

COMMUNITY BENEFIT REQUIREMENTS & IMPACT FEES

FOR DEVELOPMENTS IN VARIOUS CITIES

Prepared by Office of Mayor Tom Bates

	Current Requirements for Projects in Berkeley Downtown*	Under Consideration for Projects Above 75 Feet
Berkeley	<p>Downtown-only Requirements:</p> <ul style="list-style-type: none"> • Green building beyond state CALGreen -- LEED Gold or equivalent • SOSIP (Streets and Open Space Improvement Plan) fee of \$2.23 per sq. ft, for residential & \$1.68 for commercial • Parking Transportation Demand Management (PTDM) that includes: <ul style="list-style-type: none"> ○ Unbundled parking ○ Transit subsidies, such as a free transit pass per unit or employee ○ Parking spaces for vehicle sharing <p>Citywide Requirements (including Downtown)</p> <ul style="list-style-type: none"> • Affordable housing <ul style="list-style-type: none"> ○ Residential rental projects -- \$20,000 fee per unit or 10% of units at 50% AMI ○ Commercial projects <ul style="list-style-type: none"> ■ Office, retail, restaurant, hotel -- \$4.50 per sq. ft. ■ Industrial, warehouse -- \$2.25 per sq. ft. • On-site open space (or in the Downtown, an optional in-lieu fee that is yet to be set) • Parking pre-wired for electric vehicles • Bicycle parking for commercial development • Childcare mitigation fee of \$0.62-1.50 per sq. ft. • One percent for art – under review, for all projects outside of Downtown • On-site area recycling and composting bins (county requirement) <p><small>*Elements in this column apply to projects that do not exceed existing zoning limits; they do not include impact fees for schools (typically paid to school districts), storm water requirements (largely the same in most Bay Area cities) and streetscape requirements</small></p>	<p>The Downtown Plan* identified the following as “significant community benefits,” which may include, but are not limited to:</p> <ul style="list-style-type: none"> ○ affordable housing ○ supportive social services ○ green features ○ open space ○ transportation demand management features ○ job training, and/or employment opportunities <p style="text-align: center;">...</p> <ul style="list-style-type: none"> ○ or make in-lieu payments <p>*The voter-approved Downtown Plan allows five new buildings over 75 feet tall: 2 residential buildings up to 180 feet; one hotel up to 180 feet, and two office or residential buildings up to 120 feet in the Downtown.</p>

Requirements for Projects Within Existing Zoning Limits

Added Requirements to Exceed Zoning

Limits

(not including State Density

Bonus requirements)

<p>Oa kla nd</p>	<ul style="list-style-type: none"> ○Affordable housing (“Jobs/Housing Impact Fee”) <ul style="list-style-type: none"> ○Office and warehouse/distribution projects – either pay \$4.74 per sq. ft. for area over 25,000 sq. ft , or produce affordable housing according to this formula: gross sq. ft. exceeding 25,000 in project x 0.00004 = number of affordable housing units ○Residential projects <ul style="list-style-type: none"> ■No requirements currently -- City is conducting nexus study for possible mitigation fee ■Project-specific agreement for proposed 24-story condo tower on City-owned property at Lake Merritt – 25% of the \$5.1 million property sales price would go to City’s affordable housing fund •Public art for private development – on-site art, dedicated art space or in-lieu fee to city arts fund <ul style="list-style-type: none"> ○Non-residential of 2,000 sq. ft. or more – 1% of building development costs ○Residential of 20 or more units – 0.5% of building development costs ○Fire Services Impact Fee -- \$5.00 per sq. ft. ○Sewer Mitigation Fee – determined by project-specific engineering review ○Green building beyond state CALGreen requirements – achieve 23 GreenPointRated for multi-unit residential ○Other benefits required on project-by-project basis under development agreements such as local hire requirements and contributions to “The B” (free Broadway shuttle), park improvements and bike lanes ○Southeastern Oakland Traffic Impact Fee for Leona Quarry residential development ○On-site recycling and composting (county requirement) ○Additional impact fees for transportation, parks and capital facilities are being evaluated under an in-progress nexus and economic feasibility study by City-hired consultant 	<p><i>NOTE: Developers typically haven’t sought to exceed Oakland’s relatively high limits.</i></p>
