



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

May 24, 2018

Tonya Potter
Howard Research and Development Corporation
10480 Little Patuxent Parkway, Suite 400
Columbia, MD 21044

RE: WP-18-105, Downtown Columbia, Crescent
Neighborhood

Dear Ms. Potter:

The Director of the Department of Planning and Zoning considered your request for an alternative compliance from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for an alternative compliance of **Section 16.116(a)(1) of the Subdivision and Land Development Regulations** which prohibits the grading, removal of vegetative cover and trees, paving and new structures within 25 feet of a wetland to provide a retaining wall maintenance easement within a small portion (approximately 195 sf) of the buffer area.

Approval is subject to the following conditions:

1. Encroachment into the wetland buffer shall not extend beyond the approximately 195 SF area impacted by the 10' maintenance easement shown on the exhibit and on SDP-18-005. Any disturbance shall be limited to wall access and maintenance.
2. The Original's Only plat shall be recorded showing the 10' private retaining wall maintenance easement on Open Space Lot 3, as approved for submission in a letter to GLW dated May 18, 2018.
3. Should there be any impacts to environmental restoration plantings due to wall access or maintenance, or any other use of the wall maintenance easement area, replanting shall occur in accordance with the planting plan as approved with F-15-106.
4. Conditions of approval of this alternative compliance shall be added to all relevant plans.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties: The applicant indicates that strict compliance of the regulations would create a practical hardship in that the grades necessary to construct the ultimate mixed-use building could not be established, possibly preventing the ability to provide sewer service, or other vital connections necessary for the building.

Alternative Proposal: During the design of the improvement shown on SDP-18-005, revisions were made to remove the wall from the buffer and eliminate disturbance during construction, ensuring that there would be disturbance for maintenance could not be guaranteed.

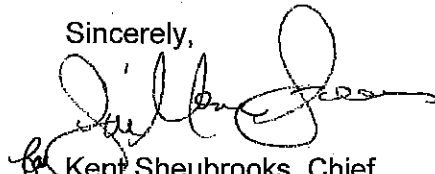
Not Detrimental to the Public Interest: The approval of this petition will not be detrimental to the public interest since any disturbance would be minor and infrequent at the times that wall inspection or maintenance is needed. The buffer's primary purpose to keep structures from the wetlands, and to limit regular use and removal of

vegetation will be maintained. As extra insurance, a condition of approval has been added that in the unlikely event that any environmental restoration area is somehow disturbed during wall access and maintenance, the vegetation shall be restored according to plan.

Will not nullify the intent or purpose of the regulations: Approval of this request will not nullify the intent or purpose of the regulations since any future disturbance will be minor in nature. Maintenance and inspection of the retaining wall should be able to be performed with small pieces of equipment, ones that leave a small footprint and that would create disturbances that could be stabilized with seed and mulch. The protection of the wetland and treatment of runoff prior to it entering the wetland should not be compromised.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits. This alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Jill Manion-Farrar at (410) 313-2350 or email at jfarrar@howardcountymd.gov.

Sincerely,

Kent Sheubrooks, Chief
Division of Land Development

KS/JMF

cc: Research
DED
Real Estate Services
GLW
Columbia Association
SDP-18-005 (ProjectDox file)