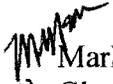


MEMORANDUM

July 14, 2014

TO: Planning, Housing, and Economic Development (PHED) Committee

FROM:  Marlene Michaelson, Senior Legislative Analyst
 Glenn Orlin, Deputy Council Administrator

SUBJECT: White Oak Science Gateway Master Plan—action on transportation elements; land use options for White Oak Shopping Center area; community facilities; master plan staging and the SSP

Councilmembers: Please bring to this worksession the Draft Master Plan (December 2013 version); the proposed Subdivision Staging Policy (SSP) Amendment (the Addendum to the July 1 packet); and the July 1 and July 7 worksession packets.

This is the PHED Committee's third worksession on the White Oak Science Gateway Master Plan. The first worksession focused on transportation and the second on land use. This worksession will cover unresolved transportation and land use issues, community facilities, public benefits, and staging. Assuming the Committee finishes its work today, the Committee's recommendations will be presented to the full Council on July 22.

I. Transportation Elements

On July 1, the Committee discussed the transportation elements in the Plan as well as Council staff's recommendations, but it did not decide its own recommendations (see the July 1 packet for more detail). In summary, Council staff concurs with the recommended transportation facilities in the Final Draft, except for the following:

1. Include in the Plan the reconnection of Old Columbia Pike over Paint Branch and its reconstruction as a 4-lane arterial (Road Construction Code Standard 2004.08) between Industrial Parkway and Stewart Lane in an 80'-wide master-planned right-of-way. This improvement must not be opened to traffic until the US 29 interchanges at Stewart Lane and at Tech Road/Industrial Parkway are open to traffic.
2. Include in the Plan a 4-lane arterial extension of Old Columbia Pike south of Stewart Lane following near the northwest and southwest edges of the White Oak Shopping Center property,

terminating at Lockwood Drive near New Hampshire Avenue. The road should have an 80'-wide minimum right-of-way and Standard 2004.08 as its recommended cross-section.

3. Industrial Parkway/Tech Road/FDA Boulevard should be classified as arterials and Prosperity Drive should ultimately be widened to 4 lanes and be classified as an arterial.
4. Include the specific intersection improvements on ©1 that are in Montgomery County in the Plan, with the note that their need be revisited at the time of specific development plan LATR reviews.
5. Rebuild the US 29/New Hampshire Avenue interchange so there are 3 continuous southbound lanes on US 29 through the interchange.
6. Create a BRT spur off of the mainline US 29 BRT route into Life Sciences/FDA Village via Tech Road/Industrial Parkway. Extend the Randolph Road BRT from current planned terminus at US 29/Randolph Road into Life Sciences/FDA Village, also via Tech Road/Industrial Parkway. In both cases, BRT should run in mixed traffic on Industrial Parkway, with no dedicated lanes and no widening beyond the otherwise planned right-of-way. A station common to both routes should be planned for Life Sciences/FDA Village.

Recall that this combination of transportation facilities, a cumulative non-auto-driver mode share (NADMS) of 30%, and a 25% reduction in the modeled growth in both housing and jobs would bring White Oak close to, but not quite, in balance at buildout. To attain balance, the NADMS goal should be raised a bit higher, to 32%. Council staff's recommendation for bringing the WOSG Plan (in a coterminous White Oak policy area) in balance at buildout includes all of the following:

1. Set the roadway TPAR test standard for White Oak at 42.5% of free-flow speed, counting all of US 29.
2. Include in the Plan the additional transportation facility revisions noted above.
3. Set the Plan's cumulative NADMS target at 32%, prior to the last stage of development.
4. Prior to the last stage of development, cap additional development in White Oak at 6,427 dwelling units and 31,968 jobs. These levels are 25% less additional development than what the Planning Board assumed in its modeling for the Final Draft Plan.
5. Set the LATR standard for White Oak at 1.00 volume/capacity (1,600 CLV) at buildout.

The combination of recommendations would not, however, quite bring the Fairland/Colesville policy area in balance. Even with setting the NADMS target in White Oak at 32%, the projected TPAR percentage in Fairland/Colesville would be about 44.8%, just short of the 45% standard for that area. However, since this is a Plan for White Oak only, the Council cannot—in the WOSG Plan—look to make small adjustments to the network, mode share assumptions, or land use within Fairland/Colesville to bring it in balance at buildout. A future Council will need to examine balance the next time the master plan is updated in the Fairland/Colesville area.

II. Follow-up Land Use Issues

At the Committee's July 7 meeting on land use issues, it asked for follow-up discussion on a few topics. In addition, there a few minor issues the Committee did not discuss at the prior worksession.

Zoning for C-1 Properties East of New Hampshire Avenue (Area 8). There are properties east of New Hampshire Avenue shown as the smaller area 8 on page 29 of the Master Plan. The properties total 1.28 acres and include a gas station, 7-11, and cleaners. The Plan recommends CRT zoning, and the Committee agreed with Council staff that this small property is inappropriate for CRT zoning and asked for Planning staff input on an alternative zone.

They now recommend the Neighborhood Retail zone with an FAR of 0.75 and height of 45 feet (NR 0.75, H 45). Council staff concurs.

Zoning for the White Oak Shopping Center. The Master Plan recommends CR 2.5, C 1.5, R 1.5, H 200 zoning for the White Oak Shopping Center. Council staff was concerned both about the amount of density and that the zoning would allow the property owner to build out an entirely or predominantly residential project (since the 1.5 FAR would provide significant residential development potential). The Committee was mixed in its views, but asked Council staff to identify whether there were other zoning options that would not reduce the overall density while placing a greater focus on commercial development. Council staff suggests the following options for the Committee consideration:

| | |
|-------------------------------|---|
| Master Plan recommendation: | CR 2.5, C 1.5, R 1.5, H 200 |
| Council staff recommendation: | CR 1.5, C 1.0, R 0.5, H 200 |
| Option 1 | CR 2.0, C 1.5, R 0.5, H 200 |
| Option 2 | CR 2.25, C 1.5, R 0.75, H 200 (note that the Zoning Ordinance Rewrite would have allowed these FARs but capped height at 75 feet) |
| Option 3 | CR 2.5, C 2, R 0.75, H 200 |

Council staff continues to recommend an option that would cap residential development at 0.5 to keep the focus on commercial. Councilmember Leventhal indicated that he would only support the full density once transit is available at this location. While Council staff believes such a staging strategy would address some of these concerns, the recommended staging option presented below is based on mode share, not the construction of facilities.

Zoning for the Federal Research Center. The Plan recommends retaining the RE-2 zoning on the 662 Federal Research Center site, home of the Food and Drug Administration (FDA) and other federal government activities. Originally, Council staff recommended changing the zoning to a zone that more appropriately reflects the usage, but now recommends retaining the RE-2 zone since most other federal properties are in residential zones. At some future point, it may be worth reconsidering zoning on all of these properties, but there should be a consistent strategy for all federal properties.

Zoning for Area 11. This 301-acre area includes office buildings, retail (DarCars, Home Depot, Target, PetSmart), hotels, and restaurants (Panera, Five Guys, TGI Friday's, IHOP). The Master Plan recommends CR 0.75, C 0.75, R 0.25, H 75, and Council staff questions whether the CR zone, whose purpose is a mix of commercial and residential development, should be used on an area where the goals should be to encourage continued commercial uses and discourage redevelopment for residential

purposes. Some of the new employment uses also allow limited residential, but only when built with commercial development—not as a stand-alone use, which can happen in the CR zone. In addition, Council staff believes that the Council should try to preserve the limited industrially zoned land in the County when possible. In theory, a 0.25 residential FAR does not encourage redevelopment for commercial purposes, but if the entire area were to redevelop, it could result in over 2,700 units.

Council staff recommends that the properties in Area 11 be zoned with commercial and industrial zones recommended in the Zoning Ordinance Rewrite conversion, but with the heights and densities recommended in the Master Plan. In addition, Council staff recommends the creation of a new overlay zone that would make all existing uses allowed as a permitted use (similar to the existing overlay zone).

Should the Committee support this approach, Council staff will work with the property owners to make sure that existing businesses and uses are not negatively impacted by the proposed zoning.

Buffer Strips. The Planning Area includes RE-2 “buffer strips” between certain differing land uses. This strategy was used in most master plans before mixed-use zones were revised to include buffers as part of the zone. The Council has removed them from all master plans it has reviewed in recent years and should remove them here as well. Council staff understands that it was the intent of the Planning Board to remove those strips as reflected on the zoning map, but it would be useful to have a sentence in the Master Plan that describes this action as well, given how difficult it is to see these small areas on the maps.

III. Community Facilities

Community Facilities, including Parks; Open Spaces and Recreation; Schools; Libraries; Recreation Centers; and Public Safety, are described on pages 83-93 of the Master Plan.

The Council received testimony regarding the 22.5-acre Hillandale Park, recommending that the paper street adjacent to the park be abandoned. Council staff agrees that the strip should become part of the park, but it is unclear whether abandonment or another option is the best vehicle to achieve this. Council staff recommends adding a sentence to the Master Plan indicating that this strip should become part of the park through abandonment, easement, or other agreement between the County and M-NCPPC.

The Council also received testimony suggesting that part of the open space on the FDA property be used for additional sports fields. The Master Plan already includes a sentence at the bottom of page 88 recommending consideration of acquisition of FDA land for this facility and Council staff recommends it be modified to add exploring options for an easement as an alternative to acquisition. In addition, it is possible that the volunteer fire station next to Hillandale Local Park may relocate, providing another option for a new field. Council staff recommends the following changes to the last bullet on page 88 and new bullet:

- Consider acquiring land or seeking an easement from the FRC property adjacent to Hillandale Local Park to allow for needed facilities such as an adult rectangular field.
- Pursue acquisition of the Hillandale Volunteer Fire Station site, if the fire station relocates to a larger site and there is a willing seller, to expand the area of Hillandale Local Park.

Schools. The Plan describes the area public schools on pages 90-91. Should the residential densities projected by Planning Department staff be built, another elementary school will be required and the Plan recommends that a future site be dedicated on the Percontee site.

Child Care. The Master Plan lists care centers as one of the public benefits that can be provided via the CR or CRT zones. Council staff recommends that the section on community facilities also recommend exploration of the benefits of co-locating a child care center with the new elementary school when it is built, consistent with recent County efforts to co-locate these facilities.

Libraries, Recreation Centers, and Public Safety. The Master Plan describes the libraries, recreation centers, and police stations that serve the White Oak area on pages 91-92 and does not indicate the need for any new facilities with the anticipated development of Master Plan properties. A new fire station is recommended for the east County in the vicinity of US 29 and Tech Road, within the Life Sciences/FDA Village Center. As noted above, if the Volunteer Fire Station is relocated, it may be an appropriate location for expansion of Hillandale Local Park.

Cyber-infrastructure. Councilmember Riemer advocates building a high-speed fiber network in Montgomery County and cites the WOSG area as a high priority (©2-3). The creation of this network would be a countywide effort conducted by the Executive Branch, beginning with the development of a strategic plan by the Department of Technology Services, in coordination with the Departments of Transportation and Economic Development, and other public and private stakeholders.

While not a land use matter, per se, this issue is certainly important enough to warrant mention. Council staff recommends inserting the first paragraph of Mr. Riemer's suggested text:

An important component of the infrastructure and community facilities for the White Oak Science Gateway will be a high speed, highly reliable, highly secure communications fiber network connecting buildings inside the district and then connecting the district itself to major research centers in the region, across the country and internationally.

IV. Public Benefits

The list of recommended public benefits to be considered during review of optional method projects in the CR zones is listed on page 96 of the Master Plan. Planning Department staff have indicated that the list is in priority order. In addition to the transit improvements and trip mitigation efforts that are critical to this Plan's success, a few Councilmembers have indicated that they believe this Plan should focus on the need to increase child care in the east County.

Council staff believes that the Committee may want to shorten this list of public benefits, to place a greater emphasis on the public benefits Councilmembers consider to be most important and eliminate those that are less important (e.g., way-finding). Given the existing amount of affordable housing in the area and the Committee's decision not to rezone much of the existing high density residentially zoned properties, Council staff questions whether affordable housing should be on the list of recommended public benefits.

V. Addition to Environmental Chapter for Carbon Footprint

Planning Department staff recommend adding the following section to the Environmental Chapter:

Carbon Footprint

Montgomery County Bill number 32-07 establishes a goal to stop increasing greenhouse gas emissions by the year 2010, and to reduce emissions to 20 percent of 2005 levels by the year 2050. There are three main components to greenhouse gas emissions: embodied emissions, building energy emissions, and transportation emissions. Embodied emissions are emissions that are created through the extraction, processing, transportation, construction and disposal of building materials as well as emissions created through landscape disturbance (by both soil disturbance and changes in above ground biomass). Building energy emissions are created in the normal operation of a building including lighting, heating cooling and ventilation, operation of computers and appliances, etc. Transportation emissions are released by the operation of cars, trucks, buses, motorcycles, etc.

The embodied emissions contribution to total greenhouse gas emissions will increase, due to the demolition of existing structures and construction of new structures. However, both the building energy emissions and transportation emissions will decrease on a per capita basis. Newly developed buildings have decreased energy emissions due to substantial advances in energy efficiency. Total transportation emissions will decrease with increases in fuel efficiency and reductions of vehicle miles travelled. The proposed mixed-use development will have a lower carbon footprint than the redevelopment of the existing development under current zoning due to the reduction of single-function automobile trips.

VI. Master Plan Staging and the SSP

Regarding land use, Councils often have required certain master and sector plans to be staged to assure a mixture of residential and commercial development as the Plan areas build out. Regarding transportation, all master-planned development is staged in that it must meet the TPAR and Local Area Transportation Review (LATR) requirements of the Subdivision Staging Policy (SSP). In some master and sector plans, however, the Council has chosen to add a further layer of requirements that must be met even before the SSP tests are confronted.

Council staff believes this Plan should have staging elements to address both land use and transportation concerns. From a land use perspective, the Plan should be built out so that a balance between housing and employment—with heavier weight on employment—is maintained throughout the Plan's time-frame. From a transportation perspective, the Plan should be built out at a pace that progressively meets certain non-auto-driver mode share (NADMS) goals.

Unlike the staging that the Council has approved in several other plans—and some of the staging proposals suggested for this Plan—Council staff believes that staging in the WOSG Plan should not have any absolute “hard stops”: conditions that are beyond the means of the County and the development to control. For example, the staging in the Chevy Chase Lake Sector Plan depends on when the State builds the Purple Line, and the Great Seneca Science Corridor Master Plan depends on

how fast the State builds the Corridor Cities Transitway. While both are likely to occur in the next several years, at this time neither is yet fully funded.

Therefore, Council staff proposes a 4-step staging (described below) based on meeting NADMS targets that, certainly in Stages 1 and 2, realistically can be met by a multi-pronged traffic mitigation strategy including (but not limited to) such actions as: more frequent bus service; extended MetroExtra-type service; direct shuttles; heavy employer subsidies for transit, biking, and walking; parking pricing and control; strong telecommuting programs; and even partial implementation of bus rapid transit (BRT) elements. Stages 3 and 4 may be difficult to meet without the full implementation of the US 29 BRT and, ultimately, the New Hampshire Avenue BRT but, depending on the circumstances when those stages are reached, not necessarily impossible.

Council staff is recommending that the trigger for raising White Oak's LATR standard to 1,600 CLV be the programming of either the US 29 or New Hampshire Avenue BRT lines. But neither would be a "hard stop": meeting a 1,525 CLV standard would be more challenging than 1,600 CLV, but it can be achieved with intersection improvements and an aggressive program of traffic mitigation measures such as those noted above.

Many have stated that the NADMS targets should only apply to new development, and that it is unrealistic to believe that the NADMS from existing development can be increased. Nothing could be further from the truth. First of all, some of the new development will be redevelopments of existing businesses; to the degree that a new development will replace an old one is an opportunity for creating an environment for a higher NADMS there. Second, the Transportation Management District (TMD) programs in Silver Spring, Bethesda, North Bethesda, and Friendship Heights have had success in changing travel behavior of employees of existing businesses. A TMD is proposed to be created and funded as a precondition to the first stage. Third, some residents currently living in White Oak will turn to transit, carpooling, biking, walking, and telecommuting if transit improvements and other forms of traffic mitigation are implemented. Finally, this is a long-term Plan that, during its life, will see a considerable turnover among the residents living in White Oak. Residents now living an auto-oriented lifestyle will be replaced to some degree by new residents more prone to riding transit, biking, and choosing other non-auto modes if, again, the transit service and supporting infrastructure for biking and walking is much improved. This phenomenon is occurring now in other urban and urbanizing areas of the County and elsewhere.

Allocation by property. The Council has heard comments expressing concern that capacity allowed in each stage could be completely used by a single property owner, eliminating the ability of other properties to move ahead. Alternatively, allocating capacity to each property could allot it to those who have no immediate plans to develop and limit development for those who are ready to move ahead. Council staff suggests that no more than 80% of capacity in each stage be available for a single property owner in the first two years of any new stage. If after two years no one else has reached a stage that would allow them to use staging capacity, the first property owner should be allowed to use the remaining capacity.

Ensuring commercial development in each stage. As noted in the memorandum for the July 7 Committee meeting, Council staff believes that the main focus of this Plan should be on increasing employment and the businesses and services the community desires. Staging can play a role in this by ensuring that property owners do not focus exclusively on residential development and that each stage includes commercial development. Council staff recommends that each property not be allowed to build **more than** 300 units within a phase without including a significant commercial component in the

development. The Council could include a specific amount of commercial development that must be included after the first 300 units, but Council staff believes there should be some flexibility for the Planning Board to consider extenuating situations (e.g., if a property owner built a significant amount of commercial in the first phase, the Planning Board might determine that predominantly residential development is fine for the second phase).

A. Council staff's staging recommendations

Stage 1. Before Stage 1 begins¹:

- Approve and adopt the Sectional Map Amendment (SMA).
- Approve an SSP amendment creating separate White Oak and Fairland/Colesville policy areas, setting the LATR standards at 1,525 CLV and 1,475 CLV, respectively.
- Establish and fund a White Oak Transportation Management District (TMD) coterminous with the Master Plan boundary.
- Develop a monitoring program within 6 months of adopting the SMA, including a biennial assessment of the Plan's implementation and the establishment of an advisory committee of community stakeholders.
- Determine the baseline NADMS for White Oak through monitoring and traffic counts.

During Stage 1:

| | |
|--|--|
| New commercial development allowed: | 3,300,000 sf (plus 812,702 sf in the pipeline) |
| Total commercial development allowed: | 14,300,000 sf |
| New residential development allowed: | 2,000 dwelling units |
| Total residential development allowed: | 9,118 dwelling units |

The transportation conditions are largely the same as those recommended by the Planning Board in its initial Final Draft Plan. The notable difference is the recommendation to initially set the LATR standard for the White Oak policy area at 1,525 CLV, while the Board recommends retaining the current 1,475 CLV standard initially.

The Council has both raised and lowered the LATR standard for the Fairland/White Oak policy area over the years. Until the mid-1990s, the standard was 1,525 CLV. In the mid-1990s, it was raised to 1,550 CLV. In 2003, it was lowered to 1,500 CLV. Finally, in 2007, it was lowered again to the current 1,475 CLV level.

The rationale for setting a less stringent White Oak standard than the current Fairland/White Oak standard is that, being closer to the region's core, White Oak is more accessible to other transit-serviceable dwellings and employment in the Washington region. As noted in the table below, it also has more frequent service (a lower average headway) in peak periods than the rest of Fairland/White Oak (i.e., "Fairland/Colesville").² Below is a chart showing the bus service measures used in the TPAR

¹ Property owners can begin the development process before Stage 1 requirements are met, but could not obtain development approvals until each requirement is fulfilled. If property owners begin the development process immediately upon completion of the SMA, Stage 1 should be ready to commence before they are ready for approvals that require staging capacity.

² Ironically, the percent of White Oak that is within walking distance of public transit is less than in Fairland/Colesville, but this is due to the large proportion of the White Oak area that consists of FDA's campus, which currently allows transit to

Transit Adequacy Test as applied to Fairland/White Oak as a whole, White Oak separately, and Fairland/Colesville separately. The SSP’s current standards for “Urban” and “Suburban” policy areas are also displayed:

| Policy Area | Coverage* | Peak Headway** | Span*** |
|---------------------------------|-----------|----------------|------------|
| Fairland/White Oak | 78% | 19.1 minutes | 18.8 hours |
| White Oak | 68% | 17.9 minutes | 17.4 hours |
| Fairland/Colesville | 82% | 22.9 minutes | 21.8 hours |
| “Urban” policy area standard | ≥80% | ≤14 minutes | ≥17 hours |
| “Suburban” policy area standard | ≥70% | ≤20 minutes | ≥14 hours |

- * Percent of transit-supportive area within ½-mile of rail station or ¼-mile of a bus stop.
- ** Average minutes between buses in PM peak hour.
- *** Duration of weekday bus service, in hours.

However, raising the LATR standard all the way to the 1,600 CLV without necessary transit improvements will, in the Maryland Department of Transportation’s words:

allow unmitigated development and associated traffic to unduly burden SHA roadway facilities.... SHA recommends keying raising the LATR standard for CLV to a specific NADMS attainment and infrastructure improvement, as M-NCPPC has done in other sector plans. (©4-5)

Council staff believes there should be a link, but only when a significant new transit element is introduced in White Oak to make a truly “urban” area. That element would be BRT.

SSP standards. In the White Oak policy area, the SSP’s LATR standard should be raised to 1,600 CLV, and the Transit Adequacy Test standard for “Urban” policy areas should apply when either:

- the US 29 BRT—with a dedicated bus lane along most of the route—is programmed for completion within 6 years from Burtonsville to the Silver Spring Metro Station, or
- the New Hampshire Avenue BRT—with a dedicated bus lane along most of its route—is programmed for completion within 6 years to the Fort Totten Metro Station.

