

SEPTEMBER 2013

# White Oak Science Gateway Master Plan

PLANNING BOARD DRAFT



# WHITE OAK SCIENCE GATEWAY PLANNING BOARD DRAFT MASTER PLAN

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The following edit should be made to page 7 of the September 2013 Planning Board Draft Master Plan.

## VISION

Reimagining existing centers – and providing a framework for reinvestment - is vital to this community's longevity. 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-play locally.

One of this area's greatest strengths is the consolidated headquarters of the Food and Drug Administration (FDA) at the White Oak Federal Research Center (FRC). FDA brings thousands of employees and visitors to its state-of-the art campus, presenting synergistic opportunities to reimagine and rethink the possibilities for surrounding communities. FDA could serve as a gateway to attract companies that offer high quality employment in fields such as health care, pharmaceuticals, life sciences, and advanced technology.

The Plan envisions White Oak's major centers – Hillandale, White Oak, and Life Sciences/FDA Village evolving from conventional, auto-dependent suburban shopping centers, business parks, and light industrial areas into vibrant, mixed-use, transit-served nodes. Redevelopment of the centers must be carefully integrated with existing residential neighborhoods and designed to enhance the entire area's quality of life, appearance, walkability, and sense of place. Existing residential neighborhoods will be maintained and enhanced within a physical environment that meets the community's needs and aspirations.

This Plan provides a blueprint to connect White Oak's centers to each other and the broader region through a transit system that includes Bus Rapid Transit as an integral component. An enhanced open space, trail, and bikeway network that incorporates the area's natural environmental features will provide opportunities for a range of outdoor experiences.

The following edits should be made to page 20 of the September 2013 Planning Board Draft Master Plan.

### Land Use Supported by Transit

~~The County is studying a comprehensive bus rapid transit system that would utilize portions of existing roadways for exclusive bus service. A Bus Rapid Transit system is essential to achieve the vision of this Master Plan.~~ Improving transit service within existing corridors is intended to reduce congestion and reliance on automobiles while improving transportation capacity and meeting demands for existing and future land uses. ~~The Planning Department is preparing a The 2013~~ *Countywide Transit Corridors Functional Master Plan* ~~that~~ identifies the corridors and right-of-way requirements for a Bus Rapid Transit (BRT) system.

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Proposed BRT corridors in the WOSG Plan area include US 29, New Hampshire Avenue, and Randolph/Cherry Hill Road. This Plan's goal is for future growth to be supported by a BRT system that will serve the local area while connecting it to major destinations and to the existing and proposed transit services in the region. A BRT system with proposed stations at the Plan's centers could help spur reinvestment and redevelopment, as well as support new growth, by providing a more efficient transit alternative in an area that has been stymied due to a lack of road capacity and underserved by high quality transit. The urban design framework combines the BRT system ~~currently under study~~ with the locations of the existing commercial centers to promote development within areas centered on future transit nodes (see Figure 1).

The US 29 BRT corridor extends from the Silver Spring Transit Center to Burtonsville. The New Hampshire Avenue corridor extends from the Colesville Park and Ride Lot to the Fort Totten Metrorail Station. This Plan recommends a transit station at the White Oak Center that could serve as a transfer hub between the BRT routes on US 29 and New Hampshire Avenue. Along New Hampshire Avenue, the Plan recommends BRT stations at FDA's main entrance and at Hillandale (see Map 13 on page 64). The BRT corridor ~~under consideration~~ along Randolph Road and Cherry Hill Road would connect White Oak with Glenmont and White Flint/Rockville Pike. In addition, enhanced local bus service, perhaps a circulator bus loop, is expected to link the communities of White Oak to the BRT stations to better serve the entire area.



The following two pages (22 and 23) should be deleted from the Planning Board Draft Master Plan.

### **Land Use-Transportation Balance**

~~Traditionally, master plans seek to balance the recommended land use densities (at build-out) and the transportation infrastructure needed to support the planned development. But traffic congestion in the eastern County, particularly on US 29, has been a long-standing problem and previous master plans have acknowledged the difficulty of achieving balance. The 1981 Master Plan stated that "...projected demand for roadway capacity in the planning area cannot be satisfied." (page 158) Sixteen years later, the 1997 Fairland Master Plan confirmed that this statement was still true and stated "It will not be possible to add sufficient capacity through roadway improvements alone." (page 87)~~

~~The previous master plans for this area (the 1997 White Oak Master Plan and the 1997 Fairland Master Plan) determined that balance would be achieved if eight grade-separated interchanges were built on US 29. Four of the eight interchanges were constructed by the Maryland State Highway Administration. The other four interchanges have not been built and are not currently funded for construction, so the area is not considered to be in land use-transportation balance today, even though there has not been significant new private sector development.~~

~~Like the previous Master Plans, this Plan does not achieve land use-transportation balance, even with a proposed BRT network and construction of the remaining interchanges to support mixed land uses and higher densities. It is worth noting that the land use-transportation analysis is based on assumptions devised to test a future scenario. With regard to land use, the analysis assumes that many properties, even those with existing buildings, will redevelop to the highest possible density allowed by zoning. This development assumption is made in order to determine a "worst case" scenario for traffic modeling purposes. Likewise, the analysis assumes that most of the transportation infrastructure—transit, roads, interchanges—needed to support the land use scenario will be built, even if it is currently not funded or programmed for construction. Both the potential build-out of the hypothetical land use scenario and the implementation of the recommended transportation network are long term endeavors that may take 20 years or longer.~~

~~Properties without existing improvements (Site 2, Percontee, and WAH) are more likely to develop sooner because it is easier to develop vacant land than redevelop land that has structures, businesses, tenants, and parking, and is producing income. Most of the White Oak area is developed, but for traffic modeling purposes, the Plan assumed that the undeveloped properties, as well as places like the White Oak and Hillandale shopping centers, will redevelop to fairly high densities. The traffic model also assumed the ultimate build-out of the FDA campus. The modeling does not distinguish between the development potential of more probable near term sites versus ones that are less likely to redevelop. With these assumptions, the amount of potential development in the traffic model is relatively high. Yet, in reality, maximizing density rarely, if ever, occurs and certainly not all at once. Market demand and~~

absorption rates are limiting factors as are development regulations, including parking, environmental, and open space requirements, setbacks, height, and use restrictions.

Traditional strategies to achieve land use-transportation balance — such as decreasing densities or building new roads — would not allow this Plan to address its specific challenges and constraints. If the land use densities allowed by the Plan were reduced, it could be more difficult to support the high-quality transit service needed to achieve the Plan's vision or spur the kind of reinvestment many community members seek and that the County has already established as an important public policy for its Site 2 partnership. External traffic from Howard and Prince George's Counties, which Montgomery County does not control, is a major contributor to traffic congestion in this area. Even if Montgomery County limited development, as it has done in the eastern County in the past, regional and local traffic will continue to congest the highway network. Options to increase traffic capacity by enhancing the local road network are limited within this Plan area due to existing development patterns, land ownership, and environmental resources.

If this Plan's vision is to be achieved, stakeholders, including the County, must acknowledge and accept that there is an imbalance between the potential land use and the transportation infrastructure necessary to support full development. This Plan recommends proceeding with a revised planning framework that manages future growth through both Master Plan staging and the regulatory review process. The regulatory "checks and balances" require new development to meet adequate public facilities tests, including Transportation Policy Area Review, Local Area Transportation Review, and school capacity, all regulated by the County's Subdivision Staging Policy, which is reviewed and revised regularly. In addition, this Plan's recommended staging will limit and monitor the amount of development that is allowed to proceed prior to the provision of certain infrastructure improvements. In other words, while this Plan is not technically in balance, the Plan's staging recommendations and related regulatory implementation processes (discussed in the Implementation and Staging chapter) will provide a reasonable approach to match future growth with needed public facilities.



Add the sentence as shown below to page 42 in the Land Use and Zoning chapter.

**Existing Public Uses**

The Life Sciences/FDA Village Center includes over 60 acres of publicly owned land and facilities (see Map 10). The State of Maryland has a vehicle emissions station, a full service Maryland Vehicle Administration (MVA) office, a National Guard Armory, and a State Highway Administration (SHA) maintenance facility. A United States Post Office distribution center is adjacent to the SHA facility on Plum Orchard Drive. WSSC has offices and a lab facility on Tech Road on a 10-acre site formerly owned by the Washington Post Company. Montgomery County Public Schools' West Farm Bus Depot sits on a 15-acre site on Bournefield Way. M-NCPPC's Stonehedge Local Park is located on Old Columbia Pike and the Paint Branch Stream Valley Park forms the boundary between the Life Sciences/FDA Village and White Oak centers. The Plan recommends that all properties in this node, including publicly owned land, be rezoned to promote flexibility over the long term. At the same time, the Plan supports the continued operation of public uses in this area with the expectation that existing and future uses can co-exist. When properties adjoining public uses develop or redevelop, proposed non-residential uses and open spaces should be oriented toward the industrial uses to provide a buffer.

The following edits should be made to the Transportation chapter of the September 2013 Planning Board Draft Master Plan.

## TRANSPORTATION

The White Oak area is near a number of major, regional roadways that serve both regional and local traffic (see Map 12). Interstate 95 parallels US 29 two and a half miles to the east in Prince George's County. I-495 forms the southern boundary of the Plan area, with an interchange at New Hampshire Avenue. The 18-mile Intercounty Connector (MD 200) runs east-west between I-95 and I-270 with access via full interchanges on US 29 and New Hampshire Avenue and a partial interchange at Briggs Chaney Road (entrance only for westbound traffic).

In the Plan area, two major highways – US 29 and New Hampshire Avenue – intersect at an interchange and connect the communities of White Oak to each other and to the surrounding region. US 29, the major north-south transportation facility in the eastern County, extends 26 miles from the Maryland/Washington, D.C. line to Howard County. New Hampshire Avenue, which originates in Washington, D.C., traverses Prince George's County before it crosses into Montgomery County where it extends about 25 miles from the County line to MD 108. US 29 is the most critical roadway for this Plan due to its potential impacts on development and the area's future.

Transportation problems, and attempts to solve or relieve traffic congestion, have characterized the eastern County for 30 years. The 1981 *Master Plan for Eastern Montgomery County Planning Area* devised a concept called "transit serviceability" that was deemed problematic and no longer appropriate by the 1997 Master Plans. In 1986, the County imposed a development moratorium in the eastern County through the Adequate Public Facilities Ordinance. In 1990, the County Council adopted a Trip Reduction Amendment to the 1989 Plan. Development has continued to the north in Howard County, increasing regional travel demand and traffic volumes in the US 29 corridor.

Like many suburban locales, the White Oak area has limited options for new vehicular connections. This area is particularly constrained by existing development, ownership patterns, the large federal property, and environmental resources. These physical constraints limit opportunities to improve circulation and connectivity, which forces all local traffic onto the major highways. The federal government will not allow public access through the Federal Research Center, which could otherwise provide a local connection between New Hampshire Avenue and Cherry Hill Road.

The transportation network serving this area will require high quality transit improvements as well as additional road infrastructure to support the potential development envisioned by this Plan. The Plan recommends major infrastructure projects, including a Bus Rapid Transit network, ~~which are phased to support future growth. A biennial monitoring program will assess the pace of development and the need for infrastructure delivery.~~



### Traffic Modeling Analysis

A traffic modeling analysis of three different scenarios was conducted to determine the adequacy of the roadway network assumed in each scenario and to identify potential improvements to support development that would achieve the Plan vision. The three scenarios were:

1. The Existing Conditions scenario included all existing development and the existing transportation network.
2. The 2040 Round 8.0 COG Forecast scenario included existing development, pipeline, and some additional development based on existing zoning. It did not include the proposed BRT network. It did include the grade-separated interchanges on US 29 recommended by the 1997 Plans at Stewart Lane, Industrial Parkway/Tech Road (within the Plan area) and at Musgrove Road, Fairland Road, Greencastle Road and Blackburn Road (outside the Plan area). These interchanges, with the exception of US 29 at Industrial Parkway/Tech Road, are currently in the State's FY 2013-2018 Consolidated Transportation Program. This scenario also included extending Industrial Parkway through Site 2 to connect with FDA Boulevard.
3. The Alternative Master Plan Scenario assumed a significantly higher level of development based on the land use associated with the Plan vision for the three activity centers at White Oak, Hillandale, and the Life Sciences/FDA Village Center. It included all of the grade-separated interchanges and road improvements assumed in the 2040 scenario with the addition of rebuilding and reopening the Old Columbia Pike bridge over Paint Branch (that parallels US 29) to vehicular traffic. This scenario also assumed a BRT network. The traffic modeling was based on development recommended in the Public Hearing Draft and certain assumptions about which properties would redevelop. The Planning Board Draft recommends slightly higher densities on several properties, which does not change the modeling assumptions.

The Plan area is located within the Fairland/White Oak Policy Area, which covers most of the eastern County. The traffic modeling analysis included a review of the forecasted speed of travel by automobile for the policy area using the Transportation Policy Area Review (TPAR) methodology. Land use and transportation infrastructure is forecasted to be out of balance in the Fairland/White Oak Policy Area at build-out of the alternative Plan scenario as measured by the Subdivision Staging Policy's TPAR roadway adequacy test. The TPAR test evaluates the forecasted speed of travel on each arterial road within the policy area in its peak direction of travel (as derived from the regional transportation demand model) against uncongested, "free flow" speed, and weight-averages the results of all arterials in a policy area by vehicle miles of travel (VMT). The ratio of forecasted speed to uncongested speed is consistent with the type of analysis recommended by the Transportation Research Board's *Highway Capacity Manual (HCM)*.

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The Subdivision Staging Policy's roadway adequacy standard for the Fairland/White Oak Policy Area is a minimum 4542.5 percent ratio of forecast speed to uncongested speed (mid-point of Level of Service "D"). A ratio that is lower than this standard is considered to be inadequate. For the Fairland/White Oak Policy Area, a TPAR analysis was performed assuming that the level of development in the Plan area reaches the build-out amounts in the alternative scenario (see Figure 7). This analysis assumed a BRT network is implemented to serve the Plan area and a 30 percent non-auto driver mode share (NADMS) is achieved for workers within the Plan area. It also assumed that additional interchanges are constructed on US 29 and the bridge over Old Columbia Pike is rebuilt and open to traffic. These recommendations are supportive of reaching area-wide land use-transportation balance in the Fairland/White Oak Policy Area. However, the resulting policy area ratio of 38 percent of forecast speed to uncongested speed is well below the minimum 4542.5 percent policy area adequacy standard.

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When analyzing whether a policy area is in balance, County policy explicitly excludes traffic associated with interstate highways (I-495, I-270, and I-370) and the Intercounty Connector (MD 200) from the area-wide transportation test in recognition of the high proportion of through and regional trips on these roads. ~~US 29 functions, in part, as a limited access facility between the County line and New Hampshire Avenue.~~ The US 29 corridor is ~~also the~~ only one of three (I-495 and I-270 being the others) in the County that has seen an overall increase in Average Annual Daily Traffic (AADT) during the past seven years. This suggests that the corridor functions in a manner similar to I-495 and I-270 in that it has a higher percentage of through trips, with longer than average trip length for the segment within the Fairland/White Oak policy area.

The TPAR analysis for this Plan tested a condition assuming all traffic associated with US 29 between New Hampshire Avenue and MD 198 was excluded. This test was based on the assumption that, when the remaining planned grade-separated interchanges are built, the road will function as a limited access freeway through much of the policy area, rather than as a conventional major highway. Another rationale for excluding this roadway segment from the analysis recognizes that a significant amount of US 29 traffic is regional, through travel, similar to traffic on I-270. In the context of this test, the TPAR analysis estimates the ratio of forecast speed to uncongested speed in the policy area to be 42 percent, which is a significant improvement from the 38 percent ratio that included all US 29 traffic (see Figures 5 and 6).

~~However, the~~ the policy area 42 percent ratio of forecast speed to uncongested speed is still close enough to below the minimum 4542.5 percent policy area adequacy standard to achieve roadway adequacy. This finding recognizes the long-range planning horizon of the Plan and the fact that full build-out of the Plan is unlikely.

Traffic forecasts indicate that, while the current intersection performance is generally adequate within the Plan area, in the future it will worsen and reach inadequate service levels at many locations (under any land use scenario) without the construction of the un-built, planned interchanges. ~~Even with the interchanges and BRT, there is an imbalance between land use at total build-out of the alternative Plan scenario and the transportation network.~~



If US 29 is considered a limited access highway in the context of Transportation Policy Area Review, Local Area Transportation Review (LATR) would still be applicable and would have to be addressed by applicants submitting development proposals ~~(unless an Alternative Implementation Mechanism, discussed on page 96, is approved).~~

At least three key factors contribute to the forecasted area-wide level-of-service conditions in the Fairland/White Oak (FWO) Policy Area described above:

- Regional traffic, primarily from nearby Howard and adjacent Prince George's Counties over which the County has little control, contributes significantly to traffic congestion in the area
- Options to significantly expand local or regional roadway capacity are limited, due largely to existing development and environmental constraints
- Travel within the Plan area represents a sub-set of the amount of travel in the Fairland/White Oak Policy Area. In general, Plan recommendations designed to be supportive of achieving adequate travel conditions in the Plan area (e.g., the achievement of aggressive non-auto driver mode share goals and the realization of transit-oriented development densities) are not applicable to the greater Fairland/White Oak Policy Area.

~~This Plan recommends the Local Area Transportation Review (LATR) standard be raised from 1475 critical lane volume (CLV) to 1600 within the Plan area after significant mobility enhancements — the stage two triggers — have been implemented. At that time, a Transportation Management District should also be established and a policy area created that matches the boundaries of this Plan (see Implementation section). The rationale for a 1600 CLV standard stems from the Plan-recommended BRT network that would serve the area and offer a viable alternative to automobile travel. This is consistent with the County's policy of accepting greater levels of roadway congestion in areas where high quality transit options are available.~~

This Plan recommends the Local Area Transportation Review (LATR) standard be raised from 1475 critical lane volume (CLV) to 1600 within the Plan area. This recommendation is in recognition of the potential for significantly enhanced transit service in the area which will likely be encouraged by the proposed new TPAR transit adequacy test recommended by this Plan. The rationale for a 1600 CLV standard stems from the Plan-recommended BRT network that would serve the area and offer a viable alternative to automobile travel. This is consistent with the County's policy of accepting greater levels of roadway congestion in areas where high quality transit options are available.

Intersection performance, assuming the Master Plan Development Scenario with the *full complement* of un-programmed improvements, is described below and shown on Figure 5. The

full complement of the un-programmed improvements assumed in support of the intersection analysis includes:

- BRT Network
- Old Columbia Pike Bridge opened to vehicular traffic
- Planned US 29 grade-separated interchanges
- New local roads proposed in the Life Sciences/FDA Village Center
- Intersection geometric improvements

Within the Plan area, the following intersection is projected to operate above the recommended standard of 1600 CLV:

- New Hampshire Avenue and Powder Mill Road

Outside of the Plan area, but within the Montgomery County portion of the study area, the following intersections are forecasted to operate above 1600 CLV:

- Old Columbia Pike and Musgrove Road in Fairland
- US 29 and University Boulevard in Four Corners

Outside of the Plan area and within the Prince George's County portion of the study area, the following intersections are forecasted to operate above 1600 CLV:

- Powder Mill Road and Cherry Hill Road
- Fairland Road and Briggs Chaney Road
- Powder Mill Road and Beltsville Road
- Powder Mill Road and Riggs Road

Intersection performance, assuming the Master Plan Development Scenario with a *selected subset* of un-programmed improvements, is described below and shown on Figure 6. The selected subset of un-programmed improvements assumed in support of the intersection analysis includes:

- BRT Network
- Old Columbia Pike Bridge opened to vehicular traffic
- Planned US 29 grade-separated interchanges

Within the Plan area, the following intersections are projected to operate above the recommended standard of 1600 CLV:

- New Hampshire Avenue and Powder Mill Road
- New Hampshire Avenue and Mahan Road/Schindler Lane
- Cherry Hill Road and Broadbirch Drive/Calverton Boulevard
- Cherry Hill Road and Plum Orchard Drive/Cloverpatch Drive
- Cherry Hill Road and FDA Boulevard

Outside of the Plan area, but within the Montgomery County portion of the study area, the following intersections are forecasted to operate above 1600 CLV:

- Old Columbia Pike and Musgrove Road in Fairland
- US 29 and University Boulevard in Four Corners



Outside of the Plan area and within the Prince George's County portion of the study area, the following intersections are forecasted to operate above 1600 CLV:

- Powder Mill Road and Cherry Hill Road
- Fairland Road and Briggs Chaney Road
- Powder Mill Road and Beltsville Road
- Powder Mill Road and Riggs Road

The TPAR Roadway Adequacy Analysis retains and accepts the classification of each Policy Area by its level of transit service: Urban (with ~~and without~~ Metrorail), Suburban, and Rural. TPAR specifies acceptable levels of average roadway congestion levels in the peak traffic directions within each Policy Area where the Adequacy Standard differs from Urban, Transitional Transit Corridor, Suburban, and Rural Policy Areas (see Table 2).

