

Committee: PHP

**Committee Review:** At a future date

**Staff:** Livhu Ndou, Senior Legislative Attorney

**Purpose:** To introduce agenda item – no vote expected

AGENDA ITEM #13A December 2, 2025 Introduction

#### **SUBJECT**

Zoning Text Amendment (ZTA) 25-14, Optional Method Public Benefits – Overlay Zones

Lead Sponsor: Planning, Housing, and Parks (PHP) Committee

#### **EXPECTED ATTENDEES**

None

#### **COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION**

To introduce agenda item – no vote expected

#### **DESCRIPTION/ISSUE**

ZTA 25-14 will amend the Overlay Zones to make them consistent with the new Optional Method Public Benefits system.

#### **SUMMARY OF KEY DISCUSSION POINTS**

- In July 2025, the Council adopted <u>ZTA 25-05</u>, <u>Development Standards Optional Method Public Benefits</u>. That ZTA created new Optional Method Public Benefits standards. At that time, Planning and Council Staff recommended the PHP Committee and District Council first make decisions on the new system, and then subsequently introduce a ZTA to apply the new system to the Overlay Zones. The Overlay zones to be amended made localized changes to the prior public benefits points system and required additional review to ensure that those specific standards fit within the new system. The Committee agreed and now requests the introduction of that promised measure.
- ZTA 25-05 is not effective until January 1, 2026, to reduce the delay between when it goes into
  effect, adoption of the Implementation Guidelines, and introduction of this overlay zone ZTA.
  Until that effective date, persons should reference the adopted <u>ZTA 25-05</u> instead of <u>AmLegal</u>,
  the County's online website for the current Zoning Ordinance; since AmLegal reflects effective
  laws.
- ZTA 25-14 will apply the new Optional Method Public Benefits standards adopted in ZTA 25-05 to the Overlay zones. The impacted Overlay zones are the: Bethesda (B) Overlay Zone; Downtown Silver Spring (DSS) Overlay Zone; Germantown Transit Mixed Use (GTMU) Overlay Zone; Great Seneca Life Sciences (GSLS) Overlay Zone; and Transferable Development Rights (TDR) Overlay Zone.
- ZTA 25-14 will also grandfather the existing public benefits points system standards from the Overlay Zones to allow for a transition period.

• A public hearing is tentatively scheduled for January 13, 2025.

#### This report contains:

ZTA 25-14 ©1

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Ordinance No	Ordinance No.:					
Zoning Text	Amendment No.: 25-14					
Concerning:	Optional Method Public					
_	Benefits – Overlay Zones					
Revised: 11	/26/2025 Draft No.: 1					
Introduced:	December 2, 2025					
Public Hearin	ng:					
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: Planning, Housing, and Parks Committee

#### **AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- (1) amend the Overlay Zones to make them consistent with the Optional Method Public Benefits system;
- (2) grandfather the existing public benefits points system standards from the Overlay Zones;
- (3) generally amend the public benefits system.

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

Division 4.7.	"Optional Method Public Benefits"
Section 4.7.1.	"General Provisions"
Section 4.7.3.	"Public Benefit Descriptions and Criteria"
Division 4.9.	"Overlay Zones"
Section 4.9.2.	"Bethesda (B) Overlay Zone"
Section 4.9.7.	"Downtown Silver Spring (DSS) Overlay Zone"
Section 4.9.11.	"Germantown Transit Mixed Use (GTMU) Overlay Zone"
Section 4.9.12.	"Great Seneca Life Sciences (GSLS) Overlay Zone"
Section 4.9.18.	"Transferable Development Rights (TDR) Overlay Zone"
Division 8.4.	"Optional Method Public Benefits"
Section 8.4.1.	"General Provisions"

#### And adding:

Section 8.4.4 "Overlay Zones"

**EXPLANATION:** Boldface indicates a Heading or a defined term.

<u>Underlining</u> 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.

<u>Double underlining</u> 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 59-4.7 is amended as follows:

- 2 Division 4.7. Optional Method Public Benefits
- 3 Section 4.7.1. General Provisions

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B. General Public Benefit Considerations

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7. A master plan may modify the public benefits options under Section 4.7.2.A. including adding, prioritizing, modifying, or prohibiting the use of certain public benefits, and modifying the compliance criteria or the tiers of participation under Section 4.7.3. These modifications must be discussed in the implementation section of the master plan. Adding, modifying, or prohibiting the use of certain public benefits, and modifying the compliance criteria or the tiers of participation under Section 4.7.3, must be [and] reflected through an overlay zone.

14 \* \* \*

### Section 4.7.3. Public Benefit Descriptions and Criteria

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## 17 B. Local Needs from Applicable Master Plans

- Local needs are public benefits that are intended to implement critical local needs
- 19 identified through master, sector, or functional plans.

## 20 **1. Infrastructure for Compact Growth**

- Public benefits in this category are intended to deliver public facilities that enhance connectivity by creating an infrastructure framework supportive of compact growth. Projects may include, but are not limited to, new streets, new or upgraded sidewalks, bicycle facilities, transit access, streetscapes, seating, tree canopy, and lighting.
  - a. Offsite Improvements

27	A developm	nent ap	pplication that provides needed linear infrastructure
28	improvemen	nts in a	n existing public right-of-way that are not part of an
29	application'	s requi	ired frontage improvements is eligible for incentive
30	density.		
31	i.	Tier 1	must provide at least one of the following:
32		(a)	offsite streetscape improvements greater than 2,000
33			square feet, or with an estimated cost greater than or
34			equal to \$100,000 but less than \$300,000, that are
35			consistent with County guidelines or master plan
36			recommendations, or;
37		(b)	[contribute] make a payment in lieu at a minimum
38			of \$0.33 per square foot of gross floor area proposed
39			within a development application to a CIP project
40			within the same master plan area.
41	ii.	Tier 2	must provide at least one of the following:
42		(a)	offsite streetscape improvements greater than 4,000
43			square feet, or with an estimated cost greater than or
44			equal to \$300,000 but less than \$500,000, that are
45			consistent with County guidelines or master plan
46			recommendations;
47		(b)	construct offsite bikeways greater than 1,000 linear
48			feet, or with an estimated cost greater than or equal
49			to \$300,000 but less than \$500,000, consistent with
50			the applicable master plan; or
51		(c)	[contribute] make a payment in lieu at a minimum
52			of \$1.00 per square foot of gross floor area proposed

53			within a development application to a CIP project
54			within the same master plan area.
55		iii.	Tier 3 must provide at least one of the following:
56			(a) offsite streetscape improvements greater than 5,000
57			square feet, or with an estimated cost greater than or
58			equal to \$500,000 but less than \$1,000,000, that are
59			consistent with County guidelines or master plan
60			recommendations;
61			(b) construct offsite bikeways greater than 1,800 linear
62			feet, or with an estimated cost greater than or equal
63			to \$500,000 but less than \$1,000,000, that are
64			consistent with the appliable master plan;
65			(c) [contribute] <u>make a payment in lieu at</u> a minimum
66			\$2.00 per square foot of gross floor area proposed
67			within a development application to a CIP project
68			within the same master plan area; or
69			(d) construct or upgrade an offsite stormwater
70			management facility with an estimated cost greater
71			than or equal to \$500,000 but less than \$1,000,000.
72		iv.	Tier 4 must provide an offsite major transportation
73			improvement, a major improvement or reinforcement to
74			runoff conveyance or storage, or a stormwater treatment
75			facility with an estimated cost greater than \$1,000,000.
76			This Tier 4 improvement must be recommended in the
77			relevant master plan.
78	h	Publi	ic Facilities

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A development application that provides space for, or constructs, Public Facilities such as bus stops, bus stations, bicycle parking and storage, utility boxes, public parking, and major facilities such as police or fire stations is eligible for incentive density. Public Facilities such as libraries, community centers, or park spaces are covered under [Section 59.4.7.3.B.2.] Section 4.7.3.B.2. Public Facilities are often identified and prioritized by applicable master plans.

- i. Tier 1 must provide at least one of the following:
  - (a) dedicate land or construct a public facility such as a bus stop, BRT station, or bicycle parking, with an estimated cost greater than or equal to \$100,000 but less than \$300,000;
  - (b) underground or locate within a building existing electric transformers and other utility boxes located along a site frontage with an estimated cost greater than or equal to \$100,000 but less than \$300,000; or
  - (c) [contribute] <u>make a payment in lieu at a minimum</u> of \$0.33 per square foot of gross floor area proposed within a development application to an identified county CIP project within the same master plan area.
- ii. Tier 2 must provide at least one of the following:
  - (a) dedicate land or construct a public facility such as a bus stop, BRT station, or bicycle parking, with an estimated cost greater than or equal to \$300,000 but less than \$500,000;

105		(b)	underground, or locate within a building, existing
106			electric transformers and other utility boxes located
107			along a site frontage with an estimated cost greater
108			than or equal to \$300,000 but less than \$500,000; or
109		(c)	[contribute] make a payment in lieu at a minimum
110			of \$1.00 per square foot of gross floor area proposed
111			within a development application to an identified
112			county CIP project within the same master plan
113			area.
114	iii.	Tier 3	must provide at least one of the following:
115		(a)	dedicate land or construct a public facility such as a
116			BRT station, or enhance an existing light rail or
117			metro rail station with an estimated cost greater than
118			or equal to \$500,000 but less than \$1,000,000;
119		(b)	underground existing overhead utilities along a site
120			frontage, or another location offsite within the
121			master plan area, with an estimated cost greater than
122			or equal to \$500,000 but less than \$1,000,000; or
123		(c)	[contribute] make a payment in lieu at a minimum
124			of \$2.00 per square foot of gross floor area proposed
125			within a development application to an identified
126			county CIP project within the same master plan
127			area.
128	iv.	Tier 4	must provide at least one of the following:
129		(a)	dedicate land and fully construct a major public
130			facility such as a police or fire station, or a public

