Montgomery County Council

Committee: PHP
Committee Review: At a future date
Staff: Livhu Ndou, Legislative Attorney
Purpose: To receive testimony – no vote expected
Keywords: #GreatSenecaLifeSciences #MasterPlan #IncentiveDensityZoning #GSLSOverlayZone

AGENDA ITEM #7
July 16, 2024
Public Hearing

SUBJECT

Zoning Text Amendment (ZTA) 24-03, Overlay Zones – Great Seneca Life Sciences (GSLS) Overlay Zone

Lead Sponsor: Council President Friedson at the Request of the Planning Board

EXPECTED ATTENDEES

Members of the public

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

To receive testimony

DESCRIPTION/ISSUE

ZTA 24-03 will establish a new Great Seneca Life Sciences (GSLS) Overlay Zone.

SUMMARY OF KEY DISCUSSION POINTS

- The Planning Board approved the Planning Board Draft of the Great Seneca Plan on April 25, 2024. The District Council will begin review of the Plan this summer.
- ZTA 23-04 will establish the Great Seneca Life Sciences (GSLS) Overlay Zone, helping to implement the zoning and land use recommendations of the Great Seneca Plan.
- The ZTA includes modifications to standardize land uses across the overlay, incentivizes housing production, and establishes a new methodology for providing public benefits in optional method of development projects.[1]
- A Planning, Housing, and Parks (PHP) Committee worksession is tentatively scheduled for July 29, 2024.

This report contains:

[1] CORRECTION: The subheadings on lines 440 through 460 of ZTA 24-03 should read "4.9.#.#." and not 5.9.#.#."

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Ordinance No.: _____
Zoning Text Amendment No.: 24-03
Concerning: Overlay Zones – Great Seneca Life Sciences (GSLS) Overlay Zone
Revised: 5/29/2024 Draft No.: 1
Introduced: June 11, 2024
Public Hearing: July 16, 204
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: Council President Friedson at the Request of the Planning Board

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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.	"Montgomery Village (MV) Overlay Zone"
Section 4.9.14.	"Regional Shopping Center (RSC) Overlay Zone"
Section 4.9.15.	"Rural Village Center (RVC) Overlay Zone"
Section 4.9.16.	"Sandy Spring/Ashton Rural Village (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.*

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:

Sec. 1. DIVISION 59-4.9 is amended as follows:

Division 4.9. Overlay Zones

* * *

Section 4.9.13. Great Seneca Life Sciences (GSLS) Overlay Zone

A. Purpose

The Purpose of the GSLS Overlay Zone is to:

1. Attract and retain the life sciences industry.
2. Incentivize the production of housing.
3. Achieve a 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.
4. Implement recommendations of the Great Seneca Plan: Connecting Life and Science, including land uses, densities, building heights, parking, and public benefits.

B. Land Uses

All land uses as allowed in the CR Zone are allowed regardless of the underlying zoning, with the following exceptions.

1. The following uses are allowed:
   a. Life Sciences
   b. Animal Research Facility
2. The following uses are not allowed except as protected by Section 7.7.2., Nonconforming Use:
   a. Single-Unit Living
   b. Retail/Service Establishment (85,001 SF and Over)
   c. Drive-Thru
   d. Self-Storage

e. Storage Facility

3. The following uses are allowed only by site plan:

a. Two-Unit Living

b. Townhouse Living

c. Surface Parking for Use Allowed in the Zone

d. Retail/Service Establishment (50,001 - 85,000 SF)

C. Development Standards

1. Building Height

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

2. Density

a. Developments in the GSLS Overlay Zone may exceed their mapped FAR not to exceed 200 percent on a site if the Planning Board approves a sketch or site plan under Section 7.3.3. or 7.3.4., or a Bio-Health Priority Campus Plan under Section 7.3.6. Developments must use all gross floor area allowed by the mapped underlying zone before receiving additional density under this provision. Public benefits as described in Section 4.9.13.C.3 must be provided for any additional density received.

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

3. Public Benefits

All optional method development applications within the GSLS Overlay Zone must earn incentive density for any requested density above 0.5 FAR subject to the provisions of Section 4.9.13.C.2.a. and

are not responsible for providing public benefits under Section 4.7, Optional Method Public Benefits. Incentive density is the term used to describe any density above 0.5 FAR including any mapped density or additional density allowed by the GSLS Overlay Zone.

a. General Provisions

i. In determining how much incentive density a development application must achieve, applications must round up to the next nearest 0.25 FAR increment.

ii. Incentive density must be earned by providing public benefits. The public benefits are divided into one of four tiers in Sections 4.9.13.C.3.b. through 4.9.13.C.3.e., based on how much FAR of incentive density an applicant is permitted for providing that public benefit.

iii. Development applications may provide any combination of public benefits to achieve the necessary incentive density for their project.

iv. If an application provides a Tier 4 benefit, no other public benefits are required for that application.

v. If a specific public benefit is recommended for a property in the master plan, the applicant must provide that specific public benefit, unless the Planning Board finds that providing or maintaining the recommended benefit is infeasible or that the benefit is no longer in the public interest.

b. Tier 1 Benefits

The following public benefits are worth 0.25 FAR of incentive density:

i. Provide 20 percent GFA as a Residential use when the underlying zone is LSC.

ii. Provide the minimum required number of MPDUs plus 2.5 percent.

iii. Design and construct offsite pedestrian and bicycle facilities for a minimum of 750 linear feet.

iv. Contribute funding for offsite portions of one of the following, at a rate of $0.30 per GFA of the subject development application:

(a) Key West Avenue Promenade

(b) Great Seneca Greenway

(c) Life Sciences Center Loop Trail

(d) Streetscape improvements along a public street within the overlay zone

v. Construct an offsite portion of the Life Sciences Center Loop Trail for a minimum length of 2,500 linear feet.

vi. Provide offsite streetscape improvements along a public street within the overlay zone including seating, paving, street tree planting, landscaping, and lighting, for at least 5,000 linear feet based on the applicable streetscape standards of the master plan.

vii. Provide a minimum of 10,000 square feet of flexible, step-up space for life science startups.

viii. Achieve a minimum 10 percent mixed-use development, ensuring uses from at least two different use groups are provided, each comprising a minimum of 10 percent of the total GFA, as determined at the time of sketch plan.

ix. Improve a minimum of 0.25 acres of an existing park or public open space within the GSLS Overlay Zone area with amenities designed to encourage use by people of all ages, cultural backgrounds, and abilities such as, but not limited to, color contrast applications on poles and pavement, accessible bathrooms, mobility device accessible play equipment, sensory playground equipment, movable seating, and art, displays, statues, and signs that recognize local history and community members.

x. Implement at least 3 of the following design excellence strategies or achieve the International WELL Building Institute's WELL Core Bronze certification for the project:

(a) Designing a building with a clear architectural base, middle, and top. The base is defined as the first one or two floors of the building; the top is defined as the uppermost one or two floors of the building; and the middle is everything between the base and the top.

(b) Providing human-scaled architectural elements at the building's base fronting all streets and public open spaces. Human-scaled architectural elements include clearly marked entryways into ground-floor uses, awnings, canopies, transparency, storefronts, façade lighting, signage, and decorative enhancements.

(c) Providing direct entry to all ground floor residential units fronting a street or public open space.

