

Adequate Public Facilities Standards  
Rockville, Maryland

**Public Hearing Draft**

October 24, 2003

## Table of Contents

<b>I. Introduction</b>	<b>1</b>
<b>II. Process</b>	<b>2</b>
<i>II.A. De Minimis Provisions</i>	2
<i>II.B. Development Projects and Capacity Schedules</i>	3
<i>II.C. Approved, Not-Completed Development Projects</i>	4
<b>III. Levels of Service</b>	<b>45</b>
<i>III.A. Transportation</i>	45
(i) Auto	56
(ii) Non-Auto	78
(a) Bicycle	78
(b) Pedestrian	79
(c) Transit	79
(iii) Impact Mitigations	810
(iv) Credit System	810
(v) Regulatory Implementation	810
<i>III.B. Schools</i>	911
(i) Levels of Service	911
(ii) Regulatory Implementation	1012
<i>III.C. Fire Protection</i>	1113
(i) Levels of Service	1113
(ii) Regulatory Implementation	1113
<i>III.D. Water Supply</i>	1214
(i) Levels of Service	Error! Bookmark not defined.
(ii) Regulatory Implementation	1214
<i>III.E. Sewer Service</i>	1214
(i) Levels of Service	1214
(ii) Regulatory Implementation	1214
<b>Sources</b>	<b>1315</b>
<b>Appendix A: Definitions</b>	<b>1416</b>
<b>Appendix B: Map of Transit-Oriented Areas</b>	<b>1518</b>
<b>Appendix C: High School Cluster Boundaries and School Capacity Projections</b>	
<b>Appendix D: Map of Fire and Rescue Service Response Times</b>	

(21)

## I. Introduction

One of the goals of the Mayor and Council Strategic Plan for 2002-07 is the adoption of an adequate public facilities provision in the Zoning Ordinance. The following document, in conjunction with a proposed text amendment to the Zoning Ordinance, will establish procedures and standards necessary to ensure that adequate public facilities and services are provided concurrent with new development and redevelopment.

The Adequate Public Facilities Ordinance (APFO) tests the capacity of public facilities based on current and projected data available at the time of development application, as outlined in Table I. Net available system capacities<sup>1</sup> will change as 1) new projects come into the system, 2) other projects are completed, 3) some projects are abandoned, and 4) new facilities are programmed in the capital budget. APFO provisions are integrated into the development review process to establish a benchmark for the availability of capacity at the time of project review. Once a development project is approved, capacity of public facilities required by that project is reserved, provided the project remains on its service commitment, as determined at the time of project approval.

The APFO will be applied to all development projects that exceed *de minimis* provisions as established in Section II.A. Adequacy shall first be considered at the earliest stage in the application process so as to assure adequacy of public facilities for the project and to provide guidance to the applicant as to how the APFO requirements can be met if deficiencies are identified.

**TABLE I: APFO Approval Types**

Type	Application	Scope of Review
<b>Initial</b>	Concept Plans for Comprehensive Planned Developments (CPDs), and Planned Residential Unit developments (PRUs), Some Special Exceptions (SPXs)	Transportation Impact (may exclude some site-specific design review that requires more detailed design), Schools, Fire, Water, and Sewer.
<b>Detailed</b>	Use Permit (USE), some SPXs, Detailed Applications, Preliminary Subdivision Plans	Requirements of Initial Approval (if not previously approved) plus transportation analyses that require detailed site-specific design.
<b>Final</b>	Building Permit	Water and Sewer evaluated by City to ensure that capacity is still available. Other detailed approval elements are not retested.

All new development applications filed after the effective date of this Ordinance are subject to its provisions. Any development applications filed prior to the effective date will be reviewed based on the standards and requirements in effect at that time.

<sup>1</sup> Net available system capacity is the total amount of capacity minus all existing background development, development with building permits, and development approved but not yet permitted.

## II. Process

Determining whether or not a development project provides "adequate" public facilities is dependent on the City's standard level of performance of a public facility, which is referred to as a Level of Service (LOS). The impacts of a development project must not be so great that they negatively impact citizens' quality of life beyond certain thresholds. The thresholds, or standards, have been established by the City for various public facilities (transportation, schools, fire protection, water supply, and sewer) and are outlined in detail in the following sections.

If the impact of a development project on any public facility LOS is so small that accounting for it is unreasonable or administratively impracticable, it is not subject to an APFO review.

Projects that have minimal or no impact on the public facilities are referred to as "de minimis" and are outlined in *Section II.A. De Minimis Provisions* below.