131	parking garage, with an estimated cost greater than
132	\$1,000,000; or
133	(b) underground all existing overhead utilities along a
134	site frontage, or another location offsite within the
135	master plan area, with an estimated cost greater than
136	\$1,000,000.
137	c. Street Grid and Multi-Modal Extensions
138	A development application that enhances the transportation network by
139	completing missing sections of master planned transportation
140	infrastructure or enhancing the quality of the area transportation
141	network by providing new bike and pedestrian connections or reducing
142	the number of curb cuts into rights-of-way is eligible for incentive
143	density.
144	i. Tier 1 must provide at least one of the following:
145	(a) construct a publicly accessible trail greater than
146	2,500 linear feet but less than 3,500 linear feet in
147	length or with an estimated cost greater than or
148	equal to \$100,000 but less than \$300,000;
149	(b) [contribute] <u>make a payment in lieu at a minimum</u>
150	of \$0.33 per square foot of gross floor area proposed
151	within a development application to a CIP project
152	within the master plan area; or
153	(c) for redevelopment applications, reduce the number
154	of existing curb cuts by 50%.
155	ii. Tier 2 must provide at least one of the following:
156	(a) construct a publicly accessible trail greater than or
157	equal to 3,500 linear feet but less than 6,000 linear

158			feet in length or with an estimated cost greater than
159			or equal to \$300,000 but less than \$500,000;
160		(b)	[contribute] make a payment in lieu at a minimum
161			of \$1.00 per square foot of gross floor area proposed
162			within a development application to a CIP project
163			within the master plan area; or
164		(c)	build at least one new through street that bisects an
165			existing block as recommended by an applicable
166			master plan or meets the intersection spacing
167			standards in Chapter 50 of the County Code. The
168			street must meet the preferred standards of the
169			Complete Streets Design Guide.
170	iii.	Tier ?	3 must provide at least one of the following:
171		(a)	construct a publicly accessible trail greater than or
172			equal to 6,000 linear feet in length or with an
173			estimated cost greater than or equal to \$500,000 but
174			less than \$1,000,000; or
175		(b)	design a development site providing at least 2 new
176			street connections, or future street connections such
177			as a stub road, with an adjacent property as
178			recommended by an applicable master plan or
179			meeting the intersection spacing standards in
180			Chapter 50 of the County Code. The streets must
181			meet the preferred design standards of the Complete
182			Streets Design Guide.
183	iv.	Tier	4 must construct a transportation connection
184		ident	ified by a master plan over an environmentally

sensitive area or across a major arterial highway that will contribute to the bike, pedestrian, or transit network in the area with an estimated cost greater than \$1,000,000.

## 2. Complete Community Amenities

Public benefits within this section are intended to further the creation of complete communities where residents can easily access services and amenities to fulfill their daily needs.

## a. Art and Placemaking

A development application that installs public art, provides accessible programming in open spaces, or promotes the arts through providing affordable housing, workspaces, and gallery space for the arts and theater is eligible for incentive density. Contributions for art or placemaking may be received by the Public Arts Trust Steering Committee (PATSC), an urban district, a business improvement district, an arts and entertainment district, or a Regional Services Center.

- i. Tier 1 must provide at least one of the following:
  - (a) provide artistic elements or treatments to the façade of buildings or parking garages, or freestanding within the streetscape that enhances the public realm;
  - (b) provide, at least monthly, recurring and publicly accessible programming in an open space for a minimum of 12 months of operation; or
  - (c) [contribute] <u>make a payment in lieu at a minimum</u> of \$0.33 per square foot of gross floor area proposed

211		within a development application for the purpose of
212		providing and maintaining public art.
213	ii.	Tier 2 must provide at least one of the following:
214		(a) install public art approved by the Art Review Panel
215		or partner with an Urban District, public agency,
216		arts nonprofit, or Regional Services Center to install
217		public art facing or accessible to the public;
218		(b) provide, at least monthly, recurring and publicly
219		accessible programming in an open space for a
220		minimum of 36 months; or
221		(c) [contribute] make a payment in lieu at a minimum
222		of \$1.00 per square foot of gross floor for the
223		purpose of providing and maintaining public art.
224	iii.	Tier 3 must provide at least one of the following:
225	1111	(a) at least 5% of all units in a development application
226		are restricted to artist housing, or as live/work units
227		for artists earning 70% or less AMI, in addition to
		any required MPDUs; or
228		
229		(b) [contribute] make a payment in lieu at a minimum
230		of \$2.00 per square foot of gross floor area proposed
231		within a development application for the purpose of
232		providing and maintaining public art.
233	iv.	Tier 4 must provide a major public artist space such as a
234		community theater, an art gallery, or a performance venue
235		at least 20,000 square feet in size either onsite or within
236		the same master plan area.
237		* * *

#### **Great Public Realm** 238 c. A development application that provides publicly-owned, or privately-239 owned and publicly accessible, open spaces designed and maintained 240 to a higher design and usability quality than required by code is eligible 241 for incentive density. Amenities may be provided onsite or within the 242 applicable master plan area. 243 244 i. Tier 1 must provide at least one of the following: (a) intergenerational amenities and inclusive design 245 features over at least 0.25 acres of the required 246 onsite public open space with an estimated cost 247 greater than or equal to \$100,000 but less than 248 249 \$300,000; (b) improve an existing park or privately-owned public 250 251 open space with intergenerational amenities and inclusive design features over at least 0.25 acres 252 with an estimated cost greater than or equal to 253 \$100,000 but less than \$300,000; or 254 [contribute] make a payment in lieu at a minimum (c) 255 of \$0.33 per square foot of gross floor area proposed 256 within a development application for creating or 257 improving public spaces as recommended by an 258 applicable master plan. 259 ii. 260 Tier 2 must provide at least one of the following: exceed the minimum required public open space for (a) 261 a development application by 50%, and include a 262 263 privately-owned publicly accessible open space, or a dedicated, constructed, and conveyed park facility 264

265		that is a minimum 0.25 acre Neighborhood Green
266		as described in the Energized Public Spaces Design
267		Guidelines; or
268		(b) [contribute] <u>make a payment in lieu at</u> a minimum
269		of \$1.00 per square foot of gross floor area proposed
270		within a development application for creating or
271		improving public spaces as recommended by an
272		applicable master plan.
273	iii.	Tier 3 must provide at least one of the following:
274		(a) provide a privately-owned publicly accessible open
275		space, or a dedicated, constructed, and conveyed
276		park facility that is a minimum 1.5-acre Civic
277		Green/Plaza as described in the Energized Public
278		Spaces Design Guidelines; or
279		(b) [contribute] <u>make a payment in lieu at a minimum</u>
280		of \$2.00 per square foot of gross floor area proposed
281		within a development application for creating or
282		improving public spaces as recommended by an
283		applicable master plan.
284	iv.	Tier 4 must provide a privately-owned publicly accessible
285		open space, or a publicly dedicated, constructed, and
286		conveyed park facility that is a minimum 3-acre Urban
287		Recreational Park, as described in the Energized Public
288		Spaces Design Guidelines.
289		* * *
290	Sec. 2. DIVISIO	N 59-4.9 is amended as follows:
291	Division 4.9. Overlay Z	Zones

292					* * *
293	Sect	ion 4.	9.2. Bet	hesda	(B) Overlay Zone
294					* * *
295	C.	Dev	elopme	nt Sta	andards
296					* * *
297		3.	Mode	eratel	y Priced Dwelling Units (MPDUs)
298			a. G	enera	al Requirement
299			For a	ny de	velopment application that includes 20 or more residential
300			dwell	ing uı	nits, the Planning Board may only approve the application if
301			the de	velop	oment provides at least 15% MPDUs under the provisions of
302			Chapt	ter 25	A. The provisions of Section 4.9.2.C.3.b through Section
303			4.9.2.	C.3.d	apply to any development application that is required to
304			provi	de a 1	ninimum 15% MPDUs and includes family-sized MPDUs
305			that e	excee	d the minimum number required under Chapter 25A or
306			deepl	y affo	ordable MPDUs as defined by the Department of Housing
307			and C	omm	unity Affairs.
308					* * *
309			d.	Publ	ic Benefit Points
310				i.	The Planning Board may only grant [public benefit points]
311					incentive density from the public benefit MPDUs under
312					Section 4.7.3.A.1.a for providing more than 15% of the
313					residential units as MPDUs under Chapter 25A.
314				ii.	The Planning Board may grant [MPDU public benefit
315					points] incentive density from the public benefit MPDUs
316					under Section 4.7.3.A.1.a between the tiers at a pro-rata
317					rate of FAR for providing more than 15% MPDUs by
318					either providing the MPDUs on site, or for the protection

319				of an existing off-site dwelling unit with an MPDU
320				agreement with DHCA [at the rate of 15 points for every
321				1% of the number of units in the project above 15%. Any
322				fraction of 1% increase in MPDUs entitles the applicant to
323				an equal fraction of 15 points]. For [points] incentive
324				density to be awarded, at least one more MPDU than
325				would be required at 15% must be provided.
326			[iii.	For a project providing more than 15% MPDUs, one less
327				public benefit point category than required under
328				Section 4.5.4.A.2 must be satisfied.]
329			[iv.	For a project providing at least 20% MPDUs, other public
330				benefit point categories are not required except for: 1)
331				Exceptional Design, and 2) Energy Conservation and
332				Generation in the High-Performance Area.]
333	4.	Publi	c [Ber	nefit Points] <u>Benefits</u>
334		The r	equire	ements for providing public [benefit points] benefits to
335		achiev	ve inc	entive density are established by Division 4.7, except as
336		provio	ded in	Section 4.9.2.C.3. and as follows:
337		a.	[The	Planning Board must not grant any public benefit points for
338			transi	t proximity under Section 59.4.7.3.B.] Providing public
339			benef	its under Division 4.7. is only required to achieve incentive
340			densi	ty requested by a development application. Public benefits
341			are no	ot required for any BOZ density purchased by or awarded
342			<u>to a d</u>	evelopment.
343		b.	Park	[Impact] <u>CIP</u> Payment
344			[i.	If a Park Impact Payment is not required under Section
345				59.4.9.2.C.2.b.ii and the applicant makes a payment, the

