

**May 29, 2024**

**To:** Rebecca Torma, Montgomery County Department of Transportation

**From:** Atul Sharma, Director's Office, MC Planning  
Luwei Wang, Director's Office, MC Planning  
Grace Bogdan, Downcounty Planning, MC Planning

**cc:** Haley Peckett, Deputy Director, Policy and Planning, MCDOT  
Jason Sartori, Planning Director, MC Planning  
Robert Kronenberg, Deputy Planning Director, MC Planning  
Dave Anspacher, Acting Chief, Countywide Planning and Policy Division  
Andrew Bossi, Montgomery County Department of Transportation  
Chris Van Alstyne, Montgomery County Department of Transportation  
Matt Johnson, Montgomery County Department of Transportation

**Subject:** Draft transportation related recommendations for Incentive Zoning Update

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On May 6<sup>th</sup>, Montgomery Planning staff met with DOT staff to share draft public benefits recommendations related to transportation for the Incentive Zoning Update. Planning staff sincerely appreciates MCDOT's feedback received through two emails dated May 15<sup>th</sup> and May 20<sup>th</sup>. We have provided responses to the comments below, indicated in italics. We welcome any additional suggestions and edits and look forward to continuing our partnership with the MCDOT on this effort.

[Per MCDOT's Email dated May 15<sup>th</sup>.](#)

1. We support the idea of streamlining Incentive Zoning Public Benefit Points to increase transparency and predictability in the process.

*Acknowledged and we thank MCDOT for the supporting comment.*

2. If an improvement (road, side path, etc.) is required to permit the project, then those improvements should not also count as public benefit points because these LATR projects are intended to address the project's proportional impact. The public only truly benefits if improvements are provided beyond what is required for mitigation.

- a. Confirm if Planning is proposing to change the provision in the law 4.7.1.b that prohibits double counting.

*Planning staff is indeed recommending the above provision be amended to allow "double-dipping" in limited scenarios where appropriate. This is already an acceptable practice within the current point system in some instances. For example, under the current provisions, projects are awarded points when providing the required percentage of affordable housing within a high-income area and also for the required purchase of BLTs in the CR and LSC zones. Points are also awarded when a project delivers certain Sector Plan recommendations such as public facilities including parks, roads, public parking etc.*

We do want to clarify that as recommended, for the transportation related public benefits, the idea of “double-dipping” would apply differently to each of the three benefits listed under Infrastructure for Compact Growth.

The “Offsite Improvements” benefit would only be eligible for offsite enhancements, not frontage improvements. Many of these elements like street trees, seating etc. are not credited by LATR and it is our experience that only a minority of projects within the CR and CRT zoned areas are required to provide LATR improvements in practice. Below is a slide that lists such improvements:

## INFRASTRUCTURE FOR COMPACT GROWTH

TIERS	Offsite Improvements
TIER 1 0.25 FAR	Provide offsite streetscape improvements at least 2,000 square feet <i>or</i> Contribute a minimum of \$0.33 per developable square foot to a CIP project within the plan area
TIER 2 1.0 FAR	Provide offsite streetscape improvements for at least 4,000 square feet <i>or</i> Construct offsite bicycle infrastructure improvements for at least 1,000 linear feet <i>or</i> Provide offsite stormwater management upgrades with an estimated cost of at least \$300,000 <i>or</i> Contribute a minimum of \$1.00 per developable square foot
TIER 3 1.5 FAR	Provide offsite streetscape improvements for at least 5,000 square feet <i>or</i> Construct offsite bicycle infrastructure improvements for at least 1,800 linear feet <i>or</i> Provide offsite stormwater management upgrades with an estimated cost of at least \$500,000 <i>or</i> Contribute a minimum of \$2.00 per developable square foot
TIER 4 2.0 FAR	Provide a major stormwater infrastructure facility upgrade like daylighting a piped stream as recommended in a Sector Plan as applicable.

