ZONING ADVISORY PANEL
SEPTEMBER 5, 2012

Public Benefit Points
MPDU Optional Method
Planning Board Review
Public benefits must be provided that enhance or contribute to the objectives of the zone in some or all of the following categories:

- Major Public Facilities
- Transit Proximity
- Connectivity & Mobility
- Diversity of Uses & Activities
- Quality Building & Design
- Protection & Enhancement of the Natural Environment
In approving any incentive FAR based on the provision of public benefits, the Board must consider:

- the recommendations and objectives of the applicable master or sector plan
- the Incentive Density Implementation Guidelines
- any design guidelines adopted for the applicable master plan area
- the size and configuration of the tract
- the relationship of the site to adjacent properties
- the presence or lack of similar public benefits nearby
- enhancements beyond the elements listed in an individual public benefit that increase public access to, or enjoyment of, the benefit
The Planning Board must adopt, publish, and maintain guidelines that detail the standards and requirements for public benefits. The guidelines must:

- be consistent with the objectives of this Division (Div. 6.6)
- be in addition to any standards, requirements, or rules of incentive density calculation included in this Division (Div. 6.6), but may not conflict with those provisions
- only allow incentive FAR for those public benefits listed in Sec. 6.6.3.
### C/R Zone Requirements

<table>
<thead>
<tr>
<th>Zone</th>
<th>Site Size</th>
<th>Public Benefit Points (min)</th>
<th>Number of Benefit Categories (min)</th>
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<tr>
<td>CRT</td>
<td>&lt; 10,000 SF of gross tract area OR with &lt; 1.5 max FAR</td>
<td>25</td>
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<tr>
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## Employment Zone Requirements

<table>
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<th>Zone</th>
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<th>Public Benefit Points (min)</th>
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</table>
Major Public Facilities

Goal
- Conveyance of land and/or construction of public facilities where public land and/or funds are not available.

Precedents
- CBD text amendments for Fillmore, police station, etc.
- Park upgrades & conveyance; recreation centers, etc. through master plan guidance
- ZTA for Bethesda police station

<table>
<thead>
<tr>
<th>Public Benefit</th>
<th>ELS</th>
<th>EOF or CRT</th>
<th>CR</th>
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<tr>
<td>Major Public Facilities</td>
<td>20</td>
<td>40</td>
<td>70</td>
</tr>
</tbody>
</table>
Goals
- Encourage development near transit
- Reduce VMTs & encourage maximum use of existing infrastructure
- Encourage revitalization in areas that have lagged behind without need for financial incentives

Precedents
- LEED for Neighborhood Development Smart Location & Linkage Prerequisite 1: Smart Location
- HUD/EPA/DOT Sustainable Communities Program Strategy
- Syncs with PlanMaryland targeted growth and revitalization areas
- 32 states provide an incentive for proximity to transit in their tax credit programs
## Transit Proximity

<table>
<thead>
<tr>
<th>Proximity</th>
<th>Adjacent or confronting</th>
<th>Within 1/4 mile</th>
<th>Between 1/4 and 1/2 mile</th>
<th>Between 1/2 and 1 mile</th>
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<tr>
<td>Transit Service Proximity Level</td>
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</table>
Transit Proximity

To qualify for subsection a):

- Property must be completely within 1/4 mile range
- 1/4 mile range
- Property with transit stop

A split-proximity range project is one that has property with less than 75 percent of its area within a proximity range (for example, within 1/4, 1/2, or one mile of a Metro station).

To calculate under subsection b):

- Property with 75% of tract area within 1/4 mile range receives 1/4 range incentive density for entire property
- Property with less than 75% of tract area within 1/4 mile range receives density based on a weighted average of the percentage
- 1/2 mile range
- Property with transit stop
## Connectivity and Mobility

Maximum number of points to be allotted

<table>
<thead>
<tr>
<th>Public Benefit</th>
<th>ELS</th>
<th>EOF or CRT</th>
<th>CR</th>
<th>Adopted CR &amp; CR-T</th>
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<td>Advanced Dedication</td>
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<td>Minimum Parking</td>
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<td>Neighborhood Services</td>
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<td>Public Parking</td>
<td>25</td>
<td>25</td>
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<tr>
<td>Through-Block Connections</td>
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<td>10</td>
<td>10</td>
<td>20</td>
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<tr>
<td>Transit Access or Streetscape Improvement</td>
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<tr>
<td>Trip Mitigation</td>
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<td>15</td>
<td>15</td>
<td>20</td>
</tr>
<tr>
<td>Way-Finding</td>
<td>5</td>
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<td>10</td>
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</tbody>
</table>
Connectivity and Mobility
Advanced Dedication

