



DATE: July 15, 2005

TO: Montgomery County Planning Board

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SUBJECT: **Staff Draft Growth Policy, Worksession 2:** Adequacy of Public Safety Facilities and White Flint Policy Area

Summary

As requested, staff will open this worksession with a review of development approval activity and other indicators of the effects of the revised growth policy that went into effect one year ago.

The balance of this worksession will focus on chapters 2 and 4 of the *Staff Draft 2005-2007 Growth Policy*. These chapters are attached and are identical to those in the report delivered to the Board previously and identical to the report publicly available since June 15, 2005.

This memorandum contains additional discussion of two policy issues: the adequacy of public safety facilities and the potential expansion of the White Flint Policy Area.

Public Safety

Interview with the Department of Police

In the most recent growth policy resolution (15-375), the Montgomery County Council instructed the Planning Board to “consider potential options for testing the adequacy of public safety (police and fire/rescue) infrastructure.” Park and Planning staff’s report on the issue (attached) contained the following:

One of the main issues that we attempted to address is how closely measurements of public safety infrastructure (such as number of stations) track with the best measures of public safety service, such as responses times. Our research suggests that of the two types of public safety facilities (police stations and fire/rescue stations), the number and location of fire/rescue stations has the

closest relationship to service adequacy. This is because fire companies and EMS/rescue squads return to stations between calls, while police cruisers and staff are highly mobile. In other words, police response times are not highly correlated with the number and location of police stations, but fire and rescue response times are highly correlated to the number and location of fire/rescue stations.

Our finding in this regard may change after we have had an opportunity to meet with the Montgomery County Department of Police. Staff is scheduled to meet with the Department of Police on June 17 and will include details of our discussion at the Planning Board's July worksession on this issue.

Pending that meeting, our research suggests that if the County were to substantially strengthen or expand its test for the adequacy of public safety facilities, the expansion should focus on fire and rescue infrastructure, specifically stations. Our understanding is that the greatest barrier to adding stations is finding suitable sites. Therefore, staff believes that a potential expansion of the adequacy test for public safety facilities should be evaluated on the basis of whether it increases the County's ability to acquire suitable fire/rescue station sites.

Staff completed our interview on June 17, 2005 and the notes from that discussion are attached. Staff appreciates the assistance and insights provided by Lt. Terrence J. Pierce of the Department of Police's Field Services Bureau.

Park and Planning staff's conclusions in the June 15 report were reinforced by our interview with the Department of Police. Although the Department of Police is not always meeting its seven minute response time goal in the rural parts of the County, the Department of Police stated that staffing, not infrastructure, is the main ingredient in reducing response times and otherwise increasing the "level of service" of police protection. The Department notes that the current staffing level of 1.1 officers per 1,000 population is well below their desired level of 2.0 officers per 1,000 population.

As staff noted in our June 15, 2005 report, we do not believe that development approvals should be tied directly or indirectly to staffing levels.

Ability to Require Dedications of Land for Stations

In the staff report, staff indicated that it would explore whether strengthened language in the growth policy concerning public safety facilities could also strengthen the County's ability to require land dedications for police or fire/rescue stations at the time of subdivision. Legal staff indicated that County's position would be weak if the station site is not designated in an adopted master plan. They also noted the increased demand for public safety services from a single development would be out-of-balance with a requirement to provide all of the land for a station serving a large part of the County.

White Flint Policy Area

The staff report on this issue is complete, except that staff did not propose specific language for how conditional adjustments to the White Flint Policy Area boundary could be made.

As indicated in the report, staff believes that expansion of the boundary of the White Flint Policy Area can be justified. Although the master plan did not envision mixed-use redevelopment of Mid-Pike Plaza or other properties adjacent to the current White Flint boundary, staff believes that is, in part, because there was little market interest in that type of redevelopment at that time. At the time of the adoption of the master plan, there was concern that property closer to the Metro station had not yet moved forward. The Planning Board and the staff of the Department of Park and Planning are moving forward with planning initiatives aimed at encouraging mixed-use redevelopment of existing centers. Staff believes Mid-Pike Plaza has the potential to be an outstanding example of a redeveloped center that combines housing, retail, and amenities in a pedestrian-friendly, transit-oriented design.

Staff does not recommend that the White Flint Policy Area boundary be expanded to include Mid-Pike Plaza or other adjacent property except in the cases of mixed-use transit-oriented redevelopment. Staff believes that a mixed-use, transit-oriented design is critical to justifying inclusion within the Metro station policy area.

