

PHED COMMITTEE #1 & 1.1
March 23, 2015

MEMORANDUM

March 20, 2015

TO: Planning, Housing, and Economic Development Committee

FROM: ⁶⁰ Glenn Orlin, Deputy Council Administrator

SUBJECT: Subdivision Staging Policy (SSP) Amendment #14-02, White Oak Policy Area Local Area Transportation Review (LATR); Supplemental appropriation to the FY15 Capital Budget and amendment to the FY15-20 Capital Improvements Program, White Oak Science Gateway Infrastructure Development, \$200,000 (Current Revenue)

On February 9 Councilmember Floreen put forward an alternative to SSP Amendment #14-02 that would change how LATR is conducted for developments in the White Oak Policy Area, following from a suggestion by the Planning Board Chair last fall. The revised amendment is on ©1-2.

The proposal would have the Council identify all but the largest master-planned transportation improvements needed to serve the planned buildout of the White Oak Policy Area, and have each new development pay a share of those costs through a new LATR payment that would be proportionate to the rush hour vehicle trips generated by that development. A consolidated traffic study conducted by the County Department of Transportation (DOT) would identify this set of improvements and estimate their costs; based largely on this study, a final White Oak Local Area Transportation Improvement Program would be approved by the Council.

For development in White Oak this new payment would replace the current LATR test, which requires each development to mitigate any congestion it causes at any nearby intersection. Both the Improvement Program and the fee would be adopted by the Council and could be amended at any time, after a public hearing.

The largest master-planned transportation improvements in White Oak—the US 29 and MD 650 Bus Rapid Transit (BRT) lines, the US 29 grade-separated interchanges at Stewart Lane and at Tech Road/Industrial Parkway, and the widening and extension of Old Columbia Pike—would not be included in the Improvement Program. The assumption is that these projects ultimately would be built with a combination of Federal, State, and County funds. The county funding would likely include a mix of G.O. bonds, Transportation Mitigation Payments (i.e., TPAR payments), and transportation impact tax revenue.

Councilmember Floreen also proposes that this LATR payment be creditable against a development's transportation impact tax. If this concept is accepted, a subsequent bill to amend the impact tax law would be necessary.

On March 16 the Executive transmitted a supplemental appropriation and CIP amendment request for \$200,000 to fund the study called for in the White Oak Science Gateway (WOSG) Master Plan that would identify and cost out the transportation improvements necessary to implement the planned development (©3-6). Some of these projects would form the White Oak Local Area Transportation Improvement Program and serve as the cost-basis for the proposed LATR fee. The public hearing for this request will be April 14; Council action is tentatively scheduled immediately after the hearing. DOT estimates the traffic study and cost estimating will take about six months to complete.

Comments. At its February 9 meeting the PHED Committee requested the Planning Board, the Executive Branch, and the White Oak civic and business stakeholders review this alternative and provide comments. Council staff's response to each are in *italics*.

- The Planning Board reviewed the proposed SSP amendment March 19 and unanimously supported this proposal, with the assurance that individual infrastructure projects in the Improvement Program be prioritized based on development approvals, timing, and size, and that the proposal explicitly state that the LATR payments be used solely to fund the Improvement Program (©7).

Concur.

- DOT recommends that the study and the Improvement Program include not just the major intersections within the White Oak Policy Area, but also two intersections outside and closest to the area. DOT advocates the funds first be spent on designing many of these improvements ahead of development applications so that permitting and land acquisition and construction can occur much more quickly, better assuring that the improvements will be timely for the traffic generated by the development (©8-9).

Concur that the study should examine intersections beyond the Policy Area, but they should not necessarily be included in the cost-basis for the White Oak LATR fee. If they were included, correspondingly should a development outside of White Oak—for example, if Verizon on US 29 in Fairland ever redevelop—pay the White Oak LATR fee? This idea needs much more thought. Concur that the funds be first spent on the design of many of these improvements.

- The Hillandale Citizens Association (HCA) has offered several suggestions (©11-17, see especially ©12-13), including:
 - (1) Allowing the study to have the latitude to suggest changes in zoning densities should the analysis of traffic from development under the approved zoning result in an intersection that is designed undesirably or that will exceed the congestion standard. *The Council has already made its land use and zoning decisions in the WOSG Master Plan and the subsequent sectional map amendment; any such changes will have to await a new master plan.*
 - (2) Designing the intersections with space for bus rapid transit (BRT), cycle tracks, and other planned infrastructure in the right-of-way. *Concur that the intersection improvements must leave room for BRT and other master-planned infrastructure; the master plan*

already stipulates the minimum right-of-way to be reserved along each of the non-local roads, including New Hampshire Avenue.

- (3) Strengthening DOT's ability to forge transportation mitigation agreements (TMAGs) to help achieve the master plan's non-auto-driver mode share (NADMS) goals. *Concur.*
 - (4) Including in the Improvement Program smaller-scale projects, such as bikeways, sidewalks, streetscaping, and the Hillandale Transit Center. *Concur that the Improvement Program should include missing segments of bikeways, sidewalks, the Hillandale Transit Center, and even bus acquisitions for local (i.e., non-BRT) Ride On service.*
 - (5) Monitoring traffic at White Oak intersections biennially, setting triggers for the improvements, and creating separate PDFs for each of the three nodes within the policy area. *One of the White Oak TMD's functions—once it is funded—is to monitor NADMS and the level of congestion on road links and intersections. Do not agree with separate PDFs each node; the White Oak LATR payments must be flexible enough for the funds to be directed to the projects most needed. The traffic from most developments will affect the other intersections in White Oak to varying degrees.*
 - (6) Including intersections beyond White Oak in the Improvement Program. *This idea needs much more thought (see above).*
 - (7) Providing transparent and easily accessible information about the traffic monitoring and the status of projects in the Improvement Program. *Concur.*
 - (8) Not crediting the LATR payment against the transportation impact tax. *Concur with not crediting the LATR payment against the transportation impact tax, just as the TPAR payments are not creditable.*
- The North White Oak Civic Association (NWOCA) opposes an SSP amendment strictly for the White Oak Policy Area. Instead, NWOCA believes the matter should await the results of the Transportation Impact Study Technical Working Group (TISTWG) examining potential changes to LATR for the county as a whole. Should the Council wish to proceed with a White Oak SSP amendment anyway, NWOCA has the same suggestions as HCA (©18-21). *Approve the White Oak SSP amendment, with a few revisions (noted below). Establishing the new process ahead of the rest of the County affords the opportunity to test this idea for a time in a limited location; if successful, it could be the LATR model for the rest of the county when the SSP is evaluated in late 2016.*
 - The Montgomery County Civic Federation (MCCF) agrees with NWOCA not to approve a White Oak SSP amendment now, but to await the results of TISTWG's work and to incorporate any changes as part of the countywide update of the SSP in 2016. It also recommends that the Planning Board establish a mechanism to track development projects and the NADMS status of each project (©22-23). *Approve the White Oak SSP amendment, with a few revisions (noted below). Typically, tracking the NADMS of a development is the role of the Transportation Management District (TMD) as part of its regular surveys and reports.*
 - The Greater Colesville Civic Association (GCCA) supports the amendment. Most of its comments describe a new concept the transportation adequacy test that GCCA believes would be best considered as part of the 2016 comprehensive update to the SSP (©24-29). *This proposal would be best evaluated in the context of the 2016 comprehensive SSP update.*

- Saul Centers, Inc. is supportive of the framework of the proposal, although having several questions about it (©30-31), which are addressed below:
 - (1) The obligation for the LATR fee is that it would apply to all new development and all redevelopment, and that the fee/trip should be the same for all types of development. *This is what the proposal calls for.*
 - (2) The fee/new trip should apply only to net new projected trips in excess of existing trips. The trip calculations should adjust for NADMS goals, pass-by trips, etc. *Concur.*
 - (3) It's not clear whether the study should look at impact of trips generated beyond White Oak that affect White Oak, and how trips generated within White Oak affect intersections beyond White Oak. *As noted above, the study should look at this, but much more thought is needed to determine whether this information should affect the fee.*
 - (4) Should the study assume construction of the interchanges, the BRT lines, and Old Columbia Pike? *How this question is answered will definitely affect what is included in the Improvements Program. For example, should there be intersection improvements in the Improvements Program at US 29 and Tech Road, at Industrial Parkway, or at Stewart Lane, since eventually there will be interchanges there? Council staff believes these "interim" improvements should be in the Improvements Program, because it is unknown how many years (decades?) will pass before the interchanges are built. Constructing these interim intersections can be thought as inefficient if they will eventually be torn out and replaced, but providing adequate transportation facilities is the higher objective.*
 - (5) What would be the process for determining the required site-specific access improvements, such as curb cut locations, left-turn and right-turn lanes, and signalization? *Nothing changes: on-site improvements still would be covered under normal subdivision requirements.*
 - (6) If development triggers the need for an off-site improvement, would the County be committed to constructing the improvement within a certain time-frame? What would be the County's commitment either to apply collected funds or forward fund the improvement? *The Council will be expected to fund such improvements in a new White Oak Local Area Transportation Improvements CIP project. All collected LATR fee revenue must be spent on the improvement. And, it is almost a certainty that the County will have to forward-fund it to deliver the improvement in time for when the traffic generated by the development is realized.*
 - (7) Once the Program and fee are established, it would be amended only after another consolidated study has been performed. *Not necessarily. First of all, the fee rate should be updated regularly—perhaps biennially--according to changes in the construction cost index, just as impact tax rates are adjusted now. Secondly, if the actual cost of an individual project is higher or lower than what had been estimated, the fee rate should be adjusted accordingly, perhaps also on a biennial cycle. But for any major changes in the Improvements Program then, yes, there should be a new comprehensive study.*

Process. If the SSP amendment and \$200,000 appropriation are approved, these would be the first two of several steps needed to be taken by the Council to implement this new LATR review and funding regime. The other steps are:

- (1) To collect revenue, the County Code must be amended to recognize the new LATR fee, establish how it is calculated and set, the time of the payment, and restrictions on its use, among other things. As examples, the Code sections describing other SSP-related charges—the Transportation Mitigation Payment and School Facilities Payment—are on ©32 and ©33, respectively. Executive regulations may also need to be promulgated. If the SSP amendment and supplemental appropriation are approved, this should be the next step.
- (2) According to the proposal, the Council must approve a resolution, after a public hearing, establishing the White Oak Local Area Transportation Improvement Program and setting the fee/trip. Since the results of the study are needed first, this step could not occur until October or November.
- (3) A CIP amendment must be approved in which to deposit the LATR fees and any General Fund advances, and from which the improvements would be funded. This should be done concurrently with Step 2.

