



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIR

December 20, 2013

The Honorable Craig Rice
President, Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

SUBJECT: Planning Board Draft White Oak Science Gateway Master Plan

Dear *Craig* Mr. Rice.

On September 20, 2013, the Planning Board transmitted the Planning Board Draft of the White Oak Science Gateway (WOSG) Master Plan to the County Council and County Executive. This Plan seeks to leverage White Oak's assets and establish the foundation upon which the area can evolve into a community that offers more opportunities to live, work, and play locally. One of this area's greatest strengths is the consolidated headquarters of the United States Food and Drug Administration (FDA) at the White Oak Federal Research Center. The draft Master Plan focuses on three activity centers - Life Sciences/FDA Village, White Oak, and Hillandale - and provides recommendations for these areas to transform over time into more vibrant, mixed-use centers. The Planning Board Draft recommended a significant increase in densities in the three activity centers as well improvements in the transportation infrastructure, primarily in the form of Bus Rapid Transit. Due to the existing traffic constraints in the planning area, the draft plan was not technically in "transportation balance."

On October 2, 2013, former Council President Nancy Navarro sent a letter requesting that the Board and Planning Department staff, in collaboration with the Executive Branch, prepare a package of recommendations that would allow the Council to approve a plan that achieves balance between land use and transportation. During October and November, staff from the Planning Department and the Executive Branch met to discuss and review the possible options to address the Plan's imbalance and other related topics.

To focus the discussion during these meetings and establish areas of consensus and/or divergence, Planning staff prepared and distributed a written summary of the options for achieving balance. In addition, Planning Department and Executive Branch staff collaborated on developing estimates of the potential taxes and fees that could be generated from development of a 300-acre mixed use project on the Site 2 and Percontee properties. This information resulted in consensus between the agencies that this development should be and will be required to pay the customary impact taxes and fees associated with the regulatory review and development process. In other words, an alternative implementation or financing mechanism is not necessary and does not need to be pursued.

Based upon these meetings with Executive Branch staff, Planning staff presented additional information to the Planning Board at a series of three worksessions on December 5, 12 and 19. There were three major topics covered during these worksessions: 1. options for achieving balance; 2. the appropriate intersection congestion levels for the White Oak and Fairland/White Oak policy areas; and 3. the pros and cons of including a staging element in the Plan.

Steve Silverman (Director, Department of Economic Development) and Greg Ossont (Deputy Director, Department of General Services) participated in the Board worksessions and elaborated on the County Executive's position, which was summarized in written correspondence to the Board on December 4 and December 11.

The options to address land use – transportation balance that the Planning Board discussed and considered included the following:

1. Attempt to achieve land use-transportation balance by reducing density and increasing transportation capacity.
2. Modify the standards by which we measure land use-transportation balance.
3. Accept land use-transportation imbalance.

There was virtually no support among the Board members for the first option and only minority support for the third option. In the end, a majority (three out of five) of the Board members supported the second option, modifying the standards to achieve balance.

The first option was not supported for the following reasons: one of the main objectives of this Plan has been encouraging economic development and incentivizing redevelopment. The Plan's vision is broadly supported and there is consensus -- among the Planning Board, Planning Department, Executive Branch, and many in the community -- that the recommended densities in the Planning Board Draft are necessary to achieve the vision. Reducing the recommended densities would be counterproductive to the goals of the Plan and would reduce potential ridership for the transit corridors recommended in both the Planning Board Draft White Oak Science Gateway Master Plan and the 2013 *Countywide Transit Corridors Functional Master Plan*. Moreover, it is not clear that the densities can be reduced enough to balance the area since it is already considered to be out of balance based on the current 1997 Master Plans.

The third option was supported by a minority of the Board members because this group was not comfortable changing the standards in order to achieve an administrative balance on paper when the traffic is still a reality on the roads and the high level of transit anticipated for the planning area has not yet been funded or installed. It would have been the preference of the minority to recommend that the Council accept this Plan as one that is technically out of balance at build-out, while allowing the staging elements of the plan to limit the amount of development that could go forward before major transportation infrastructure was programmed and constructed to support the development. The minority group of Board members also supported deletion of the Alternative Implementation Mechanism from the Plan because it created confusion and was no longer necessary once there was agreement that the customary taxes and fees should be paid by all developers in the area.

A majority of the Board members support the second option, modifying the standards as the means to achieve land use – transportation balance. This is the option that is reflected in the revised pages of the Planning Board Draft Plan that is being transmitted.

