

MEMORANDUM

October 17, 2016

TO: Planning, Housing, and Economic Development Committee
FROM: Glenn Orlin, Deputy Council Administrator
SUBJECT: 2016-2020 Subdivision Staging Policy (SSP): Committee recommendations

Please bring to this worksession the SSP Report and Appendix, and the SSP packets for September 19, September 26, October 10, and October 17.

Below are the issues for which the Committee should attempt to make recommendations. Under each issue the option in *italics* represents the existing rule. Support is shown in (parentheses).

I. SCHOOL TEST

1. Threshold for moratorium in a cluster
 - a. *120% of program capacity at any level* (Planning Bd., Exec, Council staff, MCCC, developers)
 - b. 115% of program capacity at any level (Council staff's secondary recommendation)
 - c. 110% of program capacity at any level (BOE, MCCPTA, civic groups)
 - d. Other

2. Threshold for school facility payment in a cluster-level
 - a. *105% of program capacity at any cluster-level* (Planning Bd., MCCC, developers)
 - b. 100% of program capacity at any cluster-level (Exec, BOE, MCCPTA¹, Council staff², civic groups)
 - c. Eliminate school facility payment test and payment (CP Floreen, MCCPTA, Council staff)
 - d. Other

¹ Unless the school facility payment and its test are eliminated in return for raising school impact taxes 20% over the Planning Board's recommendations.

² Unless the school facility payment and its test are eliminated.

3. Threshold for moratorium in an individual school service area
 - a. *No individual school test* (Exec³, Council staff, GBCC, developers)
 - b. 120% of program capacity and a deficit exceeding 110 seats at an ES or 180 seats at a MS (Planning Bd., BOE, MCCPTA, MCCF, CBAR, Chevy Chase, CCCFH)
 - c. Other

4. Threshold for school facility payment in an individual school service area
 - a. *No individual school test* (Exec, Council staff, developers)
 - b. A deficit exceeding between 92-110 seats at an ES or 150-180 seats at a MS (Planning Bd., BOE, MCCPTA, MCCF, GCCA, Chevy Chase, CCCFH)
 - c. Other

5. Limits on placeholder (“solution”) projects in the CIP
 - a. *Continue the Council’s practice to program a placeholder project when a cluster-level will exceed 120% of program capacity and a solution is being prepared by MCPS* (Exec, MCCPTA, GBCC, Council staff)
 - b. Limit the Council’s use of placeholder projects to 2 years (Planning Bd., BOE, MCCF, GCCA, CCCFH)
 - c. Other

6. School facility payment rates
 - a. *Current rates - see Table 22 on p. 50 of the SSP Report*
 - b. Planning Board’s proposed rates - see Table 22 (Planning Bd., BOE, Exec, Council staff, developers)
 - c. 50% higher than the Planning Board’s proposed rates (MCCPTA, several individuals)

7. Where school facility payment revenue may be spent
 - a. *In the same cluster that generated the fee requirement, unless a project in a neighboring cluster solves the problem that generated the fee requirement* (Planning Bd., MCCC, GBCC, Council staff)
 - b. Anywhere in the county (BOE, Exec⁴)
 - c. Other

8. Regular updates to the school facility payment rates
 - a. *No regular update.*
 - b. Biennially in July of odd-numbered years, based on changes reported by MCPS in construction cost/student and the student generation rate by type of household (Planning Bd., Exec, BOE, Council staff)
 - c. Other

9. Limit on regular updates to the school facility payment rates
 - a. *No limit to the change due to the biennial update* (MCCPTA, Council staff)
 - b. Limit any increase or decrease to 5% (Planning Bd., BOE, GCCA, developers)
 - c. Other

³ Except in certain circumstances.

⁴ If deemed legal to do so.

II. TRANSPORTATION TEST

1. Policy area transportation test
 - a. *TPAR* (CCCFH⁵)
 - b. New test based on pace of improvement in transit accessibility (Planning Bd., DOT, GCCA, ACT)
 - c. Eliminate the policy area review test (CP Floreen, Council staff)
 - d. Other
2. Exempt Metro Station Policy Areas (“Red” areas) from the transit accessibility test
 - a. Yes (Planning Bd., MCCC, Chevy Chase, developers)
 - b. No⁶ (Council staff)
3. Categories of policy areas
 - a. Classify policy areas as Red, Orange, Yellow, or Green as shown on p. 20 of the SSP Report; create new policy areas for Chevy Chase Lake, Long Branch, and Takoma/Langley (Planning Bd., MCCC)
 - b. Agree with (a), except to create a Clarksburg Town Center policy area and place it in the Orange group, and to place the balance of the Clarksburg policy area in the Yellow rather than Orange group (Planning staff, Council staff)
 - c. Agree with (a), except to place Fairland/Colesville, Montgomery Village/Airpark, and Germantown East in the Orange rather than Yellow group (GCCA)
 - d. Other
4. BRT routes assumed in Year 2040 scenario for the transit accessibility test
 - a. No BRT routes assumed (except the CCT), as shown in the region’s Constrained Long Range Plan (Planning Bd.’s initial proposal)
 - b. Assume in the Year 2040 scenario the CCT and the master-planned BRT routes on US 29, MD 355, Veirs Mill Road, and New Hampshire Avenue, and the North Bethesda Transitway (Planning Bd.’s recent position, DOT, Council staff)
 - c. Other
5. Mitigation payments for the transit accessibility test
 - a. If a policy area reaches 30-40% of the 2040 transit accessibility goal by 2025, the mitigation payment is 15% of the applicable impact tax; if it reaches less than 30%, the payment is 25% of the applicable impact tax (Planning Bd.)
 - b. If a policy area reaches 30-40% of the 2040 transit accessibility goal by 2025, the mitigation payment is 25% of the applicable impact tax; if it reaches less than 30%, the payment is 50% of the applicable impact tax (Council staff)
 - c. Other