Given the time-frame for the study and these required steps, it would make sense to set an effective date for the SSP amendment to a time when all of these steps will have been taken.

Council staff recommendations: Approve the supplemental appropriation and CIP as recommended by the Executive. The Council should approve them immediately after the April 14 public hearing to allow DOT to get started on the study as soon as possible. **Revise the SSP amendment in three ways:**

- (1) Include text that the fee revenue must be spent only for the White Oak Local Area Improvements Program, similar to Code Section 52-59(e) on ©32.**
- (2) As a technical amendment, include the White Oak TMD mode share goals in the text.** The mode share goals for each of the other existing TMDs (Silver Spring CBD, North Bethesda, Bethesda CBD, Friendship Heights, and Greater Shady Grove) are already in the SSP.
- (3) Establish an effective date of January 1, 2016 for the SSP amendment.**

These revisions are reflected in the draft resolution on ©34-35.

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Resolution No: _____
Introduced: September 16, 2014
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Floreen

SUBJECT: Amendment to the 2012-2016 Subdivision Staging Policy regarding the White Oak Policy Area

Background

1. On July 29, 2014 the County Council approved Resolution 17-1203, amending 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.

Action

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

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

* * *

TL Local Area Transportation Review (LATR)

* * *

TL4 Unique Policy Area Issues

* * *

TL4.7 White Oak [[Science Gateway Master Plan]] Policy Area

[[In the White Oak Science Gateway Policy Area, as used in TL Local Area Transportation Review, background traffic must be calculated as only approved but unbuilt development for which a building permit has been issued.]]

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

* * *

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

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Bud, Fin +
Econ Dev



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

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Isiah Leggett
County Executive

MEMORANDUM

March 16, 2015

RECEIVED
MONTGOMERY COUNTY
COUNCIL

2015 MAR 16 PM 2:50

TO: George Leventhal, President, County Council
FROM: Isiah Leggett, County Executive 
SUBJECT: Amendment to the FY15-20 Capital Improvements Program and Supplemental Appropriation #19-S15-CMCG-11 to the FY15 Capital Budget
Montgomery County Government
Department of Transportation
White Oak Science Gateway Infrastructure Development (No. P501540), \$200,000

I am recommending a supplemental appropriation to the FY15 Capital Budget and amendment to the FY15-20 Capital Improvements Program in the amount of \$200,000 for White Oak Science Gateway Infrastructure Development (No. P501540). Appropriation for this project will fund the development of cost estimates and traffic studies associated with transportation infrastructure in the White Oak area to support future development activities planned under the White Oak Gateway Master Plan.

This increase is needed to fund the estimation of costs associated with transportation infrastructure identified in the White Oak Science Gateway Master Plan and to conduct a traffic study analysis related to the Local Area Transportation Review (LATR) for planned development in the area. The recommended amendment is consistent with the criteria for amending the CIP because the project supports significant economic development initiatives.

I recommend that the County Council approve this supplemental appropriation and amendment to the FY15-20 Capital Improvements Program in the amount of \$200,000 and specify the source of funds as Current Revenue: General.

I appreciate your prompt consideration of this action.

IL: nm

Attachment: Amendment to the FY15-20 Capital Improvements Program and Supplemental Appropriation #19-S15-CMCG-11

cc: Al Roshdieh, Acting Director, Department of Transportation
Jennifer Hughes, Director, Office of Management and Budget



Resolution: _____
Introduced: _____
Adopted: _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

SUBJECT: Amendment to the FY15-20 Capital Improvements Program and Supplemental Appropriation #19-S15-CMCG-11 to the FY15 Capital Budget
Montgomery County Government
Department of Transportation
White Oak Science Gateway Infrastructure Development (No. P501540),
\$200,000

Background

1. Section 307 of the Montgomery County Charter provides that any supplemental appropriation shall be recommended by the County Executive who shall specify the source of funds to finance it. The Council shall hold a public hearing on each proposed supplemental appropriation after at least one week's notice. A supplemental appropriation that would comply with, avail the County of, or put into effect a grant or a Federal, State or County law or regulation, or one that is approved after January 1 of any fiscal year, requires an affirmative vote of five Councilmembers. A supplemental appropriation for any other purpose that is approved before January 1 of any fiscal year requires an affirmative vote of six Councilmembers. The Council may, in a single action, approve more than one supplemental appropriation. The Executive may disapprove or reduce a supplemental appropriation, and the Council may reapprove the appropriation, as if it were an item in the annual budget.
2. Section 302 of the Montgomery County Charter provides that the Council may amend an approved capital improvements program at any time by an affirmative vote of no fewer than six members of the Council.
3. The County Executive recommends the following capital project appropriation increases:

<u>Project Name</u>	<u>Project Number</u>	<u>Cost Element</u>	<u>Amount</u>	<u>Source of Funds</u>
White Oak Science Gateway Infrastructure Development	501540	PDS	\$200,000	Current Revenue: General
TOTAL			\$100,000	

Amendment to the FY15-20 Capital Improvements Program and Supplemental Appropriation
#19-S15-CMCG-11

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4. This increase is needed to fund the estimation of costs associated with transportation infrastructure identified in the White Oak Science Gateway Master Plan and to conduct a traffic study analysis related to the Local Area Transportation Review (LATR) for planned development in the area. The recommended amendment is consistent with the criteria for amending the CIP because the project supports significant economic development initiatives.
5. The County Executive recommends an amendment to the FY15-20 Capital Improvements Program and a supplemental appropriation in the amount of \$200,000 for White Oak Science Gateway Infrastructure Development (No. 501540), and specifies that the source of funds will be Current Revenue: General.
6. Notice of public hearing was given and a public hearing was held.

Action

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

The FY15-20 Capital Improvements Program of the Montgomery County Government is amended as reflected on the attached project description form and a supplemental appropriation is approved as follows:

<u>Project Name</u>	<u>Project Number</u>	<u>Cost Element</u>	<u>Amount</u>	<u>Source of Funds</u>
White Oak Science Gateway Infrastructure Development	501540	PDS	\$200,000	Current Revenue: General
TOTAL			\$200,000	

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

White Oak Science Gateway Infrastructure Development (P501540)

Category	Transportation	Date Last Modified	11/17/14
Sub Category	Traffic Improvements	Required Adequate Public Facility	No
Administering Agency	Transportation (AAGE30)	Relocation Impact	None
Planning Area	Colesville-White Oak	Status	Planning Stage

	Total	Thru FY14	Rem FY14	Total 6 Years	FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	Beyond 6 Yrs
EXPENDITURE SCHEDULE (\$000s)											
Planning, Design and Supervision	200	0	0	200	100	100	0	0	0	0	0
Land	0	0	0	0	0	0	0	0	0	0	0
Site Improvements and Utilities	0	0	0	0	0	0	0	0	0	0	0
Construction	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
Total	200	0	0	200	100	100	0	0	0	0	0

FUNDING SCHEDULE (\$000s)											
Current Revenue: General	200	0	0	200	100	100	0	0	0	0	0
Total	200	0	0	200	100	100	0	0	0	0	0

APPROPRIATION AND EXPENDITURE DATA (000s)

Appropriation Request	FY 15	0
Appropriation Request Est.	FY 16	0
Supplemental Appropriation Request		200
Transfer		0
Cumulative Appropriation		0
Expenditure / Encumbrances		0
Unencumbered Balance		200

Date First Appropriation	FY 15
First Cost Estimate	
Current Scope	FY 15 200
Last FY's Cost Estimate	0

Description

This project provides for the development of cost estimates associated with the transportation recommendations contained in the White Oak Science Gateway Master Plan. The cost estimate will include the appropriate elements of the US29, MD650 and Randolph Road Rapid Transit System projects as well as roads, interchanges, bikeways, and sidewalks in the White Oak Planning Area. This project will also fund a traffic study analysis related to the required Local Area Transportation Review (LATR) associated with planned development. It is expected that the timing of implementation of the different elements will be coordinated in the future with specific proposed subdivision activity and the communities adjacent to and affected by the new development. In addition to the traffic improvements, significant mass transit, roads, and pedestrian/bikeway facility components will be an integrated part of this project.

Location

White Oak Planning Area

Estimated Schedule

All activities will begin in late FY15 and be completed during FY16.

Justification

The Council Resolution (17-1204) adopting the Master Plan called for the development of one or more options that could fund the full buildout of the Plan's transportation infrastructure within the 24 months following adoption of the Plan (before July 29, 2016). This project will fund all of the activities necessary to comply with the Council's Resolution. Additionally, a new proposal for LATR has been introduced at Council; this study will identify the necessary local intersection improvements needed, conceptual solutions, and preliminary cost estimates for those improvements, as well as the cost associated with independent sidewalks, bikeways, and the provision of bus service in the area. These studies will provide the basis for future strategies to fund detailed engineering design and construction costs.

Other

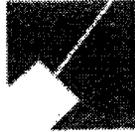
The project will address the pedestrian impact analysis associated with future implementation of the infrastructure. A pedestrian impact analysis will be performed during design or is in progress.

Disclosures

A pedestrian impact analysis will be performed during design or is in progress.

Coordination

Maryland State Highway Administration (MSHA), Maryland Mass Transit Administration (MTA), Maryland National-Capital Park and Planning Commission



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIR

March 20, 2015

The Honorable Nancy Floreen
Chair, Planning, Housing & Economic Development (PHED) Committee
Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

SUBJECT: Subdivision Staging Policy (SSP) Amendment #14-02, White Oak Local Area Transportation Review

Dear Ms. Floreen:

This letter provides the Planning Board's comments regarding the proposed alternate to SSP Amendment #14-02 that was introduced by you this past February. We recognize the PHED Committee is scheduled to discuss this matter on March 23rd. The Planning Board considered this matter at the Planning Board meeting held on March 19th and voted unanimously in support of moving forward with this alternative. In addition, we recommend this alternative address the following concerns raised by Planning Department staff:

1. Ensure individual infrastructure projects contained in the White Oak Local Area Transportation Improvement Program are prioritized based on project approval, timing and size.
2. Ensure that fees collected from new development will be spent in the White Oak Policy Area. Revise proposed SSP provision TL4.7(d) to read as follows ...

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

The Board looks forward to the upcoming discussion of this amendment with the Committee.