The following are procedures used by the City to ensure that adequate public facility systems exist during and after a development project:

- During review of any development project, the City will check to ensure that capacities of public facility systems are adequate, as defined in this document, through all phases, including at the completion of the development.
- To ensure that approved but not yet built development does not use all of the available capacity required to maintain adequate LOS, the City will approve firm schedules for the implementation of multi-phase development projects. In other cases, the expiration dates established in the Zoning Ordinance for the particular type of development application will determine the service commitment.
- If a development project does not provide adequate public facilities, it is either denied or approved with special conditions.

This general framework is described in further detail in the body of this document.

### *II.A. De Minimis Provisions*

Different development projects trigger different public facilities considerations. The following table outlines the *de minimis* provisions and indicates when a particular public facility review is required.

23

**Table II: De Minimis Provisions**

	Transportation	Schools	Fire	Water	Sewer
<b>1 Single-family detached residence</b>	No	N/A	No	Yes	Yes
<b>Development Projects other than 1 Single-family detached residence</b>	Yes	N/A	Yes	Yes	Yes
<b>&lt;12 School Students</b>	N/A	No	N/A	N/A	N/A
<b>&gt; 12 School Students</b>	N/A	Yes	N/A	N/A	N/A

**II.B. Development Projects and Capacity Schedules**

Table III outlines the stages at which different public facilities are evaluated against prior approvals and when capacity is reserved. If a developer fails to meet the predetermined service commitment for use of reserved capacity, APFO approval lapses.

**TABLE III: Facility Capacity Schedules**

Facility Type	Capacity Schedule
Transportation	Application approval reserves transportation capacity; capacity moves from the reserved to the used category once staff determines that the site is fully operational.
Schools	Subdivision approval or use permit approval reserves the capacity; at the building permit stage capacity is moved from the reserved to the used category.
Fire	Application approval reserves the capacity; at the building permit stage capacity is moved from the reserved to the used category.
Water	Subdivision approval or use permit approval reserves the capacity; at the building permit stage capacity is moved from the reserved to the used category.
Sewer	Subdivision approval or use permit approval reserves the capacity; at the building permit stage capacity is moved from the reserved to the used category.

A binding service commitment attached to the validity periods, as defined in the Zoning Ordinance or as approved for multi-phase projects, is a critical component of the system for reserving capacity for proposed projects. The consequence of failure to comply with the validity period or service commitment is that the developer is required to reapply for that capacity before proceeding with the project or with the uncompleted portions of the project.

For a multi-phase project, the service commitment allocates the capacity for a set period of time for specific phases. Capacity allocations expire automatically according to the service commitment unless the original approving body determines that an extension is warranted.

243

### *II.C. Approved, Not-Completed Development Projects*

There are several multi-phase projects in the City that have received development approvals prior to this APFO. At the time these projects were approved, there was no requirement for a completion schedule.

Development projects approved under a special development procedure (CPD, PDP, RTH, PRU, Cluster Development, Variable Lot Size, I-3 Optional Method of Development) is subject to review and implementation of adequate public facilities as specified in the following provisions. The length of time for which facilities are deemed adequate under these approvals may vary for each public facility. The validity period for determining the adequacy of public facilities is as follows:

- a. The number of years specified in the original approval, if explicitly stated; or
- b. If the original approval does not specify the number of years that public facilities are deemed adequate, the validity period ends fifteen (15) years from (effective date of APFO) if all required public improvements have not been provided. If all required public improvements have been provided, an additional 5 years shall be granted.

The Mayor and Council may approve up to two (2) five-year extensions to implement the approved development project when the applicant demonstrates that development of the property has proceeded with due diligence but that factors beyond the control of the developer such as a economic conditions or change in governmental regulations have precluded development of the property within the approved time frame or that the project is substantially complete.

If the adequate public facility approval is no longer valid, then the development must retest the relevant public facilities, with credit for provided facilities, prior to approval of subsequent detailed applications, use permits, or final record plats.

## **III. Levels of Service**

### *III.A. Transportation*

Currently, mobility throughout the City of Rockville is limited due to traffic congestion generated by local and regional trips. Regional growth, combined with anticipated development activity within the City will stress the existing and proposed infrastructure. In addition, Rockville's roadway system is essentially built out. Locations that currently contain the worst congestion levels generally require multi-million dollar improvements to solve the problem. Alternatively, these areas will require an increased reliance on non-vehicular improvements to increase the capacity of a multi-modal transportation system. However, in less densely developed areas of the City where traffic operates at acceptable LOS, many small-scale intersection improvements can still occur.

