



White Oak Science Gateway Master Plan

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Staff Recommendation:

Discuss and provide direction to staff.

Planning Board members should bring their copies of the September 2013 Planning Board Draft Master Plan and the staff report from the December 5, 2013 Planning Board meeting.

Summary

The Planning Board approved the Planning Board Draft of the White Oak Science Gateway Master Plan on September 19, 2013. The Plan was officially delivered to the County Council and County Executive on September 20, 2013. On October 2, 2013, Planning Board Chair Carrier received a letter from County Council President Nancy Navarro requesting that additional work be done on the Master Plan. The October 2 letter provided the following direction:

- Land use - transportation balance: *We ask that you and your staff prepare a package of recommendations that allow us to approve a balanced plan...We cannot approve the zoning without a full understanding of how the proposed transportation system will work.*
- Subdivision Staging Policy amendment: *If part of the package includes a recommendation to change the traffic standards, then we ask that you concurrently forward a proposed amendment to the Subdivision Staging Policy that would accomplish this.*
- Timeframe/Coordination: *We will request that the Executive Branch work with the Planning Board and staff to resolve the remaining issues as quickly as possible. It is paramount that we minimize any delay in the adoption of this important plan as we fully address these critical issues.*

On December 5, the Planning Board received a presentation from staff regarding the potential options to address the issues in the Council President’s letter, which were outlined in the staff report completed on November 26. Executive Branch staff Steve Silverman and Greg Ossont participated in the discussion and reviewed the County Executive’s December 4, 2013 letter to the Chair. Commissioner Anderson suggested a new proposal regarding potential amendments to the Subdivision Staging Policy. At the conclusion of the session, the Chair directed staff to prepare a response to the Executive’s letter, Commissioner Anderson’s proposal, and the materials submitted by Jonathan Genn on December 3, 2013.

Summary of County Executive’s December 4 Letter:

Master Plan Balance: Supports creating a new policy area category, “Suburban Transit Corridor” with a hybrid roadway adequacy standard between Urban and Suburban (i.e., 42.5%) as the option to achieve Master Plan balance

CLV Standard: Recommends a 1600 CLV Standard for the proposed new “Suburban Transit Corridor” policy area, which is noted as being comparable to the Germantown Town Center and the planned Corridor Cities Transitway. With a 1600 CLV Standard, Local Area Transportation Review (LATR) requirements would be more easily satisfied and less costly.

Staging: Plan’s staging element does not provide a clear path to fully realize the Plan vision. Each of the Stage 2 triggers creates additional difficulty and the Board should instead consider project-by-project non-auto driver mode share goals at full build-out.

Staff response to County Executive’s Letter:

CLV Congestion Standard

The existing CLV standard for the Fairland/White Oak Policy Area is 1475. Staff is recommending that both the proposed new White Oak Policy Area and the potential new Suburban Transit Corridor category have a CLV of 1475 at this time. The Master Plan recommends that the proposed White Oak Policy Area CLV be increased from 1475 to 1600 at Stage 2. Staff does **not** recommend increasing the policy area standard to 1600 at this time for the following reasons:

- The rationale for raising CLV standards should be consistent with the County’s policy of accepting greater levels of roadway congestion in areas where high quality transit options are available, which is not the situation in the east County at this time.
- All policy areas with a congestion standard above 1475 are categorized as Urban and all have existing - not planned – transit. The urban policy areas and metro station policy areas basically mirror the County’s two red line Metro Station routes – the Shady Grove line and the Glenmont line.
- The Germantown Town Center (GTC) Policy Area is a very small area with a CLV standard of 1600 surrounded by large areas with a 1425 CLV (Germantown East, Germantown West, Clarksburg, Montgomery Village/Airpark, and Gaithersburg). While GTC is served by MARC commuter rail, it is an anomaly compared to the other policy areas with 1600 CLV -- Kensington-Wheaton, Bethesda-Chevy Chase, and Silver Spring-Takoma Park -- which are in the down-County and are on the Metrorail red line.
- If we are going to allow urban standards, there should be the accompanying transit services to match – we are planning and allowing large amounts of proposed density and we should ensure that these transit-type densities are actually served by transit.
- The Planning Board Draft Plan recommends raising the CLV from 1475 to 1600 at Stage 2, when mobility enhancements must be funded and there is evidence that transit or additional supporting infrastructure will be provided.
- There is no basis for raising the CLV to 1600 at this time and doing so would be a major departure from the County’s policies and may jeopardize the underlying foundation upon which these standards are based.