Sincerely,

Casey Anderson
Chair

cc: Council President Leventhal
Councilmember Riemer
Glenn Orlin



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Al R. Roshdich
Acting Director

MEMORANDUM

March 19, 2015

TO: Nancy Floreen, PHED Chair
Montgomery County Council

FROM: Al R. Roshdich, Acting Director
Department of Transportation

SUBJECT: Subdivision Staging Policy Amendment 14-02
White Oak Science Gateway

On February 9, 2015, the Executive Branch staff attended the PHED Committee work session on Subdivision Staging Policy (SSP) Amendment 14-02. During the discussion with the PHED committee, Executive Branch staff concurred that a new approach to Local Area Transportation Review (LATR) should be explored and indicated that a new approach to the recent adopted White Oak Science Gateway policy area should be expedited in order to forward the County Executive's job creation and economic development initiatives in East County, and to provide certainty of improvements to the adjacent communities and the developers in the area.

Upon review of SSP Amendment 14-02, Executive Branch staff agrees that there are advantages to the County conducting one comprehensive traffic study for the purposes of identifying the total number of projected peak hour trips, the intersection improvements necessary to mitigate the trips and the associated costs. A per trip cost would be established and a LATR Improvement Program adopted by the County Council. We believe this is a sound and transparent approach to improvements required under LATR.

Additionally, Executive Branch staff offers the following comments and suggestions:

- The LATR study should include major intersections within the entire White Oak Science Gateway policy area, as well as two intersections outside and closest to the WOSG policy area. Executive staff believes a comprehensive study should consider limited intersections outside the policy area.

Office of the Director

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montgomerycountymd.gov/311  301-251-4850 TTY

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Nancy Floreen
March 19, 2015
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- Once identified, initial design and engineering of intersection improvements could commence earlier in the process so that implementation of improvement priorities are delivered in advance of, or at least timely, with development.
- The early engineering design of all improvements needed will permit the acquisition of permits and of rights-of-way in a manner that will facilitate the actual programming of construction as needed.
- To ensure intersection improvements are programmed and constructed timely with or in advance of development, the County can develop a prioritization schedule based on proximity to imminent development and the timing of other transportation projects affecting the same intersections.
- This approach will eliminate the need for individual LATR studies, and the difficulty of implementing fair and timely cost participation for the implementation of intersection improvements when several developers are required to contribute to the cost of improvements for the same intersection.
- Limit SSP Amendment 14-02 to revising LATR in the White Oak Science Gateway policy area only. Staff notes there are broader concerns regarding transportation policies and impact taxes generally. While Executive Branch staff will certainly participate in ongoing discussions for more global revisions to the SSP, there is a sense of urgency in addressing LATR in the WOSG.

I hope this information is helpful. Please contact me directly if you have any questions at 240-777-7175.

AR:tt

cc: Glenn Orlin

**Hillandale Citizens Association
Site II Declaration of No Further Need/GDA and WOSG SSP
Comments to County Council
February 24, 2015**

Thanks to Council for the formal opportunity to comment on the rather involved matters of the Site II Declaration of No Further Need, the MoCo/Global Life Sciences General Development Agreement and the Amendment to the Subdivision Staging Policy for the White Oak Science Gateway Master Plan.

As background, the Hillandale Citizens Association requested that the New Hampshire Corridor be added to the then-named East County Science Center Master Plan with the desire to better integrate the development opportunities afforded to the area by the consolidation of the FDA at the BRAC-closed Naval Surface Warfare Center on New Hampshire Ave. With the financial downturn of the National Labor College, the development of the Transit Corridors Master Plan and the zoning rewrite, being part of the plan promised to provide a comprehensive planning and transportation review for our community. As the work went forward, residents were assured that infrastructure staging and the now-existing development approval processes (Local Area Transportation Review) would guide and guarantee that the proposed density would "fit" within the area's limited transportation possibilities. Staging was removed late in the process and congestion standards were increased to urban (without Metro). Now the SSP amendment proposes to remove the customary LATR process with "pay and go."

Hillandale is eager for the WOSG plan to move forward, but we also ask that the development be orderly to well serve the existing residents and employees along with the anticipated new growth. If "pay and go" is to provide orderly development, we have several requests: (1) have a transparent process to determine proposed intersection configurations, (2) modify zoning density if reasonable and attractive intersection solutions do not manage the impacts, (3) strengthen the NADMS program, (4) require biennial traffic-count monitoring of key intersections, (5) provide individual CIP PDFs for projects and (6) collect full Impact Taxes.

Detailed comments on both the Declaration/GDA and the "pay and go" proposal are attached. We remain eager to speak with Councilmembers and Council Staff as these issues are considered. Thank you.

Submitted by
Eileen Finnegan, President
Hillandale Citizens Association

Comments Re: Declaration of No Further Need/General Development Agreement (GDA)

Job creation: The foundation of the WOSG plan and the commercial reuse of the old WSSC Site II land was the promise of **creating new jobs** with the goal of improving the countywide jobs/housing balance. The GDA must be structured to realize the jobs and not allow the opportunity to be housing driven. Other nodes in the WOSG plan, notably Hillandale, will have large residential components coming forward.

Environmental considerations: At a minimum, the approved WOSG Design Guidelines requiring M-NCPPC regulatory review of environmental buffers must be honored in the GDA. The layout drawing submitted during the M-NCPPC worksessions has development proposed within environmentally sensitive buffer zones.

Non-Auto-Driver Mode Share (NADMS): During the plan's evolution, NADMS became a tool to moderate the transportation impacts. The developer promised innovative means to reduce single-occupancy vehicle trips at peak periods. Ideas included private shuttles, reduced rents for transit users and "other" unspecified solutions. Given the anticipated size of Phase I (3M ft²), the County must hold the development partnership to the full NADMS goal of 30% for commercial and residential, and have the development entity — not just "The County" — provide the necessary remedies to meet the NADMS. Furthermore, since properties may be spun off, the continuation of the 30% NADMS requirements must run with the land and have substantial enforcement mechanisms.

Delineation between "The County" and MoCo as a development partner: Council needs to ensure that the GDA makes a bright line between the two functions of the government in this process. If this is not in the GDA, a "firewall" needs to be within the County government's implementation plan for the partnership. A clear accounting of capital and operating costs associated the partnership will ensure proper financial distribution between the parties. This is needed to evaluate the project's success and business returns.

Subdivision Staging Policy (SSP) changes: Tying the SSP to the GDA has risks and implications for the development across the County. To embed the SSP into a long-living contract arrangement, the county may lose the needed flexibility of future SSP modifications or corrections.

Future of the Food and Drug Administration campus: In budget documents for FY15 and FY16, FDA has stated the need to update their Master Plan to increase the population and accommodate additional consolidation of the agency. With more efficient use of federal space and GSA's movement to federal ownership of facilities, continuing the consolidation at White Oak must be recognized as a desirable outcome for the area.

**Comments Re: White Oak Science Gateway Subdivision Staging Policy:
“LATR Pay and Go” Amendment**

Development densities may have to be lowered: “Pay and go” guarantees the density on any given property. But unfortunately, the WOSG plan did produce a fine grain look at the area required for a “pay and go” approach. The WOSG plan is an aggressive plan, based on densities beyond what is supportable by the local transportation infrastructure proposed. The operative planning assumption was that the existing Local Area Transportation Review (LATR) would manage the “density issue” with roadway constraints molding the final build-out. With a “pay and go” approach, the presumption is that all the density can be built with (yet-to-be-specified) appropriate infrastructure. **Hence, the modeling exercise proposed must be given the latitude to suggest changes to the zoning densities if an undesirable or dysfunctional intersection is required to handle the build out. Council should commit to approving any zoning changes necessary.**

Quality and functionality of the proposed improvements will need vetting: Very late in the master plan process, an HCM analysis of limited intersections was commissioned. Attached is a graphic of the New Hampshire and Powder Mill intersection depicting the consultant’s suggestions. This modeling was not done using full-density. Please note that these proposed lane additions will not solve the traffic issues; the intersection will still be 20% above capacity. Amazingly, the right-of-way for the planned median BRT system was not considered. SHA is also considering a project for an added southbound New Hampshire lane accessing the westbound Beltway entrance to manage existing capacity problems at Powder Mill and New Hampshire. **Any infrastructure proposal must result in a reasonable outcome and provide a community-friendly, attractive result. Although the “pay and go” will not cost out the BRT system, any design proposals must include the right-of-way required for BRT or cycle tracks or other agency infrastructure projects.**

NADMS needs to be strengthened: Since approval of the plan, it is clear that the NADMS is a loose goal for each node in the plan. There is no requirement on a project-by-project basis; it is merely an area composite goal. Furthermore, MC DOT negotiates the TMAGs with input from MNCPPC. To achieve the NADMS goals, MC DOT needs additional authority, especially regarding residential development. It is critical to the success of the plan that NADMS outcomes line up with the plan’s goals.

Additional smaller capital improvements will be necessary: Current LATR review of new development considers pedestrian and bike improvements within the general area. LATR is also the mechanism that provides relief for impacts to neighborhoods from new development traffic on small residential roadways. Some of our major roadways and connecting residential streets (Elton) do not have sidewalks. Improved street scaping is needed in the future to enhance the area. These needs are project specific and will be beyond the scope of “pay and go.”

One such improvement that Hillendale has been requesting through the planning process is a need to manage impacts on the residential portion of Elton Road when redevelopment occurs in the commercial section of Elton. The Planning Board advised that this would be part of the regulatory review of any project through LATR. “Pay and go” does not have a mechanism for

smaller, neighborhood focused improvements. Please consider applying Transportation Impact Tax payments to fund these smaller local improvements as developments come forward.

Another local project that is in project planning, but is not in the WOSG Master Plan is the Hillandale Transit Center. Envisioned as a layover for buses, this project needs to be reevaluated since the previously approved development plan dedicating land has been abandoned. The western stub of Powder Mill may no longer be the best location for this facility. Wherever this facility is built, it may be a good candidate for Impact Tax funding.

Monitoring and construction of improvements: Given that the WOSG Transportation Management District has been authorized and the TMD will be preparing (limited) biennial reviews, consider providing additional County funding for MCDOT and M-NCPPC staff to provide biennial traffic monitoring of major intersections with actual traffic counts. Triggers for intersection improvements must be set and realized. Each node must have a stand-alone CIP to provide assurances that each area will be managed in a timely and fair method.

Does “Pay and Go” address the evolving conditions or need for the BRTs? Although intersections may be improved, the BRT on New Hampshire Ave is absolutely necessary. Without all the BRTs functioning at a high level of performance, and the NADMS being achieved, the roadway improvements proposed will not provide the mobility needed to support the development activity.