The “Public Facility” benefit may be onsite or offsite, as long as the benefit provided is a new facility that is open and accessible for public use. Undergrounding existing utilities may be onsite or offsite. Below is the slide that lists such improvements:

## INFRASTRUCTURE FOR COMPACT GROWTH

TIERS	Public Facility
TIER 1 0.25 FAR	Dedicate land and/or construct a public facility like a bus stop/BRT station, bike parking, etc. with an estimated cost of at least \$100,000 <i>or</i> Contribute a min. of \$0.33 per developable s.f. to a CIP project within the plan area
TIER 2 1.0 FAR	Dedicate land and/or construct a public facility like a bus stop/BRT station, bike parking, etc. with an estimated cost of at least \$300,000 <i>or</i> Underground all transformers and utility boxes located along site frontages <i>or</i> Contribute a min. of \$1.00 per developable s.f. to a CIP project within the plan area
TIER 3 1.5 FAR	Dedicate land and/or construct a public facility like a new BRT station or enhancing a light rail or metro station etc. with an estimated cost of at least \$500,000 <i>or</i> Provide undergrounding of utilities along site frontage of Subject Property and/or offsite, with an estimated cost of at least \$500,000 <i>or</i> Contribute a min. of \$2.00 per developable s.f. to a CIP project within the plan area
TIER 4 2.0 FAR	Dedicate and fully construct a major public facility like a police station or a structured public parking garage with an estimated cost of at least \$1,000,000 <i>or</i> Provide undergrounding of utilities along site frontage of Subject Property and/or offsite, with an estimated cost of at least \$1,000,000.

The “Street Grid and Trail Extensions” benefit could apply to both onsite and offsite provisions, but these must be new streets and trails or previously unbuilt extensions. These also must meet the criteria listed in the slide below and meet the “preferred specifications” per Complete Streets or the applicable street / trail standards. In other words, these need to be built to the higher standard to benefit from “double-dipping”. Below is the slide that lists these improvements:

TIERS	Street Grid and trail extensions
TIER 1 0.25 FAR	Construct a trail extension on private property with a cost of at least \$100,000 or Construct a public trail extension for a minimum 2,500 linear feet or Contribute a minimum of \$0.33 per developable <u>s.f.</u> to a CIP project within the plan area or Within a project design, reduce existing curb cuts by 50%.
TIER 2 1.0 FAR	Construct a public trail extension for a minimum 3,500 feet linear feet or Contribute a minimum of \$1.00 per developable <u>s.f.</u> or Build one new public street that provides through block connectivity as recommended by the Complete Streets Design Guide.
TIER 3 1.5 FAR	Construct a public trail extension for a minimum 6,000 linear feet or Within a proposed subdivision design, provide a grid of public streets as recommended by the Complete Streets Design Guide.
TIER 4 2.0 FAR	Provide a major connection over an environmentally sensitive area or major arterial highway that will highly contribute enhancing the bike, pedestrian and/or transit network.

Overall, the intent is to incentivize the delivery of critical transportation facilities within a plan area to facilitate safe walking, rolling and transit access, even when some these may be considered “requirements” under other county regulations.

- b. We anticipate this program impacts a very limited land area (mostly red & orange policy). Therefore, many offsite impacts are already required by LATR. Those that aren’t would be fine to include for public benefit points.

We agree that this policy would affect only optional method projects in the CR and CRT zones. However, within those areas, LATR eligible projects only account for a small proportion. Also, the impact tax credits may or may not cover the cost of providing some of the LATR required improvements. We see this policy as an incentive for applicants to fully meet the requirements of LATR or provide offsite improvements not required/credited by LATR.

- c. Practically, developers will only build transportation improvements if required or high number of points because these improvements are so expensive.

Acknowledged. The draft recommendations offer four tiers of participation for all benefits, including the transportation related benefits. As the intensity of public benefits increase, so does the approvable FAR for Optional Method applications. The intent is to maintain a sense of proportionality and incentivize the provision of high-quality pedestrian, cycling, and transit facilities.

3. Have you already developed the list of proposed public benefits for infrastructure? If so, we’d be happy to comment or prioritize the ones that would be the most beneficial from MCDOT point of view. If you’re going to develop that list, we’re happy to comment at that time.

Staff has shared the Open House pdf. attached in the May 15th email, which includes all proposed public benefits on slides 57-73. Additionally, we want to clarify that our intention is to develop this as

*a template for master plans. Each master planning process will involve close coordination with MCDOT to tailor the prioritized public benefits for the needs of the planning areas.*

4. Comments on specific types of points:

- a. We are supportive of providing points to build out the street grid, particularly in areas supporting bike and pedestrian activity and when providing critical links.

*Acknowledged and we thank MCDOT for the supporting comment.*

- b. Transit proximity points – Planning recommends removing these as “automatic points.” This benefit provides some automatic density bonus just by virtue of being next to Metro and notably reduces the risk of 0.5-1.0 FAR adjacent to the Metro, which would be misaligned with our land use and transportation goals. Suggest reducing the value but not removing entirely.