The City's Master Plan provides a vision for a shift from an auto-centric transportation system to a multi-modal system that serves motorists, bicyclists and pedestrians. Through stated goals and objectives, it aims to create a transportation system that is safe and accessible, provides mobility for all users, and accommodates anticipated local and regional demands. To address all modes of transportation, the City implements a Comprehensive Transportation Review (CTR) for new development projects. The CTR focuses on auto, transit, pedestrian, and bicycle levels of service, as well as Transportation Demand Management (TDM) programs. The CTR requires a Transportation Report (TR) be submitted with all development applications. The TR consists of

five components: an examination of existing conditions, a site access and circulation analysis, a multi-modal analysis, an automobile traffic analysis, and proposed mitigation. The analysis included in the TR is based on the type of development project and projected site trip generation(s). Development projects in the City that generate more than 50 peak hour auto trips, as defined in the CTR, must submit all five (5) components of the TR. Development projects that generate less than 50 peak hour auto trips do not need to provide the automobile traffic analysis. The TR report is used to test if the development project meets APF standards.

Development exceeding *de minimis* provisions must be tested for adequate public transportation facilities. The following are principles used by the City to ensure that adequate transportation facilities exist during and after a development project:

- In order to address increased congestion and to encourage development activity where viable transportation options exist, the City has established Transit-Oriented Areas (TOAs) and non Transit-Oriented Areas (non-TOAs), as approved by the Mayor and Council. Areas defined as TOAs must include existing or programmed facilities that provide multi-modal access. TOAs include areas 7/10ths of a mile accessible walking distance from existing and programmed Metro and MARC stations and programmed fixed-guideway transit stations on dedicated transit rights-of-way. A map of the TOAs is attached in Appendix B and shows walking distances of 7/10ths of a mile from fixed-guideway transit stations.
- Transit-Oriented Areas (TOAs) and non-Transit-Oriented Areas (non-TOAs) have different thresholds. More congestion is allowed in TOAs, where viable multi-modal options exist. Stricter congestion standards are applied in non-TOAs where less congestion is mandated.
- Development projects in TOAs can claim larger amounts of credit for multi-modal transportation improvements and TDM programs and/or contributions than development projects in non-TOAs.

At the preliminary plan, detailed application, or use permit review stage there must be a detailed transportation capacity analysis following the CTR. If transportation facilities are found to be inadequate, as defined in the following sections, the proposed project will be denied. If transportation facilities are found to be adequate, or adequate subject to specified conditions, the project may be approved. Mitigation and other physical improvements may be required to meet APF standards through the normal development review process, as described further in Section III.A.iii, *Impact Mitigations*. Capacity for a development will be reserved after approval.

(i) Auto

Auto capacity shall be considered inadequate if a proposed development project's forecasted traffic plus background traffic in the defined study area exceeds any of the intersection volume/capacity (hereafter referred to as v/c) ratios outlined in Table IV. The traffic study area for developments that generate more than 50 site trips is defined in the CTR. The study area for developments that generate fewer than 50 site trips but that exceed *de minimis* provisions will be determined on a case-by-case basis in consultation with Transportation staff.

**TABLE IV: Intersection LOS Thresholds by Road Classification in the Auto Study Area for Non-TOAs**

Road Classification	Volume/Capacity (v/c) Ratio	LOS
Primary Residential – Class II (Minor Collector), Secondary Residential, Secondary Industrial	Less than 0.80	C
Major Arterials (Except where two Major Arterials connect), Minor Arterials, Primary Residential – Class I (Major Collector), Primary Industrial	Less than 0.90	D
Business District roads, freeway ramps, and for locations where two Major Arterials intersect	Less than 1.0	E

Exceptions:

- At intersections where two or more roads with different classifications meet, the LOS threshold will be established based on the roadway classification that allows more congestion.
- For development activity whose impact is a v/c ratio increase of 0.01 or more at intersections where the LOS for “background” traffic conditions exceed the intersection LOS thresholds for non-TOAs or TOAs, new development projects shall:
  - Mitigate at least half of the impact if their impact is 0.01-0.06.
  - Mitigate their impact to 0.03 or less if the impact is greater than 0.06.
- Within TOAs and their major access routes, LOS thresholds shall not exceed the following v/c ratios outlined in Table V:

