



January 26, 2011

**MEMORANDUM**

**TO:** Montgomery County Planning Board

**VIA:** Rollin Stanley, Planning Director *RS*

**FROM:** Jacob Sesker, Planner Coordinator (301.650.5619) *DKH* *for JS*  
Director's Office

Dan Hardy, Chief, Functional Planning and Policy Division *DKH*

**SUBJECT:** White Flint Implementation Update

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**PURPOSE**

Provide the Planning Board with an update regarding White Flint implementation activities.

**INTRODUCTION**

This is the first in what will be a series of monthly roundtable items to provide the Board with updates and with an opportunity to request additional information in advance of scheduled work sessions. This memo addresses two main topics: staging and transportation.

**STAGING**

This section of the memo addresses four issues related to staging, all of which will be subject to further discussion in the coming weeks. Those issues are:

- Discussions with DPS
- Potential legislative changes necessary to implement the Board's Staging Allocation Policy
- Changes to 2010 Growth Policy Amendments
- Proceeding to preliminary plan

These issues form the primary elements of the Transportation Approval Mechanism, which will be included in the Planning Board's *White Flint Implementation Guidelines*. Per the timing requirements in the Sector Plan, those Guidelines will be presented to the Planning Board for its approval on or before July 13, 2011, a date one year after adoption of the Sectional Map Amendment.

**1. Discussions with Department of Permitting Services (DPS)**

Staff has invited DPS to attend a Planning Board work session on February 10, 2011. Potential topics to be discussed with DPS include:

- Appropriateness of allocating staging capacity at building permit (generally)
- Implications of placing a time limit on DPS acceptance of completed permit application
- Implications of placing a time limit on DPS issuance of building permits
- Appropriateness of differentiating between footing-to-grade permits and other building permits
- Division of responsibilities between DPS and M-NCPPC

**2. Potential legislative changes necessary to implement the Board's Staging Allocation Policy**

Implementation of the Board's Staging Allocation Policy will require changes to Chapter 8 of the County Code, and may also require changes to Chapter 50 and to the Subdivision Staging Policy (formerly known as Growth Policy). While staff has begun drafting potential changes, it is premature to discuss those drafts prior to receiving testimony from DPS regarding the Staging Allocation Policy.

**3. 2010 Growth Policy Amendments and 2011 Subdivision Staging Policy Amendments**

Amendments to the Growth Policy were passed by the Council last year. These amendments were passed prior to the Council's action on a financing mechanism. As such, the language as amended requires additional clarification. Staff will propose consolidating the White Flint language for both LATR and PAMR into the section of the Subdivision Staging Policy that addresses unique policy area issues and eliminating some minor inconsistencies between the current language under the PAMR (Section TP2.2.1) and LATR (TL2) sections of the policy.

In summary, staff will recommend deleting the following language:

*TP2.2.1 Geographic Areas*

...

*[Any proposed development located in the White Flint Metro Station Policy Area is exempt from Policy Area Mobility Review if that development, as a condition of approval of a preliminary plan of subdivision, will be required to provide substantial funds to a new development district, new impact tax or special taxing district, or another comprehensive financing mechanism, to finance transportation improvements for that Policy Area. However, the traffic impact of any development in that Policy Area must be considered in any Policy Area Mobility Review calculation for any development that is not exempt under this paragraph.]*

*TL2 Metro Station Policy Area LATR Standards*

...  
*[Any proposed development located in the White Flint Metro Station Policy Area is exempt from Local Area Transportation Review if the development will be required to provide substantial funds to a new development district or a new impact tax district, to finance master-planned public improvements for that Policy Area. However, the traffic impact of any development in that Policy Area must be considered in any Local Area Transportation Review calculation for any development elsewhere.]*

That language would be consolidated and replaced by the following additional language:

*TA Alternative Review Procedures  
TA6 White Flint Policy Area*

*Effective July 1, 2011, an applicant for a subdivision which will be built within the White Flint Policy Area need not take any action under TP Policy Area Mobility Review or TL Local Area Transportation Review if, under County Code Chapter 68C, the applicant is within the White Flint Special Taxing District. However, the traffic impact of such developments must be considered in any TP Policy Area Mobility Review or TL Local Area Transportation Review calculations for any development elsewhere.*

Additional changes to the proposed TA6 language may be necessary to implement the Staging Allocation Policy. Those potential changes will be discussed in conjunction with the entire package of legislative changes necessary to implement the Board's policy.

**4. Proceeding to preliminary plan**

*a. Planning Board may press "pause"*

Staff does not think that it is advisable for the Planning Board to approve preliminary plans or site plans in White Flint until the Planning Board is reasonably comfortable that the proposed staging allocation policy is legally and practically feasible, and that progress is timely.

The Sector Plan does not state that development that proceeds prior to Phase One being open must be allowed to proceed throughout the period between the 6 and 12 month deadlines. In that time, the Planning Board may press "pause" at any time if it believes that the machinery necessary to implement the staging plan is not in place.

*b. Proceeding subject to existing regulatory requirements (including LATR and Policy Area Review)*

The Sector Plan language clearly states development may "proceed" subject to LATR and Policy Area Review. Staff's position is that this requirement is in place until Phase One is opened. On July 1, 2011, properties within White Flint will be subject to the new

special tax (see proposed clarifying amendments to Growth Policy, below). At that time, all development within the taxing district should be considered exempt from both PAMR and LATR requirements.

