

#	Section	Source	Comment Received	Staff Response
1	15.110	D1	Context designation should be defined or deleted.	It has been replaced by "zone category".
2	15.120	C1	The difference between CRN and CRT should be predicated on the difference between stick and steel/concrete construction limits.	Construction methods are not really issues for zoning. We are concerned with bulk, height, and coverage, which we target by balancing FAR, open space, and height. Which zones are applied can be assessed during the planning process with a goal that will result in differences between construction methods and, therefore, built character. Zones are just tools in the toolkit.
3	15.121	A10, S1	Height minimums should be eliminated; heights should be capped at 45' for CRN. CRT should not be increased to 150'.	There are no build-to minimums; there may be cases where CRN properties are not at the edge, but internal to small neighborhood centers where higher heights are appropriate; CRT height flexibility is necessary for the same reason CRN should not be limited. (CR allows an FAR of 8.0, which has never been used.)
4	15.121	C1, D2	Why is there a minimum height?	There is not, this has been clarified in the table.
5	15.121	D2, E6, E16	2.0 FAR (or, previously, 2.5 and 80') for CRN and 4.0 FAR for CRT are too high.	CRN has been reduced to 1.5. CRT should retain flexibility to go up to a medium density limit so that the Council has a diversity of choices for zoning major intersections, town centers, and transition areas between CR and CRN that takes into account questions of use and public benefit differences, as well as density and height.
6	15.121	E6	Does "mapping" hold less authority than a master plan or is mapping part of a master plan?	Mapped zones are the ultimate authority on zoning; master plans only have recommendations for zoning.
7	15.121	E7	Can density or height exceed the maximum as in the example?	No, the example had a typo; it has been corrected.
8	15.121	E8	If CR zones allow higher densities than recommended in the master plans, will they be used to increase the density? Can developers get more density in the future?	What gets mapped becomes a property's zone; because a CR category allows a range of density and height that may be higher than that mapped, does not mean a property can get any more density than their specific mapped zone. Density could only be increased if the Council voted to change the map through a master plan process.

9	15.121	M1	Minimum heights and densities should be removed; max density and height for CRN should be 1.0 FAR and 45'; for CRT 4.0 FAR and 90'.	There are no minimums. CRN densities of 1.0 FAR would limit the ability to tailor a mix of uses - in most cases, CRN 1.5 would require a mix of uses for full density, typically with a maximum non-residential density of 0.5 or 1.0 FAR. The height limits proposed offer better flexibility for creating buildings that respond to context and can have less visual and environmental impacts than would be allowed under the suggestion proposed.
10	15.121	P1	80' limits in the CRN are too high for transitional zones. 20' is the tallest necessary.	The height limit has been reduced in CRN, but not even our residential zones have limits below 35'. In most cases, height adjacent to residential neighborhoods has been recommended at 45'.
11	15.121	S7	CRN height should be lowered to 45'; a new C-T-like zone should be created; or remove the 40' from the chart.	CRN should retain some flexibility to allow height further from residential sites but where the uses and public benefit requirements inherent in the CRN still need to be taken into account to deal with context and economic factors.
12	15.122	A1, A10	How will density averaging work with different properties under one ownership or properties adjacent to each other?	Density averaging allows density to transfer across property lines, but height and uses are allowed only per the underlying zone and category, respectively.
13	15.122	D2-D3	Existing requirements for density averaging should be retained.	These have only had minor changes based on experience with reviewed site plans and to ensure uses track the mapped category to protect residential neighborhoods.
14	15.130	A1	CR should be floating to ensure safeguards, flexibility, creative design, and specialized land development to protect from further "loss"	Staff agrees the CR zone and the rezoning process would benefit property owners and neighbors. The existing zone does not allow the choice; the amendment proposes no change.
15	15.130	A1, A7	Where will the zone be applied? Will proposed zoning in master plans be reconsidered?	Maps are being vetted and presented for discussion with each master plan. Not a "zoning ordinance" issue - this is just the toolkit.
16	15.130	D2	CR zones must retain master plan requirement.	CR zones require compliance with the master plan when preliminary, site plans, and sketch plans are required. Without a major governmental restructuring and/or modified review process, it is unfeasible for projects that go directly to DPS for building permits.