346			Planning Board may grant one point for every \$5,000
347			payment up to 20 public benefit points.]
348		[ii.	If a Park Impact Payment is required under Section
349			59.4.9.2.C.2.b.ii, the Planning Board may grant public
350			benefit points only if the Park Impact Payment exceeds the
351			minimum required. The number of public benefit points
352			that the Planning Board may grant is deter- mined by
353			dividing the amount of the payment greater than the
354			required payment by the required payment, and
355			multiplying this result by 100.] An applicant may receive
356			incentive density from the public benefit Great Public
357			Realm under Section 4.7.3.B.2.c. by making a payment in
358			lieu contribution toward a Montgomery Parks CIP within
359			the Bethesda Overlay Zone based on the gross floor area
360			of the proposed development.
361		[iii.	The maximum number of points from a Park Impact
362			Payment is 30.]
363	c.	With	in the High-Performance Area designated in the Bethesda
364		Down	ntown Plan, the Planning Board must determine that the
365		devel	opment [exceeds the applicable building or energy code
366		stand	ards] achieves a minimum of Tier 1 from the public benefit
367		Energ	gy Efficiency under Section 4.7.3.A.2.a.
368	d.	If the	e applicant reaches an agreement with the Department of
369		Hous	ing and Community Affairs to retain or provide affordable
370		housi	ing rents for dwelling units located anywhere in the Overlay
371		zone	area, the Planning Board may grant [6 public benefit points
372		for e	every 1% of units in the project included in the rental

373		agree	ement. Any fraction of 1% increase in the number of units
374		cove	red by the agreement entitles the applicant to an equal
375		fracti	on of 6 points.] incentive density under the public benefit
376		MPD	Us under Section 4.7.3.A.1.a. for providing affordable
377		housi	ing units covered by a rental agreement with the Department
378		of H	ousing and Community Affairs based on the following
379		<u>modi</u>	fied tiers:
380		<u>i.</u>	Tier 1 must provide or retain affordable housing units
381			greater than or equal to 5% and less than 10% of the
382			applications total number of dwelling units;
383		<u>ii.</u>	Tier 2 must provide or retain affordable housing units
384			greater than or equal to 10% and less than 15% of the
385			applications total number of dwelling units;
386		<u>iii.</u>	Tier 3 must provide or retain affordable housing units
387			greater than or equal to 15% and less than 20% of the
388			applications total number of dwelling units; and
389		<u>iv.</u>	Tier 4 must provide or retain affordable housing units
390			greater than or equal to 20% of the applications total
391			number of dwelling units.
392		For t	his purpose, affordable housing is defined as rents that are
393		affor	dable to a household with a household income of 80%
394		[perc	ent] of Area Median Income (AMI) or below, for at least 20
395		years	. The agreement with [the Department of Housing and
396		Com	munity Affairs] DHCA may include limits on the income of
397		resid	ents for the affordable dwelling units.
398	[e.	If an	applicant reaches an agreement with the Department of
399		Hous	ing and Community Affairs and another property owner for

the use of an off-site existing dwelling, within the Bethesda Downtown Area as an MPDU, the Planning Board may grant 15 public benefit points for every 1% of MPDU units in the project included in the MPDU agreement above the minimum required 15% MPDUs.]

[f]e. The Planning Board must determine that the development achieves [at least 10 points for exceptional design under [Section 59.4.7.3.E.4.] Section 4.7.3.E.4. The maximum number of public benefit points for exceptional design is 30] a minimum of Tier 2 from the public benefit Design Excellence under Section 4.7.3.B.2.d. The Planning Board must appoint a Design Advisory Panel composed of relevant independent professionals, including at least one resident of Bethesda, and consider the comments from that panel on all projects before making their determination concerning exceptional design points.

- f. Any development project providing a Tier 4 public benefit may be awarded all the necessary incentive density FAR but must still provide the public benefits of Energy Efficiency and Design Excellence, as required by Sections 4.9.2.C.4.c and 4.9.2.C.4.e.
- [g. In addition to the other adjustment for maximum public benefit points made in this Section 4.9.2.C.4., the number of maximum allowed public benefit points in the following categories are increased to the number of points indicated:]

[Minimum Parking]	[20]
[Through Block Connection]	[30]
[Streetscape Improvement]	[30]

[Dwelling Unit Mix]	[30]
[Architectural Elevations]	[30]
[Exceptional Design]	[30]
[Public Open Space]	[30]
[Public Art]	[20]
[Tower Setback]	[20]
[Cool Roof]	[15]
[Energy Conservation]	[25]
[Vegetated Area]	[15]
[Vegetated Roof]	[20]

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[h. For the Public Art Public Benefit under Section 4.7.3.E.5, the fee may also be accepted by the Bethesda Urban Partnership, the Bethesda Arts & Entertainment District, or other civic arts organization accepted by the Planning Board.]

## 5. FAR Averaging (Density transfers)

429 430 a. Any gross floor area allowed by the underlying zone may be transferred to any site in the Bethesda Downtown Plan.

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b. <u>Any requirements for additional [Additional] public benefits</u>
[benefit points] above the minimum [number] <u>necessary</u> are not

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required for FAR Averaging.

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c. Gross floor area increased above mapped density because of FAR Averaging is not required to make a Park Impact Payment.

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## 437 Section 4.9.7. Downtown Silver Spring (DSS) Overlay Zone

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\* \* \*

439	<b>C.</b>	Developm	ent Standards
440			* * *
441		2. Den	sity
442			* * *
443		c.	DSS Density is the gross floor area by which development on a
444			site in the Overlay Zone may exceed the maximum gross floor
445			area mapped on the site, consistent with the requirements of the
446			Overlay Zone, including design review[, public benefits,] and the
447			qualifications set forth in Section 4.9.7.C.2.e below. DSS
448			Density may not be transferred to any other property.
449			* * *
450		4. Public	[Benefit Points] Benefits
451		The requir	ements for public benefits are established by Division [59.4.7] <u>4.7</u> ,
452		and as foll	ows:
453		a.	[The Planning Board must not grant any public benefit points for
454			transit proximity under Section 59.4.7.3.B.] Providing public
455			benefits under Division 4.7. is only required to achieve incentive
456			density requested by a development application. Public benefits
457			are not required for any DSS density purchased by or awarded to
458			a development.
459		b.	The Planning Board must determine that the development
460			achieves [10 points for the exceptional design public benefit
461			under Section 59.4.7.3.E.4.] <u>a minimum of Tier 2 from the public</u>
462			benefit Design Excellence under Section 4.7.3.B.2.d. The
463			Planning Board must appoint a Design Advisory Panel
464			composed of independent professionals with relevant design
465			experience and expertise, representing the diversity of the

466	community, including at least one resident of Silver Spring. The
467	Planning Board must consider the comments from the Design
468	Advisory Panel on all projects before making its determination
469	concerning [exceptional design points] incentive density for
470	Design Excellence.
471	c. The Planning Board may only award incentive density for the
472	public benefit Great Public Realm under Section 4.7.3.B.2.c. for
473	the creation of open space on-site if an applicant is providing
474	open space recommended in the Sector Plan. Applicants
475	contributing to off-site improvements under Section 4.9.7.C.5.
476	are not eligible for incentive density, unless making a qualifying
477	off-site contribution exceeding that required by the underlying
478	zone and this overlay zone.
479	* * *
480	Section 4.9.11. Germantown Transit Mixed Use (GTMU) Overlay Zone
481	* * *
482	D. Optional Method
483	Optional method development under the CR zone and the GTMU Overlay zone must
484	provide public benefits under Section [4.7.3.F.1.a] 4.7.3. [except that the] The
485	applicant must purchase BLT easements[,] or make payments to the ALPF under
486	Section 4.5.4.A.2.b. in an amount equal to 50% of the incentive density floor area.
487	* * *
488	Section 4.9.12. Great Seneca Life Sciences (GSLS) Overlay Zone
489	* * *
490	C. Development Standards
491	* * *
492	2. Density

493			* * *
494	b.	The 1	imits in the [GSLS] <u>LSC</u> zone that cap residential uses at
495		30 <u>%</u>	[percent] of gross floor area and retail at 15% [percent] of
496		gross	floor area do not apply.
497			* * *
498	3. Public	Bene	efits
499	[All optional metho	d dev	elopment applications within the GSLS Overlay Zone must
500	earn incentive den	sity f	or any requested density above 0.5 FAR subject to the
501	provisions of Secti	ion 4.	9.12.C.2.a. and are not responsible for providing public
502	benefits under Secti	ion 4.	7, Optional Method Public Benefits. Incentive density is the
503	term used to descri	be an	y density above 0.5 FAR including any mapped density or
504	additional density a	llowe	ed by the GSLS Overlay Zone.]
505	[a.	Gene	ral Provisions
506		i.	In determining how much incentive density a development
507			application must achieve, applications must round up to
508			the next nearest 0.25 FAR increment.
509		ii.	Incentive density must be earned by providing public
510			benefits. The public benefits are divided into one of four
511			tiers in Sections 4.9.12.C.3.b. through 4.9.12.C.3.e, based
512			on how much FAR of incentive density an applicant is
513			permitted for providing that public benefit.
514		iii.	Development applications may provide any combination
515			of public benefits to achieve the necessary incentive
516			density for their project.
517		iv.	If an application provides a Tier 4 benefit, no other public
518			benefits are required for that application.

