

ATTAINABLE HOUSING STRATEGIES: WORK SESSION #10 FOLLOW-UP



Attainable Housing Strategies

Description

Work session #10 follows up on issue areas where the Planning Board has asked for further clarification or to explore alternative recommendations that required additional Planning Staff research.

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SUMMARY

- On March 4, 2021, the Montgomery County Council directed Montgomery Planning to review and analyze housing options in the county. To explore these housing options and to provide a comprehensive overview of housing options in the county, Montgomery Planning launched the [Attainable Housing Strategies](#) (AHS), an initiative aimed at evaluating and refining various proposals to spur the development of more diverse types of housing, including Missing Middle Housing, in Montgomery County.
- The Planning Board hosted a public listening session on March 21, 2024, to allow the public to provide comments on the draft AHS report.
- Attainable housing recommendations are broken into three scales: small, medium, and large. This report follows up on various topics that the Planning Board requested Planning Staff to do additional research and analysis on before making a final decision.

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Session Date

May 30, 2024

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Work session #10 – Follow-Up

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RECAP FROM WORK SESSION NINE

At the AHS work session #9 on May 16, 2024, the Board agreed to the following recommendations related to large-scale attainable housing, catalyst policies, and other topics of discussion:

- Modify the definition of large scale to 4 or more stories, replacing ‘small’ apartments with apartments.
- Endorse the current existing master plan process for Corridor Planning in the short term but pursue a corridor planning strategic plan.
- Consider developing new zone(s) to use along corridors for increased residential density.
- Add the multiplex building type in all Cluster and MPDU Optional Method development standard tables.
- Add the multiplex building type in all zones that allow townhouses under the standard method of development.
- Add the multiplex building type for up to quadplexes for all properties with a TDR density designation of 3 or more.
- Set 1 TDR to equal two dwellings in a multiplex in a Metro Station Policy Area, and one dwelling in a Non Metro Station Policy area.
- Add language to the final report with descriptions of other issues identified by Planning Staff that should be considered to maximize the effectiveness of AHS, acknowledging there may be additional issues not directly raised in the report.
- Expand the Catalyst Policies and Programs section to apply to the medium scale recommendations and flag potential equity issues.
- Highlight the issue regarding the role of HOAs in potentially restricting attainable housing typologies.
- Add a narrative in the final report explaining the relationship between Adequate Public Facilities (APF) and attainable housing typologies.
- Add to the final report that the Planning Board recommends exemptions to both chapters 50 and 59 exempting small scale attainable housing from conditions limiting density or building types.
- Add language to the final report related to Neighborhood Change and Income Change research.
- Update the report with new, completed engagement activities.

The Board requested Montgomery Planning Staff to provide follow-up information on the following topics:

- Explore alternatives to large scale corridor planning that could occur quicker than the master plan process, including local rezonings, or a county-wide housing master plan.

REPORT OVERVIEW

This report contains additional analysis and recommendations where applicable, for items the Planning Board requested Montgomery Planning Staff to do additional research and analysis on prior to making a final decision. Each section below focuses on one particular issue area and identifies the Board's request, a discussion of the additional analysis or considerations, and Planning Staff's initial recommendation and new recommendation (which may be to retain the existing recommendation).

ATTAINABLE HOUSING OPTIONAL METHOD

During Work Session #8, [Medium Scale Recommendations](#) held on April 11, 2024, Planning Staff discussed the Attainable Housing Optional Method (AHOM). The AHOM provides an optional method of development that supports the creation of a variety of dwelling unit types, including stacked flats, small townhouses and small apartment building. AHOM allows flexibility in lot layout and variety in residential building types. Density is increased above the underlying zoning on a sliding scale that incentivizes the creation of price attainable housing options. The Board was supportive of the AHOM generally but requested Planning Staff reconsider a few elements discussed below.

GEOGRAPHY OF THE ATTAINABLE HOUSING OPTIONAL METHOD (AHOM)

The Planning Board requested that Planning Staff consider additional geographic boundaries that could apply to the Attainable Housing Optional Method (AHOM). The draft AHS report supported by Planning Staff recommended that the AHOM include properties that abut a Growth Corridor identified in *Thrive Montgomery 2050* (see Figure 1) or for properties that were specifically recommended for AHOM or other residential floating zones in a master plan. At the work session, the Planning Board requested Planning Staff consider other geographic options that would expand the areas eligible for the AHOM, including:

1. 250 ft from a Growth Corridor
2. 500 ft from a Growth Corridor
3. 750 ft from a Growth Corridor
4. ¼-mile from a Growth Corridor
5. Current Priority Housing District: 500ft from a Growth Corridor plus a 1-mile buffer from Metro rail stations, Purple Line stations, and MARC stations.
6. ¼-mile from a Growth Corridor (plus 1-mile buffer from Metro rail stations, Purple Line stations, and MARC stations).

Planning Staff looked at the number of eligible parcels under each buffer, for all parcels, and for parcels with a land use code of single-family detached¹. While it's hard to estimate the number of parcels eligible under the original "abutting a Growth Corridor" recommendation given the various

¹ In State Department of Assessment and Taxation data (SDAT), each parcel is given a land use code that identifies that parcel's predominant land use. Single-Family Detached parcels are given a land use code of "111."

sizes of parcels and the inability of a single buffer analysis to capture all parcels, Planning Staff attempted to approximate using various GIS selection tools. The various scenarios are captured in Table 1 and Table 2. Planning Staff considered the overall geographic scope of each option, how different the new option is from the initial recommendation and existing zoning conditions today, and any additional implications to other AHS recommendations that the new option would have.

Expanding the initial recommendation to allow parcels within 500 feet of a Growth Corridor to use the AHOM still captures the intent of the AHOM targeting the Growth Corridors and not the interior of single-family neighborhoods. The new recommendation would allow nearly 12,000 (nearly 10,000 with the current use of “single-family detached”) parcels to be eligible for the AHOM countywide.