**TABLE V: Intersection LOS Thresholds by Road Classification in the Auto Study Area for TOAs**

Road Classification	Volume/Capacity (v/c) Ratio	LOS
Primary Residential – Class II (Minor Collector), Secondary Residential	Less than 0.90	D
Major Arterials, Minor Arterials, Primary Residential – Class I (Major Collector), Primary Industrial, Business District and Secondary Industrial	Less than 1.0	E

The following circumstances also constitute an impact and may require mitigation:

- A deterioration in intersection LOS by one level (0.10 v/c) or greater;
- Impacts that cause the City’s criteria for acceptable traffic volumes on residential streets to be exceeded;
- Development projects that contributes significantly toward the need for, or modification of, a traffic signal or other traffic control devices as established in the Manual on Uniform Traffic Control Devices or determined by the Director of Public Works or designee;



- The capacity of a turning lane is exceeded as established in the Policy on Geometric Design of Highways and Streets (AASHTO) or determined by the Director of Public Works or designee;
- Contradiction of principles of proper design and location for driveways, medians and median openings, service drives, and similar facilities; and
- Any condition creating or aggravating a safety hazard for motorists, pedestrians, or bicyclists.

**(ii) Non-Auto**

The following summarizes standards for determining the adequacy of bicycle, pedestrian, and transit facilities. These standards are based on system accessibility, facility design, and geographic location. The CTR establishes respective study areas for the three modes.

**(a) Bicycle**

Bicycle facilities shall be considered adequate if:

- There is availability of bicycle facilities on the site frontage, or in some cases, through the site, as identified in the Bicycle Master Plan.
- At signalized intersections within the bicycle study area where the City controls signal timing, safety ratings are rated at least adequate, as defined in the CTR.
- At intersections within the bicycle study where signals are not controlled by the City, the intersection safety rating is at least adequate as defined in the CTR, excluding the factor of signal timing that allows for intersection crossing.

Exceptions: If a CIP project exists that would require the subsequent removal of a pedestrian or bikeway facility required under the APFO, the developer may contribute an equivalent amount of that facility being built toward the future project to be incorporated into the CIP as approved by the City.

**(b) Pedestrian**

Pedestrian facilities shall be considered adequate if:

- Sidewalks along the frontage of the site are constructed according to the City Standards and Details for Construction. At signalized intersections within the pedestrian study area where the City controls signal timing, safety ratings are rated at least adequate, as defined in the CTR.
- At intersections within the pedestrian study area where signals are not controlled by the City, the intersection safety rating is at least adequate as defined in the CTR, excluding the factor of signal timing that allows for intersection crossing time.

**(c) Transit**

Transit facilities shall be considered adequate if:

- Bus shelters, benches, or concrete pads are provided at all existing and planned bus stops along the site frontage, as approved by Department of Public Works in coordination with Montgomery County Department of Public Works and Transportation (DPWT) or Washington Metropolitan Transit Authority (WMATA - Metrobus). The type of facility required for adequacy is based on projected daily ridership volumes as defined in Table VI below:

**TABLE VI: Required Transit Facilities**

Projected Daily Ridership*	Required Facility
0 –10 persons	Concrete Pad
11-25 persons	Bench plus Concrete Pad
More than 25 persons	Bus Shelter plus Bench plus Concrete Pad

*\*Based on existing ridership plus additional ridership projected for the future in the transit study area.*

If a transit stop(s) is not along the site frontage, bus shelters, benches, or concrete pads are provided at the nearest existing or planned bus stop to the site within the transit study area, as defined in the CTR. The type of facility required for adequacy is based on projected daily ridership volumes as defined in Table VI above.

**(iii) Impact Mitigations**

If transportation impacts or capacity deficiencies are identified through the APFO process, mitigation may be applied to offset the negative impacts of development activity on the transportation network. To ensure that an improvement for one mode does not have negative impacts on other modes, mitigation of conditions that do not meet APFO standards must address all modes of transportation.

Mitigations may include retrofitting City streets so that they 1) provide better mobility for automobiles, pedestrians and bicyclists, and 2) improve accessibility to major transit hubs. Sidewalks and bicycle facilities must be safe, connect to activity centers, and be accessible to residents. The transportation system as a whole will need to be improved so that all modes of transportation are accessible and competitive with the automobile in terms of travel time, convenience and cost.

