

ZTA 24-03

GREAT SENECA LIFE SCIENCES (GSLs) OVERLAY ZONE



Description

This ZTA establishes the Great Seneca Life Sciences (GSLs) Overlay Zone, part of implementing the zoning and land use recommendations from the Great Seneca Plan: Connecting Life and Science.



ZTA 24-03
Completed: 7-1-24

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2425 Reddie Drive
Floor 14
Wheaton, MD 20902



BB	Benjamin Berbert, Planner III, Countywide Planning and Policy Benjamin.Berbert@montgomeryplanning.org , 301-495-4644
Lmg	Lisa Govoni, Acting Supervisor, Countywide Planning and Policy Lisa.Govoni@montgomeryplanning.org , 301-650-5624
DA	David Anspacher, Acting Chief, Countywide Planning and Policy David.Anspacher@montgomeryplanning.org , 301-495-2191

ZTA SPONSORS

Lead Sponsor:
Council President Friedson on behalf of the
Planning Board

INTRODUCTION DATE

June 11, 2024

COUNCIL PUBLIC HEARING DATE

July 16, 2024

REVIEW BASIS

Chapter 59, Section 7.2.4

Summary

- The Planning Board voted on April 25, 2024 to transmit the Great Seneca Plan: Connecting Life and Science (GSP) to the Council. The Board subsequently voted on May 23, 2024 to request the introduction of this ZTA.
- ZTA 24-03 helps implement the zoning and land use recommendations from the GSP including modifying land uses, standardizing the development process across zones, creating opportunities for additional density and height, and providing a unique set of incentive density standards.
- The District Council will have a public hearing on ZTA 24-03 on July 16, 2024.

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SECTION 1 – BACKGROUND

Rationale For Introduction

Zoning Text Amendment (ZTA) 24-03, Great Seneca Life Sciences (GSLs) Overlay Zone was introduced on June 11, 2024, by Council President Friedson, on behalf of the Planning Board (Attachment A). The ZTA is scheduled for a District Council Public Hearing on July 16, 2024. The Planning Board first considered this ZTA at its May 23, 2024, public meeting where it voted to transmit the draft ZTA to the Council for its introduction.

This ZTA for the GSLs Overlay Zone is 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.

The GSLs Overlay Zone is intended to cover the entire geography of the Life Science Center sub-geography of the GSP, as demonstrated in Figure 1 below.