Commissioner Anderson's Proposal

The following italicized text is Commissioner Anderson's proposal that he presented verbally on December 5 and provided via e-mail to staff after the worksession.

- *Raise CLV to 1600 standard and discount traffic on US 29*
- *Establish a TPAR transit standard for the White Oak area that assumes BRT on New Hampshire and US 29*
- *Allow property owners to meet TPAR or related SSP requirements by either:
 Making a payment
 Committing to NADMS backed by a bond and approved by the Planning Board*

Rationale for Proposal:

- *Raising the CLV standard brings area into balance for purposes of TPAR test applicable to automobile congestion while also reducing likelihood that property owners will incur LATR-related obligations.*
- *Property owners get certainty not possible under approaches relying on staging dependent on government decisions about whether and when to build infrastructure.*

In exchange, property owners assume responsibility for guaranteeing that NADMS will be achieved and/or transit will be delivered.

- *TPAR transit fees can be set at levels proportionate to impact of each project*
- *Alternative compliance plans would be backed by bonding requirement and subject to approval by the Planning Board*

As Commissioner Anderson noted at the December 5 worksession, the Council's resolution (17-952) to approve the Planning Board Draft Countywide Transit Corridors Functional Master Plan states:

A guiding standard is needed to ensure that a high quality of system performance is ultimately achieved. While adequate right-of-way designations are essential to accommodate the infrastructure needed to support a level of speed and reliability that will make BRT an attractive travel option, operational decisions such as the use of signal prioritization, off-board fare collection, and similar questions must also take performance quality standards into account. Therefore, the Council directs the Planning Board, with assistance from the Department of Transportation, to develop – and recommend for the Council's consideration for adoption as an amendment to the Subdivision Staging Policy – minimum performance standards to guide the implementation of the BRT network to ensure that it will be an attractive alternative to driving. (pages 63, 63)

Staff agrees that, based on the Council resolution, we do need to develop performance standards to guide the implementation of the BRT network. This is an important issue and will require additional analyses and discussion before coming up with a standard that can be used throughout the County. Any standard developed in the context of the White Oak Science Gateway Master Plan should not be considered the final word on BRT performance standards.

Thus, in the context of the Council's above directive, staff would prefer the opportunity to fully explore and analyze Commissioner Anderson's proposal for BRT performance standards during the next regularly scheduled review of the Subdivision Staging Policy (SSP) by the Planning Board and the County Council. Staff appreciates Commissioner Anderson's suggestions and would look forward to considering this

approach more fully in the near future. In the Department's current Council-approved work program, the next SSP review is scheduled as followed:

November 2014 – October 2015: Staff analysis

November 2015 – March 2016: Planning Board Review

April 2016 – November 2016 – Council Review

Because of all the reasons outlined above, staff has significant concerns about using Commissioner Anderson's approach in the short-term. However, if the Board is interested in applying Commissioner Anderson's approach to the White Oak Science Gateway Master Plan, staff would strongly recommend that the approval of projects be linked to a payment related specifically to the provision of transit in the White Oak area – including, but not limited to, the BRT lines that run through the area. Staff is not comfortable with using the owner's commitment to high non-auto driver modes share (NADMS) percentages backed by a bond and approved by the Planning Board as a basis for approval. It will be, in staff's judgment, very difficult to achieve high NADMS percentages without enhanced transit of some sort. Additionally, if the goals are not met and the buildings are occupied, it will be very difficult to solve the resulting problems with bond money.

This is not to say that vigorous TMD programs should not be required for projects in the White Oak Science Gateway planning area. In fact, they should be a requirement for every new project. However, the basis for approval should be significant contributions of funding that will pay for the needed transit in the area.

Summary of Jonathan Genn's Proposal on behalf of Percontee, Incorporated

Mr. Genn proposes an Alternative Staging Mechanism that would be independent from, and a substitute for the current provisions of Local Area Transportation Review (LATR), Transportation Policy Area Review (TPAR), and the Montgomery County transportation impact taxes.