Table 1 Parcel Analysis by Zone (All Parcels)

	R-60		R-90		R-60 & R-90	
	Number of Parcels	% of Total Parcels	Number of Parcels	% of Total Parcels	Number of Parcels	% of Total Parcels
All Parcels	67,589	100%	42,554	100%	110,143	100%
Abutting Parcels	2,164	3%	810	2%	2,974	3%
250 ft from Growth Corridor	3,621	5%	1,258	3%	4,879	4%
500 ft from Growth Corridor	8,680	13%	3,270	8%	11,950	11%
750 ft from Growth Corridor	14,163	21%	5,241	12%	19,404	18%
1/4-mile from Growth Corridor	25,689	38%	9,418	22%	35,107	32%
Current Priority Housing District 500 ft from Growth Corridor (plus 1-mile buffer from Metro, Purple Line, MARC)	42,987	64%	10,993	26%	53,980	49%
1/4-mile from Growth Corridor (plus 1-mile buffer from Metro, Purple Line, MARC)	48,948	72%	15,491	36%	64,439	59%

Table 2 Parcel Analysis by Zone (Single-Family Detached Parcels)

	R-60		R-90		R-60 & R-90	
	Number of Parcels	% of Total Parcels	Number of Parcels	% of Total Parcels	Number of Parcels	% of Total Parcels
All SFD Parcels	58,827	100%	31,581	100%	90,408	100%
Abutting SFD Parcels	1,814	3%	611	2%	2,425	3%
250 ft from Growth Corridor	3,076	5%	815	3%	3,891	4%
500 ft from Growth Corridor	7,525	13%	2,101	7%	9,626	11%
750 ft from Growth Corridor	12,563	21%	3,470	11%	16,033	18%
1/4-mile from Growth Corridor	23,140	39%	6,745	21%	29,885	33%

Current Priority Housing District: 500 ft from Growth Corridor plus 1-mile buffer from Metro, Purple Line, MARC	38,401	65%	8,332	26%	46,733	52%
1/4-mile from Growth Corridor plus 1-mile buffer from Metro, Purple Line, MARC	43,762	74%	11,626	37%	55,388	61%

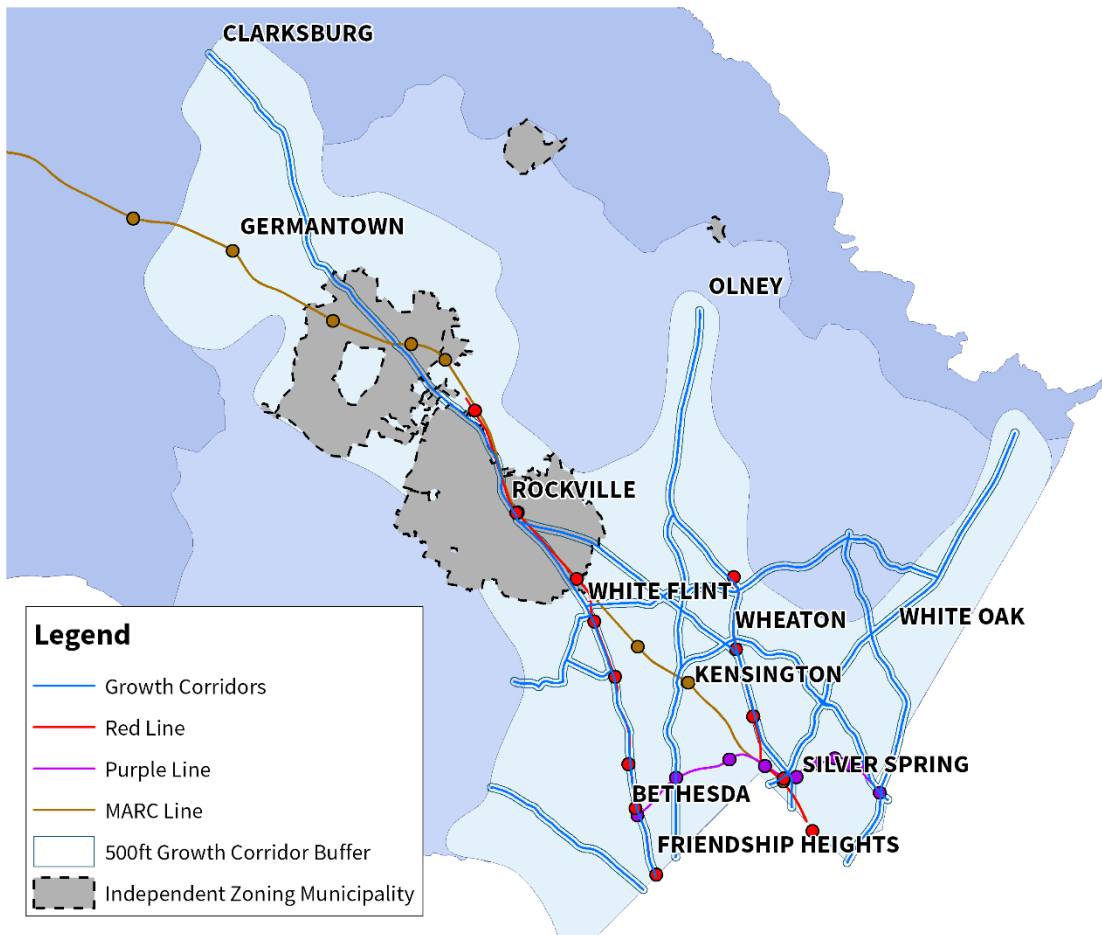


Figure 1 AHOM Map

Initial Recommendation: Limit the AHOM to the R-60 and R-90 zones abutting a Thrive Montgomery 2050 Growth Corridor, or a property identified in a Master Plan for AHOM development or a residential floating zone.

NEW Recommendation: Limit the AHOM to the R-60 and R-90 zones within 500 feet of a Thrive Montgomery 2050 Growth Corridor, or a property identified in a master plan for AHOM development or a residential floating zone.

When the Planning Board decides on a recommendation, Planning Staff will update the [webmap](#) that includes eligible parcels and the selected buffer.

MINIMUM USABLE AREA FOR AHOM DEVELOPMENTS

Planning Staff supported a recommendation from the draft AHS report that created a minimum usable area for AHOM developments set at two times the minimum lot size for a detached house in the underlying zone. The intent of this recommendation was to encourage property consolidation along the major Growth Corridors to achieve larger development projects that would provide more housing, and limit curb cuts onto the major roadways. The Planning Board was concerned that lot consolidation may be a major impediment, and they would also like to allow single lots to potentially develop more densely than just a quadplex.

Planning Staff considered two options:

1. Modify the small scale recommendations to allow small apartments (fewer than 20 units) on individual properties that abut a Growth Corridor.
2. Remove the minimum area requirement for AHOM developments.

