

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**

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By: Council President at the request of the Planning Board

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**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.

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**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.

**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,

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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**

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

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

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

<b>Policy Area Categories</b>	<b>Acceptable Weighted Arterial Level of Service</b>
Urban	Borderline between Levels of Service “D” and “E” in peak directions
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 headways and actual hours of operation based on 2011 data to established standards, as illustrated in the table below.

<b>Transit Adequacy Standards</b>			
	<b>Minimum Coverage</b>	<b>Maximum Headway</b>	<b>Minimum Span</b>
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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- 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.

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

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

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

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

**TP3 Imposition of Transportation Mitigation Payment**

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

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

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

**TP4 Development District Participation**

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

**TP4.1 Preparation of a PAPF**

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

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

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

**TP4.2 Planning Board Review**

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

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

- The PAPF application must be referred to the County Executive for recommendations for each stage of development in the proposed district regarding police, fire, and health facilities. Adequacy of police, fire, and health facilities must be evaluated using the intermediate or most probable forecasts of future growth plus development district growth, but only to the extent that development district growth exceeds the forecast for any time period. Any facility capacity that remains is available to be used by the development district. If any facility capacity deficits exist, the County Executive must prepare a list of infrastructure needed to maintain public facility adequacy.

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

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

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

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

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

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

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

The County Executive and Planning Board may also recommend to the County Council additional facilities to be provided by the development district or by the public sector to support development

within the district. These facilities may include, but are not limited to libraries, health centers, local parks, social services, greenways, and major recreation facilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Each traffic study must examine, at a minimum, the number of signalized intersections in the following table. ~~—An intersection only needs to be examined if the peak-hour site-generated traffic is greater than 1% of the total intersection existing peak-hour traffic and the peak-hour site generated traffic entering the intersection is greater than or equal to 5% of the total site-generated traffic. unless—~~The Planning Board may also affirmatively finds that special circumstances warrant a more limited study.

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

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

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

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

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

To achieve safe and convenient pedestrian, 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 trip credits for providing non-auto facilities. Before approving credits for non-auto facilities to reduce Local Area Transportation Review impacts, the Board should first consider the applicability and desirability of traffic mitigation agreement measures. The Board's *LATR and TPAR Guidelines* must identify applicable facilities in terms of actions that can be given trip credits and the maximum number of trips that can be credited. If the Board approves any credits, it must specify mechanisms to monitor the construction of any required facility. During each quadrennial Subdivision Staging Policy the Board must report on the number of credits issued and confirm the construction of any required facility.

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

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

If an approved subdivision already has constructed or participated in the construction of off site improvements to accommodate its peak hour trips, based on the LATR requirements the Board imposed when it approved a preliminary subdivision plan, and if the subdivision later converts one or more approved uses or reduces its size so that the subdivision generates fewer peak hour trips than estimated when the Board imposed the LATR requirements, the trip mitigation agreement must reduce the subdivision's peak hour trip mitigation requirement by one trip for each peak hour trip that the

subdivision would no longer generate. If the conversion of all or part of a subdivision from one use to another would cause a different trip distribution or would place new or different burdens on one or more intersections, and if the subdivision is otherwise required to do so, the subdivision must construct or contribute to improvements specified by the Board to mitigate that result.

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

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

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

### **TL3 Potomac LATR Standards**

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

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

- Each traffic limit is derived from the heaviest traffic demand period in Silver Spring's case, the p.m. peak hour outbound traffic.
- When tested during a comprehensive circulation analysis, the critical lane volumes for intersections in the surrounding Silver Spring/Takoma Park policy area must not be worse than

the adopted level of service standards shown in Table 2 unless the Planning Board finds that the impact of improving the intersection is more burdensome than the increased congestion.

- The Planning Board and the Department of Transportation must implement Transportation Systems Management for the Silver Spring CBD. The goal of this program must be to achieve the commuting goals for transit use and auto occupancy rates set out below.
- The County Government, through the Silver Spring Parking Lot District, must constrain the amount of public and private long term parking spaces.

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

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

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

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

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

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

**TL4.2. North Bethesda TMD**

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

**TL4.3 Bethesda TMD**

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

**TL4.4 Friendship Heights TMD**

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

**TL4.5 Greater Shady Grove TMD**

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

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

**TL4.6 Great Seneca Science Corridor Master Plan**

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

**TL4.7 White Oak Policy Area**

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, is 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 applicant paying a fee to the County commensurate with the applicant's proportion of the cost of a White Oak Local Area Transportation Improvement Program, including the costs of design, land acquisition, construction, site improvements, and utility relocation. The proportion is based on a subdivision's share of peak-hour vehicle trips generated by all master-planned development 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 fee per peak-hour vehicle trip will be established by Council resolution, after a public hearing. The Council may amend the Program and the fee at any time, after a public hearing.

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- (c) The fee must be paid at a time and manner consistent with Transportation Mitigation Payments as prescribed in Section 52-59(d) of the Montgomery County Code.
- (d) The Department of Finance must retain funds collected under this Section in an account to be appropriated for transportation improvements that result in added transportation capacity serving the White Oak Policy Area.

**TL5      Protected Intersections**

Several Metro Station Policy Areas and other business districts are centered on the intersection between 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, the addition of vehicular capacity often degrades pedestrian quality of service, and the development of context-sensitive multimodal solutions is best achieved outside the development review arena with a broader consideration of travel trends. These locations, designated Protected Intersections, include the 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 these intersections are responsible for examining their impact and identifying potential improvements, but are not subject to any finding of inadequacy nor are they required to take any action under LATR to implement the identified improvements.

