

## **Introduction - Subdivision Staging Policy Peer Review**

### Background

The Planning Department retained Jeff Tumlin of Nelson/Nygaard Consulting Associates, Inc. in March to conduct a brief Peer Review of the Subdivision Staging Policy and related process for reviewing the SSP that occurs every four years. The work was conducted in conjunction with Mr. Tumlin's well received presentation as part of the Department's Winter Speaker Series.

The Peer Review follows and includes the following major sections:

- Existing Policy
- Responses to Scope of Work Questions Submitted in Advance by Staff
- Issues
- Recommendations

The complete report follows this Introduction. This Introduction is intended to provide staff responses to the points raised in the Peer Review – particularly as they relate to the SSP review.

### Staff Response

Staff is in general agreement with many of the points and recommendations in the Peer Review submitted by Mr. Tumlin. For context in the review of the recommendations in the Working Draft, staff would like to expand on selected points raised in the report (in no particular order of priority):

#### *Reasonable Time Interval for Review*

The review recommends more frequent reporting on performance and less frequent "deep reviews" that would result in major shifts in approach.

We agree and think the Peer Review's emphasis on regular reporting on things that matter to the public using readily available data is an important point. Examples given include information on development projects approved, mitigations imposed, impacts fees raised, impact fee expenditures, and available trend data on corridor travel times, VMT, and while not mentioned, safety are all important.

#### *Metrics Reflecting Goals and Objectives*

The Peer Review notes while that the County has clear goals to reduce auto dependency and manage congestion (among other things) and also has a SSP that is more sophisticated than most jurisdictions, the policies are sometimes not fully in alignment with County goals. The Peer Review notes the current policy's framework that penalizes the "the last one in" as being an example of where the policy is not in alignment with County goals (see pages 6 and 7 of the Peer Review).

The Working Draft recommendations address this issue to some extent by eliminating the local area test in the Core Areas and by providing for mitigation payments in lieu of simply increasing intersection capacity in designated road code areas that place a focus on multi-modal context sensitive street design attributes.

### *Metrics We Should Be Tracking*

The Peer Review (pages 4-6) includes a general discussion on the approach to developing appropriate metrics and a list of potential useful metrics. The list includes some metrics directly related to the transportation network but many that are not (but are related to broader all-encompassing County goals). Interested readers may want to compare the Peer Review list of metrics to the more transportation oriented draft list developed by Fehr & Peers and included in another section of this Appendix.

Staff agrees with the outline of metrics included in the Peer Review and would like to call specific attention to the paragraph on page 5 that notes the data reporting “should be designed to be intuitive to the public and policymakers and should be designed to inform the difficult trade-offs in development policy.” Two classic examples are noted, one being the case where constrained housing production reduces vehicle trips but results in increased rents, and the other where new housing in areas with little traffic reduces impacts on local urban congestion but increases VMT and household transportation costs. The Working Draft recommendation to introduce job accessibility by transit as a primary metric for assessing the relative impact of development across various policy areas is an attempt to highlight some of these trade-offs.

### *What Role Does the Size of the Area and/or Specific Project Play in the Process?*

The Peer Review recommends a focus on metrics that treats all projects the same through metrics that are reflected in per capita or per employee units while acknowledging that there should be some threshold that insures smaller projects are not subject to a data analysis burden that is unreasonable – relative to the project size and likely impact.

Staff agrees that metrics that allow direct comparison between and among projects is important. The recommendations in the Working Draft essentially continue this approach and in the case of the thresholds for smaller projects, expands the exclusion a bit through the conversion to person trips and the consideration of transit and pedestrian trips.

### *How is VMT Used On a Project Level Basis?*

The Peer Review Report notes that the relationship between travel behavior and the built form is well documented and that there are many sketch planning tools available to estimate VMT according to baseline site characteristics. The report also notes that “it would be possible to create a heatmap of the entirety of Montgomery County showing baseline VMT generation down to the parcel level.”