Impacts beyond WOSG area: The “pay and go” does not address development transportation impacts beyond the WOSG plan area. Given the amount of density and the infrastructure deficit in the larger area, the County should plan on reviewing other nearby intersections outside the plan area. Montgomery should begin the conversation regarding the issue of Cherry Hill and Powder Mill with Prince George’s County and SHA and offer some contribution to resolving that intersection improvement. Retaining the Transportation Impact tax to address these sure-to-happen costs would be prudent.

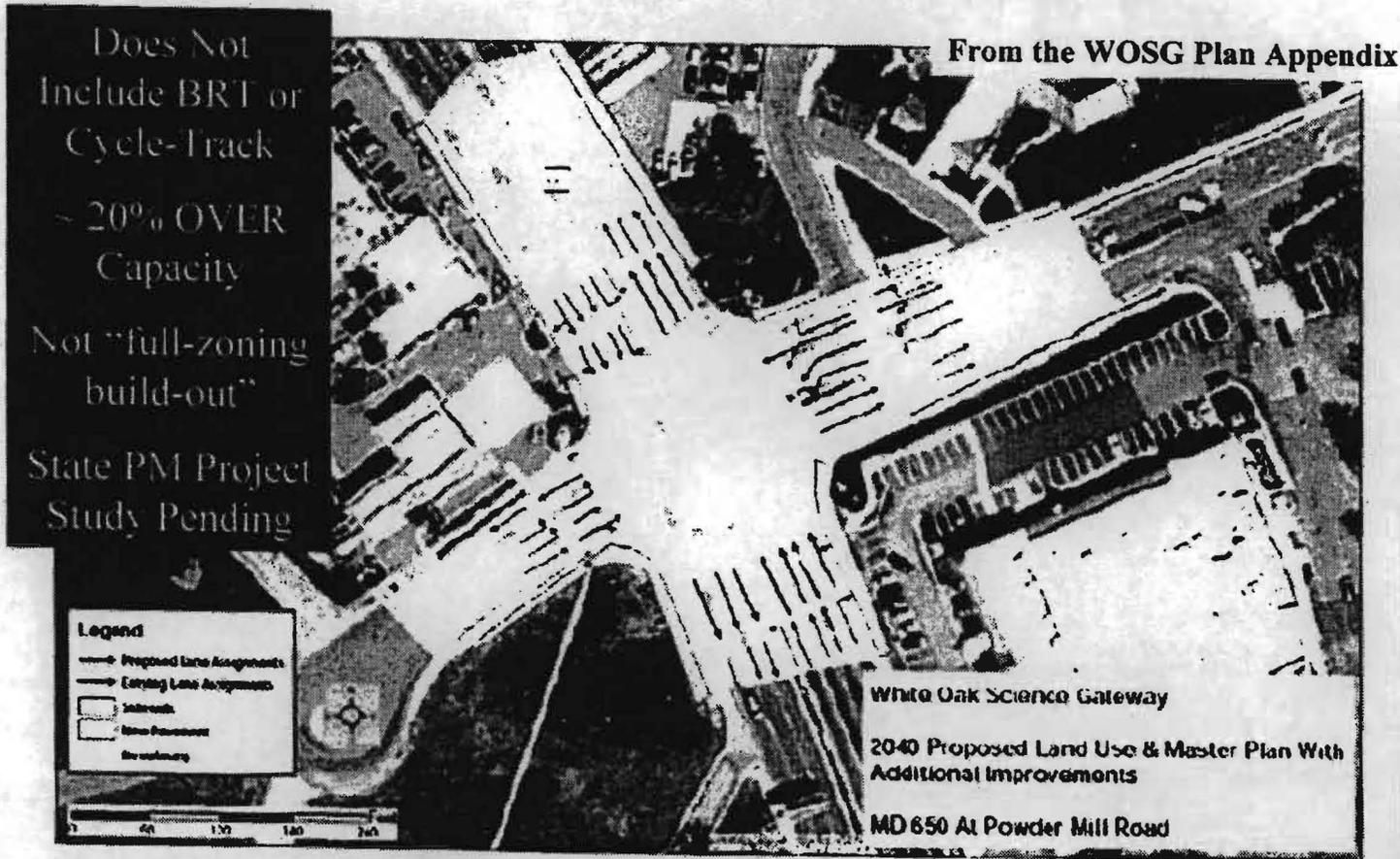
Public information of WOSG development must be easily accessible: Direction and funding must be given to M-NCPPC to begin and maintain an accurate, publicly accessible web site tallying the status of the development projects in the WOSG plan area. Information should include jobs/housing/commercial approval numbers, links to development projects and CIP PDFs along with other pertinent information on the plan’s implementation.

DO NOT CREDIT “LATR Pay and Go” toward Transportation Impact Taxes: Consistently through the planning process, Impact taxes have been a given—even touted! Although the theory of the credit undoubtedly stems from current credits for developer-provided improvements, “pay and go” credits should not be given. This new scheme is reducing the cost of development applications and has the County shouldering more costs and risks of implementation. Credit would not be appropriate. Additionally, some large projects in the plan area are not in the “pay and go” bucket but will require significant County funds. Impact Taxes from the WOSG area (along with Impact Taxes from across the County) would be well used here.

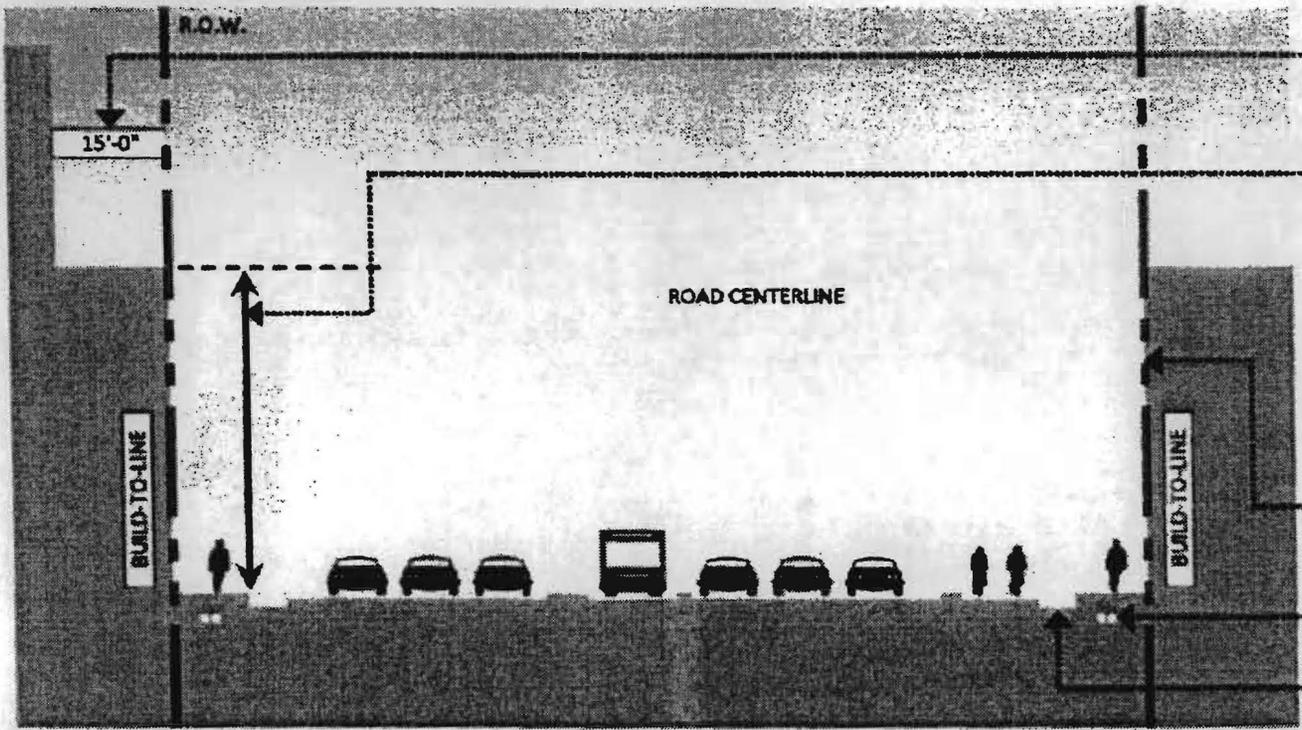
Note: Existing exemptions from Transportation Impact Taxes include Bio-Science uses and Hospitals. Crediting Impact Taxes would potentially incentivize residential construction.

New Hampshire/Powder Mill "at build-out"

hl



New Hampshire Avenue



Tower Setback
Minimum suggested is 15'-0"; will vary depending on development specifics. To be reviewed on a case by case basis.

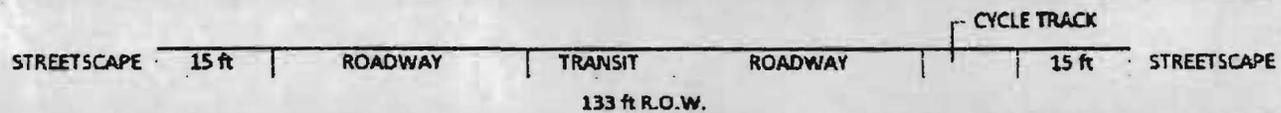
Street Wall
Preferably between 2 and 5 stories, but can vary depending on project specifics. To be reviewed on a case by case basis.

Build-to Line
Establishes the location of the street wall. Should align with public right-of-way, unless project particulars require otherwise.

Utilities
Locate underground, if feasible.

Streetscape
Provide closely spaced trees (40—45' on center). Provide sidewalk width per DOT requirements.

Redevelopment of the Hillandale Shopping Center could provide a gathering space connected to mass transit currently under study. Consolidated frontages along New Hampshire Avenue can offer opportunities to improve the area for pedestrians.