Goals
- Allow road, trail, etc. construction prior to redevelopment
- Cost savings to the County for rights-of-way that would otherwise have to be bought
- Ensure staging triggers can be met

Precedents
- White Flint staging elements will require road construction along properties prior to their redevelopment
- White Flint sketch plans used Advanced Dedication for incentive density
Connectivity and Mobility
Minimum Parking

Goals
- Decrease reliance on single-occupancy car trips
- Encourage transit use, walking, biking, and car share
- Decrease environmental impacts (resources, pollution, etc.) of parking facilities
- Maintain range to respond to specific market location and changes over time as shared-use environment develops

Precedents
- LEED for Neighborhood Development Neighborhood Pattern & Design Credit 6: Reduced Parking Footprint
- Numerous communities have removed minimum parking requirements (Ann Arbor, Boulder, Arlington’s Columbia Pike Code for sites under 20,000sf).
- EPA’s Essential Smart Growth Fix #4: Fix Parking Requirements (lower minimums, promote shared parking, provide on-street parking, etc)
- ULI’s Shared Parking, 2nd ed.: Shared use case studies show requirement reductions of up to 43% depending on situation (without consideration of transit, mode-split goals, etc).
- ITE’s Parking Generation, 4th ed.: parking requirements are generally below current 59-E ratios
Connectivity and Mobility Neighborhood Services

Goals
- Encourage development where vehicle trips are not necessary to obtain daily services
- Promote walking and environmental protection
- Support local businesses
- Support “park-once” model

Precedents
- GSSC and other area properties will not necessarily qualify without provision of some services by new development
- CA SB375 provides incentives for locating new development near transit & 10 basic services to minimize VMTs and maximize return for transit infrastructure investment
- EPA’s Essential Smart Growth Fix #1: Encourage or require mixed uses
- HUD/EPA/DOT Sustainable Communities Program Strategy: Enhance economic competitiveness. Improve economic competitiveness through reliable and timely access to employment centers, educational opportunities, services and other basic needs by workers as well as expanded business access to markets
- LEED for Neighborhood Development Neighborhood Pattern & Design Credit 2: Diversity of Uses
Goals

- Replace function of PLD programs where land is unavailable or unaffordable to the County
- Encourage park-once environment & shared parking

Precedents

- Arlington’s Columbia Pike shared parking requirement
- Incentives for shared-parking are prevalent throughout North America, from Alexandria to Portland & Minneapolis to Temple City, CA
Connectivity and Mobility Through-Block Connections

Goals
- Encourage walking and safe pedestrian environment
- Increase store frontage, small-business opportunities, usable open space within blocks
- Minimize long street walls
- Break-up long blocks where imposition of street grid is impossible
- Encourage diversity of pedestrian spaces

Precedents
- Master-planned pedestrian connections in numerous master plans
- LEED for Neighborhood Development Neighborhood Pattern & Design Credit 7: Walkable Streets & Credit 11: Access to Surrounding Vicinity
- Popular in many places in North America and Europe for creating small business opportunities near pedestrian-focused spaces
Connectivity and Mobility
Transit Access or Streetscape Improvements

Goals
- Ensure access to transit for citizens with physical disabilities
- Upgrade pedestrian network between development and transit services

Precedents
- CBD off-site streetscape improvements
- Proposed benefit replicates programs for increased access to parking by focusing on transit
Connectivity and Mobility
Trip Mitigation

Goals
- Reduce VMT
- Exceed master plan mode-share goals
- Reduce pollution
- Encourage transit use, cycling, and walking

Precedents
- CBD off-site streetscape improvements
- Proposed benefit replicates programs for increased access to parking by focusing on transit
Connectivity and Mobility
Way-Finding

Goals
- Encourage walking and cycling
- Support small businesses
- Reduce VMTs
- Promote local business, parks, & cultural institutions
- Provide information on civic facilities and amenities

Precedents
- Portland’s way-finding sponsorship program
- Tourism projects in Augusta, Scottsdale, Seattle, Nashville, and numerous historic, cultural, or arts districts
## Diversity of Uses and Activities