As noted, the current zoning of Mid-Pike Plaza does not allow mixed-use at this time, and so redrawing the boundary now is premature. There may be consensus now that these properties should be included in the Metro station policy area if/when mixed-use redevelopment is permitted on these sites.

Because staff believes that the character of a proposed development project is an important consideration in determining if the project should be included in the Metro station policy area, staff suggests that the Planning Board review the boundary issue at the time of subdivision. This would require the County Council to include language in the Growth Policy resolution that authorizes the Planning Board to modify the White Flint Policy Area boundary under certain conditions. The Planning Board would consider the boundary change as it is considering specific redevelopment proposals that meet mixed-use, transit-oriented criteria.

Staff's suggested language is:

The Planning Board may modify the White Flint Policy Area boundary to include adjacent properties in the North Bethesda Policy Area. The Planning Board's consideration of White Flint Policy Area boundary changes must be conducted in conjunction with the Board's review of a preliminary plan of subdivision for eligible properties. To be eligible for consideration for inclusion, the property must be adjacent to the White Flint Policy Area boundary as of July 1, 2005 and the majority of the property should be no more than one-half mile from the entrance of the White Flint

Metro station. The Planning Board may not approve a change in the White Policy Area Boundary unless the proposed project contains at least 30 percent housing, calculated on a square foot basis. The Planning Board must find that the project's design facilitates transit usage and pedestrian accessibility. The applicant must complete a Local Area Transportation Review traffic study. At a minimum, the applicant must show that the project will meet the transit mode share goals of the North Bethesda Master Plan, or, if the applicant uses TA1 Alternative Review Procedure for Metro Station Policy Areas, must meet all the requirements of that procedure.

An alternative that the Planning Board may prefer: include no new language concerning the White Flint Policy Area boundary now, and propose that a growth policy amendment be processed contemporaneously with any regulatory changes that allow mixed-use redevelopment of these sites.

Correction: staff's report states that properties located within a Metro station policy area pay 1/2 the impact tax rate as properties outside the Metro station policy area. This is true, but not if the proposed development uses the Alternative Review Procedure for Metro Station Policy Areas. One of the conditions of using the Alternative Review Procedure is that the developer must may double the applicable impact tax. In a Metro station policy area, that means they would be paying the same impact tax rate as properties just outside the Metro station policy area.

Traffic Test at Zoning – Metro Station Policy Areas

In March, the Montgomery County Council took action on a growth policy-related issue: Zoning Text Amendment 04-16 Local Map Amendment Traffic Test – Metro Station Policy Areas. Under the zoning text amendment, an applicant for a local map amendment for property located entirely within a Metro station policy area may satisfy traffic impact issues by showing that it can meet the requirements of the growth policy's Alternative Review Procedure for Metro Station Policy Areas.

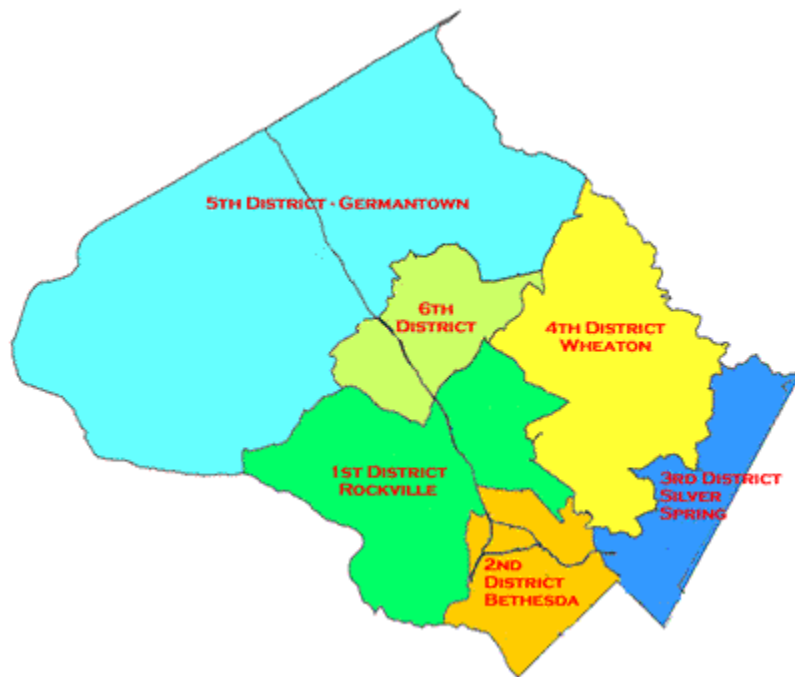
An identical provision was in effect in 2003, and one local map amendment was approved using it, but the provision sunset on December 31, 2003.