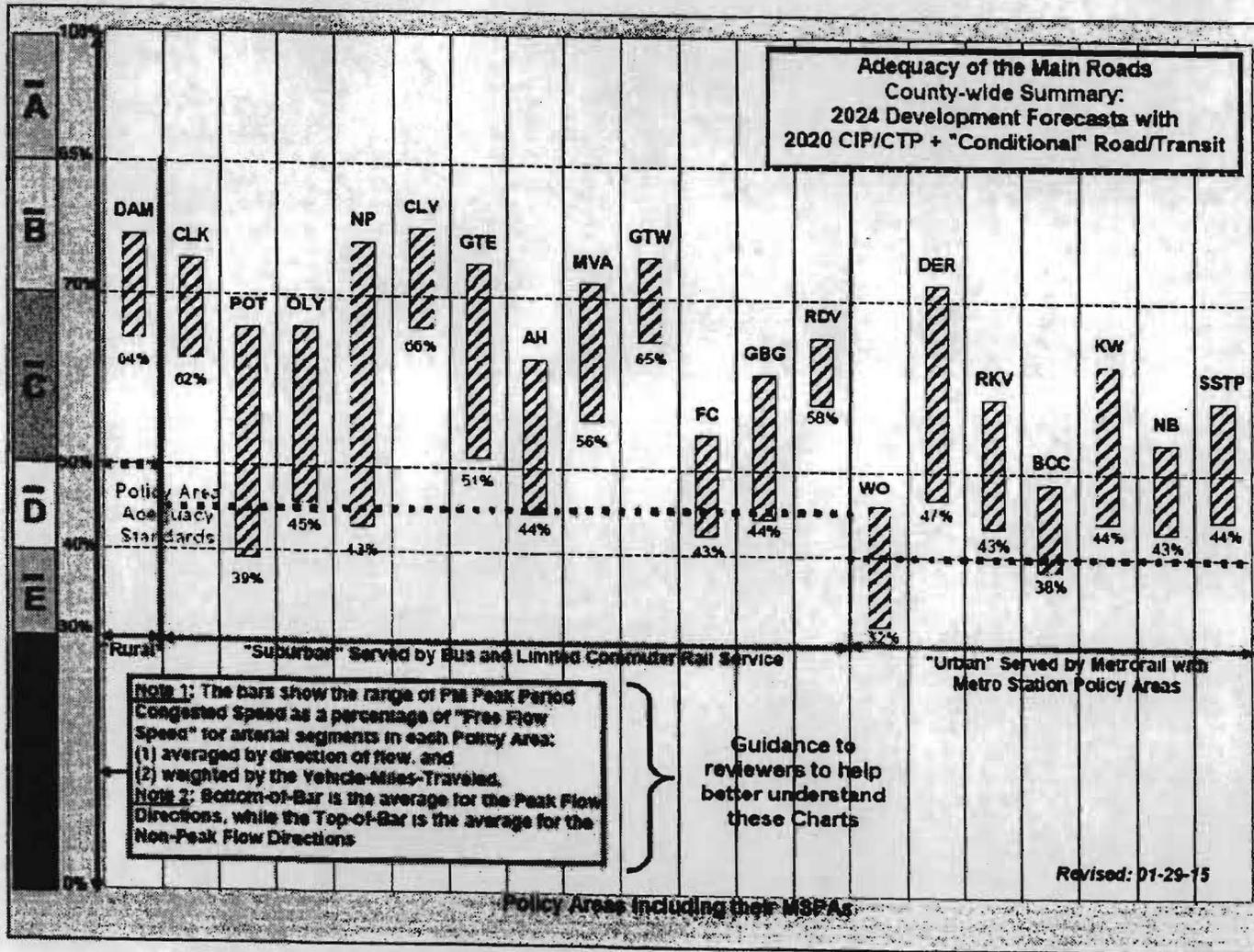


Hillandale Center | Street Profiles | New Hampshire Avenue

15

2015-16 Transportation Policy Area Review for 2024

91





FY 2016 PRESIDENT'S BUDGET

February 2015

The Food and Drug Administration (FDA) protects and promotes the health and well-being of the American people in an increasingly complex, globalized environment. FDA ensures the safety, effectiveness, and security of human and animal drugs, biological products, and medical devices, ensures the safety of food and feed, cosmetics, and radiation emitting products, and regulates tobacco products.

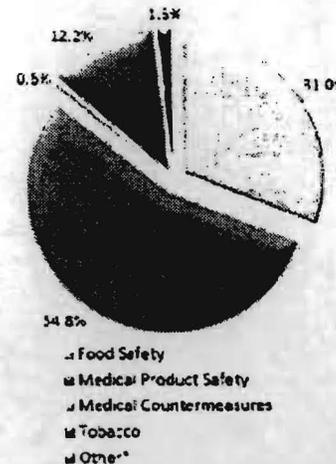
BUDGET HIGHLIGHTS

- \$4.9 billion (\$2.7B BA : \$2.2B UF), which is a \$424.8 million (9%) increase above FY 2015
- Includes \$147.7 million (6%) increase in budget authority and \$277.2 million (15%) increase in user fees

RENT & FACILITIES

- Support modern facilities to provide the laboratories and office space needed to meet FDA's expanded legislative mandates
- Program Level: \$430.8M (\$313.9M BA / \$116.9M UF)
- Net Increase: \$38.9M (10%) above FY 2015
- Budget Authority: \$29.0M investment to support.
 - * White Oak Master Plan Update: +\$5.0M
 - * GSA Rent and Other Rent & Rent Related: +\$24.0M
 - These rent amounts are covered above in terms of Food Safety and Medical Product Safety.

FY 2016 MAJOR ACTIVITIES



*Major Activities include GSA Rent, Other Rent and Rent Related. Other includes Buildings and Facilities, WHO Collaborative and Drug Certification Activities.

(17)

**North White Oak Civic Association
Site II Declaration of No Further Need/GDA and WOSG SSP
Comments to County Council
February 24, 2015**

My name is Barry Wides and I am president of the North White Oak Civic Association. I am here to testify concerning: (1) the Site II Declaration of No Further Need, (2) the General Development Agreement for the Life Sciences Village project, and (3) the proposed White Oak Science Gateway Subdivision Staging Policy.

I would like to start by saying that our Association supports the overall goal of creating high-quality employment opportunities in our area. We support the general objectives of the White Oak Science Gateway (WOSG) Master Plan of facilitating job creating economic development opportunities in the White Oak and Hillandale communities. There are significant opportunities to promote economic development in these communities and we support Councilmember Navarro's amendment to the WOSG Master Plan to create a county office that would promote economic development in White Oak/Hillandale. We request that the council include funding in the FY 2016 budget to create and staff such an office.

With regard to the "declaration of no further need", we support Site II being used for the Life Sciences Village project. And with regard to the general development agreement, we would request the county ensure that commercial real estate development move forward concurrently with housing development and that this balance be enforced at each stage of development. To this end, we support council action to direct the planning board (and provide necessary funding) to begin and maintain an accurate, publicly accessible website tallying the status of the development projects in the WOSG plan area. Information should include jobs/housing/commercial approval numbers, links to development projects and CIP PDFs along with other pertinent information on the plan's implementation. This is similar to the kind of monitoring that is being done in other areas where the master plan has recently been revised, such as White Flint. We also recommend that the development of the Life Science Village achieve the full NADMS goal of 30% for commercial and residential and that the GDA provide the necessary remedies to meet the NADMS. Furthermore, since properties may be spun off, the continuation of the 30% NADMS requirements must run with the land and have substantial enforcement mechanisms.

We believe that neither the Life Sciences Village project nor any other development in White Oak should be allowed to proceed before infrastructure and transportation improvements have begun. Our association supports the efforts to create a BRT system along US 29 and New Hampshire Avenue and our association has two representatives on the recently created county task force to review BRT options along US 29. We are pleased that the County Council took action to create a White Oak Transportation Management District (WOTMD) and look forward to the WOTMD becoming operational

in FY 2016. To this end, we would request the Council appropriate the necessary monies in the FY 2016 budget to adequately fund the WOTMD.

With regard to the Subdivision Staging Policy (SSP) amendment, our association recognizes the difficulties that individual property owners face when they want to develop their properties in communities, such as White Oak, that currently suffer from heavy traffic congestion. We have heard concerns expressed by developers who believe they need to pay for costly local infrastructure improvements under LATR to mitigate existing traffic problems before their projects can move forward. The so-called LATR “background traffic” problem in areas like White Oak, led the county and planning board to create a working group to propose recommended revisions to the SSP to address this issue. The SSP working group began meeting several months ago and is expected to make recommendations later this year. We support this SSP working group in their efforts to make appropriate recommendations to address the LATR “background traffic” policy issue throughout the county. We have concerns that the White Oak SSP amendment attempts to address this problem on an “ad hoc” basis before the working group has fully considered the issues and makes a balanced and well thought out recommendation. For this reason, we oppose the Council’s enactment of the WO SSP amendment.

Should the council choose to move forward with WO SSP amendment we would concur with the following recommendations in the Hillandale Citizens Association’s testimony at this hearing:

- **Development densities may have to be lowered:** The WO SSP “pay and go” guarantees the density on any given property. But unfortunately, the WOSG plan did produce a fine grain look at the area required for a “pay and go” approach. The WOSG plan is an aggressive plan, based on densities beyond what is supportable by the local transportation infrastructure proposed. The operative planning assumption was that the existing Local Area Transportation Review (LATR) would manage the “density issue” with roadway constraints molding the final build-out. With a “pay and go” approach, the presumption is that all the density can be built with (yet-to-be specified) appropriate infrastructure. Hence, the modeling exercise proposed must be given the latitude to suggest changes to the zoning densities if an undesirable or dysfunctional intersection is required to handle the build out. Council should commit to approving any zoning changes necessary.
- **Quality and functionality of the proposed improvements will need vetting:** Very late in the master plan process, an HCM analysis of limited intersections was commissioned. The Hillandale Citizens Association’s testimony at this hearing illustrates this issue in its discussion of the New Hampshire and Powder Mill intersection analysis prepared by HCM. This modeling was not done using full-density. The analysis showed that even with the best intersection improvement that could be feasibly done (given existing constraints) the intersection would still be 20% above capacity. In addition, the right-of-way for

the planned median BRT system was not considered. Any infrastructure proposal must result in a reasonable outcome and provide a community-friendly, attractive result. Although the “pay and go” will not cost out the BRT system, any design proposals must include the right-of-way required for BRT or cycle tracks or other agency infrastructure projects.

- **NADMS needs to be strengthened:** Since approval of the plan, it is clear that the NADMS is a loose goal for each node in the plan. There is no requirement on a project-by-project basis; it is merely an area composite goal. Furthermore, MCDOT negotiates the TMAGs with input from MNCPPC. To achieve the NADMS goals, MC DOT needs additional authority, especially regarding residential development. It is critical to the success of the plan that NADMS outcomes line up with the plan’s goals.

- **Additional smaller capital improvements will be necessary:** Current LATR review of new development considers pedestrian and bike improvements within the general area. LATR is also the mechanism that provides relief for impacts to neighborhoods from new development traffic on small residential roadways. Some of our major roadways and connecting residential streets do not have sidewalks. Improved streetscaping is needed in the future to enhance the area. These needs are project specific and will be beyond the scope of “pay and go.” The Planning Board advised that this would be part of the regulatory review of any project through LATR. “Pay and go” does not have a mechanism for smaller, neighborhood focused improvements. Please consider applying Transportation Impact Tax payments to fund these smaller local improvements as developments come forward.