**Table 2 Standards of Acceptable Roadway Average Level of Service**

Proposed Roadway (Arterial) Level of Service Standards	
Policy Area Categories	Acceptable Average Arterial Level of Service
Urban with Metrorail	Average congestion of "D/E" borderline in the peak flow directions
Urban without Metrorail	Average congestion of "D/E" borderline in the peak flow directions
Suburban	Average congestion of Mid-"D" or less in the peak flow directions
Rural	Average congestion of "C/D" borderline in the peak flow directions

Proposed Roadway (Arterial) Level of Service Standards	
Policy Area Categories	Acceptable Average Arterial Level of Service
Urban with Metrorail	Average congestion of "D/E" borderline in the peak flow directions
Transitional Transit Corridor	Mid-way between Urban and Suburban Policy Area Levels of Service in the peak flow directions
Suburban	Average congestion of Mid-"D" or less in the peak flow directions
Rural	Average congestion of "C/D" borderline in the peak flow directions

This Plan recommends, through a proposed Subdivision Staging Policy amendment, that the application of TPAR in the White Oak and Fairland/White Oak policy areas requires that observed transit travel speeds are a minimum 25 percent higher than free-flow travel speeds by automobile in order to achieve transit adequacy. This Plan recognizes the potential of this requirement to encourage the realization of high-quality BRT service in the Plan area.

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## Travel Demand Management

This Plan recommends a 25 percent Non-Auto Driver Mode Share (NADMS) goal for employees and residents in the White Oak Center and Hillandale Center of the Plan area based on the area's future transit service (assuming BRT) and connectivity opportunities.

This Plan recommends a 30 percent NADMS for all new development, residential and commercial, in the Life Sciences/FDA Village Center of the Plan area based on the area's future transit service and connectivity opportunities.

### Mode Share Goals

Non-Auto Driver Mode Share (NADMS) is the percent of travel to work trips via transit (bus or rail), walking, biking, or carpooling during the peak travel period of a typical weekday. Urban areas typically have a high NADMS while rural areas often have a low NADMS. High NADMS numbers typically correspond to urban areas that tend to be more walkable, are better for cyclists, and have a higher level of transit service and a mix of uses.

The location of the Plan area near the edge of the County's urban ring communities is one constraint that results in an NADMS that is below that of Bethesda and Silver Spring — areas with more development density and Metrorail stations. Proposed mode share targets for employees working in the Plan area are based on analysis of observed travel behaviors in other County activity centers with a high quality of transit service. The Plan's NADMS goal is based on a gradient of NADMS, as shown below, which is highest in the urban, down-County planning areas and lower farther from the region's urban core.

**Non-Auto Driver Mode Share Goals\***

Area	Master Plan Goal
Germantown	25%
<b>WOSG Master Plan</b>	<b>25-30%</b>
Bethesda	37%
Silver Spring	50%
White Flint	50%

\*With the exception of the WOSG Master Plan Area, all NADMS goals are applicable to employees working in the respective Plan area. See discussion above for the applicability of NADMS goals in the WOSG Master Plan Area.

Based on 2010 U.S. Census data, current non-single occupant vehicle travel to jobs by employees working in the Plan area is estimated at 14 percent. Based on data derived from the County's Census Update Survey, current non-single occupant vehicle travel to work trips by residents living in the Fairland planning area is estimated at roughly 20 percent. As the Plan area becomes a more vibrant mixed-use center, one objective will be to ensure that transit, bicycling, and walking remain viable options for future residents who also choose to work in the Plan area.



The following edits to the September 2013 Planning Board Draft Master Plan's Implementation chapter (pages 95 – 104) reflect the Planning Board's decision to remove staging from the Plan.

## IMPLEMENTATION AND STAGING

### Staging Overview

Growth and change must be managed and timed with the delivery of the infrastructure necessary to support it. ~~Transforming the White Oak area requires a transit and road network that will support increased densities and changes to the built environment and mix of uses over a long period of time. This Plan seeks to guide future public and private investment and development in a manner that meets the area's needs thereby collectively benefitting and enhancing the communities of White Oak. This Plan's staging recommendations address the timing of development in relation to the infrastructure needed to support it.~~

The Subdivision Staging Policy (SSP) is used to establish the policies and procedures for administration of the Adequate Public Facilities Ordinance (APFO), which, as of the time of this Plan, involves three tests for adequacy: Transportation Policy Area Review (TPAR), Local Area Transportation Review (LATR), and the Public Schools Facilities Test. The goal of the APFO is to ensure that transportation and school facilities have sufficient capacity for the Planning Board to approve specific projects during the regulatory approval process. The 2012-2016 SSP concluded that the Fairland/White Oak Policy Area (which covers this Plan area and most of the eastern County) has inadequate roadway transportation capacity conditions. Under the current regulatory procedures, any new development in this area must fully mitigate the incremental traffic impact by adding capacity, implementing a trip reduction program, or making a transportation mitigation payment that would contribute toward an eventual improvement addressing the particular inadequacy.

~~In addition to the APFO requirements in the SSP, this Plan recommends staging to ensure that infrastructure, particularly BRT, and other mechanisms to reduce single-occupant vehicle travel, are in place before significant amounts of development (i.e., beyond Stage 1) are allowed to proceed in the three activity centers where the bulk of development is anticipated. Outside of the three centers, development is not subject to the Master Plan staging. Staging helps achieve the desired level of growth and ensures that the transportation network is sufficient to accommodate the next phases of growth. This Plan calls for staging development tied to infrastructure and transportation management goals (see Table 6).~~

~~Experience shows that the full density allowed by zoning is rarely built, and certainly not all at once. Market demand and absorption rates are two of the limiting factors. Therefore, the maximum potential development of the zoning proposed in this Plan is almost certain to be more density than will be used over the life of the Plan. Keeping track of the actual development that occurs will be particularly important to assess how the area is developing, the need for and programming of infrastructure, and whether the vision is being achieved. These issues will be tracked by a biennial monitoring program, as discussed below. This Plan may need to be amended if transit and road infrastructure are not being programmed and constructed.~~

This Plan recommends that the County create a new White Oak Policy Area that is coterminous with the boundaries of the Master Plan area. The SSP will need to be amended to include this new policy area. The new policy area's goals, including more specific non-auto driver mode share (NADMS) targets, should be included in the SSP amendment. ~~and should reflect the creation of an alternative implementation mechanism, as described below.~~

In order to achieve the BRT service needed to support the development recommended in this Plan, all transportation impact taxes, TPAR transportation mitigation payments, and Transportation Management District fees collected in this area should be utilized to implement BRT in the Fairland/White Oak and White Oak policy areas until the BRT routes are operational.

### **Alternative Implementation Mechanism**

~~This Plan recommends that an alternative implementation mechanism be developed that could replace the customary Adequate Public Facility Ordinance (APFO) review process and/or transportation impact taxes, in whole or in part. This Plan will be implemented over a long period of time, on a property by property basis, through a combination of public and private initiatives such as redevelopment and upgrading of private properties; public projects funded through Federal, State, and County Capital Improvement Programs; and public/private partnership projects. In addition to these implementation methods, other sources for funding infrastructure improvements need to be pursued, such as a development district, a transportation impact tax, or a special benefit assessment.~~

~~Achieving this Plan's vision will be challenging given the scale, type, and cost of the transportation infrastructure necessary to support future development. The Plan recommends that an alternative implementation mechanism be developed that would identify solutions to these challenges. The goals of the alternative implementation mechanism should include reducing single-occupant vehicle trips, providing sureties to ensure the achievement of NADMS targets, and creating an alternative to the standard APFO review process for private financing of transportation infrastructure. Applicants would have the option to either follow the regular development process or utilize the alternative implementation mechanism.~~

~~Once this Master Plan is approved and adopted, the County Council should establish a Technical Work Group (TWG) to devise and work out the details of an alternative implementation mechanism that will help achieve the Plan's goals and vision. The TWG should include all relevant public and private sector stakeholders involved with implementing the Master Plan (including the Planning Department, County and State agencies, property owners, and the local community). The County Council should direct that, within nine months of its formation, the TWG produce an alternative implementation mechanism for the Planning Board to evaluate as part of an SSP amendment, which will be considered by the County Council.~~

~~Any alternative implementation mechanism must involve County and State or Federal partnerships with the private sector and should, at a minimum, include the following elements:~~



- ~~An equitably shared transportation funding program that adequately finances the necessary infrastructure improvements and creates alternatives that will encourage non-single-occupant vehicle trips.~~
- ~~An adequate infrastructure financing and construction phasing plan to ensure planning, design, and construction of the transportation infrastructure needed to serve the new development in a timely manner, as well as a procedure for allocating implementation costs to individual projects.~~
- ~~A requirement that each new project or any redevelopment within the Plan area achieve a minimum 30 percent NADMS at full build-out. For phased development projects, prior to full build-out, at specified phases of the project, the developer should commit to a graduated NADMS goal at the time of regulatory approval, with implementation guaranteed by adequate sureties. For smaller, or single-phase, projects the TWG should propose an appropriate NADMS target and/or methods for smaller projects to participate most effectively in the White Oak Transportation Management District.~~
- ~~An independent and comprehensive monitoring and verification program to track NADMS at all development phases and ensure timely delivery of the transportation infrastructure.~~
- ~~All funding from the alternative implementation mechanism should go toward transit that improves mobility and increases NADMS in the Plan area.~~

### Staging Requirements

~~Within the Plan area, there is currently about 11 million square feet of existing commercial development and half of this amount, 5.5 million, consists of the FDA's headquarters facility on New Hampshire Avenue and the Army's Adelphi Laboratory Center on Powder Mill Road at the County line. Approximately 3.4 million commercial square feet are in the Life Sciences/FDA Village Center area; another one million is in the White Oak area, half of which consists of retail uses at the White Oak Shopping Center; and there are 750,000 square feet of commercial space in Hillandale, including the shopping center, several office buildings, and the National Labor College. There are 7,118 existing dwelling units in the Plan area, of which 4,858 are multi-family and 2,260 are single-family (includes townhouses).~~

~~There is just over one million square feet of approved, un-built development in the "pipeline," most of which is Washington Adventist Hospital (about 802,000 square feet). The remaining approved, un-built development (225,000 square feet) was allocated by the original West Farm preliminary plan to two adjacent sites on Plum Orchard Drive that are now publicly owned, the SHA maintenance facility and the United States Postal Service distribution center. Table 5 summarizes existing development, COG forecast development, and this Plan's alternative development scenario.~~

~~Through the 1990 Trip Reduction Amendment to the 1981 Eastern Montgomery County Master Plan, trip reduction restrictions were placed on certain properties in the Cherry Hill Road Employment Area. This Plan supports the removal of those restrictions so these property owners are not at a disadvantage relative to other developers in the area. Property owners~~



~~who executed voluntary trip reduction agreements with the Planning Board may take action to have these restrictions removed from the land records.~~

Table 5 should be moved to the Land Use and Zoning chapter (page 28) and the tables should be renumbered.

**Table 5 Existing and Potential Development**

	Existing	Existing & Approved	2040 COG (adjusted)	2012 Master Plan Scenario*
Commercial (sf)	11,187,298	12,000,000	15,854,064	25,434,851
Single-Family dus	2,260	2,260	2,404	2,785
Multi-Family dus	4,858	4,858	5,194	12,903
Total Dwelling Units	7,118	7,118	7,598	15,688
Jobs	27,688	31,168	40,063	70,312
Plan Area J/H ratio	3.8/1	4.3/1	5.2/1	4.4/1

\*Reflects densities from February 2012 traffic modeling; does not reflect the maximum potential densities allowed by the Plan's full recommended zoning.

### Stage 1

~~Stage 1 allows for approval of an additional 4 million square feet of new commercial and/or residential development, which reflects the zoning capacity of the portions of the two 1997 Master Plans that this Plan amends, and is the approximate amount of development in the adjusted COG forecast (see Table 5).~~

~~11 million square feet existing commercial development~~

~~1 million approved, un-built (pipeline) commercial development~~

~~4 million square feet of additional new commercial or residential development~~

~~16 million square feet total Stage 1 development~~

~~In Stage 1, the Plan recommends allocating development to each of the three major nodes in recognition of the importance of the individual centers of White Oak, Hillandale, and Life Sciences/FDA Village in successfully achieving this Plan's vision. In Hillandale and White Oak, the ability to add housing in places now exclusively devoted to commercial activity offers a potentially significant redevelopment incentive. In the Life Sciences/FDA Village Center, where redevelopment has already been established as an important County public policy, emphasizing non-residential development in the initial stages appropriately supports that policy.~~

~~Development projects will be required to demonstrate how they are addressing the Plan vision and how the Plan's urban design guidelines (regarding areas such as building relationships, compatibility, and public spaces) for the particular center are being achieved. While the three centers are allocated a total of 6 million square feet, no more than 4 million square feet may be developed in the Plan area in Stage 1. For example, if the White Oak and Hillandale centers receive building permits with 500,000 square feet of new development in each area, there would be 3 million square feet available in the Life Sciences/FDA Center during Stage 1. Or, if~~



the White Oak and Hillandale centers receive building permits totaling 750,000 square feet in each center, there would be 2.5 million square feet available in the Life Sciences/FDA Village Center during Stage 1.

The 4 million square feet of additional new development available in Stage 1 will be geographically allocated to each of three areas (with new development density allocated at the time a building permit is issued) as follows:

- *White Oak Center* will have up to 1.5 million square feet for either commercial or residential development or a mix of commercial and residential uses per the recommended zoning.
- *Hillandale Center* will have up to 1.5 million square feet for either commercial or residential development or a mix of commercial and residential uses per the recommended CR zones.
- *Life Sciences/FDA Village Center* will have up to 3 million square feet of commercial or a combination of commercial and residential development, with residential development limited to a maximum of 1 million square feet.

The Planning Board may approve a development that does not conform to the above geographical allocation if development activity at the respective Centers proceeds at an uneven pace such that restricting development to these geographical distributions is not in the public interest. If, for example, there are development projects in the Life Sciences/FDA Village Center that exceed the 3 million square feet allocated to that area in Stage 1 and, at the same time, there is no proposed development in the other centers, the Planning Board could decide to allow more than 3 million square feet, but no more than the total of 4 million square feet in Stage 1.

In addition, if a Preliminary Plan in one of the major activity centers—that is existing and valid when the Plan is approved—expires during the course of Stage 1, the development capacity associated with it becomes available to the major activity center it is in. All of the pipeline development in the Plan area is in the Life Sciences/FDA Village Center and consists primarily of the approval for Washington Adventist Hospital. Currently, this approved, un-built project is part of the 12 million square feet of existing and approved development in Stage 1. If the hospital's Preliminary Plan expires, this amount of development would shift from the category of existing and approved development to the category of additional new development in the Life Sciences/FDA Village Center, while the total in Stage 1 would remain the same.

A biennial monitoring report will be produced by the Planning Department during the spring of odd-numbered years, starting in 2017. It will include a section describing any recommended amendments to existing Project Description Forms (PDFs) in the CIP or new PDFs to be added to the subsequent biennial CIP (developed for public hearing in the spring of even-numbered years). This monitoring report could also address whether any changes to the Subdivision

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~~Staging Policy (SSP) or Master Plan staging are needed, a particularly important element considering that the SSP and this Master Plan cannot anticipate the full range of circumstances that will arise in the future. The Planning Board and County Council may consider changes to the SSP at any time (i.e., they need not wait for a biennial review), but they must consider the performance of the SSP at the time of the biennial review.~~

~~Before Stage 1 begins, all of the following must occur:~~

- ~~• Approve and adopt the Sectional Map Amendment (SMA).~~
- ~~• Create a new Policy Area (a subset of the Fairland/White Oak Policy Area) using the boundaries of the Plan area, but retain the CLV congestion standard for the new Policy Area at 1475.~~
- ~~• Establish and fund a White Oak Transportation Management District (TMD) coterminous with the Master Plan boundaries.~~
- ~~• Develop a monitoring program within 12 months of adopting the Sectional Map Amendment.~~
- ~~▪ The Planning Board must develop a biennial monitoring program that includes periodic assessment of development approvals, public facilities and amenities, the status of new facilities, and the CIP and SSP as they relate to the White Oak area. The program must include a Comprehensive Local Area Transportation Review (or comparable analysis) that will identify and recommend for Council approval and action specific projects and services necessary to promote adequate transportation service. The program should include a regular assessment of the staging plan and determine if any modifications to the Master Plan or SSP are necessary. The biennial monitoring report must be submitted to the Council and Executive prior to the development of the biennial CIP.~~
- ~~▪ The Planning Board must establish an advisory committee of property owners, residents and interested groups that are stakeholders in the redevelopment of the Plan area, as well as representatives from the Executive Branch, to evaluate the assumptions made regarding congestion levels and transit use. The committee's responsibilities should include monitoring the Plan recommendations, identifying new projects for the Amenity Fund, monitoring the CIP and SSP, and recommending action by the Planning Board and County Council to address issues that may arise.~~
- ~~• Document the baseline non-auto driver mode share (NADMS) for the new policy area through monitoring and traffic counts.~~

## **Stage 2**

~~16 million square feet of Stage 1 development~~

~~+5 million square feet of Stage 2 additional new commercial development~~

~~+2000 Total Stage 2 additional residential dwelling units~~

~~Before Stage 2 begins, the following must occur:~~

- ~~• The County Council must increase the CLV congestion standard for the new Policy Area that was created in Stage 1 to 1600 (which is the current standard in Bethesda/Chevy Chase, Kensington/Wheaton, Silver Spring/Takoma Park and the Germantown Town Center).~~

Form

Form



In addition, before Stage 2 begins, mobility enhancements must be achieved and must include programming of one of the following infrastructure improvements:

- BRT on US 29 from the Silver Spring Transit Center to the Burtonsville Park and Ride Station must be fully funded for implementation and construction within the first six years of the County's CIP or the State's Consolidated Transportation Program (CTP).

OR

- BRT on New Hampshire Avenue from US 29 to the Takoma/Langley Transit Center must be fully funded for implementation and construction within the first six years of the County's CIP or the State's Consolidated Transportation Program (CTP).

OR

- Mobility improvements identified by the most recent biennial monitoring review that provide transit capacity equivalent to one of the BRT segments listed above must be fully funded for implementation and construction within the first six years of the County's CIP or the State's Consolidated Transportation Program (CTP).

OR

- Development can proceed beyond Stage 1 if all Stage 1 development has received a use and occupancy permit and, based on a comprehensive mobility assessment by the Planning Department and Planning Board, the County Council decides through an SSP amendment that mobility is adequate to support some or all of the Stage 2 development.

### Stage 3

21 million square feet of Stage 1 and Stage 2 development

+ Any additional development allowed by zoning

Before Stage 3 begins, all of the following must occur:

- The three activity centers (see Map 5 on page 27) have attained on average at least 25 percent NADMS for all redevelopment and new development, as confirmed by the White Oak Transportation Management District.

- BRT on US 29 must be operating from the Silver Spring Transit Center to the Burtonsville Park and Ride Station (alone or in combination with the New Hampshire Avenue BRT described in Stage 2 above).

- If BRT on New Hampshire Avenue from the Colesville Park and Ride Station to the Takoma/Langley Transit Center has not yet been programmed, it must be fully funded for implementation and construction within the first six years of the County's CIP or the State CTP.

- Mobility improvements identified by the most recent biennial monitoring review that provide transit capacity equivalent to one of the BRT segments listed above must be fully funded for implementation and construction within the first six years of the County's CIP or the State's Consolidated Transportation Program (CTP).

**Table 6—Staging Plan Summary**

<b>Stage 1</b> 4 million-sf commercial or residential development	<b>Stage 2</b> 5 million-sf commercial 2000 dwelling units	<b>Stage 3</b> remaining development allowed by zoning
<b>PREREQUISITES TO EACH STAGE</b>		
Approve SMA	Raise WOSG Policy Area —CLV to 1600	US 29 BRT is operational
Develop monitoring —program	Fund US 29 BRT <b>OR</b>	Fund New Hampshire Avenue BRT if this did not occur in Stage 2
Establish and fund White Oak TMD	Fund New Hampshire —Avenue BRT <b>OR</b>	Mobility improvements that provide equivalent capacity to BRT are fully funded for construction
Create new WOSG Policy Area	Mobility improvements that provide equivalent capacity to BRT are fully funded for construction <b>OR</b>	Three activity centers have attained on average at least 25% NADMS
Document NADMS	After a comprehensive mobility assessment, if the Council decides through an SSP amendment that mobility is adequate, and all Stage 1 development has use and occupancy permits, development can proceed	

Development capacity in each stage will be allocated at building permit (rather than at Preliminary Plan) through a Staging Allocation Request (SAR).

### Sectional Map Amendment

Following the Plan's approval by the County Council and adoption by The Maryland-National Capital Park and Planning Commission, a Sectional Map Amendment (SMA) will apply the Plan's recommended zoning to the official zoning map of the County.

### Design Guidelines

The Planning Board will approve design guidelines that will help guide developers, the community, and staff in implementing the Plan.

### Public Benefits in the CR Zone

The CR Zone has two development methods: standard and optional. The standard method allows up to 0.5 FAR in the CR Zone and up to 1.0 FAR in the CRT Zone and requires compliance with a specific set of development standards. The optional method allows for greater density and height but requires projects to provide public benefits to achieve the incentive density above the standard method density. The additional optional method density may be achieved through a series of incentive increases that can be combined to achieve the



maximum allowable density. Public benefits provided under the optional method are drawn from among seven categories outlined in the Zoning Ordinance.

