Memorandum

To: **TISTWG Members**
From: **Dan Hardy**
Date: **May 3, 2015**
RE: **TISTWG COMMENTS ON APRIL 1 LATR CONCEPTS**

This memorandum and packet of materials provides an agenda for our May 6 meeting and summarizes the comments made on the materials distributed for the April 1 TISTWG meeting.

1) Introductions (1:30-1:40)
2) Overarching relationships (1:40-1:50)
    a. Between SSP and Planning Board Guidelines (legislative v. operational details)
    b. Between Master Plans and SSP (staging restrictions, NADMS)
    c. Between County and state/regional implementing agencies
3) Pro-Rata Share (1:50-2:45) – see p. 2 – 13
4) VMT (2:45-3:15) – see p. 14 – 18 (from April meeting materials)
5) Administrative (3:15-3:30)
    a. Other comments – see p. 19-27 for comments matrix and p. 28-52 for combined SSP track-changes details
    b. Upcoming study on planning/regulatory metrics
    c. Next steps and schedule

PRO-RATA SHARE CONCEPT WHITE PAPER

DRAFT for 5/6 Discussion

TISTWG members have expressed substantial interest in exploring the Pro-Rata Share concepts beyond the White Flint (established and operational) and White Oak (under development) geographic areas. This White Paper outlines a strategy for incorporating different types of Pro-Rata Share approaches into the 2016 Subdivision Staging Policy. It proposes a series of questions for the TISTWG to consider that help define the types, levels, and timeframes of analysis needed to put different options into policy and practice.

- Question 1. Should continuing Pro-Rata Share Approaches seek to:
  - functionally replace LATR
  - functionally replace TPAR, and
  - possibly also functionally replace development impact taxes for transportation, or
  - should they be established as a matter of policy independent of the LATR approach?
- Question 2. What geographic area(s) might be most appropriate for Pro-Rata Share approaches?
- Question 3. What types of improvements should be funded by a Pro-Rata Share District and over what timeframe?
- Question 4. Should a Pro-Rata Share District have a defined benefit element in addition to or instead of a defined contribution element?
- Question 5. Should participation in a Pro-Rata Share District be mandatory or can it be voluntary?
- Question 6. Should a Pro-Rata Share approach include a monitoring element that evaluates conditions over time and identifies mitigation strategies (if needed)?
- Question 7. What type of coordination needs to be considered with state and regional implementing agencies (such as the Maryland State Highway Administration, Maryland Transit Administration, and Washington Metropolitan Area Transit Authority) in order to develop a Pro-Rata Share approach?

These questions are posed in general priority order. Question 1 is absolutely the first question to address; all other decisions regarding both the type of Pro-Rata Share Districts being established as well as the work program for the next year flow from the decision to retain a nexus-based approach associated with LATR, TPAR, and the impact tax as opposed to a more broad development policy approach. Question 2 is next in the priority list. Questions 3 through 7 are a suggested order of discussion, but their order may depend on the answers to Questions 1 and 2.

Prepared by Renaissance Planning Group
May 3, 2015

Question 1. Should continuing Pro-Rata Share Approaches seek to:

a. **functionally replace LATR**
b. **functionally replace TPAR, and**
c. **possibly also functionally replace development impact taxes for transportation, or**
d. **should they be established as a matter of policy independent of the LATR approach?**

This is a landmark question for the TISTWG to consider, and may warrant consideration by the Planning Board and County Council in the near term.

If the answer is **a**, **b**, and/or **c**, then the logical approach is to pursue a similar track as in White Flint (where a, b, and c were bundled into the Special Taxing District) or White Oak (which as currently scoped addresses only option a – LATR). **In this case, required analysis time and resources would almost certainly preclude actual implementation of any additional Pro-Rata Share District(s) as part of the regular Subdivision Staging Policy in fall 2016, but that Subdivision Staging Policy could set the stage and processes for subsequent implementation**. Both the White Flint and White Oak approaches involve multi-year efforts to define the District's transportation needs ensure both a deliberative and the appropriate nexus between the anticipated transportation needs, the policy levers to be applied (LATR, TPAR, impact taxes) and the balance between public and private sector investment to address those needs.

If the answer includes c (development impact taxes), the approach needs to be expanded to include amendments to Section 52 of the County Code.

The 2016 Subdivision Staging Policy could lay out the approaches to be followed by providing the County's direction on the remaining questions in this White Paper, and potentially establish ground rules to guide subsequent studies (as the parameters in the White Oak Science Gateway amendment this spring are guiding the MCDOT study this summer and fall).

Exhibits 1 through 4 reprise the three policy options presented at the January TISTWG meeting and add a fourth option to demonstrate one way a broad policy approach could be addressed.

If the answer is **d**, then there may be an opportunity to consider options that could be implemented as part of the 2016 Subdivision Staging Policy. However, such options would necessarily be fairly sweeping policy changes (i.e., pure exemptions from LATR, TPAR, and/or impact taxes) evaluated without a detailed, community-based, assessment of needs, nexus, and public/private sector investment balance. The focus of the current study effort in this case would need to shift to consideration of support for types and locations of development that would be subject to such sweeping changes.

A third option: The Florida Multimodal Transportation District (MMTD) offers one potential compromise that blends these two approaches; establishing a Pro-Rata Share based on the costs of improvements already identified in the CIP. In this case, the expectation would be to update the Pro-Rata Share estimates on a regular basis (likely every 2 or 4 years to align with CIP or SSP amendments). This process, geared towards short term improvements, would facilitate more rapid establishment of Pro-

Rata Share districts, but would likely be less predictable over time (particularly if more expensive CIP projects were warranted in subsequent analysis cycles to functionally replace LATR improvements).

Question 2. What geographic area(s) might be most appropriate for Pro-Rata Share approaches?

Two types of proposals have been identified:

- Continue the development of additional Sector Plan, or similarly sized, Districts such as White Flint and White Oak.
- Establish a broader Pro-Rata Share District, such as one that would encompass developments served by the Countywide Transit Corridors Functional Master Plan

For a **functional replacement of LATR, TPAR, and/or impact taxes**, our experience indicates that a relatively small and discrete study area is preferable for several reasons:

- Establishing consensus on transportation costs and benefits (as related to the tradeoffs between LATR and a Pro-Rata Share approach) in an equitable manner is more feasible in a smaller geographic area where constituent experiences are similar
- Defining projects to be funded by a Pro-Rata share approach is facilitated by smaller/discrete areas.
- Applying and tracking revenue spending is generally easier in a smaller/discrete area

An exception to this rule could be made if the Pro-Rata Share District is used for a policy independent of functional LATR improvement (i.e., the answer to Question 1 is "d"). The concept of a Pro-Rata Share District dedicated to funding BRT implementation would fall into this category.

Question 3. What types of improvements should be funded by a Pro-Rata Share District and over what timeframe?

The answer to this question is dependent on both Questions 1 and 2 and is most appropriate for context-sensitive consideration with the community. Examples include:

- In White Flint, the Special Taxing District takes the form of an ad-valorem tax on all commercial properties that replaces LATR, TPAR, and transportation impact taxes. The ultimate consensus was to incorporate elements beyond typical LATR improvements such as the redesign of Rockville Pike for BRT within the Plan area and a second entrance to the Metrorail station, but not include any changes beyond the study area (five intersections were analyzed and considered for funding during the Plan development). Further, potential master planned improvements were distributed among three "buckets" of funding; private sector "on-site" streets, projects funded by the Special Taxing District revenue, and projects funded through other public sector sources.
  http://www.montgomerycountymd.gov/council/resources/files/res/2010/20101130_16-1570.pdf

http://www6.montgomerycountymd.gov/content/council/pdf/agenda/cm/2010/101109/20101109_PHEDMFP1-2.pdf (see p. 33/35 of PDF)

- In White Oak, where only LATR is being replaced, discussions are currently underway regarding the extent of intersections to be analyzed (and potentially, but not necessarily, funded) from the Pro-Rata Share approach.
  http://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2015/150428/20150428_5.pdf

- The City of Portland, Oregon has established two Transportation System Development Charge (TSDC) overlay zones, where the TSDC (similar to Montgomery's transportation impact tax) has been increased to provide funds for local contributions to a series of targeted projects, including the City's $55M contribution to the $1.5B Portland-Milwaukie Light Rail project. TSDC charges citywide can be paid up front or in installments, with interest, for up to 20 years. The TSDC is supplemental to the land use review process but plays a key role in several similar overlay districts where development only has an impact for levels above and beyond that explicitly included in a local master plan that informs the TSDC rates.

- Baltimore establishes fees for their Traffic Mitigation Zones in the central part of the city based on 10-year programmed improvements with the possibility of updating fees every five years.

- Delaware DOT has established a Transportation Improvement District (TID) process for a Pro-Rata Share approach that is implemented in coordination with local jurisdictions as needs arise, with parameters defined to meet those needs. Horizon years are generally 20 years in the future and incorporation of the TID parameters as part of the comprehensive plan.