Maximum number of points to be allotted

<table>
<thead>
<tr>
<th>Public Benefit</th>
<th>ELS</th>
<th>EOF or CRT</th>
<th>CR</th>
<th>Adopted CR &amp; CR-T</th>
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<td>Affordable Housing</td>
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<td>Care Centers</td>
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<td>20</td>
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<tr>
<td>Dwelling Unit Mix</td>
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<tr>
<td>Enhanced Accessibility for Seniors or the Disabled</td>
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<tr>
<td>Enhanced Visitability for Seniors or the Disabled</td>
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<td>Small Business Opportunities</td>
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<tr>
<td>Workforce Housing</td>
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<td>Explanation to Follow</td>
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</table>
Diversity of Uses and Activities
Adaptive Buildings

Goals
- Create more sustainable buildings
- Allow for shifts of use over time to adapt to market and demographic changes

Precedents
- Prefigures density bonuses generally focused on adaptive re-use of buildings
- Largely infill projects in cities; most common on the west coast
Diversity of Uses and Activities
Care Centers

Goals

- Provide opportunities for care of diverse populations integrated into fabric of community
- Address growing need for day care with increased single-parent households and dual-parent working households
- Address changing demographics - aging population and increased demand for care
- Provide convenient facilities that serve needs of families over time

Precedents

- Supports affordable housing & living goals
- Largely infill projects in urban & urbanizing areas
- Density bonus for child care is required to be implemented by jurisdictions under California state law
Diversity of Uses and Activities
Dwelling Unit Mix

Goals
- Provide the opportunity to allow residents to "age-in-place"
- Enhance diversity of community
- Support stability of neighborhood by providing a range of housing choices as household circumstances change
- Meet an increased need for households looking to downsize

Precedent
- LEED for Neighborhood Development Neighborhood Pattern & Design Credit 3: Diversity of Housing Types
Diversity of Uses and Activities
Enhanced Accessibility for Seniors or the Disabled
Enhanced Visitability for Seniors or the Disabled

Goals
- Provide housing for a diverse community
- Encourage unit construction beyond basic accessibility requirements

Precedent
- Often infill projects in cities
Diversity of Uses and Activities
Live/Work Units

Goals
- Encourage local, small businesses
- Increase diversity of uses in neighborhoods
- Activate street life, pedestrian oriented communities, and safety
- Reduce VMTs

Precedents
- LEED for Neighborhood Development Neighborhood Pattern & Design Credit 3: Diversity of Housing Types
- Austin, Los Angeles, Toronto, Glendale, etc.
- APA’s Smart Growth Code includes a model Live/Work ordinance
Diversity of Uses and Activities
Small Business Opportunities

Goals
- Support small business
- Increase diversity of ownership and services for community
- Maintain and enhance character of urban areas

Precedents
- Most programs are financially based (e.g., grants to small businesses, etc.)
- Would provide space for businesses to take advantage of financial incentives and programs, which have numerous precedents
Quality Building and Site Design

<table>
<thead>
<tr>
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<td>Tower Step-Back</td>
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</table>
Quality of Building and Site Design
Architectural Elevations

Goals
- Create unique street identity
- Preserve & enhance neighborhood character
- Ensure pedestrian-oriented street walls

Precedent
- Stand-in for Architectural Review Boards used by many communities
Public Benefit Points

Quality of Building and Site Design Enhanced Recreational Facilities

Goals
- Construction of recreational facilities above and beyond the requirements of Div. 7.4.
- Encourage places for people of all ages and abilities to actively or passively recreate

Precedent
- Included as part of the Care Center public benefit in the Adopted CR Public Benefits list
Quality of Building and Site Design
Exceptional Design

Goals
- Establishment of sense of place & community identity through landmarks and civic pride
- Enhancement of public realm and promotion of civic image
- Synthesis of environmental, design, and economic objectives

Precedents
- Many municipalities use design review boards to maintain, create, or enhance the quality of the built environment
- Used as a density bonus in many cities
Quality of Building and Site Design

Historic Resource Protection

Goals
- Protect & enhance historic resources & contributing elements
- Encourage redevelopment & preservation of historic sites & districts

Precedents
- General density bonus in most jurisdictions from Austin to NY and Missoula to Seattle
- EPA Smart Growth objective
- National Trust for Historic Preservation strategy for smart growth with a “top 10” list for LEED credits that incorporate historic resources, esp., LEED ND Green Infrastructure & Buildings Credit 6 - Historic Resource Preservation and Adaptive Use
Quality of Building and Site Design
Public Open Space