Currently, as a “Suburban” policy area, the Fairland/White Oak area meets all three elements of the Transit Adequacy Test. If split into two distinct policy areas, Fairland/Colesville satisfies all three parts of the test, but White Oak would be “Inadequate” under the Coverage test, so a TPAR payment would be required for White Oak developments to proceed. Note that when a BRT route is programmed and White Oak becomes an “Urban” policy area, then it would be “Inadequate” under all three elements of the test, generating a triple TPAR payment unless the BRT route is accompanied by improvement in the coverage, headway, and span of bus service.

penetrate its perimeter only as far as the New Hampshire Avenue entrance. The average span of service is also less, but this owes to the fact that White Oak’s service is supplemented by peak-period-only routes, which bring down the “average” span.

Stage 2. Before Stage 2 begins, attain a 22% NADMS.

During Stage 2:

| | |
|--|-----------------------|
| New commercial development allowed: | 3,000,000 sf |
| Total commercial development allowed: | 18,300,000 sf |
| New residential development allowed: | 1,500 dwelling units |
| Total residential development allowed: | 10,618 dwelling units |

In its initial Final Draft, the Board recommended the following requirements be met prior to Stage 2:

1. The US 29 BRT between Burtonsville to the Silver Spring Transit Center must be fully funded in the first six years of the CIP or CTP; or
2. The New Hampshire Avenue BRT between US 29 and the Takoma/Langley Transit Center must be fully funded in the first six years of the CIP or CTP; or
3. Mobility improvements that provide transit capacity equivalent to #1 or #2 be fully funded in the first six years of the CIP or CTP; or
4. If all Stage 1 development has received a use and occupancy permit and, based on a comprehensive mobility assessment, the Council decides in an update to the SSP that mobility is adequate to support some or all of the Stage 2 development.

The underlying rationale for these recommendations is to prod significant change in commuter behavior so that a higher percentage will travel by means other than driving a motor vehicle. Alternatively, Council staff's approach—as noted in the introduction to this section—is simply to require attainment of a higher NADMS without specifying ahead of time how it may be achieved.

The Planning Board took the staging element out in its December Final Draft and replaced it with a proposal in the SSP that, by buildout, the Life Sciences/FDA Village center must achieve 30% NADMS and that new development in the Hillandale and White Oak Centers achieve 25% NADMS.³ As noted in the prior worksession, however, these targets are not high enough to achieve land use/transportation balance, and the targets need to apply to existing development as well.

The Planning Board also recommends the following provision in its proposed SSP amendment:

In the White Oak and Fairland/White Oak policy areas, TPAR transit adequacy is achieved when observed transit speeds are a minimum 25% higher than free-flow travel speeds by automobile so that travel time from Point A to Point B by transit is at least 25% faster than by automobile at free-flow travel speeds. [Section TL-4.8]

There are at least two problems with this approach. First, there are a myriad of Points A and B; which would be measured, and how would they be weighted? Second, while transit service must be faster than the auto to increase NADMS significantly, it doesn't have to be 25% faster than *free-flow* auto speed; traveling *at* free-flow speed while autos are stuck in congestion would be sufficient, and, in fact, this may be the best that can be achieved. Would BRT be allowed to move at 50 mph where the posted speed is 40 mph? Under the Board's proposal, the entire Fairland/White Oak policy area would be

³ The Council received much testimony from developers arguing against requiring each development to achieve the 25% and 30% NADMS targets as a condition of subdivision approval. But the proposed SSP states that these NADMS targets would be applied on "an appropriately graduated scale."

“Inadequate” under the Transit Adequacy Test, so a TPAR payment would be required for either a White Oak or a Fairland/Colesville development to proceed.

Stage 3. Before Stage 3 begins, attain a 27% NADMS.

During Stage 3:

| | |
|--|-----------------------|
| New commercial development allowed: | 3,500,000 sf |
| Total commercial development allowed: | 21,800,000 sf |
| New residential development allowed: | 2,927 dwelling units |
| Total residential development allowed: | 13,545 dwelling units |

Stage 4. Before Stage 4 begins, attain a 32% NADMS. The Planning Board must comprehensively review transportation conditions from both a policy area and LATR perspective to determine whether a different NADMS target is required. If so, the new NADMS target must be approved by Council resolution, after a public hearing.

During Stage 4:

| | |
|--------------------------------------|--|
| New commercial development allowed: | remaining development allowed under zoning |
| New residential development allowed: | remaining development allowed under zoning |

Several other staging proposals have been proposed. Most of them tie approvals to payments of one sort or another, rather than implementing transportation improvements or achieving NADMS targets. But merely paying an amount of funds does not guarantee that adequate transportation facilities and services will be provided to meet the travel demand caused by the new development. Furthermore, Council staff believes strongly that neither a master plan nor the SSP mandate how infrastructure should be funded. Instead, funding should begin to be addressed some time after the Plan is adopted.⁴

B. Exemptions from staging

Redevelopment and the pipeline. Council staff wishes to make clear that if a White Oak property were to be rebuilt and, by doing, would not add to the trips generated by the property, then it would be subject neither to master-planned staging nor any new SSP requirements. Development in White Oak that has already has received subdivision approval but is not yet built (i.e., the “pipeline”) also would not be subject to master-planned staging or the new SSP requirements. In the latter case, however, should the time limit on its adequate public facilities approval run its course without proceeding to construction, then that “development capacity” could be used by others and *would* be subject master-planned staging and the new SSP requirements.

Trip Reduction Amendment. In the initial Final Draft Plan, the Board had included the following language:

Through the 1990 Trip Reduction Amendment to the 1981 Eastern Montgomery County Master Plan, trip reduction restrictions were placed on certain properties in the Cherry Hill Road Employment Area. This Plan supports the removal of those restrictions so these property owners

⁴ Even in the case of the White Flint Sector Plan, where planning and funding discussions were occurring simultaneously, the Council did not formally deliberate on the White Flint financing plan and special taxing district until after the plan was adopted. The only specific funding proposal in a master plan was in the 1994 Clarksburg Master Plan, which recommended that much of its infrastructure be funded by development districts. Twenty years on, all can see how well THAT turned out.

are not at a disadvantage relative to other developers in the area. Property owners who executed voluntary trip reduction agreements with the Planning Board may take action to have these restrictions removed from the land records. (p. 97)

In its December Final Draft, the Board removed the entire staging element, including this paragraph. Messrs. William Kominers and Larry Gordon, representing their respective clients, argue that this paragraph should remain in the Plan, whether it includes a staging element or not (©6-12). Council staff agrees that this paragraph should be included in the Plan.

Automobile uses in the Cherry Hill Employment Area. Several years ago, the Council approved an amendment to the SSP that exempts automobile uses in the Cherry Hill Employment Area from both TPAR and LATR requirements until July 26, 2016. The Board is not recommending amending this in its proposed SSP (see Section TA3 on p. 17 of the proposed SSP). However, Mr. Gordon, representing DarCars Automotive Group and Eastern Diversified Properties, Inc., has raised concern that, if staging requirements are included in the Plan, it not trump this exemption (©13-14).

Council staff recommends, if staging requirements are included in the Plan, that these properties be exempt until July 26, 2016, consistent with the SSP. It is likely that if any additional development proceeds under this provision in the next two years, it would be relatively small and produce few vehicle trips.

2040 Proposed Land Use and Master Plan Transportation Improvements (2014 Planning Board Draft Revised Network)

AM (PM)

| Intersection | Critical Lane Volume | | | HCM | | | Notes |
|--|----------------------|------------------|-------------|---------------|------------------|-------------|--|
| | CLV | Level of Service | V/C Ratio | Delay (sec) | Level of Service | V/C Ratio | |
| Cherry Hill Rd at Broadbirch Dr/Calverton Blvd | 1351 (1523) | D (E) | 0.84 (0.95) | 26.2 (60.5) | C (E) | 0.98 (1.08) | Added EBL and EBT lane (Broadbirch Dr) Changed WBR to WBTR lane (Calverton Blvd) Added NBL turn lane (Cherry Hill Rd) Added SBR lane (Cherry Hill Rd) |
| MD 650 at Mahan Rd/Schindler Dr | 1065 (1371) | B (D) | 0.67 (0.86) | 13.3 (38.9) | B (D) | 0.62 (0.86) | |
| Old Columbia Pike at Fairland Rd | 1275 (1450) | C (D) | 0.80 (0.91) | 25.3 (55.2) | C (E) | 0.91 (0.99) | |
| MD 650 at Powder Mill Rd | 1513 (1495) | E (E) | 0.95 (0.93) | 68.0 (62.0) | E (E) | 0.93 (0.84) | Added EBL turn lane (Holly Hall) Added WBR turn lane (Powder Mill) Added SBL turn lane (MD 650) |
| Old Columbia Pike at Musgrove Rd | 1050 (1275) | B (C) | 0.66 (0.80) | 23.4 (26.8) | C (C) | 0.75 (0.77) | Added Signal Added SBL turn lane Added WBR lane |
| MD 650 at Lockwood Dr | 1181 (1316) | C (D) | 0.74 (0.82) | 42.3 (43.1) | D (D) | 0.66 (0.76) | Added EBL turn lane. |
| Powder Mill Rd at Riggs Rd | 1009 (1289) | B (C) | 0.63 (0.81) | 24.0 (39.8) | C (D) | 0.66 (0.84) | Added 2nd EBL turn lane |
| Powder Mill Rd at Cherry Hill Rd ¹ | 1547 (1579) | E (E) | 0.97 (0.99) | 67.6 (71.2) | E (E) | 1.01 (1.04) | Added 2nd and 3rd SBL turn lanes Added 2nd WBL turn lane Restripe for WB free right turn lane Added NB free right turn lane |
| Fairland Rd at Briggs Chaney Rd ¹ | 1650 (1490) | F (E) | 1.03 (0.93) | 67.7 (62.8) | E (E) | 1.15 (1.18) | dynamic lane use - AM EB LT + R |
| Powder Mill Rd at Beltsville Rd ¹ | 1233 (1197) | C (C) | 0.77 (0.75) | 57.0 (46.6) | E (D) | 0.95 (0.87) | Added second EBL turn lane |
| US 29 at MD 193 (north) | 2435 (2229) | F (F) | 1.52 (1.39) | 168.9 (132.0) | F (F) | 1.37 (1.24) | |
| US 29 at MD 193 (south) | 2405 (2350) | F (F) | 1.50 (1.47) | 144.9 (175.3) | F (F) | 1.30 (1.38) | |

White Oak Plan area thresholds are set at CLV of 1600 and v/c of 1.00. Values that exceed these thresholds are bolded.

Fairland Plan area thresholds are set at CLV of 1475 and v/c of 0.92. Values that exceed these thresholds are bolded.

1 - Intersection falls within the Master Plan Study Area and outside of Montgomery County

Shading indicates intersection in plan area

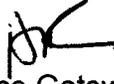
Shading indicates intersection outside of Montgomery County

①



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

July 11, 2014

To: Councilmembers
Fr: Hans Riemer 
Re: White Oak Science Gateway economic development initiative

The White Oak Science Gateway plan is an important opportunity for the county to build a commercial and residential “innovation district” with the highest level of communications and data infrastructure. This will help make the area more competitive for jobs and more attractive for residents.

The concept that I am outlining here has been developed with input from tech leaders in the county, particularly the County Executive’s technology and strategic initiatives teams as well as Anil Srivastava, of Open Health Systems Lab.

The White Oak Science Gateway is a unique opportunity because much of the plan area has not been built out yet. The cost of this infrastructure will be less if the vision is spelled out from the beginning, and Master Plan language will help bring parties together in the future to work through the implementation challenges. There are also unique locational issues for White Oak that should be considered and that lend themselves to this vision.

Accordingly, language would be added to the Master Plan in the section outlining community infrastructure (Park, Libraries, Schools, etc). The language proposed is at the “vision” level. The operational steps to implement the vision is as follows.

First, the White Oak Science Gateway is located in close proximity to a high speed data pipeline that runs up the Eastern Seaboard, high speed regional broadband networks, as well as planned data networks that will be built along the Purple Line and the Corridor Cities Transitway, and Bus Rapid Transit lines. These networks will connect major research and economic centers in the county and region. The White Oak Science Gateway should connect to those networks, which will likely require the county to build the fiber connection.

Second, when the connections are made to the White Oak district, the County will need to work with property owners inside White Oak and also collaborate with broadband service and equipment providers to facilitate the design and build-out of the connections to various buildings (whether residential or commercial), facilitate access to in-building wiring, designate interconnection hubs, and provide operating facilities for the networks. The work to design the buildings could form the basis of a “broadband building code.”

Third, the County and the property owners would need to work together to facilitate public private partnerships that incentivize property owners as well as communications companies to support installation of the networks. Stakeholders should explore how to create a

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governance model so that the network is non-monopolistic, meaning that consumers can choose from a variety of providers.

===

Cyber-infrastructure: Building a high speed fiber network for the White Oak Science Gateway

An important component of the infrastructure and community facilities for the White Oak Science Gateway will be a high speed, highly reliable, highly secure communications fiber network connecting buildings inside the district and then connecting the district itself to major research centers in the region, across the country and internationally.

Building this communications infrastructure will give the White Oak Science Gateway a competitive advantage for attracting companies that need high speed data service that is secure and reliable. Connecting the network to the University of Maryland, to federal labs such as FDA, NIST, NIH, NOAA and others will enable the county to maximize its locational advantages from the federal labs as well as regional educational institutions. Industries such as health IT, data analytics, health research (for example, clinical trial data analysis), cybersecurity, and others will gain advantages by locating in White Oak.

It will also enable a residential community to arise that can take maximum advantage of data technology, providing community members with new opportunities for working at home, creating wifi-enabled public spaces, and building broadband networks that can manage devices and information to improve daily living. Establishing a vision at the planning level will enable build out of the district at lower expense. This concept is particularly intended for the Percontee / Montgomery County parcels, where all development will be new and can be implemented consistently.

3



February 7, 2014

Mr. Craig Rice
President
Montgomery County Council
100 Maryland Avenue
Rockville MD 20850

Dear Council President Rice:

This is in response to the County's solicitation for comments on the Revised September 2013 Planning Board Draft of the White Oak Science Gateway Master Plan (WOSG). The Maryland Department of Transportation's (MDOT) State Highway Administration (SHA) offers the following comments. In addition, MDOT also commented on the Public Hearing Draft in May, 2013.

- SHA is concerned that raising the critical lane volume (CLV) standard in WOSG from 1475 to 1600 without necessary transit improvements will allow unmitigated development and associated traffic to unduly burden SHA roadway facilities. Revised language on page 13 avoids specifying any threshold to be met before raising this standard whereas the original language specified that mobility enhancements must predate raising the CLV standard. SHA recommends keying raising of the Local Area Transportation Review (LATR) standard for CLV to a specific level of Non-Auto Driver Mode Share (NADMS) attainment and infrastructure improvement, as Maryland National-Capital Park and Planning Commission (M-NCPPC) has done in other sector plans.

SHA also notes, however, that the recommended Subdivision Staging Policy (SSP), as stated on page 15, and recommended NADMS goals, as stated on page 16, may address these concerns. Yet, as shown on revised pages 19-24, the entirety of the Staging Requirements section is now deleted. Is meeting NADMS goals to be a development staging requirement or solely a goal?

- Is the collective goal of SSP, NADMS goals, Transportation Policy Area Review (TPAR), etc. to implement bus rapid transit (BRT) or to stage development in such a manner that the local transportation network, at the time of development, is capable of handling the development-generated traffic? This may be a cart-before-the-horse issue or it may be a chicken-and-egg issue.
- In SHA's May 2013 comments, comment #40 asks why constructing a fully grade-separated US 29 would remove significant amounts of local traffic from this roadway and suggests the plan should provide further rationale. The revision to page 51 did not provide the necessary rationale to exclude local traffic from US 29.

My telephone number is _____
Toll Free Number 1-888-713-1414 TTY Users Call Via MD Relay
7201 Corporate Center Drive, Hanover, Maryland 21076

Mr. Craig Rice
Page Two

I hope you find these comments to be helpful. If you have any questions or concerns, please do not hesitate to contact me at 410-865-1275, toll free at 888-713-1414 or via email at dhalligan@mdot.state.md.us.

Sincerely,

Donald A. Halligan
EKB

Donald A. Halligan, Director
Office of Planning and Capital Programming

cc: Ms. Melinda Peters, Administrator, SHA
Mr. Brian Young, District Engineer, District 3, SHA



ideas that work

Attorneys at Law

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William Kominers

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wkominers@lerchearly.com

F

February 5, 2014

VIA ELECTRONIC AND REGULAR MAIL

The Honorable Craig Rice
President, Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Re: White Oak Science Gateway Master Plan- Release of Trip Reduction/
Density Limitation Agreements

Dear President Rice and Members of the Council:

The purpose of this letter is to support a very narrow element of the Planning Board Draft White Oak Science Gateway Master Plan (the "Draft Plan"). I am testifying in support of that part of the Stage 1 Phasing Requirements on page 99 of the September 2013 version of the Draft Plan that proposes to remove the voluntary trip reduction and density limitation restrictions that were created as a part of the 1990 Trip Reduction Master Plan Amendment.

The pertinent text on page 99 states:

Through the 1990 *Trip Reduction Amendment to the 1981 Eastern Montgomery County Master Plan*, trip reduction restrictions were placed on certain properties in the Cherry Hill Road Employment Area. This Plan supports the removal of those restrictions so these property owners are not at a disadvantage relative to other developers in the area. Property owners who executed voluntary trip reduction agreements with the Planning Board may take action to have these restrictions removed from the land records.

Removal of these trip and density restrictions is a critical matter of equity for property owners in the Eastern County.

Eastern Montgomery County was in a moratorium due to lack of traffic capacity for almost twenty years. During that time, property owners entered into

voluntary trip reduction or density limitation agreements with the Planning Board as a means of assuring reduction in projected vehicle trips in conjunction with the goals of the 1990 Trip Reduction Master Plan Amendment (the "1990 Amendment"). The expectation was that when conditions changed in the future and a method was established by which to address the moratorium and allow development to proceed, the restrictions would be lifted. At such time, those properties, whose use was effectively suppressed during the period of moratorium, would finally have an opportunity to realize their full potential. The new Draft Plan, through its infrastructure measures, creates the means to effectuate such new development and redevelopment of these properties. Obviously, any such new development would have to comply with the requirements of the Draft Plan and have to comply with the standards established in the new zoning categories. But now is the time to allow these properties to have their long-delayed opportunities to move forward.

Removing these trip and density limitations helps level the playing field among all the properties in the Eastern County area. This allows opportunities, especially for small properties, to supplement the evolution of the area brought by broader and larger development projects, such as FDA. This also facilitates the general upgrade of those parts of the area that have been mired in real or effective moratorium for years.

The language in question was included in the Staging Element of the Draft Plan. As a part of the revision of the Draft Plan as it was transmitted to the Council, the staging provisions were deleted. As a result, the language related to release of the density limitations of the voluntary trip reduction agreements was inadvertently also shown as deleted (on revised pages 96 & 97).

Just as the Draft Plan cleans up and brings forward other matters from the prior master plans for Eastern Montgomery County, the elimination of the restrictions posed by these density limitation and trip reduction agreements should also be addressed. These agreements are relics of the 1990 Amendment. The Draft Plan is taking a step for fundamental fairness and equity in calling for a Release of these agreements. That Release should be done, and it should be done now.

The Honorable Craig Rice
February 5, 2014
Page 3

Thank you for your consideration of these comments. I look forward to working with the Council on this issue during the work sessions.

Very truly yours,

LERCH, EARLY & BREWER, CHTD.



William Kominers

WK/paj

cc: Ms. Francoise Carrier
Ms. Nancy Sturgeon
Ms. Marlene Michaelson

LARRY A. GORDON ATTORNEY
T 301.230.6576 F lgordon@shulmanrogers.com

July 1, 2014

By Email

Hon. Craig Rice, President
Hon. Nancy Floreen, PHED Committee Chair
Hon. Cherri Branson, District 5 Member
and Council Members
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, MD 20850

RE: Draft White Oak Science Gateway Master Plan ("White Oak Master Plan")

Dear Mr. Rice, Ms. Floreen, Ms. Branson and Council Members:

This letter is submitted on behalf of the DARCARS Automotive Group ("DARCARS") and Eastern Diversified Properties, Inc. ("EDP"). The letter addresses two generic issues related to the White Oak Master Plan that will affect many, if not all, properties (including all DARCARS/EDP properties) located within the boundaries of the Master Plan.

A. Background

By way of background, DARCARS/EDP collectively own and/or operate six (6) properties ("Properties") used for automobile sales, service and storage within the White Oak Master Plan area (*see* Properties outlined and identified on Tax Map provided as Attachment "A".) These Properties comprise a total of 26.5+/- acres and include:

- 1) Lot 26 (Toyota), 12210 Cherry Hill Road
- 2) Lot 32 (Lexus), 2505 Prosperity Terrace
- 3) Lot 33 (VW/Chrysler), 12511 Prosperity Drive
- 4) Parcel FFFF (Surface inventory storage), 2423 Whitethorn Drive
- 5) Parcel D (Pending surface inventory storage and employee parking), Broadbirch Drive
- 6) Lot 13 and adjoining N179 (Auto service and repair), 12000 Tech Road

All of these Properties are currently zoned I-1/U.S. 29 - Cherry Hill Road Employment Area Overlay ("I-1/Overlay") and have been developed or are pending development in accordance with that zoning. The White Oak Master Plan recommends CR-1.0 zoning for Lot 13/N179 and CR-0.75 zoning for the other five (5) Properties. Further, three (3) of the Properties (Lot 32, Parcel FFFF and Parcel D) are among those White Oak Master Plan properties on which development has been artificially constrained by Trip Reduction Agreements imposed under the 1990 Trip Reduction Amendment to the 1981 Eastern Montgomery County Master Plan.