17	15.130	E6	What is the difference between sectional map amendment and local map amendment and why does it matter to the sector plan process?	Local map amendments can be done property by property for certain zones as specified in Section 59-H-2.5; sectional map amendments are comprehensive rezonings of larger areas based on a master plan or other comprehensive analysis.
18	15.130	L1	Rezoning through LMAs for mixed use zones should be done in the rewrite process, not this ZTA.	LMA option was removed.
19	15.130	W2, W7	Retain requirement that the CR zones may only be applied when recommended in a master plan.	The addition of the proposed CRN and CRT zones sparked renewed interest in the idea of allowing application of the zones by LMA due to the inherent protections of the public review process and binding elements of development plans. This interest was raised by property owners, citizen associations, and other stakeholders. The Board ultimately rejected this option.
20	15.200	A11	CRN objectives should be distinguished to protect single-family residential neighborhoods	Differentiating between categories was discussed, but not entertained due to general similarities between mixed-use objectives - the differences being limited to uses, density, and height.
21	15.200	D2, D14, W10	The minimum "parameters" for public benefits should revert to minimum "requirements".	Some public benefits do not define any required criteria but leave these to the Guidelines, therefore the use of "parameters", which is broader, to ensure the intent of the public benefit is met whether a requirement is listed or not.
22	15.200	L1, L2	CR should only be used in metro areas. Each category should have a unique description and set of objectives. CRT may be appropriate for lower-tier metro stations like Twinbrook.	Discussed with the Board and not accepted.
23	15.200	W7, W10, W13	Strengthen objectives section. See W23.	We feel the changes to the objectives do strengthen their ability to ensure better development under the zone and according to master plan objectives.
24	15.300	B1	Transit levels should reflect different ridership levels: 1) Metrorail, 2) MARC/Rapid Bus, and 3) Bus.	Not any bus line qualifies, in fact no current bus line does - level 2 transit proximity only covers MARC, light rail, or a bus route with a fixed, dedicated path (e.g., BRT).

25	15.300	D5	The required phasing plan should not be qualified by the term "provisional".	This only acknowledges the fact that the sketch plan is conceptual in nature and will be more refined at later phases; it is pointless to establish false expectations for staff, the Board, citizens, or applicants.
26	15.300	D6	Replace findings required for a sketch plan with existing language.	The findings have been revamped to reflect the contents section changes based on experience with sketch plan review and in light of the proposed categories.
27	15.300	K10	Does level 2 include MARC?	Yes.
28	15.300	K8	Definition of "Applicable Residential Zone" should spell out all equivalent phrases referenced.	We do not think this is necessary.
29	15.300	S7	MARC should not count towards level 2 transit proximity.	This was discussed at Council and approved; it does provide an important commuter choice and may only become more important if density increases slightly near these stations.
30	15.400	A1	When do incentives kick in?	Only for optional method projects. Staff is agreeable to a stepped optional method for CRN, CRT, CR: CRN standard method to 1.5, CRT to 1.0, CR to 0.5. This "reverse logic" would work due to the "automatic" incentives granted under transit, grey fields, neighborhood services, etc.
31	15.400	L4	Appropriate locations for each zone should be detailed; there should be lower maximum base densities and guidance should be given on setting lower base densities.	We are not exactly clear what is meant by "base density", unless it's standard method density, which is discussed above. Guidance on application of the CR zones by location could be used, but it may have to be so broad as to become useless in practice. We feel it is better to analyze the zones against actual areas under consideration to determine the right category, density, and height.
32	15.400	W9	Both standard and optional method should require both a sketch plan and a site plan.	We do not feel sketch plan will add anything to the review of a standard method project that is not already covered in the site plan findings.
33	15.410	A2, A11	Does CRN require a site plan? Is it all or any? All development in CRN adjacent to res should require a site plan.	We are suggesting: site plan in any CRN, CRT, or CR for limited uses, 10,000sf, 40', 10 units, <u>or</u> drive-throughs. This balances intensity and compatibility.
34	15.410	D4	Site plan should be required for 30+ trip generation.	This was removed by the Council.

35	15.410	D4, D18, E5, S2, W5, W9	Standard method should not be available for any project that exceeds 0.5 FAR, 40' or 10,000sf.	We consider some kind of "stepping" of standard method - maybe from 1.5 in CRN to 1.0 in CRT to 0.5 in CR - a good compromise. But we were directed by the PHED committee to look at ways to make lower-density sights more economically feasible to develop with lower public benefit requirements.
36	15.410	E14	For CR-zoned properties next to residential zones, some intensity threshold should be instituted.	There are: site plan for limited uses, 10,000sf, 40', or 10 or more units. More generally, the mapped zone will be lower in density and height.
37	15.410	E17, M1, S7, W7	CRN should require site plan for any development adjacent/confronting a residential property.	Some uses, such as offices, townhouses, and small scale retail provide the basic services for neighborhoods within walking/biking distance. These should continue to be easier to develop than uses that are more auto-centric or more intense, which we have proposed as limited uses that would require site plan.
38	15.410	E18, E20	Addition of 0.5 FAR threshold to site plan requirement when adjacent to residential will not protect neighborhoods.	The Board has been more receptive to the idea that the 0.5 FAR threshold be replaced by the limited use one; existing intensity thresholds still apply (i.e., 10,000sf, 40', etc.).
39	15.410	E6	Does CRN only allow standard method? And up to 2.5 FAR and 80'? And no sketch plan is required?	Yes. No, up to 1.5 FAR and 65'. No, sketch plan is only required for optional method projects.
40	15.410	E6	Is a site plan necessary for CRN projects next to R-60 zone or across the street?	In many, but not all cases. See comments 36 - 38 above.
41	15.410	E7	How can density be greater than the standard method density?	This section has been deleted; but density in the CRT and CR can be set higher than standard method, but only achieved under optional method development.
42	15.410	E7	Is CRT standard method 1.5 FAR and 80' and optional method 4.0 FAR and 100'?	Optional method density and height is defined by the mapped zone for any property; standard method in the CRT is proposed at 1.5 FAR & 65'.
43	15.410	M1, W7	Standard method for CR and CRT should be set at 0.5 FAR/10,000sf and 40'.	See response to comment 35 above.
44	15.410	S6	Standard method for all CR zones should be set at 0.5 FAR and 45'.	See response to comment 35 above.