Staff agrees that there is merit in continuing to examine how a VMT metric can best be adapted and used in conjunction with the analysis of the impact of an individual site. While the Department’s current Guidelines provide for reduced or discounted trip generation rates in three CBDs, the rates have not been updated and the tools referenced in the report would very likely indicate that for new projects in the CBDs, the rates should be even lower. The Department has underway a relatively detailed look at how the rates should be adjusted in recognition of this fact. The more challenging question is how VMT as a metric is utilized in a regulatory context, especially at the parcel level. More discussion on this important issue is presented later in this Introduction.

### *Level of Service and Critical Lane Volume as Metrics*

The Peer Review Report recommends that these metrics be “eliminated or downplayed” because the metrics “assume that personal vehicles alone are the only transportation mode that matters and that streets should serve.”

The set of recommendations in the Working Draft could fairly be described as “downplaying” these metrics. The CLV threshold in the Core has been eliminated and the CLV threshold in areas subject to context sensitive street design standards would not apply in instances where mitigation payments would be more appropriate. Consideration of the speed attainable on any particular roadway corridor as part of the area-wide test as also been eliminated in the recommendations contained in the Working Draft.

### *Additional Incentives for Unbundled, Priced Parking, and Other TDM Incentives. Fee Discounts for TDM Programs that Reduce VMT such as Reduced Parking*

The Peer Review Report notes the incentives in the new CR Zone related to increased density for mixed use development and recommends additional incentives.

The Working Draft recommendations include a new incentive in the form of a discount on the Transportation Impact Rate that is based on the percent of parking spaces below parking minimums.

### *Eliminate Parking Minimums Countywide*

The Working Draft does not include a recommendation to eliminate parking minimums countywide as this potential policy was examined in detail during the recently completed Zoning Code re-write.

### *Use Vehicle Miles Traveled (VMT) and Person Hours of Travel (PHT) as key Metrics, Regulate Traffic Generation Through Caps on VMT generation, and Consider Parcel Based VMT caps and a VMT cap-and-trade program*

The Peer Review Report recommends a transition to a regulatory protocol that places an emphasis on VMT reduction.

The recommendations in the Working Draft introduce VMT as a new element in SSP by considering – or using – VMT production as a means of determining (impact tax) payment adjustment factors. This is generally consistent with the Peer Review Report’s recommendation that the “transportation basis of impact fees should focus on VMT so the length of vehicle trips is factored in.” The Working Draft does not include: (1) a recommendation to regulate trip generation through caps on VMT, (2) establish parcel based VMT caps or (3) establish a VMT cap and trade system.

Staff acknowledges there is merit in further consideration of VMT as a more integral part of SSP in the future. The issue – as previously noted – is how best to apply the metric in a specific manner in a regulatory context. This is especially the case when the both the existing and recommended policy implicitly acknowledge there are areas and settings that have lower VMT per capital (e.g., the Core Area) than others.

It is also worthwhile noting the California experience with the introduction of VMT in a regulatory context. A very good summary of the current status is available on the Fehr and Peers web site at <http://www.fehrandpeers.com/opr-releases-update-to-ceqa-guidlines/>. The summary includes

recommendations that remain the same and recommendations that have changed since the preliminary discussion draft. Of particular note is the on-going nature of the discussion and the questions that remain for application in a regulatory environment. Perhaps the most progress with introducing VMT in a regulatory environment has been in Pasadena CA. Pasadena, working with Nelson/Nygaard, adopted an approach that evaluates the efficiency of projects in terms of established city-wide thresholds after a four- year review. The approach also includes retaining a modified LOS metric. More information on the Pasadena experience is available on the following link:

[http://ww2.cityofpasadena.net/councilagendas/2014%20Agendas/Nov\\_03\\_14/AR%2015.pdf](http://ww2.cityofpasadena.net/councilagendas/2014%20Agendas/Nov_03_14/AR%2015.pdf).

In summary, the Working Draft recommendations acknowledge both the need for the inclusion of metrics more aligned with the County goals and the challenges associated with the introduction of metrics that may require additional review and time related to application in the regulatory environment and the development of the analysis tools necessary to support the new applications.