- The Mobility Fee programs in Florida tend to identify both short-term and long-term needs, although like most impact fee programs (and both the calculation, and implementation, of Montgomery's impact tax), they do not necessarily abolish traffic impact study requirements. Smaller jurisdictions, like Kissimmee and Destin, have sufficiently defined multimodal needs that a multimodal project-driven approach can be applied to identify and fund sidewalks, bike paths, and transit circulator services. Larger jurisdictions tend to pursue a consumption-based approach that considers average unit costs for roadway based improvements (i.e., the total number of arterial lane miles needed), with the assumption that multimodal elements of the roadway are incorporated in those costs. Osceola County's current examination of a Mobility Fee provides one example of this consumption based approach to replace their current Road Impact Fee:
  http://www.osceola.org/core/fileparse.php/2731/urlt/040915_Mobility_Fee_Study.pdf

- Pro-Rata Share approaches tend to focus on capital costs, with a frequent exception being the inclusion of some amortized operating cost elements for local shuttle services that primarily

benefit the District users and may also be funded through operating entities (such as the Montgomery County Transportation Management Districts and Urban Districts).

Question 4. Should a Pro-Rata Share District have a defined benefit element in addition to or instead of a defined contribution element?

Generally, Pro-Rata Share Districts operate on a defined contribution approach – a pay and go solution for development in any particular district. There are several ways that a defined benefit element can be coupled to the define approach element:

- Most Pro-Rata Share Districts or impact/mobility fees are re-evaluated periodically; the fee may rise or fall to the extent that additional projects are needed to achieve acceptable performance measures, or to achieve other policy objectives such as encouraging or discouraging certain types, locations, or timeframes of development.

- The White Flint Special Taxing District uses a staging approach to consider achievement of both mode shares and progress on critical infrastructure delivery. The Sector Plan and Special Taxing District legislation allow for changes to ad valorem tax structure if determined through a public process

- The Greater Colesville Citizens Association proposal suggests a defined benefit approach using site-specific mode share performance goal associated with individual site performance. There are several concerns with this proposal. First, it removes a key benefit of the Pro-Rata Share District – an improved certainty of development risk. Second, it creates a required linkage between developers and future owners that continues to prove problematic in the Transportation Mitigation Agreement arena. And finally, a common set of mode share assumptions may not be equitably and efficiently applicable to different types of development based on development types, sizes, and multimodal accessibility (distances to destinations by multiple modes) that influences mode shares. An alternative approach to achieving the same general approach would be to decouple the defined benefit approach from the Subdivision Staging Policy but establish development size and type thresholds for Traffic Mitigation Agreements, particularly for long-term, phased developments.

Question 5. Should participation in a Pro-Rata Share District be mandatory or can it be voluntary?

We have not found any true Pro-Rata Share District in which an applicant has a choice to conduct a traditional impact study or opt for a Pro-Rata Share approach in lieu of a traffic impact study. Partly this is due to the limited number of places that have abolished traditional traffic impact studies.

Options like Montgomery's Alternative Review Procedure (where a higher impact tax payment is established based on a general sense of the impact tax/LATR contribution), which remains an appropriate approach for voluntary selection of a Pay-and-Go mechanism.

Even with a mandatory Pro-Rata Share approach, an applicant that wishes to promote certain planned transportation investments should (and can, in most cases) be allowed to provide the desired improvement (if consistent with the District's comprehensive plan) and be credited with a reduced Pro-Rata Share payment.

Question 6. Should a Pro-Rata Share approach include a monitoring element that evaluates conditions over time and identifies mitigation strategies (if needed)?

Regardless of the answers to the prior questions, we believe that a Pro-Rata Share district should include a monitoring program that provides information to constituents on the District's transportation system performance, as well as an opportunity to revisit and adjust those goals (and the fee requirements, if found necessary). The monitoring systems for the White Flint Sector Plan, the Great Seneca Science Corridor Plan, the County's Transportation Management Districts, and the Mobility Analysis Report are examples of monitoring elements on a biennial cycle designed to be in synch with and inform the biennial CIP process.

Conditions can be expected to change from those initially assumed in a Pro-Rata share calculation over a long-range period, necessitating revisions to the assumptions and costs of development. The actual decision to revisit Pro-Rata share costs should not be made on a biennial basis, however, for two primary reasons. First, a longer tenure for given costs is desirable to establish consistency in development predictability. Second, the analysis process itself takes time to perform and review. A process for reviewing Pro-Rata share costs might reasonably be expected every 5 to 10 years, and even then, only acted upon if the monitoring program indicates that adjustments are needed.

Question 7. What type of coordination needs to be considered with state and regional implementing agencies (such as the Maryland State Highway Administration, Maryland Transit Administration, and Washington Metropolitan Area Transit Authority) in order to develop a Pro-Rata Share approach?

This question has two elements. The first element relates to the general division of funding and implementation responsibilities for regionally and locally serving transportation facilities. There are very few "bright lines" defining the boundaries between the two, and judgment is required. A current example is the White Oak Policy Area traffic study direction to include needed at-grade intersection improvements along US 29 that are needed in part to serve local development (while also helping through traffic to some extent), but not include the master planned grade-separated interchanges that are often viewed as part of a broader, statewide system (although they also provide local traffic benefits).

Similarly, the current Transportation Impact Tax rates were established based on an assessment of the improvements likely to be implemented using County funds (see page 191-195 in the 2007-2009 Growth Policy document hotlinked below).

http://www.montgomeryplanning.org/research/growth_policy/growth_policy_2007_2009/documents/InfrastructureFinancing.pdf

This assessment of $1.182B in long-term infrastructure needs divided by 101,000 new peak hour vehicle trips formed the basis for the $11,000 per peak hour vehicle trip value for non-auto facilities (which has since been escalated due to inflation).

The second element relates to the level of information or study needed by MCDOT to assess access permit requirements (essentially driveway access design and operations considering anticipated adjacent street traffic). Typically in the few places without a Traffic Impact Study process (including White Flint) a much more narrowly-focused circulation plan will be required, where background traffic may be assessed using analyst judgment on the nature and timing of known or anticipated changes.

M-NCPPC LATR Study

Balancing Placemaking Objectives

Alternative Philosophical Approach #1: Incentivizing Smart Growth

(analysis should streamline development approvals in urban / infill areas)

Transect Area	Placetype examples		CLV standard	Scoping	Analysis	Mitigation
	Current	Potential Changes		Peak Hour Person Trip Threshold		
T-6	All MSPAs	Urban MSPAs	1800	500	High level of "exemptions", focus on Bike/Ped concerns	Pay and Go
T-5	Some Urban Policy Areas	Suburban MSPAs, Purple Line Stations	1650	200		TDM, Fix Bike/Ped Gaps at $~12K/trip
T-4	Other Urban Policy Areas		1600	75	Moderate level of "exemptions", focus on Auto concerns	Multimodal based on need
T-3	Downcounty Suburban Policy Areas		1450-1550	50		
T-2	Upcounty Suburban Policy Areas		1400-1450	50		
T-1	Rural		1350	30		

M-NCPPC LATR Study

Balancing Placemaking Objectives

Alternative Philosophical Approach #2: Strengthening Multimodal Analysis

(analysis should provide most robust analysis in urban areas where operational concerns are greatest)

Transect Area	Placetype examples		CLV standard	Scoping	Analysis	Mitigation
	Current	Potential Changes		Peak Hour Person Trip Threshold		
T-6	All MSPAs	Urban MSPAs	1800	30	Focus on operational assessment for all modes	Multimodal based on need
T-5	Some Urban Policy Areas	Suburban MSPAs, Purple Line Stations	1650	30		
T-4	Other Urban Policy Areas		1600	30	Focus on planning level assessment for all modes	
T-3	Downcounty Suburban Policy Areas		1450-1550	30		
T-2	Upcounty Suburban Policy Areas		1400-1450	30		
T-1	Rural		1350	30		

M-NCPPC LATR Study

Balancing Placemaking Objectives

Alternative Philosophical Approach #3: Fewer, But More Intensive, Studies

(analysis should address multimodal needs but promote infill development)

Transect Area	Placetype examples		CLV standard	Scoping	Analysis	Mitigation
	Current	Potential Changes		Peak Hour Person Trip Threshold		
T-6	All MSPAs	Urban MSPAs	1800	75	Focus on operational assessment for all modes	Pay and Go
T-5	Some Urban Policy Areas	Suburban MSPAs, Purple Line Stations	1650	75		TDM, Fix Bike/Ped Gaps at $~12K/trip
T-4	Other Urban Policy Areas		1600	50	Focus on planning level assessment for all modes	Multimodal based on need
T-3	Downcounty Suburban Policy Areas		1450-1550	50		
T-2	Upcounty Suburban Policy Areas		1400-1450	50		
T-1	Rural		1350	50		

M-NCPPC LATR Study

Balancing Placemaking Objectives

Alternative Philosophical Approach #4: Broader Policy Approach

(analysis should replace LATR in certain places with more Pro-Rata Share or broader policy approaches)

Transect Area	Placetype examples		CLV standard	Scoping	Analysis	Mitigation
	Current	Potential Changes		Peak Hour Person Trip Threshold		
T-6	All MSPAs	Urban MSPAs	No LATR Studies, with mitigation consisting of either a Pro-Rata Share Fee, a Policy-Based Fee (i.e., twice the applicable Transportation Impact Tax), or other approaches such as VMT or PMT fees.			
T-5	Some Urban Policy Areas	Suburban MSPAs, Purple Line Stations				
T-4	Other Urban Policy Areas		1600	50	Focus on planning level assessment for all modes	Multimodal based on need
T-3	Downcounty Suburban Policy Areas		1450-1550	50		
T-2	Upcounty Suburban Policy Areas		1400-1450	50		
T-1	Rural		1350	50		

