as environment, infrastructure, schools, etc.
- Questions/Discussion
 - Linda raised a concern about the relationship between the housing master plan and the general plan
 - Per Mike, there are policy and planning objectives that use broad planning policy to achieve housing objectives where specific types of analysis fall outside of our scope but within the general plan's scope. We are providing policy direction for the general plan.
 - Brent brought up the "de facto" double veto on development issue – this warrants some discussion. The current general plan recommends redistricting and putting up trailers instead of proactively creating sites for more schools.

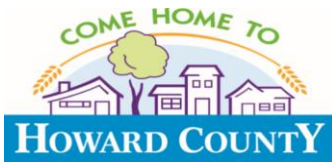
A series of key policy interventions were discussed. Details for recommendations can be found in the accompanying PowerPoint presentation slides. Discussion on policies and intervention recommendations is summarized below:



Intervention Category – Use Land Use Policy to Produce Income Restricted, Subsidized Units

Key Policy Intervention #1 - Update MIHU policy rules and incentives to increase production and promote development in all parts of the County

- Questions/Discussion
 - Kelly noted that 12.5% is up from 10% and down from 15%
 - Pat questioned the 12.5% across the board baseline – we should be trying to get MIHU to meet where the need really is. The higher income you allow, the less costly for developer. Production and percentages need to be tied to the level of affordability that is being provided in the unit.
 - Mike agreed that we would have to look at specific income levels that make sense in this structure. We are looking for general consensus on the baseline.
 - Pat added that she didn't think we are going to get a lot of 25% developments, will most likely end up with more 12.5% developments
 - Steve noted that he doesn't think this is feasible with townhouses or single-family homes. This would only realistically work with apartments.
 - Mike added that there is some support, need to get the calibration right (% of units required and the depth of affordability)
 - Steve suggested it seems like some are going to be paying more than they should to get the affordability for others
 - Brent noted that he liked the idea of revenue vs fee in lieu – need to strengthen language to show what we are reaching for.
 - Mike added inclusionary housing has a lot of tradeoffs between production and integration, example being Montgomery County that is unit production based vs. Arlington County where it is used as a revenue driver
 - Paul asked how fee in lieu is categorized for Arlington?
 - Per Mike, it is on a sliding scale set by state legislature. Arlington is capped on how much it can charge fee in lieu and has created a situation where almost everyone pays the fee in lieu. We need to think about how we want MIHU to work - Do we want MIHU policy to generate maximum number of units possible?
 - Leonardo added that in thinking about Montgomery County, they are a more densely populated place thus getting into the issue of availability of transportation. At what point do we talk about transportation in our case? It is logical to have increases in housing in certain parts of the county than others. If we do not have the adequate transportation to support them, we still have a disconnect.
 - Joan agreed, added that transportation is a huge hurdle but there are a number of people who do not make a lot of money but do have access to transportation. There is a mix of people in this category.
 - Mike added that the transportation aspect is something we are aware of. This gets into MIHU as a policy to influence the amount of housing and where housing is developed in the first place. The size of the affordability gap makes it important to diversify where the affordable housing is built. Just because an area is auto dependent does not mean it shouldn't have affordable housing.
 - Bill noted that he was concerned about context. This will provide more housing below AMI. In areas for redevelopment, some might already have more than enough of this type of housing. This could be detrimental and could adversely affect racial equity.
 - Mike asked whether MIHU should promote integration or production? A tool for revenue generation or directly producing in an integration manner?



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- Kelly noted that it is the position of the Council to want units integrated in each community and not the fee in lieu option.
- Joan agreed, the number of units need to be the priority as we are so far behind
- Pat added that we need both
- Linda noted that with the shortage of buildable land, the only way we can go is for unit production.
- Brent questioned whether we want custom or assembly line units? School is looking towards redistricting – if large projects create trickle down affect where kids will need to be moved, more units is preferred. There are pros and cons to both sides.
- Mike questioned which is going to give us the most affordable units?
 - Kelly noted the argument is that at the current rate of fee in lieu, not enough is generated to produce another unit. Many argue that no one will build anything because it is too cost prohibitive.

Key Policy Intervention #2 – Loosen zoning requirements unrelated to health and safety for predominantly income-restricted affordable housing and prioritized housing types

