



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
3/18/10
Item# 3

MEMORANDUM

To: Montgomery County Planning Board

Via: Rollin Stanley, Director *RS*
Montgomery County Planning Department

From: Joshua Sloan, Coordinator *JS*
Montgomery County Planning Department

Date: March 12, 2010

Re: Guidelines for the Implementation of the Density Incentive Public Benefits in the CR
Zones

Legislation regarding the establishment of a family of mixed use zones, the Commercial Residential (CR) Zones, has been approved with a provision that guidelines for public benefits must be adopted by the Planning Board. Because property owners have already indicated a desire to move forward on significant applications affected by these zones, it is incumbent upon the Planning Board to comply with the provisions of the ZTA to enable applications to proceed sooner rather than later.

A draft of the guidelines based on the initial language recommended to the Council is attached. Staff recommends using this draft to obtain public comment over the next several weeks. A public hearing to discuss suggested revisions and take testimony should then be held. Staff recommends scheduling a tentative hearing date of April 29, 2010.

CR ZONE INCENTIVE DENSITY IMPLEMENTATION GUIDELINES

DRAFT

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1. PURPOSE

These guidelines are established pursuant to section 59-C-15.81 of the Montgomery County Zoning Ordinance, which states:

The Planning Board must adopt, publish, and maintain guidelines that detail the standards and requirements for public benefits that may be provided for incentive density. These guidelines must be consistent with the purposes of this zone and are in addition to and do not supersede any standards, requirements, or rules of incentive density calculation included in this Division.

These guidelines were originally developed in concert with drafting the CR zones and were to be integrated into the zoning ordinance. As such, they were developed in consultation with the Zoning Advisory Panel, established as part of the comprehensive zoning rewrite project, and with numerous stakeholders during conversations and public hearings on numerous master plans.

1.1. Use of the Guidelines

The Planning Board and its staff will use these guidelines when determining the adequacy of public benefits and amenities provided by an optional method application for development on a CR-zoned property. The public benefits and amenities are considered within the entire development subject to one sketch plan and may be compelled by a phasing plan on all subsequent site plans. The Planning Board will not grant an award of incentive density for any public benefit or amenity that is otherwise required by law.

1.2. Limits of the Guidelines

These guidelines are not requirements. Except as required by the zoning ordinance, criteria for the award of incentive density are based on best practices, effective implementation thresholds, and experience and analysis of built projects. Alternatives to the criteria may be proffered as long as the standards of the ordinance are met, the intent of the public benefit is achieved, and an appropriate amount of incentive density is requested. In any case where criteria established by these guidelines conflict with other county policies or regulations, the policy or regulation must be observed and the intent of the criteria must be addressed by other means.

2. CR ZONES OVERVIEW

2.1. Provisions of the CR Zones

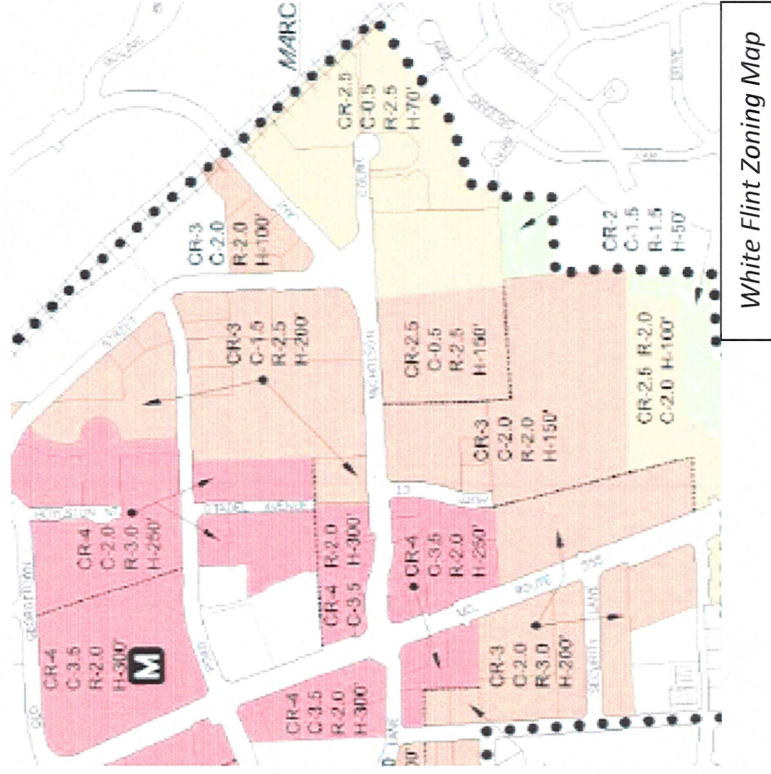
The CR zones are a family of mixed-use zones that establish density, use mix, and height based on a set of four factors: CR#, C#, R#, and H#. The maximum total density, nonresidential density, residential density, and height that can be used to create a zone are delineated according to several rules enumerated in the ordinance. Once the numbers associated with each factor are enacted on a zoning map, the zone is set and the maximum density, mix, and height are fixed.

2.2. Methods of Development

Development on CR-zoned land may proceed under the standard or optional method development. Standard method development is limited in density to 0.5 FAR or 10,000 square feet, whichever is greater, and 40 feet in height. Optional method development is limited to the FAR and height established by the zone on the map. A conceptual sketch plan is required for all optional method development, which also requires a site plan. Site plans are required of any standard method development over 10,000 square feet or 10 dwelling units.

2.3. Requirements and Standards of the CR Zones

There are requirements and standards that must be met by any project in a CR zone. These include setbacks, public use space, streetscape improvements, residential amenity space, bicycle parking and shower facilities, parking facility design, and consistency with the applicable master plan and design guidelines. All development must satisfy the standards and requirements enumerated in the zoning ordinance regardless of any public benefits provided.

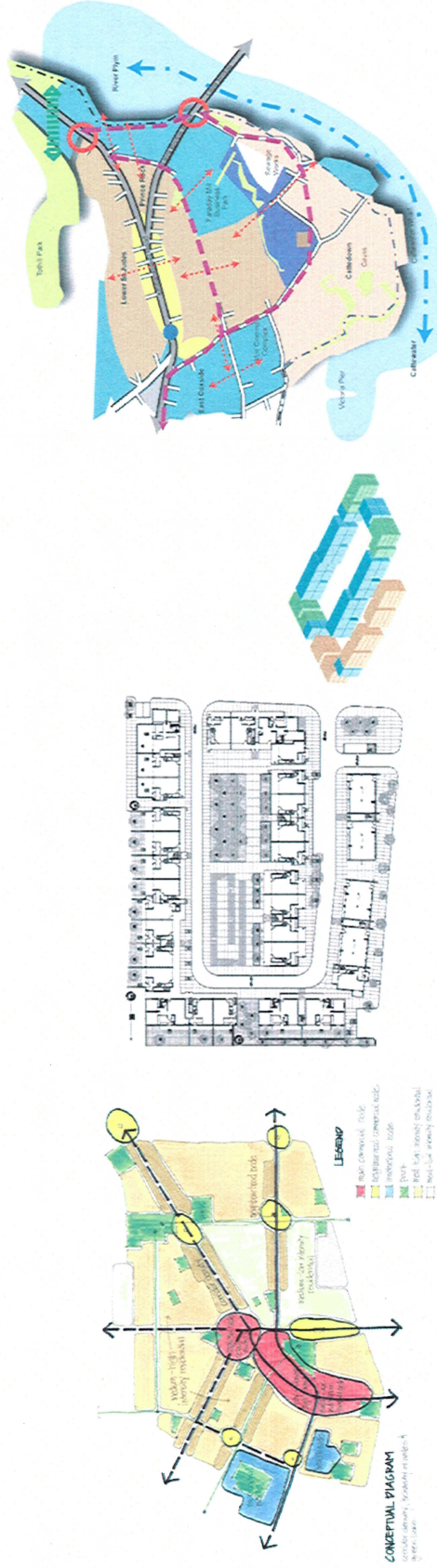


3. PROCESS & CONTENTS OF A SKETCH PLAN

3.1. Sketch Plan Concept

A sketch plan showing the general nature of a development including all proposed public benefits and amenities must be presented to the public prior to filing an application for optional method development on a CR-zoned property per section 59-C-15.42. Applicants are encouraged to present designs to citizens and staff prior to “hard-line engineering” of development to ensure that alternatives are explored and a “best fit” development can be achieved.

