

PROPOSED ZTA GREAT SENECA LIFE SCIENCES (GSLs) OVERLAY ZONE

Description

This proposed ZTA would establish the Life Sciences Center (LSC) Overlay Zone, helping implement zoning and land use recommendations of the Great Seneca Plan: Connecting Life and Science.

ZTA 24-##

Completed: 05-16-2024

MCPB

Item No. 07

05-23-2024

Montgomery County

Planning Board

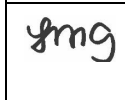
2425 Reedie Drive, Floor 14

Wheaton, MD 20902

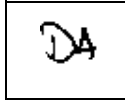
Planning Staff



Benjamin Berbert, Planner III, Countywide Planning and Policy
Benjamin.Berbert@montgomeryplanning.org, 301-495-4644



Lisa Govoni, Acting Supervisor, Countywide Planning and Policy
Lisa.Govoni@montgomeryplanning.org, 301-650-5624



David Anspacher, Acting Chief, Countywide Planning and Policy
David.Anspacher@montgomeryplanning.org, 301-495-2191

PLANNING TEAM

Countywide Planning and Policy on behalf of
Midcounty Planning

PLANNING BOARD DATE

May 23, 2024

REVIEW BASIS

Chapter 59



Summary:

- This proposed Zoning Text Amendment (ZTA) for the Life Sciences Center (LSC) will help implement the zoning and land use recommendations of the Great Seneca Plan: Connecting Life and Science (GSP).
- The recommendations addressed by the LSC Overlay Zone include modifications to standardize land uses across zones, to allow for extra density and building height, and to implement a unique set of incentive density standards.
- This ZTA will be introduced by the District Council prior to the Planning, Housing, and Parks (PHP) Committee work sessions on the GSP.

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SECTION 1: BACKGROUND

RATIONALE FOR INTRODUCTION

This Zoning Text Amendment (ZTA) for the Great Seneca Life Sciences (GSLs) Overlay Zone is being introduced as part of the implementation of the [Great Seneca Plan: Connecting Life and Science](#) (GSP). The GSP plan is a comprehensive amendment of the 2010 *Great Seneca Science Corridor Master Plan*. It was undertaken, in part, because the vision of the 2010 plan was not being fully realized. Among the many issues the GSP seeks to address is an update to the allowed land uses, densities, and procedures of development. The GSLs Overlay Zone is a major component in enacting these desired changes.

SECTION 2: GSLs OVERLAY ZONE

The following sections of this report will describe each of the sections in the proposed ZTA for the GSLs Overlay Zone, explaining the purpose of each section and the effect and intent of the included language.

PURPOSE

The purpose section of the GSLs Overlay Zone begins on line 5 of the ZTA and includes four intent statements, which are based largely on the overarching purpose of the GSP:

- Attract and retain the life sciences industry.
- Incentivize the production of housing.
- Achieve a complete community that includes a range of land uses, jobs, diverse housing options, services, and amenities that meet the needs of people within a 15-minute walk, bike ride, roll, or other trip through safe, accessible, and reliable transportation infrastructure.
- Implement recommendations of the GSP including land uses, densities, building heights, parking, and public benefits.

LAND USES

The land use section of the overlay zone, starting on line 17 of the ZTA, is designed to achieve multiple purposes. First, the overlay zone addresses the recommendation in the GSP to standardize land uses, which is done by stating that the allowed uses of the CR zone are to apply regardless of the underlying zone, except as expressly modified within this section. Second, the overlay zone modifies the list of allowed and not allowed uses to better align with the vision of the plan. Lastly, there are a few uses allowed in the zone that require a site plan review as part of the approval process.

Two uses not allowed in the CR zone but desired by the GSP are:

- Life Sciences
- Animal Research Facility

Additionally, there are a few uses that are allowed in the CR zone but do not conform to the goals of the GSP and should not be allowed:

- Single-Unit Living
- Retail Establishments 85,001 SF and over
- Drive-Thru
- Self-Storage
- Storage Facility

The following uses are permitted in the GSLS Overlay Zone, but should only be approved with a site plan because the design of these uses is critical to achieving the complete community goals of the overlay:

- Two-unit Living
- Townhouse Living
- Surface Parking for Use Allowed in the Zone
- Retail Establishment 50,001 – 85,000 SF

DEVELOPMENT STANDARDS

The Development Standards section of the GSLS Overlay Zone covers three subsections; building heights, density, and public benefits. The GSP envisions the areas under the GSLS Overlay Zone as a more urban, complete community than exists today. These development standards recommendations aim to incentivize development sites to redevelop under the requirements of the overlay zone and to ensure new development enacts the vision of the GSP.