(d) Adjusting the building massing and façade design to create street-oriented development. The building massing should parallel the street, with the building base creating a continuous frontage with a minimum of 60 percent transparency. The building middle and top façade must be designed with windows, balconies, and terraces on any elevation along a street.

(e) Lining at least 75 percent of the ground floor long all streets and public open spaces with active uses such as retail, residential units, offices, lobbies, and amenity spaces. Ground floor entrances into the building must be no further than every 100 feet.

(f) Placing all onsite parking below ground grade or wrapping all structured parking with leasable GFA like residential or commercial floor spaces.

(g) Designing the footprint, massing, and building façades to respond to solar orientation and local climate to minimize energy use, maximize daylight exposure and incorporate passive heating, cooling, and ventilation.

(h) Reducing the floor plate for the top 2 floors by at least 20 percent to create terraces and an interesting skyline.

(i) Designing all structured parking to be adaptable for alternative uses in the future by creating flat plate parking floors with a minimum floor to ceiling clearance of 10 feet, accessed through a speed-ramp.

xi. Exceed current county code energy efficiency standards (IgCC and IECC) by a minimum of 10 percent as determined by the Department of Permitting Services Division of Commercial Building Construction at site plan.

xii. Generate one-third of renewable energy onsite or utilize renewable energy from the regional catchment area as determined by the Department of Permitting Services Division of Commercial Building Construction at site plan.

xiii. Meet Alternative Compliance Path for Green Code and achieve LEED Silver + 21 points as determined by the Department of Permitting Services Division of Commercial Building Construction by the final use and occupancy permit.

xiv. Design a site that includes 2 of the following sustainable elements:

(a) Two principles of biophilic design from the following list of strategies:

(1) Incorporate environmental features such as sunlight, fresh air, plants, animals, water,

native landscapes, natural colors, and natural materials such as wood and stone.

(2) Utilize elements in building design to simulate and mimic shapes and forms found in nature. Examples include using tree-like columns in a building interior to support a roof that projects the feeling of a forest canopy; building shapes that simulate the appearance of bird wings; ornamentation suggestive of a natural shape like a crystal or geological feature, or others as approved by the Planning Board.

(3) Use building and site design to stimulate a variety of senses, simulate the qualities of organic growth, or reflect the processes of aging and the passage of time.

(4) Use spatial and lighting features that evoke the sense of being in a natural setting considering lighting placement, fixture design, and color temperature.

(5) Incorporate place-based relationships between buildings and the distinctive geographical, ecological, and cultural characteristics of particular places and localities by incorporating reference to geological and landscape features, the use of local and indigenous materials, and

connections to particular historic and cultural traditions.

(6) Provide an outdoor respite space, part of a garden, or green area that offers restoration through the inclusion of natural sensory experiences and opportunities for quiet reflection and stillness.

(b) Enhanced green roof with a minimum coverage of 10 percent of the roof (minimum 6 inches in depth).

(c) Two categories of bird-friendly design as defined in the Bethesda Downtown Plan Design Guidelines.

(d) Pervious pavement for 10 percent of all paved surfaces as determined by the Department of Permitting Services.

xv. Adaptively reuse at least 10,000 square feet of floor area of an existing building on site.

c. Tier 2 Benefits

The following public benefits are worth 0.50 FAR of incentive density:

i. Provide 30 percent GFA as a Residential use when the underlying zone is LSC.

ii. Provide the minimum required number of MPDUs plus 5 percent.

iii. Design and construct offsite streetscape improvements along a public street, including any required pedestrian and bicycle facilities, for a minimum of 1,000 linear feet.

iv. Contribute funding for offsite portions of one of the following, at a rate of $0.60 per square foot of GFA of the subject development application:

(a) Key West Avenue Promenade

(b) Great Seneca Greenway

(c) Life Sciences Center Loop Trail

v. Construct an offsite portion of the Life Sciences Center Loop Trail for a minimum length of 3,500 linear feet.

vi. Provide a minimum of 20,000 square feet of flexible step-up space for life science startups.

vii. Achieve a minimum of 15 percent mixed-use development, ensuring uses from at least two different use groups are provided, each comprising a minimum of 15 percent of the total GFA, as determined at the time of sketch plan.

viii. Exceed the minimum required amount of Public Open Space on site by at least 50 percent.

ix. Implement at least 5 of the design excellence strategies identified in Section 4.9.13.C.3.b.x above or achieve the International WELL Building Institute's WELL Core Silver certification for the project.

x. Exceed current county code energy efficiency standards (IgCC and IECC) by a minimum of 17.5 percent as determined by the Department of Permitting Services Division of Commercial Building Construction at site plan.

xi. Generate two-thirds of renewable energy onsite or utilize renewable energy from the regional catchment area as determined by the Department of Permitting Services Division of Commercial Building Construction at site plan.

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

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

(a) 4 principles of biophilic design as defined in Section 4.9.13.C.3.b.xiv.

(b) Enhanced green roof with a minimum coverage of 15 percent of the roof (a minimum of 7 inches in depth).

(c) 3 categories of bird friendly design as defined in the Bethesda Downtown Plan Design Guidelines.

(d) Pervious pavement for 25 percent of all paved surfaces as determined by the Department of Permitting Services.

xiv. Adaptively reuse at least 25,000 square feet of floor area of an existing building on site.

d. Tier 3 Benefits

The following public benefits are worth 1.0 FAR of incentive density:

i. Provide the minimum required number of MPDUs plus 7.5 percent.

ii. Design and construct offsite streetscape improvements along a public street, including any required pedestrian and bicycle facilities, for a minimum of 2,000 linear feet.

iii. Contribute funding for offsite portions of one of the following, at a rate of $1.00 per GFA of the subject development application:

(a) Key West Avenue Promenade

(b) Great Seneca Greenway

(c) Life Sciences Center Loop Trail

iv. Construct an offsite portion of the Life Sciences Center Loop Trail for a minimum length of 5,000 linear feet.

v. Provide a minimum of 30,000 square feet of flexible, step-up space for life science startups.

vi. Provide a minimum 1.5-acre Major Public Open Space recommended per the master plan as a Privately Owned Public Open Space, with approval on the location and design determined by the Planning Board. The Public Open Space should comply with the elements listed in the Energizing Public Space Design Guidelines for "Civic Green / Plaza."

vii. Implement at least 7 of the design excellence strategies identified in Section 4.9.13.C.3.b.x above or achieve the International WELL Building Institute's WELL Core Gold certification for the project.

viii. Exceed current county code energy efficiency standards (IgCC and IECC) by a minimum of 25 percent as determined by the Department of Permitting Services Division of Commercial Building Construction at site plan.

ix. Generate three-fourths of renewable energy onsite or utilize renewable energy from the regional catchment area as determined by the Department of Permitting Services Division of Commercial Building Construction at site plan.

x. Meet Alternative Compliance Path for Green Code and achieve LEED Gold, and one of the following as determined by the Department of Permitting Services Division of Commercial Building Construction by the final use and occupancy permit:

(a) Full electrification

(b) Mass Timber construction

xi. Design a site that includes four of the following sustainable elements:

(a) Six principles of biophilic design as defined in Section 4.9.13.C.3.b.xiv.

(b) Enhanced green roof with a minimum coverage of 25 percent of the roof (a minimum of 11 inches in depth).

(c) Four categories of bird friendly design as defined in the Bethesda Downtown Plan Design Guidelines.