519		v.	If a specific public benefit is recommended for a property
520			in the master plan, the applicant must provide that specific
521			public benefit, unless the Planning Board finds that
522			providing or maintaining the recommended benefit is
523			infeasible or that the benefit is no longer in the public
524			interest.]
525	The require	ements	s for public benefits are established by Division 4.7, and as
526	<u>follows:</u>		
527	<u>a.</u>	Prop	erties in the LSC Zone that are reviewed as optional method
528		deve	elopments are required to provide public benefits under
529		<u>Divi</u>	sion 4.7. to earn incentive density.
530	<u>b.</u>	The	incentive density awarded for achieving each public benefit
531		tier i	<u>s as follows:</u>
532		<u>i.</u>	Tier 1 public benefits are eligible for a maximum 0.25
533			FAR of incentive density;
534		<u>ii.</u>	<u>Tier 2 public benefits are eligible for a maximum 0.5 FAR</u>
535			of incentive density;
536		<u>iii.</u>	Tier 3 public benefits are eligible for a maximum 1.0 FAR
537			of incentive density; and
538		<u>iv.</u>	Tier 4 public benefits are eligible to satisfy all requested
539			incentive density.
540	<u>c.</u>	The	base payment in lieu rate for any applicable public benefits
541		as de	escribed in Section 4.7.1.B.9. is modified as follows:
542		<u>i.</u>	Tier 2 contribution of a minimum of \$0.66 per square foot
543			of gross floor area; and
544		<u>ii.</u>	Tier 3 contribution of a minimum of \$1.00 per square foot
545			of gross floor area.

546		These	e modified rates shall be adjusted biennially based on the
547		<u>Engir</u>	neering News Record's Baltimore Construction Cost Index.
548	<u>d.</u>	Prope	erties in the LSC Zone may receive incentive density for the
549		publi	c benefits in the Housing for All category under Section
550		4.7.3.	A.1. by providing the following:
551		<u>i.</u>	Tier 1 public benefit for providing a minimum 20% of
552			gross floor area as residential in a development
553			application; and
554		<u>ii.</u>	Tier 2 public benefit for providing a minimum 30% of
555			gross floor areas as residential in a development
556			application.
557	<u>e.</u>	The 1	requirements to receive incentive density for the public
558		benef	it Sustainable Site Design under Section 4.7.3.A.2.d. are
559		modi	fied as follows:
560		<u>i.</u>	Tier 2 requires adaptive reuse of 25,000 square feet of
561			existing floor area from an existing building onsite or
562			within the master plan area; and
563		<u>ii.</u>	Tier 3 requires adaptive reuse of 50,000 square feet of
564			existing floor area from an existing building onsite or
565			within the master plan area.
566	<u>f.</u>	<u>The</u>	public benefit Offsite Improvements under Section
567		4.7.3.	B.1.a.iv. includes the following additional standards as Tier
568		4 opti	ions:
569		<u>i.</u>	make a contribution of a minimum of \$2.00 per square foot
570			of gross floor area to a CIP project for either the Key West
571			Avenue Promenade, the Great Seneca Greenway, or the
572			LSC Loop Trail; or

573		<u>ii.</u>	const	ruct the following identified offsite transportation
574			impro	ovements:
575			<u>(a)</u>	the street and adjacent LSC Loop Trail connecting
576				Belward Campus Drive to Decoverly Drive, at the
577				intersection with Great Seneca Highway; or
578			<u>(b)</u>	Road Z, between Broschard Road and Dalmatian
579				Street.
580	<u>g.</u>	Tier 4	4 publ	ic benefits may be awarded for the public benefit
581		Street	Gric	d and Multi-Modal Extensions under Section
582		4.7.3.	B.1.c.	for constructing a trail connecting Darnestown Road
583		and M	<u> Iedical</u>	Center Drive, between Shady Grove Road and Great
584		Senec	a High	<u>ıway.</u>
585	<u>h.</u>	The p	<u>ublic</u> <u>t</u>	penefit Neighborhood Services and Mixed Use under
586		Section	on 4.7.	3.B.2.b. includes the following additional uses and
587		standa	ards as	options:
588		<u>i.</u>	Tier 1	must:
589			<u>(a)</u>	provide a minimum of 10,000 square feet of flexible
590				step-up space for life science start-ups; or
591			<u>(b)</u>	achieve a minimum 10% of mixed-use development
592				by including uses from at least two different use
593				groups identified by the Use Table under Section
594				3.1.6. Each use shall be a minimum of 10% of the
595				gross floor area, as determined at the time of Sketch
596				<u>Plan.</u>
597		<u>ii.</u>	Tier 2	2 must:
598			<u>(a)</u>	provide a minimum of 20,000 square feet of flexible
599				step-up space for life science start-ups; or

600			<u>(b)</u>	achieve a minimum 15% of mixed-use development
601				including uses from at least two different use groups
602				identified by the Use Table under Section 3.1.6.
603				Each use shall be a minimum of 15% of the gross
604				floor area, as determined at the time of Sketch Plan;
605		<u>iii.</u>	<u>Tier</u>	3 must provide a minimum of 30,000 square feet of
606			flexi	ble step-up space for life science start-ups.
607		iv.	<u>Tier</u>	4 must provide a minimum of 40,000 square feet of
608			flexi	ble step-up space for life science start-ups.
609	[b.	Tier	1 Ben	efits
610	The f	ollowi	ng pul	olic benefits are worth 0.25 FAR of incentive density:
611		i.	Prov	ide 20 percent GFA as a Residential use when the
612			unde	rlying zone is LSC.
613		ii.	Prov	ide the minimum required number of MPDUs plus 2.5
614			perce	ent.
615		iii.	Desi	gn and construct offsite pedestrian and bicycle
616			facili	ties for a minimum of 750 linear feet.
617		iv.	Cont	ribute funding for offsite portions of one of the
618			follo	wing, at a rate of \$0.30 per GFA of the subject
619			deve	lopment application:
620			(a)	Key West Avenue Promenade
621			(b)	Great Seneca Greenway
622			(c)	Life Sciences Center Loop Trail
623			(d)	Streetscape improvements along a public street
624				within the overlay zone
625		v.	Cons	struct an offsite portion of the Life Sciences Center
626			Loop	Trail for a minimum length of 2,500 linear feet.

627	vi.	Provide offsite streetscape improvements along a public
628		street within the overlay zone including seating, paving
629		street tree planting, landscaping, and lighting, for at least
630		5,000 linear feet based on the applicable streetscape
631		standards of the master plan.
632	vii.	Provide a minimum of 10,000 square feet of flexible, step-
633		up space for life science startups.
634	viii.	Achieve a minimum 10 percent mixed-use development
635		ensuring uses from at least two different use groups are
636		provided, each comprising a minimum of 10 percent of the
637		total GFA, as determined at the time of sketch plan.
638	ix.	Improve a minimum of 0.25 acres of an existing park or
639		public open space within the GSLS Overlay Zone area
640		with amenities designed to encourage use by people of all
641		ages, cultural backgrounds, and abilities such as, but not
642		limited to, color contrast applications on poles and
643		pavement, accessible bathrooms, mobility device
644		accessible play equipment, sensory playground
645		equipment, movable seating, and art, displays, statues, and
646		signs that recognize local history and community
647		members.
648	х.	Implement at least 3 of the following design excellence
649		strategies or achieve the International WELL Building
650		Institute's WELL Core Bronze certification for the
651		project:
652		(a) Designing a building with a clear architectural base
653		middle, and top. The base is defined as the first one

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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.

680		(f)	Placing all onsite parking below ground grade or
681			wrapping all structured parking with leasable GFA
682			like residential or commercial floor spaces.
683		(g)	Designing the footprint, massing, and building
684			façades to respond to solar orientation and local
685			climate to minimize energy use, maximize daylight
686			exposure and incorporate passive heating, cooling
687			and ventilation.
688		(h)	Reducing the floor plate for the top 2 floors by at
689			least 20 percent to create terraces and an interesting
690			skyline.
691		(i)	Designing all structured parking to be adaptable for
692			alternative uses in the future by creating flat plate
693			parking floors with a minimum floor to ceiling
694			clearance of 10 feet, accessed through a speed-
695			ramp.
696	xi.	Exce	ed current county code energy efficiency standards
697		(IgCo	C and IECC) by a minimum of 10 percent as
698		deter	mined by the Department of Permitting Services
699		Divis	sion of Commercial Building Construction at site
700		plan.	
701	xii.	Gene	erate one-third of renewable energy onsite or utilize
702		renev	vable energy from the regional catchment area as
703		deter	mined by the Department of Permitting Services
704		Divis	sion of Commercial Building Construction at site
705		plan.	

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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.

733		(4)	Use spatial and lighting features that evoke
734			the sense of being in a natural setting
735			considering lighting placement, fixture
736			design, and color temperature.
737		(5)	Incorporate place-based relationships
738			between buildings and the distinctive
739			geographical, ecological, and cultural
740			characteristics of particular places and
741			localities by incorporating reference to
742			geological and landscape features, the use of
743			local and indigenous materials, and
744			connections to particular historic and cultural
745			traditions.
746		(6)	Provide an outdoor respite space, part of a
747			garden, or green area that offers restoration
748			through the inclusion of natural sensory
749			experiences and opportunities for quiet
750			reflection and stillness.
751		(b) Enh	anced green roof with a minimum coverage of
752		10 p	percent of the roof (minimum 6 inches in depth).
753		(c) Two	categories of bird-friendly design as defined in
754		the	Bethesda Downtown Plan Design Guidelines.
755		(d) Perv	vious pavement for 10 percent of all paved
756		surf	aces as determined by the Department of
757		Perr	mitting Services.
758	XV.	Adaptively	y reuse at least 10,000 square feet of floor area
759		of an exist	ing building on site.]