BUILDING HEIGHTS

The Building Height standard starts on line 35 of the overlay zone ZTA. The GSP recommends allowing applicants to exceed their mapped building heights, allowing total heights of up to 200 feet, if the additional height is deemed necessary for meeting the additional density also being allowed by the overlay zone. Height allotment was addressed through the overlay zone rather than during the Sectional Map Amendment process because zones such as CRT have a maximum mapped height of only 150 feet. Increasing mapped building heights without a commiserate increase in density may also have the unintended consequence of encouraging inefficient utilization of land with elements such as surface parking or unengaging open space rather than creating buildings that properly engage with

the public realm. If an application chooses to take advantage of the additional density provisions of the overlay zone discussed in the following section of this report, then the additional building heights should also be allowed.

DENSITY

The density provision of the GSLS Overlay Zone, starting on line 39, has two components; a provision allowing development applications to exceed their mapped density, and a clarifying statement that the residential and retail limits in the LSC zone do not apply.

The first provision allows development projects in the GSLS Overlay Zone to exceed their mapped densities, by up to 200%, provided they first use all gross floor area allowed by the mapped underlying zone. Any additional density would continue to require applicants to earn incentive density by providing public benefits, consistent with the process for the mapped density. Planning Staff has chosen to provide additional density within the overlay zone in this method rather than through the Sectional Map Amendment process because many sites within the overlay are large, have existing entitlements, and may never reach their full existing mapped densities. However, there may be select applications that are positioned to take advantage of additional density and those opportunities are encouraged. The approach is similar to that used in Downtown Silver Spring that allows projects to exceed their density and height. While in Downtown Silver Spring additional density is available for paying into a Civic Improvement Fund, in the Great Seneca Life Sciences Overlay Zone additional density is available for providing additional Incentive Density public benefits.

The second density provision removes the limitations in the LSC zone which cap residential uses at 30% of a project's gross floor area, and retail uses at 15%. Providing opportunities for housing is an important element of the GSP and these existing caps on residential use limit that opportunity. The existing code provision requiring at least 40% of LSC zoned properties to be built with life sciences uses will remain, ensuring a critical mass of these uses remain within the plan area.

PUBLIC BENEFITS

The most substantial part of the GSLS Overlay Zone is the public benefits section, 4.9.13.C.3. starting on line 50 of the draft ZTA. This section is unique because it's the first overlay zone that was drafted anticipating the updated public benefits process, through the ongoing [Incentive Density Zoning update](#). This overlay zone is advancing prior to the full review and adoption of the Incentive Density Zoning project; therefore, the public benefits section is designed to stand on its own until Section 4.7 of the code is updated. Planning Staff anticipate a follow-up ZTA may be necessary to integrate the GSLS Overlay Zone into the larger Incentive Density project in the future.

The public benefits and Incentive Density of this overlay zone work differently from the existing system of public benefits. Currently, projects that cross into optional method of development are

required to provide a certain number of public benefit points, based on the zone. This process discourages many applications from exceeding the optional method threshold because there is no sliding scale that aligns the number of required points with a project's total density. This new process sets up a framework where public benefits are assigned a FAR value, and development applications provide public benefits to earn the right to build over the optional method threshold. Applications that only slightly exceed the FAR for optional method are required to provide fewer benefits than those that greatly exceed the threshold. Public benefits are organized by "tier" based on the amount of Incentive Density the benefits will credit an application. This allows the provision of public benefits to align with the actual size of a project. In the GSLS Overlay Zone, all projects are optional method once the FAR proposed is above 0.5. The density available to a project above 0.5 FAR, whether it is mapped density, or additional density made eligible through the GSLS Overlay Zone, is considered the Incentive Density.

To utilize the Incentive Density, applicants will need to provide public benefits that achieve Incentive Density credits ranging from 0.25 to 1.0 FAR depending on the expense and complexity of the benefit. The public benefits in the overlay zone are broken down into four tiers based on the value of the incentive. Tier 1 projects are worth 0.25 FAR, Tier 2 projects are worth 0.5 FAR, Tier 3 projects are worth 1.0 FAR, and Tier 4 projects are worth an unlimited amount of FAR, allowing a project to achieve up to 200% of their mapped FAR in this overlay zone. Applicants can choose any combination of listed public benefits to achieve the necessary Incentive Density. Applicants who provide a project from the Tier 4 list are not required to provide any other public benefits.

