# ZONING ADVISORY PANEL SEPTEMBER 5, 2012

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Public Benefit Points MPDU Optional Method Planning Board Review

#### Categories

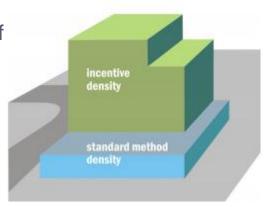
Public benefits must be provided that enhance or contribute to the objectives of the zone in some or all of the following categories:

- Major Public Facilities
- Transit Proximity
- Connectivity & Mobility
- Diversity of Uses & Activities
- Quality Building & Design
- Protection & Enhancement of the Natural Environment

### Considerations

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



# Public Benefit Points

### Guidelines

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.

#### Commercial/Residential Zones



### C/R Zone Requirements

Zone	Site Size	Public Benefit Points (min)	Number of Benefit Categories (min)
CDT	< 10,000 SF of gross tract area OR with < 1.5 max FAR	25	2
CRT	≥ 10,000 SF of gross tract area OR with ≥ 1.5 max FAR	50	3
C.D.	< 10,000 SF of gross tract area OR with < 1.5 max FAR	50	3
CR	≥ 10,000 SF of gross tract area OR with ≥ 1.5 max FAR	100	4

# Public Benefit Points

# **Employment Zone Requirements**

Zone	Site Size	Public Benefit	Number of Benefit
		Points (min)	Categories (min)
ELC	< 10,000 SF of gross tract area OR with < 1.5 max FAR	15	1
ELS	≥ 10,000 SF of gross tract area OR with ≥ 1.5 max FAR	30	2
FOL	< 10,000 SF of gross tract area OR with < 1.5 max FAR	30	2
EOF	≥ 10,000 SF of gross tract area OR with ≥ 1.5 max FAR	60	3

# **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

#### Maximum number of points to be allotted

Public Benefit	ELS	EOF or CRT	CR
Major Public Facilities	20	40	70

# **Transit Proximity**

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

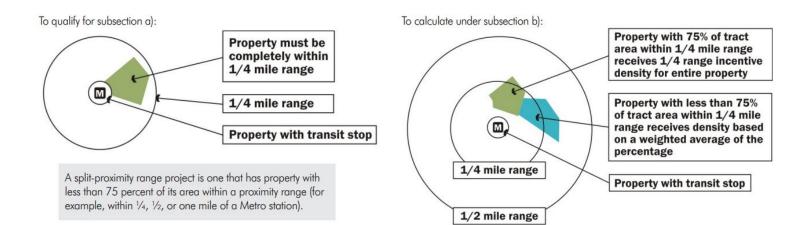
- LEED for Neighborhood Development Smart Location & Linkage Prerequisite 1: Smart Location
- HUD/EPA/DOT Sustainable Communities Program Strategy
- Syncs with PlanMaryland targeted growth and revitalization areas
- 32 states provide an incentive for proximity to transit in their tax credit programs

#### **Transit Proximity**

Maximum number of points to be allotted

Proximity	Adjacent or confronting		Within 1/4 mile		Between 1/4 and 1/2 mile		Between 1/2 and 1 mile	
Transit Service Proximity Level	1	2	1	2	1	2	1	2
ELS	10	5	8	4	6	2	4	0
EOF or CRT	25	15	20	12.5	15	10	10	7.5
CR	50	30	40	25	30	20	20	15

#### **Transit Proximity**



### **Connectivity and Mobility**

Maximum number of points to be allotted

Public Benefit	ELS	EOF or CRT	CR	Adopted CR & CR-T
Advanced Dedication	8	15	30	30
Minimum Parking	10	10	10	10
Neighborhood Services	10	10	10	15
Public Parking	25	25	25	25
Through-Block Connections	10	10	10	20
Transit Access or Streetscape Improvement	20	20	20	20
Trip Mitigation	15	15	15	20
Way-Finding	5	5	5	10

# 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

- 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, Arlingtonc Columbia Pike Code for sites under 20,000sf).
- EPAc Essential Smart Growth Fix #4: Fix Parking Requirements (lower minimums, promote shared parking, provide on-street parking, etc)
- ULIcs Shared Parking, 2<sup>nd</sup> ed.: Shared use case studies show requirement reductions of up to 43% depending on situation (without consideration of transit, mode-split goals, etc).
- ITE & Parking Generation, 4<sup>th</sup> ed.: parking requirements are generally below current 59-E ratios

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# 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 % ark-once+model

- 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
- EPAc 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

# Connectivity and Mobility Public Parking



Goals

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

- Arlington
   Golumbia 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

- 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 pedestrianfocused 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

- 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

- 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

- Tourism projects in Augusta, Scottsdale, Seattle, Nashville, and numerous historic, cultural, or arts districts



# Public Benefit Points

# **Diversity of Uses and Activities**

Maximum number of points to be allotted

Public Benefit	ELS	EOF or CRT	CR	Adopted CR & CR-T			
Adaptive Buildings	10	10	10	15			
Affordable Housing		Explanation to Follow					
Care Centers	20	20	20	20			
Dwelling Unit Mix	10	10	10	10			
Enhanced Accessibility for Seniors or the Disabled	20	20	20	20			
Enhanced Visitability for Seniors or the Disabled	20	20	20	20			
Live/Work Units	5	5	5	10			
Small Business Opportunities	20	20	20	20			
Workforce Housing	Explanation to Follow						

# 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
- LEED for Neighborhood Development Green Construction & Technology Credit 4: Building Reuse and Adaptive Reuse.