760	[c. Tier 2]	Benefits
761	The followi	ng public benefits are worth 0.50 FAR of incentive density:
762	i.	Provide 30 percent GFA as a Residential use when the
763		underlying zone is LSC.
764	ii.	Provide the minimum required number of MPDUs plus 5
765		percent.
766	iii.	Design and construct offsite streetscape improvements
767		along a public street, including any required pedestrian
768		and bicycle facilities, for a minimum of 1,000 linear feet.
769	iv.	Contribute funding for offsite portions of one of the
770		following, at a rate of \$0.60 per square foot of GFA of the
771		subject development application:
772		(a) Key West Avenue Promenade
773		(b) Great Seneca Greenway
774		(c) Life Sciences Center Loop Trail
775	v.	Construct an offsite portion of the Life Sciences Center
776		Loop Trail for a minimum length of 3,500 linear feet.
777	vi.	Provide a minimum of 20,000 square feet of flexible step-
778		up space for life science startups.
779	vii.	Achieve a minimum of 15 percent mixed-use
780		development, ensuring uses from at least two different use
781		groups are provided, each comprising a minimum of 15
782		percent of the total GFA, as determined at the time of
783		sketch plan.
784	viii.	Exceed the minimum required amount of Public Open
785		Space on site by at least 50 percent.

786	1X.	Implement at least 5 of the design excellence strategies
787		identified in Section 4.9.12.C.3.b.x above or achieve the
788		International WELL Building Institute's WELL Core
789		Silver certification for the project.
790	х.	Exceed current county code energy efficiency standards
791		(IgCC and IECC) by a minimum of 17.5 percent as
792		determined by the Department of Permitting Services
793		Division of Commercial Building Construction at site
794		plan.
795	xi.	Generate two-thirds of renewable energy onsite or utilize
796		renewable energy from the regional catchment area as
797		determined by the Department of Permitting Services
798		Division of Commercial Building Construction at site
799		plan.
800	xii.	Meet Alternative Compliance Path for Green Code and
801		achieve LEED Gold as determined by the Department of
802		Permitting Services Division of Commercial Building
803		Construction by the final use and occupancy permit.
804	xiii.	Design a site that includes three of the following
805		sustainable elements:
806		(a) 4 principles of biophilic design as defined in Section
807		4.9.12.C.3.b.xiv.
808		(b) Enhanced green roof with a minimum coverage of
809		15 percent of the roof (a minimum of 7 inches in
810		depth).
811		(c) 3 categories of bird friendly design as defined in the
812		Bethesda Downtown Plan Design Guidelines.

813		(d) Pervious pavement for 25 percent of all paved
814		surfaces as determined by the Department of
815		Permitting Services.
816	xiv.	Adaptively reuse at least 25,000 square feet of floor area
817		of an existing building on site.]
818	[d. Tier 3	Benefits
819	The followi	ng public benefits are worth 1.0 FAR of incentive density:
820	i.	Provide the minimum required number of MPDUs plus 7.5
821		percent.
822	ii.	Design and construct offsite streetscape improvements
823		along a public street, including any required pedestrian
824		and bicycle facilities, for a minimum of 2,000 linear feet.
825	iii.	Contribute funding for offsite portions of one of the
826		following, at a rate of \$1.00 per GFA of the subject
827		development application:
828		(a) Key West Avenue Promenade
829		(b) Great Seneca Greenway
830		(c) Life Sciences Center Loop Trail
831	iv.	Construct an offsite portion of the Life Sciences Center
832		Loop Trail for a minimum length of 5,000 linear feet.
833	v.	Provide a minimum of 30,000 square feet of flexible, step-
834		up space for life science startups.
835	vi.	Provide a minimum 1.5-acre Major Public Open Space
836		recommended per the master plan as a Privately Owned
837		Public Open Space, with approval on the location and
838		design determined by the Planning Board. The Public
839		Open Space should comply with the elements listed in the

840		Energizing Public Space Design Guidelines for "Civic
841		Green / Plaza."
842	vii.	Implement at least 7 of the design excellence strategies
843		identified in Section 4.9.12.C.3.b.x above or achieve the
844		International WELL Building Institute's WELL Core
845		Gold certification for the project.
846	viii.	Exceed current county code energy efficiency standards
847		(IgCC and IECC) by a minimum of 25 percent as
848		determined by the Department of Permitting Services
849		Division of Commercial Building Construction at site
850		plan.
851	ix.	Generate three-fourths of renewable energy onsite or
852		utilize renewable energy from the regional catchment area
853		as determined by the Department of Permitting Services
854		Division of Commercial Building Construction at site
855		plan.
856	х.	Meet Alternative Compliance Path for Green Code and
857		achieve LEED Gold, and one of the following as
858		determined by the Department of Permitting Services
859		Division of Commercial Building Construction by the
860		final use and occupancy permit:
861		(a) Full electrification
862		(b) Mass Timber construction
863	xi.	Design a site that includes four of the following
864		sustainable elements:
865		(a) Six principles of biophilic design as defined in
866		Section 4.9.12.C.3.b.xiv.

867		(b) Enhanced green roof with a minimum coverage of
868		25 percent of the roof (a minimum of 11 inches in
869		depth).
870		(c) Four categories of bird friendly design as defined in
871		the Bethesda Downtown Plan Design Guidelines.
872		(d) Pervious pavement for 40 percent of all paved
873		surfaces as determined by the Department of
874		Permitting Services.
875	xii.	Adaptively reuse at least 75,000 square feet of floor area
876		of an existing building on site.]
877	[e. Tier 4	Benefits
878	If an appli	icant provides any one Tier 4 Benefit listed below, no
879	additional p	public benefits are necessary to achieve all allowed incentive
880	density:	
881	i.	Provide greater than 25 percent MPDUs at an average of
882		60 percent area median income.
883	ii.	Design and construct offsite streetscape improvements
884		along a public street, including any required pedestrian
885		and bicycle facilities, for a minimum of 5,000 linear feet
886		within the overlay zone area.
887	iii.	Contribute funding for offsite portions of one of the
888		following, at a rate of \$2.00 per GFA of the subject
889		development application:
890		(a) Key West Avenue Promenade
891		(b) Great Seneca Greenway
892		(c) Life Sciences Center Loop Trail

893	iv.	Provide one of the following transportation connections
894		identified as greatly enhancing the transportation network
895		by the Master Plan:
896		(a) The street connection, including the LSC Loop
897		Trail, connecting Belward Campus Drive to
898		Decoverly Drive, at the intersection with Great
899		Seneca Highway.
900		(b) A trail connecting Darnestown Road and Medical
901		Center Drive, located between Shady Grove Road
902		and Great Seneca Highway.
903		(c) The street connection of Road Z between Broschart
904		Road and Dalmatian Street.
905	v.	Provide a minimum of 40,000 square feet of flexible step-
906		up space for life science startups.
907	vi.	Construct and dedicate or convey to Montgomery Parks a
908		minimum 3-acre park recommended in the Master Plan.
909		Approval of the location and design to be determined by
910		the Planning Board. The park must comply with the
911		elements listed in the Energized Public Spaces Design
912		Guidelines for "Urban Recreational Park."
913	vii.	Implement all 9 of the design excellence strategies
914		identified in Section 4.9.12.C.3.b.x above or achieve the
915		International WELL Building Institute's WELL Core
916		Platinum certification for the project.
917	viii.	Construct an energy efficient building with a net-zero
918		rating as determined by the Department of Permitting

919		Services Division of Commercial Building Construction at
920		site plan
921	ix.	Generate 100 percent of renewable energy onsite or utilize
922		renewable energy from the regional catchment area as
923		determined by the Department of Permitting Services
924		Division of Commercial Building Construction at site
925		plan.
926	х.	Meet the Alternative Compliance Path for Green Code and
927		achieve LEED Platinum as determined by the Department
928		of Permitting Services Division of Commercial Building
929		Construction at site plan.
930	xi.	Design a site that includes the four following sustainable
931		elements:
932		(a) Six principles of biophilic design as defined in
933		Section 4.9.12.C.3.b.xiv.
934		(b) Enhanced green roof with a minimum coverage of
935		35 percent of the roof (a minimum of 16 inches in
936		depth).
937		(c) Five categories of bird friendly design as defined in
938		the Bethesda Downtown Plan Design Guidelines.
939		(d) Pervious pavement for 50 percent of all paved
940		surfaces as determined by the Department of
941		Permitting Services.
942	xii.	Adaptively reuse at least 100,000 square feet of floor area
943		of an existing building on site.
944	xiii.	Underground all existing overhead utilities along the site
945		frontage of the subject property, or at another offsite

946			location within the GSLS Overlay Zone, with an estimated
947			cost of at least \$1,000,000.]
948	D.	Dev	elopment Procedures
949		1.	Except as modified in this subsection, the development procedures of
950			the underlying zone apply.
951		2.	In the GSLS Overlay zone, any development at or over 0.5 FAR is
952			considered optional method of development, regardless of the
953			underlying zone.
954		3.	[Except as provided under Section 4.7.3.F.1.b.ii, all] All optional
955			method developments in the GSLS Overlay zone must require the
956			purchase of Building Lot Termination (BLT) easements or a payment
957			into the Agricultural Land Preservation Fund (ALPF) consistent with
958			Section 4.5.4.A.2.b.i. [in an amount equal to 7.5 percent of the incentive
959			density floor area in lieu of the procedures of Section 4.7.3.F.1.b. One
960			BLT is equivalent to 31,500 square feet of incentive density floor area.
961			Private BLT easements must be purchased in whole units. Fractions of
962			BLT easements must be purchased through the ALPF, based on the
963			amount established by Executive Regulation under Chapter 2B.]
964		4.	Development is not subject to the parking minimums established in the
965			vehicle parking spaces table under Section 6.2.4.B.
966		5.	Surface vehicle parking is prohibited between a building and a public
967			or private street, unless prior to February 24, 2025, the parking lot
968			existed or was included in an approved site plan.
969			* * *
970	Sect	ion 4.9	9.18. Transferable Development Rights (TDR) Overlay Zone
971			* * *
972	В.	Opt	ional Method