The consulting firm Hayat Brown provided research to determine appropriate values for percentages, measurements (Gross Floor Area, linear feet, etc.), and contribution rates. Within each tier, the public benefits have roughly proportional value. The public benefits also rely on standards used by partner agencies, such as the Department of Permitting Services, and were developed in consultation with other county agencies.

As an example of how the Incentive Density would work if an application is proposing a density of 2.5 FAR, they are allowed the first 0.5 FAR as part of the base standard method density. The Incentive Density for this project is 2.0 FAR. Applicants would start providing public benefits from the different tiers to earn 2.0 worth of FAR. They could provide 8 tier one benefits (worth 0.25 FAR each), 4 tier 2 benefits (worth 0.5 FAR each), 2 tier 3 benefits (worth 1 FAR each). Applicants can also provide benefits from different tiers. An example may provide 2 tier 1 benefits (for a total 0.5 FAR), and 3 tier 2 benefits (for a total 1.5 FAR), or 4 tier one benefits (for a total of 1 FAR) and one tier 3 benefit (for a total of 1 FAR). The goal is to provide any combination to achieve the 2 FAR of Incentive Density.

The public benefits outlined and defined in the Great Seneca Life Sciences Overlay Zone Draft Zoning Text Amendment (ZTA) were selected to support the implementation of the Planning Board Draft of the Great Seneca Plan, specifically the Draft Plan's vision and recommendations for the Life Sciences Center.

The Planning Board Draft of the Great Seneca Plan envisions the Life Sciences Center as a place that will include a range of land uses, jobs, diverse housing options, services, and amenities to meet the needs of a variety of people within a 15-minute walk, bike ride, roll, or other trip through safe, accessible, and reliable transportation infrastructure. The Draft Plan promotes a high-quality built environment, an active and enriching social life, and natural features that contribute to better physical and mental well-being. The Draft Plan envisions transforming streets from barriers to vital elements of the public realm, supports the economic growth and competitiveness of the Life Sciences Center, and seeks to extend the success of the Life Sciences Center to all who live, work, and visit the area.

The recommended public benefits provide incentives to:

- increase housing production and affordability
- build mixed-use development to contribute to the vibrancy and activation of the Life Sciences Center
- construct key infrastructure projects and public amenities identified in the Draft Plan, such as the Key West Avenue Promenade, the Great Seneca Greenway, Life Sciences Center Loop Trail, as well as the street network which includes facilities for people walking, biking, and rolling
- apply innovative and attractive design that enhances the public realm and the sense of place
- exceed county environmental and sustainability standards such as energy efficiency, renewable energy production, and green building design
- provide spaces for smaller life science companies to support their competitiveness and retain companies in the county
- create public spaces for the diverse population that lives, works, and visits the area

In the longer term Incentive Density project, there will likely be a companion implementation guideline that will help explain the intent, and guidance on how to determine if an applicant has met the public benefit. Absent this guideline in the short-term, some of the public benefits have been expanded upon to include basic definitions to help with implementation. In addition, some public benefits make reference to other official national standards or codes. These include:

- WELL CORE certification program – The WELL Building Institute provides a performance-based system for measuring, certifying, and monitoring features of the built environment that impact human health and well-being.
- International Green Construction Code (IgCC) – The IgCC establishes minimum requirements for new and existing buildings to achieve sustainable building practices. The IGCC is a model code that aims to improve the environmental performance and sustainability of buildings during their construction, design, and operation. The IgCC strives to create predictable, tested standards across jurisdictions.
- International Energy Conservation Code (IECC) – The IECC is a model code that establishes minimum requirements for energy-efficient buildings in commercial and residential

construction. IECC regulates the construction and design of buildings to help them use and conserve energy throughout their useful life.

DEVELOPMENT PROCEDURES

The development procedures section of the GSLS Overlay Zone begins on line 388 and is another section aiming to standardize the development process across different zones to create a consistent development process. The following provisions are included in the overlay zone:

- **Development at or over 0.5 FAR is considered optional method development:** Currently, the density when optional method commences is between 0.5 and 1.0 FAR, depending on the zone. The GSLS Overlay Zone proposes to set the threshold of when optional method development requirements including public benefits commence at 0.5 FAR regardless of the underlying zone.
- **Optional method LSC zone projects shall require the purchase of Building Lot Termination (BLT) easements or pay into the Agricultural Land Preservation Fund (ALPF) at an amount equal to 7.5% of the incentive density floor area:** Currently, the LSC zone requires applicants to purchase BLTs equal to 50% of the incentive density floor area, which is a large, expensive hurdle that impacts developments in the current zone. The GSLS Overlay Zone proposes to reduce the requirement to 7.5% to aligns with the requirements of the C/R family of zones.
- **Development is not subject to parking minimums:** The LSC Overlay Zone would waive any parking minimums otherwise set forth in the zoning code to advance compact development and to incentivize transit and alternative mobility options.
- **Surface Vehicle parking is prohibited between a building and a street:** This is a design requirement that Planning Staff frequently advocate for in new developments. There are some provisions under standard method projects in the CR zones prohibiting parking closer to the street than the front building line, but often remains silent on parking placement for optional method projects allowing the site plan review process to control parking location. This provision clarifies that in any development surface vehicle parking is prohibited between a building and a street.