T6

MIXED USE INTENSITY	High
ACTIVITY DENSITY (jobs + people/ac)	100+/ac
AVG. BLDG. HEIGHT	8+ Stories
TYPICAL MAX BLDG. HEIGHT	20+ Stories
TYPICAL NET FAR	2.30+
SUPPORTED TRANSIT TECHNOLOGY	LRT/Rail

T5

MIXED USE INTENSITY	High
ACTIVITY DENSITY (jobs + people/ac)	60-100/ac
AVG. BLDG. HEIGHT	6 Stories
TYPICAL MAX BLDG. HEIGHT	12 Stories
TYPICAL NET FAR	1.38-2.30
SUPPORTED TRANSIT TECHNOLOGY	BRT/LRT

T4

MIXED USE INTENSITY	Moderate
ACTIVITY DENSITY (jobs + people/ac)	25-60/ac
AVG. BLDG. HEIGHT	4 Stories
TYPICAL MAX BLDG. HEIGHT	8 Stories
TYPICAL NET FAR	0.57-1.38
SUPPORTED TRANSIT TECHNOLOGY	Express Bus

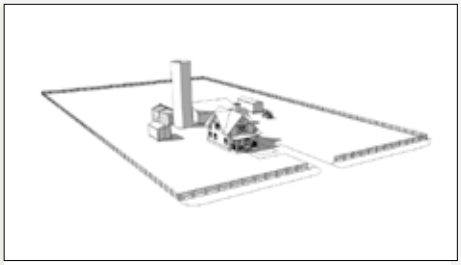
T3

MIXED USE INTENSITY	Moderate
ACTIVITY DENSITY (jobs + people/ac)	10-25/ac
AVG. BLDG. HEIGHT	3 Stories
TYPICAL MAX BLDG. HEIGHT	5 Stories
TYPICAL NET FAR	0.23-0.57
SUPPORTED TRANSIT TECHNOLOGY	Fixed Route Bus

T2

MIXED USE INTENSITY	Low
ACTIVITY DENSITY (jobs + people/ac)	1-10/ac
AVG. BLDG. HEIGHT	1.5 Stories
TYPICAL MAX BLDG. HEIGHT	3 Stories
TYPICAL NET FAR	0.02-0.23
SUPPORTED TRANSIT TECHNOLOGY	Demand Response

T1



MIXED USE INTENSITY	Very Low
ACTIVITY DENSITY (jobs + people/ac)	0-1/ac
AVG. BLDG. HEIGHT	1 Stories
TYPICAL MAX BLDG. HEIGHT	2 Stories
TYPICAL NET FAR	0-0.02
SUPPORTED TRANSIT TECHNOLOGY	Demand Response

Figure 27 - Illustrations of Typical Block Types by Transect Zone.

LATR CONCEPT SUMMARY
SA-3: Alternative Review Procedure for Very Low VMT
Process: Scoping Elements
Sub-Process: Study Alternative Review Procedures

Concept in a Nutshell:

Developments that generate a very low VMT should be able to be credited with the same types of benefits as those that generate low vehicle trips. A development that, by virtue of increasing the overall development density or diversity of its site context, reduces VMT generated by surrounding land uses should be able to take credit for that reduced VMT as well. Three levels of Very Low VMT are considered:

- **Type 1 Zero-VMT Development**: M-NCPPC would identify development types and locations that reduces areawide VMT and are automatically exempted from any transportation mitigation action (i.e., no action under LATR, TPAR, or transportation impact taxes)
- **Type 2 Very Low VMT Development**: M-NCPPC will identify development types and locations that generate low VMT rates that could be considered to have a *de minimis* effect based on reduced areawide VMT should follow the *de minimis* rules (i.e., no action under LATR, but still action based on TPAR and payment of transportation impact taxes)
- **Type 3 Mitigated VMT Development**: Applicants may propose that M-NCPPC consider their development a Low-VMT case following the same logic currently applied under concept SA-1, a 50% reduction in vehicle impact monitored through a Traffic Mitigation Agreement (TMAg). The Type 3 development would operate under the same approach as in SA-1, except that VMT would be measured rather than vehicle trips:
    - Applicant proposes analysis, mitigation, and monitoring to achieve site-generated VMT that is 50% or lower than that VMT which would otherwise be assumed to be generated by the site.
    - No action under LATR or TPAR
    - Payment of twice the applicable transportation impact tax
    - TMAg with accepted monitoring, mitigation, and incentives/disincentives for achieving the 50% VMT reduction.

Primary Purpose:

Recognize the benefits of density and diversity in urban areas not only in achieving a modal shift away from auto drivers but also the benefits of shorter trip lengths for those who do use autos.

Effect on:

Study Objective	Strengths	Weaknesses
Improving context-sensitivity and multimodal **analysis**	Introduces combination of development type and	None

	surrounding context	
Improving **predictability**	Enables applicants to consider development proposals that eliminate need for any action under LATR	None
Streamlining **implementation**	None	None

Relationship to Current LATR (or prior growth policy concepts)

Type 1 and Type 2 cases are new, based loosely upon the concepts emanating from initial SB 743 concepts in California jurisdiction and a desire to establish a baseline for potential VMT reduction scenarios.

Type 3 cases are similar to, and framed to replicate, the current Alternative Review Procedure for reducing vehicle trips by 50% in conjunction with a Traffic Mitigation Agreement (TMAg), as described in LATR Concept SA-1.

Expected Application Area:

The Type 1 and Type 2 cases have been developed for new residential development within the Bethesda and Silver Spring CBDs, which are selected because these two CBDs have:

- development densities and J/HH ratios are both high enough that new residential development of the right size and characteristics is arguably capable of reducing overall areawide VMT
- Transportation Management Districts to help support and monitor effects across the CBDs

Examples of Application

The assessment of low VMT development types 1, 2, and 3 are described below.

Type 1: Zero VMT Development

The basic theory of a Zero-VMT Development is that, by virtue of its location or characteristics, the activities it generates reduces VMT generation by nearby development sites to such an extent that the change in total areawide VMT after introduction of the new development is at most zero (and possibly a net reduction in areawide VMT occurs). In other words, the development site can take credit for reducing VMT at other sites as part of its VMT calculation.

A basic challenge with this approach is that it is difficult to conclude that any new development actually takes vehicle trips off the road from nearby developments. For instance, we would expect that a new residential development in Bethesda or Silver Spring would generate a number of walk/bike trips to adjacent retail locations, thereby positively affecting both the total number of person-trips, total amount of sales, and the total non-auto driver mode share at those adjacent retail locations. However, it is unlikely that the presence of new walk trips would also result in the removal of a prior auto trip to

the same retail location. The one exception could be for retail experiences (the most exclusive restaurants or sold-out entertainment venues) but these are the rare exception rather than the rule.

However, the journey to work trip describes a case wherein the introduction of a new walk/bike trip should result in the removal of another trip. The number of available jobs in Bethesda at any point in time is finite; if a resident of a new development takes a job in a nearby building, it stands to reason that that very same job/position must have been vacated by someone else who may or may not have been a Bethesda resident. Since many of those jobs are held by persons who drive a long distance to work in Bethesda, we can convert the typical Bethesda office worker's journey to/from work VMT into a credit for the new development. This approach is described in the attached table for a hypothetical 200 unit development (the size of the residential development is not proposed as a factor in the mathematics at hand, but using a specifically sized development makes it easier to conceptualize the data) and summarized below:

- Step A. Consider VMT generated by new development
    - MWCOG Household Travel Survey indicate that Silver Spring and Bethesda households generate an average of 16.19 VMT
    - The residential development will generate trips by non-residents (deliveries, friends, maintenance staff, etc.); estimated based on 85%/15% generic peak period directional split and an estimate that non-resident trips are generally about half the length of resident trips
    - The development generates about 3,481 daily VMT
- Step B. Consider VMT generated by a typical CBD employee
    - We know from the Bethesda TMD 2009 survey report (latest info readily available) that there's a NADMS (all times of day) of about 38%, so in other words, 62% of Bethesda employees drive to work.
    - The average trip length (admittedly, for all modes) is 15.8 miles one way
    - Therefore the "typical" Bethesda employee generates about 19.6 VMT daily
- Step C. Consider how likely it is for the new residential development to generate employees in Bethesda
    - From the Bethesda TMD we know that about 4% of employees walk or bike to work; we use this as a surrogate for local employees (some will walk from outside the CBD, and some residents inside the CBD will take transit or drive to work)
    - These 4% of employees total about 1538 employees, which works out to about 0.16 employee in every Bethesda CBD household
    - The 200 unit residential unit may therefore produce about 33 Bethesda CBD residents walking/biking to work, each of whom displaces a typical Bethesda employee generating about 19.6 VMT traveling to/from work.
    - The net benefit of the new development at reducing journey-to-work VMT is therefore about 654 VMT.
- Step D. Consider the residential site VMT generation in contrast to its effect in reducing areawide VMT:
    - 3,481 VMT generated by the site

- 654 VMT reduced by replacing typical Bethesda employees
- 19% reduction in site generated VMT attributable to the new residential development.