While Planning Staff believe there are benefits to maintaining a minimum usable area for AHOM developments including encouraging larger, more thought out developments with usable open spaces and reduced curb cuts to our boulevards, there are benefits to accommodating AHOM type developments on smaller properties including avoiding having to consolidate properties thus increasing the odds of achieving AHOM developments.

The implications of modifying the small scale standard method development recommendations to allow small apartments on lots adjacent to Growth Corridors would require more drastic changes to the underlying code including adding small apartments to the use table, and adding additional limited use standards to limit where the apartments can be built. The second option simply removes the minimum site area requirement from the AHOM development standards tables. Therefore, Planning Staff prefers the second option to remove the minimum usable site area from the proposed standards table.

Initial Recommendation: Set a minimum usable area to two times the minimum lot size for a detached house in the underlying zone.

NEW Recommendation: Do not include a minimum usable area standard in the AHOM.

BASE DENSITY ALTERNATIVES FOR AHOM DEVELOPMENTS

At the work session on April 11, Planning Staff recommended that AHOM developments have a base density of two times the density of the existing underlying zone. In the R-90 zone, the base density would be 10 units an acre, and in the R-60 zone, the base density would be 13 units an acre. Developments are eligible for bonus density increasing by 2% for each 1% reduction in average unit size. A 20% reduction in average unit size to 1,200 square feet would increase density to 14 and 18 units an acre respectively. Planning Staff presented a number of factors that were considered such as existing density for the Townhouse Zones (range from 9-15 units/acre), the density from recently completed townhouse developments that achieved 12-15 units/acre, and the density expected from various middle housing types, which range widely from 5-40 units/acre.

The Planning Board felt these numbers seemed too small when thinking about density, especially for smaller compact units such as small apartments, or stacked flat developments, and when thinking about how the AHOM recommendations compare to the small scale recommendations. Planning Staff went back to consider this feedback and also verified how we were expressing density – units per gross acre, or units per net acre.

Generally, when density is expressed in the zoning code, it is expressed as a measure of gross area and is inclusive of any previous or currently required dedications, easements, and other land encumbrances. This is because the definition of Tract includes all proposed and existing rights-of-way, lots, parcels, and other land dedicated by the owner or predecessor in title. Tract does not include land conveyed to the government for nominal consideration. Planning Staff reviewed recent development precedents and can confirm that the values of 12-15 units per acre reflect gross acres, and are about 18-20 units per net acre. For this reason, it is not necessary to increase the initial recommendations of 10 and 13 units an acre, but recommend clarifying that these densities are expressed in gross acres, and to refer to the area for AHOM developments as the tract.

Initial Recommendation: *Set the base density for AHOM projects at two times the density of the underlying zone.*

NEW Recommendation: *keep the initial recommendation but clarify that density is calculated from the gross tract area.*

PRIORITY HOUSING DISTRICT

The Priority Housing District (PHD) is one of the recommendations that Planning Staff presented at the [April 25, 2024 work session #8](#) focused on small scale attainable housing. The PHD is an area recommended for more intensive small scale AHS recommendations, including allowing quadplexes and further reductions in parking. The PHD was a concept the Board supported but requested additional consideration on the following elements.

GEOGRAPHY OF THE PRIORITY HOUSING DISTRICT (PHD)

In a previous work session, the Planning Board asked Planning Staff to consider expanding the Priority Housing District by evaluating a larger buffer from the Growth Corridor, expanding areas where quadplexes are an available option, and aligning with other recent county policies that applied larger ¼ mile buffers to BRT corridors/stations.

Buffer Distances

The currently recommended geography of the Priority Housing District (PHD) is a 500-foot buffer from the Growth Corridors plus a 1-mile buffer from a Red Line, Purple Line, or MARC station within the R-90 and R-60 zones. The benefits of being within a PHD are allowing quadplexes in the small scale recommendations, and deeper reductions in required parking. Planning Staff also evaluated another buffer, 1/4th mile from a Growth Corridor, plus 1-mile buffer from Metro, Purple Line, and MARC stations.

Table 3 and Table 4 below demonstrate the number of total parcels, as well as the number of single-family detached classified parcels that fall into the two buffers. The first, the current Priority Housing District boundary would allow the PHD to be applicable to nearly 59,000 parcels total across the R-60, R-90, and R-200 zones (49,000 single-family detached classified parcels). Changing the buffer distance from 500 ft from a Growth Corridor to ¼ mile would add an additional 13,500 parcels (11,000 parcels currently classified as single-family detached).

Table 3 Parcel Analysis by Zone (All Parcels)

	R-60		R-90		R-200		All Zones	
	Number of Parcels	% of Total Parcels	Number of Parcels	% of Total Parcels	Number of Parcels	% of Total Parcels	Number of Parcels	% of Total Parcels
All Parcels	67,589	100%	42,554	100%	58,294	100%	170,023	100%
Current Priority Housing District 500 ft from Growth Corridor (plus 1-mile buffer from Metro, Purple Line, MARC)	42,987	64%	10,993	26%	3,742	6%	58,802	35%
1/4-mile from Growth Corridor (plus 1-mile buffer from Metro, Purple Line, MARC)	48,948	72%	15,491	36%	6,501	11%	72,335	43%
Additional Parcels Added	5,961		4,498		2,759		13,533	

Table 4 Parcel Analysis by Zone (Single-Family Detached Parcels)

	R-60		R-90		R-200		All Zones	
	Number of Parcels	% of Total Parcels	Number of Parcels	% of Total Parcels	Number of Parcels	% of Total Parcels	Number of Parcels	% of Total Parcels
All SFD Parcels	58,827	100%	31,581	100%	44,830	100%	135,604	100%
Current Priority Housing District: 500 ft from Growth Corridor plus 1-mile buffer from Metro, Purple Line, MARC	38,401	65%	8,332	26%	2,345	5%	49,350	36%
1/4-mile from Growth Corridor plus 1-mile buffer from Metro, Purple Line, MARC	43,762	74%	11,626	37%	4,468	10%	60,129	44%
Additional SFD Parcels Added	5,361		3,294		2,123		10,779	

R-200 Zone

The current PHD recommendations from the draft AHS report excluded the R-200 zone. The focus of recommendations in the draft report focused on increased density primarily on the R-90 and R-60 zones that were more closely aligned with the Corridor Focused Growth areas from *Thrive Montgomery 2050*. The Planning Board expressed a desire to expand AHS recommendations more into the R-200 zone, at a minimum looking at expanding the PHD into this zone, since its geography is based on proximity to defined growth corridors planned for higher quality transit investment. Planning Staff is agreeable to expanding the scope of the PHD recommendations to include applicable parts of the R-200 zone along the Growth Corridors, allowing triplexes and quadplexes. This would add approximately 6,500 (4,500 with a use of single-family detached) R-200 parcels within the expanded Priority Housing District.