45	15.410	S7	10,000sf is too high for site plan - reduce to 5,000sf.	This was debated during the original CR zone discussions and was settled on as a compromise between the two competing interests. 10,000sf is about where traffic and massing issues become intense enough to warrant increased review.
46	15.410	V3	Site plan should only be required if all thresholds are present; site plan for projects adjacent/confronting residential zones is onerous.	We disagree and think that the presence of any threshold is sufficient to warrant site plan review.
47	15.410	V4, V5, V10	Site plan thresholds are too low and should be related to intensity - at 0.5 FAR. See V6.	See response to comment 33 above.
48	15.410	W5	Standard method has broadened but does not have to be consistent with the applicable master plan.	We were directed to ensure development for lower density properties was more economically feasible. A higher standard method is one means by which we're proposing this direction be implemented. The removal of any reference to master plans was only where it was repetitive or where DPS cannot feasible implement master plan recommendations through the building permit process.
49	15.410	W5	Clarify table and mapping statement.	This section has been revised.
50	15.430	C1	The Board, not the Applicant, should have the discretion to change a sketch plan.	The Council wanted to ensure that applicants could take a sketch plan approval as a meaningful approval that set some basic parameters, which would need to be confirmed at site plan. We feel the intent was to provide some assurance to citizens, developers, and the Board which could be relied on during site plan review. Anyone can recommend changes, but unless the Board cannot make the findings required when the details of a project are analyzed during site plan approval, changes cannot be imposed arbitrarily after sketch plan approval.

51	15.430	D13	Although citizens can provide input on a sketch plan, developers are "free to ignore that input"; whereas, in the CBD process, all stakeholders are at the table; developers too easily check in the boxes for density.	We continue to feel that there is much more ability for detailed and meaningful input in the sketch plan process than in the current project plan (CBD) process due to the guidance provided concerning public benefits. Specific considerations must be taken into account and specific findings must be made to approve any set of public benefits; the Board has complete authority to accept, modify, or reject the public benefits offered with a sketch plan.
52	15.430	D5	Sketch plan should be required for all development that requires a site plan.	There is no reason to have sketch plan review for projects that are not required to provide public benefits.
53	15.430	D5	Sketch plans should have to show "conformance" to master plans and design guidelines, not "further the objectives of" those documents. Likewise, the Board should make a similar finding.	Sketch plans must do both because they must comply with the zone, which has the conformance requirement (Section 59-C-15.61).
54	15.430	K15	Changes requested to sketch plans need the consent of the applicant.	We agree this was the intent of the Council when it drafted the section on changes to a sketch plan, unless the Board cannot make the necessary findings for approval.
55	15.430	S2, S8	Sketch plan approvals should lock in important public benefits and building heights to ensure expectations are met.	Agreed.
56	15.430	S2, S8	Public benefits should track the stages of development.	Phasing of public benefits is required under the sketch plan contents.
57	15.430	S2, W11	How are sketch plan changes analyzed to ensure they are appropriate and meet master plan and zone requirements?	Sketch plan changes must be re-analyzed against the findings required for an original sketch plan application, which includes findings regarding the zone and the master plan.
58	15.430	W10	The Board should be able to reject an applicant's sketch plan.	It has that authority spelled out in the provision that the Board may approve, approve with changes, or disapprove a sketch plan.
59	15.430	W10	Does satisfactory mean the same as adequate?	The substitution of "satisfactory" for "safe, adequate, and efficient" allows for a more general review of what is a conceptual plan and leaves the more detailed "SAE" finding for site plan review when the development has been further refined.