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<p>M o u n t a i n V i e w</p>	<ul style="list-style-type: none"> • Affordable housing impact fee: <ul style="list-style-type: none"> ○ Rental projects - \$17 per sq. ft. or include affordable on site ○ Condo projects – 10% of units as affordable or pay 3% of the sales price of all units ○ Office - \$25 per sq. ft. ○ Hotel & retail \$1.30-2.60 per sq. ft. • Green building beyond state CALGreen requirements – range from 70 GreenPoint Rated to LEED Silver or equivalent for large projects • Park land dedication or in-lieu fee – provide park land or pay fee of \$15,000-20,000 per unit • For El Camino Real Precise Plan area: <ul style="list-style-type: none"> ○ Transportation Demand Management plan with annual report to City, transit passes or subsidies to residents and/or employees, membership in a transportation management association ○ bicycle and pedestrian improvements ○ trees – must be streetside for projects with commercial or front-yard for non-commercial • For transit-oriented development projects in Transit District: <ul style="list-style-type: none"> ○ ride-share drop-off and waiting areas ○ preferential parking for carpools and vanpools ○ bicycle parking ○ showers and other features to encourage alternatives to auto ○ off-site improvements to facilitate pedestrian access to transit station ○ potential required contribution to Tasman Light Rail line ○ commute or midday shuttle/transit pass program ○ membership in a transportation management association 	<p><i>NOTE; Requirements vary by plan area. Below is one example:</i></p> <p>For El Camino Real Precise Plan:</p> <ul style="list-style-type: none"> • Projects provide “public benefits” such as <ul style="list-style-type: none"> ○ affordable housing ○ pedestrian and bicycle amenities ○ public parking facilities ○ public parks and open space ○ others • Or mixed-use projects pay \$20 per bonus sq. ft. excluding ground-floor commercial • Projects in Village Center sub-area may gain an extra floor if public plaza provided
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<p>Fr em on t</p>	<ul style="list-style-type: none"> • Affordable housing <ul style="list-style-type: none"> ○ Rental projects - \$19 per sq. ft., except for units provided for low or very low income households (80% or 50% AMI) ○ Condo projects – 20% affordable housing on site for moderate income households (110% AMI), or enable affordable units elsewhere, or pay \$19 per sq. ft. fee • Park facilities fee of \$8,488-9,431 per unit for housing projects • Park dedication in-lieu fee of \$12,841-14,267 per unit for housing projects • Capital facilities impact fee of \$2,446-2,717 for housing projects, \$923-1,477 per sq. ft. for commercial, & \$739 per sq. ft. for hotel • Traffic impact fee of \$3,009 per unit for housing projects, \$8,700-10,766 per sq. ft. for commercial and, \$2,682 per room for hotel • Fire facilities impact fee of \$283-314 per unit for housing projects, \$146-234 per sq. ft. for commercial, & \$117 per sq. ft. for hotel • On site open space • On-site recycling and composting (county requirement) • Downtown: <ul style="list-style-type: none"> ○ Art fee of \$0.51 per sq. ft. ○ Parking for car share ○ Parking for electric vehicles • Warm Springs Innovation District (879-acre Warm Springs/South Fremont Community Plan): <ul style="list-style-type: none"> ○ Contributions to schools and open space - donate land and funds for new elementary school and open space, provides funds for existing junior high and high school ○ Bicycle parking in residential and non-residential projects ○ Parking for car share ○ Parking for electric vehicles ○ Transportation Demand Management features ○ Public art fee – amount to be set by Council, projects over 100,000 sq. ft. can be exempt for up to half the fee by spending equivalent amount for on-site art 	<p>General Plan: Extra density allowed for projects that “provide extraordinary benefits to the City.” [not further defined]</p>