*Planning staff agrees that the Transit Proximity benefit provides automatic points to applicants. In our analysis, Planning staff has found little correlation between the points awarded for Transit Proximity, and the amount of density an applicant is willing to build on a given site. The primary incentive to build near transit is the higher zoning capacity itself. The level to which that zoning is realized by an applicant is determined more directly by market demand, site constraints etc. We are therefore recommending removing this as a public benefit.*

- c. Storm drains incentive zoning – Rebecca has already addressed as separate comment about functionality of connecting system.

*Acknowledged. We do believe there is a public benefit to improving storm drains, stormwater, and other flood conveyance infrastructure beyond the onsite stormwater requirements for a project. We will continue to coordinate with DPS and DEP to focus these public benefits on stormwater and other runoff conveyance/storage systems that benefit the greater neighborhood/public beyond the site itself.*

- d. If incentive points are provided for parking, the points should be heavily weighted towards minimum or provided for projects in PLDs where parking is below minimum.

*Agreed. We are not recommending parking related public benefits moving forward since the type and quantity of parking is most directly determined by market expectations, site size etc.*

Email dated May 20<sup>th</sup>.

We reviewed Slides 12-15, and we’re comfortable with those types of mitigations. However, we’ll note that most of these are required for at least some policy areas and developments already. The improvements are intended as mitigation, and mitigation is about limiting/balancing the impact of the development, not so much providing extra public benefit. Therefore, we’d ask that anything already required by zoning, GIP, or LATR be excluded from the public benefit points. This exclusion should include providing a monetary contribution to an existing and already funded CIP, as this will only replace existing funding and not add any new funding. In addition, dedicating roads listed in the Master or Sector Plans should not be included since it’s already a requirement.

*We appreciate DOT’s position on this matter. Our current CR Guidelines allow projects to receive public benefit points for the construction and dedication of roads, public parking etc. as*

*recommended in Sector Plans. Staff continues to recommend that projects receive public benefits for providing LTR offsite mitigation, as we acknowledge that these offsite improvements are intended to improve the public realm and directly benefit the public. Staff's recommendation on this matter is also supported by our financial feasibility analysis and understanding that these improvements are costly and when delivered to a high standard, will enhance the quality of life for the public.*

*We acknowledge DOT's perspective and will ask the Planning Board to provide feedback on this recommendation during our working sessions scheduled in June.*

We sincerely thank you for all your comments and appreciate your continued collaboration. We hope you will join the Planning Board work sessions scheduled for the dates below:

- Planning Board Work Session #1: June 06, 2024
- Planning Board Work Session #2: June 13, 2024
- Planning Board Work Session #3: June 20, 2024
- Planning Board Work Session #4: July 25, 2024

**From:** [Sharma, Atul](#)  
**To:** [Torma, Rebecca](#)  
**Cc:** [Boodan, Grace](#); [Wang, Luwei](#); [Van Alstyne, Chris](#); [Bossi, Andrew](#); [Peckett, Haley](#); [Johnson, Matt](#); [Wang, Luwei](#); [Kronenberg, Robert](#); [Daughan Pitts](#); [Sartori, Jason](#)  
**Subject:** RE: Incentive Zoning Update Project status  
**Date:** Wednesday, May 29, 2024 1:17:38 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[IZU Memo MCDOT\\_052924.pdf](#)

Rebecca and DOT colleagues,  
 Thank you so much for taking the time to meet with us and provide your high-level comments related to the draft recommendations for the Incentive Zoning Update project.  
 We greatly appreciate your insights and have tried to include them into our draft recommendations where feasible. Transportation elements that promote safe and enjoyable walking, rolling and transit are a tremendous public benefit and we hope these updates will ensure their delivery through development review and in coordination with ongoing CIP efforts.  
 Several great points were raised in the two emails we received so we wanted to make sure we acknowledge and respond to them in a thoughtful manner.  
 Please see attached a memo with our added commentary on the points raised.

Please feel free to reach out to me with questions or additional comments.  
 We look forward to continuing the collaborative approach. Once the planning board and council review and approve this update, we will need to create an Implementation Guidelines document as well where we can flush out the requirements, conditions etc. in greater detail, with your input.