9

B. Issues and Recommendations

1) Removal of Trip Reduction Agreement Restrictions

The September 2013 Planning Board Draft White Oak Master Plan contained the following language at p. 97 under the heading "Staging Requirements":

"Through the 1990 Trip Reduction Amendment to the 1981 Eastern Montgomery County Master Plan, trip reduction restrictions were placed on certain properties in the Cherry Hill Road Employment Area. This Plan supports the removal of those restrictions so these property owners are not at a disadvantage relative to other developers in the area. Property owners who executed voluntary trip reduction agreements with the Planning Board may take action to have these restrictions removed from the land records." (Emphasis added)

This recommendation and rationale were dropped (without explanation) during recent updating of the Draft Master Plan. However, nothing in the Draft White Oak Master Plan has changed that would make the previously included language inaccurate or unnecessary. As provided in the language itself, it would be inequitable to certain property owners (including DARCARS/EDP) to leave these Trip Reduction Agreements in place when the new White Oak Master Plan is adopted.

Accordingly, we request that the Council reinsert the above quoted language into the Master Plan to help provide an even playing field for all properties in the Master Plan.

2) Application of Grandfathering Provisions Under Sec. 7.7.1 of the New Zoning Ordinance

The provisions found at Sec. 7.7.1 of the County's New Zoning Ordinance grandfather properties under their zoning classification as of October 29, 2014. Further, under the New Ordinance, the gross floor area of non-residential zoned buildings may be expanded by the lesser of 10% or 30,000 square feet until October 30, 2039. These provisions were thoroughly vetted, and, as approved, afford important benefits and options to all developed or entitled properties located within the White Oak Master Plan, (including the DARCARS/EDP Properties).

For the new grandfathering provisions to have their intended effect, the current zoning of properties in the White Oak Master Plan must not change before October 30, 2014. There are alternative ways to avoid this unintended and detrimental consequence. Accordingly, we urge the Council to take one of the following actions:

Hon. Craig Rice
Hon. Nancy Floreen
Hon. Cherri Branson
Council Members
July 1, 2014
Page 3

- a) Adopt the Countywide DMA before adopting the White Oak SMA. This will result in the newly adopted grandfathering provisions properly being applied to the actual zoning under which all developed, approved or timely filed application properties throughout the White Oak Master Plan have proceeded.

OR

- b) If the SMA is to occur before the DMA, precede the SMA with a Zoning Text Amendment ("ZTA") to the grandfathering provisions of Sec. 7.7.1. The ZTA should state that properties subject to an SMA adopted after March 5, 2014¹ but before October 30, 2014², are deemed classified on October 29, 2014 in the zone mapped on the property immediately prior to the SMA.

Respectfully submitted,
SHULMAN, ROGERS, GANDAL
PORDY AND ECKER, P.A.

By: 
Larry A. Gordon
Attorneys for DARCARS Automotive Group
and Eastern Diversified Properties, Inc.

Attachment

cc: By Email

| | | |
|-----------------------|------------------------|-----------------------|
| Hon. Phil Andrews | Ms. Marlene Michaelson | Mr. Glenn Kreger |
| Hon. Roger Berliner | Mr. Glen Orlin | Ms. Nancy Sturgeon |
| Hon. Marc Elrich | Mr. Jeffrey Zyontz | Mr. John R. Darvish |
| Hon. George Leventhal | Mr. Steve Goldstein | Mr. John Darvish, Jr. |
| Hon. Nancy Navarro | Ms. Tedi Osias | Mr. Jamie Darvish |
| Hon. Hans Riemer | Ms. Sonya Healy | Mr. Dan Noell |

4608553_1.docx

¹ March 5, 2014 is the date on which the new Zoning Ordinance was adopted, including the final grandfathering provisions.

² October 30, 2014 is the date on which the new Zoning Ordinance and DMA are to become effective.

July 10, 2014

By Email

Ms. Marlene Michaelson
Mr. Glenn Orlin
Jeffrey Zyontz, Esq.
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, MD 20850

RE: Draft White Oak Master Plan

Dear Ms. Michaelson and Messrs. Orlin and Zyontz,

This letter is provided on behalf of the DARCARS Automotive Group and Eastern Diversified Properties, Inc., owners and/or operators of the six (6) White Oak area properties identified on the attached Tax Map (Attachment "A"). This letter consolidates the issues and recommendations raised in our July 1, 2014 letter to the Council and in follow-up discussions with Staff:

1) Trip Reduction Agreements

Reinsert language found at p. 97 of the September 2013 Planning Board Draft that would allow for removal of existing Trip Reduction Agreements. This language was inadvertently removed from the December 2013 Update when the Staging Component of the Draft Plan was removed.

2) Application of Grandfathering Provisions Under Sec. 7.7.1 of the New Zoning Ordinance

Adopt the Countywide District Map Amendment ("DMA") before adopting the White Oak Sectional Map Amendment ("SMA")

OR

At a minimum, for land uses not allowed under the New Zoning Ordinance in effect on October 30, 2014, revise Sec. 7.7.1.B.1 to grandfather applications and permits filed or approved in accordance with the Zoning Ordinance in effect at the time they were filed.

3) Possible Changes in Recommended Zoning Classifications

Page 14, Item #11 of the July 3, 2014 Staff Report to the PHED Committee discusses the possibility of revising the Draft Master Plan to recommend different zoning for numerous properties (including the DARCARS/EDP Properties) from

(13)

that which has been recommended in the Draft Plan for several years. As of this date, no specific new zones have been identified. If new zoning is recommended, property owners must be given sufficient time to analyze the new zone (uses, standards, procedures, grandfathering, etc.) and advise the PHED/Council whether the new zone is acceptable prior to Master Plan approval.

4) Staging

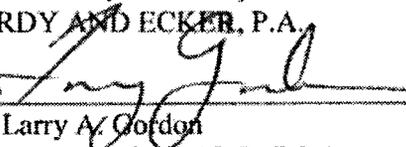
The Staging Component has been removed from the Draft Plan, but consideration is being given to adding some form of Staging back into the Master Plan. If Staging is added, properties (including the DARCARS/EDP Properties) that were made exempt from TP Policy Area Mobility Review and TL Local Area Transportation Review through July 25, 2016 by Council approval of Resolution No. 17-222 should be made exempt from any such Master Plan Staging through July 25, 2016.

5) Off-Site Storage of Inventory Vehicles and/or Employee Parking Associated with Light Vehicle Sales and Rental (Indoor and/or Outdoor)

It is not clear whether this use is allowed in the New Zoning Ordinance as the sole use on a property, (See, "Surface Parking for Use Allowed in the Zone" and "Automobile Storage Lot"). This use is currently allowed and in existence under certain zones in the White Oak Master Plan area (including the DARCARS/EDP Properties) and elsewhere in the County. Accordingly, the New Zoning Ordinance should be amended to allow this use in all zones that allow Light Vehicle Sales and Rental uses.

Thank you for your consideration of these recommendations.

Very truly yours,
SHULMAN, ROGERS, GANDAL
PORDY AND ECKER, P.A.

By: 

Larry A. Gordon
Attorneys for DARCARS Automotive Group
and Eastern Diversified Properties, Inc.

Attachment

cc: By Email

Hon. Nancy Floreen
4641937_1.docx

(14)

PHED COMMITTEE #1&2
July 16, 2014
Addendum

MEMORANDUM

July 14, 2014

TO: Planning, Housing, and Economic Development (PHED) Committee
FROM: Glenn Orlin,⁶⁰ Deputy Council Administrator
SUBJECT: **Addendum**--White Oak Science Gateway Master Plan

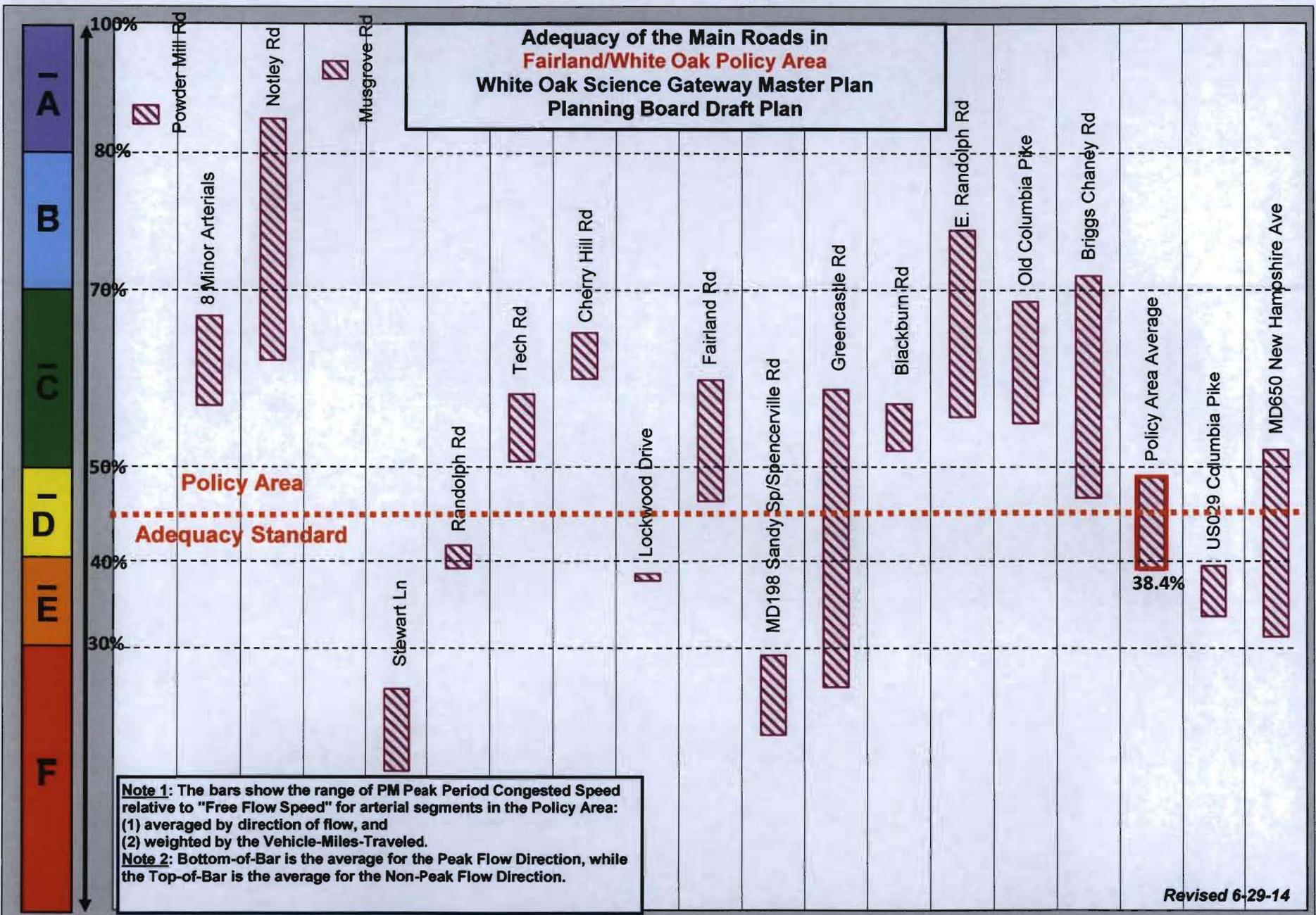
In the addendum for the July 1 worksession the TPAR charts for each of the 30 scenarios (summarized on ©7 of the July 1 packet) were circulated. Shortly after, Council staff found discrepancies between the TPAR percentage for a few individual roads under a scenario "with US 29" compared to its "without US 29" counterpart. These few discrepancies were all on minor roads with the exception of one on New Hampshire Avenue, but even that one was for the non-peak flow direction. As a result, the TPAR percentage for 28 of the 30 scenarios were unchanged, and the other two changed only slightly—and these two were for the "discount" US29 option that Council staff is *not* recommending using in determining balance.

Attached is the revised summary of TPAR percentages (the "revised" ©7) and the TPAR charts for each scenario. These are being disseminated merely to correct the record; nothing in this addendum changes Council staff's conclusions or recommendations.

White Oak Science Gateway S. Plan
TPAR Test - Speed Ratios

| | A | B | C | D | E | F |
|----|------------------------------------|---|--|--|---|--|
| | Area of TPAR Analysis | Planning Board Draft Plan (With correction to appropriately reflect US 29 traffic exemption north of MD 650.) | "Network Test" Reflect BRT lane reourposing on US 29 & MD 650. Assume freeway capacity on US 29 north of MD 650. Add widening of Old Col. Pike and extend to W. Oak S. Ctr. Assume Planning Board NADMS recommendations (25%/30%). | "NADMS Test" "Network Test" changes and assume 30% NADMS for Activity Centers. | "Land Use Sensitivity Test " "Network Test" changes and assume 25% reduction in proposed new development. | "1997 Master Plan Test" "Network Test" changes in combination with adopted master plan land use. |
| 1 | | | | | | |
| 2 | | | | | | |
| 3 | | | | | | |
| 4 | Fairland/White Oak - US 29 in | 38.4 | 41.7 | 41.9 | 43.9 | 43.3 |
| 5 | | | | | | |
| 6 | Fairland/White Oak - Exempt US 29 | 40.0 | 40.3 | 40.5 | 41.1 | 41.9 |
| 7 | | | | | | |
| 8 | White Oak (WOSG) - US 29 in | 33.3 | 39.2 | 40.3 | 41.2 | 42.9 |
| 9 | | | | | | |
| 10 | White Oak (WOSG) - Exempt US 29 | 34.6 | 30.3 | 30.2 | 29.9 | 35.1 |
| 11 | | | | | | |
| 12 | Fairland/Colesville - US 29 in | 39.6 | 42.3 | 42.6 | 44.5 | 43.8 |
| 13 | | | | | | |
| 14 | Fairland/Colesville - Exempt US 29 | 41.3 | 43.8 | 44.2 | 45.1 | 45.4 |
| 15 | | | | | | |

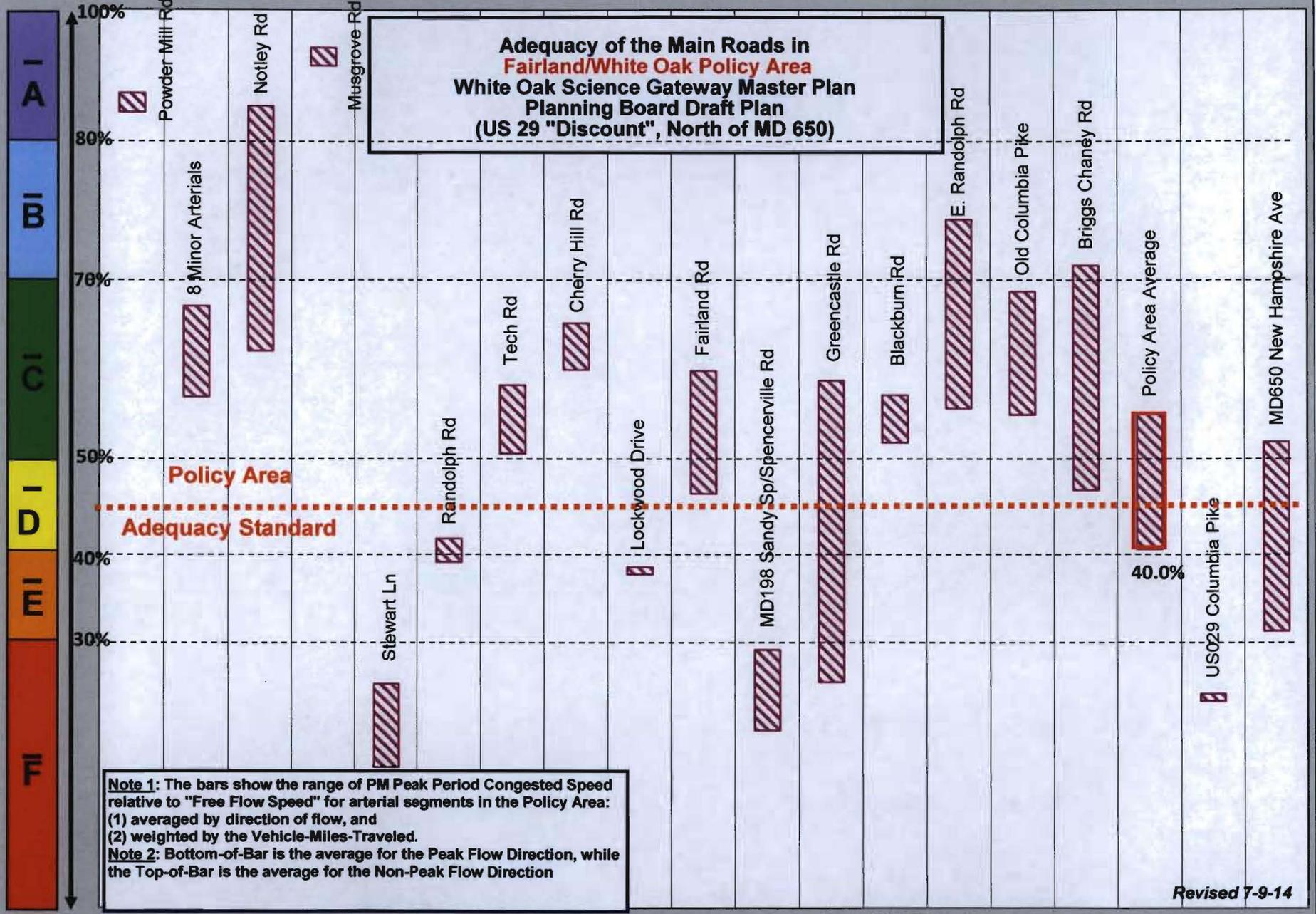
(2)



Revised 6-29-14

Arterial Performance within the Fairland White Oak (FWO) Policy Area

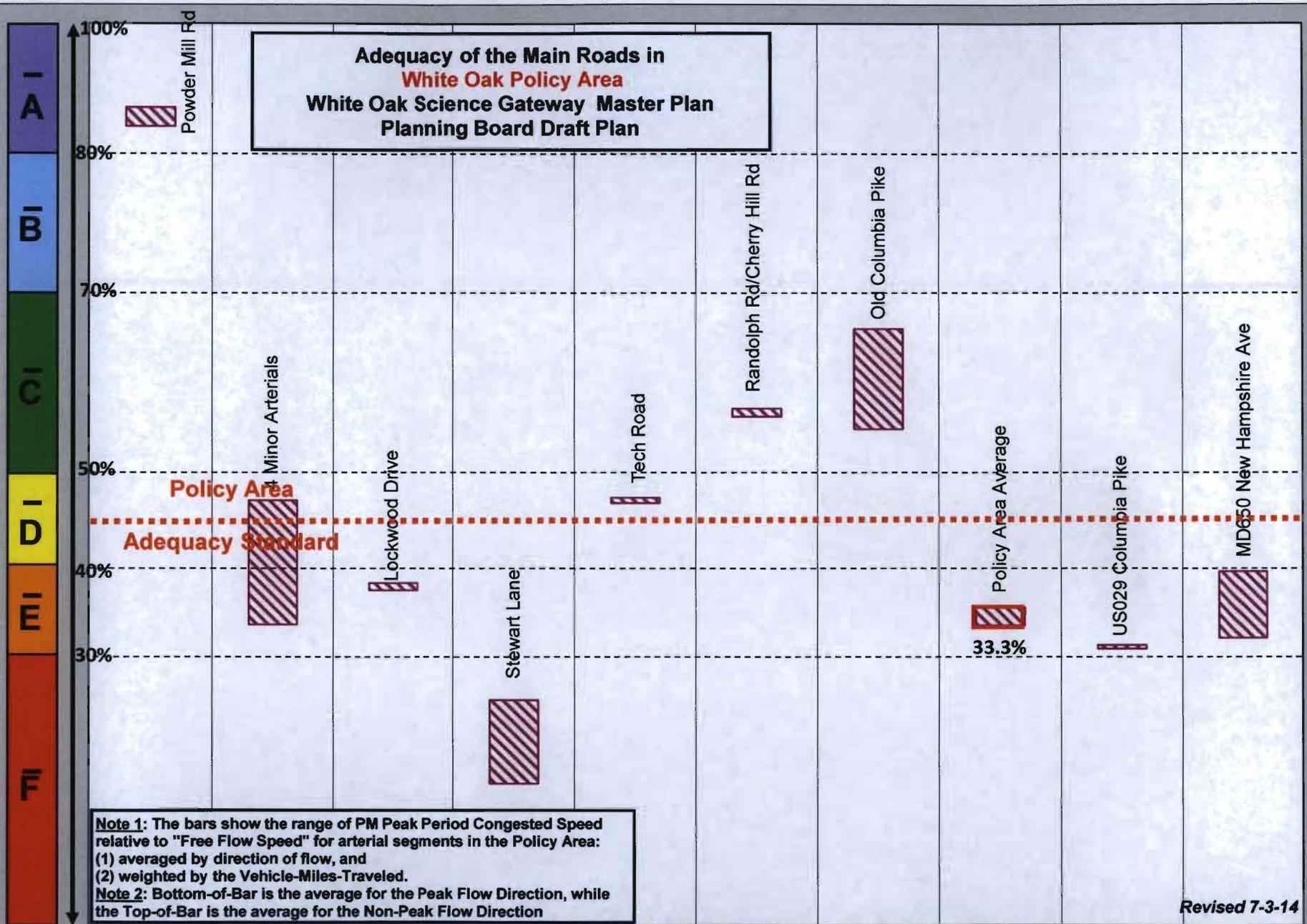
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Revised 7-9-14