Sketch plans should maintain the minimal level of detail necessary to allow citizens, staff, and the Planning Board to evaluate a proposed development and make the required findings. Examples of appropriate levels of detail are included in these guidelines; in many cases more or less detail may be needed, which will become apparent in the early discussions of an application. It should be remembered by all parties that a sketch plan approval only serves to ensure that an application is “appropriate in concept and appropriate for further detailed review at site plan”. Sketch plans may be modified at site plan with proper notice and upon a showing that the required findings can still be made.



3.2. Table of Public Benefits

A table of proposed public benefits and amenities and the incentive density requested for each must be filed with a sketch plan for any optional method development on a CR-zoned property.

Example:

Table of Public Benefits and Amenities for Hypothetical Development Building to Full Allowed Density		<i>Incentive Density Requested</i>
<i>Public Benefit</i>	<i>Criteria Met</i>	
Transit Proximity	100% of lot area between ¼ and ½ mile of Metrostation	30%
Neighborhood Services	12 different retail services provided on site or within ¼ mile – see Exhibit A	15%
	6 services with retail bays less than 5,000 sf – see Exhibit A	
Adaptive Buildings	18 foot ground level floor-to-floor height – see Exhibit B	8%
	12 foot floor-to-floor height on 2 nd -5 th floors – see Exhibit B	
	Open structural floor layout with modular spaces around load-bearing columns – see Exhibit B	
Dwelling Unit Mix	7.5% efficiency units, 8% 1-bedroom units, 8% 2-bedroom units, 5% 3-bedroom units – see Exhibit C	7%
Enhanced Accessibility for the Disabled	2 of each unit type (10%) meet ANSI A117.1 Residential Type A standards – see Exhibit C	10%
Structured Parking	All parking provided below grade – see Exhibit B	10%
Vegetated Area	10,000 square feet of public use space planted with 24” soil – see Sketch Plan	10%
Tree Canopy	25% of public use space covered by deciduous tree canopy – see Sketch Plan	5%
Green Wall	50% of blank wall along parking garage ramp covered with vegetated wall	5%
Total Incentive Density		100%

4. DENSITY CALCULATION

4.1. Density

All CR zones have the same standard method density: 0.5 FAR (floor area ratio) or 10,000 square feet, whichever is greater. The density between that allowed by the standard method and the density indicated by the zone on the map is defined as the “incentive density”.

4.2. Height

All CR zones have the same standard method height: 40 feet. Height is not a factor used to determine the appropriateness of a public benefit – that is, no additional height is granted when a public benefit is provided. The height of the zone on the map is simply the maximum height allowed (regardless of whether the density can be achieved). Any applicant that wishes to develop above the standard method density – up to that allowed by the zone – must apply for an optional method of development approval. This process entails the provision of public benefits and amenities that will support the additional density.

4.3. Calculation Methods

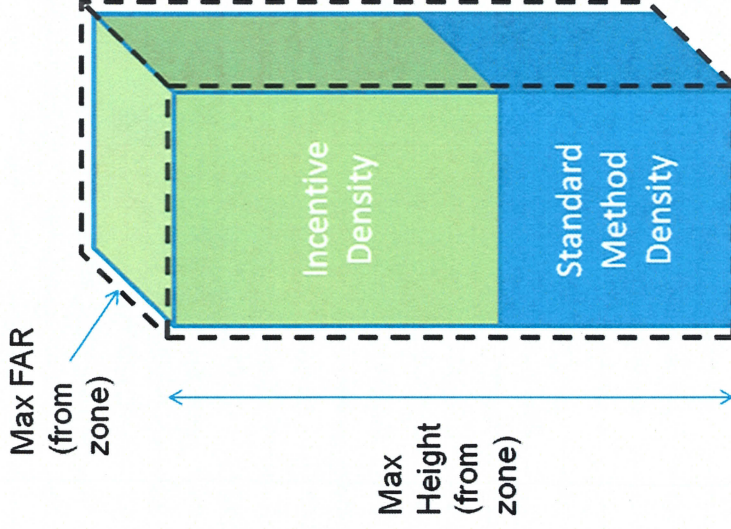
There are two methods of calculating public benefits for incentive density: as a percentage of the zoned density and as a percentage of the proposed development density. Each is calculated as a percentage of square feet allowed.

A. Method 1: Zoned Density

Subtract the standard method density allowed by the zone from the maximum density allowed by the zone and multiply by the applicable public benefit percentage.

B. Method 2: Proposed Density

Subtract the standard method density allowed by the zone from the maximum density proposed by the development and multiply by the applicable public benefit percentage.



5. Public Benefits Matrix

5.1. Categories of Public Benefits

There are seven categories of public benefits that may be used to support incentive density.

- *Transit Proximity*
- *Master-Planned Major Public Facilities*
- *Connectivity and Mobility*
- *Diversity of Uses and Activities*
- *Design Quality*
- *Natural Environment Protection & Enhancement*

- *Dedicated Rights-of-Way*

5.2. Individual Public Benefits

Within each category, excepting transit proximity, master-planned facilities, and dedicated rights-of-way, there is a list of individual public benefits and amenities that may be provided by an applicant to obtain incentive density. These categories and individual public benefits are established by the ordinance and certain basic criteria for implementation must be met. Additional standards and rules will be established by these design guidelines.

5.3. Table of Individual Public Benefits			
<i>Connectivity</i>	<i>Diversity</i>	<i>Design</i>	<i>Environment</i>
Neighborhood Services	Affordable Housing	Historic Resource Protection	Building Lot Termination
Minimum Parking	Adaptive Buildings	Structured Parking	Energy Conservation & Generation
Through-Block Connections	Care Centers	Tower Setback	Green Wall
Public Parking	Small Business Retention	Public Art	Tree Canopy
Transit Access Improvement	Dwelling Unit Mix	Public Open Space	Tree Canopy
		Streetscape	Vegetated Area
		Exceptional Design	Vegetated Roof

5.4. Matrix of Public Benefit Incentive Density Ranges

Each category and/or the individual public benefits has a maximum limit for the allowed percentage of the incentive density approved. These are indicated in the table below and the criteria that apply to the benefits are listed in the sections referenced in the table. Each category or individual public benefit has criteria that must be met to receive the minimum percentage of incentive density; further requirements are indicated in the applicable sections that will guide the approval of incentive density above this minimum, up to the maximum indicated.