The following list of public benefits should be considered priorities during project development and review of optional method projects in the CR Zone within the boundaries of this Plan. This list is not mandatory nor does it preclude consideration of other benefits listed in the CR Zone to achieve the maximum permitted FAR. The requested benefits should be analyzed to make sure that they are the most suitable for a particular location, are consistent with the Plan's vision, and that they will satisfy the changing needs of the area over time. When selecting these benefits, the Planning Board should consider community needs as a determining factor.

- Major public facilities
  - Bus Rapid Transit
  - Bus circulator to connect centers to BRT stations
  - Elementary school
  - Parks and Trails
- Transit proximity
- Connectivity between uses, activities, and mobility options
  - Trip mitigation
  - Neighborhood Services
  - Streetscape
  - Way-finding
- Diversity of uses and activities
  - Affordable Housing
  - Dwelling Unit Mix
  - Care Centers
- Quality building and site design
  - Structured Parking
  - Public Open Space
- Protection and Enhancement of the Natural Environment
  - Energy Conservation and Generation
  - Tree Canopy

### County Capital Improvements Program

The Capital Improvements Program (CIP), which is funded by the County Council and implemented by County agencies, establishes how and when construction projects are completed. The CIP cycle starts every two years when regional advisory committees and the M-NCPPC hold forums to discuss proposed items for the six-year CIP. ~~This Plan's land use and staging recommendations will require the inclusion of the following projects as elements of the CIP. Some projects may include private sector participation.~~

In the Plan area, priority should be given to the following CIP projects:

- ◆ bus rapid transit ~~(as described in this Plan's staging element)~~

## **ATTACHMENT 1**

- reconstructing the Old Columbia Pike bridge over the Paint Branch
- a new elementary school, if needed
- routes and facilities in the proposed bike and trail network, particularly the shared use loops in the Life Sciences/FDA Village Center and in the White Oak Center, including the proposed connection to FDA.



Resolution No: \_\_\_\_\_  
Introduced: November 13, 2012  
Adopted: November 13, 2012

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By: Council President at the request of the Planning Board

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**SUBJECT:** 2012- 2016 Subdivision Staging Policy

**Background**

1. County Code §33A-15 requires that no later than November 15 of the second year of a Council's term, the County Council must adopt a Subdivision Staging Policy to be effective until November 15 of the second year of the next Council term, to provide policy guidance to the agencies of government and the general public on matters concerning land use development, growth management and related environmental, economic and social issues.
2. On August 1, 2012, in accordance with §33A-15, the Planning Board transmitted to the County Council its recommendations on the 2012-2016 Subdivision Staging Policy. The Final Draft Subdivision Staging Policy, as submitted by the Planning Board, contained supporting and explanatory materials.
3. On September 18, 2012, the County Council held a public hearing on the Subdivision Staging Policy.
4. On September 24 and October 8, 15, and 18, 2012, the Council's Planning, Housing, and Economic Development Committee conducted worksessions on the recommended Subdivision Staging Policy.
5. On October 23, and November 5 and 6, 2012, the Council conducted worksessions on the Subdivision Staging Policy, at which careful consideration was given to the public hearing testimony, updated information, recommended revisions and comments of the County Executive and Planning Board, and the comments and concerns of other interested parties.

## **Action**

*The County Council for Montgomery County, Maryland, approves the following Resolution:*

The 2012-2016 Subdivision Staging Policy is approved as follows:

### **Applicability; transition**

#### **AP1      Effective dates**

This resolution takes effect on January 1, 2013, and applies to any application for a preliminary plan of subdivision filed on or after that date, except that Section S (Public School Facilities) takes effect on November 15, 2012.

#### **AP2      Transition**

For any complete application for subdivision approval submitted before January 1, 2013, the applicant may meet its requirements under **TP Transportation Policy Area Review** by either complying with all applicable requirements of **Transportation Policy Area Review** under this resolution or all applicable requirements of **Policy Area Mobility Review** that were in force immediately before this resolution was amended in 2012. The applicant must decide, by the later of March 1, 2013, or 30 days after the Planning Board adopts guidelines to administer **Transportation Policy Area Review**, which set of requirements will apply to its application.

### **Guidelines for the Administration of the Adequate Public Facilities Ordinance**

County Code Section 50-35(k) ("the Adequate Public Facilities Ordinance or APFO") directs the Montgomery County Planning Board to approve preliminary plans of subdivision only after finding that public facilities will be adequate to serve the subdivision. This involves predicting future demand from private development and comparing it to the capacity of existing and programmed public facilities. The following guidelines describe the methods and criteria that the Planning Board and its staff must use in determining the adequacy of public facilities. These guidelines supersede all previous ones adopted by the County Council.

The Council accepts the definitions of terms and the assignment of values to key measurement variables that were used by the Planning Board and its staff in developing the recommended Subdivision Staging Policy. The Council delegates to the Planning Board and its staff all other necessary administrative decisions not covered by the guidelines outlined below. In its administration of the APFO, the Planning Board must consider the recommendations of the County Executive and other agencies in determining the adequacy of public facilities.

The findings and directives described in this Subdivision Staging Policy are based primarily on the public facilities in the approved FY 2013-18 Capital Improvements Program (CIP) and the Maryland



Department of Transportation FY 2012-17 Consolidated Transportation Program (CTP). The Council also reviewed related County and State and Federal funding decisions, master plan guidance and zoning where relevant, and related legislative actions. These findings and directives and their supporting planning and measurement process have been the subject of a public hearing and review during worksessions by the County Council. Approval of the findings and directives reflects a legislative judgment that, all things considered, these findings and procedures constitute a reasonable, appropriate, and desirable set of staged growth limits, which properly relate to the ability of the County to program and construct facilities necessary to accommodate growth. These growth stages will substantially advance County land use objectives by providing for coordinated and orderly development.

These guidelines are intended to be used as a means for government to fulfill its responsibility to provide adequate public facilities. Quadrennial review and oversight, combined with periodic monitoring by the Planning Board, allows the Council to identify problems and initiate solutions that will serve to avoid or limit the duration of any imbalance between the construction of new development and the implementation of transportation improvements in a specific policy area. Further, alternatives may be available for developers who wish to proceed in advance of the adopted public facilities program, through the provision of additional public facility capacity beyond that contained in the approved Capital Improvements Program, or through other measures that accomplish an equivalent effect.

The administration of the Adequate Public Facilities Ordinance must at all times be consistent with adopted master plans and sector plans. Where development staging guidelines in adopted master plans or sector plans are more restrictive than Subdivision Staging Policy guidelines, the guidelines in the adopted master plan or sector plan must be used to the extent that they are more restrictive. The Subdivision Staging Policy does not require the Planning Board to base its analysis and recommendations for any new or revised master or sector plan on the public facility adequacy standards in this resolution.

### **Guidelines for Transportation Facilities**

#### **TP Policy Areas**

#### **TP1 Policy Area Boundaries and Definitions**

For the purposes of transportation analysis, the County has been divided into 376 areas called traffic zones. Based on their transportation characteristics, these zones are grouped into transportation policy areas, as shown on Map 1. In many cases, transportation policy areas have the same boundaries as planning areas, sector plan areas, or master plan analysis (or special study) areas. Each policy area is categorized as ~~either~~ Urban, Transitional Transit Corridor<sup>1</sup>, Suburban, or Rural. The policy areas in effect for 2012-2016 are:

Urban: Bethesda CBD Metro Station Policy Area (MSPA), Bethesda-Chevy Chase, Derwood, Friendship Heights MSPA, Glenmont MSPA, Grosvenor MSPA, Kensington/Wheaton, North Bethesda, Rockville City, Rockville Town Center, Shady

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<sup>1</sup> Recommended for dedicated lane treatment in the Countywide Transit Corridors Functional Master Plan.

Grove MSPA, Silver Spring CBD MSPA, Silver Spring/Takoma Park, Twinbrook MSPA, Wheaton CBD MSPA, and White Flint MSPA.

Transitional Transit Corridor: Fairland/White Oak and White Oak.

Suburban: Aspen Hill, Clarksburg, Cloverly, Damascus, ~~Fairland/White Oak~~, Gaithersburg City, Germantown East, Germantown Town Center, Germantown West, Montgomery Village/Airpark, North Potomac, Olney, Potomac, and R&D Village.

Rural: Rural East and Rural West.

The boundaries of the policy areas are shown on maps 2-34.

The boundaries of the Gaithersburg City and Rockville City policy areas reflect existing municipal boundaries, except where County-regulated land is surrounded by city-regulated land. The boundaries of these municipal policy areas do not automatically reflect any change in municipal boundaries; any change in a policy area boundary requires affirmative Council action.

## **TP2 Transportation Policy Area Review (TPAR)**

### **TP2.1 Components of Transportation Policy Area Review**

There are two components to Transportation Policy Area Review: *Roadway Adequacy* and *Transit Adequacy* for each policy area.

#### **TP2.1.1 Roadway Adequacy**

*Roadway adequacy* is a measure of congestion on the County's arterial roadway network. It is based on the *urban street delay level of service* in the 2010 Highway Capacity Manual, published by the Transportation Research Board. This concept measures congestion by comparing modeled (congested) speeds to free-flow speeds on arterial roadways. The travel speed reflects the projected travel demand in 10 years on a transportation network that includes both the existing network of roads and transit facilities and any road or transit facility funded for completion within 10 years in an approved state, county, or municipal capital improvements program for which construction is funded to begin within 6 years. It then assigns letter grades to the various levels of roadway congestion, with letter A assigned to the best levels of service and letter F assigned to the worst levels of service. For a trip along an urban street that has a free-flow speed (generally akin to posted speed) of 40 MPH, LOS A conditions exist when the actual travel speed is at least 34 MPH excluding delays experienced at traffic signals. At the other end of the spectrum, LOS F conditions exist when the actual travel speed is below 10 MPH. The travel speeds are calculated in the peak direction during the PM peak hour, which presented the worst condition in the analysis.



### Roadway Travel Speed and Arterial LOS

<i>If the actual urban street travel speed is</i>	<i>TPAR Arterial LOS is</i>
At least 85% of the free-flow speed	A
At least 70% of the highway speed	B
At least 50% of the highway speed	C
At least 40% of the highway speed	D
At least 30% of the highway speed	E
Less than 30% of the highway speed	F

The following standards are established to assess the level of roadway adequacy for the purposes of Transportation Policy Area Review:

#### Standards of Acceptable Roadway Average Level of Service

<b>Policy Area Categories</b>	<b>Acceptable Weighted Arterial Level of Service</b>
Urban	Borderline between Levels of Service “D” and “E” in peak directions
<u>Transitional Transit Corridor</u>	<u>Mid-way between Urban and Suburban Policy Area Levels of Service in peak directions</u>
Suburban	Mid-Level of Service “D” in peak directions

TPAR evaluates conditions only on the arterial roadway network. Freeway level of service is not directly measured because County development contributes a relatively modest proportion of freeway travel, and because the County has limited influence over the design and operations of the freeway system. However, because arterial travel is a substitute for some freeway travel, TPAR indirectly measures freeway congestion to the extent that travelers choose local roadways over congested freeways.

#### TP2.1.2 Transit Adequacy

With the exception of the White Oak and Fairland/White Oak Policy areas, Transit Adequacy is based on the use of measures of three transit service performance factors for combined Ride-On and Metrobus service using the arterial roadway network in the County. It is based on and consistent with the performance factors defined in the 2003 *Transit Capacity and Quality of Service Manual* published by the Transportation Research Board. The three transit service performance factors are: (1) coverage, which indicates how close service is to potential users; (2) peak headway, which indicates how frequent the scheduled service is so as to be convenient to users; and (3) span of service, which indicates over what time duration during a typical weekday the service is available to potential users. Transit Adequacy is determined by comparing bus route coverage, scheduled headways and actual hours of operation based on 2011 data to established standards, as illustrated in the table below.

Transit Adequacy Standards				
	Minimum Coverage	Maximum Headway	Minimum Span	Form
Urban	≥80%	≤14 minutes	≥17 hours	Form
<u>Transitional Transit Corridor</u>	<u>≥75%*</u>	<u>≤17 minutes*</u>	<u>≥15 hours*</u>	Form
Suburban	≥70%	≤20 minutes	≥14 hours	Form

\* In the two policy areas defined within this category, White Oak and Fairland/White Oak, transit adequacy is determined as described in provision TL4.8.

## TP2.2 Conducting Transportation Policy Area Review

### TP2.2.1 Geographic Areas

In conducting Transportation Policy Area Reviews, each Metro station policy area is included in its larger parent policy area, so that:

- the Bethesda CBD, Friendship Heights, and Bethesda-Chevy Chase policy areas are treated as a single policy area;
- the Grosvenor, White Flint, Twinbrook, and North Bethesda policy areas are treated as a single policy area;
- the Rockville Town Center and Rockville City policy areas are treated as a single policy area;
- the Shady Grove and Derwood policy areas are treated as a single policy area;
- the Silver Spring CBD and Silver Spring-Takoma Park policy areas are treated as a single policy area; and
- the Wheaton CBD, Glenmont, and Kensington/Wheaton policy areas are treated as a single policy area.

The Germantown Town Center and Germantown West policy areas are treated as a single policy area. The White Oak and Fairland/White Oak policy areas are treated as a single policy area. The Rural East policy area consists of all area east of I-270 that is not located in another policy area. The Rural West policy area consists of all area west of I-270 that is not located in another policy area.

Any proposed development in a Metro Station policy area is exempt from the transit adequacy test. Any proposed development in the Rural East or Rural West policy area is exempt from the roadway and transit adequacy tests.

Any proposed development located in the White Flint Metro Station policy area is exempt from Transportation Policy Area Review if that development, as a condition of approval of a preliminary plan of subdivision, is required to provide substantial funds to the Special Tax District created to finance transportation improvements for that Policy Area. However, the traffic impact of any development in that policy area must be considered in any Transportation Policy Area Review calculation for any development that is not exempt under this paragraph where that impact would otherwise be considered.



**TP2.2.2 Determination of Adequacy**

Each even-numbered year, not later than July 1, the Planning Board must evaluate roadway and transit adequacy for each policy area. At any time between these assessments, the Planning Board may revise its evaluation to reflect a material change in a state, county, or municipal capital improvements program. If the Planning Board revises its measure of adequacy during a fiscal year because of a material change in transportation capacity, that revision must be used during the rest of that fiscal year in reviewing subdivision applications.

Using a transportation planning model, the Planning staff must compute the relationship between the programmed set of transportation facilities and the forecast growth in households and employment, using the Cooperative Regional Forecast. The traffic model tests this forecast growth for its traffic impact, comparing the resulting directional traffic volume, link speed, and distribution to the roadway level of service standard for each policy area. Any policy area that does not achieve the level of service standards specified in **TP2.1.1** is inadequate for roadways. Any policy area that is inadequate for roadways, for transit, or for both is inadequate for transportation.

An applicant for a preliminary plan of subdivision need not take any action under Transportation Policy Area Review if the proposed development will generate 3 or fewer peak-hour trips.

The Planning Board may adopt Transportation Policy Area Review guidelines and other technical materials to further specify standards and procedures for its adoption of findings of policy area adequacy or inadequacy.

The transportation planning model considers all forecast development and all eligible programmed transportation CIP projects. For these purposes, "forecast development" includes all households and employment forecast by the Cooperative Regional Forecast. "Eligible programmed transportation CIP projects" include all County CIP, State Transportation Program, and City of Rockville or Gaithersburg projects for which 100 percent of the expenditures for construction are estimated to occur in the first 10 years of the applicable program and for which construction is funded to begin within 6 years.

Because of the unique nature of the Purple Line, the Corridor Cities Transitway, and the North Bethesda Transitway compared to other transportation systems which are normally used in calculating development capacity, it is prudent to approach the additional capacity from these systems conservatively, particularly with respect to the timing of capacity and the amount of the capacity recognized. Therefore, the capacity from any operable segment of any of these transit systems must not be counted until that segment is fully funded in the first 10 years of the County or State capital improvements program and for which construction is funded to begin within 6 years.

To discourage sprawl development, no capacity for new development may be counted outside the boundary of the Town of Brookeville as of March 9, 1999, as a result of relocating MD 97 around Brookeville.

**TP3 Imposition of Transportation Mitigation Payment**

If projected transportation capacity in a policy area is not adequate, the Planning Board may approve a subdivision in that area if the applicant commits to either: (1) fully mitigate the incremental traffic impact of the subdivision by adding capacity or implementing a trip reduction program; or (2) pay a Transportation Mitigation Payment as provided in County law.

If an MSPA is located in an Urban area that does not meet the Roadway Test standard, the Transportation Mitigation Payment is equal to 25% of the MSPA transportation impact tax for that subdivision. If any other policy area does not meet either the Roadway Test or Transit Test standard, the Transportation Mitigation Payment is equal to 25% of the General District transportation impact tax for that subdivision. If any other policy area that is not otherwise exempt does not meet both the Roadway Test and Transit Test standards, the Transportation Mitigation Payment is equal to 50% of the General District transportation impact tax for that subdivision.

Table 1 shows the adequacy status for each policy area from January 1, 2013 - July 1, 2014.

#### **TP4 Development District Participation**

Under Chapter 14 of the County Code, the County Council may create development districts as a funding mechanism for needed infrastructure in areas of the County where substantial development is expected or encouraged. The Planning Board may approve subdivision plans in accordance with the terms of the development district's provisional adequate public facilities approval (PAPF).

##### **TP4.1 Preparation of a PAPF**

The development district's PAPF must be prepared in the following manner:

One or more property owners in the proposed district may submit to the Planning Board an application for provisional adequate public facilities approval for the entire district. In addition to explaining how each development located in the district will comply with all applicable zoning and subdivision requirements, this application must:

- show the number and type of housing units and square footage and type of the non-residential space to be developed, as well as a schedule of proposed buildout in five-year increments;
- identify any infrastructure improvements necessary to satisfy the adequate public facilities requirements for development districts; and
- estimate the cost to provide these improvements.

##### **TP4.2 Planning Board Review**

The Planning Board must then review all developments within the proposed development district as if they are a single development for compliance with the Adequate Public Facilities Ordinance. The Planning Board must identify the public facilities needed to support the buildout of the development district after considering the results of the following tests for facility adequacy:



- Transportation tests for development districts are identical to those for Local Area Transportation Review. Planning Department staff must prepare a list of transportation infrastructure needed to maintain public facility adequacy.
- The PAPF application must be referred to Montgomery County Public Schools staff for recommendations for each stage of development in the proposed district. MCPS staff must calculate the extent to which the development district will add to MCPS's current enrollment projections. MCPS staff must apply the existing school adequacy test to the projections with the additional enrollment and prepare a list of public school infrastructure needed to maintain public facility adequacy.
- The PAPF application must be referred to the Washington Suburban Sanitary Commission for recommendations for each stage of development in the proposed district. Wastewater conveyance and water transmission facilities must be considered adequate if existing or programmed (fully-funded within the first 5 years of the approved WSSC capital improvements program) facilities can accommodate (as defined by WSSC) all existing authorizations plus the growth in the development district. Adequacy of water and wastewater treatment facilities must be evaluated using the intermediate or "most probable" forecasts of future growth plus development district growth, but only to the extent that development district growth exceeds the forecast for any time period. If a test is not met, WSSC must prepare a list of water and sewer system infrastructure needed to maintain public facility adequacy.
- The PAPF application must be referred to the County Executive for recommendations for each stage of development in the proposed district regarding police, fire, and health facilities. Adequacy of police, fire, and health facilities must be evaluated using the intermediate or most probable forecasts of future growth plus development district growth, but only to the extent that development district growth exceeds the forecast for any time period. Any facility capacity that remains is available to be used by the development district. If any facility capacity deficits exist, the County Executive must prepare a list of infrastructure needed to maintain public facility adequacy.

#### **TP4.3 Planning Board Approval**

The Board may conditionally approve the PAPF application if it will meet all of the requirements of the APFO and Subdivision Staging Policy. The Board may condition its approval on, among other things, the creation and funding of the district and the building of no more than the maximum number of housing units and the maximum nonresidential space listed in the petition.

For an application to be approved, the applicants must commit to produce the infrastructure improvements needed to meet APF requirements in the proposed district as well as any added requirements specified by the Planning Board. The Planning Board must list these required infrastructure improvements in its approval. The infrastructure improvements may be funded through the development district or otherwise. The development district's PAPF must be prepared in the following manner:

The Planning Board must not approve a PAPF application unless public facilities adequacy is maintained throughout the life of the plan. The timing of infrastructure delivery may be accomplished by withholding the release of building permits until needed public facilities are available to be "counted," or by another similar mechanism.

Infrastructure may be counted for public facilities adequacy, for infrastructure provided by the district, when construction has begun on the facility and funds have been identified and committed to its completion, and, for infrastructure provided by the public sector, when:

- for Local Area Transportation Review, the project is fully-funded within the first 6 years of the approved County, state, or municipal capital improvements program;
- for water and sewer facilities, the project is fully-funded within the first 5 years of the approved WSSC capital improvements program;
- for public school facilities, the project is fully-funded within the first 5 years of the approved Montgomery County Public Schools capital improvements program; and
- for police, fire, and health facilities, the project is fully-funded within the first 6 years of the relevant approved capital improvements program.

#### **TP4.4 Additional Facilities Recommended for Funding**

The County Executive and Planning Board may also recommend to the County Council additional facilities to be provided by the development district or by the public sector to support development within the district. These facilities may include, but are not limited to libraries, health centers, local parks, social services, greenways, and major recreation facilities.