Arterial Performance within the Fairland White Oak (FWO) Policy Area

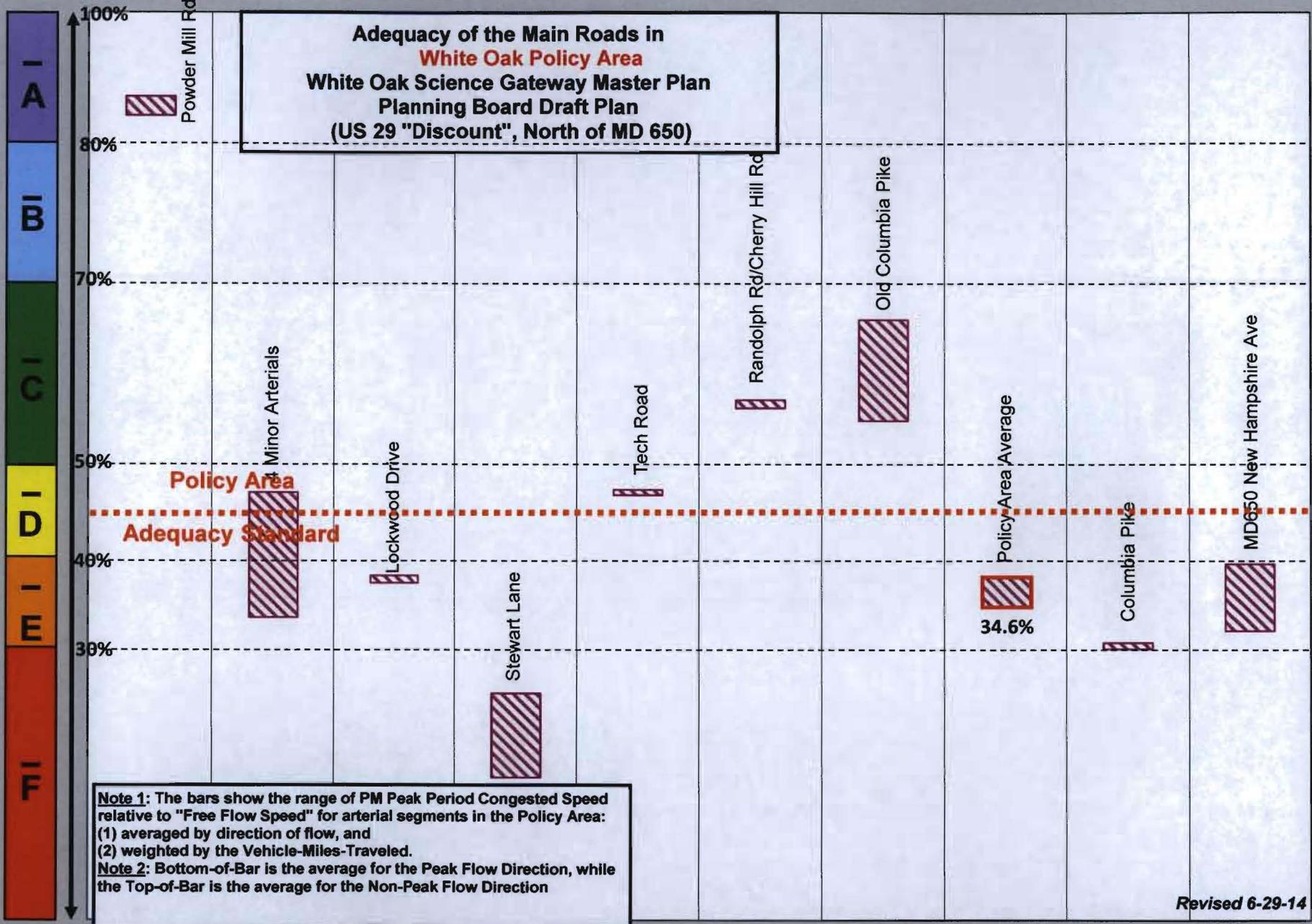
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Revised 7-3-14

Arterial Performance within the White Oak Policy Area

(5)



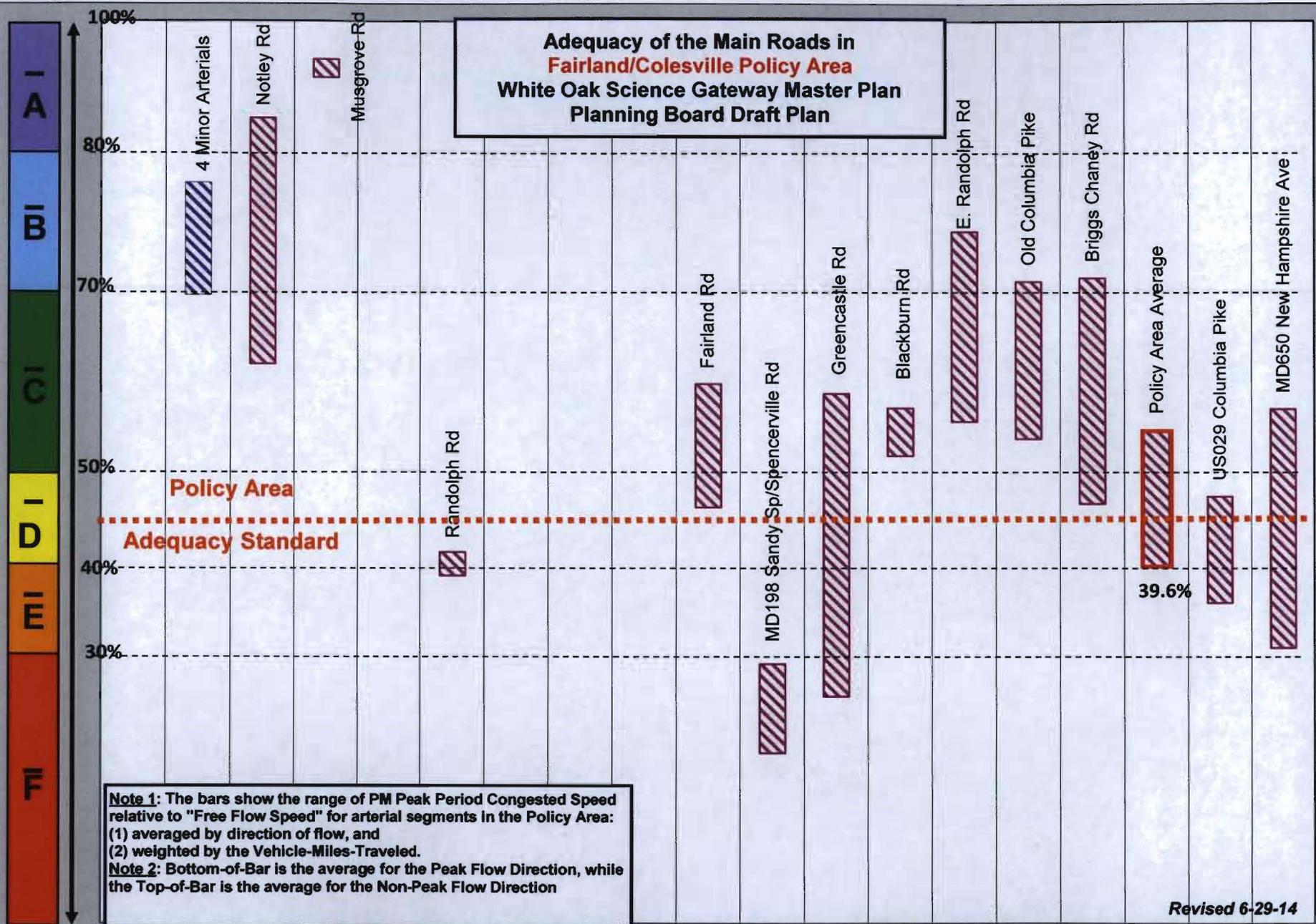
**Adequacy of the Main Roads in
White Oak Policy Area**
White Oak Science Gateway Master Plan
Planning Board Draft Plan
(US 29 "Discount", North of MD 650)

Note 1: The bars show the range of PM Peak Period Congested Speed relative to "Free Flow Speed" for arterial segments in the Policy Area:
(1) averaged by direction of flow, and
(2) weighted by the Vehicle-Miles-Traveled.
Note 2: Bottom-of-Bar is the average for the Peak Flow Direction, while the Top-of-Bar is the average for the Non-Peak Flow Direction

Revised 6-29-14

Arterial Performance within the White Oak Policy Area

**Adequacy of the Main Roads in
Fairland/Colesville Policy Area
White Oak Science Gateway Master Plan
Planning Board Draft Plan**

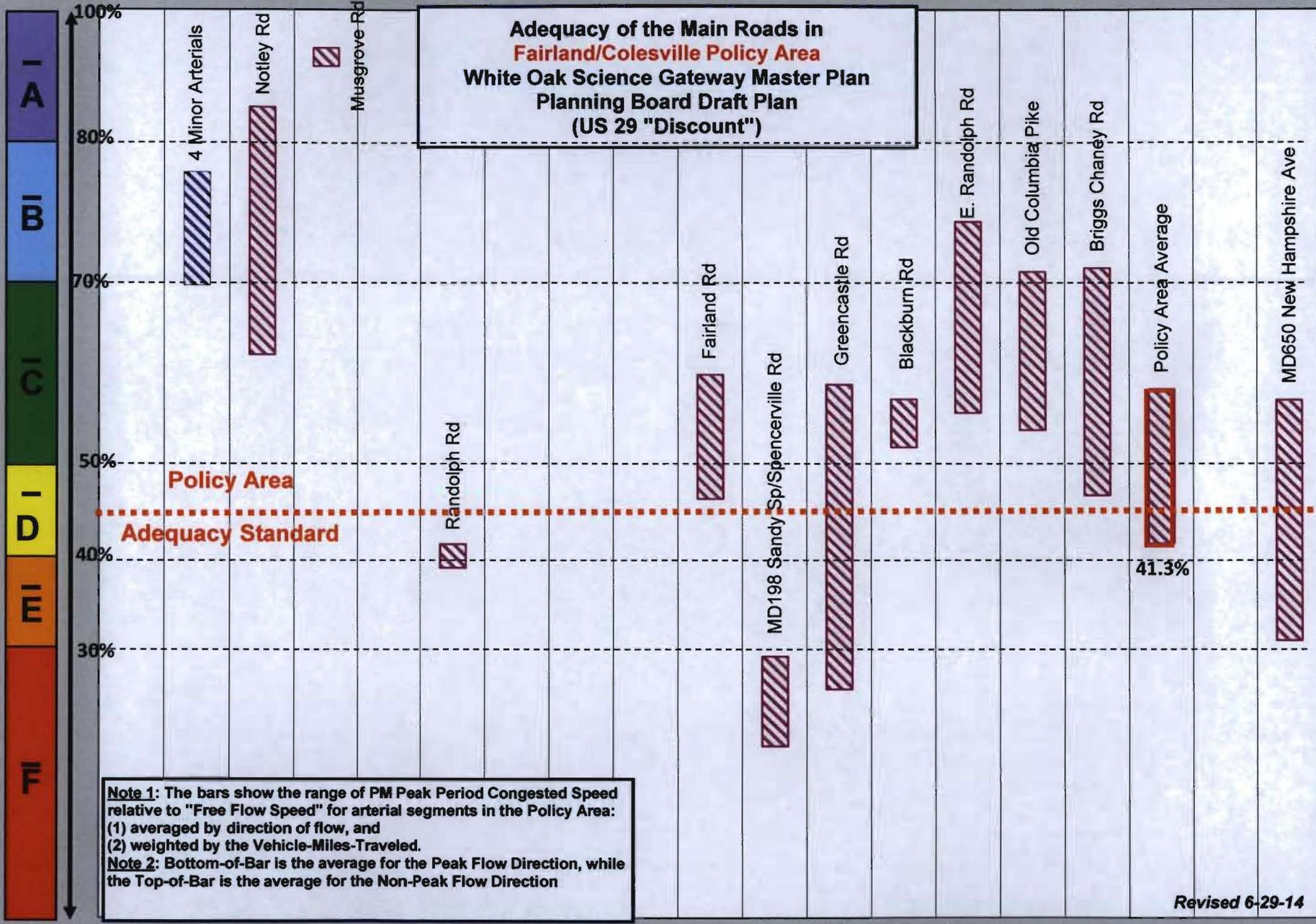


Note 1: The bars show the range of PM Peak Period Congested Speed relative to "Free Flow Speed" for arterial segments in the Policy Area: (1) averaged by direction of flow, and (2) weighted by the Vehicle-Miles-Traveled.
Note 2: Bottom-of-Bar is the average for the Peak Flow Direction, while the Top-of-Bar is the average for the Non-Peak Flow Direction

Revised 6-29-14

Arterial Performance within the Fairland/Colesville Policy Area

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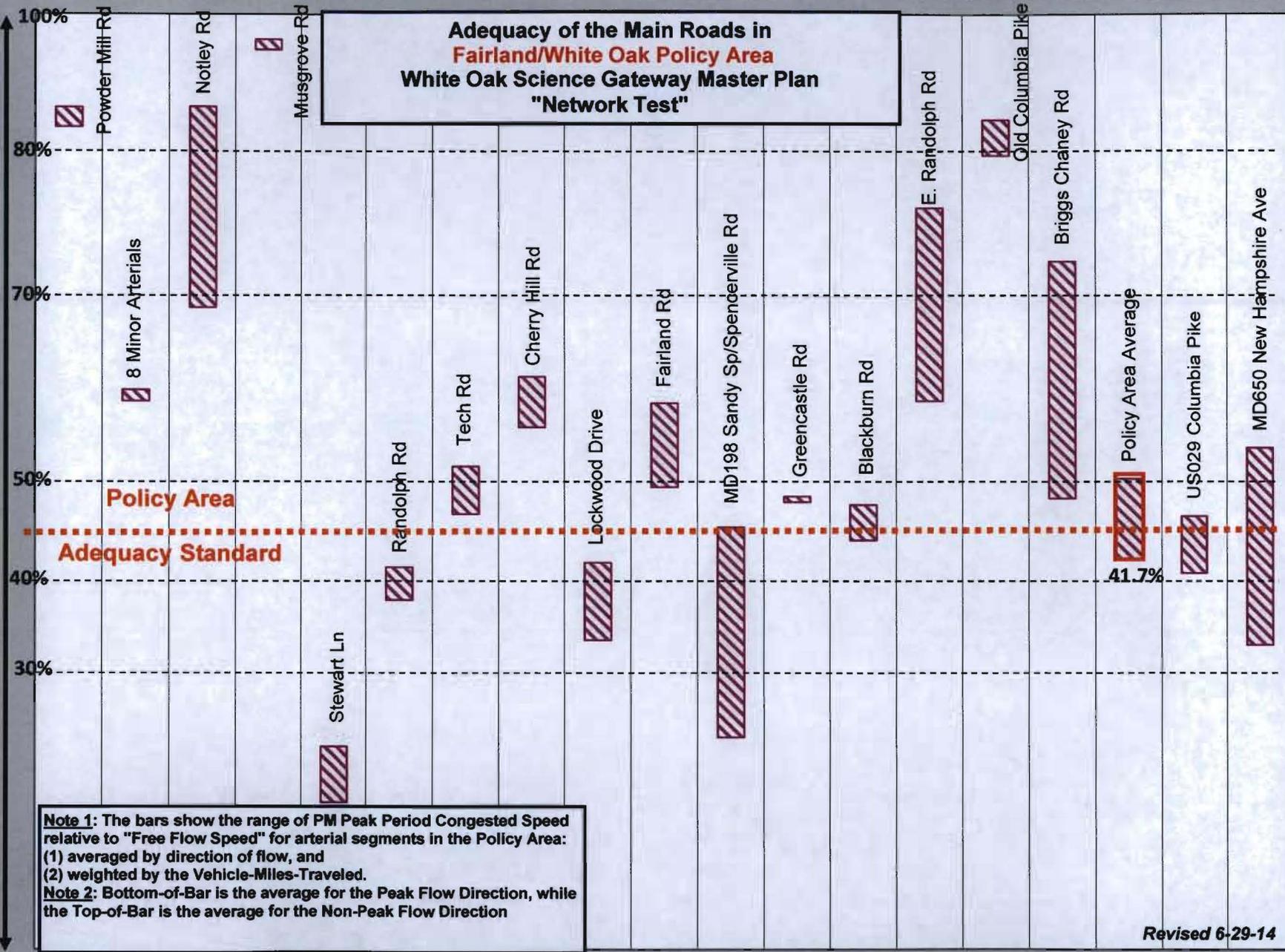
Arterial Performance within the Fairland/Colesville Policy Area

Revised 6-29-14

3

A
B
C
D
E
F

Adequacy of the Main Roads in Fairland/White Oak Policy Area White Oak Science Gateway Master Plan "Network Test"



Note 1: The bars show the range of PM Peak Period Congested Speed relative to "Free Flow Speed" for arterial segments in the Policy Area: (1) averaged by direction of flow, and (2) weighted by the Vehicle-Miles-Traveled.

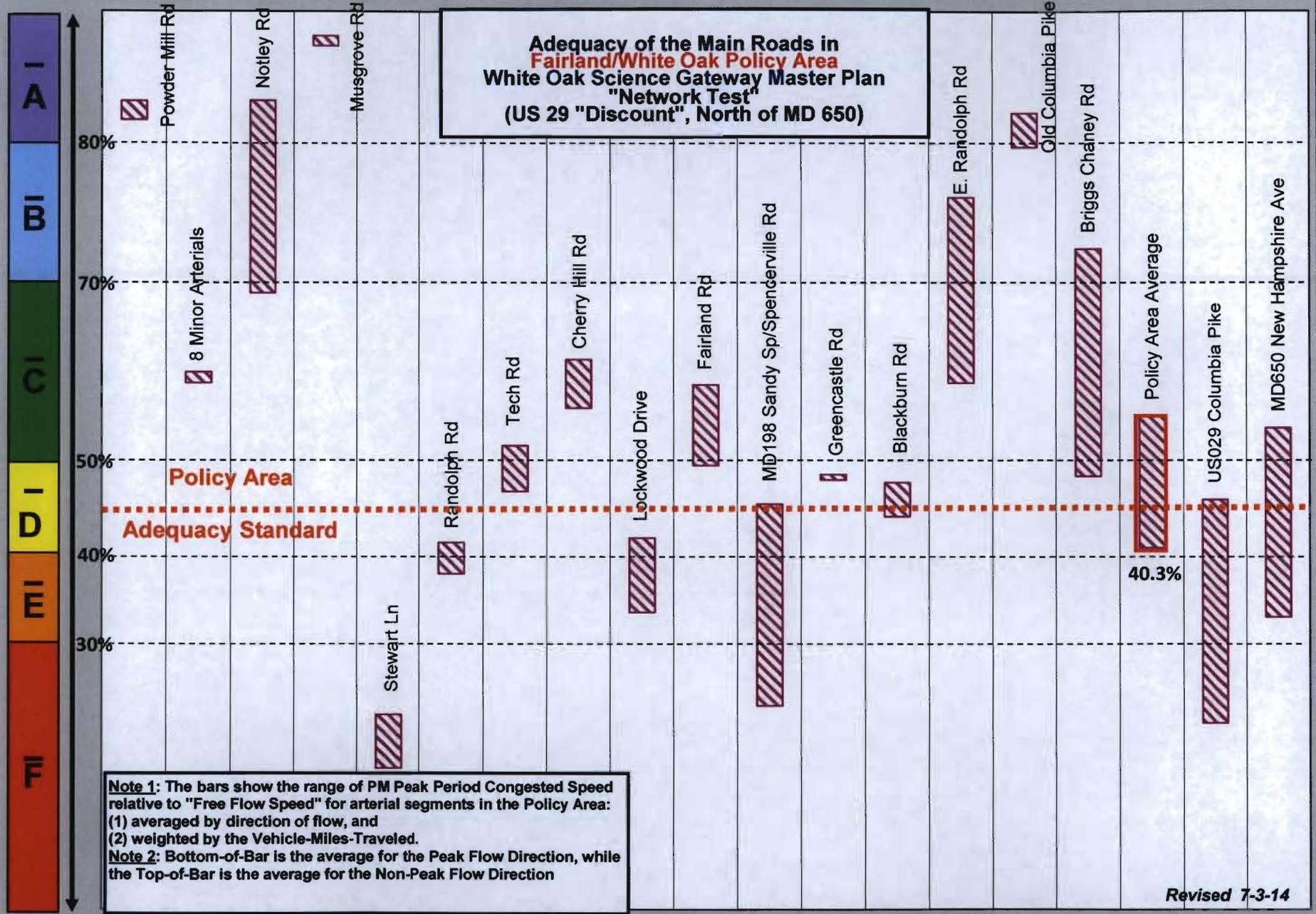
Note 2: Bottom-of-Bar is the average for the Peak Flow Direction, while the Top-of-Bar is the average for the Non-Peak Flow Direction

Revised 6-29-14

Arterial Performance within the Fairland/White Oak Policy Area

(b)

Adequacy of the Main Roads in Fairland/White Oak Policy Area White Oak Science Gateway Master Plan "Network Test" (US 29 "Discount", North of MD 650)



Note 1: The bars show the range of PM Peak Period Congested Speed relative to "Free Flow Speed" for arterial segments in the Policy Area:
 (1) averaged by direction of flow, and
 (2) weighted by the Vehicle-Miles-Traveled.
Note 2: Bottom-of-Bar is the average for the Peak Flow Direction, while the Top-of-Bar is the average for the Non-Peak Flow Direction

