

MEMORANDUM

July 3, 2024

TO: Planning, Housing, & Parks (PHP) Committee

FROM: Pamela Dunn, Senior Legislative Analyst
Livhu Ndou, Legislative Attorney
Bilal Ali, Legislative Analyst
Naeem M. Mia, Legislative Analyst

SUBJECT: Attainable Housing Strategies Initiative

PURPOSE: Review small-scale and medium-scale recommendations.

Expected Attendees

- Artie Harris, Chair, Planning Board
- Jason Sartori, Director, Planning Department
- Lisa Govoni, Acting Planning Supervisor, Countywide Planning & Policy
- Benjamin Berbert, Planner III, Countywide Planning & Policy
- Caila Prendergast, Graduate Assistant Intern, Countywide Planning & Policy
- Atul Sharma, Assistant to the Deputy Director, Director's Office
- David Anspacher, Acting Chief, Countywide Planning & Policy

A. Background

In March 2021, the Council requested that the Planning Department undertake an effort to consider zoning reforms to allow opportunities for more diverse housing types in the county, to provide opportunities for public input, and to send recommended zoning modifications to the Council.

Subsequently, the Planning Department initiated the Attainable Housing Strategies initiative (AHS) to review, study, and identify various housing policy options. In 2021, a draft report was produced representing the findings of the early analyses and recommendations of the previous Planning Board. Since 2021, Planning staff has undertaken a thorough review of the prior analyses and recommendations with the current Planning Board. The Board sent a revised report containing updated analyses and recommendations to the Council on June 14, 2024. The recommendations contained in the study are intended as a guide for drafting future legislation. They represent a starting point for discussion with the PHP Committee.

This staff report covers the Small and Medium Scale sections of the study. The July 22 worksession will cover Large Scale and other recommendations, as well as other code and policy considerations.

The Planning Board's Attainable Housing Strategies initiative can be viewed at: <https://montgomeryplanning.org/wp-content/uploads/2024/06/2024-AHS-Final-Report.pdf>

B. Small Scale Recommendations

Small scale attainable housing includes house-sized duplexes and multiplexes (triplexes and quadplexes). Small scale attainable housing is what will be found in single-family neighborhoods.

Geographic Applicability/Priority Housing District

The Planning Board recommends allowing duplexes, triplexes, and quadplexes by-right in the R-40, R-60, R-90, and R-200 zones as follows:

- duplexes in all R-40, R-60, R-90, and R-200 zoning blocks across the county;
- triplexes in all R-40, R-60, and R-90 zoning blocks across the county, and in R-200 within the Priority Housing District;
- and quadplexes in the R-40, R-60, and R-90, and R-200 zoning blocks within the Priority Housing District.

This breakdown would allow duplexes throughout the four zoning districts, but only allow triplexes and quadplexes in the R-200 zoning district if within the Priority Housing District. Conformance with a pattern book approved by the Planning Board would provide objective form-based standards. The below map shows the areas impacted by zone:

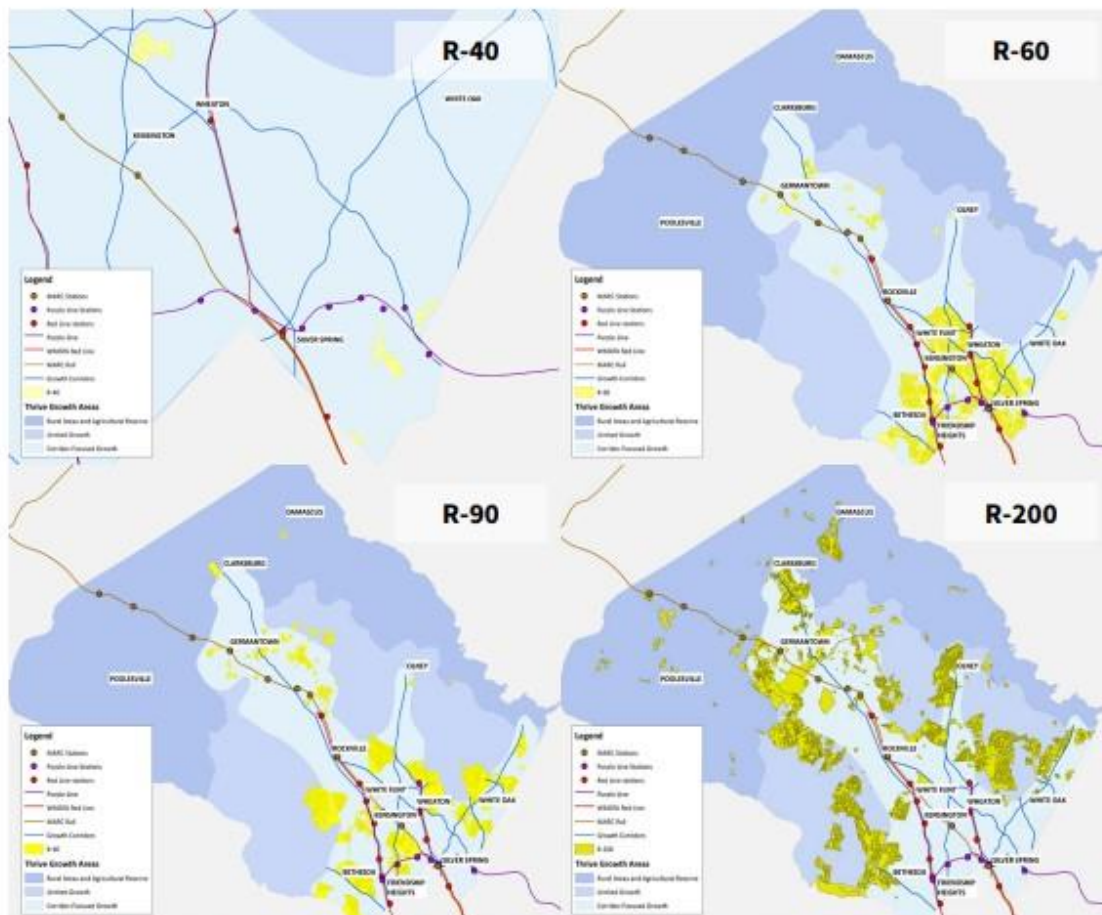
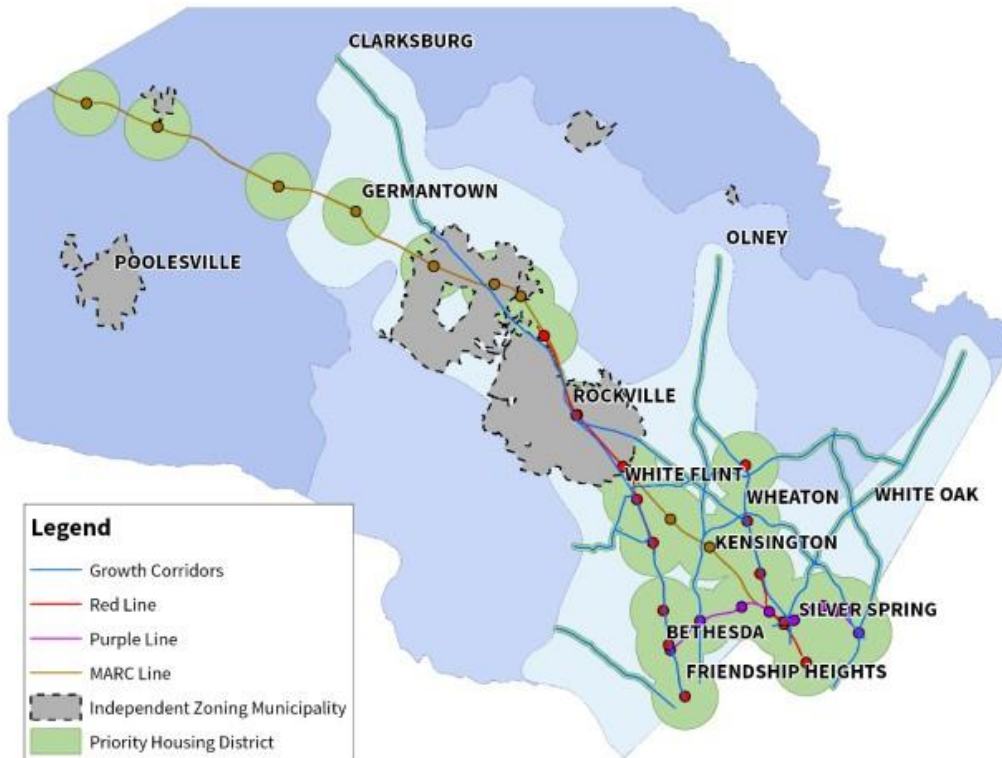


Figure 5 Maps showing the location of properties zoned R-40, R-60, R-90 and R-200 relative to the growth tiers identified in Thrive Montgomery 2050

The Planning Board recommends establishing a Priority Housing District, where quadplexes would be allowed and parking requirements would be reduced, and where triplexes in the R-200 zone would be permitted. The below map shows where this District would be. It is drawn using a straight-line buffer of 1 mile from the Red Line, Purple Line, and MARC Rail stations, plus 500 feet from a Growth Corridor.¹

¹ The Growth Corridor includes most of the County's planned and existing BRT routes.



Council Staff suggests the Committee support the idea of allowing duplexes by right, and multiplexes under certain circumstances. However, Council Staff suggests additional discussion of the Priority Housing District.

The inclusion of the R-200 zone in this initiative does ensure that some larger-lot areas of the County will be able to achieve attainable housing. Council Staff suggests a Racial Equity and Social Justice (RESJ) evaluation may be beneficial in determining whether 1 mile from the identified transit lines and 500 feet from a Growth Corridor addresses the County’s RESJ needs. Specifically, while there are benefits to locating housing near transit, an RESJ analysis could determine whether this distance combined with the other suggested changes provides a meaningful racial and socioeconomic integration.