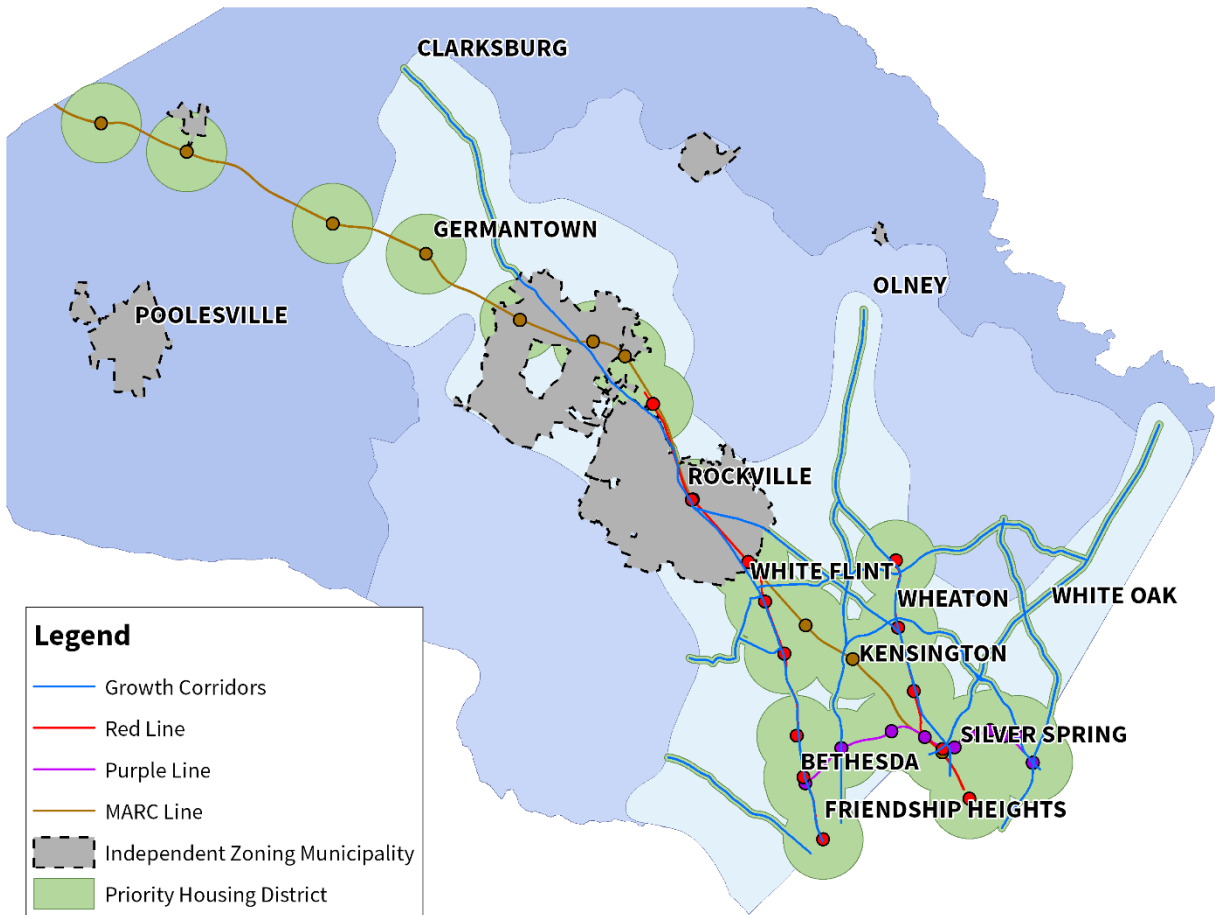


Figure 2 Map of the Priority Housing District

Initial Recommendations:

- Define the PHD as areas within 500 feet of a Growth Corridor, or 1 mile of a Red Line station, Purple Line station, or MARC station.
- Limit the PHD housing recommendations to the R-90 and R-60 zones.

NEW Recommendations:

- Define the PHD as areas within 500 feet of a Growth Corridor, or 1 mile of a Red Line station, Purple Line station, or MARC station.
- Limit the PHD housing recommendations to the R-200, R-90, and R-60 zones.

SMALL SCALE DEVELOPMENT STANDARDS

The small scale attainable housing recommendations are intended to allow house-scale duplexes, triplexes, and in some places quadplexes to be developed by-right through standard method of development, in residential detached zones. The recommendations would provide building and unit type flexibility while maintaining the house-scale character of existing neighborhoods. The development standards that impact the placement and size of the allowed buildings remain unchanged, but standards about density and lots are recommended for change. The sections below follow up on some outstanding questions the Planning Board had on the small scale changes.

LOT VS BUILDING SITE FRONTAGE

When Planning Staff presented the small scale recommendations, one of the bigger changes proposed to the development standards tables was to eliminate minimum lot size and instead focus on a minimum Building Site area. The requirement that all lots still have street or open space frontage was not recommended to change. This concerned the Board as it may place a burden on subdivisions for attainable housing units.