- Questions/Discussion:
 - Pat noted that allowing for by right development in low poverty areas is something we should pursue
 - Peter, Joan, Jen, and Roger all agreed with this
 - Kelly confirmed that this is something we would put forth as a part of the housing master plan but would require action in the general plan
 - Steve added that he thought the County has tried this already, but if so, this is something we should try again. There needs to be a balance though.
 - Pat added that the current convoluted method needs to be made easier for affordable housing to be developed
 - Brent stressed that we need to do this in a way that we make sure there are enough resources to support it
 - Mike noted that it seems there is pros and cons for allowing expedited approval for affordable housing, preferably by right. We need to include the flexibilities that would be needed to achieve this
 - Pat stressed that we do not want to set it up so that people can say that affordable housing is substandard over what else would be built
 - Mike added that throughout the process health, safety, and building quality must be ensured
 - Paul noted that one comparison to look at is Downtown Columbia – a tradeoff that was a practical solution to getting more affordable units. There was a condition that the units could not be materially different than the other units to ensure quality. There is value in providing additional incentives (density, setback etc.) we should look at what these will produce in terms of the number of units.
 - Linda questioned if that meant low poverty zones- zones that are already zoned for multiple housing – would be created?
 - Per Mike, no, the definitive factor would be allowing for the production of affordable housing across the entire county
 - Linda responded that she thought we need an alternative - do not think this will get very far realistically, especially from a political standpoint



Intervention Category – Enable More Equitable Growth Throughout the County

Key Policy Intervention #1 - Adopt/amend zoning and resource tools that address neighborhood context

- Questions/Discussion:
 - Bill noted concern that poverty rates and terminology need to be taken into consideration of context. For the communities that have lots of concentrations of low-income people, what are the plans to decrease those levels to make them more competitive with other areas in the county?
 - Paul asked if there is a way to create incentives to encourage developers to come into areas where there are greater amount of poverty and build mixed income units to diverse the area economically (density, setbacks, etc. would encourage mixed income development, even if it meant rehabbing units)?
 - Also, given the limited amount of land available, the county should have a priority somewhere that the land is given to affordable housing or mixed income- allow development on county land by right for mixed income development so that we can take advantage of the land
 - Mike noted that the public lands aspect will be talked about on 26th and that this is a promising strategy. In terms of revitalizing and encouraging market rate housing, this will be touched upon on following slides. Will also be talking about preservation and rehabilitation on the 26th.
 - Pat added that we should focus on allowing by right affordable in low poverty zones and push recommendations that are equitable distribution and build in more areas of low poverty. She was concerned that we will not achieve our goal of expanding the geographic area in which people can live without doing this.
 - Mike noted that the team agreed that the best approach is to expand opportunity in low poverty neighborhoods

Key Policy Intervention #2 - Identify zones for cluster development in the Rural West

- Questions/Discussion:
 - Linda noted that she thought it was politically acceptable to identify specific areas that are close to amenities and call out these nodes
 - Paul added that he agreed and that this looks like a way to make it politically acceptable. Is there an idea of how many nodes might qualify in the Rural West or county wide? It would be helpful to know how many we are talking about.
 - Mike noted that we have not identified these areas yet. Will get back to the group on this, as it depends on what falls within our scope.
 - Paul suggested that maybe the Department of Planning and Zoning could help identify what would qualify as a node
 - Peter noted concern about having an affordable project on shopping center surrounded by million-dollar homes - we need to make sure we are not creating concentrations accidentally
 - Mike agreed and noted that this can work hand in hand but would want to make sure we are promoting mixed income development
 - Paul added that we should consider allowing ADUs in the Rural West and need to look at multiple solutions in the western part of the county

Key Policy Intervention #3 - Create minimum growth and affordability parameters countywide, with provisions/resources for specific neighborhood plans

- Questions/Discussion:
 - Bill talked about the neighborhood corridor plans that most villages have (created in 2009) and need to be looked at and considered as they are a part of the redevelopment process. For example in order to



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achieve the full spectrum of housing in Oakland Mills where there is more affordable housing than what is required, there needs to be upgrades, renovations, increase in density, encouragement of senior housing, and incentives offered. We need to acknowledge the fact that parts of the county are carrying fair share or not carrying enough of the affordable housing spectrum and overtime need to create that balance for communities.

- Mike noted the South Patrick Street Plan in Alexandria that has created a neighborhood overlay that is intended to increase economic diversity of the neighborhood by increasing density to allow for market rate housing and replacement affordable units in the neighborhood, allowing people to stay in their communities
- Brent added that most solutions are growth related but minimum growth rate and affordability parameters. We need to include the infrastructure component and need to be able to provide resources to accommodate these. Equity with growth implies adequate facilities to sustain that growth.
- Kelly asked that when the Department of Planning and Zoning starts to incorporate the Housing Department into decisions and the time comes for making changes, how are we incorporating these plans into the decisions? How do we get to process in doing this and achieving these goals?
 - Mike said that in examples he has seen, they have been joint efforts co-lead between planning and zoning and housing and community development
 - Kelly added that when taking to the zoning board, we want to make sure these plans are supported so that the process can be made shorter. Plans will help with consensus in moving things forward

Intervention Category - Facilitate Lower-cost Housing Typologies

Key Policy Intervention #1 - Adopt a single-family neighborhood form-based code (or similar zoning reform) to encourage missing middle building typologies (rental and ownership) and lower cost ownership development