Public Benefit	Percent of Incentive Density		Section Reference
	Minimum	Maximum	
<i>Master-Planned Facility</i>	10	70	6.2.
<i>Transit Proximity</i>	15	50	6.3.
<i>Connectivity & Mobility</i>			
Neighborhood Services	10	20	6.4.A.
Minimum Parking	1	20	6.4.B.
Through-Block Connection	5	10	6.4.C.
Public Parking	15	25	6.4.D.
Transit Access Improvement	10	20	6.4.E.
Trip Mitigation	15	25	6.4.F.
<i>Diversity</i>			
Affordable Housing: MPDUs	See section reference		6.5.A.
Affordable Housing: WFHUs	See section reference		
Adaptive Buildings	10	20	6.5.B.
Care Center	10	20	6.5.C.
Small Business Retention	10	20	6.5.D.
Dwelling Unit Mix	5	10	6.5.E.
Enhanced Accessibility for the Disabled	1	20	6.5.F.

Public Benefit	Percent of Incentive Density		Section Reference
	Minimum	Maximum	
<i>Design</i>			
Historic Resource Protection	5	20	6.6.A.
Structured Parking	10	20	6.6.B.
Tower Setback	5	10	6.6.C.
Public Art	5	10	6.6.D.
Public Open Space	5	10	6.6.E.
Streetscape, Off-Site	5	10	6.6.F.
Exceptional Design	10	20	6.6.G.
<i>Environment</i>			
BLTs	See section reference		6.7.A.
Energy Efficiency and Generation	10	20	6.7.B.
Green Wall	5	10	6.7.C.
Tree Canopy	10	20	6.7.D.
Vegetated Area	5	10	6.7.E.
Vegetated Roof	10	20	6.7.F.
<i>Advanced Dedication of Right-of-Way</i>	10	30	6.8.

6. PUBLIC BENEFITS CRITERIA

6.1. General Public Benefit Standards Required by the Ordinance

There are three aspects of a public benefit that must be analyzed for compliance with the ordinance:

1. Does it address the general considerations required by the zone for all public benefits?
2. Does it address the individual standards required by the zone for the specific benefit?
3. Does it address the additional criteria required by the guidelines?

The foundation of all optional method development is that “increases in density and height above the standard method maximums [must be] consistent with the applicable master or sector plan, up to the maximum permitted by the zone”. Further, the CR zones list general considerations for approving any incentive density and certain “threshold” standards that must be met by any particular benefit to obtain incentive density.

General Considerations for all Public Benefits

59-C-15.81.b) In approving any incentive density based on the provision of public benefits, the Planning Board must consider:

1. The policy objectives and priorities of the applicable master or sector plan;
2. Any applicable design guidelines and any adopted public benefit standards and guidelines;
3. The size and configuration of the tract;
4. The relationship of the site to adjacent properties;
5. The presence or lack of similar public benefits nearby; and
6. Enhancements that increase public access to or enjoyment of the benefit.

Fundamentally, these general considerations establish that a public benefit must be consistent with the approved master plan and design guidelines and appropriate for the particular context. They must be analyzed for all public benefits and any additional criteria must be consistent with them. Individual benefits, on the other hand, have specific criteria that are enumerated in subsequent sections.

6.2. Master-Planned Facilities: 10% - 70%

Ordinance Criteria

59-C-15.82. Incentives for Master-Planned Major Public Facilities.

Major public facilities such as schools, libraries, recreation centers, urban parks, and county service centers provide public services at convenient locations, centers for community meetings, and civic events. Because of their significance in place-making, the Planning Board may approve incentive density of up to 70 percent for the conveyance of a site and/or construction of a major public facility that is designated on a master plan or sector plan and is accepted for use and operation by the appropriate public agency, community association, or nonprofit organization.

While this public benefit is self-explanatory, implementation guidelines and standards for assessing appropriate incentive density are difficult. The basic ordinance standards for the public facility may be broken down as follows:

- The maximum incentive density for provision of a master-planned facility is 70%;
- The land or facility provided must be designated on a master or sector plan;
- The land must be conveyed and/or a facility must be constructed; and
- The land and/or facility must be accepted by an appropriate public agency, community association, or nonprofit organization.

Guideline Criteria

Assuming the ordinance criteria are met, master-planned public facilities are analyzed on two fronts: 1. whether there is only a conveyance of land or also construction of a facility and 2. what is the relative size of the land or facility. The minimum percentage of incentive density should apply when only land is conveyed and that area is less than or equal to 10% of the gross tract area included in a sketch plan. The maximum percentage of density should apply when land is conveyed and a facility is built and the gross floor area of that facility is equal to 70% of the gross tract area included in a sketch plan. Most projects will fall between the minimum and maximum incentive density.

Calculation Method: 1

Master-Planned Facility Considerations for Incentive Density	
<i>10% Minimum</i>	<i>70% Maximum</i>
Conveyance only	Conveyance and Construction
Land equal to 10% or less of gross tract area	Land area plus gross floor area of constructed facility equal to 70% or more of gross tract area
No connectivity or other improvements related to conveyed land	Substantial connectivity and other improvements related to constructed facility

Examples

1. 100,000 square foot property in CR 2.5 zone developing full 2.5 FAR proposes to convey 25,000 square feet of land to the Department of Parks without any improvements.
 - a. Basic calculation:
 - i. 2.0 FAR (incentive density by method 1) multiplied by 100,000 sf = 200,000 sf
 - ii. $25,000 / 200,000 = 12.5\%$
 - b. Incentive density award = 12.5% (25,000 sf)
2. Same as Example 1, except a short length of sidewalk is constructed connecting the land to an existing network of sidewalks.
 - a. Basic calculation = 12.5% as above
 - b. Additional improvements analyzed as similar to other connectivity category benefits and approximated at 3.5%
 - c. Incentive density = 16% (32,000 sf)
3. Same as Example 1 except the park is outfitted with a play area, park office, bathrooms, landscaping, and sidewalks connecting to an existing network of sidewalks.
 - a. Basic calculation = 12.5% as above
 - b. Area of additional improvements is equal to the entire park = 12.5% (entire conveyed site is improved)
 - c. Additional improvements analyzed as similar to numerous other category benefits and approximated at 25%
 - d. Incentive density = 50% (100,000 sf)

6.3. Transit Proximity: 15% - 50%

Ordinance Criteria

59-C-15.83. Incentives for Transit Proximity.

In order to encourage greater use of transit, control sprawl, and reduce vehicle miles traveled, congestion, and carbon emissions, the Planning Board may approve incentive density for transit proximity under this section. The percentage of incentive density awarded to a project for transit proximity is as follows:

Transit Proximity	Level 1	Level 2
Adjacent or confronting	50%	30%
Within ¼ mile	40%	25%
Between ¼ and ½ mile	30%	20%
Between ½ and 1 mile	20%	15%