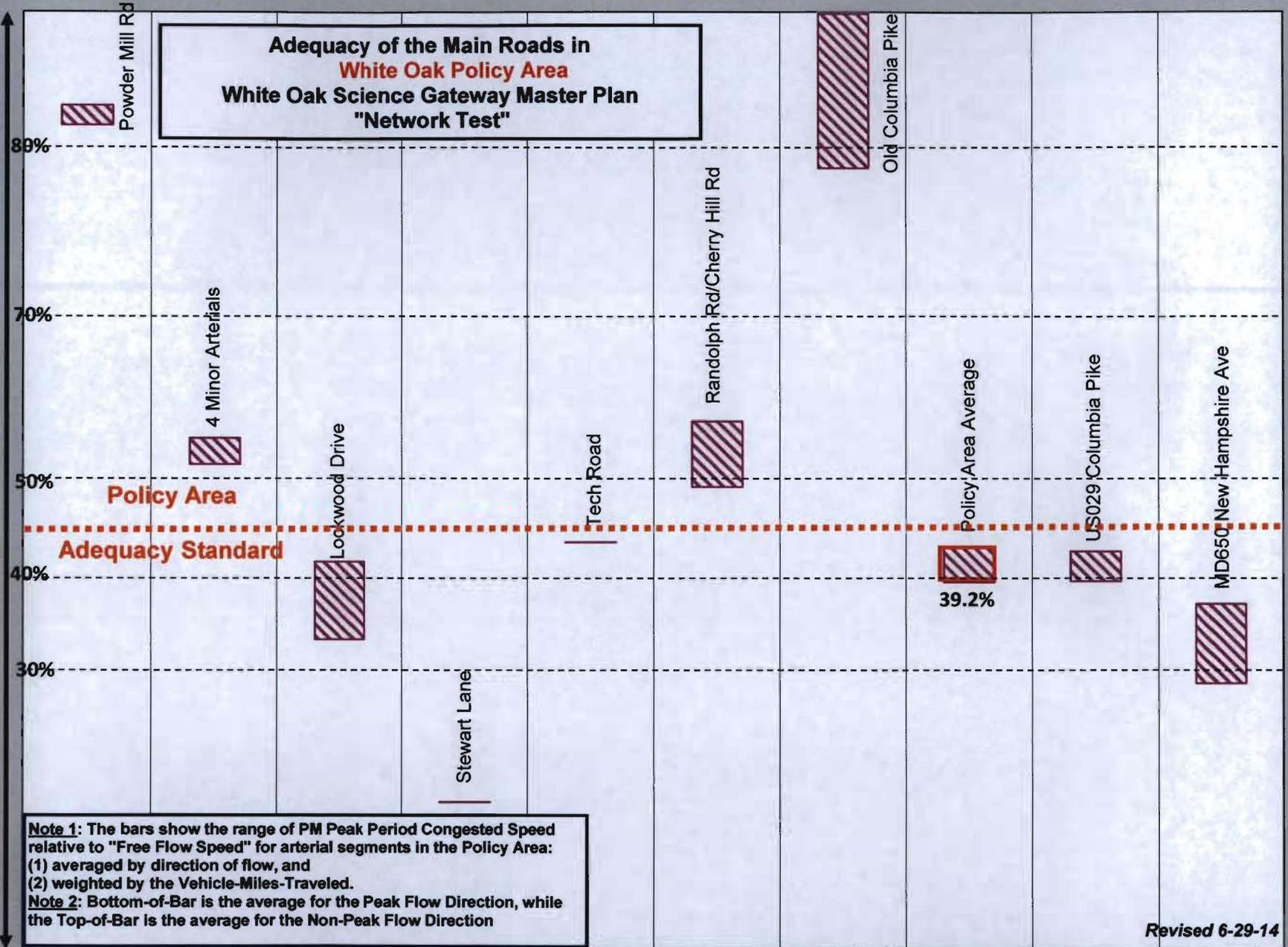
Revised 7-3-14

Arterial Performance within the Fairland White Oak Policy Area

10

A
B
C
D
E
F

Adequacy of the Main Roads in White Oak Policy Area White Oak Science Gateway Master Plan "Network Test"

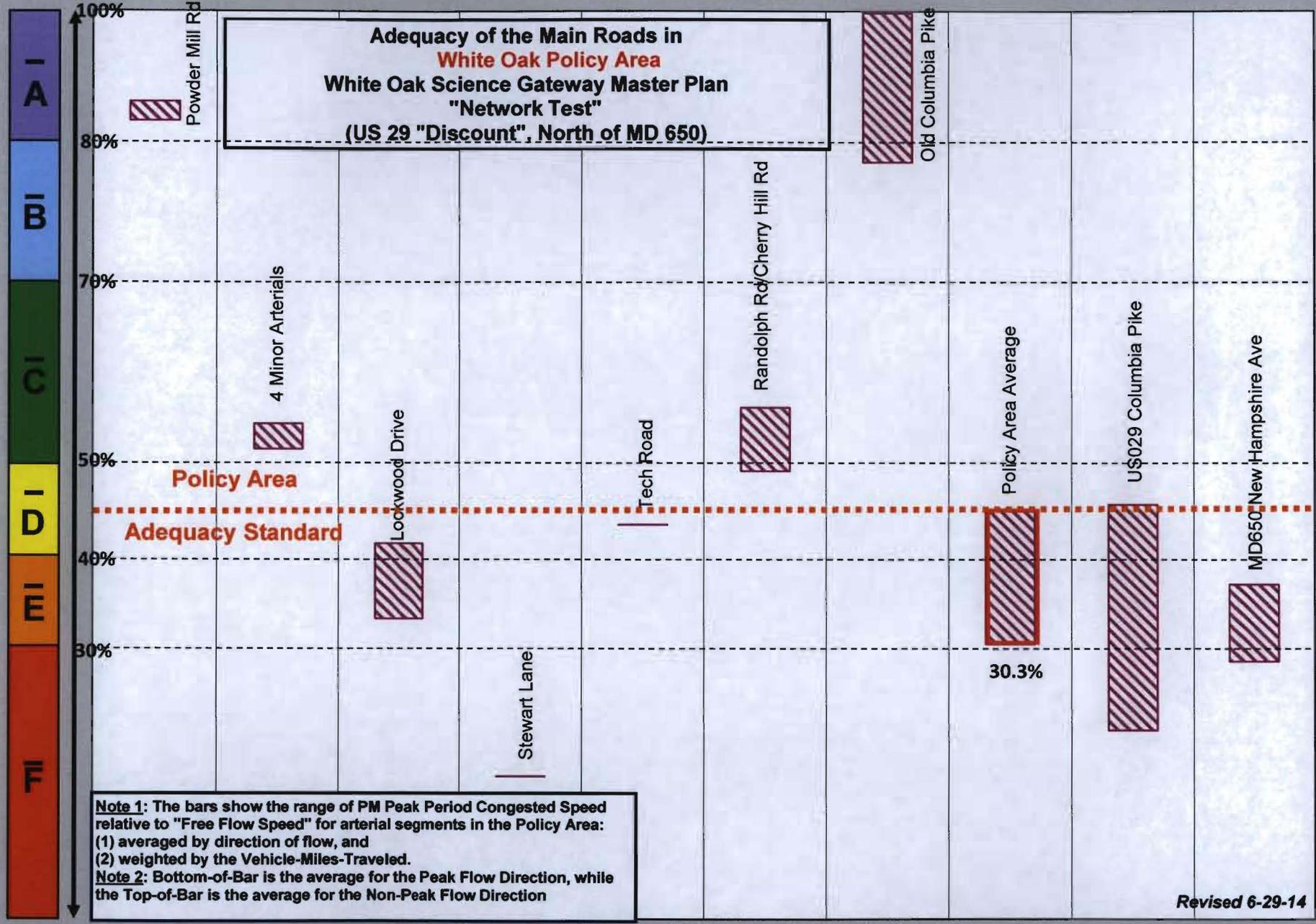


Note 1: The bars show the range of PM Peak Period Congested Speed relative to "Free Flow Speed" for arterial segments in the Policy Area:
 (1) averaged by direction of flow, and
 (2) weighted by the Vehicle-Miles-Traveled.
Note 2: Bottom-of-Bar is the average for the Peak Flow Direction, while the Top-of-Bar is the average for the Non-Peak Flow Direction

Revised 6-29-14

Arterial Performance within the White Oak Policy Area

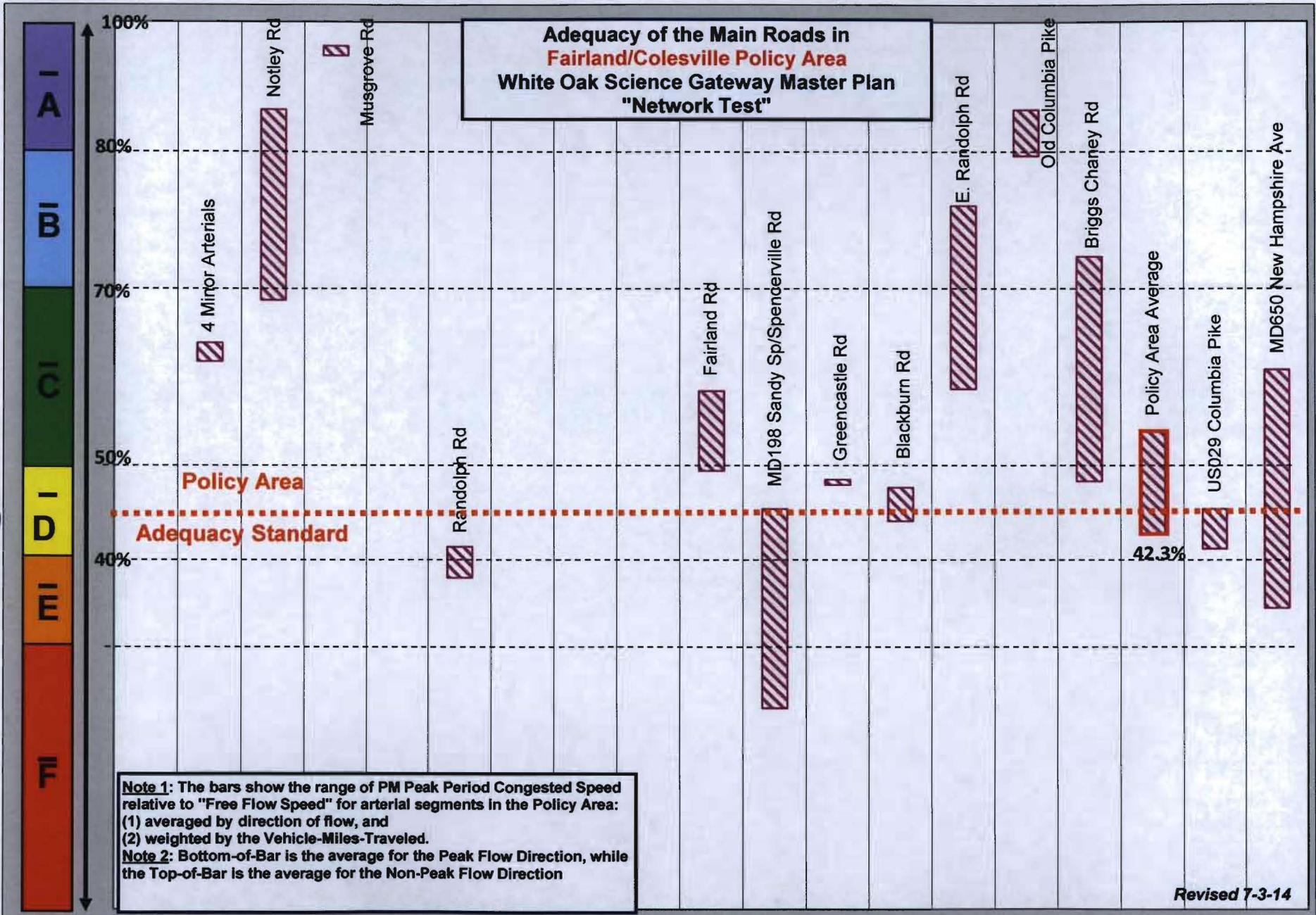
(11)



Arterial Performance within the White Oak Policy Area

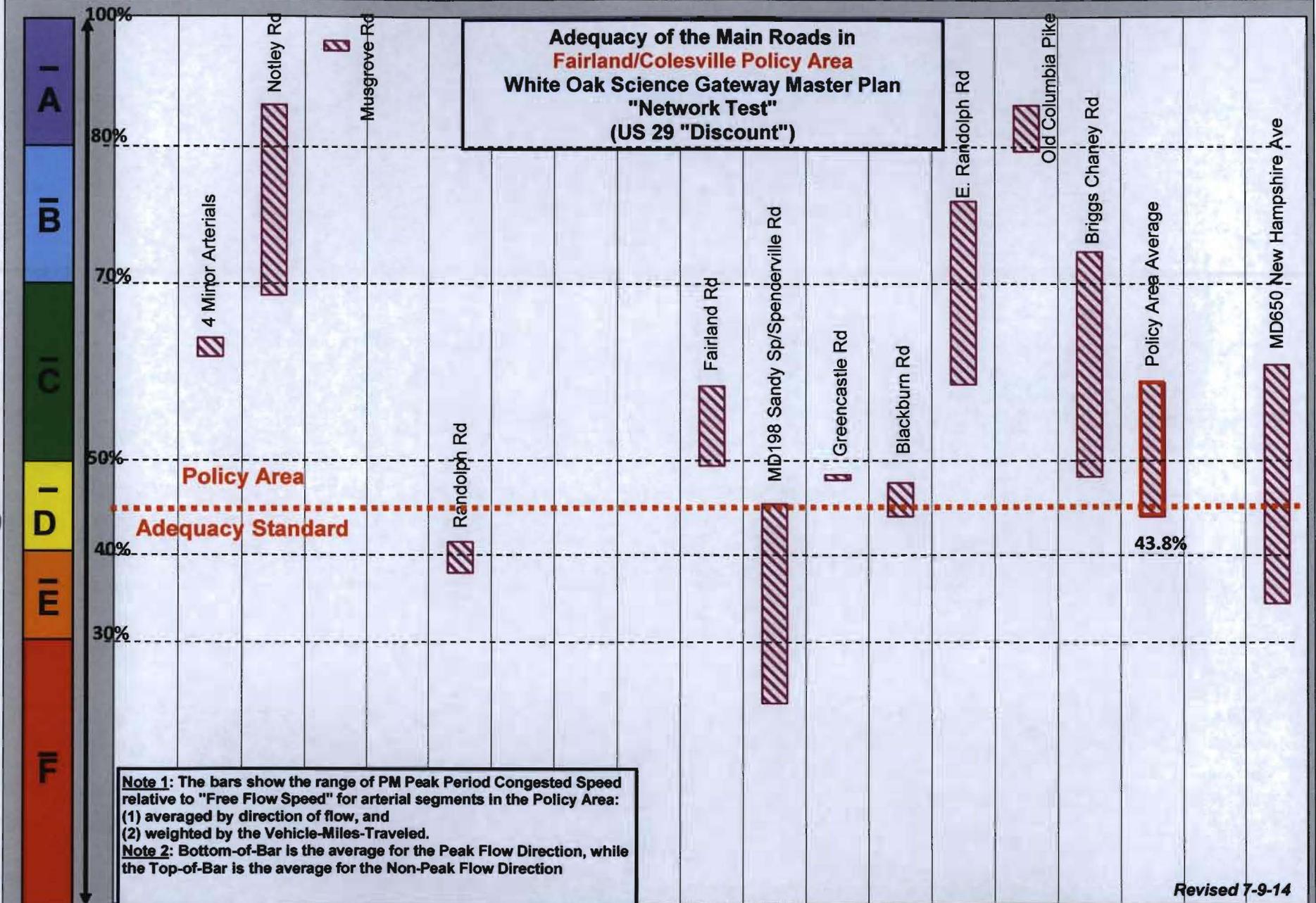
Revised 6-29-14

(12)



Arterial Performance within the Fairland/Colesville Policy Area

Revised 7-3-14

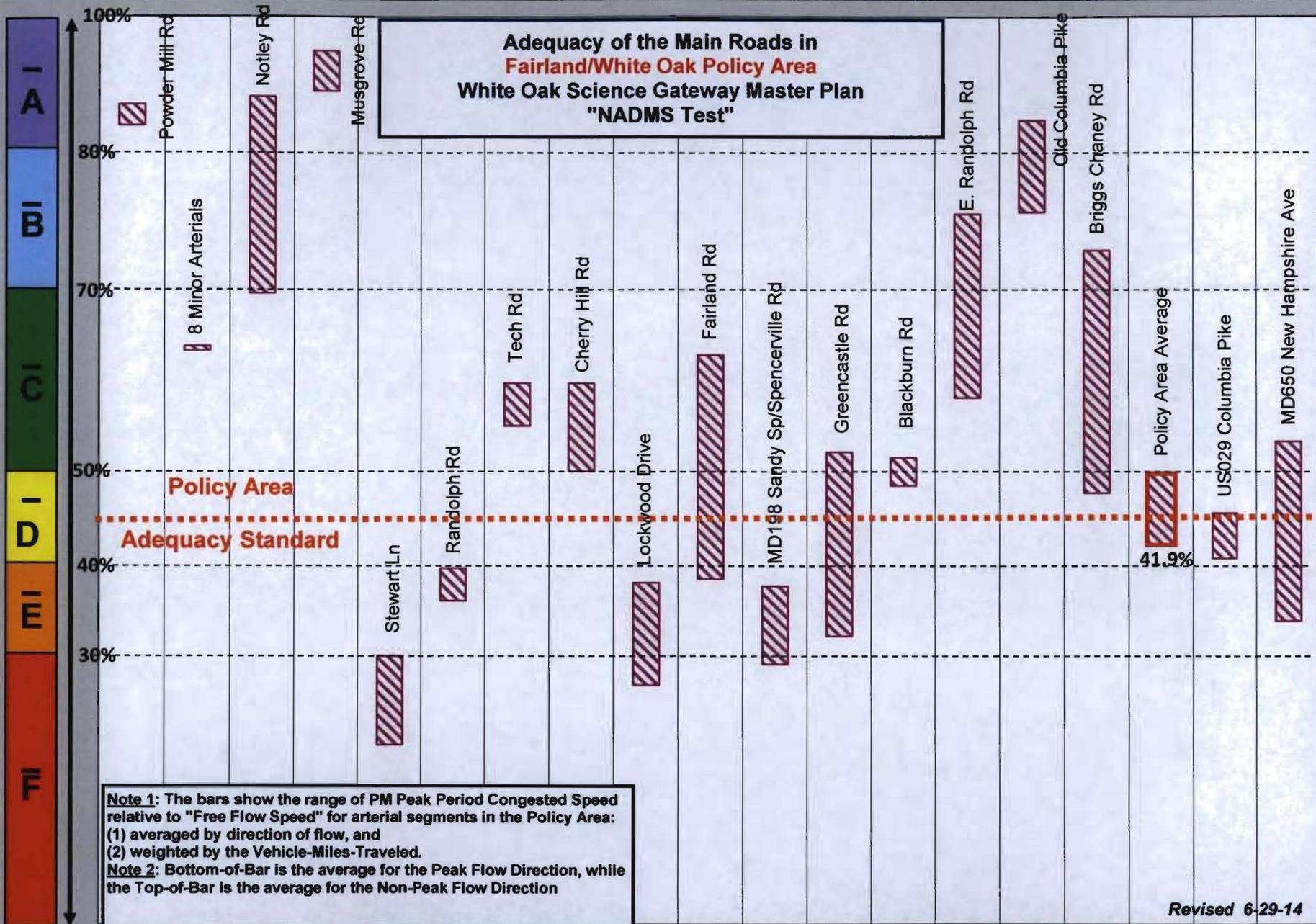


Arterial Performance within the Fairland/Colesville Policy Area

Revised 7-9-14

(4)

Adequacy of the Main Roads in Fairland/White Oak Policy Area White Oak Science Gateway Master Plan "NADMS Test"

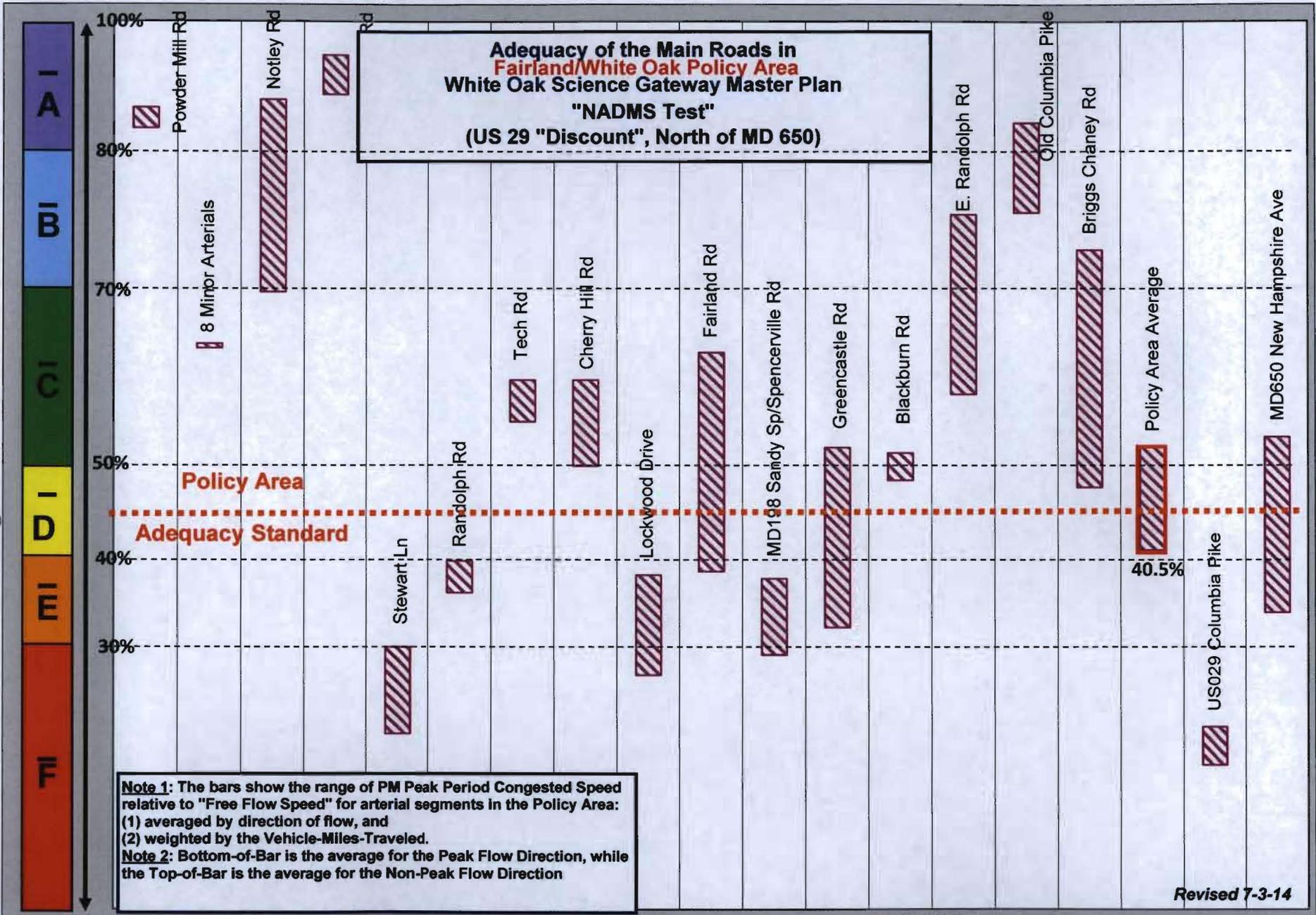


Note 1: The bars show the range of PM Peak Period Congested Speed relative to "Free Flow Speed" for arterial segments in the Policy Area:
 (1) averaged by direction of flow, and
 (2) weighted by the Vehicle-Miles-Traveled.
Note 2: Bottom-of-Bar is the average for the Peak Flow Direction, while the Top-of-Bar is the average for the Non-Peak Flow Direction