60	15.430	W10, W11	Remove references to an "outline" of public benefits.	This does not change any substantive aspect of a submittal or review, but reflects what Staff ended up requiring for the last submittals.
61	15.430	W10, W13	How are sketch plan changes and site plan review connected? See W14.	Site plan review provides a detailed account of, in part, the public benefits approved with a sketch plan. Any changes to these public benefits must be re-analyzed during the site plan review and the applicable findings must be made again.
62	15.430	W10, W13	Conditions of approval are requirements that must be met; delete (or define) any reference to binding elements.	Binding elements were introduced during Committee work sessions to ensure that applicants could rely on some base level of density and height and that the public benefits they were proposing were acceptable.
63	15.430	W11	Phasing plans for sketch plans shouldn't be "provisional".	This simply reflects the reality of a concept plan's phasing elements and ensures false expectations aren't raised.
64	15.430	W8	Strengthen requirements for sketch plan application. See W24.	We disagree that the requirements for a sketch plan application need to be "strengthened" - they provide the materials we have found necessary to make a complete recommendation.
65	15.500	A12	Uses allowed in CRN are not compatible with single-family residential neighborhoods.	Change suggested: limited uses should be subject to site plan.
66	15.500	D6	Not enough time has been devoted to a comparison between uses in the C-T and CRN zone.	This has been presented and discussed several times.
67	15.500	L4	More "quasi-industrial" businesses such as contractors, plumbers, etc. should be allowed in the CR zones. Fewer car-oriented uses should be allowed.	We do not necessarily disagree, but many of these would be covered by the general commercial uses. We have relied, as a compromise, on limitations on parking and drive-throughs to push more pedestrian-oriented uses or, more accurately, design.
68	15.500	M2	Auto rental services, auto repair shops, auto sales, restaurants, health clubs, retail services, and rooftop mounted antennas should not be allowed in CRN.	Auto rental services (no storage lot) are just offices. Rooftop mounted antennas are allowed in all zones. Restaurants provide a necessary neighborhood service - and can be an important focal point for a community. The other uses provide basic services but have been dealt with as limited uses and/or will typically require site plan to ensure compatibility.
69	15.500	V10	Reinstate auto sales, outdoor or allow a more passive vehicle-related use: vehicle inventory storage.	The Board has debated this issue and decided to remove the use from the CRN zones.

70	15.510	A5	Is 100' buffer height or width.	Width from adjacent or confronting property line.
71	15.510	V1	Setbacks required by limited uses will make certain uses unavailable to certain property owners.	This is a possibility, we have crafted a proposal that would allow limited uses within these setbacks if other mitigating provisions are provided.
72	15.511	V7	A staff-level review of limited use site plans should be instituted, rather than full site plan.	We do not necessarily disagree but are not proposing to change review procedures with this amendment.
73	15.512	E9	Restricting retail uses to 100' from residential and requiring a site plan is redundant.	We disagree; setbacks do not entail good design - they only provide one thing: a buffer.
74	15.512	K18	Are the references to "an applicable right-of-way" meant to refer to the right-of-way defined in 15.511?	Yes.
75	15.600	W2	Retain priority retail streets and streetscape sections.	Without a site plan, it is not feasible to require DPS to implement master plans through the building permit process. With a site plan, a project must comply with the applicable master plan and design guidelines, which makes these provisions redundant. Preliminary plans also must be found to comply with the applicable master plan and can institute streetscape provisions.
76	15.610	D2, W7, W11	Delete language proposed that allows the Board to ignore the master plan if "events have occurred to render [it] no longer appropriate".	This was discussed by the Board and felt necessary due to the long life spans (up to 20+ years) of master plans. It is time-tested through the subdivision regulations.
77	15.610	D6, W7	Development should "conform to" rather than "be consistent with" the applicable master plan.	We have been advised that these are legally equivalent terms.
78	15.620	A8, A13	Streetscape standards are not set.	Zones do not set streetscape standards. Further, if conformance with master plans and guidelines is required, streetscape and priority retail street requirements are redundant.
79	15.620	B1	Design guidelines should have "teeth".	Guidelines are developed with the community during the master plan process; any site plan must substantially conform to these guidelines. See Section 59-C-15.61.
80	15.620	F1	Bike requirements should be modified to require a total number of secure spaces and a minimum number of publicly accessible spaces.	We feel the bike requirements proposed will better serve employees, residents, and visitors/patrons.
81	15.630	A8	Parking setbacks should equal those prescribed by 59-E-2.8.	Standards for parking setbacks proposed are more than adequate to buffer from residential uses.

82	15.630	A8, A13	Parking standards of 59-E are "time-proven".	The CR zones propose reductions in our parking standards based on new market and engineering standards and to promote more walkable, transit-oriented development. They are closer to current parking study recommendations being done with consultants for MNCPPC & the County.
83	15.631	A9, A13, E4	Parking ratios are too low.	See comments on 15.630. These are minimums, the market and lease requirements will drive parking provisions closer to the maximum.
84	15.631	B1	Parking should be broken out between level 1 & level 2 transit.	We rely on the zoning differences between CR, CRT, and CRN to require the appropriate levels of parking rather than differences in transit level. That is, if diverse and accessible transit is not available, CRT - with its higher parking requirements - is probably more appropriate than CR. Other factors also need to be taken into account, such as the diversity of uses, density, etc.
85	15.631	F1	Parking ratios for retail and restaurants should be tied to gross leasable area without a requirement for parking for outdoor patron area.	Done.
86	15.632	A5	What are publicly accessible parking spaces?	Spaces that are not restricted to anyone in particular. For pay or free.
87	15.632	A9, A14	Accepted parking spaces across lot lines is unclear.	Parking is analyzed and approved per application. Any development that crosses lot lines or parking lot district boundaries will be analyzed individually. Sites within PLDs have the same requirements as sites outside PLDs but may pay a fee rather than provide on site parking.
88	15.633	K24	The Board should have case-by-case discretion to decide parking space location and access compliance.	They can through the waiver process. Basic urban design parameters should be the rule; changes should be the exception.
89	15.635	F1	Landscape and lighting requirements for parking should not be required for existing parking lots during interim or phased development.	This may be the case and can be dealt with through a phasing plan with a waiver of the requirements during early phases and full compliance at complete build-out.
90	15.636	W11	Parking waiver provision allows for arbitrary results. Who decides and when? Will DPS and MNCPPC have different bases for decisions?	There are standards and guiding principles incorporated in this provision. We could develop a joint policy.