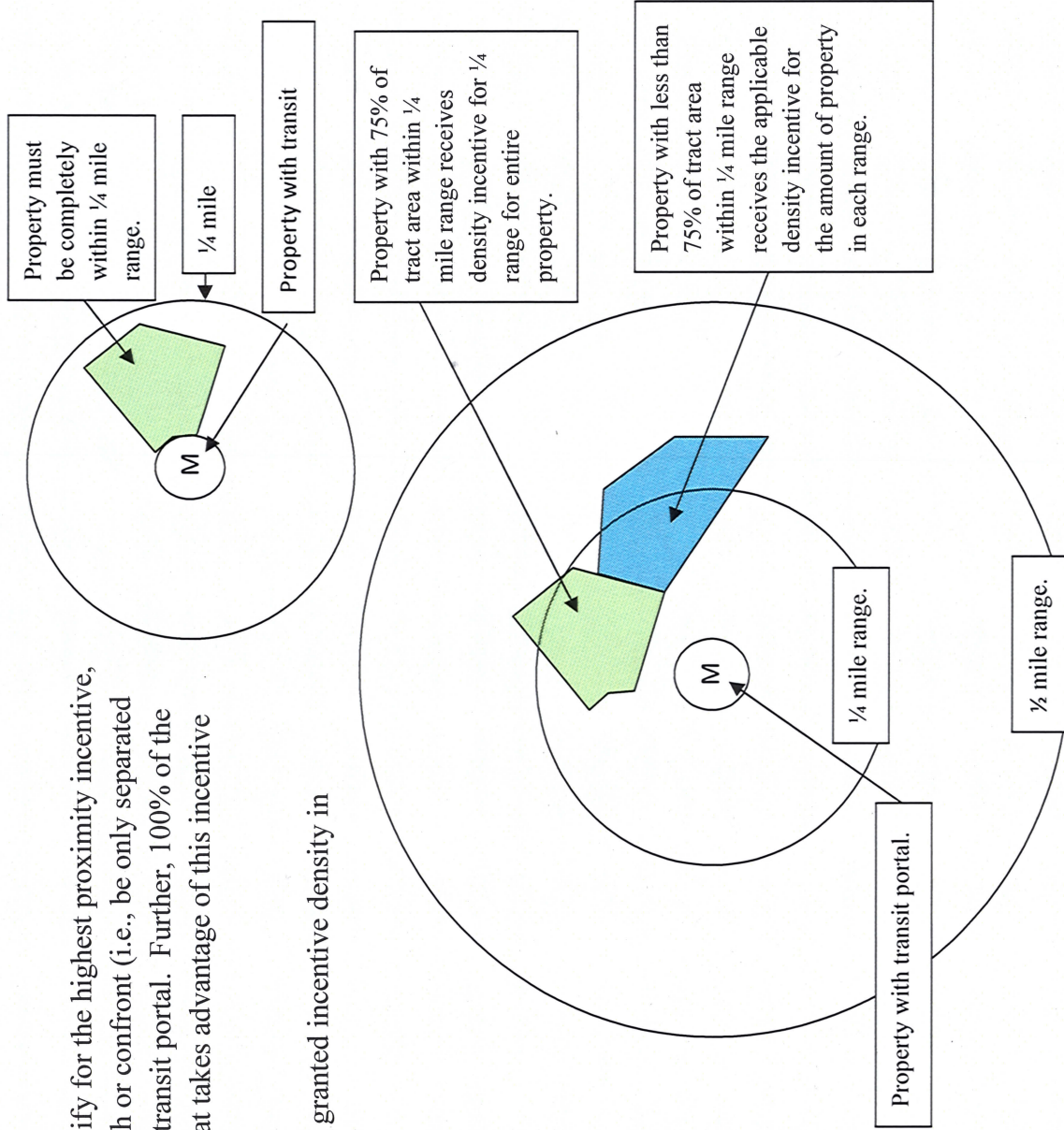
- a) A project is adjacent to or confronting a transit station or stop if it shares a property line, easement line, or is separated only by a right-of-way from an existing or planned transit station or stop and 100 percent of the gross tract area submitted in a single sketch plan application is within ¼ mile of the transit portal.
- b) For all other projects to qualify for incentive density availability at other distances, at least 75 percent of the gross tract area in a single sketch plan application must be within the range for which the incentive is proposed. The incentive density for projects with less than 75 percent of the gross tract area in one distance range must be calculated as the weighted average of the percentage of area in each range.

Level 1 transit is defined in this division as a Metrorail station. Level 2 transit is defined as an existing or planned station or stop along a rail or bus line with a dedicated, fixed path (e.g., MARC, purple line, CCT). Planned stations or stops are those that have been identified on an approved master or sector plan. There are no guideline criteria; the following provides an explanation and example to clarify this section.

Confronting properties are those that are directly across each other based on a line between the two properties that is drawn perpendicular to the right-of-way.

Subsection a) is straightforward: to qualify for the highest proximity incentive, a property must share a property line with or confront (i.e., be only separated by a right-of-way) the property with the transit portal. Further, 100% of the tract submitted in a single sketch plan that takes advantage of this incentive must be within $\frac{1}{4}$ mile of that boundary.

Subsection b) ensures that properties are granted incentive density in proportion to their-proximity to a transit portal when they straddle the ranges. There are two parts to this provision. First, if a property is 75% within a proximity range, the entire property is eligible for the density incentive enumerated for that range. Second, if less than 75% of a property is within a proximity range, a property is eligible for a weighted average. In this case, the amount of property in each range must be calculated and the density incentive enumerated for each range will be applied to the applicable area.



Calculation Method: 2

Examples

1. Tract bisected by a transit proximity range developing to full density allowed:

<u>Zone:</u>	CR 2.5 C1 R2 H100
<u>Tract:</u>	100,000 sf (included in one sketch plan)
<u>Standard Method Density:</u>	50,000 sf (100,000 sf x 0.5 FAR)
<u>Optional Method Density:</u>	250,000 sf (100,000 sf x 2.5 FAR)
<u>Density for Calculation (Total Incentive Density):</u>	200,000 sf (250,000 sf – 50,000 sf)
<u>Tract area within ¼ mile of Metrostation:</u>	50,000 sf (100,000 sf of incentive density)
<u>Tract area within ½ mile of Metrostation:</u>	50,000 sf (100,000 sf of incentive density)
<u>Incentive Density for ¼ mile range:</u>	40,000 sf (100,000 sf x 0.40%)
<u>Incentive Density for ½ mile range:</u>	30,000 sf (100,000 sf x 0.30%)
<u>Total Incentive for Transit Proximity:</u>	70,000 sf (of 200,000 sf or 0.35%)

2. Tract adjacent to metro developing to less than full density allowed:

<u>Zone:</u>	CR 4.0 C3 R3 H300
<u>Tract:</u>	80,000 sf (included in one sketch plan)
<u>Standard Method Density:</u>	40,000 sf (80,000 sf x 0.5 FAR)
<u>Optional Method Density:</u>	320,000 sf (80,000 sf x 4.0 FAR)
<u>Incentive Density:</u>	280,000 sf (320,000 sf – 40,000 sf)
<u>Proposed Density (Less Than Allowed Density):</u>	300,000 sf
<u>Density for Calculation</u>	260,000 sf (300,000 sf – 40,000 sf)
<u>Tract area adjacent to Metrostation:</u>	Yes
<u>Tract area entirely within ¼ mile of Metrostation:</u>	Yes
<u>Total Incentive for Transit Proximity:</u>	130,000 sf (260,000 sf x 0.50)

6.4. Connectivity and Mobility

Ordinance Criteria

59-C-18.84. Incentives for Connectivity and Mobility.

In order to enhance connectivity between uses and amenities and increase mobility options; encourage non-automotive travel for short and multi-purpose trips as well as for commuting; facilitate social and commercial interaction, provide opportunities for healthier living; and stimulate local businesses, the Planning Board may approve incentive density of up to 30% for a project that provides at least two of the following public benefits:

- a) Neighborhood Services: Safe and direct pedestrian access to 10 different retail services on site or within $\frac{1}{4}$ mile, of which at least 4 have a maximum retail bay floor area of 5,000 square feet.
- b) Minimum Parking: Provision of the minimum required parking for projects of one acre of gross tract area or more.
- c) Through-Block Connections: Safe and attractive pedestrian connections between streets.
- d) Public Parking: Provision of up to the maximum number of parking spaces allowed in the zone as public parking.
- e) Transit Access Improvement: Ensuring that access to transit facilities meets County standards for handicapped accessibility.
- f) Trip Mitigation: A binding and verifiable Traffic Mitigation Agreement to reduce the number of weekday morning and evening peak hour trips attributable to the site in excess of any other regulatory requirement; the agreement must result in non-auto driver mode share of at least 50% for trips attributable to the site.