#### **TP4.5 Satisfaction of APF Requirements**

As provided in Chapter 14 of the County Code, once the development district is created and the financing of all required infrastructure is arranged, the development in the district is considered to have satisfied all APF requirements, any additional requirements that apply to development districts in the Subdivision Staging Policy, and any other requirement to provide infrastructure which the County adopts within 12 years after the district is created.

#### **TL Local Area Transportation Review (LATR)**

##### **TL1 Standards and Procedures**

To achieve an approximately equivalent transportation level of service in all areas of the County, greater vehicular traffic congestion is permitted in policy areas with greater transit accessibility and usage. Table 2 shows the intersection level of service standards by policy area. Local Area Transportation Review must at all times be consistent with the standards and staging mechanisms of adopted master and sector plans.



Local area transportation review must be completed for any subdivision that would generate 30 or more peak-hour automobile trips. For any subdivision that would generate 30-49 peak-hour vehicle trips, the Planning Board after receiving a traffic study must require that either:

- all LATR requirements are met; or
- the applicant must make an additional payment to the County equal to 50% of the applicable transportation impact tax before it receives any building permit in the subdivision.

In administering Local Area Transportation Review for any project that would generate 50 or more peak hour vehicle trips, the Planning Board must not approve a subdivision if it finds that unacceptable peak hour congestion levels will result after considering existing roads, programmed roads, available or programmed mass transportation, and improvements to be provided by the applicant. If the subdivision will affect an intersection or roadway link for which congestion is already unacceptable, then the subdivision may only be approved if the applicant agrees to mitigate either:

- a sufficient number of trips to bring the intersection or link to acceptable levels of congestion, or
- a number of trips equal to 150 percent of the CLV impact attributable to the development.

The nature of the LATR test is such that a traffic study is necessary if local congestion is likely to occur. The Planning Board and staff must examine the applicant's traffic study to determine whether adjustments are necessary to assure that the traffic study is a reasonable and appropriate reflection of the traffic impact of the proposed subdivision after considering all approved development and programmed transportation projects.

If use and occupancy permits for at least 75% of the originally approved development were issued more than 12 years before the LATR study scope request, the number of signalized intersections in the study must be based on the increased number of peak hour trips rather than the total number of peak hour trips. In these cases, LATR is not required for any expansion that generates 5 or fewer additional peak hour trips.

For Local Area Transportation Review purposes, the programmed transportation projects to be considered are those fully funded for construction in the first 6 years of the current approved Capital Improvements Program, the state's Consolidated Transportation Program, or any municipal capital improvements program. For these purposes, any road required under Section 302 of the County Charter to be authorized by law is not programmed until the time for petition to referendum has expired without a valid petition or the authorizing law has been approved by referendum.

If an applicant is participating in a traffic mitigation program or one or more intersection improvements to meet Local Area Transportation Review requirements, that applicant must be considered to have met Local Area Transportation Review for any other intersection where the volume of trips generated is less than 5 Critical Lane Movements.

Any traffic study required for Local Area Transportation Review must be submitted by a registered Professional Engineer, certified Professional Traffic Operations Engineer, or certified Professional Transportation Planner.

Each traffic study must examine, at a minimum, the number of signalized intersections in the following table, unless the Planning Board affirmatively finds that special circumstances warrant a more limited study.

Maximum Peak-Hour Trips Generated	Minimum Signalized Intersections in Each Direction
< 250	1
250 – 749	2
750 – 1,249	3
1,250 – 1,750	4
1,750-2,249	5
2,250 – 2749	6
>2,750	7

At the Planning Board's discretion, each traffic mitigation program must be required to operate for at least 12 years but no longer than 15 years. The Planning Board may select either trip reduction measures or road improvements, or a combination of both, as the required means of traffic mitigation.

The Planning Board has adopted guidelines to administer Local Area Transportation Review. To the extent that they are consistent with this Policy, the Planning Board guidelines may continue to apply or may be amended as the Planning Board finds necessary.

The Planning Board may adopt administrative guidelines that allow use of Highway Capacity Manual 2010 methodologies and standards for "delay" and queuing analysis at intersections operating at or above a 1600 Critical Lane Volume threshold to determine the level of intersection congestion.

In administering Local Area Transportation Review, the Planning Board must carefully consider the recommendations of the County Executive concerning the applicant's traffic study and proposed improvements or any other aspect of the review.

To achieve safe and convenient pedestrian travel, the Planning Board may adopt administrative guidelines requiring construction of off-site sidewalk improvements consistent with County Code §50-25. To support creating facilities that encourage transit use, walking, and bicycling, to maintain an approximately equivalent level of service at the local level for both auto and non-auto modes, the Board may allow the applicant to use peak hour vehicle trip credits for providing non-auto facilities. Before approving credits for non-auto facilities to reduce Local Area Transportation Review impacts, the Board should first consider the applicability and desirability of traffic mitigation agreement measures. The Board's *LATR Guidelines* must identify applicable facilities in terms of actions that can be given trip credits and the maximum number of trips that can be credited. If the Board approves any credits, it must specify mechanisms to monitor the construction of any required facility. During each quadrennial Subdivision Staging Policy the Board must report on the number of credits issued and confirm the construction of any required facility.



In general, any mitigation measure or combination of mitigation measures must be scheduled for completion or otherwise operational either before or at the same time as the proposed development is scheduled to be completed. The nature, design, and scale of any additional facility or program must receive prior approval from any government agency that would construct or maintain the facility or program, and the applicant and the public agency must execute an appropriate public works agreement before the Planning Board approves a record plat.

Both the subdivision plan and the necessary mitigation measures must be consistent with an adopted master plan or other relevant land use policy statement. For the Planning Board to accept an intersection improvement as a mitigation measure, the applicant must show that alternative non-auto mitigation measures are not feasible or desirable. In evaluating mitigation measures proposed by an applicant, the Board must place a high priority on design excellence to create a safe, comfortable, and attractive public realm for all users, with particular focus on high-quality pedestrian and transit access to schools, libraries, recreation centers, and other neighborhood facilities.

If an approved subdivision already has constructed or participated in the construction of off site improvements to accommodate its peak hour trips, based on the LATR requirements the Board imposed when it approved a preliminary subdivision plan, and if the subdivision later converts one or more approved uses or reduces its size so that the subdivision generates fewer peak hour trips than estimated when the Board imposed the LATR requirements, the trip mitigation agreement must reduce the subdivision's peak hour trip mitigation requirement by one trip for each peak hour trip that the subdivision would no longer generate. If the conversion of all or part of a subdivision from one use to another would cause a different trip distribution or would place new or different burdens on one or more intersections, and if the subdivision is otherwise required to do so, the subdivision must construct or contribute to improvements specified by the Board to mitigate that result.

## **TL2 Metro Station Policy Area LATR Standards**

In each Metro Station Policy Area, the Planning Board, in consultation with the Department of Transportation, must prepare performance evaluation criteria for its Local Area Transportation Review. These criteria must be used to accomplish: (a) safety for pedestrians and vehicles; (b) access to buildings and sites; and (c) traffic flow within the vicinity, at levels which are tolerable in an urban situation. The County Executive also must publish a Silver Spring Traffic Management Program after receiving public comment and a recommendation from the Planning Board. This program must list those actions to be taken by government to maintain traffic flow at tolerable levels in the Silver Spring CBD and protect the surrounding residential area.

Any proposed development located in the White Flint Metro Station Policy Area is exempt from Local Area Transportation Review if the development will be required to provide substantial funds to the Special Tax District created to finance master-planned public improvements in that Policy Area. However, the traffic impact of any development in that Policy Area must be considered in any Local Area Transportation Review calculation for any development elsewhere where it would otherwise be considered.

## **TL3 Potomac LATR Standards**



In the Potomac Policy Area, only the areas contributing traffic to the following intersections must be subject to Local Area Transportation Review: (a) Montrose Road at Seven Locks Road; (b) Democracy Boulevard at Seven Locks Road; (c) Tuckerman Lane at Seven Locks Road; (d) Democracy Boulevard at Westlake Drive; (e) Westlake Drive at Westlake Terrace; (f) Westlake Drive at Tuckerman Lane; (g) Bradley Boulevard at Seven Locks Road; (h) River Road at Bradley Boulevard; (i) River Road at Piney Meetinghouse Road; (j) River Road at Falls Road; (k) Falls Road at Democracy Boulevard; and (l) River Road at Seven Locks Road.

#### **TL4 Unique Policy Area Issues**

##### **TL4.1 Silver Spring CBD Policy Area and Transportation Management District**

The Local Area Review for the Silver Spring CBD policy area must use the following assumptions and guidelines:

- Each traffic limit is derived from the heaviest traffic demand period in Silver Spring's case, the p.m. peak hour outbound traffic.
- When tested during a comprehensive circulation analysis, the critical lane volumes for intersections in the surrounding Silver Spring/Takoma Park policy area must not be worse than the adopted level of service standards shown in Table 2 unless the Planning Board finds that the impact of improving the intersection is more burdensome than the increased congestion.
- The Planning Board and the Department of Transportation must implement Transportation Systems Management for the Silver Spring CBD. The goal of this program must be to achieve the commuting goals for transit use and auto occupancy rates set out below.
- The County Government, through the Silver Spring Parking Lot District, must constrain the amount of public and private long term parking spaces.

The parking constraints and commuting goals needed to achieve satisfactory traffic conditions with these staging ceilings are:

**Parking constraint:** A maximum of 17,500 public and private long-term spaces when all nonresidential development is built; this maximum assumes a peak accumulation factor of 0.9, which requires verification in Silver Spring and may be subject to revision. Interim long-term parking constraints must be imposed in accordance with the amount of interim development. Long-term public parking spaces must be priced to reflect the market value of constrained parking spaces.

**Commuting goals:** For employers with 25 or more employees, attain 25 percent mass transit use and auto occupancy rates of 1.3 persons per vehicle during the peak periods, or attain any combination of employee mode choice that results in at least 46% non-drivers during the peak periods. For new nonresidential development, attain 30% mass transit use and auto occupancy rates of 1.3 persons per vehicle during the peak periods, or attain any combination of employee mode choice that results in at least 50% non-drivers during the peak periods.

Progress towards achieving these goals should be measured annually by scientific, statistically valid surveys.



To achieve these goals it will be necessary to require developers of new development in Silver Spring to enter into traffic mitigation agreements and the employers and certain owners to submit transportation mitigation plans under County Code Chapter 42A.

In accordance with the amendment to the Silver Spring Sector Plan, subdivision applications for nonresidential standard method projects throughout the CBD may be approved for development or additions of not more than 5,000 square feet of gross floor area. However, if, for a particular use the addition of 5 peak hour trips yields a floor area greater than 5,000 square feet, that additional area may be approved for that particular use.

**TL4.2. North Bethesda TMD**

In the North Bethesda Transportation Management District, the goal is 39% non-driver mode share for workers in the peak hour.

**TL4.3 Bethesda TMD**

In the Bethesda Transportation Management District, the goal is 37% non-driver mode share for workers.

**TL4.4 Friendship Heights TMD**

In the Friendship Heights Transportation Management District, the goal is 39% non-driver mode share for workers.

**TL4.5 Greater Shady Grove TMD**

In the Shady Grove Policy Area, the goal is a transit ridership goal of 35% for residents in the Shady Grove Policy Area, 25% for residents elsewhere in the Sector Plan, and 12.5% for employees of office development traveling to work.

Each development that receives preliminary plan approval in the Shady Grove Metro Station Policy Area and generates at least 100 additional peak-hour vehicle trips, other than pass-by trips, must enter into a Traffic Mitigation Agreement (TMAg). The trip mitigation requirement for this Agreement is 50% of the residential-related vehicle trips and 65% of the non-residential-related vehicle trips that would otherwise be expected, based on countywide trip generation rates before any applicable deduction, such as proximity to a Metrorail station. The breakdown in the reduction of trips should be identified in the Agreement. County-owned property in the Shady Grove Policy Area must enter into a TMAg on all new development or redevelopment, with no deduction of existing trips.

**TL4.6 White Oak TMD**

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In the White Oak policy area, the following provisions apply to new development in the Life Sciences/FDA Village Center:

- A 30% non-auto driver mode share (NADMS) must be attained on a project-by-project basis at full build-out in this center (see Map 35) as confirmed by the White Oak Transportation Management District. Attainment of interim NADMS goals for these projects will be on an appropriately graduated scale as each phase of a specific project is developed and accompanied with adequate sureties;
- An equitably shared transportation cost program will be developed that adequately finances the necessary transportation improvements needed within the area independent from that required to satisfy TPAR and LATR.
- A comprehensive monitoring and verification system will be established to track NADMS throughout development phases and ensure the timely delivery of the transportation infrastructure.

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In the White Oak and Hillandale Centers, a 25% NADMS goal must be attained for employees and residents at full build-out as confirmed by the White Oak Transportation Management District.

#### **TL4.67**

#### **Great Seneca Science Corridor Master Plan**

In the Great Seneca Science Corridor, an 18% non-auto driver mode share (NADMS) must be attained before Stage 2 begins, a 23% NADMS must be attained before Stage 3 begins, and a 28% NADMS must be attained before Stage 4 begins.

#### **TL-4.78**

#### **White Oak Science Gateway Master Plan**

In recognition of the potential for significant BRT service in the White Oak Science Gateway Master Plan area, the categorization of the parent Fairland/White Oak policy area as a "Transitional Transit Corridor" area in the application of TPAR is appropriate. With the adoption of the Countywide Transit Corridors Functional Master Plan, it may be appropriate to categorize other policy areas in a similar manner. This determination will be made in the context of the next scheduled comprehensive update of this Subdivision Staging Policy. The test for transit adequacy should also be refined at that time.

In the White Oak and Fairland/White Oak policy areas, TPAR transit adequacy is achieved when observed transit speeds are a minimum 25% higher than free-flow travel speeds by automobile so that travel time from Point A to Point B by transit is at least 25% faster than by automobile at free-flow travel speeds.

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#### **TA Alternative Review Procedures**

#### **TA1 Metro Station Policy Areas**

An applicant for a subdivision which will be built completely within a Metro station policy area need not take any action under **TP Transportation Policy Area Review** or **TL Local Area Transportation**



**Review** if the applicant agrees in a contract with the Planning Board and the County Department of Transportation to:

- submit an application containing all information, including a traffic study, that would normally be required for Local Area Transportation Review;
- meet trip reduction goals set by the Planning Board as a condition of approving that subdivision, which must require the applicant to reduce at least 50% of the number of trips attributable to the subdivision, either by reducing trips from the subdivision itself or from other occupants of that policy area, and provide a surety document to ensure that the reduction of trips in fact takes place;
- participate in programs operated by, and take actions specified by, a transportation management organization (TMO) to be established by County law for that policy area (or a group of policy areas including that policy area) to meet the mode share goals established under the preceding paragraph;
- pay an ongoing annual contribution or tax to fund the TMO's operating expenses, including minor capital items such as busses, as established by County law; and
- pay 75% of the applicable General District development impact tax without claiming any credits for transportation improvements.

**TA2      Expiration of Approvals Under Previous Alternative Review Procedures**

Annual Growth Policy resolutions in effect between 1995 and 2001 contained Alternative Review Procedures that required any development approved under those procedures to receive each building permit no later than 4 years after the Planning Board approved the preliminary plan of subdivision for that development. Any outstanding development project approved under an Alternative Review Procedure is subject to the expiration dates in effect when that development project was approved.

**TA3      Automobile related uses in the Cherry Hill Employment Area**

For any property located in the Cherry Hill Employment Area with automobile repair, service, sales, parking, storage, or related office uses:

**TP Transportation Policy Area Review** and **TL Local Transportation Review** are not required.

This provision applies to any application for a preliminary plan of subdivision, site plan, or building permit approved before July 26, 2016.

**TA4      Public Facility Project**

An applicant for a development which will be built solely as a public facility (such as a school, firehouse, police station, or library) need not take any action under **TP Transportation Policy Area Review** or **TL Local Area Transportation Review** when it undergoes a mandatory referral review by the Planning Board.

**TA5            Affordable Housing**

The provision of affordable housing in the County is crucial to providing long lasting reductions to regional congestion. Long distance trips affect the County's traffic in many parts of our community. The provision of affordable housing is a fundamental element of the County's General Plan and part of the County's economic development strategy. All trips generated by any moderately priced dwelling unit (MPDU) and any other low- and moderate-income housing which is exempt from paying a development impact tax must also be exempt from any TPAR payment.

**Public School Facilities**

**S1            Geographic Areas**

For the purposes of public school analysis and local area review of school facilities at time of subdivision, the County has been divided into 25 areas called high school clusters. These areas coincide with the cluster boundaries used by the Montgomery County Public School system.

The groupings used are only to administer the Adequate Public Facilities Ordinance and do not require any action by the Board of Education in exercising its power to designate school service boundaries.

**S2            Grade Levels**

Each cluster must be assessed separately at each of the 3 grade levels -- elementary, intermediate/middle, and high school.

**S3            Determination of Adequacy**

Each year, not later than July 1, the Planning Board must evaluate available capacity in each high school cluster and compare enrollment projected by Montgomery County Public Schools for each fiscal year with projected school capacity in 5 years. If at any time during a fiscal year the County Council notifies the Planning Board of any material change in the Montgomery County Public Schools Capital Improvements Program, the Planning Board may revise its evaluation to reflect that change.

**S4            Moratorium on Residential Subdivision Approvals**

In considering whether a moratorium on residential subdivisions must be imposed, the Planning Board must use 120% of Montgomery County Public Schools program capacity as its measure of adequate school capacity. This utilization measure must not count relocatable classrooms in computing a school's permanent capacity. If projected enrollment at any grade level in that cluster will exceed 120% utilization, the Board must not approve any residential subdivision in that cluster during the next fiscal year. If the Planning Board revises its measure of utilization during fiscal year 2013 because of a material change in projected school capacity, that revision must be used during the rest of that fiscal year in reviewing residential subdivisions.



Table 3 shows the result of this test for July 1, 2012, to July 1, 2013. Table 3 also shows the remaining capacity, in students, at each grade level in each cluster. Using average student generation rates developed from the most recent Census Update Survey, the Planning Board must limit residential subdivision approvals in any cluster during the fiscal year so that the students generated by the housing units approved do not exceed the remaining capacity for students at any grade level in that cluster.

#### **S5            Imposition of School Facilities Payment**

In considering whether a School Facilities Payment must be imposed on a residential subdivision, the Planning Board must use 105% of Montgomery County Public Schools' program capacity as its measure of adequate school capacity. This utilization measure must not count relocatable classrooms in computing a school's permanent capacity. If projected enrollment at any grade level in that cluster will exceed 105% utilization but not exceed 120% utilization, the Board may approve a residential subdivision in that cluster during the next fiscal year if the applicant commits to pay a School Facilities Payment as provided in County law before receiving a building permit for any building in that subdivision. If the Planning Board revises its measure of utilization during fiscal year 2013 because of a material change in projected school capacity, that revision must be used during the rest of that fiscal year in reviewing residential subdivisions.

Table 4 shows the result of this test for July 1, 2012, to July 1, 2013. Table 4 also shows the remaining capacity, in students, at each grade level in each cluster. Using average student generation rates developed from the most recent Census Update Survey, the Planning Board must limit residential subdivision approvals in any cluster during the fiscal year so that the students generated by the housing units approved do not exceed the remaining capacity for students at any grade level in that cluster.

#### **S6            Senior Housing**

If public school capacity is inadequate in any cluster, the Planning Board may nevertheless approve a subdivision in that cluster without requiring a School Facilities Payment if the subdivision consists solely of housing and related facilities for elderly or handicapped persons or housing units located in the age-restricted section of a planned retirement community.

#### **S7            De Minimis Development**

If public school capacity is inadequate in any cluster, the Planning Board may nevertheless approve a subdivision in that cluster if the subdivision consists of no more than 3 housing units and the applicant commits to pay a School Facilities Payment as otherwise required before receiving a building permit for any building in that subdivision.

#### **S8            Development District Participants**

The Planning Board may require any development district for which it approves a provisional adequate public facilities approval (PAPF) to produce or contribute to infrastructure improvements needed to address inadequate school capacity.

#### **S9            Allocation of Staging Ceiling to Preliminary Plans of Subdivision**

The Planning Board must allocate available staging ceiling capacity in a high school cluster based on the queue date of an application for preliminary plan of subdivision approval.

#### **S9.1 Assignment of queue date**

The queue date of a preliminary plan of subdivision is the date:

- a complete application is filed with the Planning Board; or
- 6 months after the prior queue date if the prior queue date expires under **S9.4**.

#### **S9.2 Calculation of available staging ceiling capacity**

The Planning Board must determine whether adequate staging ceiling capacity is available for a project by subtracting the capacity required by projects with earlier queue dates from the remaining capacity on Table 3 as updated periodically. Based on this calculation, the Planning Board may:

- approve a project for which there is sufficient capacity;
- approve part of a project for which there is sufficient capacity, leaving the remainder of the project in the queue until additional capacity becomes available;
- deny an application for a project for which there is insufficient capacity; or
- defer approval of a project and leave the project in the queue until sufficient capacity becomes available for all or part of the project. If insufficient capacity is available, the Board must not schedule a hearing on the application unless the applicant requests one.

If sufficient capacity is available for a project based on the queue date, the Planning Board must not deny an application based on pipeline (but not staging ceiling) changes while the queue date is in effect.