Thanks and have a great day.  
 -Atul



**Atul Sharma**  
 AICP | LEED | CNU  
 Assistant to the Deputy Director

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 o: 301.495.4658

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**WE'VE MOVED!**

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT  
 2425 REEDIE DRIVE, WHEATON, MD 20902



**From:** Torma, Rebecca <[Rebecca.Torma-Kim@montgomerycountymd.gov](mailto:Rebecca.Torma-Kim@montgomerycountymd.gov)>  
**Sent:** Monday, May 20, 2024 5:01 PM

**To:** Sharma, Atul <atul.sharma@montgomeryplanning.org>  
**Cc:** Bogdan, Grace <grace.bogdan@montgomeryplanning.org>; Wang, Luwei <Luwei.Wang@montgomeryplanning.org>; Van Alstyne, Chris <Chris.VanAlstyne@montgomerycountymd.gov>; Bossi, Andrew <Andrew.Bossi@montgomerycountymd.gov>; Peckett, Haley <Haley.Peckett@montgomerycountymd.gov>; Johnson, Matt <Matt.Johnson@montgomerycountymd.gov>; Wang, Luwei <Luwei.Wang@montgomeryplanning.org>; Kronenberg, Robert <robert.kronenberg@montgomeryplanning.org>; Daughan Pitts <daughan.pitts@HayatBrown.com>  
**Subject:** RE: Incentive Zoning Update Project status

**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

Hi Atul,

Thanks for that clarification. We reviewed Slides 12-15, and we're comfortable with those types of mitigations. However, we'll note that most of these are required for *at least some policy areas and developments already*. The improvements are intended as mitigation, and mitigation is about limiting/balancing the impact of the development, not so much providing extra public benefit. Therefore, we'd ask that anything already required by zoning, GIP, or LATR be excluded from the public benefit points. This exclusion should include providing a monetary contribution to an existing and already funded CIP, as this will only replace existing funding and not add any new funding. In addition, dedicating roads listed in the Master or Sector Plans should not be included since it's already a requirement.

Please let me know if you have any questions.

Thank you.

**\*\*\*\*\*Please see the link below for new application process\*\*\*\*\***

<https://www.montgomerycountymd.gov/dot-dir/Resources/Files/DevRevApplication.pdf>

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**From:** Sharma, Atul <atul.sharma@montgomeryplanning.org>  
**Sent:** Wednesday, May 15, 2024 10:23 AM  
**To:** Torma, Rebecca <[Rebecca.Torma-Kim@montgomerycountymd.gov](mailto:Rebecca.Torma-Kim@montgomerycountymd.gov)>  
**Cc:** Bogdan, Grace <[grace.bogdan@montgomeryplanning.org](mailto:grace.bogdan@montgomeryplanning.org)>; Wang, Luwei <[Luwei.Wang@montgomeryplanning.org](mailto:Luwei.Wang@montgomeryplanning.org)>; Van Alstyne, Chris <[Chris.VanAlstyne@montgomerycountymd.gov](mailto:Chris.VanAlstyne@montgomerycountymd.gov)>; Bossi, Andrew



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<[daughan.pitts@HayatBrown.com](mailto:daughan.pitts@HayatBrown.com)>

**Subject:** RE: Incentive Zoning Update Project status

**[EXTERNAL EMAIL]**

Rebecca and DOT colleagues,  
Thank you for taking the time to review our draft recommendations for the Incentive Zoning Update. We greatly appreciate your input and look forward to reviewing these comments and following up.

As for comment #3, the slides we shared with you includes the list of all proposed public benefits for infrastructure. I have reattached what Grace shared previously. Slides 12-15 cover the topic. If you are curious to see what else is included within the other public benefit categories, please refer to the Open House pdf that is attached. That PDF includes all proposed public benefits on slides 57-73.

Thanks and feel free to reach out if you have any questions or comments.  
Have a great day.

-Atul



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**From:** Torma, Rebecca <[Rebecca.Torma-Kim@montgomerycountymd.gov](mailto:Rebecca.Torma-Kim@montgomerycountymd.gov)>  
**Sent:** Wednesday, May 15, 2024 10:04 AM  
**To:** Sharma, Atul <[atul.sharma@montgomeryplanning.org](mailto:atul.sharma@montgomeryplanning.org)>  
**Cc:** Bogdan, Grace <[grace.bogdan@montgomeryplanning.org](mailto:grace.bogdan@montgomeryplanning.org)>; Wang, Luwei <[Luwei.Wang@montgomeryplanning.org](mailto:Luwei.Wang@montgomeryplanning.org)>; Van Alstyne, Chris <[Chris.VanAlstyne@montgomerycountymd.gov](mailto:Chris.VanAlstyne@montgomerycountymd.gov)>; Bossi, Andrew <[Andrew.Bossi@montgomerycountymd.gov](mailto:Andrew.Bossi@montgomerycountymd.gov)>; Peckett, Haley <[Haley.Peckett@montgomerycountymd.gov](mailto:Haley.Peckett@montgomerycountymd.gov)>; Johnson, Matt <[Matt.Johnson@montgomerycountymd.gov](mailto:Matt.Johnson@montgomerycountymd.gov)>



**Subject:** RE: Incentive Zoning Update Project status

**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

Good morning, Atul,

Thank you for allowing MCDOT to review your draft for Incentive Zoning. Listed below are the MCDOT's comments.