91	15.641	M2	Parking ratio factor for CRN uses greater than 1/2 mile from transit should be 1.0.	The reduction to 0.8 is on a par with other jurisdictions, market feedback, and the recent parking study (see comment 82).
92	15.645	A9, A13, A14	Trees along a property line and tree coverage of parking areas are different.	They are meant to be and address separate issues, viz., buffering and heat island/swm, respectively. They are not mutually exclusive.
93	15.710	D6	Standard method for the CR zones should remain at 0.5 FAR & 40'.	See response to comment 35 above.
94	15.710	M2	Angular plane measuring point should be lowered from 55' in CR to 40' in CRT and 25' in CRN.	This may work and should be modeled out on the maps developed with the new categories.
95	15.720	A9, A14	Do setbacks apply to confronting properties and parking lots.	Setbacks do not apply to confronting properties except for limited uses; typically the right of way provides more than enough buffer & we want buildings to define streets and increase the safety and pleasant atmosphere of sidewalks. Parking lots have their own setbacks - see Section 59-C-15.63.
96	15.730	A14	CT requires 10% green area and CR should provide similar open space; the term "limits of disturbance" is unclear.	Green area in commercial zones includes plazas and sidewalks and is typically mostly impervious. Open space on small lots would not necessarily create more real green - such as trees and landscaping. The public use space requirements are meant to create urban form with better-defined streets and consolidated, larger open spaces where permeable open space is more feasible.
97	15.730	A2	What is public use space calculated on?	Net lot area; new markup should be clear.
98	15.730	A9, A14	What is "operations" referring to?	Operation of a public park or public use space - could be clarified in Section 59-C-15.73(d)(2).
99	15.730	B2	The pay-in-lieu option for public use space should only be done in consultation with the affected community.	This option is only allowed subject to Board approval. The community, therefore, will be able to participate in any hearing for an application that proposes to make a payment in lieu of providing on-site public use space.
100	15.730	D7, D19	Public use space should be required at a rate of 10% for all standard method development; optional method development should have higher public use space requirements; removed requirements should be reinstated.	Public use space does not always make better (or greener) communities. 10% on all lots typically means more fractured open space or a lot of small, unusable spaces. Optional method development should provide open space according to master plan priorities and context, a higher number alone won't get us there.

101	15.730	F2	Public use space payments should be calculated based on CR Zone Implementation Guidelines, not per the formula in the zone.	These calculations may be needed for standard method projects, which do not fall under the purview of the Guidelines.
102	15.730	W11	Shouldn't delete requirements for public use space on sites larger than 3 acres.	This is a misunderstanding, sites greater than 3 acres have to provide public use space, but may do so off site or make a payment instead.
103	15.730	W3	Restore previous language for provision of open space improvements off-site or make a payment instead.	The provisions of this section were incorporated into revised off-site and pay-in-lieu standards that allows a more flexible response to master plan open space objectives.
104	15.740	F2	Residential amenity space should include balconies, enclosed courtyards, or other private assembly space.	Only if it is accessible to all residents. If this is the intention of the comment, it can be clarified in the code.
105	15.800	A14	Some public benefits should be incorporated in good design and shouldn't be used for incentive density.	Design is not regulated, per se, in MD law; as benefits offered through optional method, proffers allow for a greater review authority by the Board. The benefits are meant to work together with policy objectives regarding sustainability, diversity, etc.
106	15.800	A6, W8	Certain public benefits should be removed. See W27.	Certain public benefits are synergistic with policy. Transit proximity, through-block connections, etc work hand-in-hand with County objectives, such as TOD, master plan goals, ESD, etc. Development should be encouraged where it benefits everyone.
107	15.800	C1	Improvements required to make a site function properly, should not qualify as public benefits for incentive density.	Making the determination between what is done to make a site function properly and what is done as a public benefit that is not otherwise necessary seems too difficult to codify.
108	15.800	F2	Category requisites should be removed.	They have been.
109	15.800	L1, L2	Required and optional public benefits should be reconsidered.	Public benefit requisites were removed.
110	15.800	W10	The Board, not the Applicant, should decide which public benefits it will accept for incentive density.	We think this is clear in the law.