(d) Pervious pavement for 40 percent of all paved surfaces as determined by the Department of Permitting Services.

xii. Adaptively reuse at least 75,000 square feet of floor area of an existing building on site.

e. Tier 4 Benefits

If an applicant provides any one Tier 4 Benefit listed below, no additional public benefits are necessary to achieve all allowed incentive density:

i. Provide greater than 25 percent MPDUs at an average of 60 percent area median income.

ii. Design and construct offsite streetscape improvements along a public street, including any required pedestrian and bicycle facilities, for a minimum of 5,000 linear feet within the overlay zone area.

iii. Contribute funding for offsite portions of one of the following, at a rate of $2.00 per GFA of the subject development application:

(a) Key West Avenue Promenade

(b) Great Seneca Greenway

(c) Life Sciences Center Loop Trail

iv. Provide one of the following transportation connections identified as greatly enhancing the transportation network by the Master Plan:

(a) The street connection, including the LSC Loop Trail, connecting Belward Campus Drive to

Decoverly Drive, at the intersection with Great Seneca Highway.

(b) A trail connecting Darnestown Road and Medical Center Drive, located between Shady Grove Road and Great Seneca Highway.

(c) The street connection of Road Z between Broschart Road and Dalmatian Street.

v. Provide a minimum of 40,000 square feet of flexible step-up space for life science startups.

vi. Construct and dedicate or convey to Montgomery Parks a minimum 3-acre park recommended in the Master Plan. Approval of the location and design to be determined by the Planning Board. The park must comply with the elements listed in the Energized Public Spaces Design Guidelines for "Urban Recreational Park."

vii. Implement all 9 of the design excellence strategies identified in Section 4.9.13.C.3.b.x above or achieve the International WELL Building Institute's WELL Core Platinum certification for the project.

viii. Construct an energy efficient building with a net-zero rating as determined by the Department of Permitting Services Division of Commercial Building Construction at site plan

ix. Generate 100 percent of renewable energy onsite or utilize renewable energy from the regional catchment area as determined by the Department of Permitting Services

Division of Commercial Building Construction at site plan.

x. Meet the Alternative Compliance Path for Green Code and achieve LEED Platinum as determined by the Department of Permitting Services Division of Commercial Building Construction at site plan.

xi. Design a site that includes the four following sustainable elements:

(a) Six principles of biophilic design as defined in Section 4.9.13.C.3.b.xiv.

(b) Enhanced green roof with a minimum coverage of 35 percent of the roof (a minimum of 16 inches in depth).

(c) Five categories of bird friendly design as defined in the Bethesda Downtown Plan Design Guidelines.

(d) Pervious pavement for 50 percent of all paved surfaces as determined by the Department of Permitting Services.

xii. Adaptively reuse at least 100,000 square feet of floor area of an existing building on site.

xiii. Underground all existing overhead utilities along the site frontage of the subject property, or at another offsite location within the GSLS Overlay Zone, with an estimated cost of at least $1,000,000.

D. Development Procedures

1. Except as modified in this subsection, the development procedures of the underlying zone apply.

2. In the GSLS Overlay zone, any development at or over 0.5 FAR is considered optional method of development.

3. All optional method developments in the GSLS zone must require the purchase of Building Lot Termination (BLT) easements or make a payment into the Agricultural Land Preservation Fund (ALPF) in an amount equal to 7.5 percent of the incentive density floor area in lieu of the procedures of Section 4.7.3.F.1.b. One BLT is equivalent to 31,500 square feet of incentive density floor area. Private BLT easements must be purchased in whole units. Fractions of BLT easements must be purchased through the ALPF, based on the amount established by Executive Regulation under Chapter 2B.

4. Development is not subject to the parking minimums established in the vehicle parking spaces table under Section 6.2.4.B.

5. Surface vehicle parking is prohibited between a building and a public or private street.

* * *

Section [5.9.13] 5.9.14. Montgomery Village (MV) Overlay Zone

* * *

Section [5.9.14] 5.9.15. Regional Shopping Center (RSC) Overlay Zone

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Section [5.9.15] 5.9.16. Rural Village Center (RVC) Overlay Zone

* * *

Section [5.9.16] 5.9.17. Sandy Spring/Ashton Rural Village (SSA) Overlay Zone

* * *

Section [5.9.17] 5.9.18. Takoma Park/East Silver Spring Commercial Revitalization (TPESS) Overlay Zone

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Section [5.9.18] 5.9.19. Transferable Development Rights (TDR) Overlay Zone

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Section [5.9.19] 5.9.20. Twinbrook (TB) Overlay Zone

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Section [5.9.20] 5.9.21. Upper Paint Branch (UPB) Overlay Zone

* * *

Section [5.9.21] 5.9.22. Upper Rock Creek (URC) Overlay Zone

* * *

Section [5.9.22] 5.9.23. White Flint 2-Parklawn (WF-P) Overlay Zone

* * *

Sec. 2. 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

Montgomery County Planning Board
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

2425 Reedie Drive
Floor 14
Wheaton, MD 20902

MontgomeryPlanningBoard.org

May 24, 2024

To: The Honorable Andrew Friedson
President, Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 501
Rockville, Maryland 20850

From: Montgomery County Planning Board

Subject: Proposed Zoning Text Amendment – Great Seneca Life Sciences Overlay Zone

BOARD RECOMMENDATION

The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission met on May 23, 2024, and by a vote of 5:0 recommended transmittal and Council introduction of a proposed Zoning Text Amendment (ZTA) to establish a new Great Seneca Life Sciences (GSLS) Overlay Zone. The GSLS Overlay Zone would help implement zoning and land use recommendations from the Planning Board draft of the Great Seneca Plan: Connecting Life and Science (GSP) for the Life Sciences Center area of the plan.

The GSLS Overlay Zone accomplishes many goals of the GSP, including standardizing land uses and review standards across the overlay area, incentivizing housing production, creating opportunities to provide additional building height and density, promoting people-centric urban design, and establishing a new methodology for providing public benefits in optional method of development projects.

The Planning Board appreciates the Council's willingness to consider introduction and review of the GSLS Overlay Zone while concurrently reviewing the GSP. Please reach out to Ben Berbert (benjamin.berbert@montgomeryplanning.org) and Maren Hill (maren.hill@montgomeryplanning.org) with any questions or concerns during the review of this ZTA.

CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission, at its regular meeting held in Wheaton, Maryland, on Thursday, May, 23, 2024.

Artie L. Harris
Chair

Attachments: A – Planning Board Staff Report
B – Draft Zoning Text Amendment for the GSLS Overlay Zone
C – Maps of the Life Science Center

Montgomery Planning

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

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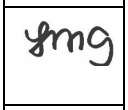

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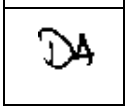

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PLANNING TEAM

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 tears 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.

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- **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.