- Step E. Consider parking restrictions to reduce VMT attributable to the new residential development to be equal to the offset provided by reduced employee journey-to-work VMT
  - Currently, average household owns 1.2 vehicles, or 240 total
  - New building generates 14.5 VMT per owned vehicle (VMT includes that generated by visitors, etc.)
  - In order to limit VMT to 654 VMT offset associated with lower journey-to-work VMT in Step C, the number of vehicles would need to be limited to 45, or 0.23 vehicles per household, or equal to 0.23 spaces per vehicle.
  - (Note: this value may be a tad high; as vehicles/DU drop, it's reasonable to assume that the proportion of non-resident vehicle VMT might increase due to increased deliveries and use of taxis or carshare; from a policy perspective we would argue this is close enough).

Conclusion: M-NCPPC should grant a Very-Low VMT exemption to any residential building in the Bethesda or Silver Spring CBDs that provide fewer than 0.16 resident parking spaces per unit.

Type 2: Very Low VMT Development

Using the assumptions in Type 1, we can postulate that whatever the *de minimis* rate ends up being for Silver Spring and Bethesda CBD development, it can be increased to reflect the lower VMT associated with residential development in jobs-heavy CBDs of Bethesda and Silver Spring, subject to parking restrictions as noted below:

Using reasonable facsimiles of the current vehicle trip generation rates and a 30 vehicle trip level of *de minimis* working out to about 60 vehicle trips

If parking is limited to	The number of units for a *de minimis* finding would be
No limit	71
0.8 spaces per DU	74
0.6 spaces per DU	98
0.4 spaces per DU	147
0.2 spaces per DU	295

Next Study Steps

Respond to TISTWG comments. Note that this thresholds described for this approach would need to be adjusted as we work on person-trip *de minimis* rates.

MNCPPC Subdivision Staging Policy
14019 - LATR Task 3
DRAFT 3/2/2015

Very Low VMT Option
Red numbers indicate placeholders

1. Type 1: Zero-VMT Development
Case Study - Bethesda and Silver Spring CBDs

A		Identify VMT from new proposed development
	200	High rise DU
	16.19	Current daily VMT generation rate per DU (MWCOG HTS)
	3238	VMT from DU residents
	0.075	Factor for visitor/delivery VMT (source TBD - based on reverse flow in peak periods from ITE x 50% triplength reduction)
	3481	VMT for total development
B		Identify VMT for Bethesda employees
	38%	Non-Auto Driver Mode Share (from Bethesda TMD surveys, 2009 report p. 59)
	15.8	One-way average auto trip length (from Bethesda TMD surveys, 2009 report. 60)
	19.6	VMT for JTW for "typical Bethesda employee"
C		Identify extent of VMT reduction for new proposed development
	4%	Percent new residential development walk/bike to work (Bethesda TMD surveys, 2009 report p. 60)
	38446	Total number of employees in Bethesda (current master plan effort - MWCOG 2015)
	1538	Walking/biking employees
	9207	Total number of households in Bethesda (current master plan effort - MWCOG 2015)
	0.167	Number of locally employed residents per DU
	33.4	Total new DU residents that walk/bike to work, replacing "typical" Bethesda employee
	654	Total reduced JTW VMT associated with new development
D		VMT effect of new development
	3481	New development VMT generated
	654	Reduced VMT from employee replacement
	19%	Percent goal achieved for Very Low VMT Option 1 (total reduced VMT)
E		Parking restriction affect
	0.83	Average vehicles/household (from MWCOG Household Travel Survey)+D37
	166	Total vehicles in building
	21.0	Total VMT per vehicle (including VMT generated by non-residents)
	654	Allowable VMT for zero-VMT development
	31	Number of vehicles allowed
	0.16	Parking spaces per DU

Type 2: Very Low VMT Development

A		Comparison against current "de minimis" rules for Low VMT Option 2 (adjusted de minimis amount)	
		The deminimis rate could be raised by	19% without parking restrictions
		If current de minimis definition triggers traffic study at	60 Dus
		Then:	
		With the following parking restriction:	The de minimis rate would be
		None	71 Dus
		0.80 spaces/DU	74 Dus
		0.60 spaces/DU	98 Dus
		0.40 spaces/DU	147 Dus
		0.20 spaces/DU	295 Dus

SUMMARY TABLE OF COMMENTS AND RESPONSES

Prepare for May 6, 2015 TISTWG Meeting Discussion

This summary table identifies comments with action items identified by green shading in response box. The comments are organized into the following categories with a focus at the top of the list on overarching / hot topics.

- Overall relationship between SSP and Board Guidelines
- Pro-Rata Share Approach (see accompanying White Paper)
- VMT considerations
- Screening intersection analysis based on 1% total volume and 5% site generated volumes
- Other overall comments
- Detailed track-changes edits and comments

Topic/ Comment #	Comment	Source	Response
Overall Relationship between SSP and Board Guidelines			
Several	SSP track-changes edits appear too broad; additional details on numeric values, in particular, are needed.	Several, notably MCDOT	The point is apt, and the approach was intentional. Policy elements need to be approved by the Council in the SSP, operational elements are implemented by Board in Guidelines. For many elements, the TISTWG is still considering the details; it's perhaps appropriate to withhold concurrence on the policy until the details are finalized, but the first question is whether the overall policy is appropriate. Most comments appear take this tact; the policy appears logical but the details still need to be defined.
Pro-Rata Share Approach to Replacing LATR			
#1	General consensus/interest in further exploration of the pro-rata share concept as applicable to places beyond White Flint an	4/1/15 teleconference discussion	Discussion topic 5/6/15

Topic/ Comment #	Comment	Source	Response
	White Oak as a replacement for LATR (and potentially TPAR and transportation impact taxes)		
#2	How are driveway designs for access permits assessed in a Pro-Rata share district (i.e., is an LATR study still needed anyway)?	Papazian	In White Flint, MCDOT and SHA are using existing data, available ongoing studies, and engineering judgment to approve site access points. In Kissimmee, FL, a minor operational study (site access and perhaps adjacent intersections) is still required but with a limited geographic scope. A similar statement is likely appropriate depending on the outcome of the May 6 conversation.
#3	Pro-Rata share approach should be expanded to cover most of the urbanized areas of the County. The downcounty roadway network is largely built out and single-site traffic studies are usually too small to meaningfully address transit needs or identify large scale bike/ped improvements	Wilhelm	Discussion topic 5/6/15

VMT Considerations

Note: This topic may have generated the greatest amount of conversation among participants in the past month. Many initial comments that raised concern on the topic also indicated that the commenters were considering a more holistic, and therefore complex, approach toward VMT than as proposed in the April LATR Concepts.

In general, there appears to be increasing acceptance among M-NCPPC and MCDOT staff of considering VMT as the screening tool (as currently proposed) than as a true analytic concept. Comments from Eapen and Finnegan demonstrate continued skepticism/disapproval.

TISTWG members are encouraged to (re)read Section SA-3 (pages 8-12) of the April LATR Concepts memo in preparation for the May 6 discussion – this forms the single means by which VMT is currently proposed to be incorporated into the SSP.

Therefore, the comments listed below are only a subset of the conversation regarding specific questions or recommendations. The topic will be

Topic/ Comment #	Comment	Source	Response
further reviewed on May 6.			
#1	How would ground floor retail in a residential development be incorporated into a Zero-VMT or Very Low VMT application?	Ross	Concur that ground floor, community-serving retail is generally a desirable element in a residential development. An initial proposal would include the following elements (based in part on DDOT's Phase 1 mixed-use trip generation study) as part of the Zero-VMT or Very-Low VMT proposal lookup tables. - Total retail element less than 15,000 square feet - No onsite parking allowed for the retail component
#2	Would trip reduction for non-auto facilities also be converted to a VMT equivalent?	Eapen	Not as proposed.
Screening Intersection Analysis based on 1% and 5% thresholds (ST-2)			
#1	General consensus among 4/1 teleconference participants on acceptability as long as both the 1% total intersection and 5% sitegen thresholds are applied.	4/1/15 teleconference	This is the intent of the proposal; the detailed sheet on p. 18 (ST-2) of the LATR Concepts Memo needs to be changed from "or" to "and"
#2	Concern that proposal is flawed as the intersection may never get evaluated	Finnegan	The 1% and 5% thresholds are designed to work in tandem; most intersections will be analyzed if development is near them or materially changes their traffic volume (1% is less than the daily variation between counts on adjacent days). High-volume, congested intersections will be identified in the biennial Mobility Analysis Report. An alternative solution would be to track how many intersections fall into this category and ensure that growth patterns and potential solutions are examined regularly through a CIP analysis process.
#3	Is the intent for both 1% and 5% to apply to the peak hour traffic?	Eapen	Yes.
#4	What if there isn't a recent count for the intersection? Would the applicant's traffic consultant need to conduct a count?	Eapen	Can be clarified that this is the most recent count on record, regardless of its currency. In nearly all cases, more recent counts would have higher volumes, so older counts would