Undersized Lots

Planning Staff examined the residential lot sizes in the R-60, R-90, and R-200 zones to determine how many undersized lots exist in the Residential Detached Zones and where the lot sizes are smallest. An undersized lot is a lot that does not meet the minimum size requirements for the zone.

<u>Zone</u>	<u>Average Lot Size</u>	<u>Minimum Lot Area</u>	<u>Number of Undersized Lots</u>	<u>Percent Undersized</u>	<u>Average Undersized Lot Size</u>
R-60	8,000 sq	6,000 sq	10,623	18%	5,400 sq
R-90	12,000 sq	9,000 sq	6,352	21%	7,700 sq
R-200	19,000 sq	20,000 sq	32,149	72%	12,600 sq

Total			49,304	37%	
--------------	--	--	---------------	------------	--

The issue of undersized lots matters because sufficient space is needed to create the type of house-scale attainable housing envisioned by this study. While there are approximately 49,000 undersized lots in the R-60, R-90, and R-200 zones, making up about 37% of the total, most of these lots are in the R-200 zone. The minimum lot area in the R-200 zone is 20,000 square feet, but the average lot size is 19,000 square feet, and over 70% of the lots in the R-200 zone are undersized. A major reason for this is because, under the optional method of development, a detached home can be built in the R-200 zone on as little as 6,000 square feet.

According to Planning Staff, while these lots are considered “substandard” (another way to describe undersized lots), they are still large enough to accommodate duplexes, triplexes, and quadplexes. The below figure from Planning shows an example of each building type on these undersized lots:

Undersized lot study: A 5,000 sf lot in R-60 Zone



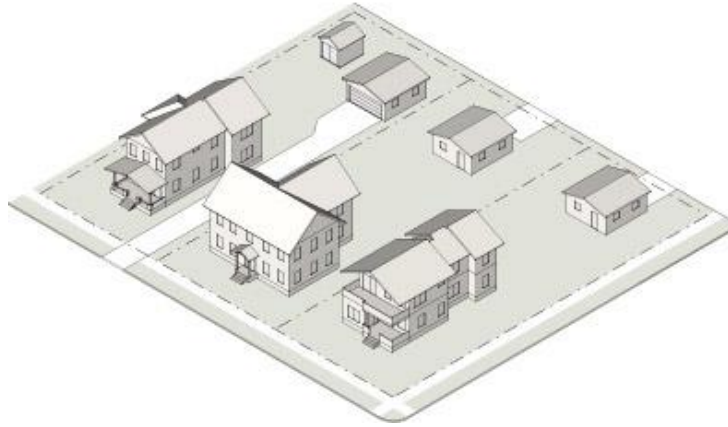
Zoning Changes: Building Types and Use Standards

The Zoning Ordinance contains both use standards, in Division 3, and building types, in Division 4. Building types describe the physical form of the building while the use standards lay out the specific standards.

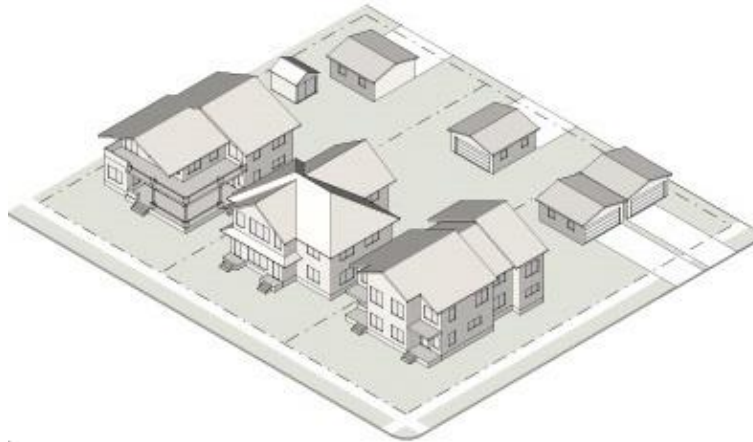
Building types

The building types are based on the underlying zone. Section 4.1.3. describes the building types allowed in the Agricultural, Rural Residential, and Residential Zones. The Zoning Ordinance currently has the following definitions:

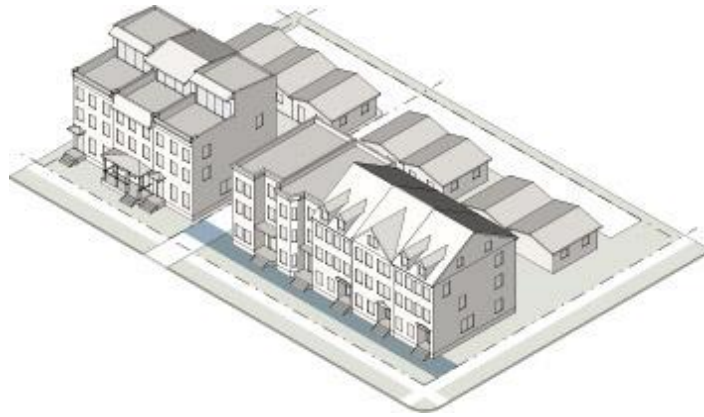
“A detached house is a building containing one dwelling unit that may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care. A Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone is a building that accommodates only a Cultural Institution, Religious Assembly, Public Use, or an approved conditional use allowed in the applicable zone under Article 59-3, Uses and Use Standards. This building type includes buildings used for agriculture associated with Farming.”



