



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

December 3, 2009

**MEMORANDUM**

TO: Montgomery County Planning Board

VIA: Dan Hardy, Chief  
Move/Transportation Planning Division *DKH*

FROM: Shahriar Etemadi, Planning Supervisor (301) 495-2168  
Move/Transportation Planning Division *[Signature]*

SUBJECT: Proposed Changes to the Local Area Transportation Review (LATR) and Policy Area Mobility Review (PAMR) Guidelines

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**RECOMMENDATION – Adopt the Revised Guidelines**

We recommend that the Board adopt the technical elements of the 2009 Local Area Transportation Review (LATR)/Policy Area Mobility Review (PAMR) Guidelines at the December 10 worksession. A final formatted document will be presented to the Board in January.

**BACKGROUND**

The purpose of the Local Area Transportation Review (LATR) and Policy Area Mobility Review (PAMR) Guidelines revisions is to implement the elements of the 2009-2011 Growth Policy relating to the adequacy of transportation facilities. The Montgomery County Council adopted the new Growth Policy on November 10, 2009. Staff is proposing changes to the LATR/PAMR Guidelines to ensure its consistency with the newly adopted Growth Policy, which takes effect for subdivision applications accepted after January 1, 2010.

Attachment A presents the staff recommended Guidelines in a format where changes to the July 2009 version of the Guidelines are shown in highlighted text. The final formatted document to be completed in January 2010 will address style elements such as page numbers and table formatting. Attachment B presents the 2009-2011 Growth Policy resolution (#16-1187).

The following items are the substantive items staff proposes to change in the Guidelines. The first seven elements are directly related to the Growth Policy resolution:

1. Full mitigation for PAMR is defined as mitigation of 50% of the site-generated peak hour vehicle trips.
2. The Planning Board may accept mitigation through construction of Non-Auto Facilities that are based on a value of \$11,000 for construction and right-of-way costs for each new peak hour vehicle trip to be mitigated.
3. The Planning Board may accept a lump sum payment of \$11,000 per peak hour vehicle trip for development mitigating fewer than 30 trips.
4. The capital cost of intersection improvements required to satisfy Local Area Transportation Review may be applied toward any PAMR mitigation obligation.
5. Transportation projects that are fully funded for construction within the first six years of a capital program, rather than the first four years, will be considered for the background condition.
6. Special Mitigation Standards (referred to as “Smart Growth Criteria” in the Planning Board’s Growth Policy) are available for development in Metro Station Policy Areas (MSPAs) that meet requirements for density, mixed-use, and energy efficiency.
7. The number of vehicle trips for residential units in Tables A-4 and B-3 may be reduced by 18% in all other Metro Station Policy Areas outside of Silver Spring CBD, Bethesda CBD and Friendship Heights CBD.

The remaining changes are designed to clarify existing practices:

8. The proposed mitigation action(s) must be included in the traffic study or statement at the time of application submission.
9. Staff will review study parameters with community representatives upon their request.

Several minor editorial and typographic changes are also contained as indicated within the document to clarify definitions.

## **DISCUSSION**

For the change in the Guidelines listed above, we have provided the basis for these recommendations from the July 2009 Guidelines adopted by the Planning Board.

**1. Full mitigation for PAMR is defined as mitigation of 50% of the site-generated peak hour vehicle trips.**

The 2007-2009 Growth Policy defined full mitigation as mitigation of 100% of the site generated peak hour trips. The 2009-2011 Growth Policy redefines full mitigation as 50% of the site-generated trips. The Council voted to retain the current Growth Policy definition of adequacy, including the definition of full and partial mitigation (i.e., the “stairsteps” and “diagonal line” in the PAMR Year 2013 chart shown in Figure 1) so that the graphics and mitigation requirements remain unchanged for those Policy Areas that do not currently require full mitigation. For the four policy areas that do require full mitigation (Fairland/White Oak, Gaithersburg City, Germantown East, and North Potomac), the mitigation requirement has been changed from 100% to 50% in Tables 2 and 11.