- **Monitoring and construction of improvements:** Given that the WOSG Transportation Management District has been authorized and the TMD will be preparing biennial reviews, consider providing additional County funding for MCDOT and M-NCPPC staff to provide biennial traffic monitoring of major intersections with actual traffic counts. Triggers for intersection improvements must be set and realized. Each node must have a stand-alone CIP to provide assurances that each area will be managed in a timely and fair method.

- **Impacts beyond WOSG area:** The “pay and go” does not address development transportation impacts beyond the WOSG plan area. Given the amount of density and the infrastructure deficit in the larger area, the County should plan on reviewing other nearby intersections outside the plan area. Montgomery should begin the conversation regarding the issue of Cherry Hill and Powder Mill with Prince George’s County and SHA and offer some contribution to resolving that intersection improvement. Retaining the Transportation Impact tax to address these sure-to-happen costs would be prudent.

- **DO NOT CREDIT “LATR Pay and Go” toward Transportation Impact Taxes:** Consistently through the planning process, it was assumed Transportation

Impact taxes would be assessed. Although the theory of the credit undoubtedly stems from current credits for developer-provided improvements, "pay and go" credits should not be given. This new scheme is reducing the cost of development applications and has the County shouldering more costs and risks of implementation. Credit would not be appropriate. Additionally, some large projects in the plan area are not in the "pay and go" bucket but will require significant County funds. Impact Taxes from the WOSG area (along with Impact Taxes from across the County) would be well used here. And it should be noted that existing exemptions from Transportation Impact Taxes include Bio-Science uses and Hospitals. Crediting Impact Taxes would potentially incentivize residential construction.

Respectfully submitted by:

Barry Wides
President, North White Oak Civic Association
11803 Ithica Drive
Silver Spring, MD 20904
www.northwhiteoakcivic.com



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MCCF Comments on Subdivision Staging Policy Amendment (SSP) #14-02, White Oak Local Area Transportation Review. PHED Item 1, March 23, 2015

The Montgomery County Civic Federation represents member civic and homeowners associations from all over the County including from White Oak, Burnt Mills and Hillandale which are neighborhoods directly affected by decisions regarding Local Area Transportation Review implementation in the WOSG Plan area. The MCCF Planning and Land Use Committee provided previous comments on October 7 on the previous SSP amendment proposal.

While the WOSG plan was being developed, the planners' general recommendations, density recommendations and transportation modeling were based on assumptions that there would be staging of development and infrastructure, that the Local Area Traffic Review would be used for each development project, and that the 2014 TPAR standards would be used. Residents in surrounding communities expressed great concern about the unprecedented size of the plan given the current conditions on surrounding roads during peak periods, but were reassured by the planners that these planning tools used in the rest of the County would help ensure that infrastructure keeps pace with development and that there would be ongoing monitoring of implementation of the infrastructure and development.

The final plan approved by Council did not include staging, increased the congestion standards to 1,600 CLV and changed NADMS **requirements** to NADMS **goals**. Changes to the proposed plan also included classifying the area as Urban, a designation previously used for areas around Metro Stations. In addition, based on the first application submitted (Spectrum) as well as the material terms and conditions of the proposed General Development Agreement between Percontee and the County, it appears that the majority of development will be residential, not commercial, thereby decreasing the number of jobs per household instead of improving the jobs/housing ratio. The significant increase in residential development will put additional pressure on surrounding infrastructure.

Following a discussion of these issues at our March 9, 2015 membership meeting, our membership voted unanimously to support a request received from residents in White Oak to:

1. Request that the Council require that the Planning Department establish a mechanism to track development under this Plan as has been done in other areas of the County. Unlike other recent plans such as White Flint, Great Seneca, and Chevy Chase Lake, which track the status of development projects, this Plan does not have such a tracking mechanism set up, even though this Plan is larger than any of the other previously mentioned plans. We request that the Council require that the Planning Department maintain an accurate, publicly accessible website tallying the status of the development projects in the WOSG plan area along with NADMS status for each project.
2. We request that the SSP issues be addressed comprehensively when the Council revises the SSP for the entire County in 2016. The Traffic Impact Study Working Group under the direction of Planning Supervisor, Mr. Eric Graye's is just at the initial stages and will be looking at refinements of LATR. We request that the group be allowed to finish before yet another amendment is made to the SSP just for White Oak, which was just amended 6 months ago. We support an initial comprehensive study such as one proposed by MCDOT. We look forward to seeing the details of the scope of that study and then to reviewing the results of the study. Following the completion of the study, any changes to the SSP could be considered. The current proposal to approve an SSP amendment based on a study that has not yet been scoped or begun is premature.

The Civic Federation, therefore, respectfully urges County Council members to not approve SSP 14-02 as proposed.

Thank you for considering our views.

Greater Colesville Citizens Association
PO Box 4087
Colesville, MD 20914
March 15, 2015

Montgomery County Council
Planning, Housing, and Economic Development Committee
Attn: Councilmember Nancy Floreen, Chair
100 Maryland Ave
Rockville, MD 20850

Montgomery County Planning Board
Attn: Casey Anderson, Chair
8787 Georgia Ave
Silver Spring, MD 20910

Re Subdivision Staging Policy Amendment 14-02.

Dear PHED Committee Member and Planning Board Member:

The Greater Colesville Citizens Association (GCCA) supports the Subdivision Staging Policy (SSP) Amendment 14-02 change proposed by the Planning Board Chairman last fall. We also support the refined change from Councilmember Floreen as recorded in the Glenn Orlin memo of February 5, 2015. We however think additional changes are needed as identified below. We furthermore don't want to delay the County's effort to finalize the General Development Agreement (GDA) with Percontee for Site II and Life Science Village. Therefore, it may be better to consider these additional changes during the regularly scheduled update to the SSP rather than as part of this amendment.

GCCA and a majority of the citizens in eastern Montgomery County want economic development to occur now as defined in the White Oak Science Gateway Master Plan (WOSG MP) and these additional SSP changes support that goal. Development has passed our part of the county by for the last 30 years and as a result we have been negatively impacted. We now have a window of opportunity with business changes being driven by the Food and Drug Administration (FDA) and the partnership between the County and Percontee to build the Life Science Village. If we don't act now, I fear the development will just go to Prince George's County and Konterra. Montgomery County will lose in two ways: loss of tax revenue needed to pay for desired services and increased traffic because people will need to drive further and the Life Science Center will not be a destination for removing traffic from US29.

In addition, GCCA and a majority of citizens in eastern Montgomery County don't want increased road congestion. To us, the approved Transit Master Plan with its 10 Bus Rapid Transit (BRT) corridors and related restructure of local bus service will keep congestion from getting worse and we think reduce it, even with all the proposed development. The Corridor Advisory Committee (CAC) for US29 has gotten underway and the results are projected to be available in the summer of 2016.

For 25 years I have been participating in processes dealing with the adequacy of public facilities. These processes have largely been attempting to pace development. More significant changes are needed since this basic approach has not worked. Albert Einstein said that "Insanity is doing the same thing over and over again and expecting different results." We have been doing the same thing over and over and expecting different results. A more radical change is needed. Approval of the two master plans

constitutes two of the needed changes. In addition, changes are needed to the SSP as defined below and a method of funding BRT is needed. We believe that if the Planning Board and Council continue to make the needed changes that BRT will be operational on US29 within four years, which is more or less when the first phases of the Life Science Village will be occupied and when the new Adventist Hospital will open.

The revised SSP process would:

1. Allow economic development to proceed. Our current process slows economic development and hinders it so much that it is all too often taken elsewhere. Developers need to be assured they can get through the process in a timely manner. The economic development will provide jobs which then lead to increased tax revenue. The tax revenue is needed to limit taxes on residents and to provide funds for the many services we want.
2. Apply only where there are major transit corridors, either existing or expected within the next six or so years. The major transit corridors are Metrorail, Purple Line, CCT, and BRT corridors under study.
3. Provide an economic incentive for developers and property owners to encourage employees to use non-auto driver mode forms of travel – transit, walk, bike, car-pool, telework etc. Non-auto drive mode share (NADMS) goals should be placed on all new non-residential development. NADMS goals could be applied to residential development if a process can be developed to regulate it. The idea is to apply non-residential NADMS goals for a long period of time, say 30 years. An annual fee would be charged based upon the level of NADMS achieved. Each Master Plan (or SSP) would establish a NADMS goal. If that goal is not met based upon reports and measurements every year or two, the fee would increase. If the goal is exceeded by a significant amount (say 20% or 40%), then the fee would be reduced. Attached is a possible regulatory framework for addressing these NADMS concepts
4. Would be modified to implement a pay and go method. The new process would combine four current transportation payments or costs: LATR, TPAR, Impact Tax and traffic studies (see below). Since the NADMS fee would apply for a long time, the upfront charge would need to be reduced so as not to increase the total cost to the developer, as adjusted by the time value on money. The upfront funds would be used to provide capital funding while annual fees would be used to help pay for the operating expenses. By spreading out the cost to the developer, his upfront borrowing cost would be lower. This lower upfront cost should mean that the recurring cost to the eventual property owner would be less. This lower cost would then allow the NADMS fee to be charged without increasing the overall leasing cost.
5. Would eliminate the traffic studies now undertaken by developers for off-site conditions. Except for roads, few changes in a county-developed plan would be undertaken, even for large projects. Even for roads where turn-lanes and the like would be justified, those decisions would better be undertaken comprehensively and then only when sufficient development had been approved or traffic conditions justified them. It doesn't make sense to require small developers to undertake the studies since the results rarely show any changes are justified. Why require developers to spend money to pay for studies and the county to expend resources to review study results?
 - The developer would still be required to address on-site traffic and off-site access required to reach the nearby major road(s). In White Oak, for example, access to Cherry Hill Road and US29 would be the responsibility of Percontee. The state and county would be responsible for major roads and transit. In White Oak, that would include US29 interchanges, Old Columbia Pike and BRT.

- The county would use the funds collected in item 4 to design and construct any local road improvements as well as sidewalk, bike and incremental local bus improvements. Any extra funds would be used to help pay for BRT. As time progresses and more and more people use more non-auto drive forms of transportation, less and less changes to the local roads will be needed.
- The County would normally undertake studies of local transportation to identify needed changes and then only when traffic conditions warrant or when enough new development had been approved. Normally, the studies would be based upon plans the Planning Board had approved. The study for the White Oak Life Science Village activity center could be done concurrent with developing the plan for the Village if done by the Percontee/County partnership – both the development plan and local off-site transportation plan would be developed together by the same team. We understand Montgomery County Department of Transportation is developing a cost estimate for use with the GDA but we are concerned that it will include more change than actually is needed. A study should be undertaken after the GDA is approved, and it should assume different levels of NADMS to determine how much road changes are needed.
- We envision the studies and construction efforts would be submitted to the Council as CIP projects and once approved, acted upon in the next fiscal year. To minimize impact on existing residents and employees, these efforts need to be undertaken quickly. Hopefully, the funds collected will be sufficient to pay for the studies and improvements. We agree that until this process can get going, county funds will be needed.