973						* *	* *			
974		3.	Com	merci	al/Reside	ential an	d Employn	nent Zones		
975						* *	* *			
976			b.	Calc	ulation	of	<b>TDRs</b>	Required	in	the
977				Com	mercial/	Resident	tial or Emp	oloyment Zones	}	
978						* *	* *			
979				[iii.	For opt	tional m	ethod devel	lopment, the Pl	anning	Board
980					may gr	ant a ma	aximum of	20 public bene	efit poin	its for
981					TDRs u	nder Sec	tion 4.7.3.F	[.6.]		
982						* *	* *			
983		Sec.	3. DIV	/ISIO	N 59-8.4	is ameno	led as follo	ws:		
984	Divi	ision 8	.4. Opt	ional	Method 1	Public B	enefits			
985	Sect	tion 8.	4.1. Ge	neral	Provision	18				
986						* *	* *			
987	B.	Gen	ieral Pi	ublic I	Benefit C	onsidera	tions			
988		<u>1.</u>	Exce	pt for	providing	g MPDUs	sexceeding	12.5% of a proj	ect's dw	elling
989			units	, gran	ting point	ts as a p	ublic benef	it for any ame	nity or p	roject
990			featu	re oth	erwise rec	quired by	law is proh	nibited.		
991		<u>2.</u>	In ap	provi	ng any ii	ncentive	FAR based	d on the provis	sion of	public
992			bene	fits, th	e Plannin	g Board	must consid	ler:		
993			[1] <u>a</u> .	the 1	recommen	ndations	and objecti	ves of the app	licable 1	naster
994				plan	,					
995			[2] <u>b</u> .	the (	Commerc	ial/Resid	lential and	Employment Z	one Inc	entive
996				Dens	sity Imple	mentatio	n Guideline	es;		
997			[3] <u>c</u> .	any	design gı	uidelines	adopted fo	or the applicabl	e maste	r plan
998				area;						
999			[4] <u>d</u> .	the s	ize and co	onfigurat	ion of the si	ite;		

1000		$[5]\underline{e}$ . the 1	relationship of the site to adjacent properties;		
1001		[6] $\underline{f}$ . the p	presence or lack of similar public benefits nearby; and		
1002		[7]g. enha	[7]g. enhancements beyond the elements listed in an individual public		
1003		bene	efit that increase public access to, or enjoyment of, the		
1004		bene	efit.		
1005	<u>3.</u>	In the CRT	and CR zones the maximum total standard method FAR for		
1006		any proper	ty is the limit indicated in the following table, unless shown		
1007		as lower or	n the zoning map:		
		Zone	Total Density (max)		
		CRT	The greater of 1.0 FAR or 10,000 SF of gross floor area		
		CR	The greater of 0.5 FAR or 10,000 SF of gross floor area		
1008					
1009			* * *		
1010	Section 8.4	<u> 4.4. Overlay</u>	<b>Zones</b>		
1011	The follow	ving overlay	zones have modified public benefits or public benefit		
1012	calculation	calculations which are retained below. These provisions may continue to be used as			
1013	allowed by	the Public E	Benefit Procedures and Exemptions under Section 4.7.1.D.		
1014	A. Beth	nesda (BOZ)	Overlay Zone Public Benefit Points		
1015	<u>1.</u>	Moderate	ly Priced Dwelling Units (MPDUs) Public Benefit Points		
1016		<u>a.</u> The	Planning Board may only grant public benefit points for		
1017		prov	riding more than 15% of the residential units as MPDUs		
1018		unde	er Chapter 25A.		
1019		b. The	b. The Planning Board may grant MPDU public benefit points for		
1020		prov	riding more than 15% MPDUs at the rate of 15 points for		
1021		ever	y 1% of the number of units in the project above 15%. Any		
1022		fract	tion of 1% increase in MPDUs entitles the applicant to an		

1023		<u>equa</u>	l fraction of 15 points. For points to be awarded, at least one
1024		more	<u>MPDU</u> than would be required at 15% must be provided.
1025	<u>c.</u>	For a	a project providing more than 15% MPDUs, one less public
1026		<u>bene</u>	fit point category than required under Section 8.4.1.B.8
1027		must	be satisfied.
1028	<u>d.</u>	For a	project providing at least 20% MPDUs, other public benefit
1029		poin	categories are not required except for: 1) Exceptional
1030		<u>Desi</u>	gn, and 2) Energy Conservation and Generation in the High-
1031		Perfo	ormance Area.
1032	<u>2. Pub</u>	<u>lic</u> <u>Ber</u>	nefit Points
1033	The requir	ements	s for public benefit points for development projects that
1034	qualify for	an exe	emption under Section 4.7.1.D are established by Division
1035	8.4, excep	t as pi	rovided in Section 4.9.2.C.3. concerning MPDUs and as
1036	<u>follows:</u>		
1037	<u>a.</u>	The	Planning Board must not grant any public benefit points for
1038		trans	it proximity under Section 8.4.3.B.
1039	<u>b.</u>	<u>Park</u>	Impact Payment
1040		<u>i.</u>	If a Park Impact Payment is not required under Section
1041			4.9.2.C.2.b.ii and the applicant makes a payment, the
1042			Planning Board may grant one point for every \$5,000
1043			payment up to 20 public benefit points.
1044		<u>ii.</u>	If a Park Impact Payment is required under Section
1045			4.9.2.C.2.b.ii, the Planning Board may grant public benefit
1046			points only if the Park Impact Payment exceeds the
1047			minimum required. The number of public benefit points
1048			that the Planning Board may grant is determined by
1049			dividing the amount of the payment greater than the

1050		required payment by the required payment, and
1051		multiplying this result by 100.
1052		iii. The maximum number of points from a Park Impact
1053		Payment is 30.
1054	<u>c.</u>	Within the High-Performance Area designated in the Bethesda
1055		Downtown Plan, the Planning Board must determine that the
1056		development achieves 15 public benefit points from Energy
1057		Conservation and Generation under Section 8.4.3.F.3.
1058	<u>d.</u>	If the applicant reaches an agreement with the Department of
1059		Housing and Community Affairs to retain or provide affordable
1060		housing rents for dwelling units located anywhere in the Overlay
1061		zone area, the Planning Board may grant 6 public benefit points
1062		for every 1% of units in the project included in the rental
1063		agreement. Any fraction of 1% increase in the number of units
1064		covered by the agreement entitles the applicant to an equal
1065		fraction of 6 points. For this purpose, affordable housing is
1066		defined as rents that are affordable to a household with a
1067		household income of 80% of Area Median Income (AMI) or
1068		below, for at least 20 years. The agreement with the Department
1069		of Housing and Community Affairs may include limits on the
1070		income of residents for the affordable dwelling units.
1071	<u>e.</u>	If an applicant reaches an agreement with the Department of
1072		Housing and Community Affairs and another property owner for
1073		the use of an off-site existing dwelling, within the Bethesda
1074		Downtown Area as an MPDU, the Planning Board may grant 15
1075		public benefit points for every 1% of MPDU units in the project

included in the MPDU agreement above the minimum required 15% MPDUs.

- f. The Planning Board must determine that the development achieves at least 10 points for exceptional design under Section 8.4.3.E.2. The maximum number of public benefit points for exceptional design is 30. The Planning Board must appoint a Design Advisory Panel composed of relevant independent professionals, including at least one resident of Bethesda, and consider the comments from that panel on all projects before making their determination concerning exceptional design points.
- g. In addition to the other adjustment for maximum public benefit points made in this subsection, the number of maximum allowed public benefit points in the following categories are increased to the number of points indicated:

Minimum Parking	<u>20</u>
Through Block Connection	<u>30</u>
Streetscape Improvement	30
<u>Dwelling Unit Mix</u>	30
Architectural Elevations	30
Exceptional Design	30
Public Open Space	30
Public Art	<u>20</u>
Tower Setback	<u>20</u>
Cool Roof	<u>15</u>

Energy Conservation	<u>25</u>
Vegetated Area	<u>15</u>
Vegetated Roof	20

h. For the Public Art Public Benefit under Section 4.7.3.E.5, the fee may also be accepted by the Bethesda Urban Partnership, the Bethesda Arts & Entertainment District, or other civic arts organization accepted by the Planning Board.

## 3. FAR Averaging (Density transfers)

Additional public benefit points above the minimum number are not required for FAR Averaging.

## B. <u>Downtown Silver Spring (DSS) Overlay Zone Public Benefit Points</u>

The requirements for public benefit points for development projects that qualify for an exemption under Section 4.7.1.D are established by Division 59.8.4, and as follows:

- 1. The Planning Board must not grant any public benefit points for transit proximity under Section 8.4.3.B
- 2. The Planning Board must determine that the development achieves 10 points for the exceptional design public benefit under Section 8.4.3.E.2. The Planning Board must appoint a Design Advisory Panel composed of independent professionals with relevant design experience and expertise, representing the diversity of the community, including at least one resident of Silver Spring. The Planning Board must consider the comments from the Design Advisory Panel on all projects before making its determination concerning exceptional design points.