#### **S9.3 Applicability of School Facilities Payment**

The Planning Board must determine whether a project is required to pay a School Facilities Payment by subtracting the capacity required by projects with earlier queue dates from the remaining capacity on Table 4 as updated periodically. Based on this calculation, the Planning Board may:

- approve a project for which there is sufficient capacity;
- approve part of a project for which there is sufficient capacity, requiring the remainder of the project to pay the applicable School Facilities Payment until additional capacity becomes available; or
- defer approval of a project and leave the project in the queue until sufficient capacity becomes available for all or part of the project. If insufficient capacity is available, the Board must not schedule a hearing on the application unless the applicant requests one.

If a project must pay a School Facilities Payment, the Planning Board must not deny an application based on pipeline (but not staging ceiling) changes while the Payment requirement is in effect.

#### **S9.4 Expiration of queue date**

A queue date for an application for preliminary plan of subdivision approval expires:



- 6 months after the queue date if sufficient staging ceiling capacity was available for the entire project on the queue date and the Planning Board has not approved the application or granted an extension of the queue date; or
- 6 months after sufficient capacity becomes available for the entire project.

The Planning Board may grant one or more 6-month extensions of a queue date if the applicant demonstrates that a queue date expired or will expire because of governmental delay beyond the applicant's control.

### **Guidelines for Water and Sewerage Facilities**

In accordance with the Adequate Public Facilities Ordinance, applications must be considered adequately served by water and sewerage if the subdivision is located in an area in which water and sewer service is presently available, is under construction, is designated by the County Council for extension of service within the first two years of a current approved Comprehensive Water Supply and Sewerage Systems Plan (i.e., categories 1-3), or if the applicant either provides a community water and/or sewerage system or meets Department of Permitting Services requirements for septic and/or well systems, as outlined in the Adequate Public Facilities Ordinance. These requirements are determined either by reference to the Water and Sewerage Plan, adopted by the Council, or by obtaining a satisfactory percolation test from the Department of Permitting Services.

Applications must only be accepted for further Planning staff and Board consideration if they present evidence of meeting the appropriate requirements as described above.

### **Guidelines for Police, Fire and Health Services**

The Planning Board and staff must consider the programmed services to be adequate for facilities such as police stations, firehouses, and health clinics unless there is evidence that a local area problem will be generated. Such a problem is one which cannot be overcome within the context of the approved Capital Improvements Program and operating budgets of the relevant agencies. Where such evidence exists, either through agency response to the Subdivision Review committee clearinghouse, or through public commentary or Planning staff consideration, a Local Area Review must be undertaken. The Board must seek a written opinion from the relevant agency, and require, if necessary, additional data from the applicant, to facilitate the completion of the Planning staff recommendation within the statutory time frame for Planning Board action. In performing this Local Area Review, the facility capacity at the end of the sixth year of the approved CIP must be compared to the demand generated by the "most probable" forecast for the same year prepared by the Planning Department.

### **Guidelines for Resubdivisions**

An application to amend a previously approved preliminary plan of subdivision does not require a new test for adequacy of public facilities if:

- Revisions to a preliminary plan have not been recorded, the preliminary plan has not expired, and the number of trips which will be produced by the revised plan is not greater than the number of trips produced by the original plan.
- Resubdivision of a recorded lot involves the sale or exchange of parcels of land (not to exceed a total of 2,000 square feet or one percent of the combined area, whichever is greater) between owners of adjoining properties to make small adjustments in boundaries.
- Resubdivision of a recorded lot involves more than 2,000 square feet or one percent of the lot area and the number of trips which will be produced by the revised plan is not greater than the number of trips produced by the original plan.

### **Timely Adequate Public Facilities Determination and Local Area Transportation Review under Chapter 8.**

#### **APF1 General.**

Except as otherwise provided by law, an adequate public facilities determination or local area transportation review conducted under Article IV of Chapter 8 must use the standards and criteria applicable under this Resolution when evaluating the adequacy of public facilities to serve the proposed development.

#### **APF2 Traffic Mitigation Goals.**

Any proposed development that is subject to requirements for a traffic mitigation agreement under Article IV of Chapter 8 and §42A-9A of the County Code must meet the traffic mitigation goals specified in paragraphs (1) or (4), as appropriate.

- (1) Subject to paragraph (2), the portion of peak-period non-auto driver trips by employees of a proposed development must be at least the following percentage greater than the prevailing non-auto driver mode share of comparable nearby land use:

<b>In Policy Areas With LATR CLV Standard of</b>	<b>Required Percentage Greater Than Prevailing Non-Auto driver Mode Share</b>
1800 and 1600	100%
1550	80%
1500	60%
1475 and 1450	40%

LATR CLV standards for each policy area are shown on Table 2.

- (2) The portion of peak-period non-auto driver trips by employees calculated under paragraph (1) must not be less than 15% nor higher than 55%.
- (3) The applicant for a proposed development in a policy area specified under paragraph (1) is responsible for reviewing existing studies of non-auto driver mode share; conducting new studies, as necessary, of non-auto driver mode share; and identifying the prevailing base non-



auto driver mode share of comparable land uses within the area identified for the traffic study. Comparable land uses are improved sites within the area identified for the traffic study for the proposed development that have similar existing land use and trip generation characteristics. As with other aspects of the traffic study required by Article IV of Chapter 8, selection of the comparable studies and land uses to be analyzed and determination of the prevailing base non-auto driver mode share are subject to review by the Planning Department and approval by the Department of Transportation.

- (4) Proposed development in the Silver Spring CBD must meet the commuting goals specified under **TL4**.
- (5) In accordance with County Code §42A-9A, the applicant must enter into an agreement with the Director of the Department of Transportation before a building permit is issued. The agreement may include a schedule for full compliance with the traffic mitigation goals. It must provide appropriate enforcement mechanisms for compliance.
- (6) As provided by law, these goals supersede traffic mitigation goals established under §42A-9A(a)(4).
- (7) As noted in paragraph (5), traffic mitigation agreements are used to assure compliance with reductions in traffic generation from a subdivision, or to achieve non-auto driver mode share goals specified in approved master or sector plans. The Director of Transportation must determine whether a security instrument is required to assure completion and continuation of the elements of a traffic mitigation agreement. When the Director so finds, the Department must require a security instrument to be attached to an agreement. Each security instrument must be held by the Department until performance of each element of the agreement has been satisfied. If the developer or its successor is unable to satisfactorily perform each element of an agreement as specified therein, the security instrument must be forfeited and the Department may retain the funds to operate a program to satisfy the agreement's goals.

This is a correct copy of Council action.

---

Linda M. Lauer, Clerk of the Council

**Table 1- Results of TPAR Test, January 1, 2013-June 30, 2014**

<b>Policy Area</b>	<b>Adequacy Status</b>
Aspen Hill	Adequate under Roadway and Transit Tests
Bethesda CBD	Adequate under Roadway Test; exempt from Transit Test
Bethesda-Chevy Chase	Inadequate under Transit Test
Clarksburg	Inadequate under Transit Test
Cloverly	Inadequate under Transit Test
Damascus	Adequate under Roadway and Transit Tests
Derwood	Inadequate under Transit Test
Fairland/White Oak	<del>Inadequate</del> Adequate under Roadway Test; <del>Inadequate</del> under Transit Test
Friendship Heights	Adequate under Roadway Test; exempt from Transit Test
Gaithersburg City*	Inadequate under Roadway Test
Germantown East	Inadequate under Transit Test
Germantown Town Center	Inadequate under Transit Test
Germantown West	Inadequate under Transit Test
Glenmont	Adequate under Roadway Test; exempt from Transit Test
Grosvenor	Adequate under Roadway Test; exempt from Transit Test
Kensington/Wheaton	Inadequate under Transit Test
Montgomery Village/Airpark	Inadequate under Transit Test
North Bethesda	Inadequate under Transit Test
North Potomac	Inadequate under Transit Test
Olney	Inadequate under Transit Test
Potomac**	Inadequate under Transit Test
R&D Village	Inadequate under Transit Test
Rockville City*	Inadequate under Transit Test
Shady Grove	Adequate under Roadway Test; exempt from Transit Test
Silver Spring CBD	Adequate under Roadway Test; exempt from Transit Test
Silver Spring/Takoma Park	Inadequate under Transit Test
Twinbrook	Adequate under Roadway Test; exempt from Transit Test
Wheaton CBD	Adequate under Roadway Test; exempt from Transit Test
<u>White Oak</u>	<u>Adequate under Roadway Test; Inadequate under Transit</u> <u>Test</u>

Form:

\*Applies to any development that would be located in the policy area but not in the City.

\*\*Under applicable master plans, the Potomac policy area is exempt from the Roadway Test.

The White Flint MSPA and the Rural East and Rural West policy areas are exempt from both the Roadway and Transit Tests.



**Table 2**

**Local Area Transportation Review Intersection Congestion Standards – Critical Lane Volume  
and Highway Capacity Manual Volume-to- Capacity Equivalencies**

<b>Critical Lane Volume Congestion Standard</b>	<b>Policy Area</b>	<b>HCM volume-to-capacity equivalent</b>
1350	Rural East/ West	0.84
1400	Damascus	0.88
1425	Clarksburg Germantown East Germantown West Gaithersburg City Montgomery Village/Airpark	0.89
1450	Cloverly North Potomac Potomac Olney R&D Village	0.91
1475	Derwood Aspen Hill Fairland/White Oak	0.92
1500	Rockville City	0.94
1550	North Bethesda	0.97
1600	Bethesda/Chevy Chase Kensington/Wheaton Silver Spring/Takoma Park Germantown Town Center <u>White Oak</u>	1.0
1800	Bethesda CBD Silver Spring CBD Wheaton CBD Friendship Heights CBD White Flint Twinbrook Grosvenor Glenmont Shady Grove Rockville Town Center	1.13

Forma

## **Subdivision Staging Policy**

### **Results of School Test for FY 2013**

Reflects County Council Adopted FY 2013 Capital Budget and FY 2013–2018 Capital Improvements Program (CIP)  
Effective July 1, 2012

School Test Level	Description	Cluster Outcomes by Level		
		Elementary Inadequate	Middle Inadequate	High Inadequate
<b><u>Clusters over 105% utilization</u></b>  School facility payment required in inadequate clusters to proceed.	5-year test Effective July 1, 2012  Test year 2017-18	Blake (106.7%) Gaithersburg (110.0%) Magruder (105.4%) Paint Branch (114.5%) Quince Orchard (108.9%) Rockville (113.3%) Seneca Valley (111.9%)	Blair (106.9%) Walter Johnson (112.3%) Rockville (115.4%) Springbrook (106.7%) Wheaton (109.4%) Whitman (116.0%)	B-CC ( 115.8%) * Blake (106.7%) Walter Johnson (106.3%) Northwood (111.5%) Quince Orchard (107.1%) Whitman (109.3%) Wootton (107.6%)
<b><u>Clusters over 120% utilization</u></b>  Moratorium required in clusters that are inadequate.	5-year test Effective July 1, 2012  Test year 2017-18			

\* Utilization of B-CC HS includes a "placeholder" capital project of ten classrooms, pending a request for an addition in a future CIP.



Table 4

### Subdivision Staging Policy FY 2013 School Test: Cluster Utilizations in 2017–2018

Reflects County Council Adopted FY 2013 Capital Budget and FY 2013–2018 Capital Improvements Program (CIP)

Effective July 1, 2012

Elementary School Test: Percent Utilization >105% School Facility Payment and >120% Moratorium

Cluster Area	Projected August 2017 Enrollment	100% MCPS Program Capacity With Adopted FY13–18 CIP	Cluster Percent Utilization in 2017	School Test Result Capacity is:	Cluster is?
Bethesda-Chevy Chase	3,501	3,810	91.9%	Adequate	Open
Montgomery Blair	4,222	4,154	101.6%	Adequate	Open
<b>James Hubert Blake</b>	<b>2,585</b>	<b>2,423</b>	<b>106.7%</b>	<b>Inadequate</b>	<b>School Payment</b>
Winston Churchill	2,650	2,887	91.8%	Adequate	Open
Clarksburg	4,029	3,998	100.8%	Adequate	Open
Damascus	2,395	2,409	99.4%	Adequate	Open
Albert Einstein	2,760	2,639	104.6%	Adequate	Open
<b>Gaithersburg</b>	<b>4,001</b>	<b>3,637</b>	<b>110.0%</b>	<b>Inadequate</b>	<b>School Payment</b>
Walter Johnson	4,089	3,946	103.6%	Adequate	Open
John F. Kennedy	2,773	2,910	95.3%	Adequate	Open
<b>Col. Zadok Magruder</b>	<b>2,683</b>	<b>2,546</b>	<b>105.4%</b>	<b>Inadequate</b>	<b>School Payment</b>
Richard Montgomery	2,745	2,978	92.2%	Adequate	Open
Northwest	4,249	4,309	98.6%	Adequate	Open
Northwood	3,464	3,376	102.6%	Adequate	Open
<b>Paint Branch</b>	<b>2,464</b>	<b>2,152</b>	<b>114.5%</b>	<b>Inadequate</b>	<b>School Payment</b>
Poolesville	652	758	86.0%	Adequate	Open
<b>Quince Orchard</b>	<b>3,035</b>	<b>2,787</b>	<b>108.9%</b>	<b>Inadequate</b>	<b>School Payment</b>
<b>Rockville</b>	<b>2,609</b>	<b>2,303</b>	<b>113.3%</b>	<b>Inadequate</b>	<b>School Payment</b>
<b>Seneca Valley</b>	<b>2,401</b>	<b>2,145</b>	<b>111.9%</b>	<b>Inadequate</b>	<b>School Payment</b>
Sherwood	2,017	2,427	83.1%	Adequate	Open
Springbrook	3,295	3,151	104.6%	Adequate	Open
Watkins Mill	2,663	2,721	97.9%	Adequate	Open
Wheaton	3,156	3,304	95.5%	Adequate	Open
Walt Whitman	2,554	2,560	99.8%	Adequate	Open
Thomas S. Wootton	2,893	3,246	89.1%	Adequate	Open

## Middle School Test: Percent Utilization &gt;105% School Facility Payment and &gt;120% Moratorium

Cluster Area	Projected August 2017 Enrollment	100% MCPS Program Capacity With Adopted FY13-18 CIP	Cluster Percent Utilization in 2017	School Test Result Capacity is:	Cluster is?
Bethesda-Chevy Chase	1,608	2,007	80.1%	Adequate	Open
Montgomery Blair	2,455	2,296	106.9%	Inadequate	School Payment
James Hubert Blake	1,301	1,314	99.0%	Adequate	Open
Winston Churchill	1,345	1,593	84.4%	Adequate	Open
Clarksburg	1,871	2,381	78.6%	Adequate	Open
Damascus	758	740	102.4%	Adequate	Open
Albert Einstein	1,234	1,332	92.6%	Adequate	Open
Gaithersburg	1,711	1,797	95.2%	Adequate	Open
Walter Johnson	2,057	1,831	112.3%	Inadequate	School Payment
John F. Kennedy	1,411	1,436	98.3%	Adequate	Open
Col. Zadok Magruder	1,277	1,637	78.0%	Adequate	Open
Richard Montgomery	1,331	1,444	92.2%	Adequate	Open
Northwest	2,135	2,052	104.0%	Adequate	Open
Northwood	1,453	1,459	99.6%	Adequate	Open
Paint Branch	1,279	1,228	104.2%	Adequate	Open
Poolesville	317	459	69.1%	Adequate	Open
Quince Orchard	1,453	1,688	86.1%	Adequate	Open
Rockville	1,099	952	115.4%	Inadequate	School Payment
Seneca Valley	1,302	1,485	87.7%	Adequate	Open
Sherwood	1,127	1,501	75.1%	Adequate	Open
Springbrook	1,361	1,275	106.7%	Inadequate	School Payment
Watkins Mill	1,239	1,359	91.2%	Adequate	Open
Wheaton	1,738	1,588	109.4%	Inadequate	School Payment
Walt Whitman	1,474	1,271	116.0%	Inadequate	School Payment
Thomas S. Wootton	1,434	1,567	91.5%	Adequate	Open
37,692					

## High School Test: Percent Utilization &gt;105% School Facility Payment and &gt;120% Moratorium

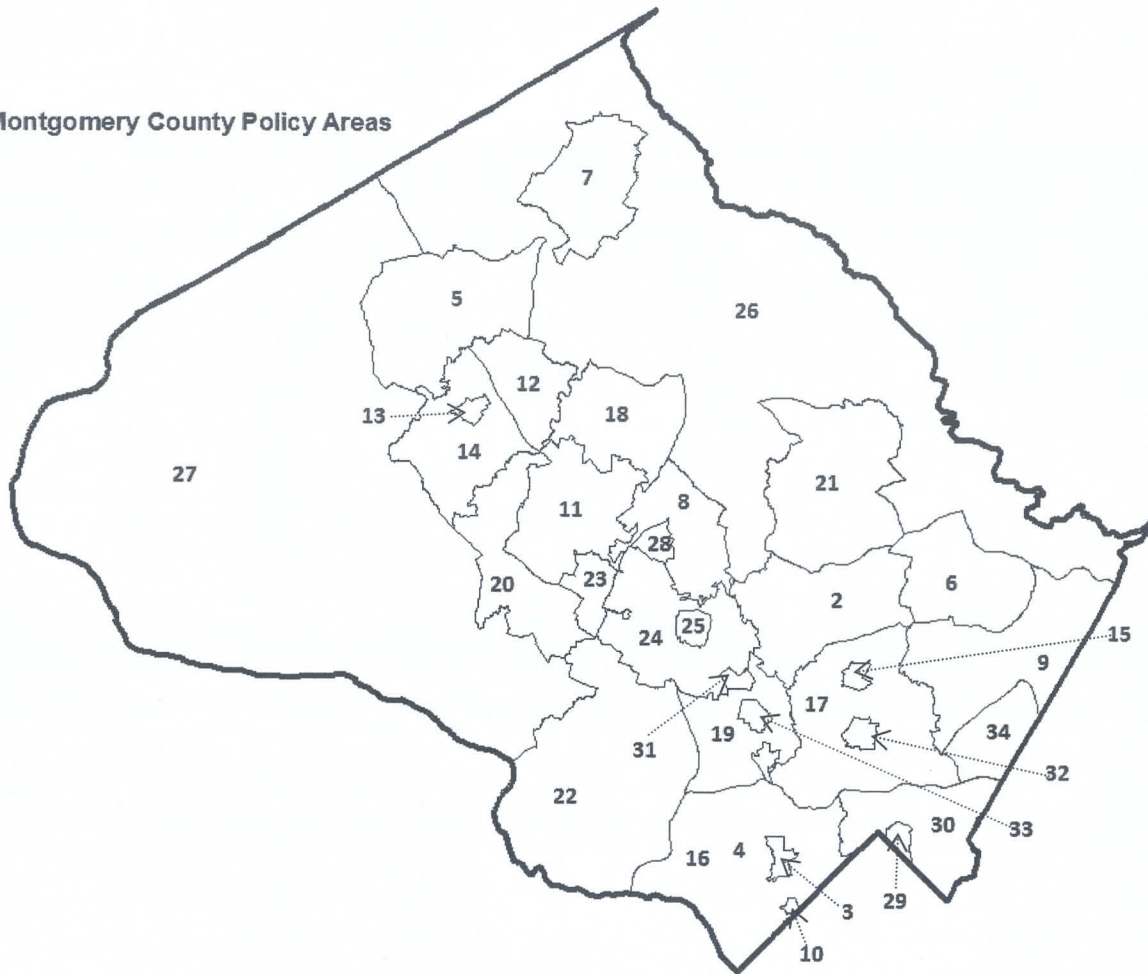
Cluster Area	Projected August 2017 Enrollment	100% MCPS Program Capacity With Adopted FY13-18 CIP	Cluster Percent Utilization in 2017	School Test Result Capacity is:	Cluster is?
Bethesda-Chevy Chase*	2,162	1,867	115.8%	Inadequate	School Payment
Montgomery Blair	2,980	2,875	103.7%	Adequate	Open
James Hubert Blake	1,840	1,724	106.7%	Inadequate	School Payment
Winston Churchill	1,860	1,941	95.8%	Adequate	Open
Clarksburg	1,933	1,971	98.1%	Adequate	Open
Damascus	1,267	1,479	85.7%	Adequate	Open
Albert Einstein	1,468	1,618	90.7%	Adequate	Open
Gaithersburg	2,087	2,284	91.4%	Adequate	Open
Walter Johnson	2,437	2,292	106.3%	Inadequate	School Payment
John F. Kennedy	1,694	1,793	94.5%	Adequate	Open
Col. Zadok Magruder	1,626	1,896	85.8%	Adequate	Open
Richard Montgomery	2,301	2,232	103.1%	Adequate	Open
Northwest	2,246	2,151	104.4%	Adequate	Open
Northwood	1,686	1,512	111.5%	Inadequate	School Payment
Paint Branch	1,881	1,899	99.1%	Adequate	Open
Poolesville	1,097	1,152	95.2%	Adequate	Open
Quince Orchard	1,903	1,777	107.1%	Inadequate	School Payment
Rockville	1,499	1,530	98.0%	Adequate	Open
Seneca Valley	1,376	1,694	81.2%	Adequate	Open
Sherwood	1,868	2,013	92.8%	Adequate	Open
Springbrook	1,806	2,082	86.7%	Adequate	Open
Watkins Mill	1,499	1,980	75.7%	Adequate	Open
Wheaton	1,388	1,604	86.5%	Adequate	Open
Walt Whitman	1,998	1,828	109.3%	Inadequate	School Payment
Thomas S. Wootton	2,249	2,091	107.6%	Inadequate	School Payment

\* Capacity at Bethesda-Chevy Chase HS includes a "placeholder" capital project of ten classrooms, pending a request for an addition in a future CIP.