Goals
- Target open space to master planned priority areas
- Rationalize open space system in urban & town centers
- Provide a hierarchy of open spaces and parks
- Minimize public costs for passive and active recreation areas

Precedents
- Municipalities in most states have open space density bonuses
- Open space requirement in all mixed use zones; "green" area requirement in most commercial zones
- LEED for Neighborhood Development Neighborhood Pattern & Design Credit 9: Access to Civic and Public Spaces
Quality of Building and Site Design

Public Art

Goals

- Enhancement of pedestrian environment
- Establishment of sense of place & community identity
- Tourism, marketing, & branding; interaction, education, & enrichment

Precedents

- Many cities have a % for art requirement; most have a built-in density bonus program if not required
- MoCo’s previous percent for art and budget for the Public Arts Trust
Quality of Building and Site Design
Structured Parking

Goals
- Minimize environmental impacts of parking
- Create and maintain pedestrian oriented streets
- Offset higher costs of structured parking

Precedents
- LEED credits can be gained (minimizing site impact, decreasing parking capacity, etc.)
- Georgia, Utah, California, New York and many other states incentivize structured parking
- Objective 3.2.2. of Maryland's *Driving Urban Environments: Smart Growth Parking Best Practices*
- Incentive meets ULI's recognized financial hurdle that structured parking poses
Quality of Building and Site Design
Tower Step-Back

Goals
- Maintain pedestrian-oriented street
- Reduce wind impact at sidewalk grade

Precedents
- Los Angeles, Concord, Phoenix, Austin, Wilmington (typically tied to height bonuses, which is similar to how the CR benefit works)
- Recognized best practice since the early 1930s
# Protection and Enhancement of Natural Environment

<table>
<thead>
<tr>
<th>Public Benefit</th>
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<th>EOF or CRT</th>
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<th>Adopted CR &amp; CR-T</th>
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<tbody>
<tr>
<td>Building Lot Termination</td>
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<td>Explanation to Follow</td>
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<tr>
<td>Building Reuse</td>
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<td>Habitat Preservation and Restoration</td>
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<td>Recycling Facility Plan</td>
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<td>10</td>
</tr>
</tbody>
</table>

Maximum number of points to be allotted
Protection and Enhancement of Natural Environment

Building Reuse

Goals

- Promote the adaptive reuse of buildings
- Preserve historically and culturally significant buildings
- Achieve greater sustainability of the built environment

“"The greenest building is the one already built.”

Precedents

- Prefigures density bonuses generally focused on adaptive re-use of buildings
- Largely infill projects in cities; most common on the west coast
- LEED for Neighborhood Development Green Construction & Technology Credit 4: Building Reuse and Adaptive Reuse
Protection and Enhancement of Natural Environment

Cool Roof

Goal
- Decrease heat island effect

Precedents
- LEED for New Construction Sustainable Sites Credit 7.2: Heat Island Effect - Roof
- LEED for Neighborhood Development Green Infrastructure & Buildings Credit 9: Heat Island Reduction
Protection and Enhancement of Natural Environment
Energy Conservation
Energy Generation

Goals

- Environmental protection
- Energy autonomy & security
- Climate change mitigation
- Economic self-sufficiency

Precedents

- Numerous LEED credits in Energy & Atmosphere category (new construction) & Green Infrastructure & Buildings category (neighborhood development)
- Austin, Seattle, Asheville, etc.
- Most municipalities provide density bonuses for LEED (this is more targeted)
Protection and Enhancement of Natural Environment
Habitat Preservation and Restoration

Goals
- Protect and expand natural habitat for native flora & fauna
- Sequester carbon & mitigate stormwater runoff
- Maintain and enhance open spaces for public enjoyment

Precedents
- Both LEED and Sustainable Sites credits
- Communities across the country
Protection and Enhancement of Natural Environment
Recycling Facility Plan

Goals
- Sustainable site planning & resource use
- Integration of recycling facility in site design
- Better compliance with executive regulations governing recycling facilities and decrease in site plan amendments that have to retrofit to install recycling facilities

Precedent
- Requirements vary, but may require plans before permitting
Protection and Enhancement of Natural Environment
Tree Canopy

Goals
- Sequestration of carbon
- Mitigation of stormwater
- Creation of habitat
- Creation & enhancement of pedestrian comfort

Precedents
- Numerous LEED & Sustainable Sites credits, e.g., LEED for Neighborhood Pattern & Design Credit 14: Tree-Lined and Shaded Streets
- Created as a priority benefit in the White Flint Sector Plan approved by Council
- Required in numerous local municipalities for Chesapeake Bay preservation
Protection and Enhancement of Natural Environment
Vegetated Area