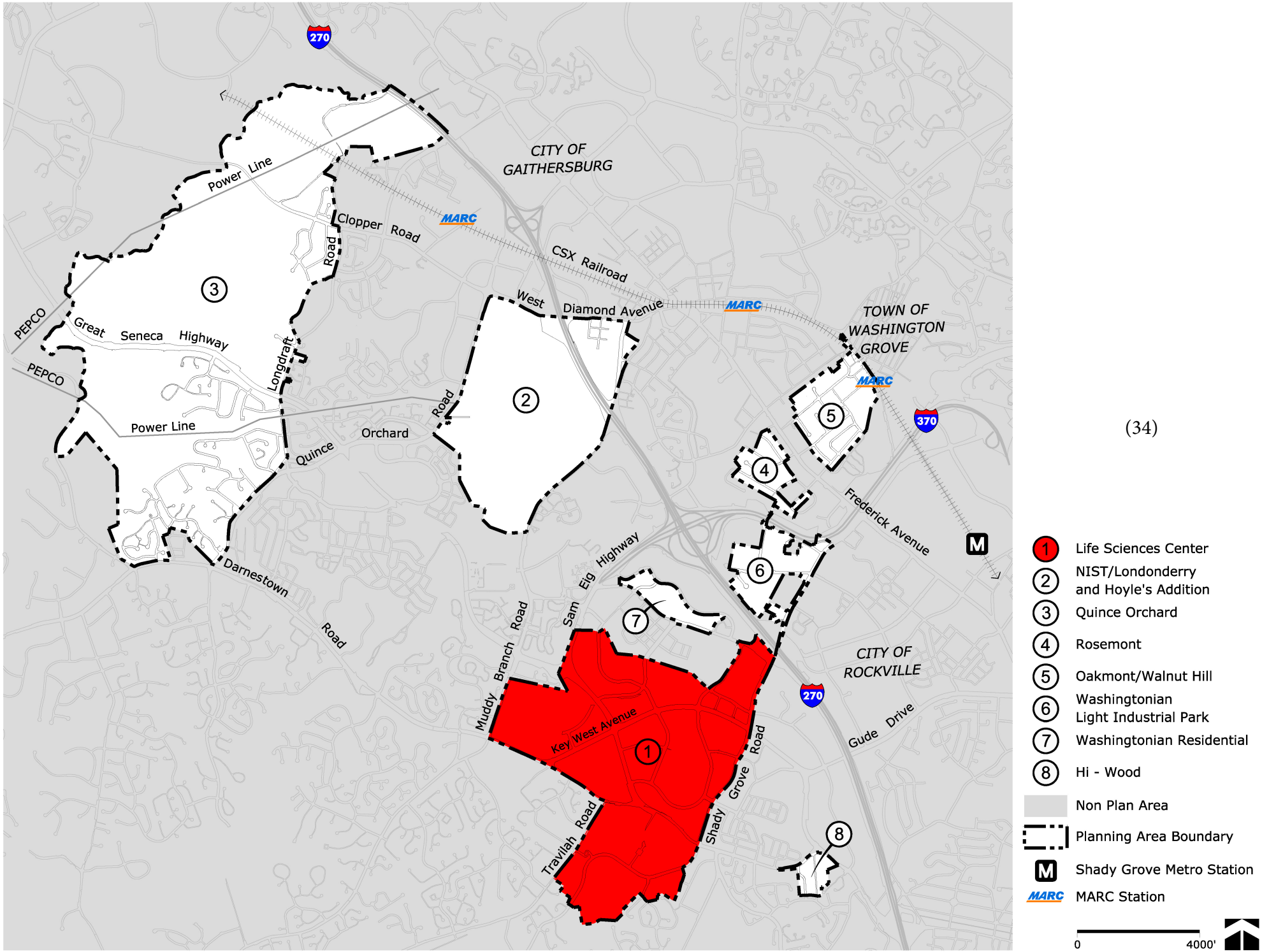
SECTION 3: CONCLUSION

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.

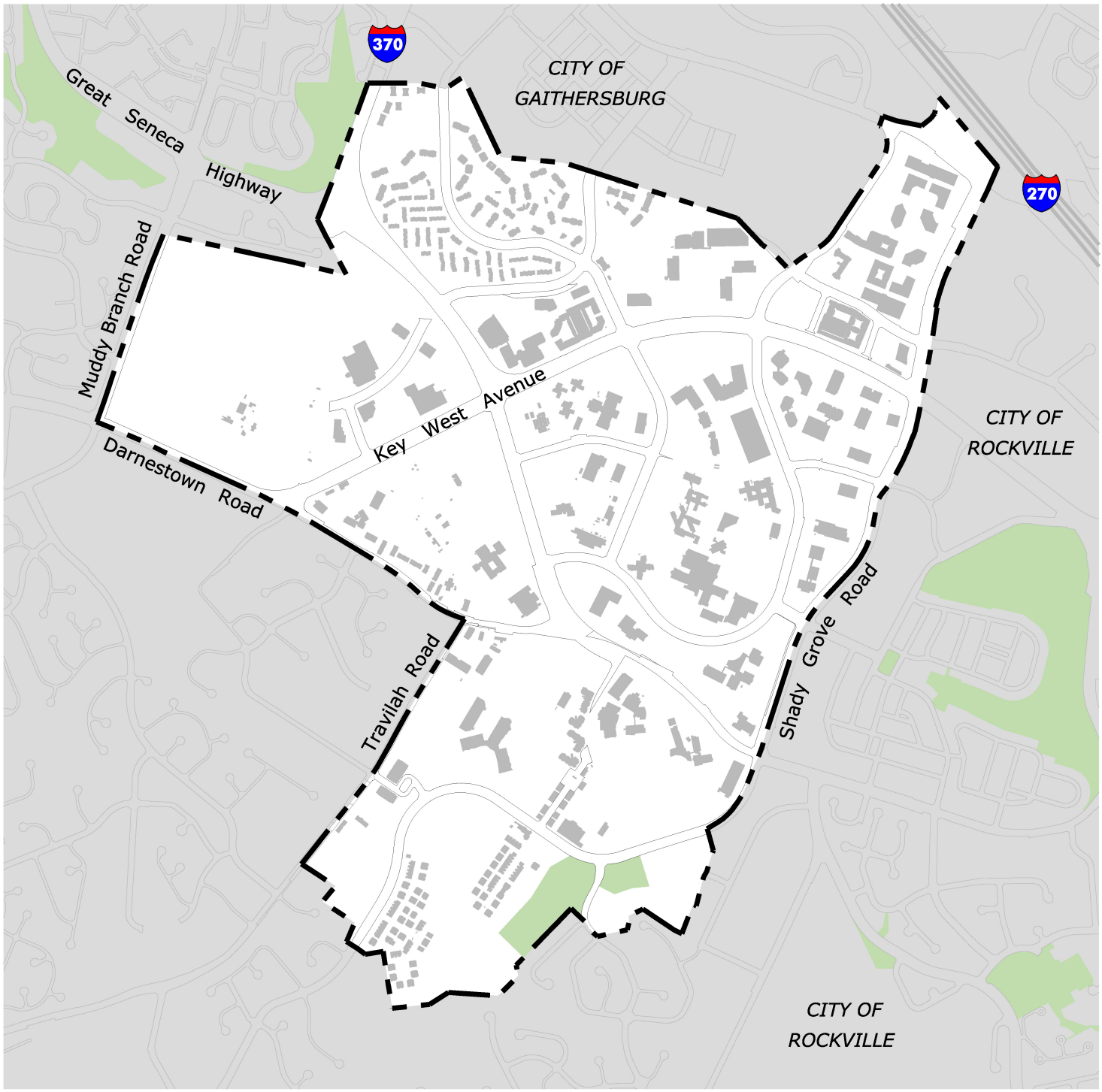
ATTACHMENTS

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

Life Sciences Center



Life Sciences Center



Life Sciences Center
Planning Area Boundary

Non Plan Area

Parkland

0 1500'

Montgomery County Planning Board
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

2425 Reedie Drive
Floor 14
Wheaton, MD 20902

MontgomeryPlanningBoard.org

July 9, 2024

To: The Honorable Andrew Friedson
President, Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 501
Rockville, Maryland 20850

From: Montgomery County Planning Board

Subject: Zoning Text Amendment 24-03, Great Seneca Life Sciences Overlay Zone

BOARD RECOMMENDATION

The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission met on July 8, 2024, and by a vote of 4:0 (Commissioner Bartley absent) recommended support for Zoning Text Amendment (ZTA) 24-03 Great Seneca Life Sciences (GSLS) Overlay Zone with one minor modification. The GSLS Overlay Zone would help implement zoning and land use recommendations from the Great Seneca Plan: Connecting Life and Science (GSP) for the Life Sciences Center area of the plan.