Many people feel that our roads are congested, we have too much pollution, and substantial changes are needed to address global warming. We hear many people wanting to continue to use the existing processes, which is the logic that they know for addressing these problems. Einstein also said that “logic will get you from A to B while Imagination will take you everywhere.” Imagination is needed with the changes proposed. We need to move beyond the current SSP processes. The proposal put forth above is not perfect. Discussion and resulting refinement will improve it. Even then, we will find aspects of it that will need to be adjusted, once it is implemented. Changes can always be made based upon lessons learned. We encourage you to support and approve this new approach.

Sincerely

Daniel L. Wilhelm
GCCA President

Attachment 1. Possible Regulatory Framework for NADMS

1. Applicability

This proposal would will apply to proposed development within 2.5 miles of the major transit corridors (or maybe stations). This distance is too far for walking but it is envisioned that local buses will operate in this area as local feeder buses.

2. Non- Auto Driver Mode Share (NADMS) and Rate Schedules

The County is largely built out and as a result it is hard to build new roads or widen existing roads since the cost of acquiring the right-of-way would be prohibitively expensive and raise controversy among existing residents/businesses. It is possible to widen a few select roads and make limited intersection improvements but such measures will not come close to addressing existing road congestion or providing the people moving capacity needed to support future development. *That leaves major transit as the only real solution.* Of the major transit options, BRT is the most cost effective and will disrupt existing communities the least. The proposed BRT will make extensive use of existing roads and rights-of-way and only small amounts of land will be taken in select areas.

To address existing congestion and to be able to move people associated with new development, public transit must be provided and people must be encouraged to use it. To be most effective, programs are needed to encourage use of transit. The goal is to increase the NADMS. In office, industrial and retail areas, the developer and businesses who occupy the new development are the best ones to encourage their employees to use BRT, telework, car-pool and other non-auto modes. Measures are also available to encourage people in residential areas to use transit.

Only a few master plans presently have a NADMS goal. Where such a goal doesn't exist, the proposal is to use the White Oak Science Gateway (WOSG) Master Plan (MP) goals – 25% for small developments and 30% for larger development as the default. Where a master plan has a higher NADMS goals, fee schedules would be developed for them.

Transit by its very nature rarely completely pays for itself. Thus there is a capital cost component to build the capability and an operational cost component. The proposed alternative would substantially lower the existing up-front fee and add an annual fee that would run for an extended period of time – say 30 years.

In the past, some developers have been unable to meet their NADMS goal. The proposed way to address this situation is to charge higher rates if they don't achieve their goal. On the other hand, if a developer or business is able to exceed their goal, they should be provided an incentive to do so by using a lower rate.

A series of rate schedules is proposed to address the above situations. Table 2 is the upfront fee schedule which would be split so that half is collected at the time the building permit is issued and the other half when the use and occupancy permit is issued. Table 3 is the annual recurring tax that would be collected on the tax bill. The up-front cost would be based upon the cost to the developer to

construct and occupy the project. The annual cost would be based upon the assessed value and so would be adjusted every three years with each new assessment.

Table 2. Up-Front Fee (based upon cost of the development)

Development Type	Schedule 1 (meet NADMS) 25% or 30%	Schedule 2 (Fail to meet NADMS) <24% or <28%	Schedule 3 (Exceed NADMS by >25%) >31% or >37%	Schedule 3 (Exceed NADMS by >50%) >37% or >45%
General Office	A*cost	1.5*schedule 1	0.9*schedule 1	0.8*schedule 1
Industrial	B*cost	1.5*schedule 1	0.9*schedule 1	0.8*schedule 1
Retail	C*cost	1.5*schedule 1	0.9*schedule 1	0.8*schedule 1
Labs	D*cost	1.5*schedule 1	0.9*schedule 1	0.8*schedule 1
Single Family Detached	E*cost	1.5*schedule 1	0.9*schedule 1	0.8*schedule 1
Single Family Attached	F*cost	1.5*schedule 1	0.9*schedule 1	0.8*schedule 1
Multi-family (<5 stories Without structured parking	G*cost	1.5*schedule 1	0.9*schedule 1	0.8*schedule 1
High Rise (≥5 stories with structured parking	H*cost	1.5*schedule 1	0.9*schedule 1	0.8*schedule 1

Exempt from the above: Gov't, education facilities (colleges and private schools) for students but not employees, hospitals for patients but not for employees, affordable housing, and places of worship

Table 3 Annual Fee (based upon the assessed value)

Development Type	Schedule 4 (meet NADMS) 25% or 30%	Schedule 5 (Fail to meet NADMS) <24% or <28%	Schedule 6 (Exceed NADMS by >25%) >31% or >37%	Schedule 7 (Exceed NADMS by >50%) >37% or >45%
General Office	M*Value	1.5*Schedule 4	0.9*Schedule 4	0.8*Schedule 4
Industrial	N* Value	1.5*Schedule 4	0.9*Schedule 4	0.8*Schedule 4
Retail	P* Value	1.5*Schedule 4	0.9*Schedule 4	0.8*Schedule 4
Labs	Q *Value	1.5*Schedule 4	0.9*Schedule 4	0.8*Schedule 4
Single Family Detached	R *Value	1.5*Schedule 4	0.9*Schedule 4	0.8*Schedule 4
Single Family Attached	S* Value	1.5*Schedule 4	0.9*Schedule 4	0.8*Schedule 4
Multi-family (<5 stories Without structured parking	T* Value	1.5*Schedule 4	0.9*Schedule 4	0.8*Schedule 4
High Rise (≥5 stories with structured parking	U*Value	1.5*Schedule 4	0.9*Schedule 4	0.8*Schedule 4

Exempt from the above: Gov't, education facilities (colleges and private schools) for students but not employees, hospitals for patients but not for employees, affordable housing, and places of worship

Table 2 is set up to handle multiple-phased projects. For a single-phased project, Schedule 1 would apply and the NADMS goal needs to be achieved at the end of the project. If that goal is achieved, then Schedule 4 (Table 3) would apply for the recurring changes. If the NADMS goal is not meet, then Schedule 5 would apply. If the NADMS goal is exceeded by 25% or 50%, then Schedules 6 or 7 would apply. The annual recurring schedule would be adjusted based upon annual or biannual NADMS measurements.

During the build-out of a multi-phased project, the NADMS goals will be phased in as shown in Table 4. The phases will need to be divided into approximately equal sizes. The degree to which the NADMS goal for each phase is achieved will affect the upfront payment for the next phase based upon Table 2. Once buildings within a phase receive a use and occupancy permit, the annual payment will start a year later. The decision of which Table 3 schedule to use before final build-out will be based upon the values in Table 4, not the column heading in Table 3.

Table 4 NADMS Goal Attachment for Multi-Phased Projects

<u>Phase</u>	<u>Two Phased Project</u>	<u>Three Phased Project</u>	<u>Four Phased Project</u>	<u>Five Phased Project</u>	<u>Six Phased Project</u>
<u>1</u>	<u>45%</u>	<u>30%</u>	<u>20%</u>	<u>15%</u>	<u>10%</u>
<u>2</u>	<u>100%</u>	<u>60%</u>	<u>45%</u>	<u>35%</u>	<u>26%</u>
<u>3</u>	<u>N/A</u>	<u>100%</u>	<u>75%</u>	<u>55%</u>	<u>42%</u>
<u>4</u>	<u>N/A</u>	<u>N/A</u>	<u>100%</u>	<u>75%</u>	<u>60%</u>
<u>5</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>100%</u>	<u>80%</u>
<u>6</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>100%</u>

Orlin, Glenn

From: Downie, Brian <Brian.Downie@bfsaulco.com>
Sent: Wednesday, March 18, 2015 4:11 PM
To: Orlin, Glenn
Cc: Floreen's Office, Councilmember
Subject: SSP Amendment #14-02

Glenn,

Here are Saul's comments on Councilmember Floreen's alternative to SSP Amendment #14-02. We think that Councilmember Floreen has proposed the framework for a very viable alternative, and we would be very pleased with any opportunity to continue to work on this alternative.

1. Our understanding is that this alternative proposes a mechanism for calculating and collecting a fee/new trip from new development in the White Oak Science Gateway plan area. The obligation for this fee/new trip should apply to all new development and all redevelopment. The fee/new trip should be the same for all types of development.
2. Existing developments should receive full credit for existing trips. The fee/new trip should apply only to net new projected trips (in excess of existing). The determination of projected trips should adjust for NADMS goals, pass-by trips, diverted trips, etc. What would be the mechanism for determining projected new trips by a proposed development?
3. It's not clear whether, or to what extent, the consolidated study could (or should) look beyond the limits of the White Oak Science Gateway plan area, for example, at how new developments inside the plan area would impact roads outside the plan area, at how new developments outside the plan area would impact roads inside the plan area, at how growth in Howard County commuter traffic would impact roads in the plan area. This issue seems relevant to a fair determination of the denominator (total trips) and the numerator (what proportions of which components are included in the projected costs).
4. Will the consolidated study assume construction of the Stewart and Tech/Industrial interchanges, both BRT lines, and the connection and widening of Old Columbia Pike? It seems that the study should, in order to fairly identify the components of the White Oak Local Area Transportation Improvement Program. A related point: there may be other road improvements that should be added to the list of improvements not included in the components. For example, where a new development would, by itself, require substantial new off-site road infrastructure for access between existing major roads and that development, it seems that this infrastructure should not be a component of the Local Area Transportation Improvement Program. This situation might arise, for example, in the area north of FDA and Paint Branch.
5. What would be the process for determining the required site-specific access improvements (curb cut locations, left-turn and right-turn lanes, signalization)?
6. If, for example, a development triggers the need for an off-site intersection improvement, would the County be committed to constructing that improvement within a certain time frame? More broadly, what would be the County's commitment either to apply collected funds or to forward funds to construct component improvements identified by a consolidated study?
7. We assume that the Program and fee, once established, could only be amended after another consolidated study has been performed.

Please feel free to contact me if you have any questions. Thanks for this opportunity to submit comments.

