



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

**MASTER PLAN INTERPRETATION POLICY**

| <b>DATE</b>  | <b>MASTER PLAN</b>   | <b>TITLE OF CODE / SUBSECTION / POLICY DEVELOPMENT STANDARDS</b> |
|--|--|--|
| October 26, 2023   | 2022 Silver Spring Downtown and Adjacent Communities Plan (SSDAC Plan)<br><br>Section 4.1.12 | Implementation: On-Site Public Open Space                        |
| <p><b>PLAN LANGUAGE</b></p> <p><b>4.1.12 On-Site Public Open Space</b></p> <p>Adequate public open space is critical to meeting this Sector Plan’s goal of making Silver Spring a better place to live, work and play. While downtown Silver Spring has a reasonable amount of open space, many of these spaces are small “postage stamp” spaces that do not truly enhance the public realm. In order to ensure the right amount and quality of public open space, this Sector Plan recommends channeling resources to create new and improve existing public parks instead of creating on-site public open spaces that is [sic] too small, fail to enhance the public realm and prevent buildings from activating the street. For any Optional Method development project required to provide public open space on a site not recommended for a new public space in the Sector Plan, the Plan recommends that in lieu of on-site open space, applicants contribute to the creation of new and improvement of existing public parks recommended by the Sector Plan, preferably within the same district. These contributions will be determined during the Optional Method development review and approval process and will be based on the cost/sf of constructing an equivalent area of the recommended public space. Contributions to the Commission will be included in the Department of Parks Capital Improvement Program (CIP).</p> |  |  |
| <p><b>STATEMENT/BACKGROUND OF ISSUE</b></p> <p>The SSDAC Plan called for public open space fee-in-lieu contributions and set the timing and basis of their determination (during the development review and approval process, based on the cost per square foot of constructing an equivalent area) it did not establish a formula or methodology for their determination. A single methodology and formula that can be applied to all eligible projects is required.</p>  |  |  |

## **AGENCY INTERPRETATION/POLICY**

### Applicability of Contributions

All Optional Method development projects required to provide public open space on a site not recommended for a new public space in the SSDAC Plan are required to instead make a fee-in-lieu contribution to Montgomery Parks based on the cost per square foot of constructing an equivalent area of the otherwise required on-site public open space.

Projects providing 25% or greater MPDUs and/or DHCA approved equivalents and/or other Low-Income Housing Tax Credit eligible units are eligible for an affordable housing discount to the contribution.

### Contribution Determination

- Base Rate:
  - 2023 Base Rate<sup>1</sup> = \$80
  - Normalized Base Rate = Base Rate / 4
  - Base Rate adjustment to follow the same adjustment process as the Downtown Silver Spring Overlay Zone Civic Improvement Fund contribution rate as set in Section 4.9.8.C.2.e.ii or as modified.
- Formula:
  - SSDAC Plan Public Open Space Fee-in-lieu Contribution = Square Feet of Required Public Open Space x (Normalized Base Rate x Approved FAR)
    - Approved FAR used in formula calculation not to exceed Mapped FAR
- Affordable Housing Discount (for eligible projects):
  - Discounted Contribution = Contribution x ((100 - MPDU and/or DHCA approved equivalents %) / 100)

### Condition of Approval

The condition of approval will include:

- The amount of the required contribution
- The amount of the discounted contribution for projects eligible for the affordable housing discount along with the requirements for demonstrating proof of eligibility
- The requirement that the contribution to be paid prior to the release of the first above-grade building permit

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<sup>1</sup> The 2023 Base Rate was derived from recent relevant park construction project costs and established at the 10/26/23 Planning Board hearing. See the Staff Report and hearing recording for more details - <https://montgomeryplanningboard.org/agenda-item/october-26-2023/>

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| <b>INTERPRETATION/POLICY NO.</b><br>M-NCPPC 2024-01 | <b>DATE</b><br>02/21/2024 | <b>M-NCPPC LEGAL STAFF</b><br><i>Emily J. Harris</i> |
|   | <b>DATE</b><br>02/27/2024 | <b>DIRECTOR</b><br><i>John F. Anton</i>              |
|   | <b>DATE</b><br>03/04/2024 | <b>PLANNING BOARD</b><br><i>Andrew Harris</i>        |