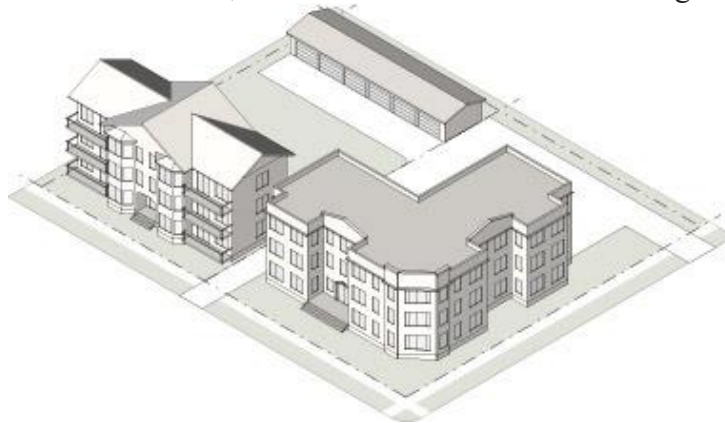
“A duplex is a building containing 2 principal dwelling units that may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.”



“A townhouse is a building containing 3 or more dwelling units where each dwelling unit is separated vertically by a party wall. A townhouse may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.”



“An apartment building is a building containing 3 or more dwelling units vertically and horizontally arranged. An apartment may contain up to 10% of the gross floor area as Retail/Service Establishment uses, otherwise it is a multi-use building.”



The Planning Board recommends adding a new building type for triplexes and quadplexes and amending the definition for townhouse and apartment building types to avoid any inconsistencies or overlap. The Board recommends adding the following definition for a multiplex:

“A multiplex is a building containing three or four principal dwelling units where each dwelling unit has discrete access and is fully separate from the other units. Multiplexes may have the units arranged horizontally, vertically, or a combination of the two. A multiplex may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care. A three-unit multiplex is also known as a triplex, and a four-unit multiplex is also known as a quadplex. A building is not a multiplex if it otherwise meets the definition of a townhouse.”

The Planning Board recommends combining the definitions of a triplex and quadplex rather than creating 2 separate definitions. The recommended use standards would provide guidelines as to where each is appropriate. Note that the definition makes clear a building is not a multiplex if it meets the definition of a townhouse.

The Board also recommends amending the definitions of a townhouse and an apartment building as follows:

“A townhouse is a building containing [3] 5 or more dwelling units where each dwelling unit is separated vertically by a party wall. A townhouse may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.”

“An apartment building is a building containing [3] 5 or more dwelling units vertically **and** horizontally arranged. An apartment may contain up to 10% of the gross floor area as Retail/Service Establishment uses, otherwise it is a multi-use building. An apartment building with 19 or fewer dwellings is also known as a small apartment building.”

These amendments would make clear that any 3- or 4-unit attached structure is a multiplex regardless of how the units are arranged. The Attainable Housing Strategies study recommends multiplex buildings by-right under the standard method of development, but not townhouses; so, this distinction on building types is important. Further, other parts of the study recommend small apartment buildings be allowed as a building type under the medium-scale attainable housing recommendations, so that term would be defined under apartment building.

Council Staff suggests the Committee support creating a definition for a multiplex that includes both triplex and quadplex, and to amend the definitions for a townhouse and an apartment building. A subsequent ZTA should include what standards will be unique to a triplex and a quadplex, if there are any differences.

Use Standards: Definitions

Section 3.3.1., Household Living, of the Zoning Ordinance currently has use standards for the following housing types:

- **Single-Unit Living** – 1 dwelling unit contained in a detached house building type.
- **Two-Unit Living** – 2 dwelling units contained in a duplex building type.
- **Townhouse Living** – 3 or more dwelling units in a townhouse building type.
- **Multi-Unit Living** – dwelling units in an apartment or multi-use building type (includes ancillary offices to manage, service, and maintain the development)

The study recommends amending the definition of Townhouse Living to say 5 or more dwelling units, and adding multiplex to the definition of Multi-Unit Living:

“Townhouse Living means [3] 5 or more dwelling units in a townhouse building type.”

“Multi-Unit Living means dwelling units in [an] a multiplex, apartment, or multi-use building type. Multi-Unit Living includes ancillary offices to manage, service, and maintain the development.”