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**TA      Alternative Review Procedures**

**TA1      Metro Station Policy Areas**

An applicant for a subdivision which will be built completely within a Metro station policy area need not take any action under **TP Transportation Policy Area Review** or **TL Local Area Transportation Review** if the applicant agrees in a contract with the Planning Board and the County Department of Transportation to:

- submit an application containing all information, including a traffic study, that would normally be required for Local Area Transportation Review;
- meet trip reduction goals set by the Planning Board as a condition of approving that subdivision, which must require the applicant to reduce at least 50% of the number of 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 a group of policy areas including that policy area) to meet the mode share goals established under the preceding paragraph;
- pay an ongoing annual contribution or tax to fund the TMO's operating expenses, including minor capital items such as busses, as established by County law; and
- pay 75% of the applicable General District development impact tax without claiming any credits for transportation improvements.

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

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

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

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

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

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

**TA4 Public Facility Project**

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

**TA5 Affordable Housing**

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

**TA6 Very Low VMT**

The reduction of vehicle miles of travel (VMT) is an integral element of the County's transportation demand management strategy, incorporating both reduced reliance on vehicle trips and facilitating options for shorter-length trips for those trips that are made by private vehicles. ~~The~~An applicant for subdivision that can be shown to reduce areawide VMT by its development characteristics, as defined in published Planning Board Guidelines need take no action under LATR, TPAR, or transportation impact 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 the amount that would otherwise be generated may apply for Alternative Review Procedure TA1 above.

### **Public School Facilities**

#### **S1 Geographic Areas**

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

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

#### **S2 Grade Levels**

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

#### **S3 Determination of Adequacy**

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

#### **S4 Moratorium on Residential Subdivision Approvals**

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

Table 3 shows the result of this test for July 1, 2012, to July 1, 2013. Table 3 also shows the remaining capacity, in students, at each grade level in each cluster. Using average student generation rates developed from the most recent Census Update Survey, the Planning Board must limit residential

subdivision approvals in any cluster during the fiscal year so that the students generated by the housing units approved do not exceed the remaining capacity for students at any grade level in that cluster.

**S5 Imposition of School Facilities Payment**

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

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

**S6 Senior Housing**

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

**S7 De Minimis Development**

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

**S8 Development District Participants**

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

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

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

**S9.1 Assignment of queue date**

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

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

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

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

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

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

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

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

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

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

**S9.4 Expiration of queue date**

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

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

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- 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:~~

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

~~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~~

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~~characteristics. As with other aspects of the traffic study required by Article IV of Chapter 8, selection of the comparable studies and land uses to be analyzed and determination of the prevailing base non-auto driver mode share are subject to review by the Planning Department and approval by the Department of Transportation.~~

~~(4) Proposed development in the Silver Spring CBD must meet the commuting goals specified under TL4.~~

~~(5) In accordance with County Code §42A-9A, the applicant must enter into an agreement with the Director of the Department of Transportation before a building permit is issued. The agreement may include a schedule for full compliance with the traffic mitigation goals. It must provide appropriate enforcement mechanisms for compliance.~~

~~(6) As provided by law, these goals supersede traffic mitigation goals established under §42A-9A(a)(4).~~

~~(7) As noted in paragraph (5), traffic mitigation agreements are used to assure compliance with reductions in traffic generation from a subdivision, or to achieve non-auto driver mode share goals specified in approved master or sector plans. The Director of Transportation must determine whether a security instrument is required to assure completion and continuation of the elements of a traffic mitigation agreement. When the Director so finds, the Department must require a security instrument to be attached to an agreement. Each security instrument must be held by the Department until performance of each element of the agreement has been satisfied. If the developer or its successor is unable to satisfactorily perform each element of an agreement as specified therein, the security instrument must be forfeited and the Department may retain the funds to operate a program to satisfy the agreement's goals.~~

This is a correct copy of Council action.

\_\_\_\_\_  
Linda M. Lauer, Clerk of the Council

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

<b>Policy Area</b>	<b>Adequacy Status</b>
Aspen Hill	Adequate under Roadway and Transit Tests
Bethesda CBD	Adequate under Roadway Test; exempt from Transit Test
Bethesda-Chevy Chase	Inadequate under Transit Test
Clarksburg	Inadequate under Transit Test
Cloverly	Inadequate under Transit Test
Damascus	Adequate under Roadway and Transit Tests
Derwood	Inadequate under Transit Test
Fairland/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**

<b>Critical Lane Volume Congestion Standard</b>	<b>Policy Area</b>	<b>HCM volume-to-capacity equivalent</b>
1350	Rural East/ West	0.84
1400	Damascus	0.88
1425	Clarksburg Germantown East Germantown West Gaithersburg City Montgomery Village/Airpark	0.89
1450	Cloverly North Potomac Potomac Olney R&D Village	0.91
1475	Derwood Aspen Hill Fairland/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
<u>1650</u>	<u>Shady Grove</u>	<u>1.03</u>
1800	Bethesda CBD Silver Spring CBD Wheaton CBD Friendship Heights CBD White Flint Twinbrook Grosvenor Glenmont <del>Shady Grove</del> Rockville Town Center	1.13