Currently chapter 50 the Subdivision Code, in section 4.3.C.1.c. there is a substantial section outlining all of the required additional findings the Board must make if approving any lots without frontage. The code states:

...The Board must not approve lots that do not abut a public or private road, except where unusual topography, environmental conditions, or the position of the tract in relation to the surrounding properties and rights-of-way permit no other feasible way to subdivide, and the Board determines that appropriate separation between building envelopes will be achieved. In approving a lot that does not abut a public or private road, the following provisions apply:

- i. The Board must not approve more than two lots in a subdivision that do not abut a public or private road;*
- ii. The lots will be served by a private driveway that serves no other lots without frontage;*
- iii. In residential zones, the Board must require building restriction lines as needed to provide separation of at least 80 feet between the building envelope of the proposed lot without frontage and:
 - a. The building envelopes of all lots that are adjacent to the rear lot line of the proposed lot without frontage; and*
 - b. The building envelopes of all lots that are between the proposed lot without frontage and the road from which it is accessed;**

- iv. *The Board may require additional building restriction lines to ensure appropriate separation between building envelopes and to provide appropriate location of the building envelope within the lot;*
- v. *All building restriction lines must be shown on the plat; and*
- vi. *The access to lots with no road frontage must be adequate to serve the lots for emergency vehicles and for installation of public utilities. In addition, the lots must be accessible for other public services and not detrimental to the future development of adjacent lands.*

These existing code provisions present a number of problems, including requiring the Board to be the deciding body of approving lots without frontage, and substantial building restriction lines that would not be possible in a subdivided Building Lot for a multiplex building type.

Planning Staff agree that continuing to prohibit lots without frontage for small scale attainable housing is a likely a deterrent to providing fee simple ownership of attainable housing dwellings and recommends altering Chapter 50 to accommodate lots without frontage specific to attainable housing. Planning Staff recommend altering the Section 4.3.C.1.c. to include language allowing the Planning Director to approve an Administrative Subdivision, and the Board to approve a Minor Subdivision Plat that contain lots without frontage if it is for a duplex or multiplex building type, the Building Site has frontage, and the plats reflect an ingress/egress and utility easement over all areas of shared driveway designed in a way to ensure all lots have access to a public or private road.

Additionally, the current recommendations for the development standards table for the Residential Detached zones retained the standards for lot width at front lot line and frontage required on street or open space. Planning Staff recommends retaining those two standards, as providing lot frontage is still preferred, but adding a new Specification for Building Site and Lot stating that lots contained within a Building Site for Duplex or Multiplex buildings may be approved without frontage if the Building Site has adequate frontage to provide access and utilities to all the included lots, and the necessary plats reflect ingress/egress and utility easements.

Initial Recommendation: *Retain the requirement for lots to have frontage on a street or public open space.*

NEW Recommendations:

- *Modify the Subdivision Code to allow the Planning Director or Planning Board to approve lots without frontage if the larger Building Site has frontage and the plats reflect an ingress/egress and utility easement, for the creation of duplex and multiplex building types.*
- *Modify the Development Standards tables in the Zoning Code in the R-200, R-90, R-60 and R-40 zones to allow lots without frontage for the duplex and multiplex building types if the Building Site has adequate frontage for access and utilities, and has adequate access easements.*

ANALYSIS OF AVERAGE LOT SIZES AND AVERAGE SUB-STANDARD LOTS

The Planning Board asked Planning Staff to determine how many sub-standard (undersized) lots exist in the Residential Detached Zones, and in particular, the R-60 zone where the lot sizes are generally the smallest. The Board was concerned that keeping the existing development standards for setbacks and lot coverage may preclude a substantial number of properties from developing small scale attainable housing if the lot sizes are too small.

Planning Staff looked at all of the residential lot sizes in the R-60, R-90, and R-200 zones using SDAT data, and created the following histogram graphs showing the spread of lot sizes. Minimum lot sizes are 6,000 sf in R-60, 9,000 sf in R-90, and 20,000 sf in R-200. In the following graphs, the bars shown in green represent the number of sub-standard lots in the R-60, R-90, and R-200 zones, whereas blue represents lots sizes that meet or surpass the minimum lot area.