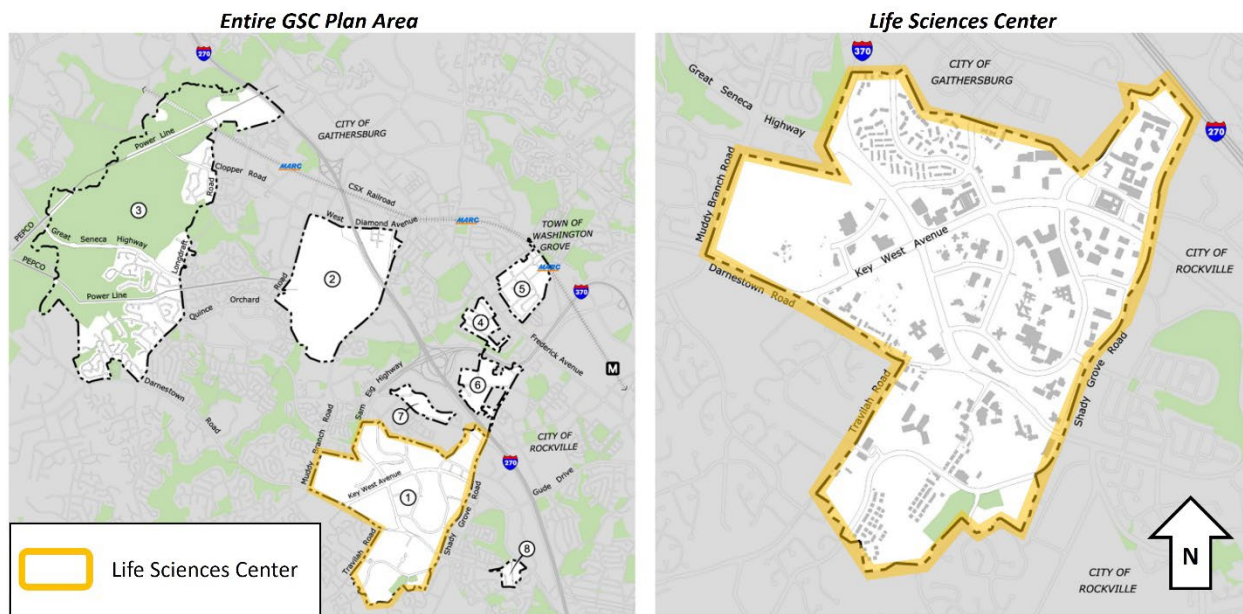


Figure 1 – GSC Plan area and Life Science Center sub-area

ZTA 24-03 As Introduced

ZTA 24-03 as introduced is substantially the same as the draft ZTA the Planning Board transmitted at the end of May 2024. There are some minor formatting adjustments that were made, but none of the context of the proposed overlay zone language was modified. A summary of the Overlay Zone sections, similar to the summary provided for the draft ZTA in May follows.

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 16 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 caps 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 51 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 421 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 GSLS Overlay Zone illustrates the subsequential renumbering of the section headings for the existing overlay zones that alphabetically fall behind the GSLS Overlay Zone.

SECTION 3 – CLIMATE ASSESSMENT

Bill 3-22, passed by the County Council on July 12, 2022, requires the Planning Board to prepare a climate assessment for each zoning text amendment, master plan, and master plan amendment, effective March 1, 2023. Each climate assessment must include the potential positive or negative

effects a ZTA may have on climate change (including greenhouse gas emissions) and upon community resilience and adaptive capacity. The climate impact assessment for ZTA 24-03 is attached in Attachment B, and largely mirrors the climate assessment done for the GSP.

Elements of ZTA 24-03 are anticipated to have moderate negative impacts, and slight to moderate positive impacts on the county's goals of addressing greenhouse gas emissions, and slight positive and negative impacts on carbon sequestration. There will also be a mix of slight negative and positive impacts on adaptive capacity and resiliency, but the overall impacts to the larger Great Seneca Plan area will be positive.

Many of the negative greenhouse gas emissions impacts stem from the increased densities that are planned for in the GSLS overlay zone area, which will increase local building energy consumption, transportation demand, and embodied emissions in construction. While these do lead to additional carbon emissions, the proposed densities and transportation networks are more efficient than the existing condition, reducing individual impacts and having positive environmental impacts on a larger scale. Increased development density in the overlay zone is anticipated to reduce the pressure to continue sprawl developments in more rural parts of Montgomery County and other counties in our region, which has a large positive impact on reducing total greenhouse gas emissions. With building energy demand and transportation making up an estimated 81% of carbon emissions in the plan area, the greenhouse gas impacts are predicted to lessen over time as the energy systems transition away from fossil fuels. Because this ZTA for the GSLS overlay zone also contains public benefits that are required for constructing additional density, an assessment of these public benefits is also necessary to consider. The full climate assessment document in Attachment B analyzes which public benefits have positive climate outcomes, and the list is substantial, including direct environmental recommendations such as achieving LEED status, green roofs, or exceeding energy code requirements. Many other public benefits have indirect climate benefits such as adaptive reuse, or constructing on and off site bike and pedestrian improvements. The greatest variable in the entire greenhouse gas and sequestration assumptions is not knowing how much density will ultimately be developed, how many public benefits will be required, and which public benefits applicants will choose.

The land use, and public benefits recommendations of the overlay zone also have impacts on adaptive capacity and community resilience. There are a few slight negative impacts expected due to increased exposure risk to elements such as floods and heat islands. However, the anticipated positive impacts from factors such as improving community connectivity and cohesion, increased emergency response capability, additional transportation options, and access to services through walking, biking or rolling all create a more connected and resilient community better able to withstand impacts from climate change.

SECTION 4 – CONCLUSION

Planning Staff recommends the Planning Board support ZTA 24-03 as introduced, supporting the implementation of the Great Seneca Plan including recommendations for land use, development procedures, and public benefits.

SECTION 5 – ATTACHMENTS

Attachment A: Zoning Text Amendment 24-03 Intro Packet

Attachment B: Climate Assessment 24-03