Revised 6-29-14

Arterial Performance within the Fairland/White Oak Policy Area

(15)

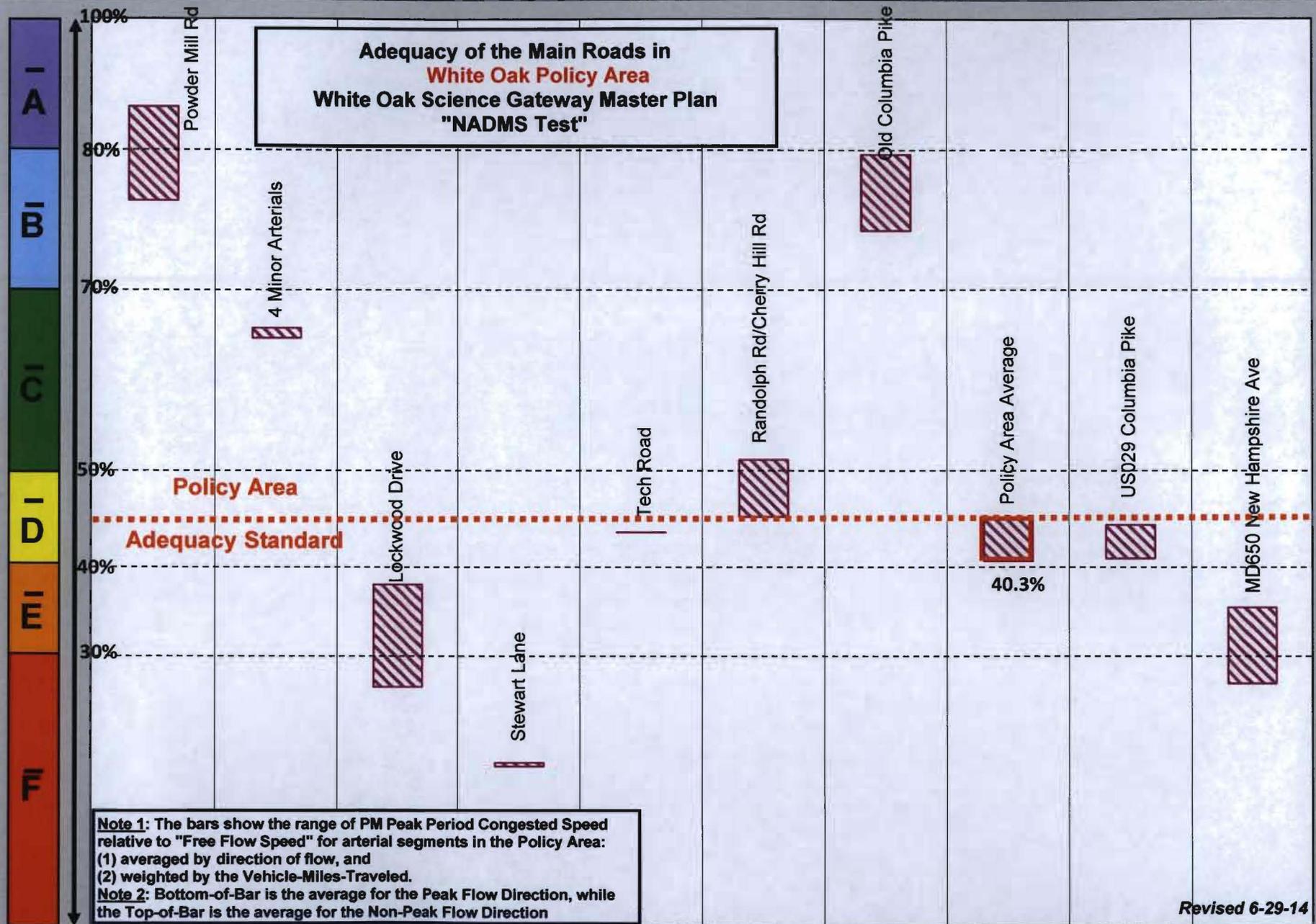


Arterial Performance within the Fairland White Oak (FWO) Policy Area

Revised 7-3-14

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Adequacy of the Main Roads in White Oak Policy Area White Oak Science Gateway Master Plan "NADMS Test"

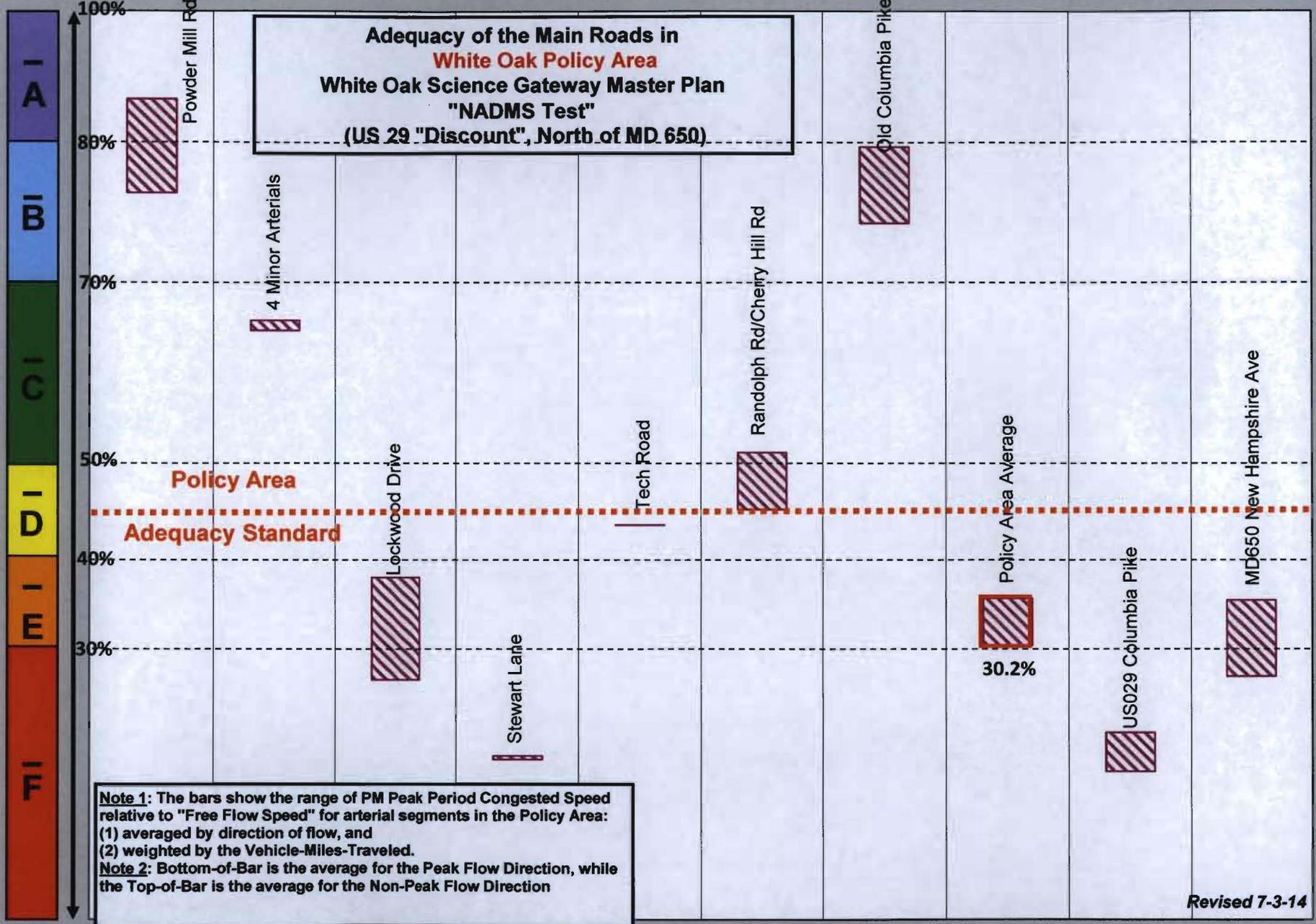


Note 1: The bars show the range of PM Peak Period Congested Speed relative to "Free Flow Speed" for arterial segments in the Policy Area:
 (1) averaged by direction of flow, and
 (2) weighted by the Vehicle-Miles-Traveled.
Note 2: Bottom-of-Bar is the average for the Peak Flow Direction, while the Top-of-Bar is the average for the Non-Peak Flow Direction

Revised 6-29-14

Arterial Performance within the White Oak Policy Area

(1)

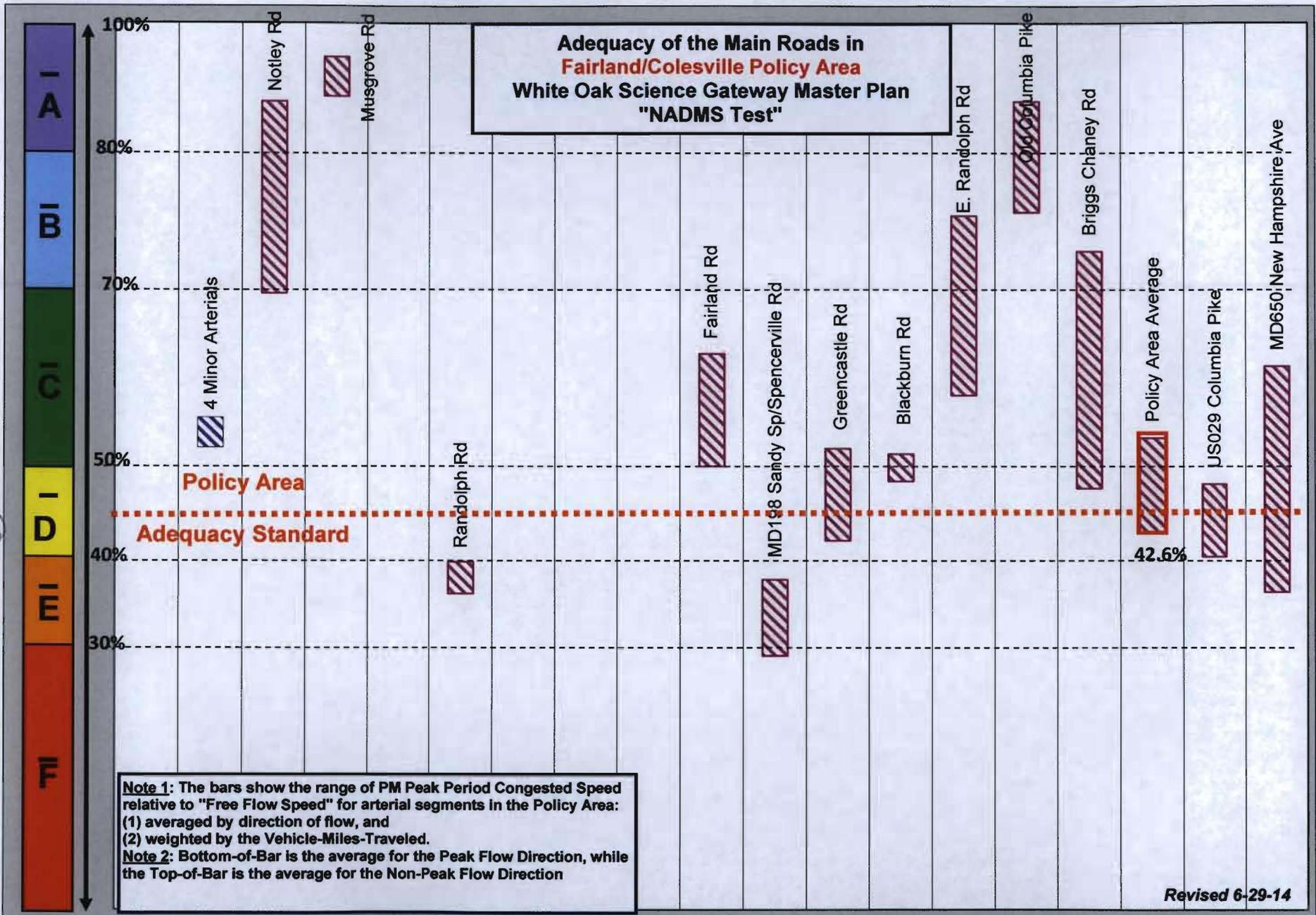


Note 1: The bars show the range of PM Peak Period Congested Speed relative to "Free Flow Speed" for arterial segments in the Policy Area:
 (1) averaged by direction of flow, and
 (2) weighted by the Vehicle-Miles-Traveled.
Note 2: Bottom-of-Bar is the average for the Peak Flow Direction, while the Top-of-Bar is the average for the Non-Peak Flow Direction

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Arterial Performance within the White Oak Policy Area

(81)

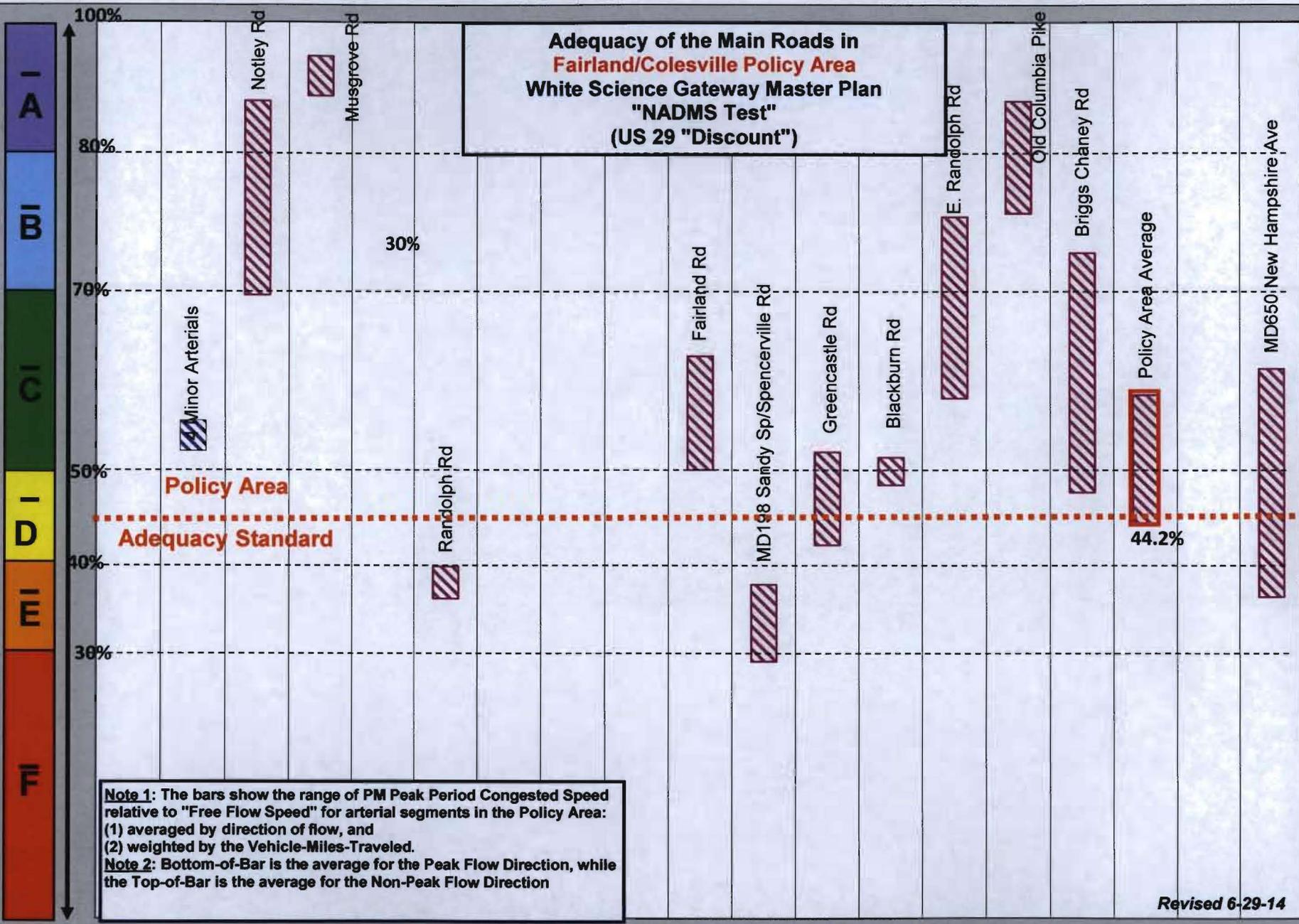


Revised 6-29-14

Arterial Performance within the Fairland/Colesville Policy Area

(b1)

Adequacy of the Main Roads in Fairland/Colesville Policy Area White Science Gateway Master Plan "NADMS Test" (US 29 "Discount")



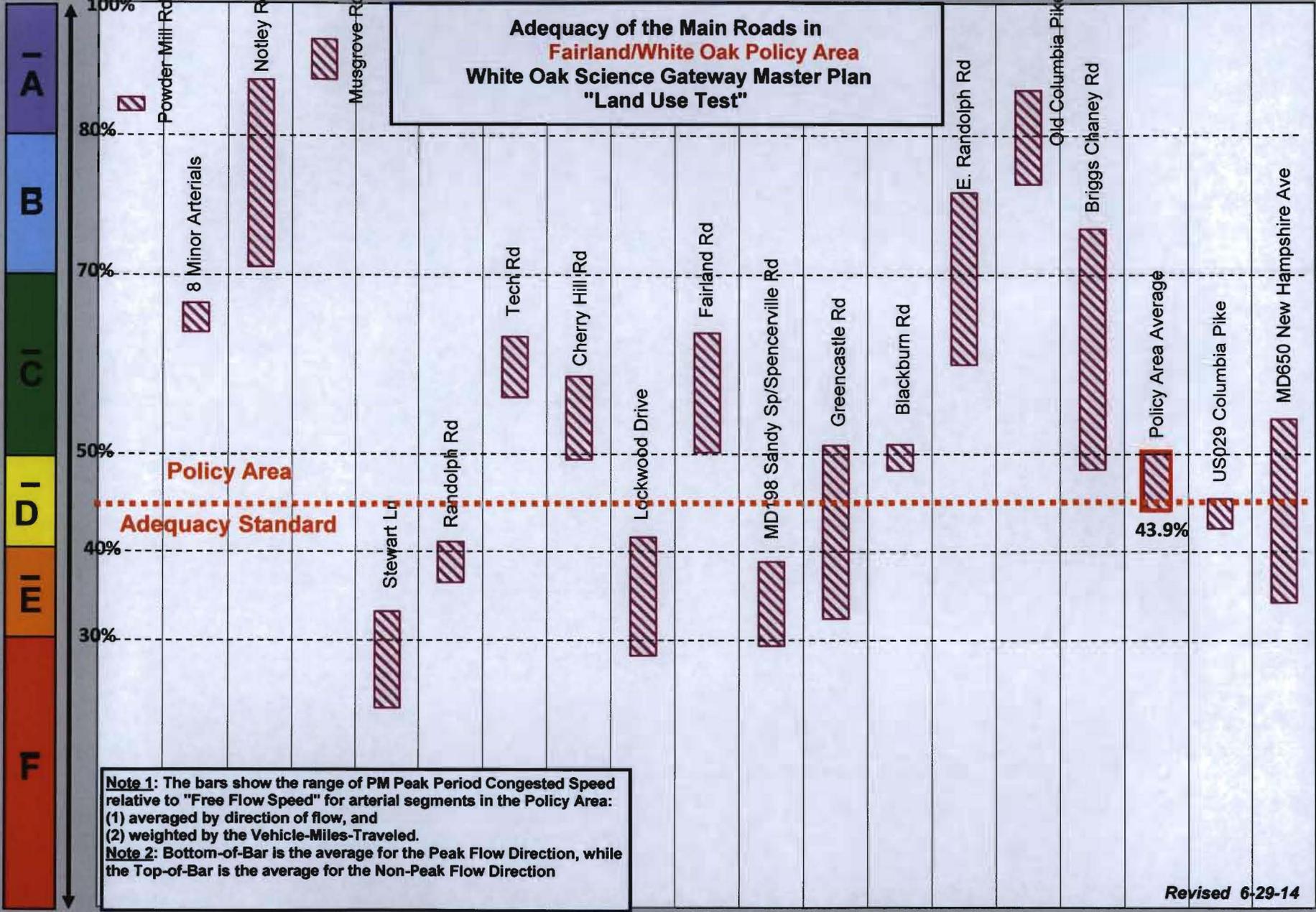
Note 1: The bars show the range of PM Peak Period Congested Speed relative to "Free Flow Speed" for arterial segments in the Policy Area: (1) averaged by direction of flow, and (2) weighted by the Vehicle-Miles-Traveled.