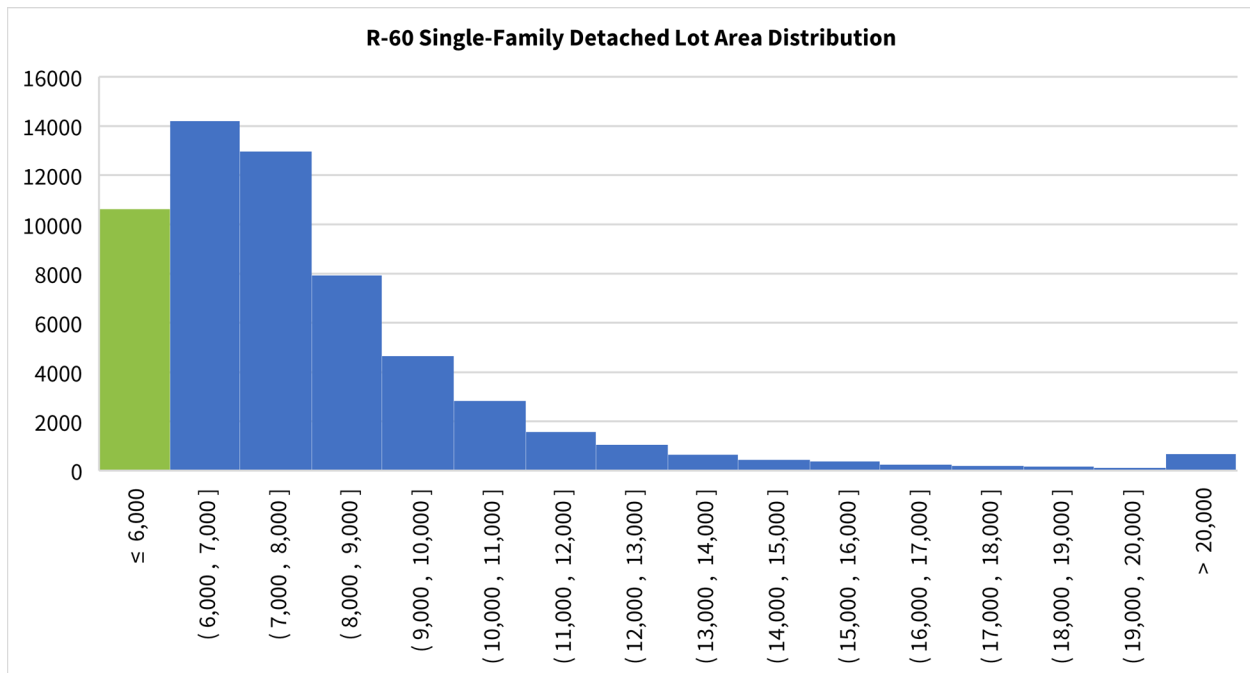


Figure 3 R-60 Lot Area Distribution

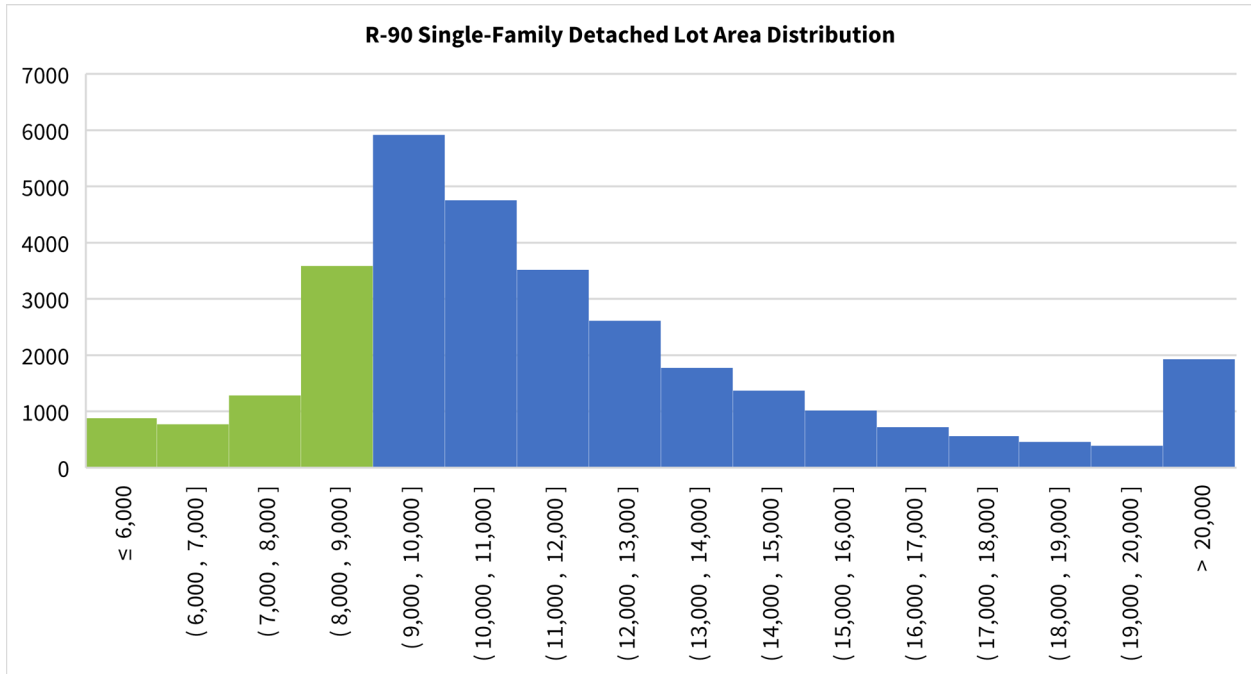


Figure 4 R-90 Lot Area Distribution

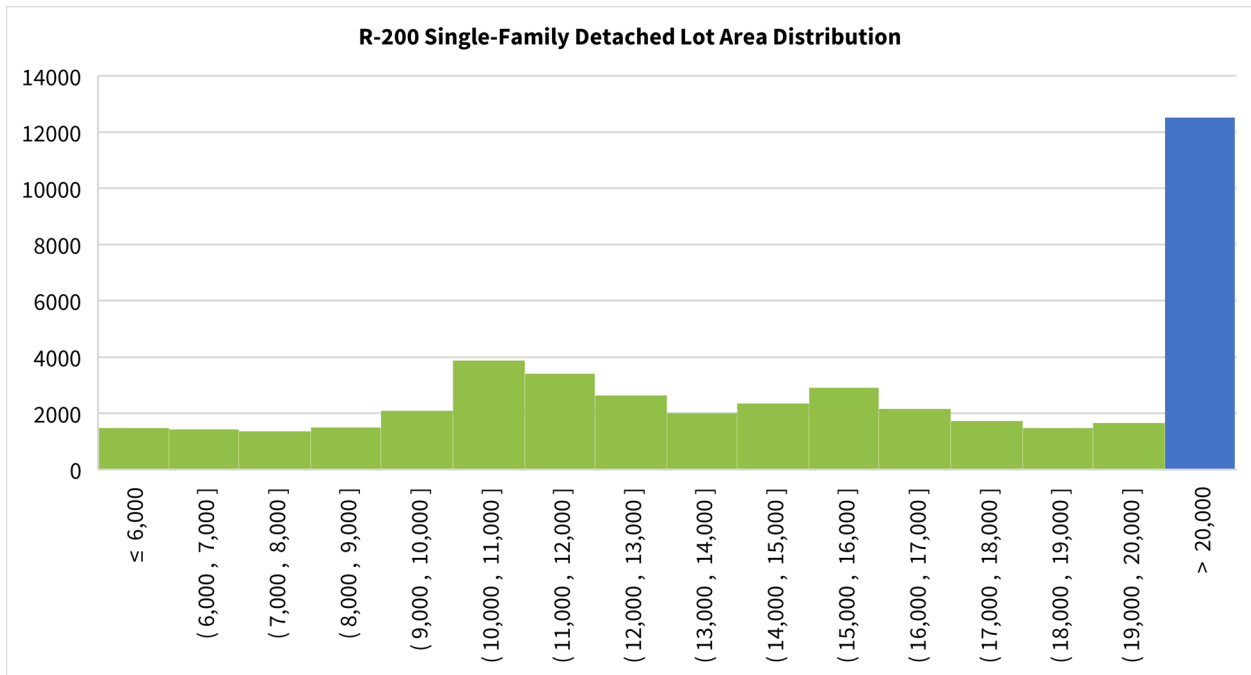


Figure 5 R-200 Lot Area Distribution

As shown in Table 5, there are approximately 49,000 undersized lots throughout the R-60, R-90, R-200 zones, this represents only 37% of the total. Furthermore, the majority of the undersized lots are located in the R-200 zone, where the optional method of development is the predominant type of development and allows lot areas as low as 6,000 sf. While most substandard, they are still large

enough to accommodate duplexes, triplex, and quadplexes, as shown in Figure 6. Therefore, Planning Staff recommends retaining the original recommendation.