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<p>Walnut Creek</p>	<ul style="list-style-type: none"> • Affordable housing: <ul style="list-style-type: none"> ○ Inclusionary Housing fee - \$15 per sq. ft for all residential rental projects; condo units can provide affordable housing on site for pay the fee, depending on size ○ Commercial Linkage fee – \$5 per sq. ft. into affordable housing fund for commercial projects including mixed-use with less than 65% residential • Parkland dedication acreage or fee for parks, open space and recreation areas – \$4,000 per bedroom for residential projects • Property development tax – tax for projects of previously undeveloped parcels to fund public-serving capital items, \$112.50 for dwelling units of no more than one bedroom & \$22.50 for each additional bedroom, \$0.06 sq. ft. for commercial • Public art fee – 1% of construction cost for non-residential projects, 1% of construction cost for projects in Core area larger than 25,000 sq. ft., 0.5% of construction costs for projects in Core area 5,000-25,000 sq. ft. • Traffic impact fee – \$1,155 per unit for multifamily residential, \$5.56 per sq. ft. for retail, \$4.44 for office • Tree mitigation fee – equal to value of trees removed • On-site recycling as of May 1, 2015 • Storm water run-off plan that meets county standards • Drainage fee – projects in drainage districts designated as needing improvement • Open space of at least 20% in High Density Residential Planned Development District: 	<p><i>NOTE: Below is one example of project-specific agreement.</i></p> <p>Broadway Plaza expansion: Special development agreements and General Plan amendment adding 300,000 square feet (including larger Macy’s) and extensive renovation:</p> <ul style="list-style-type: none"> • \$5 million to City to be used at City discretion • Up to \$150,000 in maintenance and repair work on the Walnut Creek culvert • Contributions towards a potential Newell Avenue Improvement Project, which could include traffic signalization, road widening and additional bicycle facilities • \$100,000 to facilitate other improvements to Newell Avenue
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<p>Du bli n</p>	<ul style="list-style-type: none"> • Affordable housing <ul style="list-style-type: none"> ○ Residential in-lieu fee -- \$127,061 per affordable unit not constructed ○ Non-residential fee for buildings of 20,000 sq. ft. or more <ul style="list-style-type: none"> ■ Office -- \$1.24 per sq ft ■ Retail -- \$1.00 per sq ft ■ Services and accommodations -- \$0.42 per sq ft • Green building beyond state CALGreen requirements – at least 50-point GreenBuilding rating or equivalent • Community parks and community buildings impact fees <ul style="list-style-type: none"> ○ Multi-unit residential per unit -- \$11,295 ○ Non-residential per 1,000 sq. ft. <ul style="list-style-type: none"> ■ Commercial -- \$2,953 ■ Office -- \$5,730 ■ Industrial -- \$2,527 • Fire impact fee <ul style="list-style-type: none"> ○ Multi-unit residential per unit -- \$544 ○ Non-residential per sq. ft. <ul style="list-style-type: none"> ■ Commercial -- \$0.131 ■ Office -- \$0.254 ■ Industrial -- \$0.112 • Downtown Traffic Impact Fee <ul style="list-style-type: none"> ○ Multi-unit residential per unit -- \$1,497-\$2,497 depending on # of units ○ Non-residential per 1,000 sq. ft. -- \$249 Tri-Valley Transportation Development Fee <ul style="list-style-type: none"> ○ Multi-unit residential per unit -- \$1,549 ○ Non-residential per sq. ft. <ul style="list-style-type: none"> ■ Commercial -- \$1.62 ■ Office -- \$4.67 • On-site recycling and composting (county requirement) 	<p>Downtown Dublin Specific Plan:</p> <ul style="list-style-type: none"> • Subject to individual negotiation with developers • Examples of community benefits: <ul style="list-style-type: none"> ○ Public plaza or gathering space ○ Public parks or outdoor play areas ○ Measures aimed at reducing greenhouse gas emissions or transportation trips including charging stations for electric vehicles, etc. ○ Sponsorship of a downtown event ○ Public safety enhancement ○ Enhanced streetscape improvements ○ Pedestrian connection to other sites or facilities ○ Transit improvements