Topic/ Comment #	Comment	Source	Response
			tend to be conservative (in requiring intersection CLV analysis). An applicant could offer to provide a more recent count as part of #5the scoping process.
#5	Suggest removing 1% threshold based on existing count to avoid arguments about count validity	Eapen	Count validity a concern for all LATR processes including this one. Value of keeping both is that if an assignment drops below 5% of site generated traffic, an intersection is still analyzed if that site generated traffic increases by 1%.
Other Overall Concepts			
#1	Background traffic – how to account for fully built (so not in pipeline) but unoccupied (so not generating trips observed in existing counts) developments?	Finnegan	Some level of vacancies are expected in even a healthy job market. The Guidelines should specify that where vacancies exceed a significant threshold for a particular building or development no longer in the pipeline that those trips be part of the background traffic. This approach has been applied on a case-by-case basis in the past (the Gramax Building in Silver Spring is a notable example) and can be formalized. Suggested guidelines would be that for any development, the vacancy needs to be >25% of the development and more than 50,000 GSF commercial or 100 DU, with flexibility for staff to adjust these thresholds as needed (to focus on known vacancies rather than requiring a research project).
#2	Parking caps can be a good element of a Traffic Mitigation Agreement	Finnegan	Agreed. While the proposal is to not consider additional areawide parking caps as part of SSP (Silver Spring is the one legacy area with parking constraints in the SSP), they should be considered as part of Traffic Mitigation Agreements. They are also part of the Very Low VMT proposal and being incorporated into new trip generation rates.
#3	Increasing the threshold size of developments risks ignoring the cumulative	Finnegan	The Planning Board's pipeline reports can be used to capture these smaller developments as background when

Topic/ Comment #	Comment	Source	Response
	effects of smaller developments		LATR studies are done.
#4	$12,000 per vehicle trip is too high, particularly when combined with LATR and TPAR requirements	Wilhelm	The $12,000 per vehicle trip (initiated for transportation impact tax purposes and extended to certain elements of LATR) is based on a simplified pro-rata share assessment of Countywide CIP projects over a long term horizon that identified $1.182B in local transportation projects to accommodate 101,000 new daily vehicle trips. The LATR, TPAR, and transportation impact tax structure includes credit provisions so that, for instance, payment of an LATR per-trip fee is creditable against the transportation impact tax.
Other SSP Track-Changes Edit Comments			
#1, P. 3	SSP is superseded by Master Plan Staging Guidelines if those staging guidelines are more restrictive	Eapen	This only applies to master plan Staging Elements, which are not generally supported by the Board and Council as a suitable mechanism for new plans (including White Oak).
#2. P. 5	Recognition that in TPAR freeways are exempted from analysis, and arterials may carry some longer-distance traffic. This may have a parallel for the Protected Intersection concept.	Eapen	Relevance to policy exemptions noted.
#3, P. 5	Concern that TPAR's transit adequacy doesn't reflect transit use	Eapen	This concern is being addressed under a parallel TPAR study with a much more narrow scope to address the quantification of transit services.
#4, P. 7	Recognition that both roadway and transit service are recognized as capacity in LATR/TPAR once funded in a six-year CIP; does this address Dan Wilhelm's interest in recognizing transit improvements?	Eapen	Proposal from GCCA has a broader mission, including a much longer time horizon for funding BRT from both capital and operating perspectives
#5, P. 7	The SSP makes policy exceptions for considering capacity enhancements for Purple Line, Corridor Cities Transitway,	Eapen	This warrants additional review; depending on the overall recommended approach on Pro-Rata shares, it may be either helpful, or necessary, to revisit.

Topic/ Comment #	Comment	Source	Response
	North Bethesda Transitway, and Brookeville Bypass. Could something similar be considered for the rest of the BRT lines?		
#6, P. 10	Suggested edits to increase clarity be re-inserting vehicle trip thresholds for LATR studies	Several	Seems to be interest in retaining the per-trip threshold value in the SSP; will need to be expanded to cover each mode and area of County per p. 26 of LATR Concepts memo table.
#7, P. 10	OK to delete congestion one place in TL1 but leave it elsewhere?	MCDOT	Yes; first reference suggested congestion was the only definition of inadequacy whereas proposed changes include several multimodal elements, per LATR Concepts AS-3, AM-1, AM-2, and AM-3. Second reference remains specific to the auto LOS requirement of AM-4.
#8, P. 11	What does the Section 302 of Charter reference mean?	Eapen	Intent is to not count roadway capacity for controversial projects that may still be removed based on petition or referendum. Further research needed to determine whether any amendment warranted.
#9, P. 11	Should "major" be included in description of number of intersections to study, or is sufficient flexibility already provided with "minimum"?	MCDOT	Sense is that "signalized" provides a logical definition of major.
#10, P. 12	Length of TMD requirement – concerns regarding maximum of 15 years	MCDOT, Finnegan	Reference to maximum of 15 years should be deleted as there are sufficient exceptions (i.e., LCOR) to make the statement irrelevant.
#11, P. 12	May need to adjust HCM introductory paragraph to specify that the Planning Board may adopt delay/queuing Guidelines for auto LOS as well as other Guidelines for other modes.	MCDOT	Edit should be made.
#12, P. 12	Is the reference to vehicle trip credits for non-auto modes no longer relevant if other modes are analyzed separately?	MCDOT	No, the proposed changes re-affirm the priority mitigation approach (TDM, non-motorized, transit, auto) from the 2012 Guidelines and these trip credits remain a tool in the toolbox toward that end as long as an auto LOS analysis is

Topic/ Comment #	Comment	Source	Response
			triggered.
#13, P. 12	MCDOT is interested in stronger trip mitigation measures than bike racks and bus shelters, such as additional bus purchases to reduce headways.	MCDOT	The purchase of buses, an element of PAMR, is probably still too large an investment to be utilized, although perhaps a payment-in-lieu approach towards funding such larger scale needs may be appropriate.
#14, P. 12	How has the Board reported on vehicle trip credits in prior SSPs?	Eapen, MCDOT	To be researched.
#15, P. 13	Should the term "finding of inadequacy" be changed to "finding of adequacy"?	Eapen, MCDOT	No, the key to this message is that at other intersection in the Potomac Subregion Policy Area, a finding of inadequacy does not trigger the need for the applicant to make any improvements. The concept of a pay-and-go for both "other" Potomac intersections and the Protected Intersections is still an option on the table.
#15A, P. 15	All Potomac Subregion intersections should be subject to improvements at the discretion of M-NCPPC and MCDOT (comment in e-mail, not track-changes)	Garcia	Per 4/1 discussion, this approach would be a significant policy change; more advisable to identify additional intersections requiring improvement to add to the list.
#16, P. 15	Section TL4 lists the non-auto driver mode share requirements in master plans, and several elements appear inconsistent, from the term "non-driver" rather than the more commonly used "non-auto-driver" to the mix of TMD and Master Plan references. Should these elements be made more consistent?	Eapen	May be desirable but likely not necessary.
#17, P. 15	If a development in the GSSC plan finds they can meet the 23% Stage 1 NADMS goal, would they be permitted to go forward into Stage 2?	Eapen	No. The staging requirements apply to the full set of development (existing and future) in the plan, not individual sites.
#18, P. 15	Are master plan goals that rely on facilities not in the CLRP realistic? How will those facilities be paid for?	Eapen	In general, yes, the concept is that the 2040 horizon year for the CLRP entails only a subset of the planned economic growth and a subset of the planned transportation

Topic/ Comment #	Comment	Source	Response
			infrastructure for any plan area. The extent to which those subsets are not aligned, however, is a topic for discussion. In general, the NADMS approach helps recognize this imbalance; if the goals are far from being met, it raises the need to move projects into the CLRP (and find funding) or alternatively to seek alternative TDM approaches that better facilitate walking, biking, ridesharing, or telecommuting.
#19, P. 15, 16	Several White Oak Policy Area comments are listed under TL4.	MCDOT, Eapen, Finnegan	As a body, the TISTWG is not actively pursuing edits to the White Oak Policy Area (although many individuals are involved deeply in those separate discussions) – this language is from the March PHED Committee packet. Changes may in fact be a result of the MCDOT transportation study now getting underway and will similarly be incorporated into the overall SSP as needed later this fall.
#20, P. 16	How were protected intersections identified? Any candidate locations need to have a robust set of multimodal alternatives (designated traffic-carrying streets, transit, etc.).	MCDOT	The first two locations were a judgment call. Work is proceeding on screening the ~240 signalized intersections in the County to consider additional options.
#21, P. 16	How should Protected Intersection impacts be mitigated?	4/1 teleconference, MCDOT	The emerging consensus seems to include two options: 1. A payment (i.e., $12K per site generated vehicle trip that impacts the intersection CLV) as long as dedicated to a formal TMD or other District type program. 2. That applicants can choose to reassign even existing/background traffic to alternate routes in conjunction with staff review.
#22, P. 24	The R&D Village Policy Area CLV standard of 1450 seems too low, given the plan's development goals, NADMS goals, and CCT	Eapen	Good idea warranting follow-up

Topic/ Comment #	Comment	Source	Response
	presence. Perhaps any area with an NADMS goal needs a higher CLV standard.		
#23, P. 24	Should a separate White Oak Life Sciences Village Policy Area be established (recognizing the higher NADMS and proposed density/mix of development)?	Eapen	A topic that might be considered, but in conjunction with the ongoing MCDOT transportation analysis
#24, P 24	What is the basis for reducing Shady Grove CLV from 1800 to 1650?	MCDOT	To make the higher CLV standard in Metro Station Policy Areas proportional to the prevailing CLV in adjacent communities. (1650/1475) is roughly proportional to (1800/1600) for other MSPAs.