Map 1

Montgomery County Policy Areas



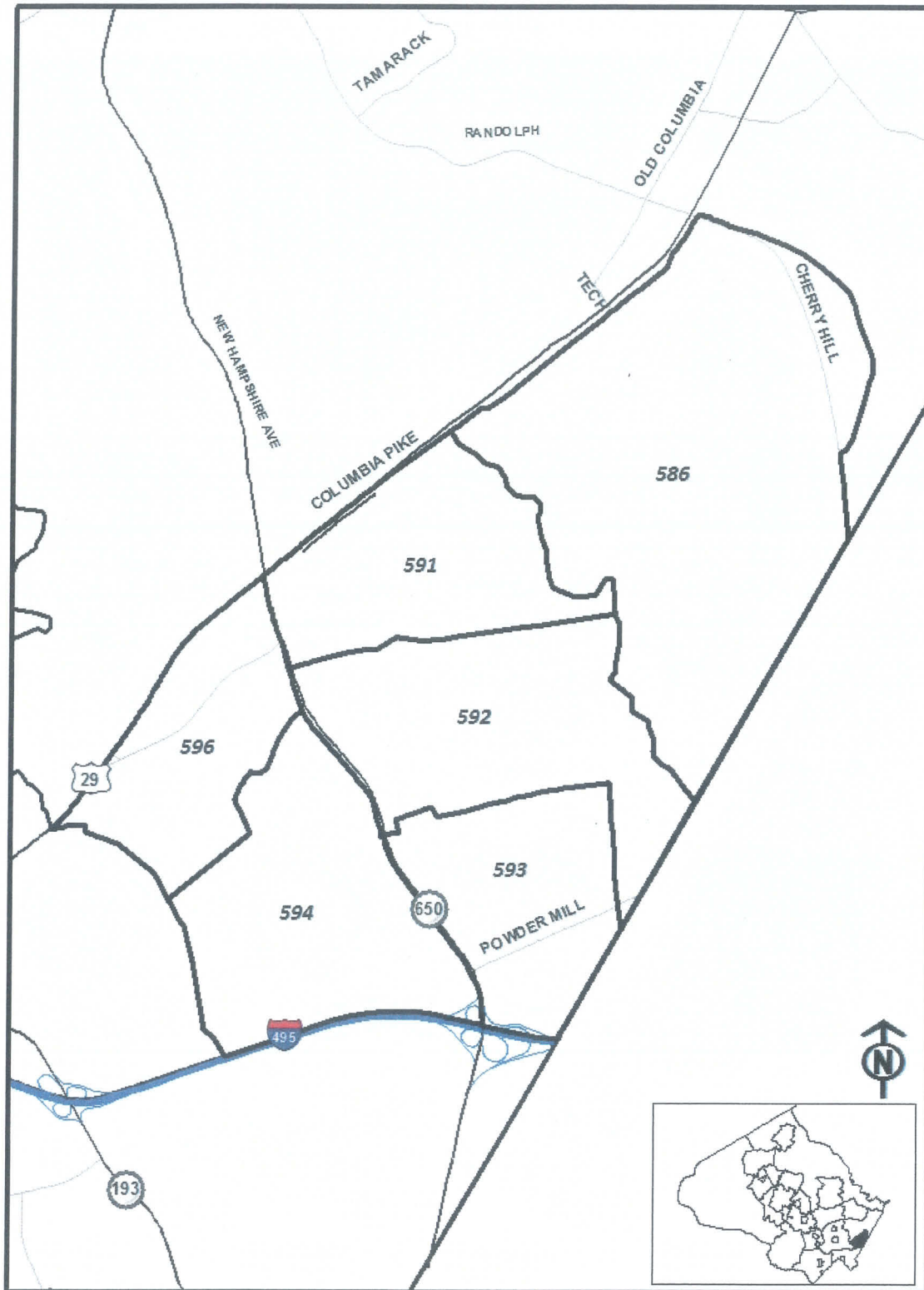
- 2. Aspen Hill
- 3. Bethesda CBD\*
- 4. Bethesda/Chevy Chase
- 5. Clarksburg
- 6. Cloverly
- 7. Damascus
- 8. Derwood
- 9. Fairland/White Oak
- 10. Friendship Heights
- 11. Gaithersburg City
- 12. Germantown East
- 13. Germantown Town Center
- 14. Germantown West
- 15. Glenmont\*
- 16. Grosvenor\*
- 17. Kensington/Wheaton

- 18. Montgomery Village
- 19. North Bethesda
- 20. North Potomac
- 21. Olney
- 22. Potomac
- 23. R&D Village
- 24. Rockville City
- 25. Rockville Town Center\*
- 26. Rural East
- 27. Rural West
- 28. Shady Grove\*
- 29. Silver Spring CBD\*
- 30. Silver Spring/Takoma
- 31. Twinbrook\*
- 32. Wheaton\*
- 33. White Flint\*
- 34. White Oak

\*Metro Station Policy Area

MAP 34

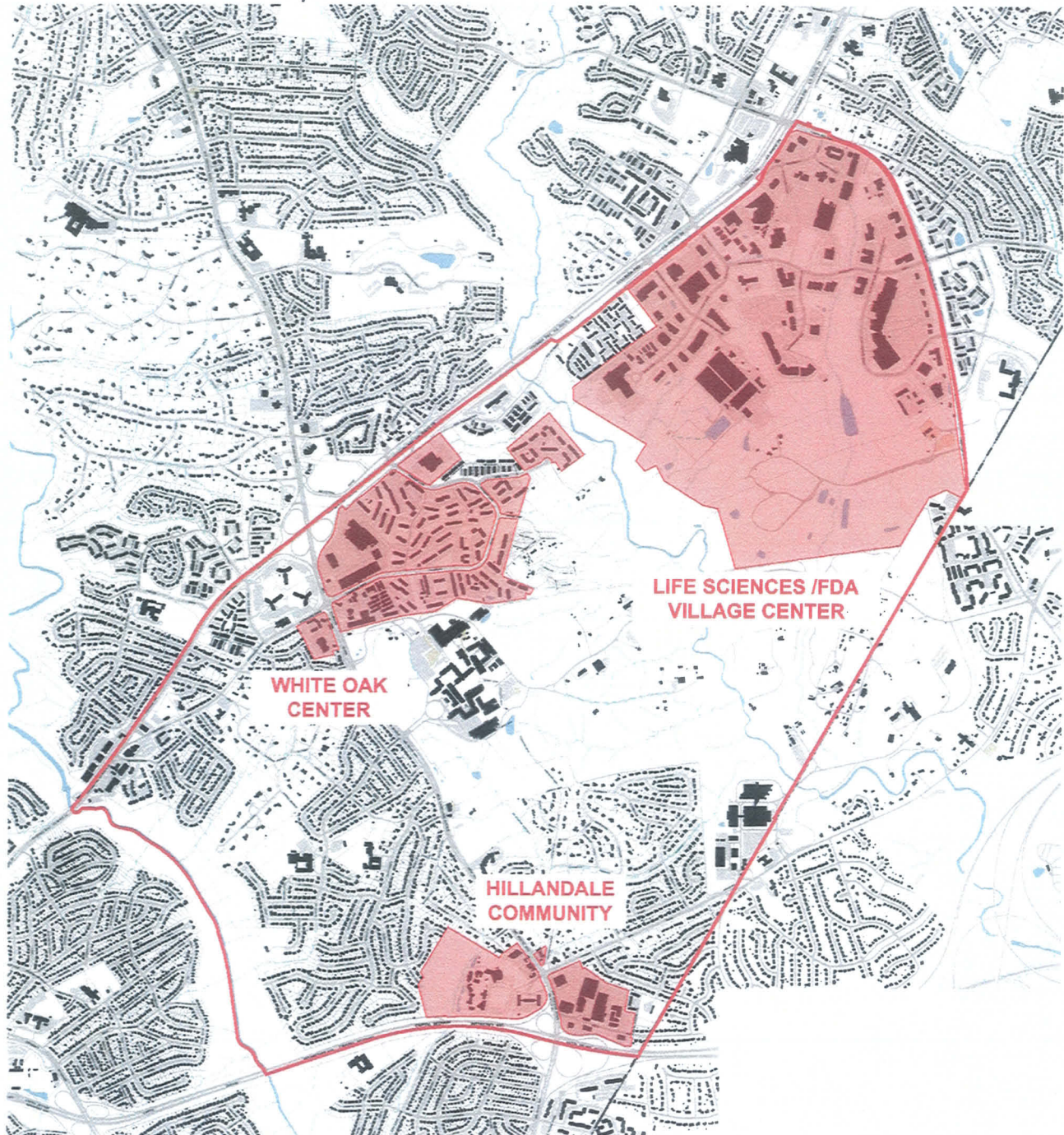
**White Oak Policy Area**  
With Traffic Zones





MAP 35

White Oak TMD Activity Centers










OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Isiah Leggett  
County Executive

MEMORANDUM

December 4, 2013

TO: Francoise Carrier, Chair, Montgomery County Planning Board

FROM: Isiah Leggett, County Executive 

SUBJECT: White Oak Science Gateway

I am writing to share my position on the latest revisions to the White Oak Science Gateway. It is my understanding that the Planning Board will be reviewing the staff revisions on December 5<sup>th</sup>.

As you know, I have been following the master plan process very closely and I believe we have the opportunity with this plan to leverage a unique asset that is without equal in the world of regulatory science, the U.S. Federal Drug Administration (FDA). The federal government has spent billions of dollars and has moved or created thousands of jobs to consolidate its medical regulatory functions here in Montgomery County.

This plan is our opportunity to support those federal actions by approving a plan that provides the critical infrastructure and requirements for the creation of a vibrant live, walk, work and play community around the FDA, and expand our knowledge-based economy by putting a plan in place that will attract private companies, academia, and non-profit organizations who are the strategic partners of the FDA.

The implementation of the Plan will be a challenge. The County Council has asked the Planning Board and its staff to work with my staff to develop revisions that demonstrate a balance between land use and the transportation network. The Executive Branch staff has been coordinating efforts with planning staff in preparation of the revised draft. The revised draft uses a unique approach in striking a balance between the land uses proposed and the transportation network needed to support future development. I believe a unique approach to address the unique characteristics of the White Oak region is appropriate.

The revised draft recommends the creation of a new Subdivision Staging Policy area category, "Suburban Transit Corridor," with an associated Transportation Policy Area Review (TPAR) standard for highways of 42.5 percent, midway between LOS "D" and LOS "E." The new classification is appropriate in consideration of the existing background traffic on US Route 29, the proposed station locations in the Rapid Transit System (RTS), and the overwhelming need and support for redevelopment opportunities in the three sector plan nodes.

Additionally, maintaining a CLV standard for the purpose of LATR of 1475 for this new classification does not acknowledge the unique characteristics of the White Oak Science Gateway and is a disservice in attracting new development to the area. I recommend that the Planning Board consider a higher CLV standard of 1600 to accompany the Suburban Transit Corridor classification. 1600 CLV is the same as the Germantown Town Center. The Germantown Town Center is the location for the Corridor Cities Transitway and therefore the White Oak Science Gateway Plan should be treated similarly.

As a result of the recommended "Suburban Transit Corridor" standard, the plan would be in balance and adequately meet TPAR requirements for roadways. It is also my understanding that the costs associated with LATR compliance are not prohibitive for development plans of this magnitude. Further, LATR requirements and payments could be established and memorialized in a binding preapplication submission to be reviewed and approved by the Planning Board in accordance with the alternative procedures for preapplication submissions.

The Staging Plan in the draft remains a concern for me, as it does not identify a clear path to fully realize the Plan vision. The revised draft Plan proposes 4 milestone options precedent to Stage 2. However, each of the options creates additional difficulty after the initial phase of development. I would urge the Planning Board to consider the following:

- A commitment, on a project-by-project basis, to achieve a 30% non-auto driver mode share (NADMS) at full build out which would be on an appropriately graduated NADMS scale as each phase of the specific project is developed and accompanied with adequate sureties;
- An equitably shared transportation cost program that adequately finances the necessary improvements;
- An adequate infrastructure financing and construction phasing plan to ensure initial planning, design, and construction of the transportation infrastructure to serve the new development in a timely manner; and
- A comprehensive monitoring and verification system to track NADMS throughout development phases and to ensure the timely delivery of the transportation infrastructure.

These requirements are similar to other Transportation Management Districts in the County.

Thank you for the opportunity to comment on the revisions to the White Oak Science Gateway Master Plan.

IL:ts





OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Isiah Leggett  
County Executive

MEMORANDUM

December 11, 2013

TO: Francoise Carrier, Chair  
Montgomery County Planning Board

FROM: Isiah Leggett  
County Executive

SUBJECT: White Oak Science Gateway

During the Planning Board's discussion on December 5<sup>th</sup>, there was considerable discussion regarding the designation of funding for transit infrastructure in the White Oak Science Gateway. Specifically, Commissioner Anderson suggested an approach whereby a mechanism outside of the customary regulatory procedures related to TPAR, LATR and impact taxes would collect funds to be devoted to enhanced transit service in the White Oak Science Gateway. I appreciate the Planning Board's interest in enhanced transit service in this area as I believe it will be a critical element in achieving the vision established in the master plan.

As you will recall, I have suggested that the Board consider an increase in the CLV to 1600 to accompany the new classification of this area as a Suburban Transit Corridor and to retain TPAR, LATR and impact taxes. By recognizing the unique characteristics of the policy area, the roadway adequacy can be balanced, however, the transit adequacy test is slightly out of balance. As a result, a TPAR payment specifically for transit would be required. Whereas the plan is intended to be in balance at the end of its full implementation; during the life of the plan there will be times in which the roadway adequacy test may temporarily fail. Therefore, payments for transit and roads may be required.

Additionally, impact taxes and Transportation Demand Management (TDM) fees could create another funding source for enhanced transit in White Oak. These funds may be applied to a variety of strategies for transit and increased Non-Auto Driver Mode Share (NADMS) goals. The County projects more than \$80 million in transportation impact taxes and more than \$20 million in Transportation Demand Management (TDM) fees.

While the funds will be spread over a period of time and do not create a significant offset to the capital and operating costs of BRT, they can fund meaningful enhancements to the transit services available for the White Oak Science Gateway.

I have reviewed proposals from other parties in White Oak including the one supported by the CAC and Percontee. While I continue to support the recommendations I submitted on December 4<sup>th</sup>, I believe it would be appropriate for all of these options to be available for review by the County Council. I respect the fact and fully understand that the Planning Board will make its own recommendation.

Thank you for the opportunity to comment on the revisions to the White Oak Science Gateway Master Plan.





## Summary of Options: White Oak Science Gateway Master Plan

Prepared by the Planning Department

November 2013

### Summary of Council Direction

The Planning Board Draft of the White Oak Science Gateway (WOSG) Master Plan was approved by the Planning Board on September 19, 2013 and was officially delivered to the County Council and County Executive on September 20, 2013. Shortly thereafter, the County Council indicated that because the draft Plan is not in land use-transportation balance, additional analysis must be completed before they would consider the Plan. In an October 2<sup>nd</sup> letter from Council President Nancy Navarro to Chair Carrier, the following direction was provided:

- Land use - transportation balance: *We ask that you and your staff prepare a package of recommendations that allow us to approve a balanced plan...We cannot approve the zoning without a full understanding of how the proposed transportation system will work.*
- Subdivision Staging Policy amendment: *If part of the package includes a recommendation to change the traffic standards, then we ask that you concurrently forward a proposed amendment to the Subdivision Staging Policy...*
- Timeframe/Coordination: *We will request that the Executive Branch work with the Planning Board and staff to resolve the remaining issues as quickly as possible. It is paramount that we minimize any delay in the adoption of this important plan as we fully address these critical issues.*

Subsequent to the October 2<sup>nd</sup> letter, in conversations and meetings, the following additional information and direction was relayed:

- The Council does not want the Plan to include any recommendations regarding additional work that will be needed after the Plan is adopted. Specifically, the Council does not want the Plan to include recommendations for a follow-up technical working group. The Council wants all of the issues to be resolved.
- Council staff stated that financing strategies need to come from the Executive, not the Planning Board.
- Planning Department and Executive Branch staff should collaborate and draft options to address these issues.
- Schedule: The Council would like an addendum to the Planning Board Draft to be sent to them by the end of the year or the beginning of 2014 and they want to complete their review of this Master Plan prior to the elections.

In summary, the direction from the Council regarding the Plan is:

- Prepare a package of recommendations that will enable the Council to approve a balanced plan
- Do not include recommendations in the Plan that require follow-up work on any issues
- Work with the Executive Branch to resolve the remaining issues as quickly as possible
- The Plan does not need to address financing of infrastructure, that's the Executive's role

## Background

Achieving land use-transportation balance in White Oak is extremely difficult because:

- The 1997 *White Oak Master Plan* and the 1997 *Fairland Master Plan* are out of balance (and those plans didn't increase density) because the recommended transportation improvements (interchanges) have not been completed.
- The objective of the WOSG Master Plan is to reimagine existing centers and provide incentives to redevelop and reinvest in these areas, while also supporting the County's goal of creating a new life sciences center. (See pages 7, 25 of the Planning Board Draft.)
- There are limited ways to improve transportation capacity and all possible options have been assumed in order to try and achieve balance.

There are two important - but conflicting - policy goals:

- The two policy goals are: 1) achieve the conventional objective that this Master Plan should be in land use-transportation balance at build-out and 2) support the County Executive's economic development objective of creating a life sciences center at Percontee/Site 2 and creating incentives for redevelopment at the other commercial centers.
- The Public Hearing Draft and the Planning Board Draft Master Plan address both the balance and economic development goals by recommending the following:
  - To incentivize redevelopment, the Plan proposes rezoning many properties to the Commercial/Residential (CR) Zone.
  - To ensure there is adequate infrastructure to support the land uses, a variety of transportation improvements and strategies are assumed (BRT, US 29 interchanges, Old Columbia Pike bridge reopened, NADMS target goals).
  - To ensure that development does not proceed prior to the infrastructure to support it, the Plan recommends staging to limit development until there is evidence that major infrastructure is being financed and implemented.

## Achieving Land-Use Transportation Balance

In a case of imbalance, there are three factors to consider - separately or in combination - in order to achieve land use-transportation balance:

- Assume more transportation improvements
- Assume less land use and less density
- Modify the standards

There is consensus (among senior staff of the Planning Department and the Executive Branch) that solving the land use-transportation balance problem should not include reducing proposed densities and zoning. And, as stated above, all reasonable transportation improvements and strategies have been assumed in the previous modeling exercises. In addition, various intersection improvements have been identified that will probably be required when developments undergo Local Area Transportation Review; however, these do not impact the overall land use-transportation balance. If the Council is not inclined to approve a plan that is out of balance, the best possible solution may be to modify the standards.



Options to address the imbalance are summarized below and in the accompanying table, which lists the advantages and disadvantages of each option.