Note 2: Bottom-of-Bar is the average for the Peak Flow Direction, while the Top-of-Bar is the average for the Non-Peak Flow Direction

Revised 6-29-14

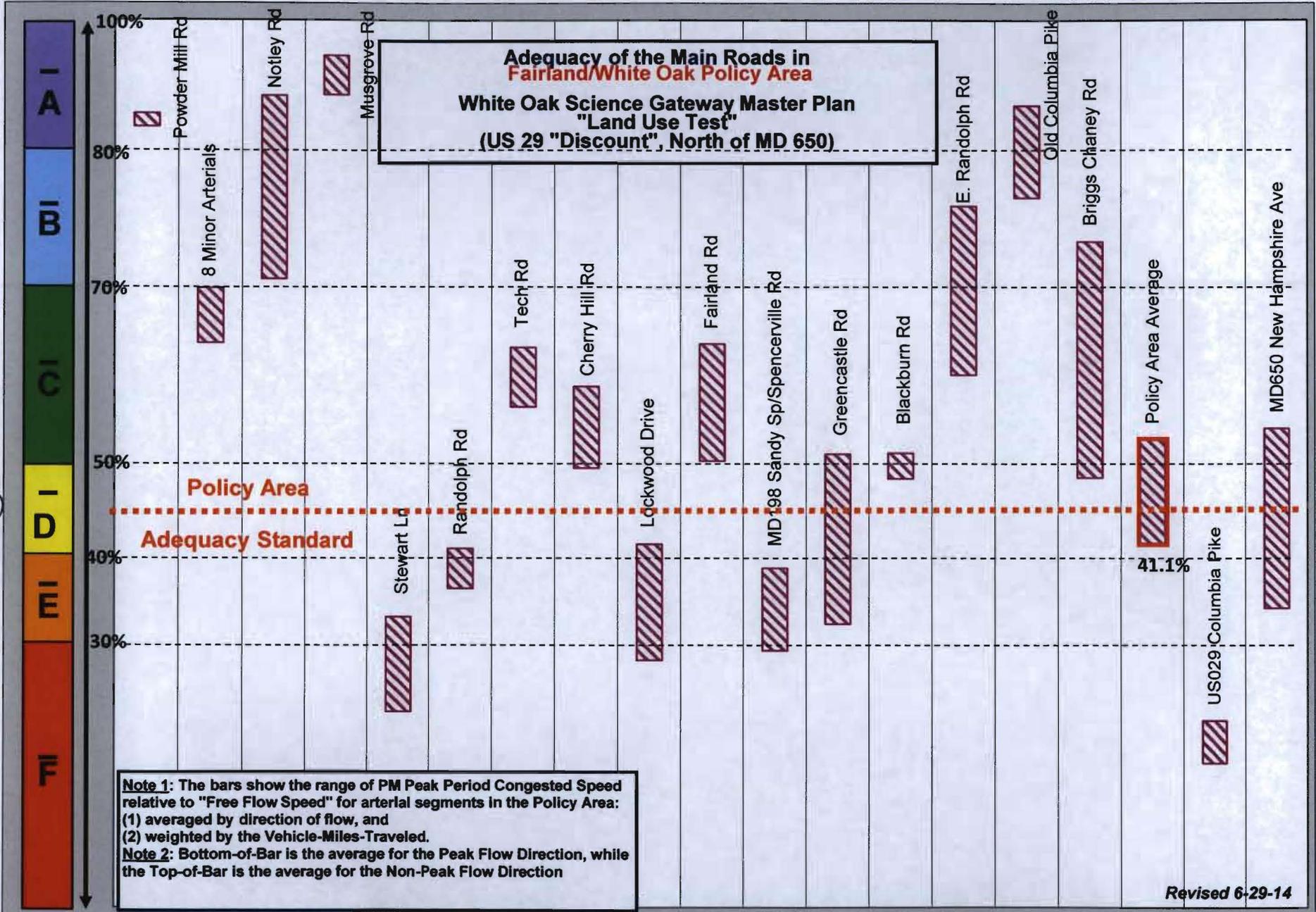
Arterial Performance within the Fairland/Colesville Policy Area

20



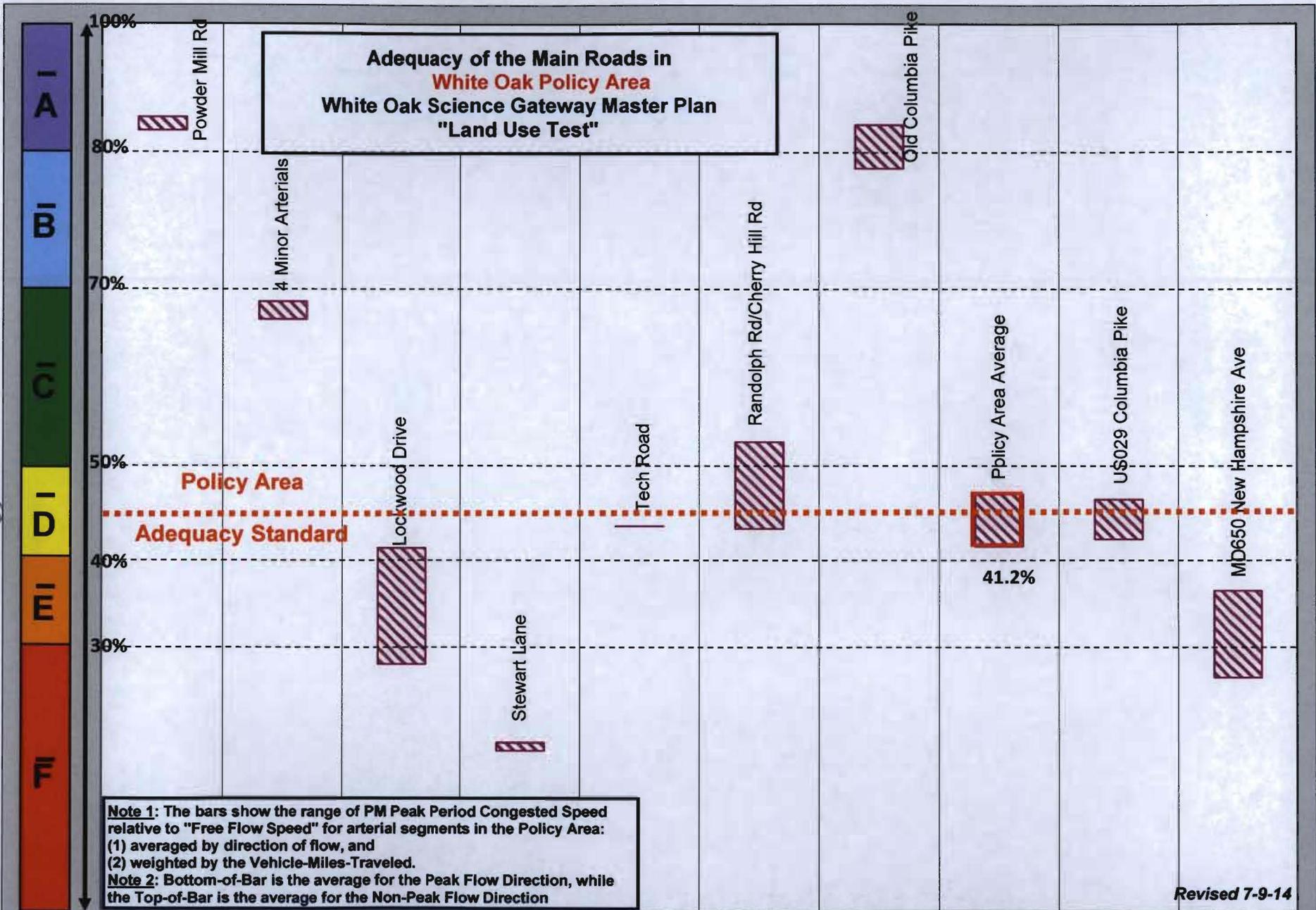
Arterial Performance within the Fairland/White Oak Policy Area

Revised 6-29-14



Arterial Performance within the Fairland/White Oak Policy Area

20

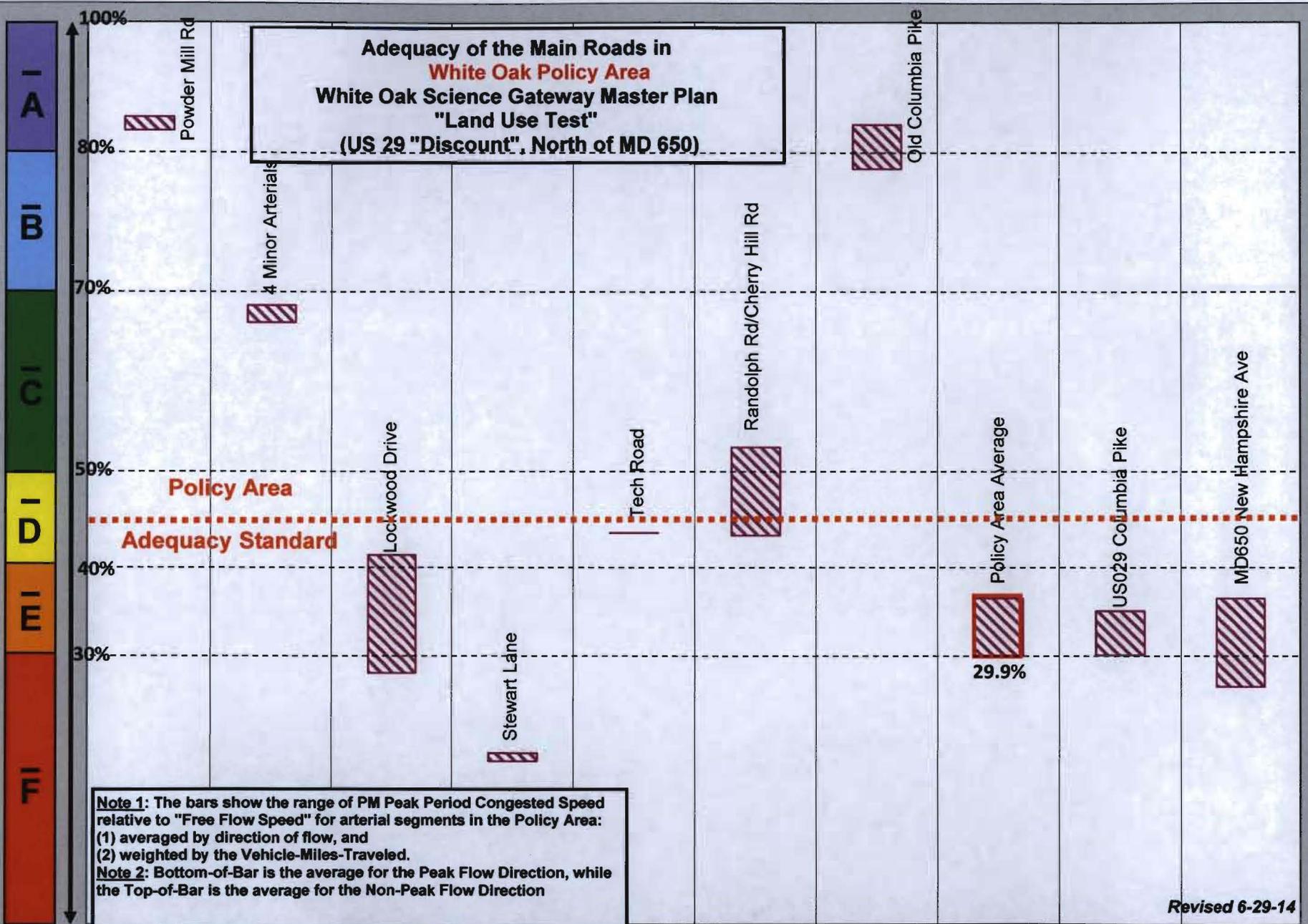


Arterial Performance within the White Oak Policy Area

Revised 7-9-14

23

**Adequacy of the Main Roads in
White Oak Policy Area
White Oak Science Gateway Master Plan
"Land Use Test"
(US 29 "Discount", North of MD 650)**

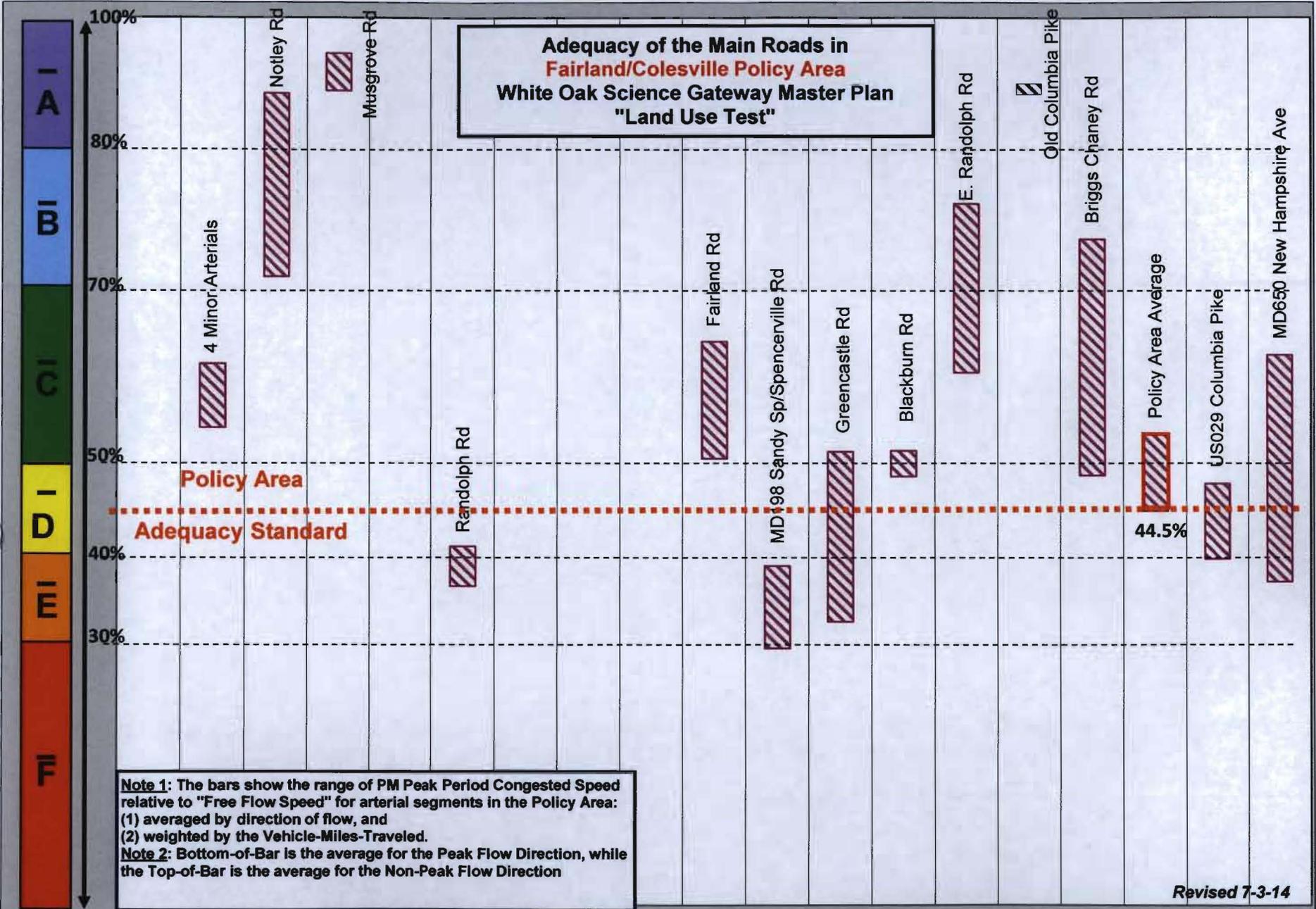


Note 1: The bars show the range of PM Peak Period Congested Speed relative to "Free Flow Speed" for arterial segments in the Policy Area:
(1) averaged by direction of flow, and
(2) weighted by the Vehicle-Miles-Traveled.
Note 2: Bottom-of-Bar is the average for the Peak Flow Direction, while the Top-of-Bar is the average for the Non-Peak Flow Direction

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Arterial Performance within the White Oak Policy Area