111	15.800	W3, W12	Retain existing special regulations for the optional method of development. Major public facilities should retain master plan designation; incentive density guidelines should have to be consistent with the applicable master plan.	When the Board takes up a set of proposed public benefits, it must consider the policy objectives and priorities of the applicable master or sector plan (59-C-15.83). In many cases, a master plan recommendation for a public facility may be set in a master plan but need modifications due to government funding or structure that should be accommodated by a more flexible zone. Further, in the example of the Friendship Heights recreation facility, what was provided was not what was recommended in the master plan and, thus, could not have been accepted for incentive density. This amendment addresses that problem. Incentive density guidelines cannot - in themselves - be consistent with the multiple sector plans they help implement; only each individual application can.
112	15.820	B2, C1	50 points is too easily obtained given other County regulations.	The benefits are meant to work with other regulations, such as recycling programs and stormwater management. In many cases, the compliance rate on some regulations is low and the added incentive to incorporate better recycling, energy efficiency, etc. will lead to better compliance and results.
113	15.820	E9	Point minimums for each category may not be feasible.	They have been removed.
114	15.820	K32, K33	Public benefits required should be restructured such that b & c are under a. 50 points is too high for CRT.	This will be changed.
115	15.830	D14	Incentive density should be granted for public benefits that "conform to" the applicable master plan.	We feel the existing language is sufficient and appropriate to implement master plan recommendations.
116	15.830	K33	Refer to actual approved CR Zone Incentive Density Implementation Guidelines.	This can be changed.

117	15.830	W4	Change the reference to enhancements that increase public access and enjoyment of public benefits back to its existing language.	The addition of the language (underlined), "Enhancements <u>not listed in the individual public benefit description or criteria</u> that increase public access to or enjoyment of the benefit," was added to clarify what kind of enhancements were applicable. This does not change the requirements of the individual public benefits, only ensures that citizens and developers know what kind of enhancements will be considered. These enhancements must provide elements above and beyond the criteria enacted in the law. The language "not listed" could be changed to something like "above and beyond".
118	15.840	D2, D8, D14	The Board should not have the discretion to add public benefits not listed.	It doesn't. But a provision reiterating this will be restored.
119	15.840	D8, D14, D15	Incentive Density Guidelines should be more specific and should conform to the applicable master plan & design guidelines.	Guidelines cannot conform to a group of master plans; they will be used project by project in a variety of master plans. The project is the thing that needs to conform to the master plan.
120	15.840	K34	Reinstate provision that the implementation guidelines can "only address the public benefits listed in Sections ... and must not add a public benefit category".	See response to comment 118 above.
121	15.840	W4	Retain the provision that the Incentive Guidelines "only address the public benefits listed in [Section 59-C-15.85] and must not add a public benefit category".	First, this section referred to categories, not individual public benefits, which calls into question its intent. Second, if the Guidelines must be "in addition to any standards, requirements, or rules of incentive density calculation included in this Division, but may not supersede those provisions", we fail to see how a public benefit can be added without offending the above provision. Regardless, the Board has asked that the provision be retained.
122	15.850	C1	It should be clear that the Board decides how many points are allocated and has discretion over which benefits to accept for incentive density.	We feel this is clear.
123	15.851	C2, D8	Transportation and infrastructure upgrades should not be included in Major Public Facilities.	These upgrades may be necessary long before funding is available and this provides a means for the private sector to implement a project for the greater good while receiving an incentive to do so.

124	15.852	C2	Reduce all Transit Proximity points by 1/2.	We feel the transit levels are about right, and actually have sympathy for the idea that all level 2 points should equal 1/2 of the level 1 points. These zones, in part, are meant to focus growth in certain areas where environmental and infrastructure impacts are less.
125	15.852	E7	Is CRT level two transit proximity the same as the percentages allotted in CR? Have points for CR been reduced?	No, it is half or less. No, the percentages have been converted to points at the same value.
126	15.852	E7	Confronting was added to transit proximity? How is confronting defined?	This was not added; it means directly across a right-of-way from.
127	15.852	H1, H2, K36	Transit proximity for level 2 between 1/4 and 1/2 mile should be increased from 5 to 10 points for CRT. Or generally 1/2 of CR.	We agree the CRT transit proximity levels should generally be 1/2 the CR transit proximity levels.
128	15.852	L2, R1	Transit proximity should not allow incentive density for planned transit stops.	This provision was originally developed and approved because there is a synergy between density and transit - they work hand-in-glove and support each other.
129	15.852	S2	Measurement to a "portal" is too vague.	Examples can be provided in the Guidelines.
130	15.853	C2	Reduce all points in the Connectivity category to 15 max.	We feel the "floors" and "ceilings" for points are appropriate but will better define the calculation parameters and formulas in the Guidelines.
131	15.853	D9, D15	Minimum parking should be clarified; public parking should be rationalized with minimum parking requirement; transit access improvement, trip mitigation, grey-field development, and advance dedication should be deleted.	We disagree.
132	15.854	C3	Point allocation for care centers should be proportional; small business retention is unenforceable; enhanced accessibility does not go beyond code.	A proportional care center formula can be developed in the Guidelines; small business "retention" should be changed to small business "opportunities"; this does go beyond code requirements.
133	15.854	D9, D10, D16, E7	MPDU and WFHU provisions should be clarified. Density should not be granted for units required under Chapter 25A and 25B.	The examples will be refined and expanded. No points are being awarded for required MPDUs - only for those above 12.5% according to 25A.
134	15.854	K39	Change "Small Business Retention" to "Small Business Opportunities".	We agree.
135	15.855	C4	Having a public charette should not be awarded incentive density, it should be required for the process.	A charette is different from the required public meeting and can offer a valuable way for the community to be involved early in the process.
136	15.855	D10, D16, D17	Historic resource protection, structured parking, public open space, exceptional design, architectural elevations, and public charette should be deleted.	We disagree.