Options to Address Imbalance:

1. Attempt to achieve land use-transportation balance by reducing density and increasing transportation capacity. The four options below require remodeling, which will delay the Plan's consideration by the Council.
  - a. Reduce the Planning Board Draft Plan's proposed zoning recommendations and/or change the mix of uses
  - b. Add transportation infrastructure
  - c. Devise and evaluate some combination of 1a and 1b
  - d. Assume additional transportation strategies, including reclassifying certain roadways to create additional transportation capacity, increasing NADMS requirements, adjusting the mix of uses through staging
2. Modify standards to achieve land use-transportation balance
  - a. Create a new policy area category in the Subdivision Staging Policy with a hybrid TPAR standard.
  - b. Accept the Planning Board Draft; create a hybrid policy area category that achieves balance; retain TPAR, LATR and staging as the regulatory "checks"; delete the tasks that were to be done subsequent to the Master Plan
3. Accept land use/transportation imbalance
  - a. Keep the 1997 Plans in place (recognize they are not in balance)
  - b. Accept the Planning Board Draft; delete the tasks that were to be done subsequent to the Master Plan (the Alternative Implementation Mechanism section); retain TPAR, LATR, and staging to ensure that build-out takes place in a balanced way
  - c. Accept the Planning Board Draft as is with the Alternative Implementation Mechanism





Options		Description	Advantages	Disadvantages
1. Revise land use and transportation recommendations to achieve balance	1a	Reduce proposed zoning in Planning Board Draft	<ul style="list-style-type: none"> <li>Some Council members may be expecting the Department to reduce density to address the imbalance</li> </ul>	<ul style="list-style-type: none"> <li>Reducing land use is complicated, potentially controversial given expectations established to date; little support among stakeholders</li> <li>Not clear that densities can be reduced enough to balance area since it is out of balance now in the current Master Plans</li> <li>Reducing density defeats goal of incentivizing redevelopment</li> <li>Adversely affects potential BRT ridership</li> <li>Requires remodeling and delay</li> </ul>
	1b	Add transportation infrastructure		<ul style="list-style-type: none"> <li>Full range of transportation improvements have already been assumed in modeling; intersection improvements have been identified but are not part of modeling</li> <li>Requires remodeling and delay</li> </ul>
	1c	Devise combination of 1a and 1b		<ul style="list-style-type: none"> <li>Involves remodeling, causes delay, and still may not achieve balance</li> </ul>
	1d	Assume additional transportation strategies		<ul style="list-style-type: none"> <li>Full range of transportation improvements have already been assumed in modeling</li> <li>Additional analysis on specific intersection improvements has been done but does not impact the overall balance</li> <li>Requires remodeling and delay</li> </ul>
2. Modify standards	2a, b	Create a new Policy Area category (see table below) with a hybrid TPAP standard by amending SSP; Retain TPAP, LATR	<ul style="list-style-type: none"> <li>Plan will be in TPAP balance (42%); approach does not cause delay</li> <li>New category supports Plan goal of transforming White Oak from auto-centric to transit-served</li> <li>New hybrid policy area was discussed during SSP</li> <li>Council adopted CTCFMP, providing further rationale for a new category</li> </ul>	<ul style="list-style-type: none"> <li>Assumes US 29 traffic is "discounted" and currently unfunded interchanges are built, which some find objectionable</li> <li>Future work is required to analyze Countywide implications and criteria by which other existing policy areas could be considered for the new category; potential loss in revenue if areas are in balance</li> </ul>

			<ul style="list-style-type: none"> <li>Additional rationale for new category for White Oak is its potential for 2 or 3 BRT corridors</li> <li>SSP amendment is drafted and can be sent with Plan when it is resubmitted to Council/Executive</li> </ul>	<ul style="list-style-type: none"> <li>Some people consider changing standards to be an administrative solution that does not address the problems; area may pass the adequacy test, but the traffic is still a reality</li> </ul>
3. Accept Imbalance	3a	Retain the 1997 Plans	<ul style="list-style-type: none"> <li>Several other plans have also been out of balance and this is likely to be more prevalent as the County urbanizes</li> </ul>	<ul style="list-style-type: none"> <li>Does not achieve objectives of a new vision for area or incentives for redevelopment or support for County's land use goals</li> </ul>
	3b	Accept Planning Board Draft but remove Alternative Implementation Mechanism (AIM- pages 96-97; page 52) except one sentence regarding exploring possible funding sources for infrastructure improvements	<ul style="list-style-type: none"> <li>Removing the AIM text eliminates technical work group and a post-Plan product the Council objects to</li> <li>Infrastructure cost estimates are not atypical; no need to create alternative financing mechanism</li> <li>Staging plan helps match development with infrastructure</li> <li>Plan can reference SSP amendments</li> </ul>	<ul style="list-style-type: none"> <li>Executive Branch staff agree to removal of the AIM section but they still have concerns about staging</li> </ul>
	3c	Accept the Planning Board Draft as is with the AIM text		<ul style="list-style-type: none"> <li>Does not address the stated reason for sending the Plan back or the concerns regarding post-Plan approval tasks</li> <li>Tacit acceptance of one developer's concern that customary regulatory procedures and payments are too onerous and new mechanisms need to be created</li> </ul>



EXISTING POLICY AREAS with PROPOSED NEW HYBRID POLICY AREA		
Policy Area Category	CLV Congestion Standard	Policy Area
Urban	1800	Metro Station Policy Areas: Bethesda, White Flint, Grosvenor, Shady Grove, Twinbrook, Rockville Town Center, Friendship Heights, Silver Spring, Wheaton, Glenmont Bethesda/Chevy Chase, Silver Spring/Takoma Park, Kensington/Wheaton, Germantown Town Center
	1600	
	1550	
	1500	
<b>Suburban Transit Corridor</b>	1475	<b>White Oak</b>
		<b>Fairland/White Oak</b>
	1475	<b>Fairland/White Oak</b> , Aspen Hill, Derwood
	1450	Cloverly, Olney, Potomac, North Potomac, R&D Village
Rural	1425	Clarksburg, Germantown West, Germantown East, Montgomery Village/Airpark, Gaithersburg City
	1400	Damascus
	1350	Rural East, Rural West

OPTION 1: REDUCE DENSITY AND INCREASE TRANSPORTATION CAPACITY			
	Description	Advantages	Disadvantages
1a	Reduce proposed zoning in Planning Board Draft	<ul style="list-style-type: none"><li>Some Council members may be expecting the Department to reduce density to address the imbalance</li></ul>	<ul style="list-style-type: none"><li>Reducing land use is complicated, potentially controversial given expectations established to date; little support among stakeholders</li><li>Not clear that densities can be reduced enough to balance area since it is out of balance now in the current Master Plans</li><li>Reducing density defeats goal of incentivizing redevelopment</li><li>Adversely affects potential BRT ridership</li><li>Requires remodeling and delay</li></ul>
1b	Add transportation infrastructure		<ul style="list-style-type: none"><li>Full range of transportation improvements have already been assumed in modeling; intersection improvements have been identified but are not part of modeling</li><li>Requires remodeling and delay</li></ul>
1c	Devise combination of 1a and 1b		<ul style="list-style-type: none"><li>Involves remodeling, causes delay, and still may not achieve balance</li></ul>
1d	Assume additional transportation strategies		<ul style="list-style-type: none"><li>Full range of transportation improvements have already been assumed in modeling</li><li>Additional analysis on specific intersection improvements has been done but does not impact the overall balance</li><li>Requires remodeling and delay</li></ul>



OPTION 2: MODIFY STANDARDS TO ACHIEVE BALANCE			
	Description	Advantages	Disadvantages
2a, b	Create a new Policy Area category (see table below) with a hybrid TPAP standard by amending SSP; Retain TPAP, LATR	<ul style="list-style-type: none"> <li>Plan will be in TPAP balance (42%); approach does not cause delay</li> <li>New category supports Plan goal of transforming White Oak from auto-centric to transit-served</li> <li>New hybrid policy area was discussed during SSP</li> <li>Council adopted CTCFMP, providing further rationale for a new category</li> <li>Additional rationale for new category for White Oak is its potential for 2 or 3 BRT corridors</li> <li>SSP amendment is drafted and can be sent with Plan when it is resubmitted to Council/Executive</li> </ul>	<ul style="list-style-type: none"> <li>Assumes US 29 traffic is “discounted” and currently unfunded interchanges are built, which some find objectionable</li> <li>Future work is required to analyze Countywide implications and criteria by which other existing policy areas could be considered for the new category; potential loss in revenue if areas are in balance</li> <li>Some people consider changing standards to be an administrative solution that does not address the problems; area may pass the adequacy test, but the traffic is still a reality</li> </ul>

OPTION 3: ACCEPT IMBALANCE		
	Description	
		Advantages
3a	Retain the 1997 Plans	<ul style="list-style-type: none"> <li>Several other plans have also been out of balance and this is likely to be more prevalent as the County urbanizes</li> </ul>
		Disadvantages
3b	Accept Planning Board Draft but remove Alternative Implementation Mechanism (AIM-pages 96-97; page 52) except one sentence regarding exploring possible funding sources for infrastructure improvements	<ul style="list-style-type: none"> <li>Removing the AIM text eliminates technical work group and a post-Plan product the Council objects to</li> <li>Infrastructure cost estimates are not atypical; no need to create alternative financing mechanism</li> <li>Staging plan helps match development with infrastructure</li> <li>Plan can reference SSP amendments</li> </ul>
3c	Accept the Planning Board Draft as is with the AIM text	<ul style="list-style-type: none"> <li>Executive Branch staff agree to removal of the AIM section but they still have concerns about staging</li> </ul>
		<ul style="list-style-type: none"> <li>Does not address the stated reason for sending the Plan back or the concerns regarding post-Plan approval tasks</li> <li>Tacit acceptance of one developer's concern that customary regulatory procedures and payments are too onerous and new mechanisms need to be created</li> </ul>



PERCONTEE



INCORPORATED

December 3, 2013

Via Email (Francoise.Carrier@mncppc-mc.org, mcp-chair@mncppc-mc.org)

Françoise Carrier, Planning Board Chair  
Planning Board Commissioners  
Montgomery County Planning Board  
8787 Georgia Ave.  
Silver Spring, MD 20910

Re: **White Oak Science Gateway Master Plan (December 5, 2013, Item #8, 3pm)**  
**Comments Relating to White Oak Science Gateway ("WOSG") Master Plan**

Dear Chair Carrier and Planning Board Commissioners:

In connection with the discussions that are scheduled to take place on December 5 and December 12 relating to the White Oak Science Gateway Master Plan, I have attached a suggested Alternative Staging Mechanism (and supporting appendices), which are based upon the strategies endorsed by a 15-1 affirmative vote of the CAC appointed by the Planning Board for this master plan. We respectfully request that this alternative be included as an "Option 4" among the "menu of options" the Planning Board might transmit to the County Council. I have also attached a separate policy "White Paper" regarding the academic exercise of certain plans being technically "In Balance." Representatives of our development team will be available during the Planning Board sessions on December 5 and 12 to address any questions or issues that may be of interest to the Planning Board Commissioners.

Respectfully submitted,

Jonathan M. Genn, Esquire  
Executive Vice President and  
General Counsel

cc: Gwen Wright, Planning Director, MNCPPC  
Rose Krasnow, Deputy Planning Director, MNCPPC  
Thomas Street, Assistant Chief Administrative Officer, County Executive's Office  
Ramona Bell-Pearson, Assistant Chief Administrative Officer, County Executive's Office  
Joy Nurmi, Special Assistant to the County Executive  
Steven Silverman, Director, DED  
Art Holmes, Director, MCDOT  
Greg Ossont, Deputy Director, DGS  
John Gudelsky, President, Percontee, Inc.

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## WHITE OAK SCIENCE GATEWAY MASTER PLAN

### Proposed Alternative Staging Mechanism Based on CAC-Endorsed Strategy

Submitted: 12/03/2013

*[Note: Under this proposed Option 4, the current section entitled "Alternative Implementation Mechanism" on pages 96-97 of the Planning Board Draft Master Plan would be deleted in its entirety, and the new language of the "Alternative Staging Mechanism" provided below would be inserted in its entirety immediately preceding the "Sectional Map Amendment" paragraph on page 102 of the Planning Board Draft Master Plan.]*

### **Alternative Staging Mechanism**

The actual implementation of the desired vision of a science-based employment center mixed with housing and retail amenities in the White Oak Science Gateway Master Plan area would be severely impeded by application of Montgomery County's current set of regulatory reviews and Subdivision Staging Policy (SSP) requirements. This is principally due to the highly unusual transportation conditions and challenges that uniquely afflict the Plan area; specifically, the three primary roads --- U.S. 29, New Hampshire Avenue, and Cherry Hill Road --- have such an extraordinarily high percentage of drive-through, by-pass commuter traffic originating from the abutting Howard and Prince George's counties and beyond. With such a high percentage of vehicles originating from the abutting counties and beyond --- all of which are beyond the jurisdictional reach of Montgomery County's transportation regulations --- Montgomery County's customary LATR and TPAR policies and regulations are rendered substantially ineffective for mitigating the consequences of those drive-through, bypass commuter trips.

Recognizing these highly unique circumstances, particularly affecting U.S. 29 --- the only U.S. highway in all of Montgomery County --- this Plan allows for an alternative staging mechanism that would be independent from, and a substitute for the current provisions of Local Area Transportation Review (LATR), Transportation Policy Area Review (TPAR), and Montgomery County transportation impact taxes. To effectuate this Alternative Staging Mechanism,



appropriate amendments to the current Subdivision Staging Policy (SSP) and impact tax statute would be required, as more fully described below.

Moreover, after more than 18 months of study, review, and analysis by the Citizens Advisory Committee (CAC) appointed by the Planning Board --- constituted by community residents, civic organizations, businesses, and other stakeholders in the Plan area (including representatives of the FDA) --- by a 15-1 affirmative vote (with 1 abstaining and 5 choosing not to vote at all), the CAC endorsed the principles of this proposed Alternative Staging Mechanism. The CAC's reasoning for this proposed alternative pathway in lieu of customary LATR, TPAR, and impact taxes was detailed in a May 23, 2013 letter (authorized by the CAC to be submitted and placed into the record of this Plan) from Dan Wilhelm to Planning Board Chair, Françoise Carrier.

This Alternative Staging Mechanism also recognizes that each of the three primary destination activity centers within the White Oak Science Gateway master plan area have transportation conditions and challenges that are distinguishable from the other destination activity centers within the Plan area; and thus, the most effective set of traffic mitigation strategies for one destination activity center may be considerably different from the most effective set of traffic mitigation strategies for the other destination activity centers. Indeed, even within one destination activity center, the most effective traffic mitigation strategies may differ from individual property to individual property. Accordingly, a uniform standard of traffic mitigation strategies that would be generally applied throughout the Plan area may be less effective than a combination of customized traffic mitigation strategies targeted to a specific destination activity center (or, even in some appropriate cases, on a project-by-project basis). Nonetheless, allowing for a customized set of traffic mitigation strategies on an individual project-by-project basis would not necessarily preclude, nor would it necessarily be a substitute for, a broader, area-wide set of traffic mitigation strategies to which an individual project would have to contribute.

This Alternative Staging Mechanism acknowledges the necessary collaboration between the public and private sectors to implement the Plan. County and perhaps State and/or Federal partnerships with the private sector should include elements that will meaningfully contribute to the ultimate goals of the Plan as it relates to infrastructure improvements and innovative approaches to traffic

congestion, and implement alternative transportation modes that will reduce reliance on the private automobile.

### **General Requirements of the Alternative Staging Mechanism**

Notwithstanding anything to the contrary in the preceding provisions of the Staging section of this Plan, this Alternative Staging Mechanism allows for a project-by-project staging of development that meets, at a minimum, the following general requirements:

- A requirement, on a project-by-project basis, to achieve a 30% non-auto driver mode share (NADMS) at full build-out. At the time of regulatory approval, the specific staging of development would be established, together with an appropriately graduated NADMS scale that must actually be achieved at each stage before the development could proceed to the subsequent stage(s), with implementation guaranteed by adequate sureties;
- An equitably shared transportation cost program, on a project-by-project basis, that adequately finances the necessary improvements and cost-effectively encourages NADMS use during peak periods in peak directions;
- An adequate infrastructure financing and construction phasing plan, on a project-by-project basis, to ensure planning, design and construction of the transportation infrastructure to serve the particular project's new development in a timely manner and cost-effectively encourages NADMS use during peak periods in peak directions; and
- An independent and comprehensive monitoring and verification program system to track NADMS throughout the particular project's new development stages to ensure the timely delivery of the transportation infrastructure.

This Plan recommends that, if the particular project satisfies the foregoing requirements under this Alternative Staging Mechanism, the development of that particular project would be exempt from the customary regulatory controls of



local area transportation review (LATR), transportation policy area review (TPAR), and transportation impact taxes.

This Plan recommends that the County's Subdivision Staging Policy (SSP) be amended simultaneously with the approval and adoption of this Plan to establish this Alternative Staging Mechanism with these General Requirements, with these exemptions to the customary regulatory controls, and with the regulatory approval authority over any particular project's Trip Mitigation Agreement (more fully described below). This Plan further recommends that the County's impact tax laws and regulations be amended simultaneously with the approval and adoption of this Plan to fulfill the objectives set forth in this Plan. The form and substance of the SSP Amendment and the form and substance of the Amendment to the County's impact tax laws and regulations to be approved and adopted simultaneously with the approval and adoption of this Plan are appended to this Plan as Appendix \_\_\_\_ and Appendix \_\_\_\_, respectively.

### **Specific Requirements of the Alternative Staging Mechanism**

To assure appropriate public participation and appropriate governmental approval authority over the specific requirements of any particular project's implementation under this Alternative Staging Mechanism, at the time of sketch plan or preliminary plan of subdivision (or at the time of a binding pre-preliminary plan application) for any new development project electing to proceed under this Alternative Staging Mechanism, the Planning Board would have regulatory approval authority over the applicable Trip Mitigation Agreement (TMA), which approval authority would be exercised by the Planning Board after customary public participation at public hearings conducted by the Planning Board. The TMA, which would become binding and enforceable covenants running with the land of the relevant project development, would define with specificity:

- the specific alternative staging of building square footage (including the allocation of residential and non-residential square footage within each alternative stage);
- the alternative graduated NADMS goal per stage, provided that the project would achieve at least a 30% NADMS goal by full build-out;

- the independent monitoring “check points” at each phase of the project’s development to assure compliance with those NADMS goals before the specific development could proceed to the next stage;
- the specific project’s trip mitigation strategies and requirements (that would remain flexible enough to be modified and adaptable to future state-of-the-art, cost-effective NADMS strategies) as enumerated in the TMA that would be binding and enforceable throughout the project’s entire build-out;
- the specific project’s equitable cost-sharing of the trip mitigation strategies, associated funding mechanisms, and adequate sureties; and
- all other reasonably necessary elements specific to that project that would satisfy all of the General Requirements under this Alternative Staging Mechanism.

The approved TMA for each particular project under this Alternative Staging Mechanism would constitute a material condition of any sketch plan, preliminary plan, or binding pre-preliminary plan of subdivision approval for that particular project. The approved TMA staging would exempt that particular project from the building limitations otherwise established under the preceding Staging provisions of this Plan, and in lieu thereof, the approved TMA for that particular project would govern. Along with any approved sketch plan, preliminary plan, or binding pre-preliminary plan of subdivision under this Alternative Staging Mechanism, the form and substance of the final, approved, binding and enforceable TMA, as approved by the Planning Board, shall be recorded among the land records as covenants running with the land for all properties in that particular project’s subdivision.

This Plan prefers the Rapid Transit System (RTS) Network proposed in the Countywide Corridors Transit Functional Master Plan (the “Functional Plan”), together with improved system integration with Metrorail, Light Rail (the “Purple Line”), Metrobus, Ride-On, and other non-automobile modes of travel, as the most cost-effective means for addressing existing and future congestion and for creating greater people-moving capacity, including those that would be added as a result of the proposed zoning and densities under this Plan. Indeed, the land



uses and densities proposed in this Plan create an even greater justification for a high performance RTS network service in the area.

While this Plan prefers the RTS network as the most cost-effective means to meet or exceed the NADMS goals of each particular project electing to proceed under this Alternative Staging Mechanism, this Plan also recognizes that the design, funding, construction, operation, and maintenance of the RTS network is outside the control of the property owners and residents in the White Oak Science Gateway Master Plan area. In fact, the RTS network may also be beyond the control of Montgomery County government, because the RTS network corridors are proposed to be located within rights-of-way under the jurisdictional control of the Maryland State Highway Administration. For these and other reasons, while this Plan prefers the RTS network as the mobility improvement of choice to stage development, for purposes of this Alternative Staging Mechanism, so long as the particular project is able to actually achieve its NADMS goals by whatever combination of traffic mitigation methods set forth in the approved and applicable TMA, then that particular project's development may proceed through each of its specific phases as set forth in its TMA, separately and independently from the prerequisites otherwise provided in the foregoing Implementation and Staging section of this Plan.

The cumulative square footage of all development by all of the particular development projects proceeding under this Alternative Staging Mechanism would not be governed by the building limitations of standard Implementation and Staging provisions set forth above. Nonetheless, for purposes of calculating from time to time the cumulative amount of all residential and non-residential square footage of the entire White Oak Science Gateway master plan area, as would be necessary to apply the standard staging provisions set forth in the preceding sections of this Plan, the cumulative square footage of all residential and non-residential buildings that are then-permitted to be built under the then-applicable specific stages of all of the particular projects that were approved under this Alternative Staging mechanism as of that time would be included in the calculation of all residential and non-residential square footage of all properties within the White Oak Science Gateway master plan area.

*[It would also appear that the WOSG Master Plan should explicitly amend the Countywide Transit Corridors Functional Master Plan. The suggested revisions are provided below.]*

## **Countywide Transit Corridors Functional Master Plan**

This Plan amends the recently adopted Countywide Transit Corridors Functional Master Plan (the "Functional Plan") by:

- (a) modifying the New Hampshire Avenue corridor by extending it, at a minimum, northward to MD 200 (the "ICC");
- (b) modifying the Randolph Road corridor, at a minimum, to extend eastward past U.S. 29 on Cherry Hill Road to FDA Boulevard; and
- (c) incorporating the entire length of MD 200 (the "ICC") into the rapid transit network of the Functional Plan.



