





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

**MEMORANDUM**

**Date:** May 21, 2010

**To:** Montgomery County Planning Board

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

**From:** Joshua Sloan, Coordinator   
Development Review Division

**Re:** Commercial/Residential (CR) Incentive Density Guidelines

**Summary**

On March 18, 2009, Staff presented the Planning Board with an initial draft of the *CR Zone Incentive Density Implementation Guidelines*. These guidelines are required to be published and maintained by the Planning Board by the CR zones; they are to be used to analyze and approve public benefits required by the zone for increases in density above the standard method.

Generally, the Board felt that the approach and layout was appropriate. Specific suggestions on calculation methods and the criteria required to meet the Neighborhood Services incentive were discussed and are incorporated in the attached draft.

Originally scheduled for May 13<sup>th</sup>, the hearing was postponed to address a number of issues still in flux due to discussions of the CR zone by the County Council and stakeholders regarding various pending master plans. This draft attempts to address some of the issues raised in those discussions and, more generally, simplify and illustrate the process of implementing public benefits in the CR zone.

**Recommendation**

Staff recommends that the Planning Board endorse the methodology detailed in the draft and direct staff to implement a web-based version of the Guidelines per the approach outlined in the next steps.

### **Why didn't the previous version of the *Guidelines* work?**

Originally, the *Guidelines* were presented as a more detailed enumeration of sections of the CR zones that were included in the original text amendment but removed by the County Council. This made sense because the benefits, the calculations, and the criteria, were based on months of discussion with numerous stakeholders. Thus, there was already a large amount of public vetting. Staff inferred from the fact that those details were removed from the zone simply meant that they could remain generally the same when put into the form of *Guidelines*. This, however, was a poor assumption – especially as regards the calculation methods.

### **What public comments on the previous version were received?**

No formal written testimony was received regarding the first draft of the *Guidelines*. Numerous conversations with stakeholders and pre-submittal meetings with Applicants, however, were held. These meetings and conversations focused on the *Guidelines* need to:

1. Address different contexts,
2. Clarify sketch plan requirements, and
3. Simplify the calculations.

### **On what ideas is the new version of the *Guidelines* based?**

This draft provides the results of a reassessment of assumptions and presentation of a reorganized framework. Stepping back from original incentive density text, re-examining the zone as it was adopted, and taking into account a wider array of contexts, several things became clear. The basic facts and architecture is set by the zone, which may change. The original calculations did not necessarily ensure “more” or “better” and certainly didn't always correspond to what may be “appropriate”. They also didn't allow as much sensitivity to the case-by-case needs of a property that should be understood in the context of the respective policy objectives of the master plan. Three facts from the zone on which the *Guidelines* are based:

1. The individual public benefits are determined by the zone; we know what they are.
2. Certain public benefits have established ground rules delineated in the zone; these remain the basic criteria.
3. Ceilings on incentive density are provided by the zone for individual benefits and/or categories of benefits.

### **What are the major changes?**

1. The sketch plan process and contents has been greatly expanded and illustrated with examples.
2. The calculation method has been reduced to two alternatives both of which apply the same method:
  - a. One alternative is for new development or redevelopment that does not save substantial amounts of existing infrastructure; and

- b. One alternative is for development that builds on existing development and makes substantial efforts to reuse, recycle, and repurpose resources.
3. The calculation method has been simplified and is based only on ensuring that public benefits are provided that total 100%.
4. The public benefit criteria have been simplified to provide base criteria and the appropriate percentage of incentive density for meeting that criteria followed by suggestions to enhance the base criteria for additional density.

### **What is the exact calculation method?**

Each public benefit establishes base criteria and suggests an appropriate amount of incentive density when the criteria are met.

- In some cases, this is in the form of “You get X% if you do A, B, and C”.
- In other cases, this is in the form of a sliding scale such that “You get X% for each A up to Y% max”.

Every development must provide public benefits that produce an incentive density of at least 100%. A simple calculator has been developed that allows Applicants to insert a “yes”, “no”, or X% for each public benefit they provide and supplies subtotals per category and a total per the rules of the ordinance and the suggestions in the *Guidelines*. Examples of these calculations are provided in the *Guidelines* and use of the calculator will be demonstrated at the hearing. A hard copy of the calculator showing the formulas is attached.