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# Goals Provide opport populations int Address growing single-parent h

- 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



**Care Centers** 

**Diversity of Uses and Activities** 

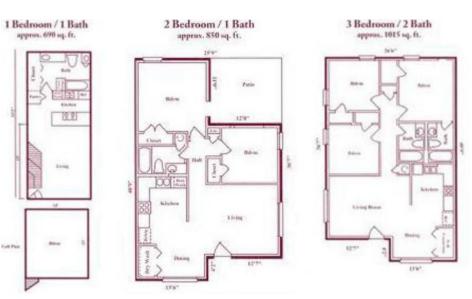
# Diversity of Uses and Activities Dwelling Unit Mix

Goals

- Provide the opportunity to allow residents to % ge-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

- LEED for Neighborhood Development Neighborhood Pattern & Design Credit 3: Diversity of Housing Types
- Austin, Los Angeles, Toronto, Glendale, etc.
- APAc 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

- 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

Maximum number of points to be allotted

Public Benefit	ELS	EOF or CRT	CR	Adopted CR& CR-T
Architectural Elevations	20	20	20	20
Enhanced Recreation Facilities	10	10	10	10
Exceptional Design	10	10	10	10
Historic Resource Protection	20	20	20	20
Public Open Space	20	20	20	20
Public Art	15	15	15	15
Structured Parking	20	20	20	20
Tower Step-Back	5	5	5	10

# Quality of Building and Site Design Architectural Elevations

Goals

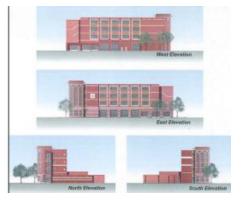
- Create unique street identity
- Preserve & enhance neighborhood character
- Ensure pedestrian-oriented street walls

#### Precedent

Stand-in for Architectural Review Boards used by many communities







# 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

- 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

- 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

- 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

- Many cities have a % for art requirement; most have a built-in density bonus program if not required
- MoCoc 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

- 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 Driving Urban Environments: Smart Growth Parking Best Practices
- Incentive meets ULIcs 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

- Los Angeles, Concord, Pheonix, Austin, Wilminington (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

Maximum number of points to be allotted

Public Benefit	ELS	EOF or CRT	CR	Adopted CR & CR-T		
Building Lot Termination	Explanation to Follow					
Building Reuse	100	100	100	100		
Cool Roof	5	5	5	10		
Energy Conservation	10	10	10	15		
Energy Generation	15	15	15	15		
Habitat Preservation and Restoration	20	20	20	20		
Recycling Facility Plan	5	5	5	10		
Transferable Development Rights		Explana	ition to F	Follow		
Tree Canopy	10	10	10	15		
Vegetated Area	5	5	5	10		
Vegetated Roof	10	10	10	15		
Vegetated Wall	5	5	5	10		

## 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+

- 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





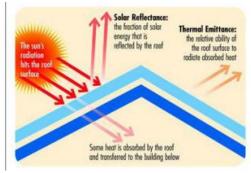
### Protection and Enhancement of Natural Environment Cool Roof

Goal

Decrease heat island effect

- 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

- 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

- 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

- 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

- 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

- 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

- 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 donq 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.



# Workforce Housing

- 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)

## **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.

September	10th Monday	Worksession: Intro, Format, Organization
	13th Thursday	Worksession: Intro, Format, Organization
	20th Thursday	Public Session addressing worksessions 9/27, 10/1
	27th Thursday	Worksession: C/R and Employment zones
October	1st Monday	Worksession: C/R and Employment zones
	4th Thursday	Public Session addressing worksessions 10/11, 10/18, 10/25, 10/29
	11th Thursday	Worksession: Agricultural and Rural zones
	18th Thursday	Worksession: Agricultural and Rural zones
	25th Thursday	Worksession: Residential and Industrial zones
	29th Monday	Worksession: Residential and Industrial zones
November	1st Thursday	Public Session addressing worksessions 11/8, 11/12
	8th Thursday	Worksession: Floating and Overlay zones
	12th Monday	Worksession: Floating and Overlay zones
	15 Thursday	Public Session addressing worksessions 11/29, 12/3,12/6
	29th Thursday	Worksession: General Development Regulations
December	3rd Monday	Worksession: Administration and Procedures
	6th Thursday	Worksession: Administration and Procedures
	20th Thursday	Worksession: Finalize draft