The GSLS Overlay Zone accomplishes many goals of the GSP, including standardizing land uses and review standards across the overlay area, incentivizing housing production, creating opportunities to provide additional building height and density, promoting people-centric urban design, and establishing a new methodology for providing public benefits in optional method of development projects.

Based on testimony received at its public hearing, the Board makes one minor recommendation, adding the word “New” to the beginning of Development Procedure 6 on line 393 of the introduced ZTA. There is a concern with the numerous existing surface parking lots within the overlay zone area becoming nonconforming with the adoption of this overlay zone and impacts that may have on applicants' abilities to perform minor expansions or renovations to their properties.

Planning staff also completed a Climate Assessment for ZTA 24-03, based in part on the Climate Assessment completed for the Great Seneca Plan, plus additional analysis around the incentive density public benefits which were not part of the master plan process. The Climate Assessment found that while there will be negative local impacts to greenhouse gas emissions and sequestration, the overall impact would be positive encouraging a more compact and efficient built environment. The public benefits proposed in the overlay zone will also have on balance a positive impact on greenhouse gases, as well as resilience and adaptive capacity. It is difficult to quantify the extent of the positive impacts without knowing how much incentive density will be utilized, or which public benefits an application may pursue.

The Planning Board appreciates the Council's introduction and consideration of ZTA 24-03 helping start the implementation process of the Great Seneca Plan. Planning staff are available to assist with any questions or concerns as this ZTA is considered for adoption.

CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report, and the foregoing is the recommendation adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission, at its regular meeting held in Wheaton, Maryland, on Monday, July 8, 2024.

Artie L. Harris
Chair

Attachments:

A - Planning Board Staff Report
B – Climate Assessment ZTA 24-03

Montgomery Planning

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

MCPB
Item No. 06
7-8-24

2425 Reedie 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.

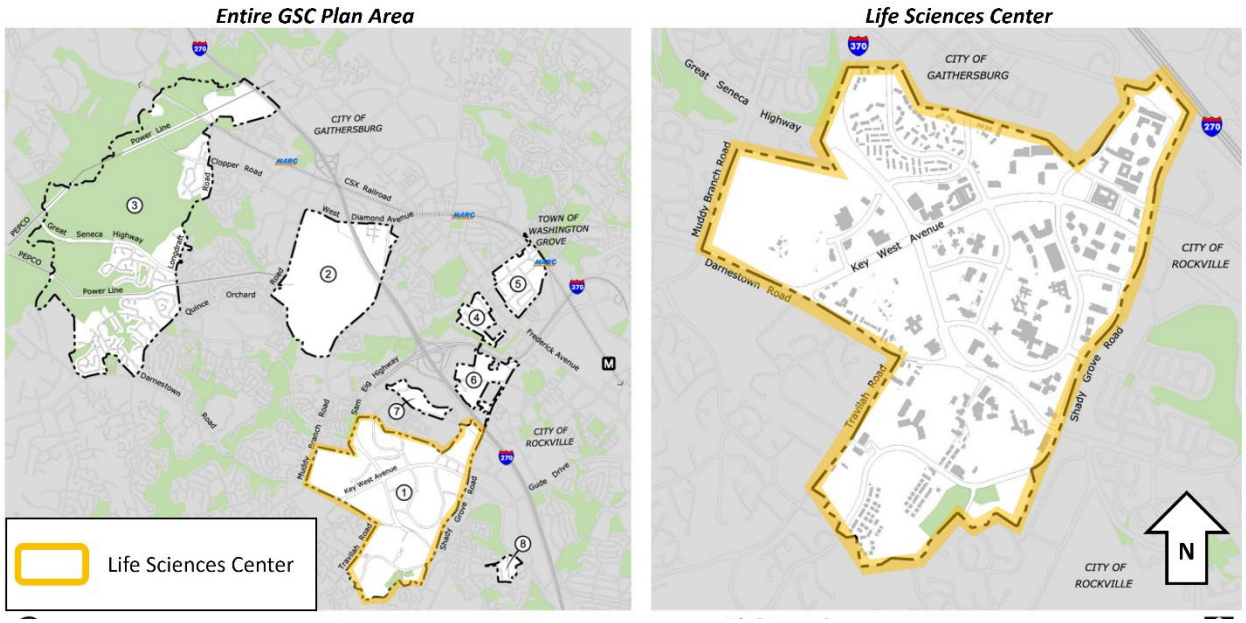

Figure 1 – GSC Plan area and Life Science Center sub-area

SECTION 2 – TEXT AS INTRODUCED

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.

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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.

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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.

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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

Montgomery Planning

CLIMATE ASSESSMENT FOR ZTA 24-03, OVERLAY ZONES – GREAT SENECA LIFE SCIENCES (GSLS) OVERLAY ZONE

PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of master plans and zoning text amendments (ZTAs) on the county's contribution to addressing climate change. These assessments will provide the County Council with a better understanding of the potential climate impacts and implications of proposed master plans and ZTAs, at the county level. The scope of the Climate Assessments is limited to addressing climate change, specifically the effect of land use recommendations in master plans and ZTAs on greenhouse gas (GHG) emissions and sequestration, and how actions proposed by master plans and ZTAs could improve the county's adaptive capacity to climate change and increase community resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed master plans and ZTAs may impact GHG emissions and community resilience.

SUMMARY

The Montgomery County Planning Board anticipates that The GSLS Overlay Zone will 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. While the GSLS Overlay Zone will have both positive and negative impacts on resilience and adaptive capacity, on balance Planning Staff believes that there will be an overall positive impact on ensuring the resilience and adaptive capacity of the Great Seneca Plan's Life Sciences Center community.

BACKGROUND AND PURPOSE OF ZTA 24-03

ZTA 24-03 creates an overlay zone to implement the land use recommendations in the Great Seneca Plan: Connecting Life and Science (GSP). The overlay zone specifically seeks to achieve the overarching purpose of the GSP to:

- 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.

VARIABLES THAT COULD AFFECT THE ASSESSMENT

The following climate-related variables that were considered in this assessment as impacted by the ZTA. Climate related variables include the various greenhouse gas reduction, sequestration, resilience, and adaptive capacity activities in the climate assessment checklists (Tables 1 and 8) contained in the *Climate Assessment Recommendations for Master Plans and Zoning Text Amendments in Montgomery County*.