Goals
- Provide for carbon sequestration
- Enhance pedestrian environment
- Decrease heat-island effect, provide habitat, & encourage ESD micro-bioretention

Precedents
- Various LEED credits
- Sustainable Sites Initiative foci (LEED-like model site design system)
- Works with, but is not required by, ESD standards
Protection and Enhancement of Natural Environment
Vegetated Roof

Goals
- Sequestration of carbon
- Mitigation of stormwater
- Creation of habitat
- Mitigation of heat-island effect

Precedents
- Numerous LEED & Sustainable Sites credits
- Works with, but is not required by, ESD standards
- Cities in Illinois, Hawaii, Texas, Oregon, California, etc. and many Canadian, Australian, & western European Cities
- Recommended by EPA
Protection and Enhancement of Natural Environment

Vegetated Wall

Goals
- Enhance pedestrian environment
- Decrease heat-island effect, provide habitat, & encourage ESD micro-bioretention

Precedents
- Various LEED credits.
- Sustainable Sites Initiative foci (LEED-like model site design system)
- Incentive programs in many cities incorporate green walls
Building Lot Termination

Up to 30 points for the purchase of BLT easements or payment to the Agricultural Land Preservation Fund (ALPF).

- In the CR zone, the first 5 points are mandatory for all optional method developments, and up to 25 additional points are allowed as an option.

- In the ELS zone, BLTs are mandatory for all optional method and each percent of incentive density achieved is equal to one point. For those projects that don't achieve 30 points under the mandatory calculation, additional BLTs may be purchased or payments to make up the difference.

- In the CRT & EOF zones, BLT payments are optional; each BLT easement purchase or payment is equal to 30,000 SF of GFA, or such proportionate square footage represented by a fractional BLT purchase or payment.
Transferable Development Rights

- Up to 20 points for the purchase of or payment towards TDRs. Every TDR purchased is worth 1 point and allows 3,500 square feet of development above the density allowed under the standard method of development.
- If a site is within a TDR Overlay zone, TDRs must be purchased as recommended by the master plan or, if no recommendation is made, at least 5 points must be provided through the purchase of or payment towards TDRs.
Up to 30 points for providing workforce housing at a rate of 2 points for each percentage of the total units, excluding MPDUs.

- The minimum income for the workforce housing program is the maximum income for the MPDU program (which is currently 70% of the AMI for the area)
Affordable Housing

- 12 points per 1% MPDUs between 12.5% & 15% for the ELS, EOF, CRT and CR zones

- 2 points per 1% MPDUs > 15%

- Criteria for Approval by Planning Board
  - Recommendations, objectives & priorities of master plan
  - Incentive Density Guidelines
  - Size & configuration of tract
  - Relationship of site to adjacent properties;
  - Presence or lack of similar public benefits nearby; and
  - Enhancements beyond required criteria.

- 28 of 35 public benefits have been used in 8 sketch plans
  (Number of benefits remains the same for CR and CRT in Draft 59-6, not 44; energy conservation & generation were split into separate benefits)
Affordable Housing

HOC Recommendations

- Remove (or reduce points for) low-hanging fruit from the public benefit menu

- Require 20% MPDUs
  - Rejected by PHED
  - $150,000 per unit + BLTs @ $225,000 each

- Allow up to 40 points for 20% MPDUs
  - Approved with ZTA

- Payments
  - Allow pay-in-lieu
  - Require commercial development to pay toward affordable housing
  - Need changes to Chapter 25A
  - Could be incorporated in new Ordinance

- Attend to the Countywide policy documents; assume that affordable housing is a priority in all parts of the County, and in every master plan, limited only by the General Plan.
<table>
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<tr>
<th>Month</th>
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<td>10th Monday</td>
<td>Worksession: Intro, Format, Organization</td>
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<td>Worksession: Intro, Format, Organization</td>
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<td>Public Session addressing worksessions 9/27, 10/1</td>
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<td>18th Thursday</td>
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<td>November</td>
<td>1st Thursday</td>
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<td>12th Monday</td>
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<td>15 Thursday</td>
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<td>December</td>
<td>3rd Monday</td>
<td>Worksession: Administration and Procedures</td>
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<td>6th Thursday</td>
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<tr>
<td></td>
<td>20th Thursday</td>
<td>Worksession: Finalize draft</td>
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