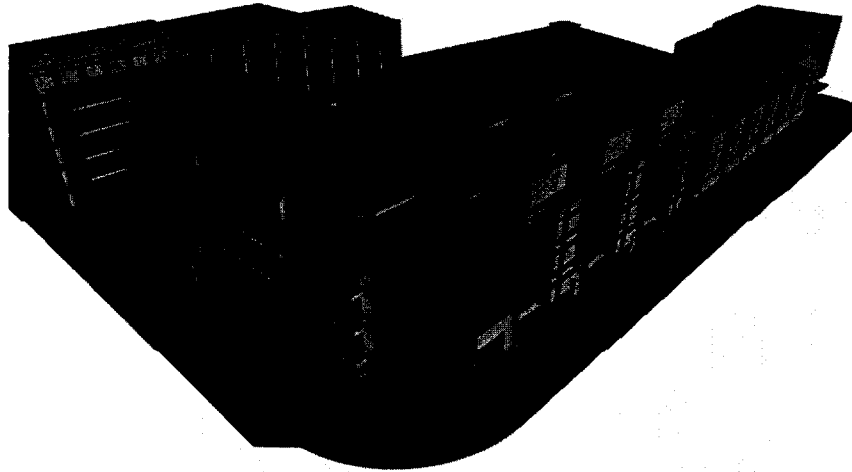
### **May an Applicant propose to provide a public benefit in a way that deviates from the criteria or the suggested incentive density?**

Yes, as long as the ordinance criteria, requirements, and limits are met, an Applicant may propose alternative ways to provide a public benefit and may ask for more or less density than is suggested for good cause shown.

### **How does an Applicant know which benefits to provide?**

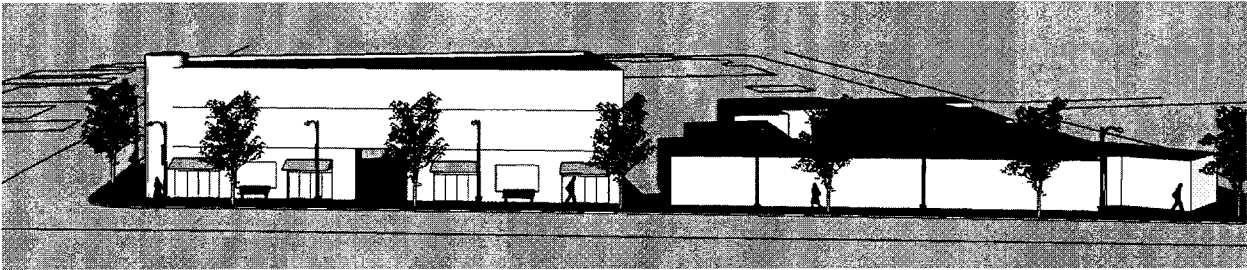
Development in the CR zones must be consistent with the applicable master plan and any associated design guidelines. The first place an applicant should look when adapting their development to comply with the public benefits required is to the priorities of the master plan. These priorities may be established by site, district, or master plan area. In some cases, like the Master-Planned Facility benefit, the facility must be indicated on a master plan and provision of that facility is, of course, the highest priority for the applicable site. The associated design guidelines will provide further guidance especially with respect to the Design issues, but also with respect to Connectivity, Diversity, and Environmental issues. Last, the context of the development and the development itself should be considered according to the general considerations of public benefits outlined by the CR zone in the ordinance. The primary importance of the sketch plan process is to work out these issues before hard-line plans are completed and submitted.

