



# 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

August 16, 2017

Harold Orenstein  
Toby's General Partnership  
10709 Vista Road  
Columbia, MD 21044

RE: WP-17-104, New Cultural Center (SDP-17-043)

Dear Mr. Orenstein:

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 **Sections 16.115(c)(2) and 16.116(a)(2)(iv) of the Subdivision and Land Development Regulations which state:**

- Section 16.115(c)(2): "No clearing, excavating, filling, altering drainage, or impervious paving may occur on land located in a floodplain;"
- Section 16.116(a)(2)(iv): "Grading, removal of vegetative cover and trees, paving and new structure shall not be permitted within fifty feet of a perennial stream bank in nonresidential zoning districts."

Approval is subject to the following conditions:

1. The permitted disturbance is limited to 54' (330 SF) of the stream channel on the southwest corner of the site and 10,825 SF of the 100-year floodplain on the southeast corner of the site as identified in the MDE authorization.
2. Please add this alternative compliance file number, sections referenced, decision and conditions of approval on each subsequent plan for the site.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties: The project is situated on a triangle shaped site constrained by two roads on the west and east boundaries of the property. The proposed project is adding highly desired uses in Downtown Columbia, including an arts center and affordable housing. Any loss of the building area on this constrained site leads to the reduction of the art facility and affordable housing. The impacts to the stream from the concurrent road project, already approved by MDE and by the County as an essential disturbance, leaves a very small section of the stream daylighted, which provides little environmental value.

Alternative Proposal: The regulations cover a wide range of aspects of site design, including environmental, access and circulation, layout, utilities, and grading. When looked at in the context of the objectives of the Subdivision Regulations, the plan as proposed provides the most desired outcomes, despite the minimal loss of some environmental features.

Not Detrimental to the Public Interest: The public interest is better served by maximizing the amount of arts space and residential units, including affordable housing, then to retain a short segments section of stream between two culverts, and by retaining floodplain that is currently parking that at no time add inhabitable area.

Will not nullify the intent or purpose of the regulations: The purpose of the floodplain and stream regulations is to maintain to the extent possible the natural contours of the land surrounding a stream and within a floodplain to minimize impacts to water quality, wildlife or to alter the natural flood patterns in a stream (and to limit harm from inevitable floods). This alternative compliance, based on the review of documents from FEMA and MDE does not negatively the stream or floodplain.

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](mailto:jfarrar@howardcountymd.gov).

Sincerely,

  
Kent Sheubrooks, Chief  
Division of Land Development

KS/JMF

cc: Research  
DED  
Real Estate Services  
Carl Gutschick, GLW