Calculation Method: 2, except for provision of public parking and trip mitigation, which are calculated according to method 1.

Individual Connectivity & Mobility Benefit Criteria

A. Neighborhood Services: 10% - 20%

1. The minimum incentive density increase for a building that enhances community connectivity by locating near existing retail uses or provides retail uses, requires that:
 - a. At least 10 different retail services are provided on site or exist within 1/4 mile; and
 - b. At least 4 of those uses have a maximum retail bay floor area of 5,000 square feet.
2. The maximum increase requires additional benefits, such as a larger diversity of retail uses, accessibility for the disabled, provision of services associated with live-work units, or that the required number of retail uses is within 1 block.



Insert Retail Streetfront Image

B. Minimum Parking 1% - 20%

1. The incentive density increase is calculated on a sliding scale from no increase for providing the maximum allowable number of spaces on-site to a maximum of 20% for providing no more than the minimum number of spaces on site.
2. The incentive density increase is calculated as follows:
 - a. Numerator = maximum # of spaces allowed – actual # of spaces provided;
 - b. Denominator = maximum # of spaces allowed – minimum # of spaces required; and
 - c. The resulting ratio multiplied by 0.20 is equal to the bonus density.

Example: If a development has a minimum of 50 required spaces and a maximum of 100 allowed spaces and provides 60 spaces:
 $((100-60)/(100-50)) \times 0.20 = 0.16$, or 16% incentive density increase.

C. Through-Block Connections: 5% - 10%

1. The minimum incentive density increase for a pedestrian through-block connection requires that the space be an open-air, non-climate controlled path that meets the following requirements:
 - a. The pedestrian connection must provide direct access between streets and may be provided through the first floor of a building if the property owner grants a public access easement for the walkway;
 - b. The pedestrian connection must be at least 15 feet in width;
 - c. At least 35 percent of the walls facing the interior pedestrian connection below a height of 8 feet must have clear, unobstructed windows; and
 - d. The pedestrian connection must be open to the public between sunrise and sunset and, where it leads to a transit facility or publicly-accessible parking facility within ½ mile, for the hours of operation of the transit and/or parking facility.
2. The maximum increase requires additional benefits such as:
 - a. Direct connection to parks, transit facilities, or public buildings;
 - b. Accessible retail uses along a majority of its length;
 - c. Connections increased in width; or
 - d. Public artworks integrated into the walk.

D. Public Parking: 15% - 25%

1. The minimum increase requires providing on-site the difference between the minimum number of required parking spaces and the maximum number of allowed parking spaces as publicly accessible spaces for free or at a market rate.
2. The maximum increase requires providing public parking spaces, as required above, in combination with additional improvements, such as constructing those spaces underground or in a structure.

E. Transit Access Improvement: 10% - 20%

1. The minimum incentive density increase for transit access improvements requires that the improvements:



Insert Ped Connection Image

Insert Ped Connection Image

- a. Are located within 1/2 mile of the proposed development site or, in the case of mobile transit improvements such as a bus shuttle, provide regular access for passengers within 1/2 mile; and
 - b. Are built to ADA accessibility standards as amended.
2. The maximum increase requires additional benefits such as closer access, new access easements, connecting walkways, mezzanines, seating areas, structures for wind/rain protection, or concourse areas.

F. Trip Mitigation: 15% - 25%

- 1. The minimum incentive density increase for trip mitigation requires submittal and approval of a traffic mitigation agreement resulting in a 50% reduction of weekday peak hour trips attributable to the development site.
 - a. This agreement must be accepted by M-NCPPC and MCDOT prior to certification of any site plan for a development subject to the agreement; and
 - b. This agreement must outline in detail the policies, tracking mechanisms, and reporting procedures to be enacted regarding car-pooling, transit subsidies, parking restrictions, bicycle facilities, and other mitigating strategies to be employed.
- 2. The maximum increase requires additional benefits such as provision of shower facilities not otherwise required, bike storage facilities above the minimum required, flex-car spaces, or a transportation information center.

Insert Transit Image	Insert Transit Image
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6.5. Diversity of Uses and Activities

Ordinance Criteria

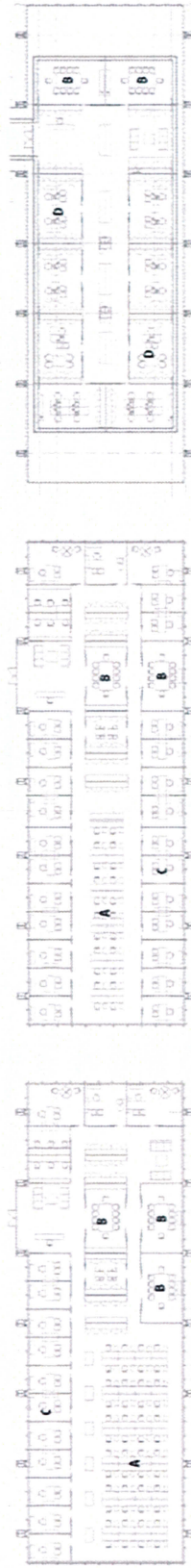
<p>59-C-15.85. Incentives for Diversity of Uses and Activities. In order to increase the variety and mixture of land uses, types of housing, economic diversity, and community activities; contribute to development of a more efficient and sustainable community; reduce the necessity for automobile use; and facilitate healthier lifestyles and social interaction, the Planning Board may approve incentive density of up to 30% for a project that provides affordable housing or a public facility, as described below, or at least 2 of the other following public benefits:</p> <p>(a) Affordable Housing: All residential development must comply with the requirements of Chapter 25A for the provision of Moderately Priced Dwelling Units (MPDUs) and may provide Workforce Housing Units (WFHUs) under Chapter 25B.</p>
<p>(1) MPDU Incentive Density: Provision of MPDUs above the minimum required is calculated on the total number of dwelling units as required by Chapter 25A, and the percent of incentive density increase is based on the proposed FAR for the entire project.</p> <p>(2) WFHU Incentive Density: Provision of WFHUs is calculated at the following rate: 2 times the percentage of units provided as WFHUs.</p>
<p>(b) Adaptive Buildings: Provision of buildings with minimum floor-to-floor heights of at least 15 feet on any floor that meets grade and 12 feet on all other floors. Internal structural systems must be able to accommodate various types of use with only minor modifications.</p> <p>(c) Care Centers: Child or adult day care facilities.</p> <p>(d) Small Business Retention: Provision of on-site space for small, neighborhood-oriented businesses.</p> <p>(e) Dwelling Unit Mix: Provision of at least 7.5% efficiency units, 8% 1-bedroom units, 8% 2-bedroom units, and 5% 3-or-more bedroom units.</p> <p>(f) Enhanced Accessibility for the Disabled: Provision of dwelling units that satisfy American National Standards Institute A117.1 Residential Type A standards or units that satisfy an equivalent County standard.</p>

Calculation Method: 2 except for provision of a care center, which is calculated according to method 1.