**Example 1: CR2.5, C2, R2, H75**



Incentive Density Calculation			
Public Benefit	Input Measure	Input Data	% Received
<b>Individual Categories</b>			
Transit Proximity	% from table	20%	20%
<b>Subtotal</b>			<b>20%</b>
<b>Connectivity and Mobility</b>			
Neighborhood Services	0=no; 1=yes	1	10%
Through Block Connection	0=no; 1=yes	1	15%
<b>Subtotal</b>			<b>25%</b>
<b>Diversity of Uses &amp; Activities</b>			
Workforce Housing	% of units w/o MPDUs	5%	10%
Adaptive Buildings	0=no; 1=yes	1	10%
Small Business Retention	0=no; 1=yes	1	15%
<b>Subtotal</b>			<b>30%</b>
<b>Design Quality</b>			
Structured Parking	% of spaces * 0.10	10%	10%
Exceptional Design	0=no; 1=yes	1	10%
<b>Subtotal</b>			<b>20%</b>
<b>Natural Environment Protection &amp; Enhancement</b>			
BLTs	% of incentive density per formula	5%	5%
Vegetated Roof	0=no; 1=yes	1	10%
<b>Subtotal</b>			<b>15%</b>
<b>Total for All Categories (must = 100% or greater)</b>			<b>110%</b>

**Example 2: CR2, C2, R0.5, H50**



Incentive Density Calculation			
Public Benefit	Impact Measure	Impact Data	% Received
<b>Individual Categories</b>			
Transit Proximity	% from table	25%	25%
<b>Subtotal</b>			<b>25%</b>
<b>Connectivity and Mobility</b>			
Neighborhood Services	0=no; 1=yes	1	10%
Minimum Parking	0=no; 1=yes	1	15%
<b>Subtotal</b>			<b>25%</b>
<b>Diversity of Uses &amp; Activities</b>			
Small Business Retention	0=no; 1=yes	1	15%
<b>Subtotal</b>			<b>15%</b>
<b>Design Quality</b>			
Historic Resource Protection	0=no; 1=yes	1	15%
Public Art	0=no; 1=yes	1	5%
<b>Subtotal</b>			<b>20%</b>
<b>Natural Environment Protection &amp; Enhancement</b>			
BLTs	% of incentive density per formula	5%	5%
Energy Conservation	0=no; 1=yes	1	10%
<b>Subtotal</b>			<b>15%</b>
<b>Total for All Categories (must = 100% or greater)</b>			<b>100%</b>

## **Next Steps**

These draft Guidelines that are attached to this memo are in a “book” form. This will be deconstructed and turned into a web-based form that will allow users to navigate between:

- The Zoning Ordinance;
- Guideline Sections;
- Sketch Plan Examples;
- Individual Benefit Criteria;
- Public Benefit Illustrations and Case Studies;
- The Incentive Density Calculator;
- Application Forms and Fees; and
- Other Planning Department resources such as master plans and design guidelines.

Each section of the “book” will have a page and each benefit will have a page with links between the other pages and the examples, case studies, and calculator. The page will have an interactive component that lets Applicants enter project information and print reports for submittal.

CR Incentive Density Calculation

Public Benefit	Criteria Met	Input Measure	Facility	% Received	% Received
<b>Individual Categories</b>					
Master-Planned Facility	conveyance of land	% of net tract area	0	=IF(D6<0.7,D6,0.7)	=IF(E6*2<0.7,E6*2,0.7)
	improvement of land	% of net tract area	0	=IF(D7<0.7,D7,0.7)	=IF(E7*2<0.7,E7*2,0.7)
	see table 59-C-15.83 in ordinance and guidelines	% from table	0	=D8	=D8
	Advanced Dedication of R.O.W.	% of gross tract area	0	=IF(D9<0.3,D9,0.3)	=IF(D9<0.3,D9,0.3)
<b>Subtotal =SUM(E6:E9)</b>					
<b>Connectivity and Mobility</b>					
Neighborhood Services	10 different retail services within 1/4 mile; 4 with retail bays less than 5,001 sf	0=no; 1=yes	0	=IF(D12=1,0.1,0)	=E12*1.5
	Minimum Parking	0=no; 1=yes	0	=IF(D13=1,0.15,0)	0
Through Block Connection	safe connection between streets within a block per guidelines	0=no; 1=yes	0	=IF(D14=1,0.15,0)	=E14*1.5
	Public Parking	sliding scale between max and min requirement as publicly accessible spaces	0	=D15	=IF(E15*2<0.3,E15*2,0.3)
Transit Access Improvement	built to ADA standards per guidelines	0=no; 1=yes	0	=IF(D16=1,0.15,0)	=E16*2
	Trip Mitigation	reduction of weekday peak hour trips by 50%	0	=IF(D17=1,0.15,0)	=E17*2
<b>Subtotal (max 30%) =IF(E12+E13+E14+E15+E16)=IF(F12+F13+F14+F15+F16)</b>					
<b>Diversity of Uses &amp; Activities</b>					
Affordable Housing	MPDUs	25A table	0	=D20	=D20
	WFHUs	% of units w/o MPDUs	0	=IF(D21*2<0.3,D21*2,0.3)	=E21
Adaptive Buildings	floor other floors; open structural system per guidelines	0=no; 1=yes	0	=IF(D22=1,0.1,0)	=E22*1.5
	Care Centers	guidelines	0	=IF(D23=1,0.15,0)	=E23*2
Small Business Retention	space for at least 3 small business for large lots; all commercial space for small lots per guidelines	0=no; 1=yes	0	=IF(D24=1,0.15,0)	=E24*2
	Dwelling Unit Mix	meet criteria in zone	0	=IF(D25=1,0.05,0)	=E25*1.5