Undersized lot study: A 5,000 sf lot in R-60 Zone

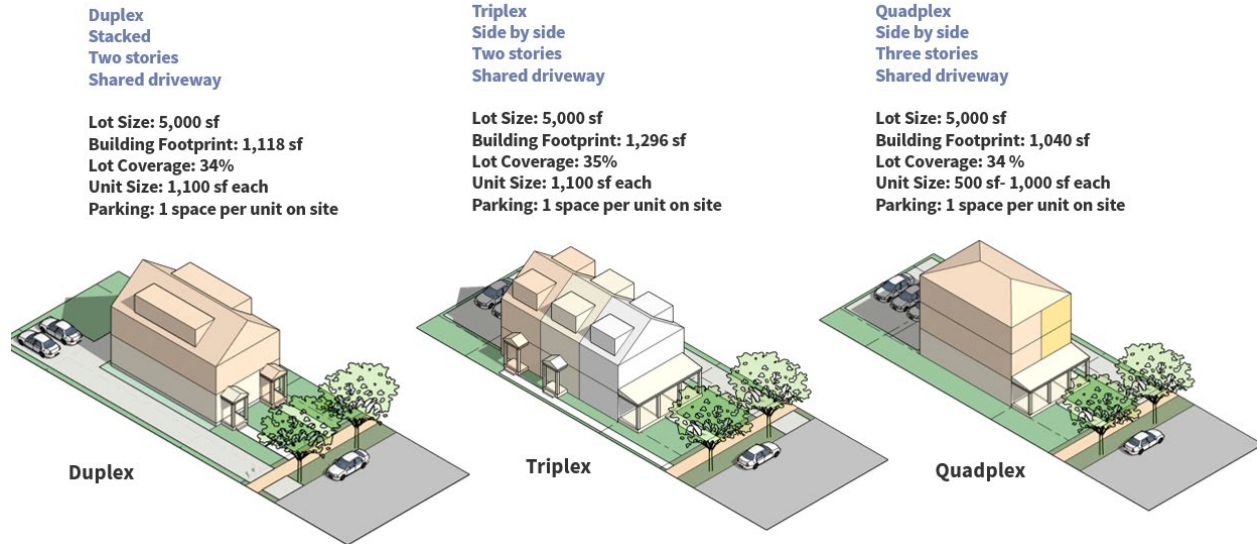


Figure 6 Undersized Lot Study

Table 5 Lot Area by Zone Analysis

Zone	Average Lot Size	Minimum Lot Area	Number of Undersized Lots	Percent Undersized	Average Undersized Lot Size
R-60	8,000 sf	6,000 sf	10,623	18%	5,400 sf
R-90	12,000 sf	9,000 sf	6,352	21%	7,700 sf
R-200	19,000 sf	20,000 sf	32,149	72%	12,600 sf
Total			49,304	37%	

Initial Recommendations:

- Add a provision to the data table letting substandard lots participate in AHS if they are otherwise legally eligible for a residential detached building permit.
- Maintain the existing development standards for height, setback, and coverage.

NEW Recommendation: Retain the existing recommendations.

DELIVERING A PATTERN BOOK

Requiring small scale attainable housing to follow basic design principles is an important element for Planning Staff. Creating a pattern book has become an important component of attainable housing to ensure these design elements are clearly accessible and understandable. The Board has been broadly supportive of a pattern book but raised concerns about the timing of such a document and whether it would delay implementation of small scale attainable housing. As the recommendations stand, it would not be possible to implement the small scale attainable housing recommendations without an approved and adopted Pattern Book. The Board asked Planning Staff to roughly scope out a timeline and list of needed resources to complete a project.

While the ultimate scope of the Pattern Book is dependent upon the scope of AHS that the County Council approves, Planning Staff thinks there are two potential options. The first is option would mostly occur in-house with limited consultant help. The second option would include significant consultant help. While Planning Staff thinks Option A is more effective, it will require significant in-house staff and work program support and may take slightly longer to complete.

Option A (in-house): Option A would require significant in-house staff support, especially from the designers in the Director’s Office to meet both the expectations of the pattern book and the need to complete outreach with the community. While Planning Staff estimates that some of the steps below could be completed concurrently, Planning Staff estimates it would take approximately one year to complete a pattern book in-house. Planning Staff would still like to use outside consultant help for rendering help and expert review (approximate cost of \$50,000).

Option B (consultant): Using outside consultant help would require a Planning Staff project manager but would require fewer Planning Staff ultimately. However, it comes at a potentially higher cost of \$150,000-\$200,000.

Completing a draft of the Pattern Book is estimated to take around four months, following which we will engage in interagency coordination, solicit public input, and make necessary revisions. Planning Staff notes that while the entire Pattern Book process may take up to a year, it could begin concurrently with the preparation of any Zoning and Subdivision text amendments. These text amendments could take six months or more to prepare and work through the legislative process, such that the delay in completing the pattern book would be substantially offset by the amount of time to complete the ZTA and SRA.

Table 6 Potential Pattern Book Schedule (In House)

Potential Pattern Book Schedule (In House)	
Complete draft pattern book	3-4 months
Interagency coordination	2-3 months
Public Input	2-3 months
Refinements	2 months
Planning Board review and approval	2 months

NEW Recommendation: Include language in the final report highlighting these two options, with the preferred option of using in-house Planning Staff resources (Option A).

LOCAL MAP AMENDMENTS FOR CORRIDORS

During the work session on large scale development, the Board asked if there were any processes that would allow larger scale developments to proceed without having to work through the master plan process acknowledging the time and resources required to do master planning. While there is no mechanism to wholesale rezone an area outside of a master plan process, there are opportunities for individual applicants to request a Floating Zone allowed under [Article 59-5](#). Floating zones are the new zones that are placed on a property, after going through the Local Map Amendment (LMA) process outlined in [Section 7.2.1](#). The LMA process takes time and resources from an applicant as it is reviewed by Planning Department, the Hearing Examiner, and the District Council, but it provides an opportunity for a rezoning outside of a master plan.

There are five basic findings of a LMA, in addition to the applicability requirements of the floating zones. The LMA findings are:

- a. substantially conform with the recommendations of the applicable master plan, general plan, and other applicable County plans;
- b. further the public interest;
- c. satisfy the intent and standards of the proposed zone and, to the extent the Hearing Examiner finds it necessary to ensure compatibility, meet other applicable requirements of this Chapter;
- d. be compatible with existing and approved adjacent development;
- e. generate traffic that does not exceed the critical lane volume or volume/ capacity ratio standard as applicable under the Planning Board’s LATR Guidelines, or, if traffic exceeds the applicable standard, that the applicant demonstrate an ability to mitigate such adverse impacts; and
- f. when applying a non-Residential Floating zone to a property previously under a Residential Detached zone, not adversely affect the character of the surrounding neighborhood.