⁵ Specifically, the Citizens Coordinating Committee on Friendship Heights is opposed to replacing *TPAR* with the proposed transit accessibility test.

⁶ However, none of MSPAs areas would currently be subject to a mitigation payment.

6. Applying the transit accessibility test to Metro Station (Red) policy areas
 - a. No (Planning Bd.)
 - b. Yes – although under current conditions no Red area would be subject to a mitigation payment (Council staff)
7. Updating the transit accessibility test findings
 - a. Every 4 years, as part of the regular SSP update (Council staff)
 - b. Other
8. Continue an LATR test, generally
 - a. Yes (Planning Bd., Exec, Council staff, civic groups)
 - b. No (CP Floreen)
9. Applying LATR to development in Red areas
 - a. Yes, just as elsewhere (MCCF, Chevy Chase, CBAR)
 - b. Only to developments larger than 750,000sf (Planning Bd., DOT)
 - c. Only to developments large enough that the LATR study scope would include intersections that are “gateways” to Red areas (Council staff)
 - d. No (CSG)
 - e. Other
10. Future LATR test
 - a. Apply the White Oak model to MSPAs: a comprehensive LATR with proportional cost sharing (Planning Bd., DOT, GBCC)
 - b. Same as (a), except to expand the White Oak model to other non-rural policy areas in the longer term (Council staff)
 - c. Other
11. Threshold for exempting a development from the LATR traffic study
 - a. Less than 30 peak-hour vehicle trips (civic groups)
 - b. Less than 50 peak-hour person trips (Planning Bd., Council staff)
 - c. Other
12. LATR standard for Clarksburg Town Center policy area
 - a. 1,425 CLV, as part of the current Clarksburg policy area (Planning Bd.)
 - b. 1,500 CLV, or 0.94 volume/capacity under the HCM method (Planning staff, Council staff)
 - c. Other
13. Threshold for using CLV method rather than HCM or traffic flow models in LATR
 - a. 1,600 CLV (1.0 volume/capacity)
 - b. Vary by policy area, according to its LATR standard (Planning Bd.)
 - c. 1,350 CLV (Planning staff and Council staff)
 - d. Do not use CLV at all (Brian Krantz, several other individuals)
 - e. Other

14. Pedestrian system adequacy LATR test
 - a. *No test*
 - b. Measure adequacy using pedestrian crosswalk delay, fix sidewalk deficiencies with 500 feet of the development's boundary, and apply this test for developments generating 50 or more peak-hour pedestrian/bicycle trips; define test in the Planning Board's LATR Guidelines (Planning Bd., DOT)
 - c. Same as (b), except the test should be defined in this SSP or in a subsequent SSP amendment (Council staff)
 - d. Other

15. Bicycle system adequacy LATR test
 - a. *No test*
 - b. For a development generating 100 or more peak-hour pedestrian trips with ¼-mile of a bikeshare station or a school, identify improvements needed to provide Level of Stress=2 within 1,500' of the development's boundary (Planning Bd., DOT)
 - c. Approve (b) for now, but direct the Planning Board to prepare in a subsequent SSP amendment a revised test that would require some or all of these improvements to be implemented, or paid for as part of the White Oak model (Council staff)
 - d. Other

16. Transit system adequacy LATR test
 - a. *No test*
 - b. For any development generating at least 50 peak hour transit riders the applicant must inventory bus routes at stations/stops within the nearest transfer point of the site and identify the peak load at that station for each route. The applicant must coordinate with the transit service provider to identify improvements that would be needed to address conditions worse than 1.25 transit riders per seat due to additional patrons generated by the development.
 - c. Approve (b) for now, but direct the Planning Board to prepare in a subsequent SSP amendment a revised test that would require some or all of these improvements to be implemented, or paid for as part of the White Oak model (Council staff)
 - d. Other

III. GRANDFATHER CLAUSE/EFFECTIVE DATE

- a. Apply the new school test as of November 15, 2016 and all other parts of the SSP by January 1, 2017 (Planning Bd.)
- b. Apply the entire SSP as of November 15, 2016 (Council staff)
- c. Apply the entire SSP as of January 1, 2017 (Council staff alternative recommendation)