137	15.855	K40	Change historic resource protection to include individual resources or property within a historic district.	We agree.
138	15.855	S2	How can exceptional design be granted points if designs aren't finalized until site plan?	It is a commitment by the applicant. If the Board reviews the final design at site plan and cannot make the findings necessary, it can reject the application and require changes and/or a different public benefit.
139	15.856	C5	Recycling facility plan is required by code.	But compliance is lower than desired because they are typically retrofitted into approved site plans, which may not be the best fit. If integrated earlier, compliance will rise and residents/employees will benefit from the better design.
140	15.856	K43	BLTs for CRT should start at 1 BLT per 30,000sf.	We agree.
141	15.856	K44	Does "at least" allow additional points?	Yes.
142	15.900	A14	How will binding elements from rezoning cases be affected if the CR zone is applied?	They will continue to be binding as long as the DPA is in place unless the applicant chooses to develop under the CR zone regulations.
143	15.900	E14	Grandfathering language can be changed to allow interim uses for areas with planned rather than existing transit stations.	We would have to see language to make any assessment of this.
144	15.900	K2, K47	Approved sketch plans should be grandfathered as approved and under the zone as it is when they are approved. (see K2 for detailed language.)	We are not opposed to the idea but defers to legal counsel to review proposed language.
145	15.900	V9, V11	Lawfully existing non-structural uses should be grandfathered.	Agreed, we will present to the Board.
146	15.3 & 15.73	A9	What is LOD? Is the definition clear enough.	It is defined in the zone. An example could be inserted here or in the implementation guidelines for further clarity.
147	15.511, 15.72	K17, K27	Limited uses should not be limited when adjacent to or confronting residential zones that are recommended or used for non-residential uses. Ditto setbacks.	We do not necessarily disagree and will ask the Board to discuss.
148	general	A3	Where/Why are default CR zones recommended in staff recommendation being discussed.	Before the zoning rewrite, all CR zones (CRN, CRT, & CR) will be vetted master plan by master plan. Conversion is an incredibly comprehensive and difficult matter - not part of this ZTA.
149	general	A3	Proposed CRN & existing CT are not one-to-one.	CRN uses are proposed to provide those services that neighborhoods frequently use and rely on with protections through site plan and "L" restrictions. See comments for section 15.41.

150	general	A7	Small properties should provide "green space".	"Green space" includes sidewalks, plazas, etc and is not necessarily vegetated. Generally open space is better consolidated in particular parks, promenades, and boulevards.
151	general	E1	The agenda webpage should have a current redline.	Most up to date has been put on the agenda (2/17).
152	general	E16	What restrictions are proposed for the CRN zone to protect neighborhoods?	Limited density and height; limited uses with site plan review; many more intense or larger uses prohibited.
153	general	E20	Quoted from a letter not submitted as testimony: "In addition, there is virtually no opportunity for meaningful public participation under the standard method".	We disagree. See response to comment 51 above.
154	general	E5	Large projects should provide major master-planned public facilities.	If those projects have major master-planned facilities on their property. Otherwise, they can contribute funds but only with the changes in the proposed ZTA unless the facility is within the CIP.
155	general	E5	All development should be compatible with adjacent communities.	If the Council approves a zone, development that complies with the zone and is approved by the necessary process is deemed compatible. This is why so many details are worked out in master plans and zoning text before any development is even conceived.
156	general	E9	Use of public benefit requisites and increased standard method is helpful if CR zones are proposed where the requisites can be met?	Public benefit requisites were removed.
157	general	L2	What is the relationship between densities in CRT, TOMX, and other mixed use zones?	CRT would allow up to 0.5 to 4.0 FAR depending on how it is mapped; TOMX and TMX both allow up to 2.0 FAR; TSM allows up to 3.0 FAR; the CBDs range from up to 0.5 to 8.0 FAR.
158	general	R1	Transit corridors should be based on WMATA plans for two-way bus lines. (See R2 - R19.)	This may be used for determining where density and more intense TOD zones should be used, but it does not affect the zones that should be available in the toolkit.

159	general	S5	CR zones place greater priority on density and future residents, rather than existing residents and their current high quality of life.	We absolutely disagree. The CR zones proposed are not focused on density over quality; although they do look to the future for our existing and incoming residents. The objectives of the zone respond to the social, environmental, and quality of place goals of the County and each individual master plan. In many cases in Kensington, for example, density is remaining at similar levels and only targeted for increases at the most intense intersection.
160	general	S5	Master plans should retain their primacy over zones. Higher density zones shouldn't be allowed to predominate the County.	Unless a zone establishes the ability for a master plan to over-ride a development standard (and only by decreasing, not increasing, density or height); zones trump master plans with regard to development standards. Master plans make zoning recommendations, but sectional map amendments codify the zone for any property and are incorporated in Chapter 59 of the County Code. But master plans can give a wealth of guidance in other ways, which is why the requirement for conformance to the master plan is so important. Higher density zones, by which we assume the comment means anything that is not single-family residential, are only being proposed in a few pending master plans comprising a minute area of the County's area. In fact, all the commercial and mixed use zones existing in all the County comprise only a few percentage points of the area.
161	general	S5	Lack of sketch plan and too-high site plan thresholds means public won't get adequate notice or be able to participate meaningfully.	The public must be notified of any site plan or sketch plan application and all hearings are open to the public. The thresholds for CR zones are much lower than many commercial or mixed use zones.