There are currently three broad policy area categories in the Subdivision Staging Policy (SSP) – Urban, Suburban, and Rural. A majority of the Board recommends creating a new, hybrid policy area category between Urban and Suburban – Transitional Transit Corridor – with a Local Area Transportation Review intersection congestion standard of 1600 critical lane volume (CLV). All of the Board members support a more demanding transit adequacy test for the White Oak policy area as part of the Transportation Policy Area Review process. Modifying the standards generally involves text amendments to the Subdivision Staging Policy (SSP) and the Board is recommending such an amendment. The proposed changes to the SSP, including the more rigorous transit test, are shown as redline edits in the attached, recommended amendments to the SSP. (Attachment 2)

In addition, a majority of the Board recommends that the staging element of the Master Plan be deleted. This was a highly debated recommendation and is premised on two major concepts: (1) requiring high non-auto drive mode share (NADMS) goals for all projects; and (2) using the fees and taxes generated by development in the planning area to put transit infrastructure into place as soon as possible. Board members are very interested in finding ways to fund master planned transit and would like to ensure that transportation impact fees, TPAR transit mitigation fees, and TMD fees generated by WOSG projects go toward funding bus rapid transit in the White Oak and Fairland/White Oak policy areas. The Board understands that this may require a change to the transportation impact fee regulations and, if this is necessary, the Board recommends that the Council undertake such legislative changes.

In summary, the SSP revisions would include the following:

- Create a new Policy Area category: Transitional Transit Corridor. (pages 3-6)
- Create a new White Oak Policy Area, coterminous with the Master Plan boundaries. (pages 4-6, 30)
- Assign the new White Oak Policy Area and the Fairland/White Oak Policy Area to the new Transitional Transit Corridor category. (pages 4-6)
- Establish a new TPAR Transit Adequacy Test applicable to the White Oak and Fairland/White Oak policy areas that requires observed transit speeds to be 25 percent higher than free-flow auto speeds in order to achieve transit adequacy. (page 16)
- Create a new White Oak Transportation Management District (TMD) with non-auto driver mode share (NADMS) goals. (pages 15-16)
- Reflect the findings that the Fairland/White Oak and White Oak policy areas are considered adequate under the TPAR roadway adequacy test and the areas are, therefore, in balance from a Master Plan context. (page 24)
- Establish the LATR intersection congestion standard at 1600 critical lane volume for the new White Oak Policy Area. (page 25)

If the Council endorses these changes to the SSP, the Planning Department will prepare amendments to the LATR and TPAR Guidelines for the Planning Board's review that reflect the changes to the SSP.

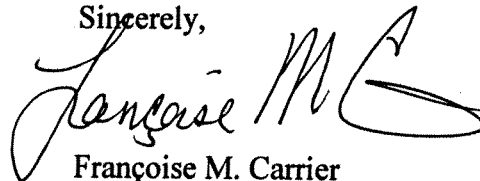
This approach achieves Master Plan balance, but it also has significant implications in the regulatory process. In the Master Plan context, the existing Fairland/White Oak Policy Area and the new White Oak Policy Area would be considered adequate for roadways in the TPAR test; therefore, the Master Plan is considered in balance for land use and transportation. Since the TPAR transit adequacy test is limited to existing transit service, it is not applicable to Master Plans. In the regulatory context, the revisions to the SSP would enable the policy area to be considered adequate under the roadway test and inadequate under the transit test; therefore, a TPAR payment specifically for transit would be required.

In summary, there are two attachments that reflect the Planning Board's attempt to satisfy the Council's request that we prepare a package of recommendations that will allow the Council to approve a balanced plan. Attachment 1 is a redline version of the pages of the September 2013 Planning Board Draft that reflects the Board's recommended changes to the Master Plan, including eliminating the staging element from the Plan. Attachment 2 is a copy of the entire Subdivision Staging Policy, with redline edits of the proposed changes to the SSP. If the Council would prefer, prior to the Council public hearing on the Plan, we can reprint an updated version of the Planning Board Draft Master Plan that reflects all of the recommended revisions (rather than the redline pages). For now, this appears to be the best way for the Council to clearly see what changes the Board is recommending to the Plan and the SSP.

Because the Council requested that we provide a variety of options for achieving balance, we are also forwarding materials that were submitted to the Planning Board during our deliberations, including those from the County Executive, Jonathan Genn, Dan Wilhelm, Eileen Finnegan, and the Planning Department staff. These materials include more detailed discussion of approaches and options for achieving balance in the WOSG planning area of which the Council should be aware.

The Planning Board and our staff appreciate the assistance the Executive Branch has provided in this effort and we look forward to working with the Council and the Executive Branch through the review and approval of this Plan.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Françoise M. Carrier', written in black ink.

Françoise M. Carrier
Chair

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Attachments

cc: Marlene Michaelson