EXISTING OVERLAY ZONES

The remainder of the LSC Overlay Zone illustrates the subsequential renumbering of the section headings for the existing overlay zones that alphabetically fall behind the LSC Overlay Zone.

SECTION 3: CONCLUSION

Planning Staff recommends the Planning Board support the proposed LSC Overlay Zone as presented, and transmit the draft overlay zone to the District Council. This overlay zone is a major component in implementing the recommendations of the GSP. Passage of this overlay zone is necessary to occur with the passage of the GSP and before the Sectional Map Amendment to avoid a development review process that is not aligned with the vision of the master plan.

ATTACHMENTS

Attachment A: Zoning Text Amendment 24-## LSC Overlay Zone

Ordinance No.: _____
Zoning Text Amendment No.: 24-xx
Concerning: _____
Revised: _____ Draft No.: _____
Introduced: _____
Public Hearing: _____
Adopted: _____
Effective: _____

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember _____
Co-Sponsors: Councilmembers _____

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- (1) establish the Great Seneca Life Sciences (GSLs) Overlay Zone; and
- (2) generally amend the provisions for overlay zones.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

- Division 4.9. “Overlay Zones”
- Section 4.9.13. “Great Seneca Life Sciences (GSLs) Overlay Zone”
- Section 4.9.14. “Montgomery Village (MV) Overlay Zone”
- Section 4.9.15. “Rural Village Center (RVC) Overlay Zone”
- Section 4.9.16. “Sandy Spring/Ashton (SSA) Overlay Zone”
- Section 4.9.17. “Takoma Park/East Silver Spring Commercial Revitalization (TPESS) Overlay Zone”
- Section 4.9.18. “Transferable Development Rights (TDR) Overlay Zone”
- Section 4.9.19. “Twinbrook (TB) Overlay Zone”
- Section 4.9.20. “Upper Paint Branch (UPB) Overlay Zone”
- Section 4.9.21. “Upper Rock Creek (URC) Overlay Zone”
- Section 4.9.22. “White Flint 2-Parklawn (WF-P) Overlay Zone”

And adding the following Section:

- Division 4.9. “Overlay Zones”
- Section 4.9.13. “Great Seneca Life Sciences (GSLs)”

EXPLANATION: **Boldface** indicates a Heading or a defined term.
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
* * * indicates existing law unaffected by the text amendment.

DRAFT

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

DRAFT

- 28 e. Storage Facility
- 29 3. The following uses are allowed only by site plan:
- 30 a. Two-Unit Living
- 31 b. Townhouse Living
- 32 c. Surface Parking for Use Allowed in the Zone
- 33 d. Retail Establishment 50,001 – 85,000 SF

34 **C. Development Standards**

35 1. **Building Height**

36 Developments in the GSLS Overlay Zone may exceed their mapped
37 height if necessary to achieve the additional density allowed by Section
38 59-4.9.13.C.2.a, not to exceed 200 feet total.

39 2. **Density**

40 a. Developments in the GSLS Overlay Zone may exceed their mapped
41 FAR not to exceed 200% on a site if the Planning Board approves a
42 sketch or site plan under Section 7.7.3. or 7.7.4., or a Bio-Health
43 Priority Campus Plan under Section 7.3.6. Developments must use
44 all gross floor area allowed by the mapped underlying zone before
45 receiving additional density under this provision. Public benefits, as
46 described in Section 59-4.9.13.C.3 must be provided for any
47 additional density received.

48 b. The limits in the GSLS zone that cap residential uses at 30% of gross
49 floor area and retail at 15% of gross floor area do not apply.

50 3. **Public Benefits**

51 All optional method development applications within the GSLS
52 Overlay Zone must earn Incentive Density for any requested density
53 above 0.5 FAR subject to the provisions of Section 59-4.9.13.C.2.3. and
54 are not responsible for providing public benefits under Section 59-4.7.

55 Incentive Density is the term used to describe any density above 0.5
56 FAR including any mapped density or additional density allowed by
57 the GSLS Overlay Zone.