**(iv) Credit System**

To mitigate vehicular trip generations from proposed development projects, credits may be applied for enhancements to pedestrian, bike, and transit systems as well as TDM programs. Mitigations shall be credited through a system that is detailed in the CTR and addresses off-site sidewalks and bike paths, bus shelters, bicycle parking spaces and facilities, and real-time transit information. As data is collected, the credit system will be updated and expanded in the CTR. The amount of credit is applied according to whether or not the development is within a TOA.

**(v) Regulatory Implementation**

Standards and processes for evaluating adequate LOS as outlined above are detailed in the City's CTR.

### ***III.B. Schools***

The Montgomery County Public Schools system has established a method of determining school capacity that it applies and reports as part of its annual Capital Budget Program (MCPS 2002, App. H). In general, the school system uses a planning capacity of 25 students per section for most K-12 students, with



classrooms for special programs considered adequate at capacities ranging from 10 (Special Education Program) to 44 (1/2-day Kindergarten) (see MCPS 2002, App. H, p. H-1), which provides an objective basis for determining building capacity.

Montgomery County, like several other Maryland jurisdictions, determines capacity of a “cluster” of schools.

Montgomery County currently considers that there is available capacity if the cluster of schools is at 100 percent or less of actual physical capacity; Annual Growth Policies before 2003 had used a 110 percent figure.

School demand is based on actual student census in the most recent complete academic year, adjusted for the following: demographic changes, changes in district boundaries and other changes anticipated by planners with Montgomery County Public Schools; additional demand from approved development; additional demand from the specific development being considered for approval. Developers may be required to obtain current certification of school capacities for individual clusters, because the annual figures reported to the Board of Education can rapidly be outdated.

#### **(i) Levels of Service**

A determination of the adequacy of public school capacity is based on the following principles:

- The capacities determined annually by the Superintendent of Montgomery County Public Schools, as reported to the Board of Education, shall be used as the capacity basis for the APFO program, based on 100 percent of rated capacity;
- Within the City, capacity is based on a cluster of schools, using the clusters already established by the Montgomery County Public Schools, except that the “borrowing” of capacity from adjacent clusters will not be counted towards the adequacy of school capacity within the City;
- Capacity temporarily taken off-line for rehabilitation and remodeling in accordance with the Montgomery County Public Schools Capital Improvements Program shall be considered available;

- Facilities shown on an adopted Capital Improvements Program with identified sources of funding and planned for completion within 3 years or less shall be considered available;
- Schools shall not be considered over-capacity unless projected demand will cause enrollment in a cluster to exceed 100% of the MCPS calculated capacity of the buildings in the cluster;
- School demand is based on actual student census in the most recent complete academic year, adjusted for the following: demographic changes, changes in district boundaries and other changes anticipated by planners with Montgomery County Public Schools; additional demand from approved development; additional demand from the specific development being considered for approval. Developers may be required to obtain current certification of school capacities for individual clusters, because the annual figures reported to the Board of Education can rapidly be outdated.
- A school cluster is considered over capacity when either of the following occurs:  
25% or more of classroom capacity is provided by temporary buildings in one year;  
10% or more of classroom capacity has been provided by temporary buildings for 8 of the last 10 years.

(ii) Regulatory Implementation

Note that school clusters in Rockville draw some of their enrollment from outside the City. Thus, for schools, the tracking system for enrollment – both from dwelling units built since the last annual MCPS capacity report and from pipeline projects – must be coordinated with the MCPS administration and Maryland-National Capital Park and Planning Commission to ensure that the accounting includes new demand from outside the City, as well as the demand from within the City.



Capacities are available from the Montgomery County Public Schools annually and will be made available to prospective developers. It will be necessary to conduct a project-specific review for residential development projects simply to compute the projected demand from each development project.

### ***III.C. Fire Protection***

Based on Calendar Year 2001 data, the average structure fire response time was 7 minutes and 25 seconds; the average EMS response time was 5 minutes and 56 seconds. Both of these are within the County Fire and Rescue Service goals for response time.

First response to any location in Rockville is possible within established response time goals. A full response calls for the availability of engines from at least 3 separate stations to arrive at the location within 10 minutes. Almost all areas of Rockville are within an 8-minute response time, based on data from the Montgomery County Fire and Rescue Service (MCFRS). A proposed new fire station in the vicinity of Shady Grove Road and Darnestown Road will further reduce the marginally served areas. The City now requires all new residential units to have sprinklers. Therefore, being on the fringe of the full response areas shall not be a determining factor for adequacy of fire protection for new residential development activity. However, certain sensitive types of uses shall likely be subject to such a standard, as much for ambulance/rescue services as for fire protection.