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<p>Me nlo Pa rk</p>	<ul style="list-style-type: none"> • Affordable housing <ul style="list-style-type: none"> ○ Condo projects <ul style="list-style-type: none"> ■ Provide on-site or off-site <ul style="list-style-type: none"> ✓ 5-20 units – 10% of units for very low, low or moderate income ✓ 20 or more units – 15% of units for very low, low or moderate income ■ Or pay in-lieu fee based on percent of sales price of market-rate units ○ Rental projects – requirements exist but currently not enforced because of Palmer decision ○ Commercial projects larger than 10,000 sq. ft. <ul style="list-style-type: none"> ■ Office, R&D -- \$15.19 per sq. ft. ■ All other commercial uses -- \$8.24 per sq. ft. • Transportation impact fee <ul style="list-style-type: none"> ○ Office, retail, restaurant - \$4.19 per sq ft ○ Multi-family residential - \$1,743.88 per unit ○ Hotel - \$1.65 per sq ft • Building construction street impact fee - 0.58% of project valuation, fee to be collected for all construction projects above \$10,000 in valuation • Storm drainage fee -- levied to mitigate city storm drainage impacts either directly or indirectly resulting from development projects <ul style="list-style-type: none"> ○ Multiple-family residential - \$150.00 per unit ○ Commercial -- \$0.24 per sq. ft. of impervious surface • Recreation in-lieu fee -- 0.008 multiplied by number of units and market value of acreage to be subdivided 	<p>El Camino Real and Downtown Specific Plan</p> <ul style="list-style-type: none"> • A public benefit bonus is the additional development permitted beyond the base intensity for a project in exchange for community benefits. • Based on community input, an intensity bonus should be considered for: <ul style="list-style-type: none"> ○ Senior housing ○ Additional residential units ○ Hotel facility ○ Platinum LEED certified buildings ○ Preservation and reuse of historic resources • Menlo Park could also negotiate other non-specific contributions from developers to be made to a “public amenity fund.” Such a fund could be used to finance public improvements in downtown, such as widened sidewalks.
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<p>Santa Monica</p>	<ul style="list-style-type: none"> • Affordable housing <ul style="list-style-type: none"> ○ Residential -- rental and condo projects have a variety of options for providing on site or off site, and rental projects can also opt to pay a fee or provide land. See details at http://bit.ly/1dBLIWS ○ Commercial linkage fee <ul style="list-style-type: none"> ▪ Office -- \$11.21 per sq ft ▪ Retail -- \$9.75 per sq ft ▪ Lodging -- \$3.71 per sq ft • Transportation impact fee <ul style="list-style-type: none"> ○ Residential multi-family-\$2,712.18-\$3,442.38 per unit depending on area (location) ○ Office- \$10.12-\$11.27 per sq ft depending on area (location) ○ Commercial-\$21.91-\$31.40 per sq ft depending on area (location) ○ Lodging- \$3.76 per sq ft • Parks and Recreation impact fee program <ul style="list-style-type: none"> ○ Residential multi-family- \$4,138-\$6,665 per unit depending on number of bedrooms ○ Office-\$2.31 per sq ft ○ Commercial- \$1.49 per sq ft ○ Lodging- \$3.11 per sq ft • Bicycle parking (Bike Plan 2011) <ul style="list-style-type: none"> ○ Commercial— 1 bike parking facility per 3,000-4,000 sq ft with 1 bike share station for grocery stores ○ Residential— 0.1-1 parking facility per bedroom ○ Hotel— 8 parking facilities or 0.2 per room with 1 bike share station • Urban runoff reduction measures or in-lieu fee • Private development cultural arts requirement – applies to residential projects of 5 or more units, commercial projects with 7,500 sq. ft. or more, and remodels or improvements of 25,000 sq. ft. or more <ul style="list-style-type: none"> ○ Allot 2% of building permit valuation to on-site arts and/or cultural uses ○ Or contribute 1% of project costs to Cultural Arts Trust Fund. • Green building requirements beyond state CALGreen requirements for pipe insulation, solar panels, energy efficiency and solar pool heating 	<p>3-tier system in Land Use and Circulation Element (LUCE):</p> <ul style="list-style-type: none"> • Tier 1 – up 32 feet, no extra benefits required; 3-7 feet of extra height allowed if affordable housing provide on site or close to transit corridors • Tier 2 - extra height and FAR require community benefits that can approved by discretion. Specifics of requirements will be put in proposed zoning code