

## **Subdivision Staging Policy – yes, it’s confusing and boring, but it really matters!**

Recently, the Council voted 8-1 to pass on the Subdivision Staging Policy. I am writing to explain my no vote.

Overall, the legislation did not do enough to warrant a yes vote, and modifying it now reduces our ability to make more substantive improvements later. The legislation will not accomplish its purpose, which is to insure that appropriate infrastructure is in place in advance of or congruent with future development.

In fact, it moves us toward abandoning any notion of adequate public facilities in the very areas where we’re planning the most intensive residential and commercial development. My colleagues did not support my proposal to extend the existing SSP for 9 months; the extension would have given us time to explore promising replacements for which we do not yet have enough information but will likely be available soon.

Below are some of the details of my concerns and comments about the SSP and why you should care about it. I’ve also included links to two memos I shared with my colleagues during the deliberations.

Around the county, we have overcrowded schools, clogged roads and an inadequate transit network. More development without solutions exacerbates those problems. That is why we have an adequate public facilities ordinance and the SSP, which was formerly known as the “Growth Policy.” It is supposed to be a policy that times development with adequate infrastructure. Schools and transportation are the infrastructure needs addressed in the SSP.

Elements of prior SSP and growth policies have moved us in the right direction but not sufficiently, and now the most recent version moves us further away again. The development impact taxes, which I voted for, provide some money to help mitigate development impacts, but those taxes are not a sufficient amount of money or an actual policy to provide solutions. This SSP made some progress on school infrastructure but an insufficient amount on transportation facilities. Overall, however, there are no brakes on the development process to implement infrastructure (schools, transportation) in advance of or congruent with development.

### *Schools:*

While the SSP includes conditions for a possible moratorium for overcrowded schools, it does not insure the necessary revenue, and it also makes it possible to avoid moratorium in clever ways. We need the additional revenues to build new schools and additions in areas with increased development without delaying construction, renovation and additions in areas that are simply overcrowded and/or have reached the age of needing capital improvements.

School facility payments are eliminated and while the payments were inadequate, the solution was not to eliminate them. While an individual school test moratorium is created, the moratorium is only triggered when the school is at 120% capacity and it has a 110- (elementary school) or 180- (middle school) seat deficit. Attempts to avoid a moratorium may mean moving school expansion projects to the front of the CIP queue, forcing project delays for schools with high CIP needs but with little development in the area. Development may proceed unabated in areas where schools are overcrowded as long as the overcrowding is under the 120% and 110/180-seat deficit.

For more discussion, you may want to listen to the clip in the Council's education committee where I discuss the importance of the need to both a) relieve overcrowding in areas with new development and b) address existing needs throughout the county unrelated to particular new development. The link is here: <https://www.youtube.com/watch?v=a-KRcAIBDPM&feature=youtu.be>

*Transportation:*

At this point in our county, solutions to transportation problems must be comprehensive and strategic. People endure enormous congestion in their cars because they do not have viable alternatives that are reliable and efficient. It is our job to relieve the congestion – either through road improvements or transit, and the SSP does not do that.

We know what needs to be done to alleviate congestion – we have to provide both “carrots” and “sticks” to commuters, employers - and we need to remember that it is rush hour congestion that needs the focus, and residents. To use transportation lingo, “the mode share split” needs to change. (Mode share split is the ratio of people who use individual vehicles versus shared vehicles –carpools, transit, shuttles - and non-auto transport – biking and walking.)

We also need tests that actually measure the conditions - is transit adequate to get a decent percentage of the future residents/commuters out of their cars? And can the roads withstand the increase in cars that is inevitable (because no new development brings a zero increase in cars).

The solution must include both:

1. Sufficient transit that covers the county
2. Sufficient incentives for more people to use transit, bike and walk via a comprehensive strategies, including a parking policy that limits long-term parking in our transit-friendly areas and prohibits - via zoning - sprawl.