Certain higher-risk uses shall be allowed only where a full response from 3 stations within 10 minutes is possible. Such uses would include schools, hospitals, nursing homes, and places of assembly seating more than 500. Clearly the public risk issues are much greater in dealing with such uses and there is thus a logical basis to require that an optimal fire or EMS response be available to any such use that is established in the future.

#### **(i) Levels of Service**

The following higher-risk uses shall be allowed only where a full response from 3 stations within 10 minutes is possible: schools; hospitals; nursing homes; commercial buildings over 3 stories high with no sprinklers; places of assembly seating more than 500.

#### **(ii) Regulatory Implementation**

Service areas will be determined based on the latest data provided by MCFRS.

**III.D. Water Supply**

The APFO requires denial of any development that would create total water demand in the City that would exceed available supply less a reasonable reserve for fire-flow.

(i) Levels of Service

Any proposed development that would create total water demand in the City that would exceed available supply less a reasonable reserve for fire-flow shall not be approved.

Any proposed development for which a minimum fire-flow of 1,000 gallons per minute, or where such fire-flow will not be available from hydrants located within 500 feet of any structure within the development not provided with sprinklers, shall not be approved.

(ii) Regulatory Implementation

Final check-off for adequacy of water service will be determined prior to the issuance of building permits.

**III.E. Sewer Service**

The APFO provisions require denial of any development project that would cause the City to exceed the transmission capacity in any part of the sewerage system or the treatment capacity available to it at the Blue Plains Treatment Plant or other facilities provided by WSSC.

(i) Levels of Service

Any proposed development that would cause the City to exceed the treatment capacity available to it at the Blue Plains Treatment Plant or other facilities provided by WSSC shall not be approved.

Any development for which transmission capacity in the City or WSSC system to Blue Plains or another treatment facility will not be available concurrently with the anticipated demand shall not be approved.

(ii) Regulatory Implementation

Final check-off for adequacy of water service will be determined prior to the issuance of building permits.

## Sources

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## Appendix A: Definitions

<i>Development Project</i>	Any new development or significant redevelopment project presented to the City after (date of APF adoption).
<i>CTR</i>	<ul style="list-style-type: none"><li>• Comprehensive Transportation Review describes the process by which to proceed with development or redevelopment within the City. Principles and methodologies explained in the CTR are used by the City to evaluate the transportation impacts of development applications on site access and circulation, multi-modal facilities, and off-site automobile traffic. Mitigation measures to alleviate negative impacts are also addressed.</li></ul>
<i>Transportation Report (TR)</i>	Transportation Report, required by the CTR, is one report that consists of five components: <ul style="list-style-type: none"><li>• <b>Component A: Introduction and Existing Conditions:</b> Project description.</li><li>• <b>Component B: Site Access &amp; Circulation:</b> Analysis of internal circulation, entrance configurations, truck access and other relevant access and on-site features.</li><li>• <b>Component C: Multi-Modal Analysis:</b> Analysis of access to alternative modes of transportation available in the respective study area for pedestrian, bicycle, and transit facilities in the multi-modal study area.</li><li>• <b>Component D: Traffic Analysis:</b> Analysis of auto traffic using the technical guidelines for traffic analysis in the auto study area.</li><li>• <b>Component E: Summary and Mitigation:</b> Summary of the report findings and recommendations.</li></ul>
<i>Service Commitment</i>	Public facility capacity reserved as part of project approval
<i>TOA</i>	Areas defined as TOAs must include existing or programmed facilities that provide multi-modal access. TOAs include areas 7/10ths of a mile accessible walking distance from existing and programmed Metro and MARC stations and programmed fixed-guideway transit stations on dedicated transit rights-of-way.
<i>TDM</i>	Transportation Demand Management is a general term for strategies that promote alternatives to travel by single occupancy vehicle.
<i>USE</i>	Use Permit
<i>CPD</i>	Comprehensive Plan Development
<i>PDP</i>	Preliminary Development Plan
<i>SPX</i>	Special Exception
<i>PRU</i>	Planned Residential Unit
<i>Subdivision</i>	The creation of lots, either by dividing existing lots or parcels or combining existing lots, for the purpose of new development or redevelopment



October 24, 2003 Public Hearing Draft

**Appendix B: Map of Transit-Oriented Areas**

**Appendix C: High School Cluster Boundaries Map and School Capacity Projections**

**Appendix D: Map of Fire and Rescue Service Response Times**