58 a. **General Provisions**

- 59 i. Incentive density must be earned by providing public
60 benefits. The public benefits are divided into one of four tiers
61 in Sections 4.9.13.C.3.b. through 4.9.13.C.3.e. below, based
62 on how much FAR of Incentive Density an applicant is
63 permitted for providing that public benefit.
- 64 ii. Development applications may provide any combination of
65 public benefits to achieve the necessary Incentive Density for
66 their project.
- 67 iii. If an application provides a Tier 4 benefit, no other public
68 benefits are required for that application.
- 69 iv. If a specific public benefit is recommended for a property in
70 the Master Plan, the applicant must provide that specific
71 public benefit, unless the Planning Board finds that providing
72 or maintaining the recommended benefit is infeasible, or that
73 the benefit is no longer in the public interest.

74 b. **Tier 1 Benefits**

75 The following public benefits are worth 0.25 FAR of Incentive
76 Density:

- 77 i. Provide 20% GFA as a Residential use when the underlying
78 zone is LSC.
- 79 ii. Provide the minimum required number of MPDUs plus 2.5%.
- 80 iii. Design and construct offsite pedestrian and bicycle facilities,
81 for a minimum 750 linear feet.

- 82 iv. Contribute funding for offsite portions of one of the
 83 following, at a rate of \$0.30 per GFA of the subject
 84 development application:
- 85 1. Key West Avenue Promenade
 - 86 2. Great Seneca Greenway
 - 87 3. Life Sciences Center Loop Trail
 - 88 4. Streetscape improvements along a public street within
 89 the overlay zone
- 90 v. Construct an offsite portion of the Life Sciences Center Loop
 91 Trail for a minimum length of 2,500 linear feet.
- 92 vi. Provide offsite streetscape improvements along a public street
 93 within the overlay zone including seating, paving, street tree
 94 planting, landscaping, and lighting, for at least 5,000 linear
 95 feet based on the applicable streetscape standards of the
 96 Master Plan.
- 97 vii. Provide a minimum of 10,000 square feet of flexible, step-up
 98 space for life science startups.
- 99 viii. Achieve a minimum 10 percent mixed-use development,
 100 ensuring uses from at least two different use groups are
 101 provided, each comprising a minimum 10% of the total GFA,
 102 as determined at the time of sketch plan.
- 103 ix. Improve a minimum of 0.25 acres of an existing park or
 104 public open space within the GSLS Overlay Zone area with
 105 amenities designed to encourage use by people of all ages,
 106 cultural backgrounds, and abilities such as color contrast
 107 applications on poles and pavement, accessible bathrooms,
 108 mobility device accessible play equipment, sensory

109 playground equipment, movable seating, and art, displays,
 110 statues, and signs that recognize local history and community
 111 members.

112 x. Implement at least 3 of the following design excellence
 113 strategies or achieve the International WELL Building
 114 Institute’s WELL CORE Bronze certification for the project:

115 1. Designing a building with a clear architectural base,
 116 middle and top. The base is defined as the first one or
 117 two floors of the building, the top defined as is the
 118 uppermost one or two floors of the building, and the
 119 middle is everything between the base and the top.

120 2. Providing human-scaled architectural elements at the
 121 buildings base fronting all streets and public open
 122 spaces. Human-scaled architectural elements include
 123 clearly marked entryways into ground-floor uses,
 124 awnings, canopies, transparency, storefronts, façade
 125 lighting, signage, and decorative enhancements.

126 3. Providing direct entry to all ground floor residential
 127 units fronting a street or public open space.

128 4. Adjusting the building massing and facade design to
 129 create street-oriented development. The building
 130 massing should parallel the street, with the building
 131 base creating a continuous frontage with a minimum of
 132 60% transparency. The building middle and top façade
 133 shall be designed with windows, balconies and terraces
 134 on any elevation along a street.