CLIMATE-RELATED VARIABLES

Transportation- Vehicle miles traveled, Number of trips, Non-vehicle modes of transportation, Public transportation use.

Building Embodied Emissions – Building certifications, Building square footage, Building life span, Pavement infrastructure, Material waste produced, Use of green building materials.

Energy – Electricity usage, Electricity efficiency.

Land Cover and Management – Area of forest, Area of non-forest tree canopy, Area of green cover, Implementation of nature-based solutions.

RESILIENCE-RELATED VARIABLES

Exposure-Related Factors – Activity in flood-risk areas, Activity in urban heat island, Exposure to other hazards (e.g. storms, wind).

Sensitivity-Related Factors – Change to forest cover, Change to non-forest tree canopy, Change to quality or quantity of other green areas, Change to impacts of heat, Change in perviousness, Change in stormwater management system treatments, Change to water quality or quantity, Change to air quality, Infrastructure design decisions.

ADAPTIVE CAPACITY-RELATED VARIABLES

Change to accessibility or prevalence of community and public spaces, Change to emergency response and recovery capabilities, Change in access to transportation, Change to accessibility of local food sources and other goods, Change to community connectivity, Change in distribution of resources and support.

ANTICPATED IMPACTS

Based on guidance in *Climate Assessment Recommendations for Master Plans and Zoning Text Amendments in Montgomery County*, slight to moderate positive and negative impacts on greenhouse gas emissions, sequestration, community resilience, and adaptive capacity are anticipated as described in more detail below.

Greenhouse Gas Emissions Quantitative Assessment Summary

Because the GSLS Overlay Zone is intended to implement the land use recommendations of the Great Seneca Plan, the overlay zone is anticipated to have many of the same impacts on greenhouse gas emissions as those identified in the Climate Assessment for the Life Sciences Center section of the Great Seneca Plan, namely that the overlay zone will have moderate negative impacts and slight to moderate positive impacts on greenhouse gas emissions. The Quantitative Assessment done for the Great Seneca Plan estimates that total greenhouse gas emissions in the Life Sciences Center will be approximately 26% higher at buildout than the emissions from buildout of the existing GSSC Master Plan. This is because the Great Seneca Plan proposes to replace large areas of surface parking with new development and redevelopment of existing properties. While this is a much more efficient use of land, larger numbers of workers and residents living and working in the Life Sciences Center will use more energy for the heating, cooling and lighting of their homes and offices and for transportation to, from and within the LSC. Because emissions are directly associated with energy use, more emissions will result. Larger numbers of people will also generate larger amounts of material waste, and there are emissions associated with the creation, transport, and disposal of those materials.

Breaking out the components of the emissions assessments for the Great Seneca Plan, building energy use constitutes the largest source of greenhouse gas emissions under the forecast Master Plan buildout (about 42%), followed by transportation emissions (39%), then emissions from building embodied energy (12%) and building waste (7%).

These greenhouse gas emissions estimates are based on average figures for similar building types, land uses and transportation systems in comparable regions. Emissions estimates include existing buildings, transportation systems, and processes for the creation and disposal of material waste. It should be noted that the Life Sciences Center contains a concentration of land uses that require high energy inputs, such large computer systems and the high-tech health care systems at Shady Grove Adventist Hospital. The emissions projections also assume that the energy being consumed continues to be generated through the burning of fossil fuels. Transitioning to clean energy is the key to eliminating greenhouse gas emissions from our buildings and transportation systems.

The climate emission impacts specific to ZTA 24-03 result from the ability to achieve higher development densities on some sites by providing certain public benefits in exchange for the increased density. The GSLS overlay zone allows developments to increase the density allowed under their approved zoning, not to exceed 200 percent of the mapped FAR for the site.

As long as the energy needed to supply the additional growth enabled by this ZTA is generated by burning fossil fuels, the result of the additional density will be increased GHG emissions, but there is insufficient data to quantitatively assess the amount of the increase due to uncertainty regarding which sites might or might not seek incentive density, just how much incentive density might be used in each development, and whether the additional density would be residential or non-residential development. Incentive density becomes an option for developments that exceed 0.5 FAR, and the incentive density options in the ZTA allow increases in increments of 0.25 FAR up to the maximum of 200 percent of mapped density. In addition to not knowing the extent to which developments might opt to use incentive density and the kind of developments that might result, quantifying the transportation emissions would require that these increases be modeled to determine the resulting VMT changes.

Many of the incentive density public benefits offered in the GSLS Overlay Zone should reduce GHG emissions, in some cases substantially. These public benefits were assessed qualitatively for their potential impacts on climate mitigation, adaptation and resilience.

Greenhouse Gas Emissions, Carbon Sequestration, and Drawdown Qualitative Discussion

The recommendations of the GSLS Overlay Zone affect the climate impacts within the Life Sciences Center in two primary ways: first, by creating opportunities for additional development density, as described in the previous section of this Assessment; and second, by creating a menu of public benefits to be provided in exchange for the increased density to achieve important County planning priorities, including addressing climate mitigation, adaptation and resilience goals. Optional density is awarded from four tiers of benefits, each tier representing an increase the value of the benefits provided and optional density granted.

There are approximately 13 public benefit options that address one or more of the climate factors in the Climate Assessment protocol available in Tier 1 that could be used to provide 0.25 FAR of optional incentive density for a project. Another 12 public benefit options are available in Tier 2 that could provide 0.50 FAR of optional incentive density, 11 public benefit options providing 1.00 FAR of incentive density in Tier 3, and 12 public benefit options providing all allowed incentive density.

Through these public benefits, a project could reduce greenhouse gas emissions associated with building embodied energy, building operational energy use, and/or transportation-related emissions. Among the Tier 4 public benefits are highly desirable “reach” goals of creating net-zero buildings and generating or utilizing 100 percent clean renewable energy.

Attached to this document is a key that numbers the public benefits that address climate change emissions, adaptive capacity and resilience (see Attachment B2).

Public Benefits that help reduce Transportation Emissions include:

- Tier 1: #1, 2, 3, 4, 5
- Tier 2: #14, 15, 16, 17
- Tier 3: #26, 27, 28
- Tier 4: #37, 38, 39, 40

These public benefits primarily incentivize expanding and enhancing the transportation network and increasing options, making travel by walking, biking, and rolling more attractive and efficient.

Public Benefits that help reduce Building Embodied Emissions include:

- Tier 1: #10, 13
- Tier 2: #22, 25
- Tier 3: #33, 36
- Tier 4: #45, 48

These public benefits incentivize adaptive reuse of buildings and achieving higher levels of sustainable building certifications (primarily LEED) that promote the use of sustainable and recycled building materials.

Public Benefits that help reduce Building Energy Emissions include:

- Tier 1: #7, 8, 9, 10, 11
- Tier 2: #19, 20, 21, 22, 23
- Tier 3: #30, 31, 32, 33, 34
- Tier 4: #42, 42, 44, 45, 46

These public benefits incentivize achieving higher levels of sustainable building certifications (primarily LEED), achieving greater building energy conservation, and generating and using clean renewable energy.

Adaptive Capacity and Community Resilience

There are also public benefits that address climate goals related to adaptive capacity and resilience, including benefits that reduce exposure to heat island effect and flood risk, reduce the degree to which people are affected by climate impacts (sensitivity-related factors), and increase adaptive capacity by improving community connectivity and cohesion. These public benefits can improve emergency response capability, access to transportation options, and access to public services through expansion and enhancement of transportation systems, including improved networks for walking, biking or rolling. All of these options would contribute to creating a community that is more resilient to the disruptions caused by climate change.