162	general	W1, W2, W7	Restore all references to master plans and sketch plans.	Requirements for master plan compliance have only been removed where a finding or analysis was redundant. If, for example in Section 59-C-15.43, a sketch plan must be found to further the goals and objectives of the master plan, there is no need to find that the public benefits generally must further the goals and objectives of the master plan. Especially when there are further references to the master plan in the considerations made by the Board in Section 59-C-15.83.
163	general	L4	Big, car-oriented retail use locations should be analyzed more.	These have been analyzed over the past 12+ months and will be continually debated throughout the process.
164	Kensington master plan	E16	Use of minimum parking is a public benefit should be limited in Kensington.	See response to comment 83 above.
165	Kensington master plan	E17	Will CRN ensure townhouses and offices instead of parking lots, auto dealerships, and repair shops?	It is probable that this is more likely to happen, but it cannot be assured unless those were the only uses allowed in the zone, which we do not recommend as a true neighborhood-serving, mixed-use zone.
166	Kensington master plan	E2, E3, E16	Population density, traffic impacts, and school overcrowding need to be more carefully reviewed.	This is an issue for the master plan; the zones simply need to have the flexibility to provide the right tools to respond to policy objectives related to these issues. (For example, density & height limits, recreation provisions, transit access improvements, pedestrian-oriented amenities, open space, etc.)
167	Kensington master plan	P1	Zoning in the master plan should set heights that step down from 60' to 45' to 30' to 25' next to detached houses.	This is more of a master plan issue, the zones established provide the tools to do something similar, but not even our single-family residential zones have heights below 35'.
168	master plans	E6	What is the process and timeline for CR zone implementation for the sector plan?	The CR zones ZTA will, hopefully, be adopted prior to the end of work sessions on the sector plans, which are being discussed over the next several months. The ZTA will be sent to the Council for introduction, back to the Board for a hearing and recommendation, and then back to the Council for more committee work sessions and a hearing.

169	master plans	E6	Does the sector plan "trump" the zone? Or is there flexibility to exceed the master plan recommendation? Can the density be changed in the master plan after it is approved?	See response to comments 160, 161, and others above.
170	master plans	E6	How is public input taken in the sector plan process? Does the Town Council vote on it? Will the Board review it again?	The sector plan is discussed by the Town Council, the Planning Board, and the County Council - all in open, public meetings. Each body produces some kind of approval, resolution, and/or recommendation on the sector plan.
171	master plans	E7	Is there a major master planned facility in Kensington? Would the MARC parking lot be considered one and be eligible for 40 points?	There is not a major master-planned public facility specified in the sector plan so far. The parking lot would not qualify because the property owner is contractually obligated to build it already. Some other option, for example a parking structure for the town, could be, but the master plan would have to identify it as such.
172	master plans	S8	Design guidelines should be placed in master plans.	This has been presented and discussed several times. The Board and the Council have elected to keep them separate.
173	process	E9	Why aren't the amendments worked out with the Kensington Revitalization Committee included(see E11 - E13)? Or used in an overlay zone?	This was brought to the Board and a simpler ZTA was sent to the Council and rejected. The Board and the Council have both asked us to draft a "CR-Lite" as an alternative to those amendments or an overlay zone to address issues of public benefits, density, use, etc.
174	sketch plans	E7	What sketch plans are pending?	Three sketch plans for White Flint have recently been approved; there are no pending sketch plans as of 2/24/11.
175	zoning rewrite	E16	Rezoning efforts for the whole County are on a fast track. Will master plans still take precedence?	The rezoning effort is a multi-year project and is not on any kind of "fast track". Master plans recommend zoning; but zoning remains the law under which development proceeds. There are overlaps and ties between the two, but it depends on the zone's requirements and standards.
176	zoning rewrite	L1, L2	Parking and uses should be considered in the context of the zoning rewrite.	Master plan schedules are running well ahead of zoning rewrite process, to say nothing of any comprehensive re-mapping. Zones for mixed use areas are necessary for pending master plans.

177	zoning rewrite	W1	Use existing zones rather than any new CR zones for the pending master plans while zoning rewrite proceeds with new mixed use solutions.	While the CR zones were presented to the zoning rewrite advisory panel was asked to comment on the original CR zones, the CR zone and the current amendment were always on separate tracks than the more comprehensive zoning rewrite. Existing zones, including MXTC, CBD, CT and others have been reviewed and analyzed against the existing and proposed CR zones for each master plan and presented to the PHED Committee and the Board. Each reviewing body has supported the CR zones as the best alternative and given direction when it thought modifications should be made in the pending amendment.
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