Individual Diversity Benefit Criteria

- A. **Affordable Housing: 1% - 30%**
The calculations for incentive density for affordable housing are provided in the zoning ordinance and chapter 25A and must comply with all applicable regulations.
- B. **Adaptive Buildings: 10% - 20%**
 1. The minimum incentive density increase for an adaptive building requires that:
 - a. The floor to floor dimension must be at least 15 feet for all floors; and
 - b. The internal floor plan is based on a structural system allowing flexibility of volumes divisible from 1 open floor plate to any number of parceled volumes.
 2. The maximum increase requires additional benefits such as that:
 - a. The structural system has additive capacity for any available density and height that is not used by the building without demolition of the structure; or
 - b. The internal layout is built to allow changes between residential, retail, and office uses by minor modifications.

FLOOR PLAN OPTIONS↓



A. OPEN PLAN OFFICE B. CONFERENCE C. PRIVATE OFFICES D. SHARED OFFICES

- C. **Care Centers: 10% - 20%**
 1. The minimum incentive density increase for a center for daytime adult or child care requires a facility for at least 12 users and the general public must have the opportunity to comprise at least 25 percent of the users.
 2. The maximum increase requires additional benefits such as providing for additional users, a safe drop-off area, an increase in users from the general public, and recreation facilities provided above those required by law.

D. Small Business Retention: 10% - 20%

Preservation of locally-owned small businesses on site is eligible for incentive density as follows:

1. Preservation of up to 2 small businesses: 10 percent; and
2. Preservation of 3 or more small businesses: 20 percent.

The approved gross floor space for these businesses must be restricted for a period of six years after the issuance of the initial uses and occupancy permit. The six year time period is binding upon future owners and successors in title and must be stated as a condition of any site plan approved by the Planning Board. Before a building permit is submitted for approval, the applicant must file a covenant in the land records of Montgomery County, Maryland that reflects these restrictions.

E. Dwelling Unit Mix: 5% - 10%

1. The minimum incentive density increase for creating residential buildings with a minimum mix of dwelling unit types (calculated by rounding to the next higher whole number) requires provision of at least:
 - a. 7.5 percent as efficiency dwelling units;
 - b. 8 percent as one-bedroom dwelling units;
 - c. 8 percent as two-bedroom dwelling units; and
 - d. 5 percent as three-bedroom or larger dwelling units.

2. The maximum increase requires provision of at least (calculated by rounding to the next higher whole number):

- a. 10 percent as efficiency dwelling units;
- b. 10 percent as one-bedroom units;
- c. 10 percent as two-bedroom units; and
- d. 7.5 percent as three-bedroom or larger units.

F. Enhanced Accessibility for the Disabled: 1% - 20%

Provision of dwelling units that satisfy ANSI A117.1 Residential Type A standards is eligible for incentive density on a sliding scale calculated as a percentage of complying units up to 20%.



6.6. Design Quality

Ordinance Criteria

59-C-15.86. Incentives for Quality Building and Site Design.

High quality design is especially important in urban, integrated-use settings to ensure that buildings and uses are compatible with each other and adjacent communities and to provide a harmonious pattern of development. Due to the increased density of these settings, buildings tend to have high visibility. High quality design may help to attract residents and businesses to locate in these settings. Location, height, massing, façade treatments, and ornamentation of buildings affect sense of place, orientation, and the perception of comfort and convenience. The quality of the built environment affects light, shadow, wind, and noise, as well as the functional and economic value of property. In order to promote high quality design, the Planning Board may approve incentive density of up to 30% to a project that provides at least 2 of the following public benefits:

(a) **Historic Resource Protection:** Preservation and/or enhancement of a historic resource indicated on the Master Plan for Historic Preservation in conformance with a plan approved by the Historic Preservation Commission. A fee-in-lieu for a specific preservation project may be paid to the Historic Preservation Division as specified in the Guidelines for Public Benefits.

(b) **Structured Parking:** Parking provided within a structure or below-grade.

(c) **Tower Setback:** Setback of building by a minimum of 6 feet beyond the first floor façade at a maximum height of 72 feet.

(d) **Public Art:** Provision of public art must be reviewed for comment by the Public Arts Trust Steering Committee. A fee-in-lieu may be paid to the Trust as specified in the Guidelines for Public Benefits.

(e) **Public Open Space:** Provision of open space in addition to the minimum required by the zone. Public open space must be easily accessible to the public during business hours and/or at least from sunrise to sunset and must contain amenities such as seating, plantings, trash receptacles, kiosks, and water features.

(f) **Streetscape:** Construction of off-site streetscape in addition to the requirements of this division.

(g) **Exceptional Design:** Building design that provides innovative solutions in response to the immediate context; creates a sense of place and serves as a landmark; enhances the public realm in a distinct and original manner; introduces new materials, forms, or building methods; uses design solutions to make compact infill development living, working, and shopping environments more pleasurable and desirable; and integrates low-impact development methods into the overall design of the site and building.

Calculation Method: 2 except for provision of public use space, which is calculated according to method 1.

Individual Design Benefit Criteria

A. Historic Resource Protection: 5% - 20%

1. The minimum incentive density increase for the preservation of a historic resource designated in the Master Plan for Historic Preservation requires that a preservation strategy for the resource is approved by the Planning Board as part of a site plan and that a historic work permit is issued by the Historic Preservation Commission.
2. The maximum increase requires that other benefits are provided, such as interpretive signs/exhibits, integration and construction of context-appropriate landscapes and settings, or protection of important viewsheds.
3. Incentive density may be granted for a fee-in-lieu for a specific preservation project based on a sliding scale as follows:
 - a. The minimum fee is calculated on 1 percent of the development's projected cost;
 - b. The fee is paid to the Department of Parks, Park Planning and Stewardship Division prior to release of a building permit;
 - c. The fee is used for restoration or rehabilitation of publicly owned historic resource on parkland, with preference given to the policy area where the proposed development is located; and
 - d. The incentive density is equal to a 5 percent increase for every 1 percent of projected development cost paid to the Department of Parks, up to 20 percent.

B. Structured Parking: 10% - 20%

1. The minimum incentive density increase requires that all on-site parking spaces are provided in structured parking with active uses fronting on designated priority retail streets.
2. The maximum increase requires that all on-site parking spaces are provided below the average grade of the primary street frontage.
3. A proportional incentive density between the minimum and maximum increase may be granted based on the number of total spaces provided in structured parking above grade to the total number of spaces provided below the average grade of the primary street frontage.



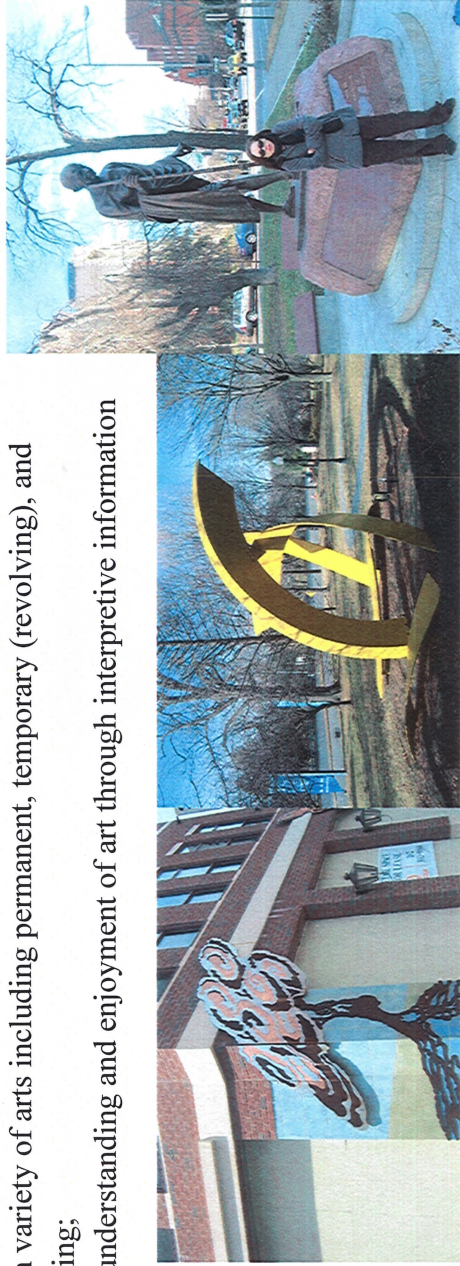
C. Tower Setback: 5% - 10%

1. The minimum incentive density increase for the provision of a tower setback requires that the tower must be set back from the first floor building frontage at or below 72 feet and the setback must be at least 6 feet.
2. The maximum increase requires that the tower setback be at or below 50 feet and that the setback be at least 12 feet and that the tower setback be accomplished in concert with a significant reduction in the floor area of upper stories.