The study recommends amending the definition of Townhouse Living to match the definition of a townhouse building type recommended above. The study also recommends including multiplexes in the definition of Multi-Unit Living because there is no technical difference in the use, as it is a residential dwelling unit attached to other dwelling units in a form that does not meet the

townhouse definition. According to Planning, the distinguishing characteristics come from the building type, not the use itself.

Council Staff suggests the Committee support these recommended additions to building type and clarifications to use standards.

Use Standards: Limited Use Standards

Section 3.3.1., Household Living, of the Zoning Ordinance contains specific standards for each housing use. These include both limited and conditional use standards. To implement duplexes and multiplexes under the standard method of development in the R-40, R-60, R-90, and R-200 zones, Planning Board recommends amendments to the limited use standards for Two-Unit Living and Multi-Unit Living.

Under the current Zoning Ordinance, Two-Unit Living is allowed as a limited use in the RE-2C, RE-1, R-200, R-60, R-90, and the Employment (GR, NR, LSC, and EOF) zones under various standards. In the R-200 zone, Two-Unit Living is permitted as part of a development including optional method Moderately Priced Dwelling Units. In the R-90 and R-60 zones, Two-Unit Living is permitted as part of a development including optional method Moderately Priced Dwelling Units or optional method Cluster Development.² The study recommends amending the Zoning Ordinance to allow Two-Unit Living by-right in the R-60, R-90, and R-200 zones with conformance to a pattern book.³

Council Staff suggests the Committee support this idea.

Under the current Zoning Ordinance, Multi-Unit Living is allowed as a limited use in the Employment zones under certain conditions. The study recommends amending the Zoning Ordinance to allow Multi-Unit Living by-right in the R-90, R-60, and R-40 zones if built as a triplex, or up to 4 units (a quadplex) in the Priority Housing District, all in conformance with a pattern book. The study also recommends allowing Multi-Unit Living as a limited use in the R-200 zone, up to 4 units (a quadplex) if within the Priority Housing District. In other residential zones, the study recommends use standards limit Multi-Unit Living to the multiplex building type under the optional method of development. In this way, Multi-Unit Living would be allowed as a limited use in some form across most residential zones.

As noted above, while Council Staff suggests the Committee support this recommendation, a Racial Equity and Social Justice (RESJ) evaluation to determine the impact of this initiative on racial and socioeconomic integration may be useful. Such an analysis is done for all zoning text amendments; however, it may be helpful to request that analysis in advance of drafting.

Use Standards: “Rules for All Zones”

² Under Section 4.4.2.B. of the Zoning Ordinance, the cluster method of development encourages the provision of community open space for active or passive recreation as well as the preservation and enhancement of natural resources. It does this by allowing flexibility in lot layout and a variety of residential buildings.

³ Duplexes are already a permitted use in the R-40 zone.

Under Section 4.1.2., Compliance Required, of the Zoning Ordinance, in the Agricultural, Rural Residential, and Residential Detached zones, only one detached house is allowed per lot with the exception of Detached Accessory Dwelling Units, Farm Labor Housing Units, Guest Houses, or an Existing Structure on October 30, 2014. The study recommends amending the Zoning Ordinance to clarify that only one principal structure for a detached house, duplex, or multiplex building may be built per lot in the Agricultural, Rural Residential, and Residential Detached zones. In other words, expanding “one detached house” to include duplexes and multiplexes.

Council Staff suggests the Committee support this change.

Use Standards: Standards Tables

Each zone has a development standards table in the Zoning Ordinance. The study recommends several changes to these tables for the standard method of development in residential zones.

The study recommends including columns for duplexes and multiplexes in the R-200, R-90, R-60, and R-40 zones. In certain zones, such as the Townhouse, Multi-Unit, and CR zones, a duplex is divided into 2 unique building types: “Duplex – Side” and “Duplex – Over”. But other zones do not have this qualifier. Because the Planning Board is recommending changes in how minimum lot and tract size are measured (this is addressed in the next section), the Board recommends only one set of duplex standards. The study also recommends adding the development standards for a multiplex in any zone where a multiplex is proposed. The Planning Board recommends that the development standards be the same regardless of whether the multiplex is a triplex or quadplex.

Council Staff suggests the Committee support these modifications, and specifically support the recommendation to provide development standards for a multiplex instead of for a triplex and a quadplex individually. This will provide flexibility in determining how many units should be within a multiplex while still ensuring compatibility of form.