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Resolution No: ~~17-1203~~
Introduced: ~~January 14, 2014~~
Adopted: ~~July 29, 2014~~

MARCH 26 DRAFT – TRACK CHANGES MARKUP OF RESOLUTION 17-1203 FOR TISTWG REVIEW AND DISCUSSION ON APRIL 1.

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the request of the Planning Board

SUBJECT: Amendment to the 2012-2016 Subdivision Staging Policy in association with the White Oak Science Gateway Master Plan

Background

1. On November 13, 2012 the County Council approved Resolution 17-601, the 2012-2016 Subdivision Staging Policy.

2. County Code §33A-15(f) allows either the County Council, County Executive, or the Planning Board to initiate an amendment to the Subdivision Staging Policy.

3. On December 20, 2013, in accordance with §33A-15, the Planning Board transmitted to the County Council its recommendations to amend Resolution 17-601 in association with the White Oak Science Gateway Master Plan. The Draft Amendment to the Subdivision Staging Policy, as submitted by the Planning Board, contained supporting and explanatory materials.

4. On February 4, 2014, the County Council held a public hearing on the Draft Amendment to the Subdivision Staging Policy**.**

5. On July 1, 7, and 16, 2014 the Council's Planning, Housing, and Economic Development Committee conducted worksessions on the Draft Amendment to the Subdivision Staging Policy.

6. On July 22, 2014, the Council conducted a worksession on the Draft Amendment to 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 amended as follows:

Applicability; transition

AP1 Effective dates

This resolution to amend the Subdivision Staging Policy takes effect on July 29, 2014, 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.

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

Suburban: Aspen Hill, Clarksburg, Cloverly, Fairland/Colesville, Gaithersburg City,

Germantown East, Germantown Town Center, Germantown West, Montgomery Village/Airpark, North Potomac, Olney, Potomac, and R&D Village.

Rural: Damascus, 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

If the actual urban street travel speed is	*TPAR Arterial LOS is*
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

Policy Area Categories	Acceptable Weighted Arterial Level of Service
Urban	Borderline between Levels of Service "D" and "E" in peak directions
Suburban	Mid-Level of Service "D" in peak directions
Rural	Borderline between Levels of Service "C" and "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

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 headway 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**
Urban	≥80%	≤14 minutes	≥17 hours
Suburban	≥70%	≤20 minutes	≥14 hours
Rural	≥50%	≤60 minutes	≥4 hours

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;

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Commented [R2]: This sentence, though stated within a policy area context, could be argued to provide justification for "exempting" certain congested intersections from analysis, based on the provision that traffic will find alternative ways around congestion. This proposed LATR provision may however require an applicant to look at "alternate routes" beyond the typical scope of a traffic impact study and adhere to local master plan/sector plan recommendations.

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Commented [R3]: The Transit Adequacy test seems to support the thinking that all areas of the County could be adequately served by transit; sort of a one-shot solution to all traffic problems. However, this is may not be an appropriate approach. For those areas that cannot be served under a "multi-modal accessibility" model, the policy must look at building out the roadway infrastructure and more focused/direct transit options. While RideOn Express Route 100 and Route 70 are good examples to this approach, Route 55, Route 79, and Route 90 are all bad examples. Similarly, transit "adequacy" or "usage" within Clarksburg, Damascus, Germantown East, and Gaithersburg East Policy Areas could be greatly enhanced if the missing section of Midcounty Highway (M-83), *a project included in the CLRP*, is completed and a RideOn Express route implemented from the proposed/approved/under construction Clarksburg Outlet Mall at I-270 Exit 18 along Snowden Farm Pkwy and Midcounty Highway directly to the Shady Grove Metro Station.

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Commented [R4]: It is unfortunate that the transit adequacy test under TPAR does not measure "actual" use of transit. Ridership (actual or estimated) must be the key factor in determining if a particular policy area is transit "adequate" or not. Just running some buses with no one in it does not make good policy. The test must be based on some kind of a ROI, and must help the County focus scarce $$ resources to enhance those routes/areas that will benefit from transit, or whatever. As example, the Damascus Policy Area, served by RideOn Route 90, is "adequate" under the Transit test. Hardly an area that has tremendous transit use; but the policy area is "adequate' under the Transit test. On the other hand, the Clarksburg Policy Area is "inadequate" under the Transit test. Three RideOn routes serve the policy area, and the existing routes hardly has any ridership.

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- 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 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).

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Commented [R5]: Wouldn't this cover any future BRT plans, if it ever could be programmed/funded (and address Dan W.'s concerns)? The paragraph below seems to further substantiate potential inclusion of the BRT corridors if it could be programmed/funded. This should satisfy any concern residents may have about development somehow being pushed through, given the abundant caution being thrown at Purple Line, CCT, and NBT.

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Commented [R6]: Would the BRT plan, if pursued under the proposed Independent Transit Authority and receiving any public money, has to go thru the regional planning process?

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Commented [R7]: If the Brookeville Bypass project could be funded now with this simple clarifying statement, why wouldn't the County adopt the same position/policy for M-83? This will be an easy policy to adopt within the SSP, so that the M-83 project can move forward. It is a certainty that M-83 will not encourage any new sprawl development (since there is nothing more to develop). No capacity for new development will be created to the north of Midcounty Highway. The roadway could enhance transit "serviceability" for Clarksburg and all areas east of I-270 with an express bus route.

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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, greate
vehicular traffic congestion is permitted in policy areas with greater transit accessibility and usage.
This sentence (above) is nonsense. Congestion standards are applied to individual planning areas an
are set to achieve policy goals.
Table 2 shows the intersection level of service standards by policy area. Local Area Transportatio
Review must at all times be consistent with the standards and staging mechanisms of adopted master an
sector plans.

Local area transportation review for each mode of travel must be completed for any subdivision tha
would generate ~~30 or more a significant number of~~ 50 net peak-hour ~~automobile~~ vehicle trips. ~~by tha~~
~~mode~~. ~~For any subdivision that would generate 30-49 peak-hour vehicle trips, the Planning Board afte~~
~~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 applicabl~~
~~transportation impact tax before it receives any building permit in the subdivision.~~
Development with under 50 net peak-hour vehicle trips, are required to make an additional per-tri
payment equal to 50% of the impact tax payment

In administering Local Area Transportation Review for any project that would generate ~~50 a significan~~
~~number of or more~~ 50 or more net peak-hour ~~vehicle vehicle~~ trips ~~by any mode~~, the Planning Boar
must not approve a subdivision if it finds ~~that unacceptable~~that unacceptable ~~peak hour congestio~~
~~levels~~travel conditions will result after considering existing roads, programmed roads, available o
programmed mass transportation, and improvements to be provided by the applicant. If the subdivisio
will affect an intersection or roadway link for which congestion is already unacceptable, then th
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, o
- 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 occu
The Planning Board and staff must examine the applicant's traffic study to determine whethe

Commented [ADB8]: While SHA has been invited to meetings, I cannot recall them ever attending. Their buy-in to any modifications to the SSP will be important to ensuring that the goals of any revisions (generally: streamlining to provide quality over quantity) are fully realized.

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Commented [ADB9]: Need to define values. Too open to interpretation.

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Commented [ADB10]: Which modes? Car, bike, ped? Trucks? Bus riders? Rail riders (MARC: WMATA? How are they all analyzed; is data & research available to establish acceptable methodologies?

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Commented [ADB12]: Failure thresholds may be necessary for each mode

Commented [ADB13]: Add "ped/bike infrastructure", if those modes will be included in analysis defined in the preceding paragraph?

Commented [ADB14]: Reference to "congestion" was deleted in the preceding paragraph. Is it still accurate to use this word here?

Commented [ADB15]: How does this apply for non-Auto modes? What mitigation is feasible for bus or rail needs, noting proportionality to the scale of development?

adjustments are necessary to assure that the traffic study is a reasonable and appropriate r eflection 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 Charte 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. ~~,~~ An intersection only needs to be examined if the peak-hour site-generated traffic is greater tha 1% of the total intersection existing peak-hour traffic and the peak-hour site generated traffic enterin the intersection is greater than or equal to 5% of the total site-generated traffic. ~~unless t~~The Planning Board may also ~~affirmatively~~ find~~s~~ that special circumstances warrant a more limited study.

This 1%-5% solution is flawed. At what point does the intersection get reevaluated and improvement made? This has the basic error of the cumulative effect over time….no one is responsible..

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

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Commented [R16]: What does this sentence mean?

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Commented [ADB17]: Replace with "major" ? Intent is to provide some flexibility: not all signals are necessarily worth evaluating, and not all unsignalized intersections are necessarily worth ignoring. Or do we feel the word "minimum" allows adequate flexibility?