- 135 5. Lining at least 75% of the ground floor long all streets
 136 and public open spaces with active uses such as retail,
 137 residential units, offices, lobbies and amenity spaces.
 138 Ground floor entrances into the building shall be no
 139 further than every 100 feet.
- 140 6. Placing all onsite parking below ground grade or
 141 wrapping all structured parking with leasable GFA like
 142 residential or commercial floor spaces.
- 143 7. Designing the footprint, massing, and building facades
 144 to respond to solar orientation and local climate to
 145 minimize energy use, maximize daylight exposure and
 146 incorporate passive heating, cooling, and ventilation.
- 147 8. Reducing the floor plate for the top two floors by at
 148 least 20% to create terraces and an interesting skyline.
- 149 9. Designing all structured parking to be adaptable for
 150 alternative uses in the future by creating flat plate
 151 parking floors with a minimum floor to ceiling
 152 clearance of 10 feet, accessed through a speed-ramp.
- 153 xi. Exceed current county code energy efficiency standards
 154 (IgCC and IECC) by a minimum of 10%, as determined by
 155 the Department of Permitting Services Division of
 156 Commercial Building Construction at site plan.
- 157 xii. Generate 1/3 of renewable energy onsite or utilize renewable
 158 energy from the regional catchment area, as determined by
 159 the Department of Permitting Services Division of
 160 Commercial Building Construction at site plan.

- 161 xiii. Meet Alternative Compliance Path for Green Code and
162 achieve LEED Silver + 21 points, as determined by the
163 Department of Permitting Services Division of Commercial
164 Building Construction by the final use and occupancy permit.
165 xiv. Design a site that includes two of the following sustainable
166 elements:
- 167 1. 2 principles of biophilic design from the following list
168 of strategies:
- 169 a. Incorporate environmental features such as
170 sunlight, fresh air, plants, animals, water, native
171 landscapes, natural colors, and natural materials
172 such as wood and stone.
- 173 b. Utilize elements in building design to simulate
174 and mimic shapes and forms found in nature.
175 Examples include using tree-like columns in a
176 building interior to support a roof that projects
177 the feeling of a forest canopy; building shapes
178 that simulate the appearance of bird wings;
179 ornamentation suggestive of a natural shape like
180 a crystal or geological feature, or others as
181 approved by the Planning Board.
- 182 c. Use building and site design to stimulate a
183 variety of senses, simulate the qualities of
184 organic growth, or reflect the processes of aging
185 and the passage of time.
- 186 d. Use spatial and lighting features that evoke the
187 sense of being in a natural setting considering

188 lighting placement, fixture design, and color
189 temperature.

190 e. Incorporate place-based relationships between
191 buildings and the distinctive geographical,
192 ecological, and cultural characteristics of
193 particular places and localities by incorporating
194 reference to geological and landscape features,
195 the use of local and indigenous materials, and
196 connections to particular historic and cultural
197 traditions.

198 f. Provide an outdoor respite space, part of a
199 garden or green area, that offers restoration
200 through the inclusion of natural sensory
201 experiences, and opportunities for quiet
202 reflection, and stillness.

203 2. Enhanced green roof with a minimum coverage of 10%
204 of the roof (minimum 6 inches in depth).

205 3. 2 categories of bird friendly as design defined in the
206 Bethesda Downtown Plan Design Guidelines.

207 4. Pervious pavement for 10% of all paved surfaces, as
208 determined by the Department of Permitting Services.

209 xv. Adaptively reuse at least 10,000 SF of floor area of an existing
210 building on site.

211 c. **Tier 2 Benefits**

212 The following public benefits are worth 0.50 FAR of Incentive Density:

213 i. Provide 30% GFA as a Residential use when the underlying
214 zone is LSC.

- 215 ii. Provide the minimum required number of MPDUs plus 5%.
- 216 iii. Design and construct offsite streetscape improvements along
- 217 a public street, including any required pedestrian and bicycle
- 218 facilities, for a minimum 1,000 linear feet.
- 219 iv. Contribute funding for offsite portions of one of the
- 220 following, at a rate of \$0.60 per square foot of GFA of the
- 221 subject development application:
- 222 1. Key West Avenue Promenade
- 223 2. Great Seneca Greenway
- 224 3. Life Sciences Center Loop Trail
- 225 v. Construct an offsite portion of the Life Sciences Center Loop
- 226 Trail for a minimum length of 3,500 linear feet.
- 227 vi. Provide a minimum of 20,000 square feet of flexible, step-up
- 228 space for life science startups.
- 229 vii. Achieve a minimum 15 percent mixed-use development,
- 230 ensuring uses from at least two different use groups are
- 231 provided, each comprising a minimum 15% of the total GFA,
- 232 as determined at the time of sketch plan.
- 233 viii. Exceed the minimum required amount of Public Open Space
- 234 on site by at least 50%.
- 235 ix. Implement at least 5 of the design excellence strategies
- 236 identified in Section 4.9.13.C.3.b.x above or achieve the
- 237 International WELL Building Institute’s WELL CORE Silver
- 238 certification for the project.
- 239 x. Exceed current county code energy efficiency standards
- 240 (IgCC and IECC) by a minimum of 17.5%, as determined by

241 the Department of Permitting Services Division of
242 Commercial Building Construction at site plan.