The SSP provides some incentives for improved bike and pedestrian paths, but it does not give us a means to alleviate congestion and improve our transit infrastructure. It also does not give us test to truly assess transit adequacy. Measuring transit adequacy must include all of the factors that determine

whether or not choice riders are going to use the system. And then, a test needs to ascertain whether the seats for those transit riders are available. The 2012 SSP had some of the measures; those needed to be improved upon, rather than deleted. Currently, the “test” for transit simply determines how many people might use Ride-On (not metrobus or metro rail) and whether seats are available. And the “test” is not triggered unless it is deemed that a particular development project will have certain number of people arriving/departing by using Ride-On.

In areas near metro stations, there is no transit test because the SSP assumes that the transit is adequate; there are no provisions to strengthen and support Metro, and there’s no assessment of whether people will use the metro – does it provide enough transportation coverage to enable people to leave their cars at home (or live carfree) and take transit instead. Transit solutions that take cars off the road during the peak hours are missing from the SSP.

One of the existing transportation tests - policy area review - was eliminated; the test needed improvement - its metrics were questionable at best - but it should not have been eliminated. The other transportation test - Local Area Transportation Review does not adequately measure the chronic and pervasive rush hour congestion, which traps both cars and buses.

Two policies are referenced in the SSP – the Transportation Management Districts (TMDs) and the Unified Mobility Programs (UMPs). Existing TMDs have limited ability to reduce the number of workers commuting via a single-occupancy vehicle (SOV, also known as driving alone). A working group has been exploring possible ways to improve TMDs and expand their tools; the Council saw some draft suggestions from the group, who said they would have a more full report in the coming months.

The idea of UMPs come from work being done for the White Oak Science Gateway Master Plan. That work also offers some potential for better pooling resources (money and in-kind improvements) for actual infrastructure solutions to future development. The Council has been told that we will soon be briefed on the work there. I am interested to hear whether this approach addresses the need to reduce the number of people in single-occupancy vehicles by providing adequate transit infrastructure, including elements of BRT and possibly shuttles, or whether the focus continues to be simply on the car-focused solution of intersection widenings, known as intersection “improvements.” There is some thought that the approach in White Oak could be used elsewhere. I want to be sure it is not another version of “pay-go” – where a developer pays some money and can build, and development is disconnected from adequate infrastructure metrics. That is why I advocated a 9-month extension of the existing SSP to give us time to explore other options.

It is possible that the combination of improved TMDs and newly created UMPs would together provide a robust solution to mitigating congestion and promoting transit. However, it is also possible that those strategies would be insufficient and

that we may need a completely revamped approach such as corridor development districts, which would draw in existing commercial development as well as future commercial and residential development. Ultimately, we need a different policy and approach, and the new SSP does not accomplish any meaningful goals.

I did vote with my colleagues to increase the impact taxes on future development. Impact taxes are levied on all new development based on the type of development and now based on its location. However, even with the increase, development does not pay for all of its impacts, and it does not condition development on mitigation. I voted for the increase even though my proposal to end the exemption for *former* enterprise zones did not pass. The enterprise zone designation is designed to encourage commercial development in underdeveloped areas. The Central Business District of Silver Spring was once an enterprise zone but its designation ended *ten* years ago. Developers continue to be allowed to develop in downtown Silver Spring without paying *any* impact taxes. And much of the development exempt from the impact taxes is residential - not even the intent of the type of development the enterprise zone was intended to help generate.

The existing SSP is far from perfect but it is known and understood (more or less). I urged my colleagues to keep it in place while we explored better policies and alternatives. I would also note my great dismay that the SSP the Planning Board sent to the Council for review was even worse than the SSP that the Council passed. I will not use the space now to edit and comment on the many problems with the Planning Board's draft; instead suffice it to say that the rhetoric that it was a transit-friendly policy was just that - rhetoric. I would also note that despite requests from many for clarity in the policy, the policy that passed was inadequate and confusing, at least for transportation. Residents' questions about how this policy will address overcrowded schools, unbearably congested roads and insufficient transit alternatives remain unanswered. Even with a few incremental solutions and some promising future solutions, the 2016 SSP does not put us on a path to adequate public facilities.

Despite all I have written above, I continue to believe that solutions are within our reach. We simply need the commitment to be clear about our goals and continue to assess every step of the way whether our policies are helping us achieve those goals.