Public Benefits that help mitigate Exposure-Related Factors include (see Attachment 1):

- Tier 1: #2, 3, 4
- Tier 2: #14, 14,16
- Tier 3: #26, 27, 28
- Tier 4: #37, 38

These public benefits primarily incentivize creating facilities for walking, biking and rolling that use tree canopy and other landscape features to protect people from heat island effect and flooding.

Public Benefits that help mitigate Sensitivity-Related Factors include:

- Tier 1: #2, 3, 4, 11, 12
- Tier 2: #15, 16, 23, 24
- Tier 3: #27, 28, 29, 34, 35
- Tier 4: #38, 41

These public benefits primarily incentivize the creation and expansion of green spaces, trees and landscaping to reduce the degree of heat island effect and flooding.

Public Benefits that help promote Adaptive Capacity include:

- Tier 1: #1, 2, 3, 4, 6
- Tier 2: #14, 15, 18
- Tier 3: #26, 27, 28, 29
- Tier 4: #37, 38, 39, 41

These public benefits primarily incentivize the creation and expansion of spaces where people can gather, meet, recreate and form social bonds that promote support networks, as well as expanding access to public facilities and facilitating emergency response.

Other Public Benefits

There are also other public benefits available in each Tier that do not address climate change issues, but provide benefits that advance other County priorities. It is possible under this system to obtain all desired optional density without choosing public benefit options that improve the County's response to climate change. In these cases, the only mitigation provided for the increased emissions associated with the incentive density increases would be the Master Plan recommendations for mitigating climate change impacts, as noted in the Climate Assessment for the Great Seneca Plan.

RELATIONSHIP TO GREENHOUSE GAS REDUCTION AND SEQUESTRATION ACTIONS CONTAINED IN THE MONTGOMERY COUNTY CLIMATE ACTION PLAN (CAP)

The CAP details the effects of a changing climate on Montgomery County and includes interagency strategies to reduce greenhouse gas emissions and climate-related risks to the county's residents, businesses, and the built and natural environment.

The CAP includes 86 climate actions as a pathway to meet the county's ambitious climate goals while building a healthy, equitable, and resilient community. Each county department has responsibilities for specific climate actions that are relevant to the work of that department. The following section provides a list of the CAP action items relevant to Montgomery Planning and addressed within the Great Seneca Plan. While it is not possible to know the rate of implementation, development, funding, or other implications, each action item was rated high, medium, or low for its potential to reduce GHG gasses or sequester carbon.

Clean Energy Actions

- E-3: Promote Private Solar Photovoltaic Systems. Medium. The ZTA includes public benefits for optional density increases in exchange for using of on-site alternative energy systems in the development.
- E-4: Public Facility Solar Photovoltaic Installations and Groundwork. Medium. The ZTA includes public benefits that incentivize the use of solar photovoltaic energy from the regional catchment area.

Building Actions

- B-7: Net Zero Energy Building Code for New Construction. Medium. The ZTA includes public benefits that incentivize creating Net Zero developments.

Transportation Actions

- T-2: Expand Active Transportation and Micro-mobility Network. High. The ZTA includes public benefit incentives to construct bicycle lanes, improve sidewalks, and increase access, stations, and frequency of public transit.

Carbon Sequestration Actions

- S-2: Retain and Increase Tree Canopy. Medium. The ZTA includes public benefit incentives that will tree canopy cover on open space, within the right-of-way, and on new development.

Climate Adaptation Actions

- A-7: Green Public Spaces. High. The ZTA includes public benefit incentives to increase and enhance green public spaces.
- A-10: Green Infrastructure. High. The ZTA includes public benefits that incentivize provision of green infrastructure.
- A-15: Water Supply Protection. High. The ZTA includes public benefits that incentivize reductions in imperviousness and increases in tree cover and green space to help protect watersheds that contribute to the County's water supply.

RECOMMENDED AMENDMENTS

The Climate Assessment Act requires the Planning Board to offer appropriate recommendations such as amendments to the proposed ZTA 24-03 or other mitigating measures that could help counter any identified negative impacts through this Climate Assessment.

Montgomery Planning is pursuing a new approach to awarding incentive density in exchange for public benefits through the Incentive Zoning project. The public benefit process proposed by this ZTA for the overlay zone is based loosely on the larger countywide project, in a simplified form. Many of the public benefits under consideration can mitigate greenhouse gas emissions and create adaptive capacity and community resiliency to address climate change impacts. While this ZTA represents a temporary measure to implement the GSP, it is anticipated to be replaced by a new countywide ZTA implementing the Incentive Zoning project. Planning Staff anticipates that, once approved, the new countywide ZTA will modify and/or replace the incentive density program proposed in this ZTA. Planning Staff may recommend amendments to the new countywide ZTA to incorporate changes that might improve the ability of the incentive density program to positively affect climate change issues.

SOURCES OF INFORMATION, ASSUMPTIONS, AND METHODOLOGIES USED

The climate assessment for the Great Seneca Plan was prepared using the methodology for master plans contained within the *Climate Assessment Recommendations for Master Plans and Zoning Text Amendments in Montgomery County, December 1, 2022*.

Racial Equity and Social Justice Impact Statement for Zoning Text Amendment

Office of Legislative Oversight

ZTA 24-03: Overlay Zones – Great Seneca Life Sciences (GSLS) Overlay Zone

Summary

If Zoning Text Amendment (ZTA) 24-03, Overlay Zones – Great Seneca Life Sciences, increases the supply of affordable housing in the County, OLO anticipates that it will favorably impact racial equity and social justice (RESJ). Predicting the utilization of this ZTA among developers to calculate its impact on the supply of affordable housing in the County, however, in beyond the scope of this RESJ impact statement. As such, OLO can neither predict the impact of this ZTA on the County's supply of affordable housing nor its impact on RESJ.

Purpose of RESJ Statements

The purpose of RESJ impact statements for zoning text amendments (ZTAs) is to evaluate the anticipated impact of ZTAs on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs, power, and leadership of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.[1] Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.[2]

Purpose of ZTA 24-03

ZTA 24-03 establishes a new Life Sciences Center Overlay Zone, the Great Seneca Life Sciences (GSLS) Overlay. The intent of this ZTA is to implement the recommendation of the Great Seneca Plan which is currently under review by the County Council. The ZTA, as introduced, describes the purpose of the GSLS Overlay Zone as follows:[3]

- To attract and retain the life sciences industry;
- To incentivize the production of housing;
- To achieve a 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; and
- To implement recommendations of the Great Seneca Plan's land uses, densities, building heights, parking, and public benefits.