The Alternative Staging Mechanism would allow for project-by-project staging of development that meets, at a minimum, the following general requirements:

- *A requirement, on a project-by-project basis, to achieve a 30% non-auto driver mode share (NADMS) at full build-out. At the time of regulatory approval, the specific staging of development would be established, together with an appropriately graduated NADMS scale that must actually be achieved at each stage before the development could proceed to the subsequent stage(s), with implementation guaranteed by adequate sureties;*
- *An equitably shared transportation cost program, on a project-by-project basis, that adequately finances the necessary improvements and cost-effectively encourages NADMS use during peak periods in peak directions;*
- *An adequate infrastructure financing and construction phasing plan, on a project-by-project basis, to ensure planning, design and construction of the transportation infrastructure to serve the particular project's new development in a timely manner and cost-effectively encourages NADMS use during peak periods in peak directions; and*
- *An independent and comprehensive monitoring and verification program system to track NADMS throughout the particular project's new development stages to ensure the timely delivery of the transportation infrastructure.*

If a project meets these four requirements, the project would be exempt from the customary regulatory controls of LATR, TPAR, and transportation impact taxes.

Staff Response: At the December 5 worksession, Greg Ossont said that Percontee’s December 3 materials to the Planning Board are under review by the Executive Branch and that they will provide comments this week. The four bullets above are essentially the same language that is in the Planning Board Draft in the Alternative Implementation Mechanism (AIM) section. It is Planning Department staff’s understanding that the County Executive agreed with our recommendation to remove the Alternative Implementation Mechanism section of the Planning Board Draft, although they continue to have concerns about staging. At the December 5 worksession, Greg Ossont stated that the four bullets from the AIM should be included in the SSP amendment. As stated on page 2 of the County Executive’s December 4, 2013 letter: *It is also my understanding that the costs associated with LATR compliance are not prohibitive for development plans of this magnitude.*

Planning staff does not support exemptions from LATR, TPAR, and transportation impact taxes.

With regard to Mr. Genn’s “White Paper” (italicized text is Mr. Genn’s) that was submitted with his December 3 package, staff offers the following comments:

Adopt “Urban without Metro” (or “Urban Ring Transit Corridor,” if that is preferred nomenclature) with a 40% mobility standard (consistent with the Highway Capacity Manual --- see page 56 of Planning Board Draft Master Plan).

Staff Response: The “Urban without Metrorail” policy area category with a 40% TPAR roadway adequacy standard (which would be equivalent to the “Urban with Metro” standard) was not adopted as an element of the Subdivision Staging Policy (SSP). The reference to this policy area category on page 56 of the Planning Board Draft Master Plan is an oversight. However, the concept of a policy area category between “urban” and “suburban” is appropriate for discussion in the context of the WOSG Plan. As noted in the “menu of options’ described in the 11/26/13 staff report, a “Suburban Transit Corridor” policy area category with a 42.5% TPAR roadway adequacy standard could be considered appropriate for the Fairland/White Oak Policy area. This standard would be logically mid-way between the “Urban with Metrorail” standard (at 40%) and “Suburban” standard (at 45%) and reflects the planned increased of BRT-related transit service to the area along three (3) corridors: (1) Columbia Pike (US 29); (2) New Hampshire Avenue (MD 650) and (3) Randolph Road.

In the mathematical formula for mobility, during peak periods in peak directions:

- (a) consider the “free flow” speed limit to be 10mph lower than the posted speed **limit** (e.g., the 55mph speed limit on U.S. 29), and*

Staff Response: This proposal would be contrary to the reflection of freeway-like operations along US 29 in the context the TPAR analysis (assuming the implementation of all un-built master planned grade-separated US 29 interchanges between MD 650 and MD 198).

- (b) factor in a 15 second (real travel experience) delay for each signalized intersection along the studied corridor.*

Staff Response: The TPAR calculation process considers travel speeds along the “links” (i.e., the roadway segments between the intersections) in the network. The process is **not** structured to consider delay at intersections. When and where appropriate, intersection delay is considered in the context of LATR process.