[This chart is a proposed continuation of the “advantages and disadvantages summary” contained in the Attachment 2, “Summary of Options” appended to the Planning Staff Memo dated November 26, 2013, to add the proposed “Option 4” based on the CAC’s endorsement of an alternative pathway for development on a project-by-project basis. The 15 advantages and 1 disadvantage of the proposed Option 4 are summarized below. Each of the charts for Options 1 and 3 should be modified to include among their Disadvantages, “makes the Plan unfinanceable, unviable, and unachievable” and “the absence of at least 10 other advantages of Option 4.”] SUBMITTED: 12/03/2013

Options	Description	Advantages	Disadvantages
4. <b>Accept CAC-Endorsed Alternative Staging Mechanism (specific language appended)</b>	Maintain all of the Implementation and Staging Provisions of the Planning Board Draft as the “default” mechanism; but substitute the AIM provisions with a new proposed Alternative Staging Mechanism that is consistent with the nearly unanimous CAC recommendation	<ul style="list-style-type: none"> <li>• It makes the Plan financeable, viable, and achievable</li> <li>• It’s simple to implement</li> <li>• It was endorsed by the CAC after more than 18 months of study, review, and analysis (so no need for any follow-up work after adoption of the Plan)</li> <li>• It will maximize and accelerate the generation of substantial new net fiscal benefits to the County, which will create the funding sources to finance the needed transportation infrastructure benefiting the entire area</li> <li>• It will maximize and accelerate the generation of additional transit ridership with the higher, more “transit-worthy” densities and mix of uses, which will in turn justify the public and private investment in higher performing rapid transit corridors, which will in turn create greater “balance of land use and transportation infrastructure”</li> <li>• It allows for more precision in adopting the most cost-effective traffic mitigation strategies on a project-by-project basis, custom-tailoring the strategies for higher NADMS goals based on the</li> </ul>	<ul style="list-style-type: none"> <li>• Reduces reliance on LATR and TPAP for those projects that elect to use this alternative (although there is already precedent for a master plan/sector plan area to be entirely exempted from LATR and TPAP/PAMR).</li> </ul>

		<p>specific unique attributes of each project (rather than a generalized set of strategies that may be less effective for certain projects)</p> <ul style="list-style-type: none"> <li>• It allows flexibility to continually employ the constantly evolving set of the most advanced state-of-the-art trip mitigation strategies that are developed in the future, rather than fixing for all time a set of strategies known today (but may become less effective, or even obsolete, in the future)</li> <li>• It allows the achievement of the desired NADMS goals to be more in the control of the Plan area property owners, rather than putting those properties at the mercy of the traffic originating from a few miles away in the abutting counties or beyond</li> <li>• It allows for more incremental steps of development going "hand-in-hand" with more incremental transportation infrastructure investments</li> <li>• It provides greater certainty for financing of individual projects, because the required milestones to advance to subsequent phases of an individual project would be more in control of the project being financed and not at the mercy of uncontrollable traffic conditions originating a few miles away in the abutting counties County or beyond</li> <li>• It more precisely ties the funds raised by the Alternative Staging Mechanism to</li> </ul>
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		<p>the specific trip mitigation strategies of the separate projects, thereby ensuring the funds are not redirected to other areas of the County or other initiatives that do not advance the NADMS goals</p> <ul style="list-style-type: none"> <li>• It provides significant opportunities for community hearings and input into the phasing, transportation infrastructure, and financing mechanisms for each project</li> <li>• For larger-scale projects with multiple phasing of development over time, it provides for multiple “check-ins” to independently confirm the project’s achievement of NADMS goals before the project could advance to its next phase(s)</li> <li>• It is far more “In Balance” than the status quo of the existing set of 1997 Master Plans; but it also can be easily placed “In Balance” with just a couple of appropriate modifications of certain transportation policies that are prejudicial to the U.S 29 corridor’s high posted speed limits, drive-through commuters from outside the County, and realistic delays or stopping at signalized intersections</li> <li>• It reduces the “regressive tax” effects of LATR and TPAP to revitalization areas of the County, which are especially prejudicial to the U.S. 29 corridor on account of the past disinvestment of people-moving capacity for the area.</li> </ul>
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Resolution No: \_\_\_\_\_  
Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By: Council President at the request of the County Executive

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**SUBJECT:** Amendment to 2012-2016 Subdivision Staging Policy

**Background**

1. On \_\_\_\_\_, 2014, the County Council, sitting as the District Council for that portion of the Maryland-Washington Regional District within Montgomery County, Maryland, approved, with amendments, the Final Draft of the White Oak Science Gateway Master Plan (the "Master Plan").
2. The approved Master Plan contains a recommendation that the 2012-2016 Subdivision Staging Policy (the "SSP") be amended to exempt from Transportation Policy Area Review and Local Area Transportation Review any proposed development that utilizes the Master Plan's provisions establishing the Alternative Staging Process.
3. On \_\_\_\_\_, 2014, the County Executive transmitted to the County Council a proposed amendment to the SSP, along with supporting and explanatory materials, to implement this Master Plan recommendation.
4. On \_\_\_\_\_, 2014, the County Council held a public hearing on the County Executive's SSP amendment.
5. On \_\_\_\_\_, 2014, the Council's Planning, Housing and Economic Development Committee conducted a worksession on the SSP amendment.
6. On \_\_\_\_\_, 2014, the Council conducted a worksession on the SSP amendment, at which time careful consideration was given to the public hearing testimony, updated information and the comments and concerns of all interested parties.

**Action**

The County Council for Montgomery County, Maryland, approves the following Resolution:

The 2012-2016 Subdivision Staging Policy is amended as follows:



**TP2.2        Conducting Transportation Policy Area Review**

**TP2.2.1        Geographic Area**

•   \*   \*   \*

Any proposed development that utilizes the provisions of the Alternative Staging Process established in the White Oak Science Gateway Master Plan (2014) is exempt from Transportation Policy Area Review.

**TP2.2.2        Determination of Adequacy**

•   \*   \*   \*

**TL4            Unique Policy Area Issues**

•   \*   \*   \*

**TL4.7        White Oak Science Gateway Master Plan**

Any proposed development that utilizes the provisions of the Alternative Staging Process established in the White Oak Science Gateway Master Plan (2014) is exempt from Local Area Transportation Review.

This is a correct copy of Council action.

---

, Clerk of the Council

Bill No \_\_\_\_\_  
Concerning: Transportation Impact Tax Exclusion  
Introduced: \_\_\_\_\_

**County Council**  
**For Montgomery County, Maryland**

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By: Council President at the Request of the County Executive

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**AN ACT to:**

- (1) Exclude new development utilizing the Alternative Staging Process of the White Oak Science Gateway Master Plan from payment of the Development Impact Tax for Transportation Improvements;
- (2) Generally amend the laws governing the Development Impact Tax for Transportation Improvements.

By amending

Montgomery County Code  
Chapter 52, Taxation  
Article VII, Development Impact Tax For Transportation Improvements  
Section 52-49, Imposition and applicability of development impact taxes

*The County Council for Montgomery County, Maryland approves the following Act:*

**Sec. 1. Section 52-49 is amended as follows:**

● \* \* \*

- (g) A development impact tax must not be imposed on:

● \* \*



- (4) any dwelling unit in an Opportunity Housing Project built under Section 56-28 through 56-32, which meets the price or rent eligibility standards for a moderately priced dwelling unit under chapter 25A; [and]
- (5) any development located in an enterprise zone designated by the State or in an area previously designated as an enterprise zone; and
- (6) any development utilizing the Alternative Staging Process, which independently provides an alternative for transportation infrastructure financing in lieu of transportation impact taxes, under the White Oak Science Gateway Master Plan.

• \* \* \*

*Approved:*

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, President, County Council

Date

*Approved:*

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Isiah Leggett, County Executive

Date

*This is a correct copy of Council action.*

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Linda M. Lauer, Clerk of the Council

Date





## MCP-Chair

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**From:** Dan Wilhelm <djwilhelm@verizon.net>  
**Sent:** Monday, December 09, 2013 3:15 PM  
**To:** Wright, Gwen; MCP-Chair; Sturgeon, Nancy  
**Subject:** WOSG MP Staging  
**Attachments:** White Oak Science Gateway Master Plan Implementation.docx

All: Attached are my comments for the Planning Staff consideration and for the Planning Board discussion Thursday on the WOSG MP.

Gwen: There have only been a few minor changes since we talked this morning.

Dan





904 Cannon Rd  
Colesville, MD 20904  
December 9, 2013

Montgomery County Planning Board  
Francoise Carrier, Planning Board Chair  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: White Oak Science Gateway (WOSG) Master Plan (MP) Implementation

Dear Chair Carrier and Commissioners of the Planning Board:

Because of the short time to respond to the Planning Board discussion on December 5, I have had time to talk only with several people within the CAC who supported the alternate staging plan that we presented on May 23. Therefore, the thoughts are mine, but I believe they generally reflect the position of the 15 CAC members, all but one is a community resident. The bottom line is that I support Alternative 2 but with modifications. Since the Subdivision Staging Policy (SSP) modification would achieve balance from a policy point of view, developers, both large and small, should not be required to undertake TPAR and LATR tests but rather pay their fair share for transportation infrastructure improvements. This position is in keeping with the May 23 letter as well as the December 3, 2013 letter from Percontee.

Let me provide a number of statements that support the conclusion.

Prospective of the Area

1. Citizens have not received the substantial increase in transit we were promised in the 1981 Eastern Montgomery County MP needed to support the zoning density that was substantially increased to include a massive number of housing units, most of which were built later in the 1980s. Many of these housing units are for low-income residents, which created an imbalance, causing an impact in our schools and on public services. The 1981 MP covered what is currently included in the Fairland, White Oak, Cloverly, and Burtonsville MPs.
2. Because of the lack of transit, we have congested roads. The last two master plan efforts have been aimed in part at reducing the negative impacts that resulted from the 1981 Master Plan. However, they could only achieve so much since the problems had already been created.
3. For 19 years the area was in moratorium for housing and/or jobs. After the rules were changed to officially eliminate moratoriums, the economic cost of satisfying LATR and TPAR (and its predecessor) effectively continued the moratorium. The 1981 MP placed most job-producing development in the area being addressed by the WOSG MP. The moratorium and the WSSC Site 2 before it was closed resulted in few jobs in our area. Because of the scarcity of employment, residents must drive a distance to jobs, and we are missing out on benefits that often accompany them, such as nice restaurants. The limited job related development that has occurred didn't require these approvals (i.e. FDA) or received APFO approvals in the early '80s.
4. As identified in the 2002 Transportation Policy Report, achieving a better balance in the jobs/housing (J/H) ratio is one tool for addressing road congestion. The WOSG MP would achieve a J/H balance of 1.6 for the entire 1981 MP area.

5. FDA regulates over 20 cents of every dollar spent in the US. As such, the industries they regulate have frequent interaction with FDA. Many companies will want to have an office near FDA to facilitate that coordination, which means there is a demand for more office development in the White Oak area. Also, Congress has given FDA additional responsibility to regulate tobacco. We understand that Congress will not be appropriating more funds for new buildings and that GSA will be coming out with an RFP for more office and lab space. White Oak would be the best place for that development.

#### Citizen Desires

6. We want the higher paying jobs that would come with the life-science development and civilian development related to those who deal with FDA on regulatory matters. We expect over time that many of the people who would obtain those higher paying jobs would live in the area. That would better balance the community with people of all income levels. That balance would then reduce the negative impacts of congestion, school problems and crime. It would also likely increase the value of our houses, which many view as positive.

#### Recent Government Actions

7. The Council has approved and the Planning Board adopted the recently updated Master Plan of Highways and Transitways. This plan includes 10 Bus Rapid Transit (BRT) corridors plus the Corridor Cities Transitway (CCT). The WOSG MP benefits from three of the BRT corridors (Randolph, US29, and New Hampshire). The County Executive has stated that US29 and Randolph are among his first priorities. The BRT would be the fulfillment of the promise for transit made in the 1981 MP.

#### WOSG MP Staging Alternatives

8. The Planning Staff identified three alternatives for addressing the land use – transportation imbalance as requested by the Council.
  - a. I agree with the staff recommendation to oppose the first alternative (reducing density). The only real way to reduce density enough to make a difference would be to take down existing houses and block traffic from entering the county from Howard and Prince George's Counties, neither feasible. One needs to recall that the last two MP efforts in Eastern Montgomery County were also aimed at addressing the imbalance.
  - b. The third alternative would accept the land use – transportation imbalance. This would be acceptable if the alternative staging approach were retained.
  - c. The second alternative is to modify the SSP to achieve a balance, at least on paper. We think this is the best of the three alternatives. The Executive supported this alternative, but proposed some adjustments. The staff proposed increasing the CLV standard from 1475 to 1600 but only after the BRT was funded. The Executive proposed making that change now. Mr. Anderson suggested making the change now but Ms. Carrier was not included in that direction. Comments on these ideas follow.
9. Part of Mr. Anderson's rationale, as I understood it, was to avoid having LATR force road changes that were not needed. We have often seen the situation where the developer is required to make some road change that do little to address congestion and then the county or state comes along later and removes the developer-implemented change and builds a larger and complete solution. Thus the developer's funds are wasted and the community has the



inconvenience of two construction efforts. For these reasons, I am against developers being forced to make road improvements. In our area, I don't know of many worthwhile road improvements. If there are some, they should be determined as part of the BRT design and should be implemented as part of it. The County Executive also indicates he can live with requiring the projects to pass the LATR test. I don't support retaining the LATR unless Mr. Anderson's concept means needless road improvements will not be required.

10. The road improvements proposed in the WOSG MP are the grade-separated interchanges on US29. While the model used for TPAR indicates they will reduce congestion, we feel that they would have little or no real effect on reducing congestion. They would just move cars faster to the back of the stop-and-go traffic that already exists on US29. We don't want the interchanges built in the next decade, and maybe never built unless one or more of them are needed to support BRT. We don't want the interchanges deleted from the master plans either in case they should be needed at a later date. At \$80-\$100M per interchange, the funds could be better used for BRT. Since most of the approved BRT will operate on state roads, there should be a way for the state to pay for building some part of the BRT.
11. At the Council worksessions on the Master Plan of Highways and Transitways, the estimated cost of all 10 BRT corridors ranged from \$1B to \$3B, excluding the CCT. This cost was for 80.7 miles of BRT. If the cost were evenly distributed (which we know it will not be), the 11.0 mile US29 corridor would cost between \$136M and \$408M; the 10.1 mile Randolph Road corridor would cost between \$125M and \$375M; and the 8.5 mile New Hampshire corridor would cost between \$105M and \$315M. (I think the cost will be close to the lower number, but the design must first be done to determine the real cost.) No matter what the final cost, it is too high for any developer to pay. Funding for these must come from multiple sources. Developers should pay their fair share.
12. Ms. Carrier's reluctance to support the CLV increase to 1600 at this time centers on the fact that construction of the first BRT corridors is not contained in the CIP. She felt that such a change should wait for them to be in the CIP. The state gasoline tax increase was approved in the 2013 legislative session, and the first phase went into effect July 2013. As a result of the additional revenue, Maryland Department of Transportation (MDOT) is funding the Purple Line and provided substantial funding for the CCT. They have also provided \$20M to the County for transit studies. During the Council Worksessions on the Master Plan of Highways and Transitways, Glenn Orlan indicated the County Executive was planning to submit a CIP amendment to use the \$20M for studies needed to design the early BRT corridors. There is also a State Task Force that is required to provide a report before December 31, 2013 dealing with Local and Regional Transportation Funding. It is possible that some state legislation may be introduced and acted upon during the 2014 Legislative Session. Furthermore, there is a group within the Executive Branch exploring funding alternatives that could be presented to the Council. While not what Ms. Carrier would like at this point in time, they collectively provide an indication that the BRT funding question will be addressed shortly – my guess is within 6-12 months.
13. The County Executive supported the second alternative, but wanted the CLV raised to 1600 at this time, agreed with the creation of a Transportation Management District (TMD) for the WOSG MP but is concerned with the staging that the Planning staff wants to retain since it doesn't provide a clear path to fully realize the vision of the plan. I agree with the County Executive on these points.

## Conclusion

I support Alternative 2 but with modifications. Since the SSP modification would achieve balance from a policy point of view, developers both large and small should not be required to undertake TPAR and LATR tests but rather pay their fair share for transportation infrastructure improvements. The transportation infrastructure improvements are either entirely or predominately BRT. Small road improvements should be addressed as part of the BRT. The CLV should be increased to 1600, since a CIP amendment will be proposed soon to study US29 and Randolph and I hope the Council would approve it. I expect a solution to the funding will be decided upon during 2014.

The Staff report requires the establishment of a Transportation Management District (TMD). That TMD is the vehicle that would be used to require developers to pay their fair share. The developers' payment needs to be in two forms: a cost per square foot to be paid at the time building permits are issued and an annual fee to pay a share of the BRT recurring costs. The recurring fee would start after the Use and Occupancy Permit has been issued.

Developers for large projects should also be required to take steps to encourage their employees to use BRT or other non-auto modes. The objective should be to achieve at least a 30% Non-Auto Driver Mode Share (NADMS) for new development. Since small projects have much less ability to achieve any reasonable NADMS on their own, the TMD should be organized so that projects of all sizes work together.

I am in favor of the jobs-related development and implementation of the BRT proceeding on their independent timelines and that development not be tied to the funding or implementation of the BRT. I expect the first development will be ready for occupancy in about 5 years and the first BRT corridors will be operational in 5-6 years. That is close enough in time so that the development will not make congestion worse. I also expect the early stages of the development will be business-related as opposed to residential and such local employment will actually reduce congestion on US29 south of New Hampshire Ave.

If the Board doesn't accept my recommendation, I at least ask that it be added to the list of alternatives for the County to consider in developing its position.

Thank you for considering my views, which I believe reflect the views of 15 CAC members.



To: Montgomery County Planning Board  
From: Eileen Finnegan  
Subject: White Oak Science Gateway Master Plan, Item 4, Dec 12 Agenda  
Date: December 11, 2013

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Hello Chair Carrier and Commissioners Wells-Harley, Presley, Dreyfuss and Anderson,

The additional work being done on the White Oak Science Gateway Master Plan is very much appreciated. Thanks to you and staff. My purpose in writing is to provide perspective, ask questions and offer input on issues discussed at last week's work session.

Having a framework to guide the transformational development desired is critical to the long-term success and prosperity of the White Oak/Hillandale/Calverton/Burnt Mills area, including the anticipated new hospital complex. Montgomery County has historically promised orderly development to ensure that infrastructure keeps pace with development. Please keep this compact with the community.

**What is the Life-Sci Village's development timeline?**

Given that this single P3 project is defining the entire plan with demands for no "hard stops" and relief from the customary development taxes/fees, understanding a timeline for this project is important for decision makers and the public. What is the projected phasing to build-out for the over SEVEN MILLION square feet on the combined 300-acre brown-field property? Is the start just a single building, as General Services hopes, or more? What is the timing of the environmental clean-ups required and the work on the water and sewer requirements? Has this information been provided to the Commission? It was not provided to the CAC.

**Please understand the underlying assumptions in the plan's traffic modeling and recent HCM analysis when considering the plan's "balance."**

The intricacies of transportation modeling are baffling, but precise. The modeling (which was then reportedly plugged into the recent HCM report) included all existing travel lanes on 29 and New Hampshire AND "Gold" BRT service on 29, New Hampshire and Randolph. But as now anticipated with the approval of the Countywide Transit Corridor Master Plan, 29 from Four Corners to Stewart will be four general travel lanes and two repurposed transit lanes while New Hampshire will have a single reversible median BRT and Randolph will have a BRT in mixed traffic. Additionally, any new intersections created by the assumed grade-separated interchanges were not modeled. Please recognize that the model created capacity that will not exist.

**LATR is more than just pavement — it is a flexible tool that a developer, in conjunction with the Planning Staff and Planning Board, can use to achieve the plan's vision.**

Yes, LATR requires review of a project's transportation impact and will result in added turn lanes, or improved roadway capacity — all of which are needed in this transportation-challenged area. But LATR is much more. The process provides opportunities for trip mitigation/reduction (project-specific NADMS), pedestrian improvements, added transportation/transit amenities and even payments toward mega-dollar capacity-improvement projects—such as the Old Columbia bridge.

**Staging allows development to proceed now and begins to make good on the promise of TRANSIT. This is orderly planning with clear milestones for all to work toward.**

Staff's three-step staging plan is permissive and provides a mechanism to realize the plan's three TOD nodes. Remember that Stage 1 has FOUR million square feet of development permitted with no major prerequisite followed by Stage 2 with FIVE million square feet with only funding of one BRT line required. That's NINE million square feet of development without an operational BRT! To begin Stage 3, one line must be operational and another funded.

**The TPAR Suburban Transit category needs to address bus and BRT adequacy and have the two graduated CLV levels of 1475 and 1600. The BRTs must also be added to the unbuilt, unfunded projects list in the Subdivision Staging Policy documents.**

Here are suggested changes to the SSP table:

	Coverage	Headway	Span
<b>Suburban Transit Pre-BRT: Bus Service</b> (CLV 1475)	75%	17 Min	15 Hr
<b>Suburban Transit Post-BRT: Bus Service</b> (CLV 1600)	75%	17 Min	17 Hr
<b>BRT Service</b>	10 miles	8 Min	15 Hr

**And finally, for Commissioner Dreyfuss, the FDA consolidation at White Oak happened through a series of circumstances in the mid-to-late 90's.**

Originally the FDA consolidation was planned for the I-270 corridor — Clarksburg. But, in the challenging fiscal climate of the time, Congress balked at the cost for the project and opened up the discussion of how and where to more cheaply consolidate the agency. The District government wanted to have the agency relocate to DC, but Maryland and Montgomery County governments wanted to keep the agency and the employees in Maryland. This discussion coincided with NAVSEA deciding not to relocate to suburban White Oak, but to the Navy Yard. That decision was a wake-up call for Maryland's politicians. Maryland's Congressional Delegation initiated legislation requiring the consolidation of FDA to be at the closed White Oak Naval Surface Warfare site, thereby saving money for the taxpayer by utilizing federal land.

To assuage transportation concerns, Maryland's General Assembly provided \$10M for roadway improvements on New Hampshire, the County provided Ride-On service and GSA agreed to implement the parking limit of 1 space for 2 employees for the then-anticipated 5,000 FDA workers and build the Northeast entrance---now known as FDA Blvd. Over the years the number of employees grew to the now master-planned 9,000-*employee* cap and the parking limit was changed to 2 spaces for every 3 employees. Sometime early in 2014, the next wave of 2,500 FDA employees will be relocating to the White Oak campus. Full build-out of the 130-acre campus to the current GSA/FDA master plan level is anticipated for 2016.

Thank you.