Under the current Zoning Ordinance, the first section in the development standards table for the R-40, R-60, R-90, and R-200 zones is titled “1. Lot and Density.” The Planning Board recommends renaming this section to “1. Building Site and Lot.” The Planning Board then recommends adding and removing certain standards and adding columns for a duplex and multiplex. The proposed changes are shown in the figure below:

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex	Multiplex
1. Lot and Density Building Site and Lot			
Building Site			
Building Site Area (Min)			
Site Area (Max)			
Building Site width at front building line			
Lot (min)			
Lot area per unit			
Lot width at front building line			
Lot width at front lot line			
Frontage on street or open space			
Density			
Density (Units/Acre)			
Coverage (max)			
Lot Building site			
Specification for Building Site and Lot and Density			

Figure 11 Proposed updates to standards tables

Only one building would be allowed per building site. Building site standards would set a minimum building site area equal to the minimum size required for a lot for a detached house in the underlying zone, and the minimum building site width at the front building site line would equal the minimum lot width at the front building site line. This will allow duplexes and multiplexes to be built either in a condominium/co-operative style with one commonly owned structure and lot, or as individual ownership with subdivided lots for each unit. Individual lots for units within a duplex or multiplex can be created at whatever size is practical for each dwelling within the building site area. The standards for building site area and building site width at the front building line help with duplex and multiplex compatibility by retaining existing building placement patterns.

The Planning Board study defines a building site as “all the land associated with any one duplex or multiplex building type and may include one or multiple lots within it.” Council Staff recommends including this definition in Section 1.4.2., Specific Terms and Phrases Defined.

The Planning Board recommends removing density as a development standard in the R-40, R-60, R-90, and R-200 zones. Planning Staff notes that the density rows were a way to determine how many units per acre were allowed based on the minimum lot size for the detached dwelling. Since duplexes and multiplexes allow an increase in density on a units per acre measure, the original metric would no longer be useful. The development standards of building height, setbacks, and lot coverage will remain to regulate development in these zones.

Council Staff suggests the Committee support this recommended change.

Lastly, the Planning Board recommends adding new specifications for site and lot to provide flexibility for existing undersized lots so that they may achieve house-scale attainable housing. Two new specifications are recommended to address the creation of duplex and multiplex buildings on substandard-sized lots or parcels and allow the creation of lots without frontage if the lot is for a duplex or multiplex building and the building site has frontage. The recommended language is:

- a. Building Site-area minimums for duplex and multiplex building types may be smaller than required if the project is on an existing residential lot eligible for a building permit under Section 7.7.1.D.1.
- b. Lots for individual dwelling units in a duplex or multiplex building may be approved without frontage if the Building Site has adequate frontage for access and the plats reflect an ingress/egress and utility easement in a way to ensure every lot has access to a public or private street.

The first specification would allow existing substandard-sized lots to still accommodate and potentially subdivide for house-scale attainable housing, if the lot is otherwise eligible for a detached house. The second specification would allow certain lots for duplex and multiplex buildings to not require frontage on a road or open space if the building site has adequate frontage. This recommendation will assist with subdivision.

Council Staff suggests the Committee support these recommendations.

Pattern Book

The Planning Board study recommends requiring *certain* new house-scale attainable housing created *by-right* in the R-40, R-60, R-90 and R-200 zones comply with the elements of a pattern book. The pattern book will be a complementary document to the development standards in the zoning ordinance.

The Planning Board recommends using a pattern book as part of the building permit process as a tool to ensure clear and objective form-based standards. The pattern book would apply to new construction, which follows the same definition used for the applicability of residential infill compatibility in Section 4.4.1.B of the zoning code. This is defined as a new building, the demolition, and reconstruction of more than 50 percent of the floor area of an existing building, or the addition of more than 50 percent of the floor area to an existing building. The pattern book

would apply to the new construction of standard method duplexes in the R-200, R-90, and R-60 zones and new construction of standard method multiplexes in the R-90, R-60, and R-40 zones.

A key function of the pattern book is to facilitate the construction of duplexes, triplexes, and quadplexes that maintain a house-scale size and form. The pattern book will graphically illustrate the development standards for the underlying residential zones and provide multiple options for building placement and orientation, massing, frontage design, and parking layout based on a variety of lot configurations and sizes (narrow, deep, large etc.).

The pattern book will also provide an overview of the regulatory process, which will include details about development applications, permitting steps, and links to relevant forms. Additional details and guidance for other development related issues such as environmental considerations, safety, and off-site parking may be included in an Appendix. During the development of the pattern book, the Planning Department and the Department of Permitting Services (DPS) will partner to create a review process to ensure applicable development projects conform.

Completing an initial draft of the Pattern Book is estimated to take around *four to six months* focused on initial design work and inter-agency coordination, following which Planning Staff will begin to solicit public input, and make necessary revisions based on that input.

The Planning Board notes that while the entire Pattern Book process may take up to a year, it could begin concurrently with the preparation of any Zoning and Subdivision text amendments. These text amendments could take six months or more to prepare and work through the legislative process, such that the delay in completing the pattern book would be substantially offset by the amount of time to complete the ZTA and SRA.

Council Staff suggests the Committee support the Pattern Book and partnership between the Planning Department and the Department of Permitting Services to develop a thorough and transparent review and approval process. Given the importance of the Pattern Book and the need for close coordination among departments, Council Staff also suggests the Committee schedule a separate and follow-up briefing to provide an update to the public.

C. Medium Scale Recommendations

For medium scale attainable housing, the Planning Board recommends creation of a new optional method of development that would facilitate the construction of medium scale attainable housing along major transportation corridors.