In meeting the applicability requirements of Floating Zones, a residential base zone requesting an increase in density must prove it meets a minimum of two prerequisites described by Section 5.1.3.D. These prerequisites are based around proximity to transit or infrastructure, the vicinity of community facilities, and the ability to better the environment. There are also maximum densities that residential base properties may currently request, based on the overall size of the property. Table 5 below shows the existing maximum densities that can be requested if applying for a residential-only Floating Zone, and Table 6 shows how much density may be requested if asking for a CR family Floating Zone. Planning Staff note the maximum requestable densities especially in the residential-only zone are generally less than or equal to the recommended density of the AHOM developments.

Table 7 Floating Zone Density Allotments Residential Floating Zone

Pre-Existing Euclidean Zone	Base Lot/Site Size	Base Density in Units per Acre	Less than 3 times the base lot/site size	3 to <6 times the base lot/site size	At least 6 times the base lot/site size
R-200	20,000 SF	2.18	2.18	3.27	4.36
R-90	9,000 SF	4.84	4.84	7.26	12.00
R-60	6,000 SF	7.26	7.26	10.89	14.52
R-40	4,000 SF	10.89	10.89	16.33	21.78

Table 8 Floating Zone Density Allotments CR Family Floating Zone

Pre-Existing Euclidean Zone	Up to 0.5 acres		0.51 acres - 3.00 acres		Greater than 3 acres	
	Total Density	C or R Density	Total Density	C or R Density	Total Density	C or R Density
R-200	0.75 FAR	0.5 FAR	1.0 FAR	0.75 FAR	1.25 FAR	1.0 FAR
R-90, R-60, R-40	1.0 FAR	0.75 FAR	1.25 FAR	1.0 FAR	1.5 FAR	1.25 FAR

The LMA process may still be a relevant option for providing attainable housing, but not without making some adjustments to the process. Generally Planning Staff is less concerned about the ability of an application to meet the findings of the LMA process as the only two findings that would call in subjective scrutiny are the findings for compatibility, and to not adversely affect the neighborhood character. Both of these are able to be addressed typically through creative site design, access management, and landscaping. The Floating Zone process is more restrictive both in having to prove prerequisites and in the maximum allowed density. If the Board wishes to recommend using rezonings to achieve attainable housing,

Planning Staff recommendations:

- *adding one or more prerequisites to Article 59-5.1.3.D that speak directly to providing attainable, or affordable housing.*
- *allowing further increases in maximum allowed residential density when the pre-existing base zone is a Residential Detached Zone, predicated on the application being adjacent to one of the Growth Corridors. This could be an additional column to table ## above providing more units per acre in residential only zones, or an increase in the allowed residential FAR in exchange for not providing any commercial uses.*
- *Once new form-based corridor zones are established, create a Floating Zone equivalent that can be applied for using this process.*

ADDITIONAL PARKING CREDITS

The Planning Board asked Planning Staff to consider if there were any other practical ways to credit any necessary off-street parking. As a reminder, the current recommendations for parking are to require:

- the full two off-street parking spaces per dwelling in areas outside of the PHD, when on a street with no street parking.
- a 50% reduction in parking requiring only one space per dwelling on streets outside of the PHD with street parking, or when on a street inside the PHD without street parking.
- a 75% reduction in parking when on a street inside the PHD with street parking.
- any site within ½ mile of a Red Line or Purple Line station, or a capitably funded BRT station is not required to provide any parking.

Many of the ways to reduce parking requirements in the code are designed to work with larger developments that have larger parking facilities, such as credits for car share spaces, unbundling parking, providing shared mixed use parking, or bike share facilities. Applicants may also enter into off-site parking agreements to provide necessary parking off-site, but the off-site property must be plat or deed restricted, or enter into a joint use agreement guaranteeing the parking. The off-site property also must be within ¼ mile of the subject property. Therefore, it is unlikely that any existing ways to reduce parking will benefit much if any attainable housing developments.

The Board also asked Planning Staff to consider alternative arrangements such as allowing street parking in front of a subject property count as the required parking. The Zoning Code does allow on-street parking to count toward parking minimums in certain rare situations where the street parking was constructed by the applicant and is being used for retail/service, or restaurant use. Planning Staff support amending this provision slightly, to allow residential uses that create new on-street parking where it did not exist before by widening the street to take credit for those spaces, but do not support letting existing on-street parking count toward parking requirements. The availability of on-street

parking is already a factor that Planning Staff considered in making its above recommendations and does not support using on-street parking to further reduce the parking requirements.

Initial Recommendations:

- *the full two off-street parking spaces per dwelling in areas outside of the PHD, when on a street with no street parking.*
- *a 50% reduction in parking requiring only one space per dwelling on streets outside of the PHD with street parking, or when on a street inside the PHD without street parking.*
- *a 75% reduction in parking when on a street inside the PHD with street parking.*
- *any site within ½ mile of a metro or purple line station, or a capially funded BRT station is not required to provide any parking.*
- *Applicants may pursue off-site parking agreements as allowed by code.*

NEW Recommendation: Retain the initial recommendations for parking.

AHS CHECK-IN

Planning Staff and the Board have been working to make the AHS report as comprehensive as possible, but there are many unknowns when making changes this transformative to zoning and housing policy. During previous work sessions with the Planning Board, the Board expressed a desire to have AHS ‘check-ins’ every 3-5 years to assess the impacts of the changes. The ultimate elements of the ‘check-ins’ will be decided when the final scope of AHS is decided upon the adoption of a ZTA by the County Council. Planning Staff believes adding language to the report that generally supports the idea of check-in reports to the Planning Board and County Council every four years would be beneficial. A similar four-year cycle is used for the Growth Infrastructure Policy, and it ensures each Councilmember and Planning Board member is involved in at least one round of updates.

NEW Recommendation: Add language to the AHS report that supports an AHS check-in every four years.

ATTACHMENTS

Attachment A – DRAFT Attainable Housing Strategies Report

Attachment B – AHS Comment Matrix