language going to Council on April 28, 2015. <ul style="list-style-type: none"> ○ LUCE lists five priority community benefits: <ul style="list-style-type: none"> ▪ Trip reduction and traffic management ▪ Affordable and workforce housing ▪ Community physical improvements ▪ Social and cultural facilities ▪ Historic preservation ○ Tier 2 projects must meet these criteria: <ul style="list-style-type: none"> ▪ Must meet a certain amount of affordable units depending if they are on-site or off-site developments ▪ Pay the Affordable Housing Commercial Linkage Fee 14% above adopted fee ▪ Pay Parks and Recreation Impact Fee 15% above adopted fee or provide publicly accessible open space ▪ Transportation Demand Management: Provide a transportation allowance equivalent to at least 75% of the cost of a monthly regional transit pass and free on-site shared bicycles intended for resident and guest use • Tier 3 – even greater height and FAR, requires development agreement and approval by Planning Commission and Council. <ul style="list-style-type: none"> ○ According to staff, more than 30 developer agreements as of April 7, 2015, with the following community benefits most often required: <ul style="list-style-type: none"> ▪ Affordable housing ▪ Open space ▪ Traffic mitigation measures (TDM) ▪ Childcare ▪ Arts
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<p>Sa n Fr an cis co</p>	<p><i>NOTE: Requirements vary significantly by district and plan area. This list includes citywide and Eastern Neighborhoods Area Plans.</i></p> <ul style="list-style-type: none"> • Affordable housing <ul style="list-style-type: none"> ○ Residential of 10 or more units <ul style="list-style-type: none"> ■ 12% on site, or 20% off site, affordable to 55% AMI for rentals or 90% AMI for condos ■ Or fee based on size of units (100-unit project that's 50% 1-bdrm and 50% 2-bdrm would owe \$6,183,050) ○ Non-residential --\$16.01-\$24.03 per sq. ft. depending on use ○ Eastern Neighborhoods residential <ul style="list-style-type: none"> ■ Some areas 14.4-17.6% on site, or 23-27% off site, affordable to 55% AMI for rentals or 90% AMI for condos ■ Or land dedication based on tiers in urban mixed-use (UMU) zones ■ Or middle-income option for condos in UMU zones -- 30-40% of principal project units sell at average 135% AMI on sites less than 50,000 sq. ft. ■ In-lieu fee for projects of 20 units or less or less than 25,000 sq. ft. of \$48.54 per sq. ft. • Transit Impact Development Fee for non-residential -- \$7.46-\$14.59 per sq. ft. depending on the type of use • Public art fee for non-residential projects in Downtown, Commercial, South of Market and Eastern Neighborhoods -- 1% of construction cost for projects of 25,000 sq. ft. or more • Green building requirements significantly exceeding state CALGreen -- standards vary according to size and type of use • Bicycle parking • Parking for low-emitting, fuel efficient, and carpool/van pool vehicles • Car share parking • Street trees or in-lieu fee of \$1,799 per required tree that cannot be planted • Child Care Fee for office, hotel -- \$1.21 per sq. ft. • Open space • Eastern Neighborhoods <ul style="list-style-type: none"> ○ Open space in-lieu fee of \$396.84 per sq. ft. for residential and \$92.23 per sq. ft. for non-residential ○ Infrastructure Impact Fee -- \$9.71 per sq. ft. for residential and \$7.28 for non-residential ○ Transportation Management Program required of all projects 	<p><i>NOTE; Requirements vary by district and plan area. Below is one example:</i></p> <p>Eastern Neighborhoods Area Plans 3-tier approach with fees paid into fund used for affordable housing, open space and recreation, transit, streetscape and public realm improvements, community facilities and "other enhanced livability requirements"</p> <p>Eastern Neighborhoods Infrastructure Impact Fee:</p> <ul style="list-style-type: none"> • Tier 1 -- within baseline zoning (see column on left) • Tier 2 -- additional height (of one or two stories) and FAR allowed <ul style="list-style-type: none"> ○ Residential -- \$14.56 per sq. ft. ○ Non-residential -- \$12.14 per sq. ft. • Tier 3 -- even more height (of three or more stories) and FAR allowed <ul style="list-style-type: none"> ○ Residential -- \$19.42 per sq. ft. ○ Non-residential -- \$16.99 per sq. ft.