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Commented [R18]: I would recommend that this sentence be modified to delete the language related to the 1% test. Is the language a bit ambiguous – is it "if the peak-hour site generated traffic **entering the intersection** is greater than 1% of the total intersection **entering** existing peak-hour traffic"? What happens if there are no recent traffic counts for an intersection? Wouldn't this require an applicant to incur the expense of counting an intersection just to determine if the intersection should be part of the study or not? Since traffic entering an intersection on a given day could vary much (swings of 5%-10%), the intersection could be exempted on one day and not on an another day. And how will the policy control a scenario where an opponent to a project is never happy with a particular traffic count and keeps asking for a recount (or challenge the count an applicant may have completed or an older count with county of their own)? On the other hand, the 5% test is quite simple, straight-forward, and logical; Cape Cod Commission uses a similar test to determine the study area/intersections.

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. Or for the life of the development if a requirement of th master plan. The Planning Board may select either trip reduction measures or road improvements, or combination of both, as the required means of traffic mitigation.

The Planning Board has adopted guidelines to administer Local Area Transportation Review. To th extent that they are consistent with this Policy, the Planning Board guidelines may continue to apply o 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 th recommendations of the County Executive and State Highway Administration concerning the applicant' traffic study and proposed improvements or any other aspect of the review.

To achieve safe and convenient pedestrian, bicycle, and transit system travel, the Planning Board may adopt administrative guidelines requiring construction of off-site sidewalk, bicycle, or transit system 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 tri credits for providing non-auto facilities. Before approving credits for non-auto facilities to reduce Loca Area Transportation Review impacts, the Board should first consider the applicability and desirability o traffic mitigation agreement measures. The Board's *LATR and TPAR Guidelines* must identify applicable facilities in terms of actions that can be given trip credits and the maximum number of trip that can be credited. If the Board approves any credits, it must specify mechanisms to monitor th construction of any required facility. During each quadrennial Subdivision Staging Policy the Boar 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 fo completion or otherwise operational either before or at the same time as the proposed development i scheduled to be completed. The nature, design, and scale of any additional facility or program mus receive prior approval from any government agency that would construct or maintain the facility o program, and the applicant and the public agency must execute an appropriate public works agreemen before the Planning Board approves a record plat.

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

Commented [ADB19]: What happens to traffic after the mitigation program ends?

Can adequate users be expected to continue using non-auto modes, or will there be a rebound as users lose their non-auto incentive and eventually switch back to cars?

Will this pose an unaccounted burden upon the Public as well as other developers applying 15+ yrs later?

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Commented [ADB20]: Previous edits have established separate analyses by mode. HCM 2010 includes methodologies for each mode (though there are some strong criticisms of these methodologies within the industry). Preserving this paragraph as-is might imply that HCM 2010 is to be used for non-auto modes, as well.

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Commented [R21]: With the rsion factors could be used to convert peak-hour trip reduction achieved for each mode to actual VMT reduction?

Commented [ADB22]: How does this paragraph establishing trip mitigation credits for non-auto modes fit with the earlier edit requiring analysis of non-auto modes? If there is any quantifiable analysis, should it include thresholds that must be met? Would that make credits (in their current form) obsolete?

Commented [ADB23]: There is interest in DOT of stronger trip mitigation measures than small-scale treatments such as installing bike racks or bus shelters. Larger policy area-wide measures, such as additional bus for reduced headways or new bus lines, and other similar-scale projects may produce a more substantial impact to non-auto mode shares.

If this is not addressed at this time, this will certainly be a priority when TPAR is revisited in another 1-2 yrs.

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Commented [R24]: Is this ever done?

Commented [ADB25]: Was this performed at the last revision? What were its findings?

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Commented [R26]: Again, this par agraph seems to demonstrate that policies that are currently in place adequately satisfy the VMT concerns. Any policy modifications must make the policy simpler to document, analyze, regulate, and implement. Making things more complicated wouldn't help anyone.

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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

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In the Potomac Policy Area, only the ~~areas contributing traffic to the~~ following intersections ~~must~~ are~~be~~ subject to a finding of inadequacy under Local Area Transportation Review: (a) Montrose Road a

Commented [R27]: adequacy?

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. Applicants with site development that impact other intersections in the Potomac Policy Area are responsible for examining their impact and identifying potential improvements, but are not subject to any finding of inadequac

Commented [R28]: adequacy?

Commented [ADB29]: "adequacy" ?

nor are they required to take any action under LATR to implement the identified improvements.

TL4 Unique Policy Area Issues

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

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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 al Formatted: Not Highlight
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 transi Formatted: Not Highlight
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 fo 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 shar 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 Shad Grove Policy Area, 25% for residents elsewhere in the Sector Plan, and 12.5% for employees of offic 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 ente into a Traffic Mitigation Agreement (TMAg). The trip mitigation requirement for this Agreement i 50% of the residential-related vehicle trips and 65% of the non-residential-related vehicle trips tha would otherwise be expected, based on countywide trip generation rates before any applicabl deduction, such as proximity to a Metrorail station. The breakdown in the reduction of trips should b identified in the Agreement. County-owned property in the Shady Grove Policy Area must enter into TMAg on all new development or redevelopment, with no deduction of existing trips.

TL4.6 Great Seneca Science Corridor Master Plan

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

TL4.7 White Oak Policy Area

Given that the review of the Traffic Analysis when complete in Oct/Nov 2015, this section ma change. Please recall that the WOSG Master Plan did not test the local intersections at the degre of detail to assure that all density could reasonably be accommodated.
Cherian's comments re the BRT and the relationship of sound planning policy vs political desir must be discussed further before trying to implement this Pay and Go approach elsewhere Remember there is NO "staging" to a pay and go approach---no "backpressure" to provid infrastructure!

In the White Oak Policy Area the non-auto driver mode share (NADMS) goal for all new development based on the area's future transit service (assuming bus rapid transit) and connectivity opportunities, i

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Commented [R30]: Can this section be updated to provide consistency? Section references to "Greater Shady Grove TMD", "Shady Grove Policy Area", "Sector Plan", and "Shady Grove Metro Station Policy Area".
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Commented [R31]: Why is this section has no reference to "NADMS"? Also, why is the "employee" transit ridership goal for an area served by Metrorail, Metrobus, RideOn, MARC, Capital BikeShare, etc. lower compared to that for "residents"?
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Commented [R32]: It seems the CCT Phase 1 trigger to begin GSSC Stage 2 is not providing much bang for the buck in terms of NADMS goals (18% to 23%). If a development can demonstrate that they could achieve the 23% NADMS goal without CCT Phase 1, could those developments be granted approval to go forward? Or if a potential I-270 Express Toll Lanes project could provide traffic ...
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25% in the White Oak Center and Hillandale Center, and is 30% in the Life Sciences/FDA Village Center.

(a) The Board may approve a subdivision in the White Oak Policy Area conditioned on the applican paying a fee to the County commensurate with the applicant's proportion of the cost of a Whit Oak Local Area Transportation Review (?) Improvement Program, including the costs of design land acquisition, construction, site improvements, and utility relocation. The proportion is base on a subdivision's share of peak-hour vehicle trips generated by all master-planned developmen in the White Oak Policy Area approved after October 7, 2014.

(b) The components of the White Oak Local Area Transportation Improvement Program and the fe per peak-hour vehicle trip will be established by Council resolution, after a public hearing. Th Council may amend the Program and the fee at any time, after a public hearing.

(c) The fee must be paid at a time and manner consistent with Transportation Mitigation Payment as prescribed in Section 52-59(d) of the Montgomery County Code.

~~(a)~~(d) The Department of Finance must retain funds collected under this Section in an accoun to be appropriated for transportation improvements that result in added transportation capacit serving the White Oak Policy Area.

TL5 Protected Intersections

Several Metro Station Policy Areas and other business districts are centered on the intersection betwee two Major Highways and served by a robust grid of local business streets that help disperse local traffic In these locations, traffic assignment is often more dynamic than facilitated by LATR procedures, th addition of vehicular capacity often degrades pedestrian quality of service, and the development o context-sensitive multimodal solutions is best achieved outside the development review arena with broader consideration of travel trends. These locations, designated Protected Intersections, include th following: (a) Georgia Avenue and Colesville Road, (b) Wisconsin Avenue and East West Highway Montgomery Lane, (c) (other locations TBD). Applicants with site development that impact thes intersections are responsible for examining their impact and identifying potential improvements, ~~but ar not subject to any finding of inadequacy nor are they required to take any action under LATR t implement the identified improvements.~~

The Planning Board with input from the County Executive and State Highway may requir improvements or additional mitigation to make a finding of adequacy.

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 nee not take any action under **TP Transportation Policy Area Review** or **TL Local Area Transportatio Review** if the applicant agrees in a contract with the Planning Board and the County Department o Transportation to:

- submit an application containing all information, including a traffic study, that would normall be required for Local Area Transportation Review;

Commented [R33]: Why is it important to state that the NADMS for WOPA will be "based on the area's future transit service (**assuming** bus rapid transit) and connectivity opportunities" when the proposed BRT plan is not even in the CLRP? (Or, as I asked before, does it need to be?) Would relying on "assumptions" mean the County policy is based on a prayer and not on facts or sound planning/fiscal responsibilities? In contrast to where Montgomery County wants to go, the latest CLRP update removed transit projects elsewhere from the CLRP list. Though this does not mean that BRT has no future in Montgomery County, the CTCFMP recommendations will have to fight CCT, Purple Line, etc. that are already in the CLRP, and possibly as a "whole package" at 2013 estimates of approximately $2.91 billion capital cost for all 10 corridors will be hard to fund, not to mention the $152 million annual operating cost. Why not just state the NADMS goal for the policy area and let a TMD work out how each entity would achieve the goal? Similar to GSSC, the concern is that some irrational, unrealistic, or specific staging requirement (BRT in this case) may spell more harm in realizing economic/jobs growth in East County when a much more broader/pragmatic approach – based on appropriate land use mix and investment in bikeable, walkable, transit-friendly "activity centers", will get you there? Who will pay for the BRT system is also a valid question that must be answered before initialting any BRT-driven policies into the SSP.