243 xi. Generate 2/3 of renewable energy onsite or utilize renewable
244 energy from the regional catchment area, as determined by
245 the Department of Permitting Services Division of
246 Commercial Building Construction at site plan.

247 xii. Meet Alternative Compliance Path for Green Code and
248 achieve LEED Gold, as determined by the Department of
249 Permitting Services Division of Commercial Building
250 Construction by the final use and occupancy permit.

251 xiii. Design a site that includes three of the following sustainable
252 elements:

253 1. 4 principles of biophilic design as defined in Section
254 4.9.13.C.3.b.xiv.

255 2. Enhanced green roof with a minimum coverage of 15%
256 of the roof (a minimum of 7 inches in depth).

257 3. 3 categories of bird friendly design as defined in the
258 Bethesda Downtown Plan Design Guidelines.

259 4. Pervious pavement for 25% of all paved surfaces, as
260 determined by the Department of Permitting Services.

261 xiv. Adaptively reuse at least 25,000 SF of floor area of an existing
262 building on site.

263 d. **Tier 3 Benefits**

264 4. The following public benefits are worth 1.0 FAR of Incentive Density:

265 i. Provide the minimum required number of MPDUs plus 7.5%.

- 266 ii. Design and construct offsite streetscape improvements along
 267 a public street, including any required pedestrian and bicycle
 268 facilities, for a minimum 2,000 linear feet.
- 269 iii. Contribute funding for offsite portions of one of the
 270 following, at a rate of \$1.00 per GFA of the subject
 271 development application:
- 272 1. Key West Avenue Promenade
 - 273 2. Great Seneca Greenway
 - 274 3. Life Sciences Center Loop Trail
- 275 iv. Construct an offsite portion of the Life Sciences Center Loop
 276 Trail for a minimum length of 5,000 linear feet.
- 277 v. Provide a minimum of 30,000 square feet of flexible, step-up
 278 space for life science startups.
- 279 vi. Provide a minimum 1.5-acre Major Public Open Space
 280 recommended per the master plan as a Privately Owned
 281 Public Open Space, with approval on the location and design
 282 determined by the Planning Board. The Public Open Space
 283 should comply with the elements listed in the Energizing
 284 Public Space Design Guidelines for "Civic Green / Plaza"
- 285 vii. Implement at least 7 of the design excellence strategies
 286 identified in Section 4.9.13.C.3.b.x above or achieve the
 287 International WELL Building Institute's WELL CORE Gold
 288 certification for the project.
- 289 viii. Exceed current county code energy efficiency standards
 290 (IgCC and IECC) by a minimum of 25%, as determined by
 291 the Department of Permitting Services Division of
 292 Commercial Building Construction at site plan.

- 293 ix. Generate 3/4 of renewable energy onsite or utilize renewable
294 energy from the regional catchment area, as determined by
295 the Department of Permitting Services Division of
296 Commercial Building Construction at site plan.
- 297 x. Meet Alternative Compliance Path for Green Code and
298 achieve LEED Gold, and one of the following, as determined
299 by the Department of Permitting Services Division of
300 Commercial Building Construction by the final use and
301 occupancy permit:
- 302 1. Full electrification
- 303 2. Mass Timber construction
- 304 xi. Design a site that includes four of the following sustainable
305 elements:
- 306 1. 6 principles of biophilic design as defined in Section
307 4.9.13.C.3.b.xiv.
- 308 2. Enhanced green roof with a minimum coverage of 25%
309 of the roof (a minimum of 11 inches in depth).
- 310 3. 4 categories of bird friendly design as defined in the
311 Bethesda Downtown Plan Design Guidelines.
- 312 4. Pervious pavement for 40% of all paved surfaces, as
313 determined by the Department of Permitting Services.
- 314 xii. Adaptively reuse at least 75,000 SF of floor area of an existing
315 building on site.
- 316 e. **Tier 4 Benefits**
- 317 If an applicant provides any one Tier 4 Benefit listed below, no
318 additional public benefits are necessary to achieve all allowed
319 Incentive Density:

- 320 i. Provide greater than 25% MPDUs at an average of 60 percent
321 area median income.
- 322 ii. Design and construct offsite streetscape improvements along
323 a public street, including any required pedestrian and bicycle
324 facilities, for a minimum 5,000 linear feet within the overlay
325 zone area.
- 326 iii. Contribute funding for offsite portions of one of the
327 following, at a rate of \$2.00 per GFA of the subject
328 development application:
- 329 1. Key West Avenue Promenade
330 2. Great Seneca Greenway
331 3. Life Sciences Center Loop Trail
- 332 iv. Provide one of the following transportation connections
333 identified as greatly enhancing the transportation network by
334 the Master Plan:
- 335 1. The street connection, including the LSC Loop Trail,
336 connecting Belward Campus Drive to Decoverly
337 Drive, at the intersection with Great Seneca Highway.
- 338 2. A trail connecting Darnestown Road and Medical
339 Center Drive, located between Shady Grove Road and
340 Great Seneca Highway.
- 341 3. The street connection of Road Z between Broschart
342 Road and Dalmatian Street.
- 343 v. Provide a minimum of 40,000 square feet of flexible, step-up
344 space for life science startups.
- 345 vi. Construct and dedicate or convey to Montgomery Parks a
346 minimum 3-acre park recommended in the Master Plan.

- 347 Approval of the location and design to be determined by the
 348 Planning Board. The park must comply with the elements
 349 listed in the Energized Public Spaces Design Guidelines for
 350 “Urban Recreational Park.”
- 351 vii. Implement all 9 of the design excellence strategies identified
 352 in Section 4.9.13.C.3.b.x above or achieve the International
 353 WELL Building Institute’s WELL CORE Platinum
 354 certification for the project.
- 355 viii. Construct an energy efficient building with a net-zero rating,
 356 as determined by the Department of Permitting Services
 357 Division of Commercial Building Construction at site plan
- 358 ix. Generate 100% of renewable energy onsite or utilize
 359 renewable energy from the regional catchment area, as
 360 determined by the Department of Permitting Services
 361 Division of Commercial Building Construction at site plan.
- 362 x. Meet the Alternative Compliance Path for Green Code and
 363 achieve LEED Platinum, as determined by the Department of
 364 Permitting Services Division of Commercial Building
 365 Construction at site plan.
- 366 xi. Design a site that includes the four following sustainable
 367 elements:
- 368 1. 6 principles of biophilic design as defined in Section
 369 4.9.13.C.3.b.xiv.
 - 370 2. Enhanced green roof with a minimum coverage of 35%
 371 of the roof (a minimum of 16 inches in depth).
 - 372 3. 5 categories of bird friendly design as defined in the
 373 Bethesda Downtown Plan Design Guidelines.

- 374 4. Pervious pavement for 50% of all paved surfaces, as
- 375 determined by the Department of Permitting Services.
- 376 xii. Adaptively reuse at least 100,000 SF of floor area of an
- 377 existing building on site.
- 378 xiii. Underground all existing overhead utilities along the site frontage of
- 379 the subject property, or at another offsite location within the GSLS
- 380 Overlay Zone, with an estimated cost of at least \$1,000,000.

381 **D. Development Procedures**

- 382 1. Except as modified in this subsection, the development procedures of
- 383 the underlying zone apply.
- 384 2. In the GSLS Overlay zone, any development at or over 0.5 FAR is
- 385 considered optional method of development.
- 386 4. All optional method developments in the GSLS zone shall require the
- 387 purchase of Building Lot Termination (BLT) easements or make a
- 388 payment into the Agricultural Land Preservation Fund (ALPF) in an
- 389 amount equal to 7.5 percent of the incentive density floor area in lieu
- 390 of the procedures of 59-4.7.3.F.1.b.
- 391 5. Development is not subject to the parking minimums established in
- 392 the vehicle parking spaces table under Section 59-6.2.4.B.
- 393 6. Surface vehicle parking is prohibited between a building and a public
- 394 or private street.

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396 **Section 5.9.[13]14. Montgomery Village (MV) Overlay Zone**

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398 **Section 5.9.[14]15. Regional Shopping Center (RSC) Overlay Zone**

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400 **Section 5.9.[15]16. Rural Village Center (RVC) Overlay Zone**

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Section 5.9.[16]17. Sandy Spring/Ashton Rural Village (SSA) Overlay Zone

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Section 5.9.[17]18. Takoma Park/East Silver Spring Commercial Revitalization (TPESS) Overlay Zone

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Section 5.9.[18]19. Transferable Development Rights (TDR) Overlay Zone

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Section 5.9.[19]20. Twinbrook (TB) Overlay Zone

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Section 5.9.[20]21. Upper Paint Branch (UPB) Overlay Zone

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Section 5.9.[21]22. Upper Rock Creek (URC) Overlay Zone

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Section 5.9.[22]23. White Flint 2-Parklawn (SF-P) Overlay Zone

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Sec. 3. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

Sara R. Tenenbaum
Clerk of the Council

DRAFT