Brian T. Downie
Senior Vice President, Development
Saul Centers, Inc.
7501 Wisconsin Avenue
Suite 1500E
Bethesda, Maryland 20814
O: 301/986-6122
F: 301/986-6023

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Sec. 52-59. Transportation Mitigation Payment.

(a) In addition to the tax due under this Article, an applicant for a building permit for any building on which an impact tax is imposed under this Article must pay to the Department of Finance a Transportation Mitigation Payment if that building was included in a preliminary plan of subdivision that was approved under the Transportation Mitigation Payment provisions in the County Subdivision Staging Policy.

(b) The amount of the Payment for each building must be calculated by multiplying the Payment rate by the total peak hour trips generated by the development.

(c) The Payment rate must be set by Council resolution, including a resolution that amends the Subdivision Staging Policy. The Director of Finance must adjust the then-applicable Payment rate as of July 1 of 2015 and each later odd-numbered year by the annual average increase or decrease in a published construction cost index specified by regulation for the two most recent calendar years to the nearest multiple of \$10. The Director must publish the amount of this adjustment in the County Register not later than May 1 of each odd numbered year. The Council by resolution, after a public hearing advertised at least 15 days in advance, may increase or decrease the Payment rate or set different rates for different types of development.

(d) The Payment must be paid at the same time and in the same manner as the tax under this Article, and is subject to all provisions of this Article for administering and collecting the tax.

(e) 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 in the area where the development for which the funds were paid is located. (2010 L.M.C., ch. 44, § 1; 2012 L.M.C., ch. 28, § 1.)

Editor's note—2012 L.M.C., ch. 28, § 4, states: Transition. Any amendment to County Code Section 52- 59 made in Section 1 of this Act does not affect any payment paid, or required to be paid, under Section 52-59 before it was so amended. Any such payment that was not paid, or was not due to be paid, before January 1, 2013, must be paid as if Section 52-59 had not been so amended.

2011 L.M.C., ch. 19, § 2, states, in part: The payment date for the development impact tax imposed under Articles VII and XII of Chapter 52, as amended by Section 1 of this Act, applies to any building for which an application for a building permit is filed on or after that date. The payment date for the Transportation Mitigation Payment and School Facilities Payment, imposed respectively under Section 52-59 and 52-94, apply to any Payment required on or after that date.

Former § 52-59, "Methodology to determine impact tax districts," which was derived from 1986 L.M.C., ch. 54, § 1; 1989 L.M.C., ch. 17, § 1; 1990 L.M.C., ch. 40, § 1; 2001 L.M.C., ch. 10, § 1, was repealed by 2002 L.M.C., ch. 4, § 1.

Note-Formerly, § 49A-14.

Sec. 52-94. School Facilities Payment.

(a) In addition to the tax due under this Article, an applicant for a building permit for any building on which a tax is imposed under this Article must pay to the Department of Finance a School Facilities Payment if that building was included in a preliminary plan of subdivision that was approved under the School Facilities Payment provisions in the County Subdivision Staging Policy.

(b) The amount of the Payment for each building must be calculated by multiplying the Payment rate by the latest per-unit student yield ratio for any level of school found to be inadequate for the purposes of imposing the School Facilities Payment in the applicable Subdivision Staging Policy and for that type of dwelling unit and geographic area issued by MCPS.

(c) The Payment rates must be set by Council resolution. The Director of Finance must adjust the then-applicable Payment rates as of July 1 of 2015 and each later odd-numbered year, based on the construction cost of a student seat for each school level as certified by the Superintendent of Montgomery County Public Schools for the two most recent calendar years, to the nearest multiple of \$10. The Director must publish the amount of this adjustment in the County Register not later than May 1 of each odd-numbered year. The Council by resolution, after a public hearing advertised at least 15 days in advance, may increase or decrease the Payment rate or set different rates for different types of housing unit.

(d) The Payment must be paid at the same time and in the same manner as the tax under this Article, and is subject to all provisions of this Article for administering and collecting the tax.

(e) The Department of Finance must retain funds collected under this Section in an account to be appropriated for MCPS capital improvements that result in added student capacity for, to the extent possible, the affected grade level in the school cluster, or, if no cluster is established, another geographic administrative area, where the development for which the funds were paid is located.. (2003 L.M.C., ch. 26, § 1; 2007 L.M.C., ch. 16, § 1; 2010 L.M.C., ch. 35, § 2; 2012 L.M.C., ch. 28, § 2.)

Resolution No: _____
Introduced: September 16, 2014
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Floreen

SUBJECT: Amendment to the 2012-2016 Subdivision Staging Policy regarding the White Oak Policy Area

Background

1. On July 29, 2014 the County Council approved Resolution 17-1203, amending 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.

Action

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

The 2012-2016 Subdivision Staging Policy is amended, effective January 1, 2016, as follows:

* * *

TL Local Area Transportation Review (LATR)

* * *

TL4 Unique Policy Area Issues

* * *

TL4.7 White Oak [[Science Gateway Master Plan]] Policy Area

[[In the White Oak Science Gateway Policy Area, as used in TL Local Area Transportation Review, background traffic must be calculated as only approved but unbuilt development for which a building permit has been issued.]] 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 serve (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.
- (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.

* * *

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

MEMORANDUM

March 20, 2015

TO: Planning, Housing, and Economic Development Committee

FROM: ⁶⁰ Glenn Orlin, Deputy Council Administrator

SUBJECT: **Addendum**—Subdivision Staging Policy (SSP) Amendment #14-02, White Oak Policy Area Local Area Transportation Review (LATR)

After the main packet for this item was published, the Council received comments from the Duffie Companies regarding the proposed SSP amendment (attached as ©36-37). Some of the comments are the same as those from the Saul Centers. Those that are not are addressed below:

1. Developments should retain the choice of paying the LATR fee or following the current LATR rules.
If offered a choice, a developer naturally will select the option that minimizes his costs and risks. The proposal before the Committee would establish a regime where all developments are to pay a proportional share of the improvements according to the vehicle trips they would generate. If a development, given the circumstances of the intersections nearby, could meet the current LATR requirements at a lower per-trip cost, then the LATR fee on all other developments would increase by some amount. If, alternatively, the LATR is not raised on all other developments, then the difference would have to be made up by general revenues. Neither result is a positive one. Therefore, if the proposal is approved, it should do so without an opt-out.
2. NADMS cannot be measured on a project by project basis.
NADMS can be measured on a project-by-project basis, especially for employment sites. TMDs have surveyed companies and reported what their NADMS performance has been. The census and other household surveys have been conducted to determine the mode share for residences.
3. Projects should be accountable for compliance with carrying out the traffic mitigation measures they implement, not with satisfying NADMS goals.
Each development required to develop a TMag does so with the expectation it is doing so to meet a specific trip reduction requirement stipulated as a condition of its subdivision approval. If the initial set of measures are not working, it is incumbent on the development, working with the County and Planning staffs, to come up with other means to meet the trip reduction requirement.

THE DUFFIE COMPANIES

1701 Elton Road, Silver Spring, MD 20903

Phone: 301 434-3040 Fax: 301 434-3854

VIA E-Mail

March 20th, 2015

Members of the PHED Committee
Attn: Committee Chair
100 Maryland Ave, Rockville, MD 20850

Re: Subdivision Staging Policy Amendment #14-02 - White Oak

Dear PHED Committee Chair Floreen and PHED Committee Members:

I write you today on behalf of The Duffie Companies and the Duffie family in support of the latest approach to Subdivision Staging. Specifically we are supportive of the concept of the implementation of what might be referred to as a "road club" among developers of new projects within the policy area. We do have several items which we think deserve particular focus.

- Credits for Existing Trips - Existing developments should receive full credit for existing trips. Any new fees should apply only to net new projected trips (in excess of existing).
- Flexibility to Install Infrastructure – As is the case currently under LATR, the developer has the option to physically build required improvements and receive a credit for such expense. We would respectfully request that the Council maintain this degree of flexibility within the new framework. Specifically, if a developer would like to make needed physical improvements (rather than contributing funds and thereafter waiting for the County to program those same improvements) the Developer should have this as an option and receive a dollar for dollar credit of the actual cost of the improvement against this new fee. Should a developer within a node choose to exercise this option, the community, County, and developer would all benefit by the immediate improvement to the transportation network.
- Infrastructure Credits within Nodes - It may be the case (and desirable) that projects work together within a node to make physical improvements under the option above (e.g. two projects within Hillandale want to make necessary improvements to Powder Mill Road), in such a case, if one project installs improvements to add capacity beyond what may be needed, then a credit should exist for use either by that project for future phases or, with agreement between developers, among other projects within the node.
- NADMS – First, globally, we have some concern that NADMS should not (and probably can not) be realistically or accurately measured on a project by project basis. Even a cursory study of NADMS reveals that it is most typically applied across a citywide transportation network not to individual buildings (see http://en.wikipedia.org/wiki/Modal_share)? We think there needs to be some clarification as to how NADMS measurements are conducted especially on mixed use project.

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- The Premise of NADMS - Any project's ability to achieve the worthy NADMS goals set forth within the Master Plan will require the successful implementation of at least three components.
 - Incentive - Efforts on behalf of individual projects to encourage the use of alternative means of transportation;
 - Options - The successful investment in and implementation of a transit network which actually provides options other than cars; and
 - People - The community's willingness to accept both the incentives provided by projects and the alternative transportation system largely implemented by the County.

As to incentive, we would advocate an approach where ALL new projects are required to create and agree to be bound by a Transportation Management Agreement. A model TMA could be developed in coordination with the newly created White Oak Transportation Management District. Each project should be held accountable for compliance with and continued satisfaction of the *measures* identified within their TMA (e.g. the provision of bus passes, distribution of ride-share literature, installation and maintenance of bicycle facilities, etc...). Enforcement of these agreements would not pose new challenges as this type of agreement is already enforced within the County as part of existing site plan enforcement mechanisms. The key we believe is for projects to be held accountable for the critical component of NADMS which they control, namely the creation of measures which incentivize, not satisfaction of the goal itself. In addition to the creation of these incentives, it will also take the availability of actual transit options (e.g. BRT) and buy in of the community if the goal is to be achieved. If one agrees with the premise that it will take at least three components to achieve NADMS goals, then it would seem illogical to expect individual projects to have the capability of shouldering the full burden.

Thank you for your continued efforts toward solving these challenging issues and we look forward to participating in the process.

Respectfully,



Shane Pollin
Director of Development
Ralph J. Duffie, Inc.

cc: Glenn Orlin; Planning Board Director Gwen Wright; Planning Board Chair Casey Anderson, Nancy Sturgeon, Eric Graye, Greg Ossont, William Kominers, Rebecca Walker, Shahriar Etemadi.