Optional Method of Development

More specifically, the new optional method of development, termed the Attainable Housing optional method (AHOM), would provide opportunities for medium scale attainable housing on certain properties in the R-90 and R-60 zones. In addition to allowing duplexes, triplexes, and quadplexes, the AHOM would be used to construct stacked flats, small townhouses, and small apartment buildings along Thrive-designated Growth Corridors.

As the study notes, the optional method of development is not a new concept, even for properties in the R-90 and R-60 zones. Currently, there are two types of optional method development allowed in these zones, one for Moderately Priced Dwelling Units (MPDU) and the other for cluster development. Under these optional methods, more flexible development standards that often include increased density, reduced setbacks, and additional building types are allowed in exchange for approval by the Planning Board and for providing a pre-defined public benefit. In the case of the MPDU optional method, providing additional MPDUs beyond the code-required minimum allows for a sliding scale of increased density, and the ability to provide duplexes and townhomes in zones that otherwise only allow detached houses. Under the Cluster optional method, clustering development to minimize environmental disturbance and provide more open space is allowed in exchange for smaller lots and additional housing types.

The proposed AHOM would require a minimum site size and work much the same way as the existing MPDU and cluster optional methods. The Attainable Housing optional method would require projects to include units that are size limited as a means of ensuring the development is more price attainable than it may otherwise have been. Lot sizes, setbacks, coverage and building heights would be similar to those allowed by the MPDU optional method today.

In addition, the eligible base density would be set higher than the underlying zone and a further density bonus is offered for projects that provide an average unit size smaller than the established average unit size (max) standard. The Planning Board's suggested average unit size maximum is proposed as a way to achieve the goal of producing attainable housing.

Definition and Applicability

The Planning Board recommends that the definition and description of the AHOM, which would be located under Section 4.4.2.C of the zoning ordinance, read as follows:

C. Optional Method Attainable Housing Development

The Attainable Housing method of development provides an optional method of development that supports the creation of a variety of dwelling unit types. The focus is to limit the size of new dwelling units to promote sizes and prices that are lower than what existing new developments generally provide. Optional Method Attainable Housing Development allows flexibility in lot layout and variety in residential building types. Density is increased above the underlying zoning in a sliding scale that incentivizes the creation of price attainable housing options. The Attainable Housing Optional Method of Development also provides a transition from more intensive land uses or density to less dense areas near existing and proposed transit infrastructure. An applicant's use of this method of development, and site plan approval for portions of such development, are subject to approval by the Planning Board.

Council Staff suggests the Committee support this definition⁴.

The Planning Board recommends allowing the AHOM in the R-90 and R-60 zones on properties:

- Within 500 feet of a Thrive Montgomery 2050 Growth Corridor,

⁴ However, minor changes to the exacting wording may be suggested for consistency.

- recommended for the AHOM in a master plan, or
- recommended for a residential floating zone in a master plan.

The Planning Board is not recommending allowing the AHOM in the R-200 zone because much of the R-200 zone is located outside of the corridor-focused growth area identified by Thrive Montgomery 2050 and is instead located in the limited growth area. The R-40 zone was initially considered for AHOM eligibility, however, there are very few pockets of R-40 zoning in the county and only about two blocks in length where the zoning aligns with the location requirements, making the addition of standards not practical.

Council Staff suggests the Committee support the idea of allowing AHOM in the R-90 and R-60 zones under certain circumstances. However, it may be useful to have more time to consider the benefits of locating medium scale attainable housing, whether it be within 500 feet of a Thrive Growth Corridor, abutting a Thrive Growth Corridor, or some other distance/parameter. In addition, like with the Small Scale recommendations, Council Staff suggests a Racial Equity and Social Justice (RESJ) evaluation may be beneficial in determining whether these parameters address the County's RESJ needs.

Standards of Review

The standards of review recommended by the Planning Board for the AHOM are nearly identical to the other optional methods, and are copied below:

1. Development Approval Procedure

a. Site plan

Approval of a site plan application under Section 7.3.4 is required.

2. Attainable Housing Development Across Different Zones

Optional method Attainable Housing Development may occur across different zones under the following limitations:

a. The differently zoned areas must be contiguous;

b. Uses and building types are governed by the zone;

c. The site requirements in the optional method tables apply; density and open space must be calculated as if each area were developed individually; and

d. The allowed number of units and required common open space may be located in any zone.

3. Usable Area

Density is calculated based on gross tract area.

4. Dedicated Land

Land dedicated to public use for a school or park site may be included in the calculation of the density of development if development of the remaining land satisfies Section 4.4.2.B and the Attainable Housing Optional Method⁵ development standards.

Council staff suggests the Committee support an optional method of development for Attainable Housing that is based on the same optional method process used for MPDU development in the R-90 and R-60 zones.

⁵ The study reference Missing middle development standards here. The reference should be to Attainable Housing.