1113	<u>C.</u>	Geri	<u>manto</u>	<u>wn Transit Mixed Use (GTMU) Overlay Zone Public Benefit</u>					
1114		Poin	<u>ts</u>						
1115		<u>Opti</u>	Optional method development under the CR zone and the GTMU Overlay						
1116		zone	zone must provide public benefits under Section 8.4.3.F.1.a except that the						
1117		appli	applicant must purchase BLT easements, or make payments to the ALPF in						
1118		an aı	<u>nount</u>	equal to 50% of the incentive density floor area.					
1119	<u>D.</u>	Grea	at <u>Sen</u>	eca Life Sciences (GSLS) Overlay Zone Public Benefit Points					
1120		<u>1.</u>	<u>All</u>	optional method development applications within the GSLS					
1121			Ove	rlay Zone for development projects that qualify for an exemption					
1122			unde	er Section 4.7.1.D must earn incentive density for any requested					
1123			dens	ity above 0.5 FAR subject to the provisions of Section 8.4.4.D. and					
1124			are 1	not responsible for providing public benefits under Section 4.7,					
1125			<u>Opti</u>	onal Method Public Benefits. Incentive density is the term used to					
1126			desc	ribe any density above 0.5 FAR including any mapped density or					
1127			addi	tional density allowed by the GSLS Overlay Zone.					
1128		<u>2.</u>	Gen	eral Provisions					
1129			<u>i.</u>	In determining how much incentive density a development					
1130				application must achieve, applications must round up to the next					
1131				nearest 0.25 FAR increment.					
1132			<u>ii.</u>	Incentive density must be earned by providing public benefits.					
1133				The public benefits are divided into one of 4 tiers in					
1134				Sections 8.4.4.D.1.b. through 8.4.4.D.1.e., based on how much					
1135				FAR of incentive density an applicant is permitted for providing					
1136				that public benefit.					
1137			<u>iii.</u>	Development applications may provide any combination of					
1138				public benefits to achieve the necessary incentive density for					
1139				their project.					

1140		<u>iv.</u>	If an application provides a Tier 4 benefit, no other public
1141			benefits are required for that application.
1142		<u>v.</u>	If a specific public benefit is recommended for a property in the
1143			master plan, the applicant must provide that specific public
1144			benefit, unless the Planning Board finds that providing or
1145			maintaining the recommended benefit is infeasible or that the
1146			benefit is no longer in the public interest.
1147	<u>3.</u>	<u>Tier</u>	1 Benefits
1148		The f	<u>Sollowing public benefits are worth 0.25 FAR of incentive density:</u>
1149		<u>i.</u>	Provide 20% GFA as a Residential use when the underlying zone
1150			is LSC.
1151		<u>ii.</u>	Provide the minimum required number of MPDUs plus 2.5%.
1152		<u>iii.</u>	Design and construct offsite pedestrian and bicycle facilities for
1153			a minimum of 750 linear feet.
1154		<u>iv.</u>	Contribute funding for offsite portions of one of the following,
1155			at a rate of \$0.30 per GFA of the subject development
1156			application:
1157			(a) Key West Avenue Promenade
1158			(b) Great Seneca Greenway
1159			(c) LSC Loop Trail
1160			(d) Streetscape improvements along a public street within the
1161			<u>overlay</u> <u>zone</u>
1162		<u>v.</u>	Construct an offsite portion of the LSC Loop Trail for a
1163			minimum length of 2,500 linear feet.
1164		<u>vi.</u>	Provide offsite streetscape improvements along a public street
1165			within the overlay zone including seating, paving, street tree

1166		planting, landscaping, and lighting, for at least 5,000 linear feet
1167		based on the applicable streetscape standards of the master plan.
1168	<u>vii.</u>	Provide a minimum of 10,000 square feet of flexible, step-up
1169		space for life science startups.
1170	<u>viii.</u>	Achieve a minimum 10% mixed-use development, ensuring uses
1171		from at least two different use groups are provided, each
1172		comprising a minimum of 10% of the total GFA, as determined
1173		at the time of sketch plan.
1174	<u>ix.</u>	Improve a minimum of 0.25 acres of an existing park or public
1175		open space within the GSLS Overlay Zone area with amenities
1176		designed to encourage use by people of all ages, cultural
1177		backgrounds, and abilities such as, but not limited to, color
1178		contrast applications on poles and pavement, accessible
1179		bathrooms, mobility device accessible play equipment, sensory
1180		playground equipment, movable seating, and art, displays,
1181		statues, and signs that recognize local history and community
1182		members.
1183	<u>X.</u>	Implement at least 3 of the following design excellence strategies
1184		or achieve the International WELL Building Institute's WELL
1185		Core Bronze certification for the project:
1186		(a) Designing a building with a clear architectural base,
1187		middle, and top. The base is defined as the first one or two
1188		floors of the building; the top is defined as the uppermost
1189		one or two floors of the building; and the middle is
1190		everything between the base and the top.
1191		(b) Providing human-scaled architectural elements at the
1192		building's base fronting all streets and public open spaces.

1193	<u>Human-scaled</u> <u>architectural</u> <u>elements</u> <u>include</u> <u>clearly</u>
1194	marked entryways into ground-floor uses, awnings,
1195	canopies, transparency, storefronts, façade lighting,
1196	signage, and decorative enhancements.
1197 <u>(c)</u>	Providing direct entry to all ground floor residential units
1198	fronting a street or public open space.
1199 <u>(d)</u>	Adjusting the building massing and façade design to create
1200	street-oriented development. The building massing should
1201	parallel the street, with the building base creating a
1202	continuous frontage with a minimum of 60%
1203	transparency. The building middle and top façade must be
1204	designed with windows, balconies, and terraces on any
1205	elevation along a street.
1206 <u>(e)</u>	Lining at least 75% of the ground floor along all streets
1207	and public open spaces with active uses such as retail,
1208	residential units, offices, lobbies, and amenity spaces.
1209	Ground floor entrances into the building must be no
1210	further than every 100 feet.
1211 <u>(f)</u>	Placing all onsite parking below ground grade or wrapping
1212	all structured parking with leasable GFA like residential
1213	or commercial floor spaces.
1214 <u>(g)</u>	Designing the footprint, massing, and building façades to
1215	respond to solar orientation and local climate to minimize
1216	energy use, maximize daylight exposure and incorporate
1217	passive heating, cooling, and ventilation.
1218 <u>(h)</u>	Reducing the floor plate for the top 2 floors by at least 20%
1219	to create terraces and an interesting skyline.

1220		(i) Desi	gning all structured parking to be adaptable for
1221		alter	native uses in the future by creating flat plate parking
1222		floor	s with a minimum floor to ceiling clearance of 10 feet,
1223		acces	ssed through a speed-ramp.
1224	xi.	Exceed cur	rent county code energy efficiency standards (IgCC
1225		and IECC	by a minimum of 10% as determined by the
1226		<u>Departmen</u>	t of Permitting Services Division of Commercial
1227		Building C	onstruction at site plan.
1228	<u>xii.</u>	Generate of	one-third of renewable energy onsite or utilize
1229		renewable	energy from the regional catchment area as
1230		determined	by the Department of Permitting Services Division
1231		of Commer	rcial Building Construction at site plan.
1232	<u>xiii.</u>	Meet Alter	native Compliance Path for Green Code and achieve
1233		LEED Silv	er + 21 points as determined by the Department of
1234		Permitting	Services <u>Division</u> of <u>Commercial</u> <u>Building</u>
1235		Construction	on by the final use and occupancy permit.
1236	xiv.	Design a	site that includes 2 of the following sustainable
1237		elements:	
1238		<u>(a)</u> <u>Two</u>	principles of biophilic design from the following list
1239		of str	rategies:
1240		<u>(1)</u>	<u>Incorporate</u> <u>environmental</u> <u>features</u> <u>such</u> <u>as</u>
1241			sunlight, fresh air, plants, animals, water, native
1242			landscapes, natural colors, and natural materials
1243			such as wood and stone.
1244		<u>(2)</u>	Utilize elements in building design to simulate and
1245			mimic shapes and forms found in nature. Examples
1246			include using tree-like columns in a building

1247			interior to support a roof that projects the feeling of
1248			a forest canopy; building shapes that simulate the
1249			appearance of bird wings; ornamentation suggestive
1250			of a natural shape like a crystal or geological
1251			feature, or others as approved by the Planning
1252			Board.
1253		<u>(3)</u>	Use building and site design to stimulate a variety
1254			of senses, simulate the qualities of organic growth,
1255			or reflect the processes of aging and the passage of
1256			time.
1257		<u>(4)</u>	Use spatial and lighting features that evoke the
1258			sense of being in a natural setting considering
1259			lighting placement, fixture design, and color
1260			temperature.
1261		<u>(5)</u>	<u>Incorporate</u> <u>place-based</u> <u>relationships</u> <u>between</u>
1262			buildings and the distinctive geographical,
1263			ecological, and cultural characteristics of particular
1264			places and localities by incorporating reference to
1265			geological and landscape features, the use of local
1266			and indigenous materials, and connections to
1267			particular historic and cultural traditions.
1268		<u>(6)</u>	Provide an outdoor respite space, part of a garden,
1269			or green area that offers restoration through the
1270			inclusion of natural sensory experiences and
1271			opportunities for quiet reflection and stillness.
1272	<u>(b)</u>	<u>Enha</u>	nced green roof with a minimum coverage of 10% of
1273		the ro	oof (minimum 6 inches in depth).