1. We support the idea of streamlining Incentive Zoning Public Benefit Points to increase transparency and predictability in the process.
2. If an improvement (road, side path, etc.) is required to permit the project, then those improvements should not also count as public benefit points because these LATR projects are intended to address the project's proportional impact. The public only truly benefits if improvements are provided beyond what is required for mitigation.
  - a. Confirm if Planning is proposing to change the provision in the law 4.7.1.b that prohibits double counting.
  - b. We anticipate this program impacts a very limited land area (mostly red & orange policy). Therefore, many offsite impacts are already required by LATR. Those that aren't would be fine to include for public benefit points.
  - c. Practically, developers will only build transportation improvements if required or high number of points because these improvements are so expensive.
3. Have you already developed the list of proposed public benefits for infrastructure? If so, we'd be happy to comment or prioritize the ones that would be the most beneficial from MCDOT point of view. If you're going to develop that list, we're happy to comment at that time.
4. Comments on specific types of points:
  - a. We are supportive of providing points to build out the street grid, particularly in areas supporting bike and pedestrian activity and when providing critical links.
  - b. Transit proximity points – Planning recommends removing these as “automatic points.” This benefit provides some automatic density bonus just by virtue of being next to Metro and notably reduces the risk of 0.5-1.0 FAR adjacent to the Metro, which would be misaligned with our land use and transportation goals. Suggest reducing the value but not removing entirely.
  - c. Storm drains incentive zoning – Rebecca has already addressed as separate comment about functionality of connecting system.
  - d. If incentive points are provided for parking, the points should be heavily weighted towards minimum or provided for projects in PLDs where parking is below minimum.

Please let us know if you have any questions.

**\*\*\*\*\*Please see the link below for new application process\*\*\*\*\***

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Rebecca Torma | Manager, Development Review  
Director's Office | Department of Transportation

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**From:** Sharma, Atul <[atul.sharma@montgomeryplanning.org](mailto:atul.sharma@montgomeryplanning.org)>  
**Sent:** Tuesday, April 23, 2024 5:17 PM  
**To:** Peckett, Haley <[Haley.Peckett@montgomerycountymd.gov](mailto:Haley.Peckett@montgomerycountymd.gov)>; Bossi, Andrew <[Andrew.Bossi@montgomerycountymd.gov](mailto:Andrew.Bossi@montgomerycountymd.gov)>; Torma, Rebecca <[Rebecca.Torma-Kim@montgomerycountymd.gov](mailto:Rebecca.Torma-Kim@montgomerycountymd.gov)>; Van Alstyne, Chris <[Chris.VanAlstyne@montgomerycountymd.gov](mailto:Chris.VanAlstyne@montgomerycountymd.gov)>  
**Cc:** Bogdan, Grace <[grace.bogdan@montgomeryplanning.org](mailto:grace.bogdan@montgomeryplanning.org)>; Wang, Luwei <[Luwei.Wang@montgomeryplanning.org](mailto:Luwei.Wang@montgomeryplanning.org)>  
**Subject:** Incentive Zoning Update Project status

**[EXTERNAL EMAIL]**

Good afternoon Haley, Rebecca, Andrew, and Chris.

We hope you are doing well.

As you may know, the planning department has been working on updating the public benefits point system.

After extensive analysis, we have put together draft recommendations that we will be taking to the stakeholders and the planning board in May-June timeframe.

Rebecca has been part of the Technical Working Group for this effort and has provided input during the project's various stages to date.

We will be sharing our draft recommendations with the technical working group on May 01. (Hope you can attend, Rebecca.)

If you all are interested to have a separate briefing, we will be happy to set that up as well.

Please let us know of your interest and who all we should invite.

Grace at our end will coordinate the meeting set up.

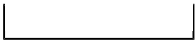
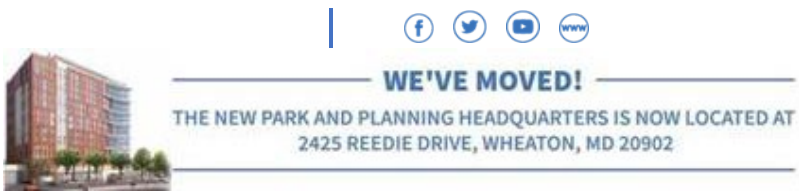
Thank you and have a great evening.

-Atul



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