- Questions/Discussion
 - Steve noted that going from three McMansions to six cluster homes is not the same. There are ways to go with similar unit types (through setbacks, lot lines, etc.)
 - Peter added that traditional zoning dates to keep uses apart. We are not in that situation and form-based code is an attempt to update that. There is nothing wrong with cluster houses in a large lot area. This is good for affordable housing and the county.
 - Mike noted that we need to recognize that it is hard to separate detached single-family housing from racial segregation in some cases
 - Brent stated that he appreciates the “near existing infrastructure...” aspect. We need those high-level measures of intensity and rates county wide and locally to get a sense of the goals that we are heading towards. How would this affect new construction? What is the vision with this?
 - Mike suggested adopting baseline policies that apply across the board and the broader the geographic area that that policy affects, the less radically it is going to affect one single area. Broad scale policies are needed to be applied county wide that allow for evolution. Areas that have existing infrastructure for large scale growth is where there is a more detailed focus at the planning level. If you make it broad based with increased flexibility, that gives the opportunity for someone to expand an ADU, etc. There are specific circumstances that can have a neighborhood plan to allow things along a specific path.



Key Policy Intervention #2 - Remove zoning and regulatory barriers to smaller units

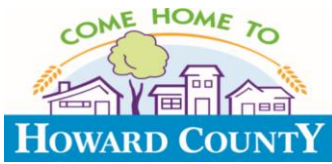
- Questions/Discussion
 - Steve noted that he is on board with smaller housing types, as it doesn't always have to be a McMansion
 - Pat agreed, we should encourage smaller lower cost housing, but we also need to encourage single-level living. As we develop general housing plan, need to take to mind that people are aging and want to stay in Howard County.
 - Jen added that there are a lot of people that are getting older who don't want a big house with a lot of stairs. It is good to have options without shared walls or being above or below someone.
 - Mike noted that it is important to emphasize that legalizing it does not mean that it will be built by the market. Gives mission-driven developers the opportunity to do to.
 - Steve added that universal design can be an incentive if offset by a way to pay for it. Even elevators in townhomes would work. They might cost an extra \$50,000 per unit, but that cost could be offset by additional density for instance.

Key Policy Intervention #3 - Allow accessory dwelling units and pair with a financing/ technical assistance program to encourage affordability

- Questions/Discussion
 - Jen agreed; we have regulations that make it difficult in Howard County to move forward – no preapproved designs, off street parking requirements – need to recommend that those be lifted.
 - Peter noted that objections tend to be about parking and neighborhood fabric – it is a necessary component to make an impact. A lot of these proposals are an uphill fight, the status quo needs to change. Unless there is real data that shows the status quo shouldn't change, we should be implementing these concepts. This is a good collection of a lot of policy initiatives that will start to move the needle if we can get people to accept that the needle needs to move. This means addressing some of the pieces that have been in place for a while that might not be working.
 - Bill noted that attached ADUs are like an addition to a house. The detached ADUs – if there are no owner-occupied requirement - becomes two rentals. How does all of this affect resale? What about infrastructure – if this takes over a neighborhood? We do not want to make neighborhoods less desirable. There are some unintended consequences we might run into and need to be aware of.
 - Mike noted one particular conversation he had with a firefighter who stated that we need to legalize ADUs just so that we can make sure that they are wired properly, etc. instead of in a case where illegal ADUs are constructed in ways that are not up to code or safe. ADUs need to be paired with proactive code enforcement and there are ways to address owner occupancy requirements.

Additional Topics for Discussion

- Remove zoning barriers to mixed-use neighborhoods and developments
 - Specific Recommended Changes
 - Conduct a study to identify areas where “tactical” investments and/or regulatory changes could create “15-minute neighborhoods.
 - Allow neighborhood-serving retail in all residential zones.
 - Provide zoning flexibility to enable both vertical mixed-use buildings and horizontal mixed-use sites.
 - Discussion
 - Brent noted that we need to be aware of commercial-residential mix to make sure the budget stays in check, as currently we are not keeping that balance. Need to look and see if they enhance or detract from the main goal.



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- Streamline entitlement and review process
 - Specific Recommended Changes
 - Create an expedited review/approval program for targeted development types
 - Limit discretionary reviews and public design reviews
 - Scale the entitlement and review process to the size of the development
 - Track internal review timelines and set performance benchmarks
 - Discussion
 - Steve agreed that it needs to be a more predictable and shorter process
 - Peter added that while anyone in development will say that yes this is needed, some from the public might say that they want heard. We do not want to limit that voice and public input component. What is the rationale for limiting it? There are places where the input is appropriate, and we need to address that.

Closing

- Mike noted that we have a great start and encouraged Task Force members to reach out via email to continue the discussion and express any additional concerns
- Per Elisabeth, we committed to having draft recommendations available for the public (via the November community meetings flyer) on November 4th, so please get additional comments in ASAP