Federation Corner" column
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MPDUs: the good and the bad

MCCF worked hard on the nine pieces of Moderately Priced Dwelling Unit (MPDU) legislation that were before the County Council in the late summer and fall. The Council made their decision by enacting legislation on November 30, 2004.

The Sentinel MCCF Corner had a number of articles that explained the proposed legislation and presented MCCF's positions. This article summarizes the enacted legislation and compares it with MCCF's position.

MPDUs to Remain Longer (GOOD). **Legislation dealing with the MPDU program Control Period** - MCCF recommended extending the control period for both rental and sale MPDUs to 99 years (20 years and 10 years currently). The bill approved by the council extends the control period for rental units to 99 years, and the control period for sale units to 30 years with the provision that, for units resold while still under Program control, the 30 year clock will be restarted. Since most units are sold before 30 years, this provision has the practical effect of keeping most sale units under control in perpetuity.

Minimum Subdivision Size Requiring MPDUs - MCCF recommended reducing the size of subdivisions requiring MPDUs to those 20 units or larger in size, asking that the Planning Board pay particular attention to the compatibility of smaller infill projects with existing adjacent development. The Council agreed to reducing subdivision size to those 20 units or larger.

Minimum Number of Bedrooms - MCCF wanted the MPDUs to have an adequate number of bedrooms to support families with children. The enacted legislation requires that all MPDUs have at least 3 bedrooms.

Buyouts - MCCF recommended the elimination of all buyouts (paying a fee) rather than building MPDUs.. The bill approved by Council stops the practice of allowing buyouts in cases where developers claim that providing the MPDUs would make the project "economically infeasible." However, Department of Housing and Community Affairs (DHCA) could still approve buyouts in cases (1) where high amenity fees would render an MPDU unaffordable to MPDU applicants, (2) of senior and special needs housing, and (3) on sites where environmental constraints prevent the achievement of full density allowed by the zone. The agreed upon formula for calculating buyouts was set at 12.5% of the price of a market rate unit for CBD highrise projects, and 37.5% of market rate for projects in all other locations. Also, the Director of DHCA was directed to conduct a study of how MPDU buyouts could be completely eliminated, except in senior and special needs housing and for environmental constraints, and report back to Council in one year.

Providing MPDUs off site - MCCF endorsed the provision in Bill 25-04 that any DHCA approval allowing MPDUs to be provided off site should specify that those units must be located in the same planning area. One of the stated objectives of the bill and the zoning text amendments approved by the council is to insure that MPDUs are provided onsite.

However, the legislation retains provisions that allow MPDUs to be provided offsite, so long as they are located in the same planning area

Requiring a few more MPDUs impacts communities (BAD) - Legislation dealing with zoning and development standards. MCCF opposed all this legislation but the Council approved all of these proposed changes.

Rural lot zones – The Council approved applying the MPDU Program requirements for the first time to projects in the RE-1, RE-2C and RNC zones, "where clustering and sewer are recommended in the master plan." The Council also approved an amendment that will allow townhouses as an alternative building type in these zones, in addition to duplexes and quadplexes that can more easily be built to resemble the single-family detached homes.

Multi-family zones – The Council approved reducing the minimum greenspace requirement for garden apartment projects in the R-10, R-20, R-30 and RH to 35%, from the current 45-53%. The approved legislation also increased the size of allowable amount of land used for buildings from 20% to 24%.

Central Business District (CBD) zones. The approved legislation allows the amount of required public use space to be reduced or provided offsite. It also allows the public use space requirement to be met by a payment that may be combined with other similar payments and used to acquire a suitable public use space site in proximity to the projects involved in the deal. The approved legislation further allows greater dwelling unit densities for projects in the CBD and Transit Station zones to accommodate provision of MPDUs onsite.

CBD, RMX and Planned Development (PD) zones . The approved legislation allows the height and density of projects to be increased up to the maximum allowable in the zone and thus ignoring an master plan requirement, as necessary to accommodate MPDUs onsite.

Single-family detached home zones. The approved legislation allows up to 100% townhouse projects in the R-60, R-90, R-150, R-200 zones. These zones previously limited townhouses to 50 - 60% of the total units. Generally such projects have been built with detached houses for the market rate units and townhouses for the MPDUs.

Development standards – The approved legislation allows a reduction in the required width of tertiary roads. It also authorizes the Planning Board to waive making a finding, as formerly required, that a project's preliminary plan (also known as the "subdivision plan") is in conformance with the applicable area master plan. This provision allows the Planning Board to approve the subdivision plan for a project, regardless of the recommendations for the site in the applicable master plan, in order to accommodate provision of MPDUs onsite in the project.