*c. Proceeding beyond July 13, 2011*

Development may not proceed beyond July 13, 2011 unless the Planning Board approves a transportation approval and monitoring program that satisfies the requirements established in the Sector Plan. Staff will present the transportation approval and monitoring program to the Planning Board for approval in the form of *White Flint Implementation Guidelines*. Those *Guidelines* must be approved by the Board within the specified timeframe. If the Planning Board does not approve the *Guidelines* before the deadline then the Planning Board may not approve sketch plans, preliminary plans, or site plans.

*d. Preliminary Plan conditions*

Successful implementation of the Sector Plan may require staff to develop new conditions to be attached to preliminary plan approvals. Staff is currently beginning work to identify concerns that can be addressed through conditions and to begin to draft standard language.

## **TRANSPORTATION**

The following section of this memorandum provides updates on transportation project implementation through the Capital Improvements Program (CIP), the status of the Comprehensive Local Area Transportation Review (CLATR), and the Sector Plan's parking management recommendations.

### **1. Transportation implementation**

The Executive has submitted draft PDFs for the Rockville Pike "workaround" projects in the proposed FY 12- FY 17 CIP released January 14 as well as for additional monitoring and mitigation activities that are the Executive Branch responsibility and will be funded from the White Flint Special Taxing District, including:

- \$98.6M for the western workaround reconstruction. The planning and design activities are proposed to begin immediately with construction beginning in FY 16. These roadways form the primary transportation elements required in Phase 1 of the Sector Plan.
- \$1.2M to design key roadways in the eastern workaround reconstruction. These roadway elements would complete Executive Boulevard and Nebel Street on the north side of White Flint Mall to relieve the Rockville Pike/Nicholson Lane intersection.
- \$2.9M for Redevelopment Program services to conduct land assemblage and disposition activities, develop and coordinate construction staging plans, and manage interim access and parking activities including the Conference Center.

- \$1.5M for other transportation improvements, including \$0.3M for the through-traffic access restriction plans (the initiation of which was a prerequisite for development to “proceed”), \$0.7M for capacity improvements that may be needed outside the Sector Plan boundaries, and \$0.5M to identify and scope strategies to achieve the Plan’s modal share goals.

The Rockville Pike reconstruction is also to be funded through Special Taxing District funds, as discussed as part of the State Transportation Priorities letter with the Board on January 27.

## **2. *Comprehensive Local Area Transportation Review***

The White Flint Implementation Advisory Committee reviewed and concurred with the Planning Department’s Comprehensive Local Area Transportation Review (CLATR) work scope at their December meeting. The CLATR will examine forecast year 2020 conditions, assuming that all the development with approvals that predate the Sector Plan is in place as well as the development approved by the Planning Board in sketch plans on January 20. The CLATR will also assume all the Stage 1 roadway reconstruction has been completed. This will provide a conservative (i.e., slightly high) estimate of growth by 2020 and help identify near term transportation needs for the intersections outside the White Flint Sector Plan boundary as well as potential priorities for implementation of transportation system elements within the Sector Plan area during Phase 2.

The CLATR analyses will be conducted during late winter 2011, with findings and recommendations brought to the White Flint Implementation Committee and Planning Board in the spring. The findings will be incorporated in the summary of master plan assessment findings and recommendations for the development of the FY 13-18 CIP delivered to the Executive and County Council in summer 2011.

## **3. *Parking Management***

As a result of OLO Report 2009-6, the County Council directed the Planning Department and Montgomery County Department of Transportation to conduct a joint parking policy study. The joint study may ultimately result in changes to Chapter 59-E (parking requirements) and Chapter 60 (Parking Lot Districts). Our consultant, Nelson/Nygaard Associates, is completing their report and we expect a joint PHED/T&E Committee briefing in late February or early March. The Planning Department will incorporate the study findings in the establishment of a new Section 59-E (parking space requirements) as part of the General Development standards scheduled for discussion beginning in July 2011. The Executive Branch will pursue required changes to Section 60 to establish the proposed Parking Benefits District system along a similar timeline.

The consultant's preliminary recommendation for White Flint includes establishing a "Secondary Parking Benefits District" to promote shared parking across multiple property owners, building upon the incentive system in the CR Zone. The "Secondary Parking Benefits District" would implement the Sector Plan recommendation for a "parking management authority."

Staff is beginning to discuss potential conditions that could be attached to preliminary plan and site plan approvals that occur prior to the establishment of the "Secondary Parking Benefits District" or similar entity that would satisfy the Sector Plan recommendation for a parking management authority.

## **NEXT STEPS**

- Provide a status report regarding the SHA and MDOT Bicycle Pedestrian Priority Area designation.
- Finalize date for Planning Board discussion with DPS regarding staging allocation.
- Draft legislative changes necessary to implement the staging allocation policy and which reflect discussion with DPS.
- Identify preliminary plan conditions necessary to ensure that preliminary plan approvals do not result in lost opportunities to successfully implement the Sector Plan.
- Provide the Planning Board with periodic updates regarding all aspects of the biennial monitoring program required by the Sector Plan.

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