1274			<u>(c)</u>	Two categories of bird-friendly design as defined in the
1275				Bethesda Downtown Plan Design Guidelines.
1276			<u>(d)</u>	Pervious pavement for 10% of all paved surfaces as
1277				determined by the Department of Permitting Services.
1278		<u>XV.</u>	<u>Ada</u> j	otively reuse at least 10,000 square feet of floor area of an
1279			exist	ing building on site.
1280	<u>4.</u>	<u>Tier</u>	<u>2</u> <u>Ben</u>	<u>efits</u>
1281		<u>The</u>	follow	ing public benefits are worth 0.50 FAR of incentive density:
1282		<u>i.</u>	Prov	ide 30% GFA as a Residential use when the underlying zone
1283			is LS	SC.
1284		<u>ii.</u>	Prov	ide the minimum required number of MPDUs plus 5%.
1285		<u>iii.</u>	<u>Desi</u>	gn and construct offsite streetscape improvements along a
1286			publ	ic street, including any required pedestrian and bicycle
1287			facil	ities, for a minimum of 1,000 linear feet.
1288		<u>iv.</u>	Cont	cribute funding for offsite portions of one of the following,
1289			<u>at</u> <u>a</u>	rate of \$0.60 per square foot of GFA of the subject
1290			deve	lopment application:
1291			<u>(a)</u>	Key West Avenue Promenade
1292			<u>(b)</u>	Great Seneca Greenway
1293			<u>(c)</u>	LSC Loop Trail
1294		<u>v.</u>	Cons	struct an offsite portion of the LSC Loop Trail for a
1295			mini	mum length of 3,500 linear feet.
1296		<u>vi.</u>	Prov	ide a minimum of 20,000 square feet of flexible step-up
1297			spac	e for life science startups.
1298		<u>vii.</u>	Achi	eve a minimum of 15% mixed-use development, ensuring
1299			uses	from at least two different use groups are provided, each

1300		comprising a minimum of 15% of the total GFA, as determined
1301		at the time of sketch plan.
1302	<u>viii.</u>	Exceed the minimum required amount of Public Open Space on
1303		site by at least 50%.
1304	<u>ix.</u>	Implement at least 5 of the design excellence strategies identified
1305		in Section 4.9.12.C.3.b.x above or achieve the International
1306		WELL Building Institute's WELL Core Silver certification for
1307		the project.
1308	<u>X.</u>	Exceed current county code energy efficiency standards (IgCC
1309		and IECC) by a minimum of 17.5% as determined by the
1310		Department of Permitting Services Division of Commercial
1311		Building Construction at site plan.
1312	<u>xi.</u>	Generate two-thirds of renewable energy onsite or utilize
1313		renewable energy from the regional catchment area as
1314		determined by the Department of Permitting Services Division
1315		of Commercial Building Construction at site plan.
1316	<u>xii.</u>	Meet Alternative Compliance Path for Green Code and achieve
1317		LEED Gold as determined by the Department of Permitting
1318		Services Division of Commercial Building Construction by the
1319		final use and occupancy permit.
1320	<u>xiii.</u>	Design a site that includes three of the following sustainable
1321		elements:
1322		(a) Four principles of biophilic design as defined in
1323		Section 4.9.12.C.3.b.xiv.
1324		(b) Enhanced green roof with a minimum coverage of 15% of
1325		the roof (a minimum of 7 inches in depth).

1326			(c) Three categories of bird friendly design as defined in the
1327			Bethesda Downtown Plan Design Guidelines.
1328			(d) Pervious pavement for 25% of all paved surfaces as
1329			determined by the Department of Permitting Services.
1330		<u>xiv.</u>	Adaptively reuse at least 25,000 square feet of floor area of an
1331			existing building on site.
1332	<u>5.</u>	<u>Tier</u>	3 Benefits
1333		The t	following public benefits are worth 1.0 FAR of incentive density:
1334		<u>i.</u>	Provide the minimum required number of MPDUs plus 7.5%.
1335		<u>ii.</u>	Design and construct offsite streetscape improvements along a
1336			public street, including any required pedestrian and bicycle
1337			facilities, for a minimum of 2,000 linear feet.
1338		<u>iii.</u>	Contribute funding for offsite portions of one of the following,
1339			at a rate of \$1.00 per GFA of the subject development
1340			application:
1341			(a) Key West Avenue Promenade
1342			(b) Great Seneca Greenway
1343			(c) LSC Loop Trail
1344		<u>iv.</u>	Construct an offsite portion of the LSC Loop Trail for a
1345			minimum length of 5,000 linear feet.
1346		<u>V.</u>	Provide a minimum of 30,000 square feet of flexible, step-up
1347			space for life science startups.
1348		<u>vi.</u>	Provide a minimum 1.5-acre Major Public Open Space
1349			recommended per the master plan as a Privately Owned Public
1350			Open Space, with approval on the location and design
1351			determined by the Planning Board. The Public Open Space

1352		should comply with the elements listed in the Energizing Public
1353		Space Design Guidelines for "Civic Green / Plaza."
1354	<u>vii.</u>	Implement at least 7 of the design excellence strategies identified
1355		in Section 4.9.12.C.3.b.x above or achieve the International
1356		WELL Building Institute's WELL Core Gold certification for
1357		the project.
1358	<u>viii.</u>	Exceed current county code energy efficiency standards (IgCC
1359		and IECC) by a minimum of 25% as determined by the
1360		Department of Permitting Services Division of Commercial
1361		Building Construction at site plan.
1362	<u>ix.</u>	Generate three-fourths of renewable energy onsite or utilize
1363		renewable energy from the regional catchment area as
1364		determined by the Department of Permitting Services Division
1365		of Commercial Building Construction at site plan.
1366	<u>X.</u>	Meet Alternative Compliance Path for Green Code and achieve
1367		LEED Gold, and one of the following as determined by the
1368		Department of Permitting Services Division of Commercial
1369		Building Construction by the final use and occupancy permit:
1370		(a) Full electrification
1371		(b) Mass Timber construction
1372	<u>xi.</u>	Design a site that includes four of the following sustainable
1373		elements:
1374		(a) Six principles of biophilic design as defined in
1375		Section 4.9.12.C.3.b.xiv.
1376		(b) Enhanced green roof with a minimum coverage of 25% of
1377		the roof (a minimum of 11 inches in depth).

1378			(c) Four categories of bird friendly design as defined in the
1379			Bethesda Downtown Plan Design Guidelines.
1380			(d) Pervious pavement for 40% of all paved surfaces as
1381			determined by the Department of Permitting Services.
1382		<u>xii.</u>	Adaptively reuse at least 75,000 square feet of floor area of an
1383			existing building on site.
1384	<u>6.</u>	<u>Tier</u>	4 Benefits
1385		<u>If</u> an	applicant provides any one Tier 4 Benefit listed below, no
1386		<u>addit</u>	tional public benefits are necessary to achieve all allowed incentive
1387		densi	<u>ity:</u>
1388		<u>i.</u>	Provide greater than 25% MPDUs at an average of 60% area
1389			median income.
1390		<u>ii.</u>	Design and construct offsite streetscape improvements along a
1391			public street, including any required pedestrian and bicycle
1392			facilities, for a minimum of 5,000 linear feet within the overlay
1393			zone area.
1394		<u>iii.</u>	Contribute funding for offsite portions of one of the following,
1395			at a rate of \$2.00 per GFA of the subject development
1396			application:
1397			(a) Key West Avenue Promenade
1398			(b) Great Seneca Greenway
1399			(c) LSC Loop Trail
1400		<u>iv.</u>	Provide one of the following transportation connections
1401			identified as greatly enhancing the transportation network by the
1402			Master Plan:

1403		<u>(a)</u>	The street connection, including the LSC Loop Trail,
1404			connecting Belward Campus Drive to Decoverly Drive, at
1405			the intersection with Great Seneca Highway.
1406		<u>(b)</u>	A trail connecting Darnestown Road and Medical Center
1407			Drive, located between Shady Grove Road and Great
1408			Seneca Highway.
1409		<u>(c)</u>	The street connection of Road Z between Broschart Road
1410			and Dalmatian Street.
1411	<u>v.</u>	<u>Provi</u>	de a minimum of 40,000 square feet of flexible step-up
1412		space	for life science startups.
1413	<u>vi.</u>	Cons	truct and dedicate or convey to Montgomery Parks a
1414		minir	num 3-acre park recommended in the Master Plan.
1415		Appr	oval of the location and design to be determined by the
1416		Plann	ning Board. The park must comply with the elements listed
1417		in the	<u>Energized Public Spaces Design Guidelines for "Urban</u>
1418		Recre	eational Park."
1419	<u>vii.</u>	<u>Imple</u>	ement all 9 of the design excellence strategies identified in
1420		Section	on 4.9.12.C.3.b.x above or achieve the International WELL
1421		Build	ling Institute's WELL Core Platinum certification for the
1422		proje	<u>ct.</u>
1423	<u>viii.</u>	Cons	truct an energy efficient building with a net-zero rating as
1424		deter	mined by the Department of Permitting Services Division
1425		of Co	emmercial Building Construction at site plan
1426	ix.	Gene	rate 100% of renewable energy onsite or utilize renewable
1427		energ	y from the regional catchment area as determined by the
1428		Depa	rtment of Permitting Services Division of Commercial
1429		Build	ling Construction at site plan.

1430		<u>X.</u>	Meet	the Alternative Compliance Path for Green Code and
1431			achie	eve LEED Platinum as determined by the Department of
1432			Perm	itting Services Division of Commercial Building
1433			Cons	truction at site plan.
1434		<u>xi.</u>	Desig	gn a site that includes the four following sustainable
1435			<u>elem</u>	ents:
1436			<u>(a)</u>	Six principles of biophilic design as defined in
1437				Section 4.9.12.C.3.b.xiv.
1438			<u>(b)</u>	Enhanced green roof with a minimum coverage of 35% of
1439				the roof (a minimum of 16 inches in depth).
1440			<u>(c)</u>	Five categories of bird friendly design as defined in the
1441				Bethesda Downtown Plan Design Guidelines.
1442			<u>(d)</u>	Pervious pavement for 50% of all paved surfaces as
1443				determined by the Department of Permitting Services.
1444		<u>xii.</u>	<u>Ada</u> p	stively reuse at least 100,000 square feet of floor area of an
1445			exist	ing building on site.
1446		<u>xiii.</u>	<u>Unde</u>	erground all existing overhead utilities along the site
1447			front	age of the subject property, or at another offsite location
1448			withi	n the GSLS Overlay Zone, with an estimated cost of at least
1449			\$1,00	<u>00,000.</u>
1450	<u>E.</u>	Transferab	ole De	velopment Rights (TDR) Overlay Zone Public Benefit
1451		<b>Points</b>		
1452		For optiona	1 meth	od development, the Planning Board may grant a maximum
1453		of 20 public	benet	fit points for TDRs under Section 8.4.3.F.6.
1454				* * *
1455		Sec. 4. Eff	ective	date. This ordinance becomes effective 20 days after the
1456	date	of Council ad	loption	1.

This is a correct copy of Council action.	
Sara R. Tenenbaum	
Clerk of the Council	