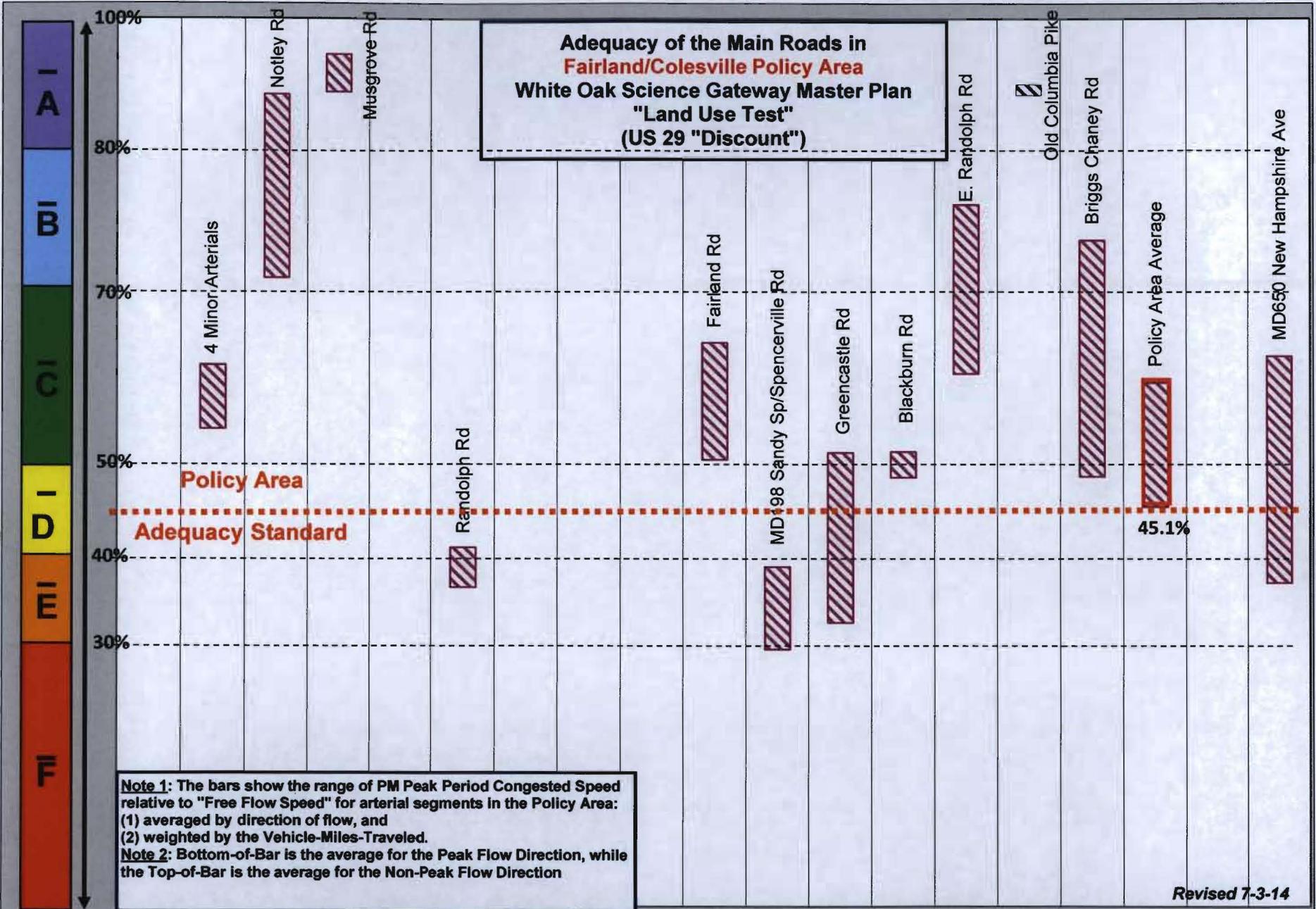
24



Arterial Performance within the Fairland/Colesville Policy Area

Revised 7-3-14

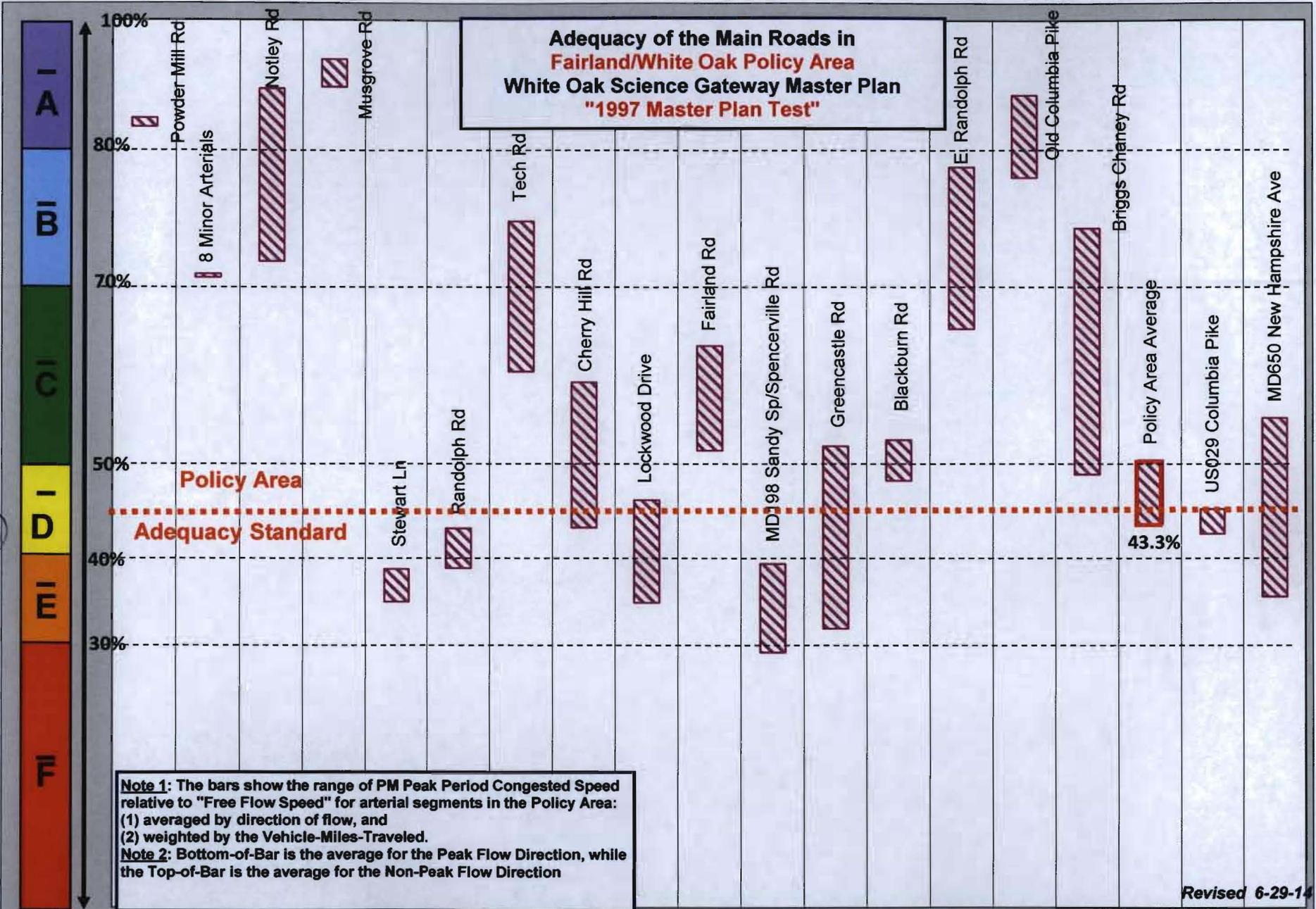
25



Arterial Performance within the Fairland/Colesville Policy Area

Revised 7-3-14

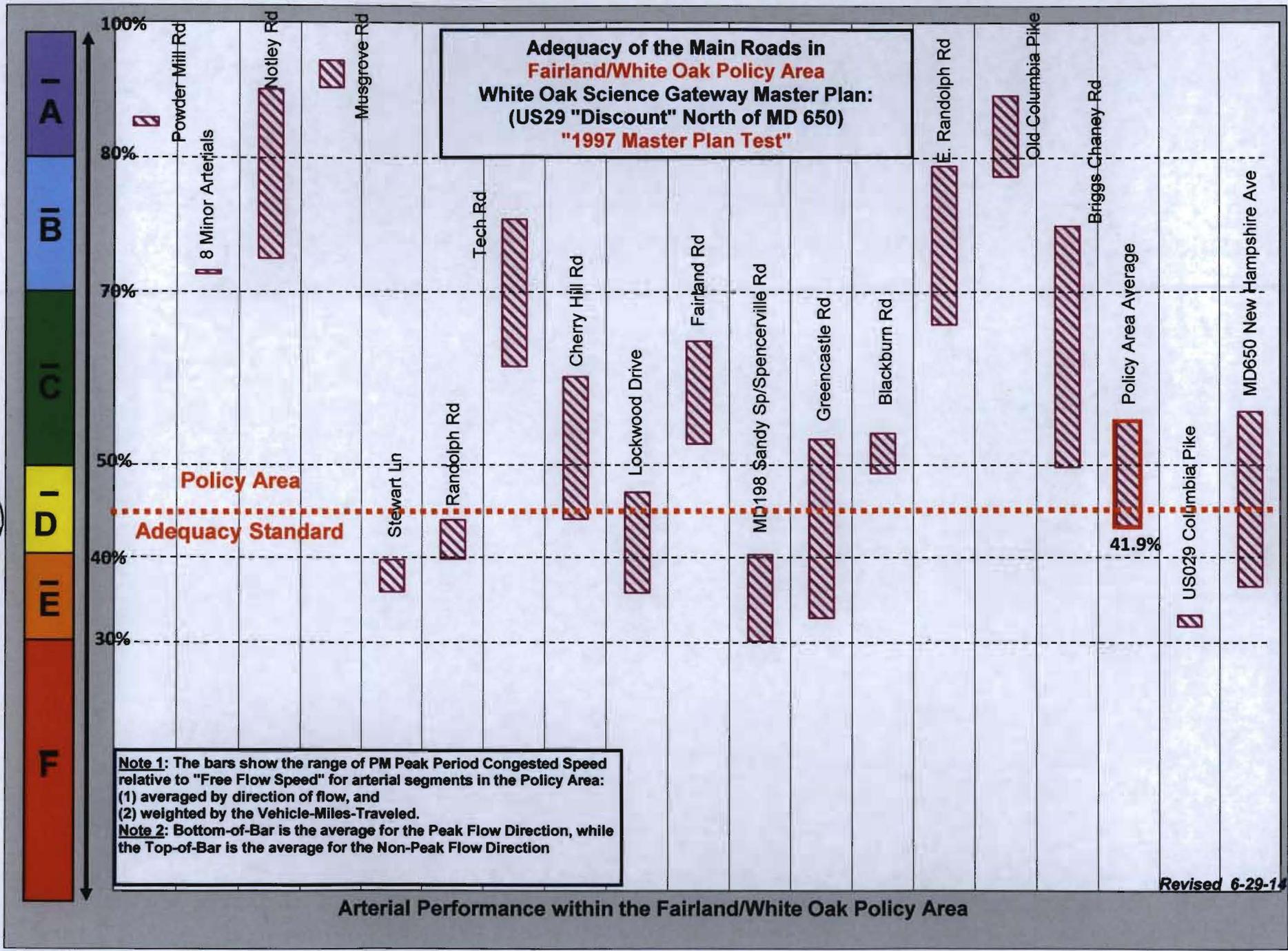
26



Arterial Performance within the Fairland/White Oak Policy Area

Revised 6-29-14

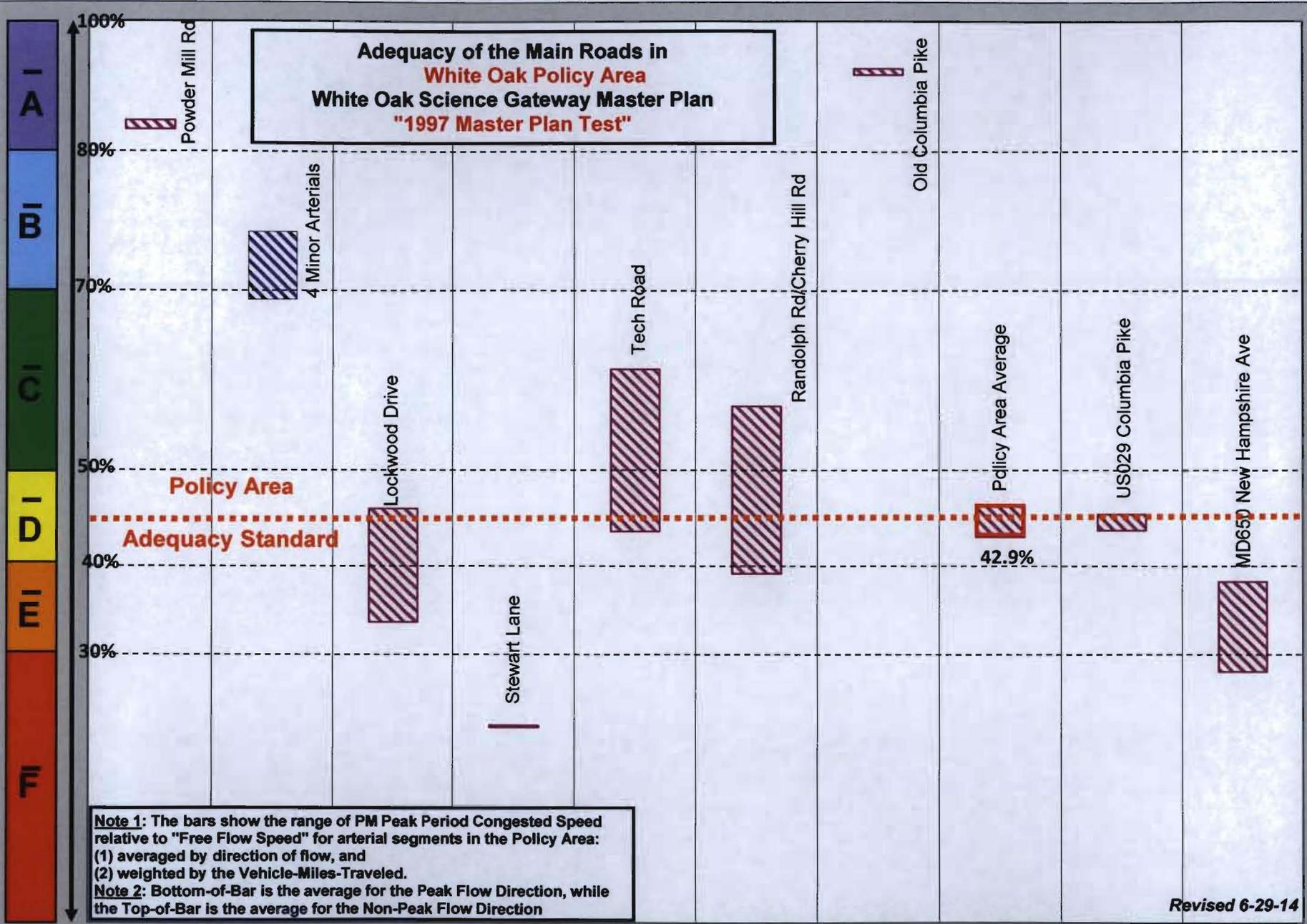
(27)



Arterial Performance within the Fairland/White Oak Policy Area

Revised 6-29-14

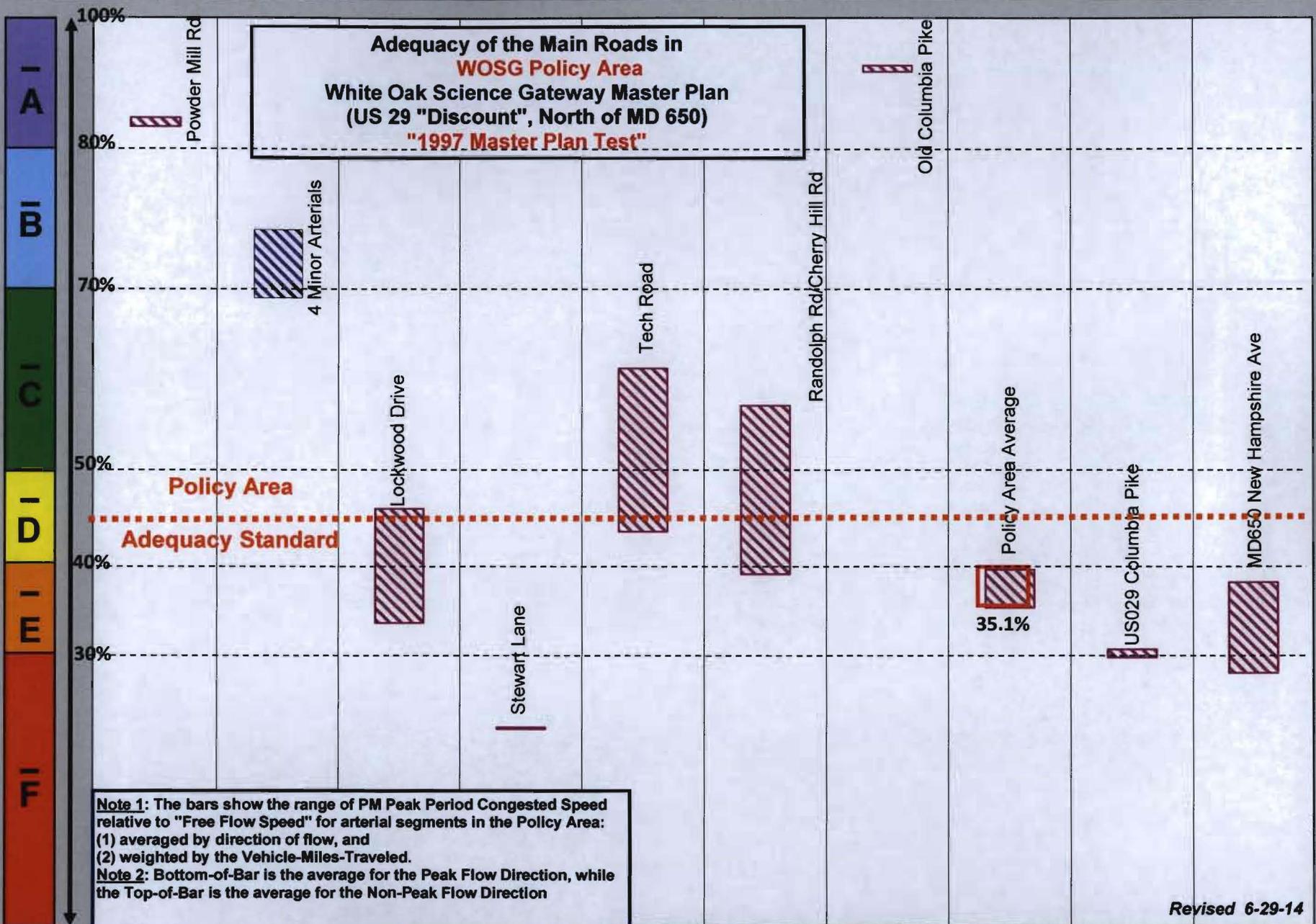
28



Arterial Performance within the White Oak Policy Area

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62

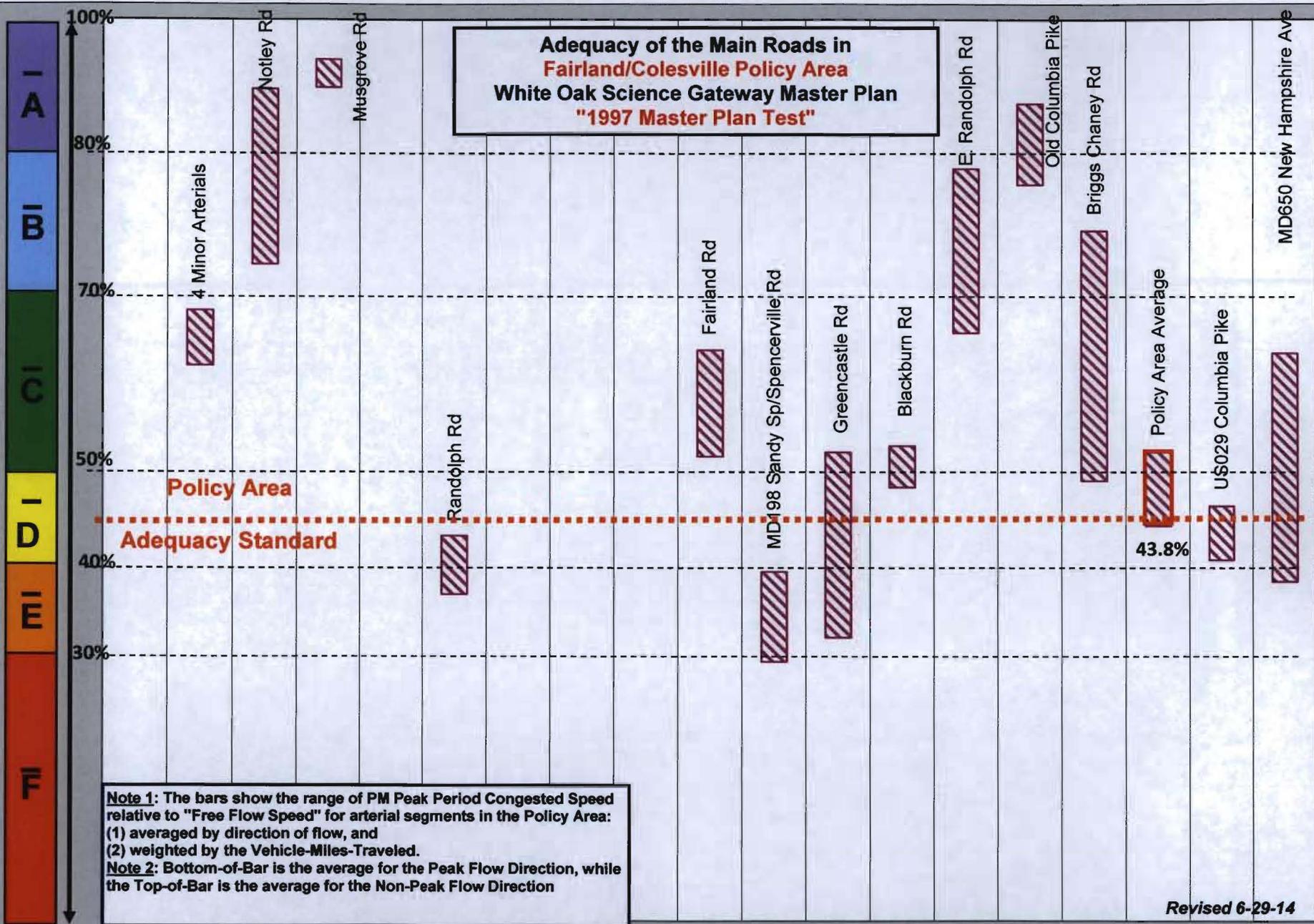


Arterial Performance within the White Oak Policy Area

Revised 6-29-14

30

Adequacy of the Main Roads in Fairland/Colesville Policy Area White Oak Science Gateway Master Plan "1997 Master Plan Test"



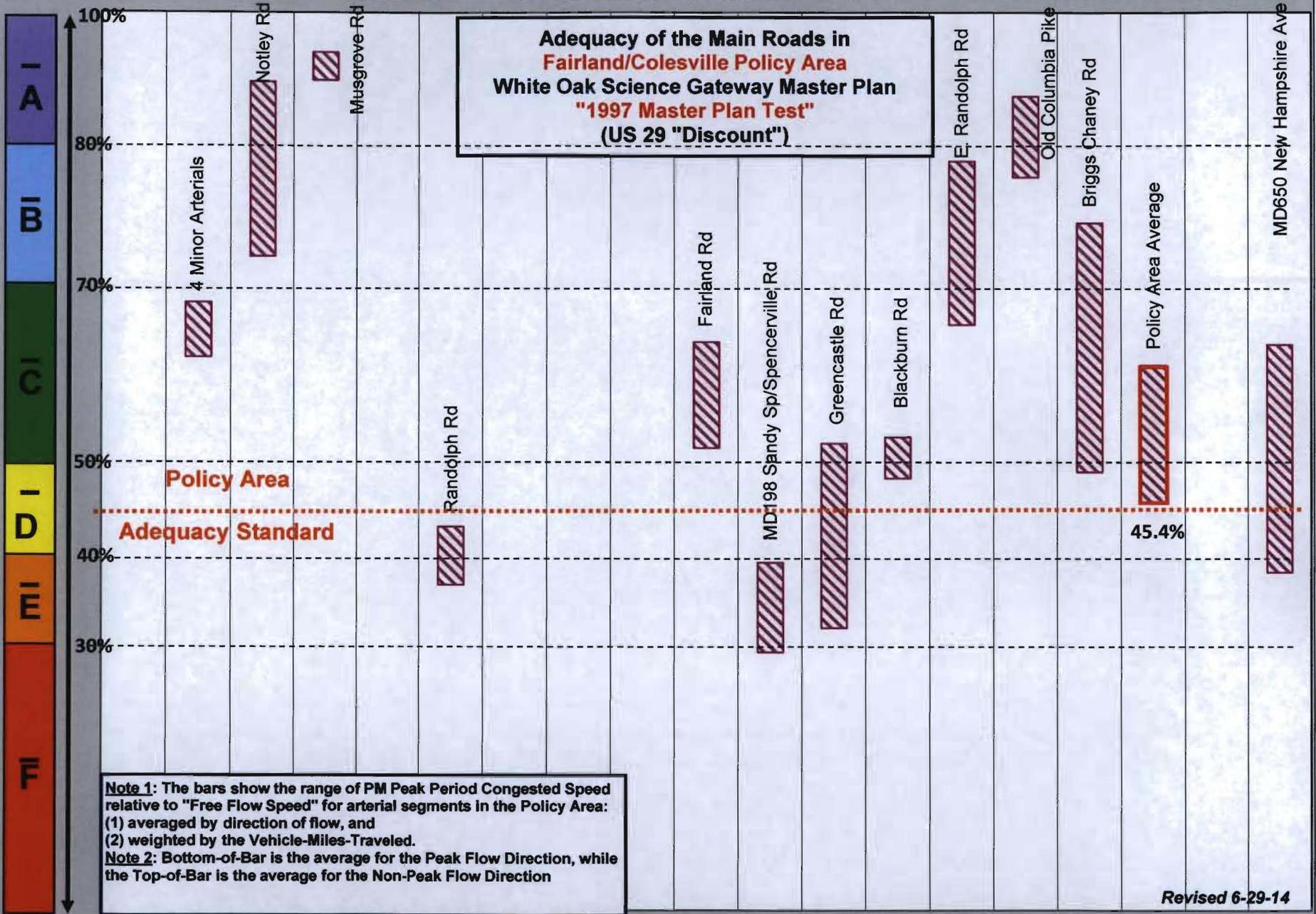
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 (2) weighted by the Vehicle-Miles-Traveled.
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Arterial Performance within the Fairland/Colesville Policy Area

(31)

**Adequacy of the Main Roads in
Fairland/Colesville Policy Area
White Oak Science Gateway Master Plan
"1997 Master Plan Test"
(US 29 "Discount")**



Note 1: The bars show the range of PM Peak Period Congested Speed relative to "Free Flow Speed" for arterial segments in the Policy Area: (1) averaged by direction of flow, and (2) weighted by the Vehicle-Miles-Traveled.
Note 2: Bottom-of-Bar is the average for the Peak Flow Direction, while the Top-of-Bar is the average for the Non-Peak Flow Direction

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Arterial Performance within the Fairland/Colesville Policy Area