**2. The Planning Board may accept for construction and right-of-way costs of Non-Auto Facilities at a value of \$11,000 for each new peak hour vehicle trip.**

An applicant may mitigate a certain number of vehicle trips to meet LATR or PAMR requirements by providing for construction of a variety of Non-Auto Facilities (that facilitate alternative modes of travel) at a value of \$11,000 for each new peak hour vehicle trip for construction and right-of-way costs. Sidewalk and shared-use path construction remain defined as a linear-foot measure rather than a construction cost measure to provide an option that does not require capital cost coordination (and allows applicants to consider lower cost mitigation options where they may be available). This information is included in Section VI-2-d and Table 5.

**3. The Planning Board may accept a lump sum payment of \$11,000 per mitigated PAMR trip for development mitigating fewer than 30 trips.**

An applicant may be required to fully or partially mitigate their new trips in the Policy Areas requiring PAMR mitigation. If the number of vehicle trips to be mitigated is less than 30 peak hour trips, then the applicants of subdivision may make a lump sum payment of \$11,000 (with an escalation clause according to construction costs for each new fiscal year, beginning in FY 11) per mitigated PAMR trips to MCDOT in lieu of physical improvement. This element of the 2009-2011 Growth Policy codifies a change adopted by the Planning Board in October 2008, so it does not affect the Guidelines, other than that the explanatory information in Appendix F of the Guidelines has been deleted (and Appendix F is now proposed to address energy efficiency requirements related to the Special Mitigation Criteria as described below).

**4. The capital cost of intersection improvement to satisfy Local Area Transportation Review may be applied toward any PAMR mitigation obligation.**

In general, each mitigation measure or combination of measures must be scheduled for completion or otherwise be operational at the same time or before the proposed development is scheduled to be completed. The nature, design, and scale of any additional facility or program must receive prior approval from any government agency that would construct or maintain the facility or program; and the applicant and the public agency must execute an appropriate public works agreement before the Board

approves a record plat. The application must also be approved under Local Area Transportation Review. An applicant who is required to make an intersection improvement to satisfy Local Area Transportation Review may apply the capital cost of that improvement toward any PAMR mitigation obligation. This change is highlighted in Table 3 and described in Section VIII.

**5. Transportation projects that are fully funded for construction within six years will be considered as part of background improvements.**

To evaluate the APF test for a proposed development impact, all existing and approved development and all eligible programmed transportation CIP projects must be included in determining the conclusion and recommendation(s) contained in the traffic study. For these purposes, "approved development" includes all approved preliminary plans of subdivision and is also known as the "pipeline of approved development." "Eligible programmed transportation CIP projects" include all County CIP, State Transportation Program, and City of Rockville or Gaithersburg projects for which 100 percent of the expenditures for construction are estimated to occur in the first 6 years of the applicable program. This change is reflected in Sections III and VII of the Guidelines.

An alternative interpretation of the Council action would hold that the facility must only be funded six years into the future from the date of application submission. Since the first year of a six-year CIP or CTP is the current budget year, this interpretation would allow consideration of additional projects likely to be completed a year or two after the CIP/CTP timeframe. Staff, however, does not support this interpretation due to the wording of the resolution specifying "the first six years of the applicable program."

Staff recommends that the same change from four years to six years be included in the Guidelines in considering payment-in-lieu of construction for cases mitigating more than 30 PAMR trips (or for any number of LATR trips) as described in Sections VI and VIII of the Guidelines.

**6. Special Mitigation Standards (referred to as "Smart Growth Criteria" in the Planning Board's Growth Policy) are available for development in Metro Station Policy Areas (MSPAs) that meet requirements for density, mixed-use, and energy efficiency.**

To qualify for the Special Mitigation Standards under Policy Area Mobility Review (PAMR), projects must be located in a Metro Station Policy Area and meet specific density, mixed-use, and energy efficiency standards. The energy-efficiency standards are based on LEED for New Construction and Major Renovation (Version 2.2). To meet the requirement for the Special Mitigation Standards, the building must meet the requirement for three points under the section Energy & Atmosphere (EA) credit 1: Optimize Energy Performance – Option 1 or the requirement for one point under (EA) credit 2: On-Site renewable Energy.