Elements of the Development Standards Table

The Planning Board recommends basing the development standards tables for the Attainable Housing optional method off similar standards currently applicable to the MPDU optional method, with a few exceptions:

Building Types

The MPDU optional method allows detached houses, duplexes and townhouses. The Planning Board recommends allowing these same building types under the AHOM along with multiplexes and small apartments. As the study states, the Board believes there is a place in AHOM developments for small apartment buildings with 19 or fewer units.

Council staff suggests the Committee support allowing more building types under the proposed Attainable Housing Optional Method than under the Small Scale development rules; however, the Committee but may want Planning to explain the rationale behind defining a small apartment building as 19 units or less.

Maximum Density

As noted above, the Planning Board recommends removing density as a development standard in the development standards table under the standard method of development for the R-40, R-60, R-90 and R-200 zones. However, the Board recommends that density as a development standard be kept as part of the AHOM. Thus, for the R-90 and R-60 zones under the AHOM, the maximum density based on tract would be:

- R-90 zone: 10 units/acre
- R-60 zone: 13 units/acre

The origin of these numbers is the existing density (rounded up to a whole number) that is allowed in under standard method of development for the Townhouse Low Density (TLD) and Townhouse Medium Density (TMD) zones respectively.

It is important to note that included in the AHOM recommendations is a **density bonus provision**, similar in concept to the density bonuses available for the MPDU optional method of development. The Board recommends an increase in density when a project's average dwelling unit size is lower than the maximum allowed average unit size. According to the study, the Board recommends a straight line two-percent density increase for each one-percent decrease in average unit size. This bonus increases the underlying density to over 14 units/acre in the R-90 zone and over 20 units/acre in the R-60 zone for projects providing a 20 percent decrease in average unit size.

For context, under the MPDU optional method, for projects providing 15 percent MPDUs (where the MPDU requirement is 12.5 percent), the density in the R-90 zone is 6 units/acre and the density in the R-60 zone is 9 units/acre. The additional density proposed by the Board for providing below average sized units is more than double what is currently allowed under the MPDU optional method.

Council staff suggests the Committee support a bonus density provision for providing units below the average unit size, to ensure some level of attainability; however, the Committee may want to consider alternative calculations for the relationship between a decrease in average unit size and an increase in density.

Open Space

The provision for open space recommended by the Board is that projects with 10 or more dwelling units provide at least 10 percent common open space, however projects with less than 10 dwelling units do not need to provide open space. Currently, most smaller scale residential projects do not require open space because they typically do not require site plan review. As defined, any project utilizing the AHOM would require a site plan, the provision to exclude projects with less than 10 dwellings from an open space requirement is intended to reduce the burden on the smallest of projects that may only cover a small area (and today would not be required to provide open space).

Council staff suggests the Committee support this provision.

Site Coverage

Site coverage maximums are recommended, with allowed coverage maximums varying by building type with less coverage for detached houses and duplex buildings and more coverage in the multiplex, townhouse, and apartment building types. The coverage amounts are also varied based on the underlying zone, with the R-90 zone having slightly less coverage maximums than the R-60 zone. The recommended coverage amounts roughly follow the coverage limits under the MPDU Optional Method that exists today.

Council staff suggests the Committee support site coverage standards.

Dwelling Unit Standards

The Planning Board recommends adding a new development standard for Dwelling Units that would only be applicable to AHOM development. This section of the standards table would capture the average unit size standard.

The intent behind creating a standard for average unit size is that limiting unit size is one of the few mechanisms the zoning code can employ that would ensure attainable housing types are more affordable than typical new single-family homes.

The Board is recommending 1,500 SF as the **maximum** average unit size for any project that utilizes the AHOM⁶. There are two recommended specifications for dwelling unit size. The first is a straightforward clarification on how to read the Average Unit Size Standard:

- a. Average dwelling unit size is measured as the average unit size across all dwellings within the optional method development. Individual units may be larger or smaller.

⁶ Not including the area of an attached garage.

Measuring the unit size as an average is intended to allow for the construction of some larger multi-bedroom products and townhouses that can be balanced with smaller dwelling units.

Council staff suggests the Committee support adding a dwelling unit size standard.

Lot Standard

Consistent with other standards sections, the Board is proposing the AHOM closely follow the MPDU optional method regarding the standards for lot dimensions. A minimum lot size is recommended for each of the building unit types expressed as a per-unit measure which is intended to provide flexibility for buildings such as duplexes and multiplexes to either subdivide and provide the minimum lot size (or greater) for each dwelling, or to have each building type on a single lot, sized large enough to meet the standard.

Council staff suggests the Committee support a lot size standard for the AHOM.

Placement, Height and Form Standards

The remaining three sections of standards recommended for the AHOM include Placement (principal building setbacks and accessory structure setbacks), Height (principal building height and accessory structure height), and Form (massing). The Planning Board recommends largely pulling these standards directly from the MPDU optional method of development where building types overlap and setting appropriate standards for the multiplex and apartment building types.

Council staff suggests the Committee support including these standards for the AHOM.