The County Council approved the zoning text amendment with a sunset of December 31, 2005. The Council indicated that it would revisit the issue this fall during its growth policy review.

Staff most recently brought this issue to the Planning Board in November 2004 at which time staff presented a comprehensive review of the issue. Apart from the Highway Mobility Report, which updates the Planning Board on congestion conditions in Montgomery County and which will be presented to the Planning Board on July 14, 2005, staff has not completed any additional analysis on this issue. Since the Board's previous review, there have been no new local map amendments using the procedure nor has the sole project that used the procedure (the LCOR development in White Flint) been constructed.

Notes From Meeting With Staff from the Montgomery County Department of Police and the Montgomery County Department of Park and Planning, June 17, 2005

- Police Stations and Districts
 - There are six districts, but essentially only 5.5 stations. The station in District 5 is on leased land and is somewhat inadequate.
 - A full station is truly a public building. It handles fingerprinting, public records requests, parking fine payments, etc. It is also distinguished from a satellite facility in its having a holding tank.
 - The Department of Police would like opportunities to collocate facilities in newly constructed county buildings. Currently exploring opportunities to collocate a station (without holding cell) with Montgomery County Fire and Rescue in Shady Grove
 - The Department of Police does not have a master plan showing the need for new facilities. The Department would justify a request for a new facility based on the number of officers projected by geography, and this would be based on density of resident population. The Department believes it will need a 7th district soon.



- Response Times and Staffing
 - The Department of Police's current response time goal is seven minutes countywide for all types of calls. Although response times are reported Countywide, the Department indicated that response times in outlying areas, such as District 5, are greater.

- Staffing is the critical “adequacy” issue, rather than stations. Officers are highly mobile and may not visit the station often during a shift.
- The Department of Police currently has a ratio of 1.1 officers per 1,000 population, as calculated for all uniformed personnel within the county boundaries, including city and transit police officers. Would like to have 2.0. Thinks this is more in line with local, regional, and national averages for fairly urban jurisdictions such as this.
- Allocations of staff: Officers do not rotate among the districts, and each district is operates as a contained unit. High call volume in one district would not result in officer responses from another district. Instead, officers from that district might be held over for longer shifts and/or other officers called in early or from off-duty days. Each district has 3 Sectors. Officers are deployed within these sectors. For the day shift, there may be 4-8 officers operating as a team, but often the night shift in a given sector will have just one officer on duty.
- Districts 3, 4, and 6 deploy officers by geography / density. That is, officers are concentrated in areas with greater concentrations of people and calls. Districts 1, 2, and 5 will begin doing so in August.
- The Department of Police works cooperatively with other police, through memorandums of understanding with other departments, such as Cities of Rockville and Gaithersburg. The relationships may vary according to jurisdiction; for example, the City of Takoma Park is 100% responsible for their area.
- Calls are categorized in three levels. 1 – must respond immediately, life threatening situation, 2 – the incident is occurring presently, but won’t use sirens in response, and 3 – calls that are important but not urgent. The nature of calls is different in different locations. Generally speaking, there is a higher percentage of higher priority calls in Silver Spring and more lifestyle issue-related calls in Bethesda (graffiti, nuisance crimes).
- The Park and Planning’s forecast data could help the Department of Police in planning for staffing and deployment.
- Planning/Land Use issues: Department of Police staff discussed some of the planning and land use related issues that affect
 - Lighting is changing. Newer developments tend to have lower street lights that leave more peripheral areas unlit and therefore pose safety challenges.
 - Line of sight issues affect traffic safety. Information about traffic safety issues is used to solve problems: collision data is collected on state forms, which are then reviewed by the Operations Division. The police then work with the Department of Public Works and Transportation to address deficiencies.
 - CPTED – Crime Prevention Through Environmental Design. As was reported by the Department of Fire and Rescue, the Department of Police is interested in actions that help prevent problems. This includes land use planning and development design that minimizes opportunities for crime.