D. Public Art: 5% - 10%

1. The minimum incentive density increase for public art requires that it:
 - a. Enhances the general or specific cultural objectives of the applicable master or sector plan; and
 - b. Is reviewed for comment by the Public Arts Trust Steering Committee.
2. The maximum increase requires that, in addition to the above requirements, the artwork fulfill at least 5 of the following goals as determined by the Public Arts Trust Steering Committee:
 - a. Achieve aesthetic excellence;
 - b. Ensure an appropriate interaction between the art and the architectural setting in terms of scale, materials, and context;
 - c. Ensure public access and invite public participation;
 - d. Encourage collaboration between the artist(s) and other project designers early in the design phases;
 - e. Ensure long-term durability of permanent works through material selection or a documented maintenance program;
 - f. Encourage a rich variety of arts including permanent, temporary (revolving), and event programming;
 - g. Increase public understanding and enjoyment of art through interpretive information

- and/or programmed events; and
- h. Achieve a collection of commissioned art that is unique and



contributes in a positive way to the identity of the community.

3. A fee instead of public art may be accepted for incentive density as follows:

- a. The minimum fee is calculated on 1 percent of the development's projected cost;
- b. The fee is paid to the Public Arts Trust Steering Committee prior to release of a building permit;
- c. The fee is used for installation, management, and maintenance of public art at the discretion of the Public Arts Trust Steering Committee, with preference given to the policy area where the proposed development is located; and
- d. The incentive density is equal to a 5 percent increase for every 1 percent of projected development cost paid to the Public Arts Trust, up to 20 percent.

E. Public Open Space: 5% - 10%

1. The minimum incentive density increase for any plaza requires that:

- a. The plaza is directly accessible to a street;
- b. The plaza must be open to the public at least between sunrise and sunset;
- c. No proposed loading or parking facilities should be visible below a height of the fourth floor; and
- d. The plaza must be in addition to any public use space required by the development standards or other minimum open space requirement of this Division.

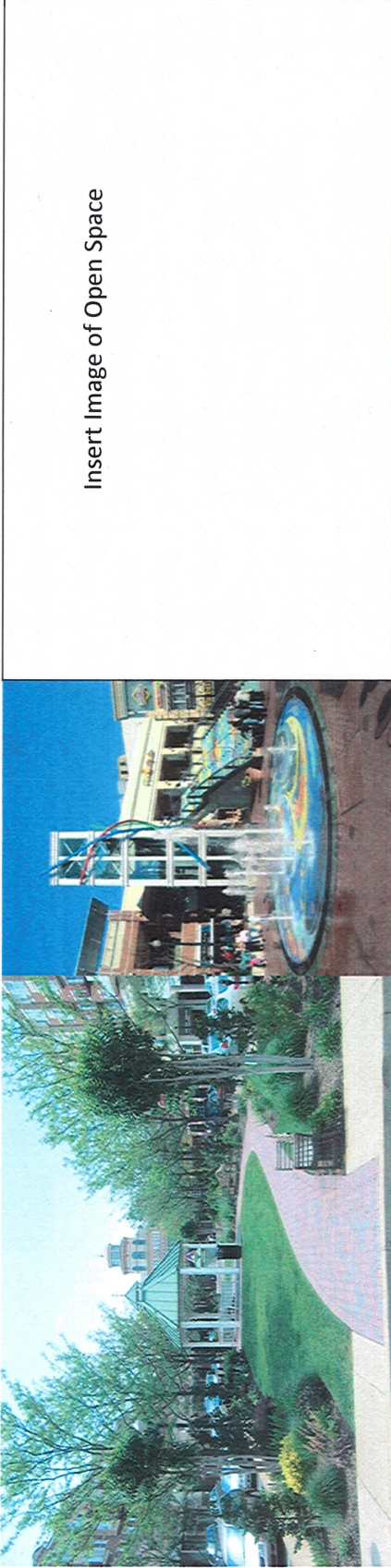
2. The maximum increase requires that the above requirements are met, in addition to the following:

- a. The plaza's width must be at least 50 feet;
- b. where the plaza is provided as part of a redevelopment, buildings facing the plaza must be designed so that:
 - i. The walls of any non-residential floor area facing the plaza must have windows on at least 60 percent of the façade below a height of 40 feet; and
 - ii. The main entry to any dwelling units is from a wall facing the plaza; and
- c. The plaza should contain seating, trash receptacles, landscaping, and other amenities such as water features, kiosks, and passive recreation areas.

3. A fee-in-lieu of public open space may be accepted for incentive density as follows:

- a. The minimum fee must equal the cost of constructing an equal amount of public facilities and amenities covering 5% of the site; the maximum covering 10% of the site;
- b. The fee is paid to the Planning Department prior to release of a building permit; and

c. The fee is used for installation, management, and maintenance of public facilities and amenities in part or in full that the Planning Board finds consistent with the goals of the applicable master plan.



F. Streetscape: 5% - 10%

1. The minimum incentive density increase for streetscape improvements requires that the following criteria are met:
 - i. The improvements must be located within 1/2 mile of the subject site; and
 - ii. The improvements are equal to 18 percent of the net tract area (gross tract area of the sketch plan minus dedications and conveyances).
2. The maximum increase requires that the improvements be equal to at least 36 percent of the net lot area.

G. Exceptional Design: 10% - 20%

- The minimum incentive density increase for high-quality site and architectural design requires that at least 3 of the following criteria are met; the maximum density increase requires that at least 5 of the following criteria are met:
1. Provides innovative solutions in response to the architectural context and surrounding landscape, for example, by rotating floor plates for views or reconciling offset street-walls;
 2. Creates a sense of place that will serve as a landmark in the community, for example, by creating a distinguishing element that is visible from an important view or at a gateway to an area;

3. Enhances the public realm in a distinct and original manner, for example, by using existing materials and forms in new ways to provide continuity and contrast;
4. Adds to the diversity of the built realm within the community, for example, by introducing new materials, building methods, or design styles;
5. Uses design solutions to make compact/infill living, working, and shopping environments pleasurable and desirable, for example, by retrofitting surface parking lots and single-use retail malls or creating multi-use, pedestrian-dominated realms in previous auto-oriented areas; and
6. Integrates environmentally sustainable solutions, for example, by using stormwater management facilities that incorporate best management practices in an apparent and observable way or integrating passive solar features into the visible structure of a building or site.

<p>Insert Image of Exceptional Building/Site</p>
<p>Insert Image Exceptional Building/Site</p>

6.7. Natural Environment Protection and Enhancement

Ordinance Criteria

59-C-15.87. Incentives for Protection and Enhancement of the Natural Environment.