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<p>S a n D i e g o</p>	<p><i>NOTE: Requirements vary significantly by district and plan area. This list includes citywide and Downtown areas</i></p> <ul style="list-style-type: none"> • Citywide <ul style="list-style-type: none"> ○ Affordable housing <ul style="list-style-type: none"> ▪ Residential <ul style="list-style-type: none"> ✓ 10% units at 100% AMI ✓ Or in-lieu fee of \$8.61 per sq. ft. (or less if fewer than 10 units) ▪ Non-residential <ul style="list-style-type: none"> ✓ Office -- \$1.41 per sq. ft. ✓ Retail and hotel -- \$0.85 per sq. ft. ✓ Research and development -- \$0.80 per ○ Regional Transportation Congestion Improvement Program <ul style="list-style-type: none"> ▪ Residential -- \$2,100 per unit for multiple-unit buildings ○ Bicycle parking for non-residential ○ Parking for carpool and zero-emission vehicles for non-residential <ul style="list-style-type: none"> • Downtown (fees as of July 1, 2015) <ul style="list-style-type: none"> ○ Park & Recreation <ul style="list-style-type: none"> ▪ Residential -- \$5,347 per unit ▪ Non-residential -- \$1,818 per 1,000 sq. ft. ○ Fire-rescue <ul style="list-style-type: none"> ▪ Residential -- \$1,136 per unit ▪ Non-residential -- \$795 per 1,000 sq. ft. ○ Transportation <ul style="list-style-type: none"> ▪ Residential -- \$1,284 per unit ▪ Non-residential -- \$321 per ADT (average daily trip) 	<p><i>NOTE; Requirements vary by district and plan area. Below is one example:</i></p> <p>Extra density in specified Downtown areas -- measured in FAR (Floor Area Ratio) -- can be obtained under a “FAR Bonus Points” system organized under a menu of on-site benefits and through payment of a fee to a fund</p> <table border="0"> <thead> <tr> <th style="text-align: left;">Benefit</th> <th style="text-align: left;">FAR Bonus Points</th> </tr> </thead> <tbody> <tr> <td>• Urban open space <ul style="list-style-type: none"> ○ 10% of site ○ 20% of site </td> <td style="vertical-align: top;"> 0.5 1.0 </td> </tr> <tr> <td>• 3-bedroom units</td> <td style="vertical-align: top;">0.5-1.0</td> </tr> <tr> <td>• Eco-roofs</td> <td style="vertical-align: top;">up to 1.0</td> </tr> <tr> <td>• Employment uses (non-residential job-generating) <ul style="list-style-type: none"> ○ 100% ○ 50% </td> <td style="vertical-align: top;"> up maximum bonus FAR up to 50% max bonus FAR </td> </tr> <tr> <td>• Public parking</td> <td style="vertical-align: top;">1 sq. ft. per sq. ft. of parking</td> </tr> <tr> <td>• Green building</td> <td style="vertical-align: top;">up to 2.0</td> </tr> <tr> <td colspan="2"> <ul style="list-style-type: none"> • FAR payment bonus program – up to 2.0 <ul style="list-style-type: none"> ○ Fee began at \$15 per sq. ft. in 2007, adjusted annually according to CPI ○ Fees go to a fund to provide new parkland and open space </td> </tr> </tbody> </table>	Benefit	FAR Bonus Points	• Urban open space <ul style="list-style-type: none"> ○ 10% of site ○ 20% of site 	0.5 1.0	• 3-bedroom units	0.5-1.0	• Eco-roofs	up to 1.0	• Employment uses (non-residential job-generating) <ul style="list-style-type: none"> ○ 100% ○ 50% 	up maximum bonus FAR up to 50% max bonus FAR	• Public parking	1 sq. ft. per sq. ft. of parking	• Green building	up to 2.0	<ul style="list-style-type: none"> • FAR payment bonus program – up to 2.0 <ul style="list-style-type: none"> ○ Fee began at \$15 per sq. ft. in 2007, adjusted annually according to CPI ○ Fees go to a fund to provide new parkland and open space 	
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