Enhanced Accessibility for the Disabled	sliding scale per percent of units that meet guidelines up to 20%	% of units	0	=D26	=IF(E26*1.5<0.3,E26*1.5,0)
<b>Design Quality</b>					
Historic Resource Protection	preservation or enhancement or payment per guidelines	0=no; 1=yes	0	=IF(D29=1,0.15,0)	=E29*1.5
Structured Parking	% of spaces in structure above grade	% of spaces * 0.10	0	=D30	=E30*1.5
	% of spaces in structure below grade	% of spaces * 0.20	0	=D31	=E31*1.5
Tower Setback	minimum 6-foot setback at or below 72-foot elevation along street	0=no; 1=yes	0	=IF(D32=1,0.05,0)	=E32*2
Public Art	review by PAT or payment per guidelines	0=no; 1=yes	0	=IF(D33=1,0.05,0)	=E33*2
Public Open Space	provision of open space or payment per guidelines	% of net lot above requirement of zone	0	=IF(D34<0.2,D34,0.2)	=E34*1.5
Streetscape	improvements off-site within 1/2 mile	area improved as a % of net lot area * 0.25	0	=D35	=IF(E35*1.5<0.3,E35*1.5,0)
Exceptional Design	meet three criteria per guidelines	0=no; 1=yes	0	=IF(D36=1,0.1,0)	=E36*1.5
<b>Natural Environment Protection &amp; Enhancement</b>					
BLTs	per code up to 30%	% of incentive density per formula	0	=IF(D39<0.31,D39,0.3)	=E39
Energy Conservation & Generation	efficiency of 17.5% for new buildings or 10% for existing buildings above industry average for building type	0=no; 1=yes	0	=IF(D40=1,0.1,0)	=E40*1.5
	generation of 2.5% of energy needs from renewable resource with 1/2 mile of site	0=no; 1=yes	0	=IF(D41=1,0.15,0)	=E41*1.5
Green Wall	coverage of 30% of blank wall or parking garage per guidelines	0=no; 1=yes	0	=IF(D42=1,0.05,0)	=E42*1.5
Tree Canopy	minimum per code	0=no; 1=yes	0	=IF(D43=1,0.1,0)	=E43*2
Vegetated Area	minimum per code	0=no; 1=yes	0	=IF(D44=1,0.05,0)	=E44*1.5
Vegetated Roof	minimum per code	0=no; 1=yes	0	=IF(D45=1,0.1,0)	=E45*2
<b>Subtotal (max 30%) =IF(E20+E21+E22+E23+E24=IF(E20+E21+F22+F23+F24</b>					
<b>Subtotal (max 30%) =IF(E29+E30+E31+E32+E33=IF(F29+F30+F31+F32+F33</b>					
<b>Subtotal (max 30%) =IF(E39+E40+E41+E42+E43=IF(F39+F40+F41+F42+F43</b>					
<b>Total for All Categories (must = 100% or greater) =E10+E18+E27+E37+E46 =F10+F18+F27+F37+F46</b>					