This translates into demonstrating achievement of a 17.5% improvement (for new buildings) or 10.5% improvement (for existing buildings) in the proposed building performance rating compared to the baseline building performance rating per ASHRAE/IESNA Standard 90.1-2004 by a whole building project simulation using the Building Performance Rating Method in Appendix G of the LEED Standard. Or, the project must demonstrate use of an on-site renewable energy system that offsets building energy cost by a minimum of 2.5%.

The Special Mitigation Standards are identified in Section VIII of the Guidelines and the energy efficiency requirements are included in the Appendix F of the Guidelines.

**7. The number of trips for residential units in Tables A-4 and B-3 may be reduced by 18% in all other Metro Station Policy Areas outside of Silver Spring CBD, Bethesda CBD and Friendship Heights CBD.**

The LATR trip rates are mainly based on the data collected for the County wide in the 1980s. In the 1990s, separate trip rates were established for the Central Business Districts of Silver Spring, Bethesda and Friendship Heights based on data collected exclusively for these areas that reflected a higher rate of transit use. Until now, the use of residential trip generation rates for other Metro Station Policy Areas in the county has been based on the countywide rates. These locations are treated like any other suburban area that is lacking a good transit system. As a result, staff concludes these trip rates are slightly overestimated.

Staff believes that a comprehensive study of the trip rates in the LATR/PAMR Guidelines is desirable with a focus on Metro Station Policy Areas. Updated trip rates for these locations would improve the accuracy of projected future traffic condition. Given budget constraints, staff has applied data collected by the Metropolitan Washington Council of Governments household travel survey to support a change in the reduction of residential trips by 18% in all Metro Station Policy Areas other than Silver Spring, Bethesda and Friendship Heights. This change is identified in Appendices A through C of the Guidelines.

Staff also suggests that the applicants be allowed to use the reduced 18% number of trips for residential developments in the three Silver Spring, Bethesda and Friendship Heights CBDs if their current rates in the Guidelines exceed the reduced (by 18%) number of trips for other Metro Station Policy Areas. Staff has also begun working with MWCOG under the Transportation/Land Use Connections program award to collect trip generation data for neighborhood-serving retail uses; this information will be compiled during spring 2010.

The remaining changes are designed to clarify existing practices:

**8. The proposed mitigation action(s) must be included in the traffic study or statement at the time of application submission.**

For both PAMR and LATR studies, applicants proposing any mitigating action(s) other than weekday peak period vehicle trip reduction must include a statement describing and providing the rationale for selecting the proposed mitigation measure. The Planning Board will consider and accept mitigation approaches on a case-by-case basis, using these Guidelines.

The proposed mitigation action(s) must be included in the traffic study or statement at the time of application submission for approval by the reviewing agencies. The reviewing agencies must find the proposed mitigating action feasible for implementation prior to action by the Planning Board. This clarification, already included in Section VII, is included in Figure 2 and Section VIII for consistency.

**9. Staff will review study conclusions and recommendations with community representatives upon their request.**

Section II of the current Guidelines titled “Criteria For Screening Cases For Local Area Transportation Review” states that “staff will determine the acceptability of the conclusions and recommendations of a traffic study in consultation with the applicant, the Montgomery County Department of Transportation (MCDOT), the Maryland State Highway Authority (SHA), and the community Representatives.”

Staff recommends that this language to be changed to state that “staff will determine the acceptability of the conclusions and recommendations of a traffic study in consultation with the applicant, the Montgomery County Department of Transportation (MCDOT), and the Maryland State Highway Authority (SHA). Staff will also review study conclusion and recommendations with the community Representatives upon request.”

The clarification is designed to reflect the fact that while the opinion of community representatives is important in the Planning Board’s findings of public facility adequacy, it is not a pre-requisite for staff’s technical acceptance of a complete study. The staff review and acceptance of a complete study has a limited timeframe; time is better spent getting an accepted study ready for broader public review and discussion. Staff is available to meet with community representatives to answer their questions, concerns and discuss the assumptions, conclusion and recommendations of all traffic studies at any point in the process upon community request.