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Commented [ADB34]: I read this as saying that if the fee structure is approved, developers will have the *option* of using the standard LATR methodology or using the new fee-based methodology. Is it correct that this will be a choice, or will the revised fee-based method be compulsory?

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Commented [ADB35]: Has there been consensus on using a "peak hour trip" metric, as opposed to a "daily trip" ?

Commented [ADB36]: [same as previous comment]

Commented [R37]: Since this provision is under TL Local Area Transportation Review and is proposed to be based on peak-hour vehicle trips, there should be certainty that the funds retained will be spent to provide LATR (congestion) relief under the Improvement Program already identified, so that intersections within the policy area will operate at or below the policy area congestion standard.

Commented [ADB38]: It is likely that many projects will have to be forward funded (as work will have to begin *in advance* of development, and hence significantly before the full accumulation of fees may be processed) .

Does this phrasing adequately enable fees to be used to reimburse such forward funding? In such a case, fees wouldn't be *directly* spent on transportation improvements, per se.

Commented [ADB39]: How were these chosen; future criteria? They should be only locations that have no feasible expansion capabilities & have adequate alternative routes (functioning grid-streets; high functioning transit). (but what if alternate routes are overburdened? Or if transit ceases to be functional?) (alternative routes should be routes that are acceptable for handling cut-through traffic, of Primary class or higher)

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Commented [ADB40]: But should they mitigate their trips, such as contributing to a strengthened TMD w/ some more substantial NADMS projects? Or find *some* treatment that does not involve additional pavement? Or reassign traffic to alternate routes to achieve some equilibrium (how to scope this?)

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- 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 vehicle trips or vehicle miles of travel (VMT) attributable to the subdivision, either by reducing trips or VMT 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 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.

Commented [R41]: I am not is support of calling out new provisions for credits under a VMT reduction policy. Many of our policy, land use, and zoning already are geared towards a much more quantifiable test – measurement of trips. I think that should suffice and an applicant, consultant, staff or civic person should be pulling their hair over VMT gained or lost.

Commented [ADB42]: Without much further deliberation, I hesitate to support introducing a new mechanism such as VMT, which had been initially discarded but seemed to be revived suddenly at our last meeting.

This is a potentially complex subject, and the nature of VMT almost inherently implies a scope that may not necessarily be conducive toward LATR. As had been noted previously, considering VMT may be better suited toward future revisions to TPAR.

Furthermore, much of our text & language have been designed to reference "trips" as units, and changing our units would necessitate significant revisions & could result in unintended consequences where revisions are incomplete. This document, in its current form, would need significantly more work to reflect VMT as a new unit of reference.

Consideration must also be given toward situations where VMT may already be, to some degree, accounted for under existing metrics, and introducing VMT may result in a sort of double-counting of trips or credits. (example: trip gen rates)

How will VMT be calculated, implemented, and monitored?

All-in-all I feel that VMT adds to the complexity of things when we are seeking to *reduce* complexity.

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.

TA6 Very Low VMT DITTO the comments of Cherian regarding VMT. Originally thi concept was to be shelved, and still should be dropped.

The reduction of vehicle miles of travel (VMT) is an integral element of the County's transportatio demand management strategy, incorporating both reduced reliance on vehicle trips and facilitatin options for shorter-length trips for those trips that are made by private vehicles. ~~The~~ An applicant fo subdivision that can be shown to reduce areawide VMT by its development characteristics, as defined i published Planning Board Guidelines need take no action under LATR, TPAR, or transportation impac tax. An applicant for a subdivision located entirely within a Metro Station Policy Area that can perform Transportation Demand Management actions to reduce peak period areawide VMT by 50% of th amount that would otherwise be generated may apply for Alternative Review Procedure TA1 above.

Commented [R43]: I recently came across someone who lived/worked in Montgomery Village, but had the spouse taking transit to her work location in DC. But they decided to move to DC so that the spouse could be close to her work location and my friend could drive to his work location against traffic in MV. A tremendous increase in VMT in this scenario and flies against the argument that VMT will be drastically reduced in almost all scenarios.

Similar to the above scenario, it could be that the person living in Bethesda chose to live there so that he or she can drive to Rockville or Frederick or DC or White Oak or Baltimore or Annapolis or Fort Meade or Virginia much more easily (against traffic). The VMT idea is basically trying to get into the weeds and will not achieve anything more practical compared to tried and tested TMD-based NADMS goals.

It is also important to note that trip generation rates included in the LATR/TPAR Guidelines for CBD areas already are discounted for reduced trips (and hence VMT) in these areas. The policy goal for County's urban areas therefore already has VMT reductions factored in! On top of this, developments are required to enter into binding TMAgs to help the TMD achieve stated NADMS goals, some of which could be met through providing a careful mixed-use density and taking advantage of internal trip credits that these types of developments would yield. If Silver Spring could achieve 50% NADMS without these VMT goals or BRT plans, County must be doing something right already.

This is the kind of planning disaster that occurred with the townhouse project that was approved when Fairland/White Oak Policy Area was in moratorium. Even though the builder was on the hook for finding 52 "transit users" in the highly dense residential area, they couldn't' give away those fares! In the end, the whole thing just blew up.

Commented [ADB44]: Have these guidelines been developed?

This paragraph appears to largely consist of enabling legislation, with the Guidelines forming the actual quantifiable values, methodologies, policies, etc. Is that correct?

If so, I don't necessarily object to *enabling* VMT, as the discussion would shift to development of the Guidelines. However, I strongly caution against use of VMT at this time as per the previous comment.

Commented [R45]: What will be the standards? How will an applicant document VMT for any location? How will VMT be regulated without the County being a nanny-state? Maybe some transit advocates have no cars, but even in areas within the County where there is multiple modes of transit, people own cars, which means they are driving!

Maybe one way to force a reduction in VMT (car ownership) is to tax everyone living within the Metro Station Policy Areas an annual "fee" of $1,000.00 for every vehicle they own as a way to pay for better sidewalks, bikeways, circulator transit, rickshaws, whatever ☺ I am pretty sure that policy won't very far. Sometimes these "feel good" policies (for someone else) have no practical benefits and further complicates an approval process.

Public School Facilities

S1 Geographic Areas

For the purposes of public school analysis and local area review of school facilities at time o subdivision, the County has been divided into 25 areas called high school clusters. These areas coincid 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 requir 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 schoo cluster and compare enrollment projected by Montgomery County Public Schools for each fiscal yea with projected school capacity in 5 years. If at any time during a fiscal year the County Council notifie the Planning Board of any material change in the Montgomery County Public Schools Capita 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 in 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:~~

~~In Policy Areas With LATR CLV Standard of~~	~~Required Percentage Greater Than Prevailing Non-Auto driver Mode Share~~
~~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

Policy Area	Adequacy Status
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/Colesville	Inadequate under Roadway and Transit Tests
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
White Oak	Inadequate under Roadway and Transit Tests

*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

Critical Lane Volume Congestion Standard	Policy Area	HCM volume-to-capacity equivalent
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/Colesville	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 White Oak	1.00
1650	Shady Grove	1.03
1800	Bethesda CBD Silver Spring CBD Wheaton CBD Friendship Heights CBD White Flint Twinbrook Grosvenor Glenmont ~~Shady Grove~~ Rockville Town Center	1.13

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Commented [R46]: The congestion standard for the policy area seems way too low. If R&D Village can meet the NADMS goals even without CCT, why should this policy area be artificially held back from going forward with development? The change will fit with the goal of facilitating balanced, mixed-use development within the County "Activity Centers". If these areas do develop truly as activity centers, then measures such as person trips (ITE methodology) could be used to support the policy.

Commented [R47]: Why not for the next SSP at least consider a separate policy area for the White Oak Life Science Village area and given the NADMS goals for the area, group it with areas where there are already stated NADMS goals. This fits with the goal of facilitating balanced, mixed-use development within the County "Activity Centers". If these areas do develop truly as activity centers, then measures such as person trips (ITE methodology) could be used to support the policy.

Commented [R48]: Seems like this is quite a substantial reduction when the proposal for station areas along Purple Line/CCT/BRT station areas (contingent with CIP/CTP funding) is close to 1,700 CLV. There is substantial density about to be built and in the pipeline for areas in the immediate vicinity of the Shady Grove station area. The higher CLV congestion standard also should apply areas where there are already stated NADMS goals. This fits with the goal of facilitating balanced, mixed-use development within the County "Activity Centers".

Commented [ADB49]: What is the basis for reducing Shady Grove from 1800 to 1650?