Towards these ends ZTA 24-03 sets development standards; stages various scenarios for applying height, density, and public benefits to developments in the overlay zone; incentivizes housing production; and establishes a new methodology for providing public benefits in optional methods of development projects.[4]

Of note, the Great Seneca Plan is a comprehensive amendment to the 2010 Great Seneca Science Corridor Master Plan. It covers 4,330 acres of noncontiguous areas at the center of the I-270 Corridor, with a large portion of the plan including the Life Sciences Center between the cities of Rockville and Gaithersburg and the Town of Washington Grove (see Appendix A).[5]

RESJ Impact Statement
Zoning Text Amendment 24-03

This RESJ impact statement (RESJIS) builds on the RESJIS for ZTA 21-09: Bio Health Priority Campus, ZTA 22-02: Density Height Limits – Biohealth, ZTA 23-02: Regulatory Approvals - Mixed-Use Housing Community, ZTA 23-06: Fenton Village (FV) Overlay Zone-Site Plan, and ZTA: 24-01: Household Living–Civic and Institutional Uses. Refer to these RESJIS for background on racial inequities in land use, housing, economic development, and the biohealth industry. ZTA 24-03 was introduced on June 11, 2024.

ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of ZTA 24-03 on racial equity and social justice, OLO considers two related questions:

- Who are the primary beneficiaries of this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

In response to the first question, OLO considered the demographics of households needing affordable housing. Given the higher levels of housing insecurity experienced among Latinx and Black households, OLO anticipates that BIPOC households would be the primary beneficiaries of ZTA 24-03 if it resulted in the production of additional affordable housing units. However, OLO cannot discern whether ZTA 24-03's incentives for producing affordable housing would be utilized by developers and yield additional affordable housing units. Consequently, OLO cannot estimate the impact of this ZTA on the supply of affordable housing or RESJ in the County.

In response to the second question, OLO considered the potential impact of ZTA 24-03 on housing disparities in the County. If ZTA 24-03 increases the number of affordable housing units, it could narrow racial and social inequities in housing security and cost burden. Predicting the utilization of this ZTA among developers to calculate its impact on the supply of affordable housing in the County, however, in beyond the scope of this RESJ impact statement. As such, OLO can neither predict the impact of this ZTA on the County's supply of affordable housing nor its impact on RESJ.

RECOMMENDED AMENDMENTS

Bill 44-20 amending the County's Racial Equity and Social Justice Act[6] requires OLO to consider whether recommended amendments to narrow racial and social inequities are warranted in developing RESJ impact statements for zoning text amendments. OLO cannot discern the anticipated impact of ZTA 24-03 on RESJ in the County Consequently, the actual yield of affordable housing attainable through this ZTA is neither quantifiable nor could it be estimated in a practical manor. As such, OLO does not offer recommended amendments.

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of zoning text amendments on racial equity and social justice is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement on the proposed zoning text amendment is intended to inform the Council's decision-making process rather than determine it. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the ZTA under consideration.

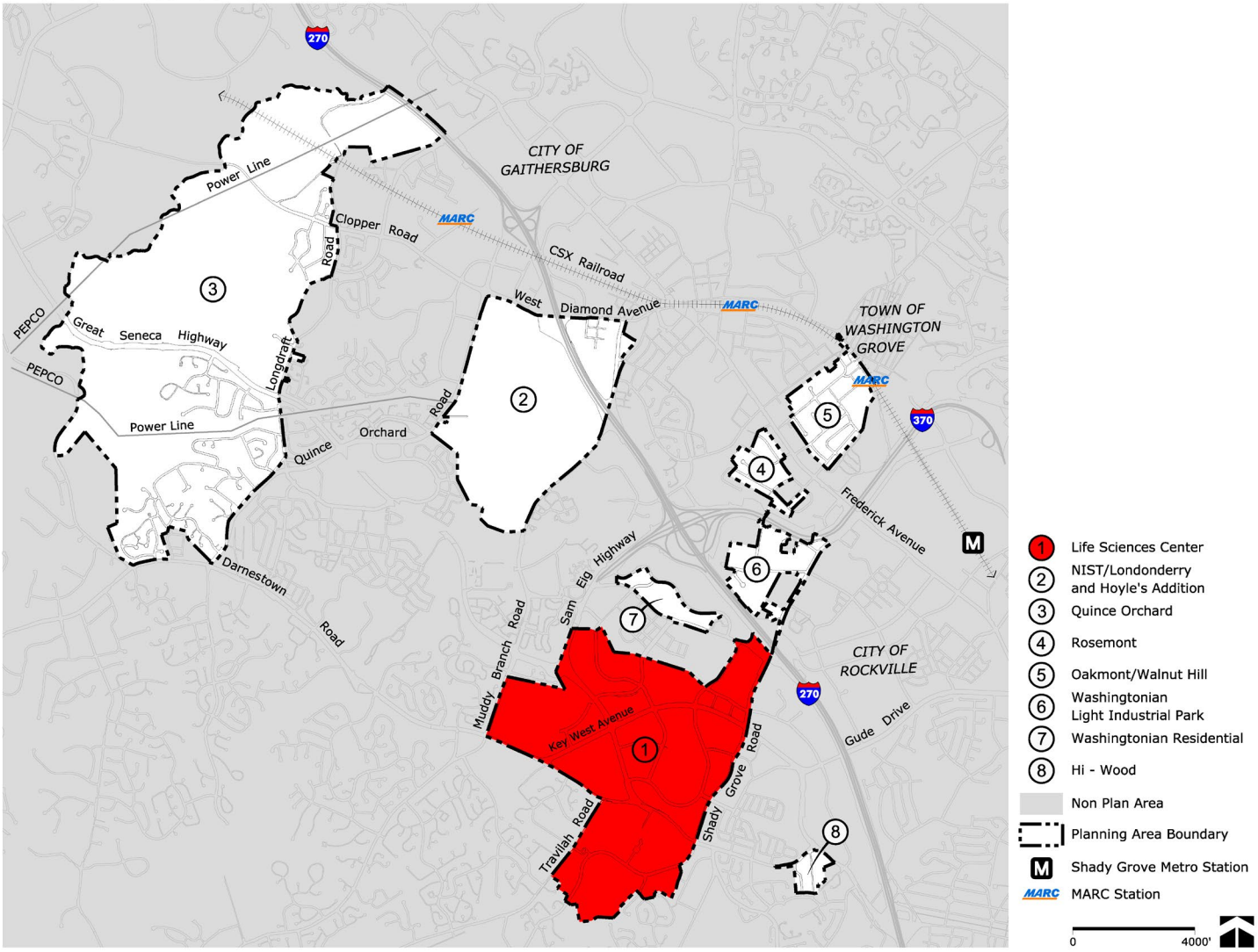
CONTRIBUTIONS

OLO staffer Elsabett Tesfaye, Performance Management and Data Analyst, drafted this racial equity and social justice impact statement.

[1] Definition of racial equity and social justice adopted from "Applying a Racial Equity Lens into Federal Nutrition Programs" by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools https://www.racialequitytools.org/glossary
[2] Ibid
[3] Montgomery County Council, Agenda Item #8B, June 11, 2024
https://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&clip_id=17415&meta_id=180823
[4] Ibid
[5] Memorandum from Pamela Dunn, and Bilal Ali, Legislative Analyst to Planning, Housing, and Parks (PHP) Committee, Agenda Item #10, Great Seneca Plan: Connecting Life and Science. June 17, 2024.
https://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=16188&meta_id=180947
[6] Bill 44-20, Racial Equity and Social Justice – Impact Statements – Advisory Committee – Amendments, Montgomery County, Maryland, December 1, 2020.
https://apps.montgomerycountymd.gov/ccllims/DownloadFilePage?FileName=2682_1_12149_Bill_44-20_Signed_20201211.pdf

Appendix-A

Life Sciences Center



Source: Draft ZTA 24-03 Attachment C