In order to combat sprawl and mitigate or reverse environmental problems such as heat from the built environment, inadequate carbon-sequestration, and pollution caused by reliance on the automobile, the Planning Board may approve a density increase up to 30% for the public benefits in this Subsection:

(a) CR zones require the purchase of BLT easements or payment to the Agricultural Land Preservation Fund for at least 5% but no more than 30% of the incentive density under the following conditions.

(1) Any private BLT easement must be purchased in whole units; or

(2) BLT payments must be made to the Agricultural Land Preservation Fund, based on the amount established by

Executive Regulations under Chapter 2B; if a fraction of a BLT easement is needed, a payment based on the gross square footage of incentive density must be made to the Agricultural Land Preservation Fund for at least the fraction of the BLT easement.

(3) (A) For the first 5% of incentive density, each BLT easement purchase or payment allows 20,000 gross square feet of incentive density or a proportion thereof, allowed by a payment for a fraction of a BLT.

(B) For the incentive density above 5%, each BLT easement purchase or payment allows 30,000 gross square feet of incentive density or a proportion thereof, allowed by a payment for a fraction of a BLT.

(b) **Energy Conservation and Generation:** Provision of energy-efficiency that exceeds standards for the building type by 17.5% for new buildings or 10% for existing buildings, or provision of renewable energy generation facilities on-site or within ½ mile of the site for a minimum of 2.5% of the projected energy requirement.

(c) **Green Wall:** Installation and maintenance of a vegetated wall that covers at least 30% of any blank wall or parking garage façade visible from a public street or open space.

(d) **Tree Canopy:** Coverage at 15 years of growth of at least 25% of the on-site open space.

(e) **Vegetated Area:** Installation of plantings in a minimum of 12 inches of soil covering at least 5,000 square feet of previously impervious surfaces. This does not include vegetated roofs.

(f) **Vegetated Roof:** Provision of a vegetated roof with a soil depth of at least 4 inches covering at least 33% of a building's roof, excluding space for mechanical equipment.

Calculation Method: 2 except for provision of energy conservation/generation and green roofs, which are calculated according to method 1.

Benefit Criteria

1. BLTs: 5% - 30%

The calculations for incentive density for BLTs are provided in the zoning ordinance and must comply with all applicable regulations.

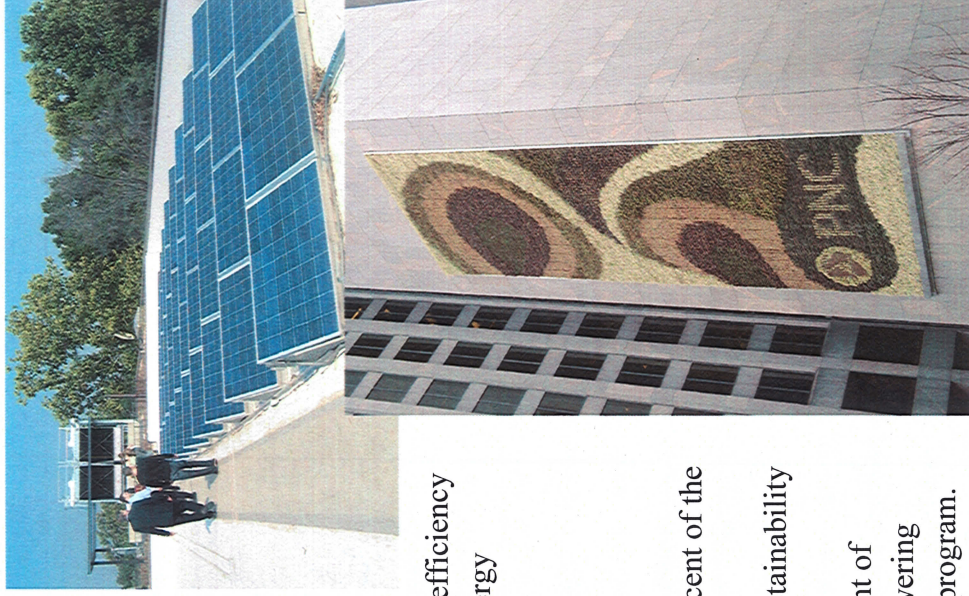
2. Energy Conservation and Generation: 10% - 20%

1. The minimum density incentive increase for the use of on-site renewable energy generation requires that buildings must meet the minimum energy efficiency standards of 17.5 percent for new buildings, 10.5 percent for existing buildings, or provision of renewable energy generation facilities on-site or within ½ mile of the site for a minimum of 2.5% of the projected energy requirement.

2. The maximum increase requires additional benefits such as greater energy efficiency and the generation of at least 5% of energy on-site or from a renewable energy generation facility located on another property ½ mile of the site.

3. Green Wall: 5% - 10%

1. The minimum incentive density increase for a green wall requires that it:
 - a. Must be designed, installed, and maintained to cover at least 30 percent of the area of a blank wall or parking garage facing a street or plaza; and
 - b. Must be found to add to the aesthetic quality and environmental sustainability of the project.
2. The maximum increase requires additional benefits such as a greater percent of coverage, southern or western exposure, the use of plants with varying flowering seasons, or integration into an overall energy or environmental site design program.



4. Tree Canopy: 10% - 20%

1. The minimum incentive density increase for the provision of tree canopy requires coverage of at least 25 percent of the on-site open space at 15 years growth.
2. The maximum increase requires coverage of at least 50 percent of the on-site open space at 15 years growth.

5. Vegetated Area: 5% - 10%

1. The minimum incentive density increase for a vegetated area requires that the following criteria are met:
 - a. The area must be in addition to any required on-site open space or any vegetated roof incentive;
 - b. The area must replace at least 5,000 square feet of impervious area;
 - c. The area provides at least 12 inches of soil depth; and
 - d. The area is planted with well-maintained vegetation.
2. The maximum increase requires additional benefits, such as larger area, greater soil depth, or use of the vegetated area as a community garden.

6. Vegetated Roof: 10% - 20%

1. The minimum incentive density increase for a vegetated roof requires that the:
 - a. Vegetated roof must cover at least 33 percent of the roof of the building, excluding any space occupied by mechanical equipment; and
 - b. Soil or media depth must be at least 4 inches.
2. The maximum increase requires coverage of at least 60 percent of the roof area.



6.8. Advanced Dedication: 10% - 30%

Ordinance Criteria

59-C-15.88. Advanced dedication of right-of-way.

When sketch plans or site plans are approved, the Planning Board may allow an incentive density not to exceed 30% for a prior dedication of rights-of-way for roadways, sidewalks, or bikeways recommended in the applicable master or sector plan, if the County or the State is responsible for constructing the facility on the right-of-way.

Calculation Method: 1

Benefit Criteria

The incentive density for advanced dedication of a right-of-way is calculated on a sliding scale up to 30% based on the area that is dedicated divided by the gross lot and multiplied by the proposed gross square feet above that allowed by the standard method of development.

Example: A 100,000 square foot lot in the CR 2 zone proposes to build to 150,000 square feet. They had previously dedicated and recorded 10,000 square feet for a master-planned bikeway.

- 10,000 sf dedication / 100,000 sf gross lot area = 10%
- 150,000 sf proposed – 50,000 sf standard method = 100,000 sf for calculation
- 10% x 100,000 = 10,000 sf incentive density

If the same project developed to full density:

- 10,000 sf dedication / 100,000 sf gross lot area = 10%
- 200,000 sf proposed – 50,000 sf standard method = 150,000 sf for calculation
- 10% x 150,000 = 15,000 sf incentive density