

## REVISIONS TO THE 2021 LOCAL AREA TRANSPORTATION REVIEW

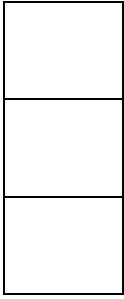
### Description

Approve changes to the Local Area Transportation Review (LATR) Guidelines to incorporate a method to ensure that off-site transportation mitigation is not out of proportion with a project's impact on the overall safety and functionality of the county's transportation system. Approve additional minor changes to the LATR Guidelines.

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MCPB  
Item No. 10  
2022

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## SECTION 1

### BACKGROUND

The Growth and Infrastructure Policy (GIP) is a set of policy tools that guide the timely delivery of public facilities (schools, transportation, water, sewer, and other infrastructure) to serve existing and future development. These policy tools are the guidelines for the administration of the County's Adequate Public Facilities Ordinance (APFO), and they are updated every four years by the County Council. The APFO directs the Montgomery County Planning Board to approve preliminary plans of subdivision, and other development applications or permits, only after finding that public facilities will be adequate to serve the subdivision or project.

The most recent quadrennial update to the growth policy was adopted through Council Resolution 19-655 on November 16, 2020, which created the GIP. In July 2021, the Planning Board approved the Local Area Transportation Review (LATR) Guidelines, which articulate a methodology for documenting and analyzing the anticipated impacts of proposed development on pedestrian, bicycling, bus transit and motor vehicle travel in the County. The criteria in the LATR Guidelines determine whether a development can satisfy the requirements for transportation adequacy or whether off-site improvements are required to achieve adequacy. The criteria include the following adequacy tests:

- Motor Vehicle System Adequacy, using the Highway Capacity Manual assessment.
- Pedestrian System Adequacy, using the Pedestrian Level of Comfort, Street Lighting, and ADA Compliance assessments.
- Bicycle System Adequacy, using the Bicycle Level of Traffic Stress assessment.
- Bus Transit System Adequacy, using the Bus Shelter Availability Assessment.

## SECTION 2

### INTENT AND PURPOSE

Since the Growth and Infrastructure Policy came into effect on January 1, 2021, several applicants and land use attorneys have expressed concern that the policy is likely to impose transportation improvement costs that are out of proportion to the impacts of an individual development project, especially for the pedestrian, bicycle and bus transit adequacy tests. Planning Department staff agrees that the policy has the potential to require improvements that may not be proportional to a project's impacts, especially for sites that generate a large number of peak-hour person trips. For example, where inadequate conditions are present, a 100,000 square foot office building in a Red policy area (for example, Downtown Silver Spring) that generates about 170 peak-hour person trips or a 200-space childcare center in an Orange policy area that generates about 180 peak-hour person trips could each be required to construct or pay a fee to the County for up to:

- 3,000 feet of sidewalks and crossings to achieve a “Somewhat Comfortable” or “Very Comfortable” Pedestrian Level of Comfort score.
- 3,000 feet of street lighting upgraded to applicable standards.
- 750 feet of sidewalks to be compliant with the Americans with Disabilities Act.
- 750 feet of sidepaths, separated bike lanes, or trails to achieve a low Level of Traffic Stress.
- 2 bus transit shelters with realtime travel information displays and other amenities, along with safe, efficient, and accessible paths to the shelters.

The intent of this memorandum is to document changes to the LATR Guidelines that are needed to ensure that transportation system requirements are not out of proportion with a project's impact on the overall safety and functionality of the various modes of transportation.

Additionally, Planning Staff is recommending other changes to the LATR Guidelines to:

- Update guidance on documenting deficiencies and proposed mitigation for the pedestrian, bicycle and bus transit system adequacy test.
- Provide additional guidance on street lighting adequacy.
- Permit applicants to propose alternative mode split assumptions in very limited instances where Appendix 1b clearly do not fit the proposed project.
- Make additional minor edits and clarifications throughout the document.

## SECTION 3

### AUTHORITY

The [Growth and Infrastructure Policy](#) delegates to the Planning Board the authority to develop the appropriate methodology for determining LATR mitigation in three places (see Attachment A).

First, page 1 of the GIP states that: “The following guidelines describe the methods and criteria that the Planning Board and its staff must use in determining the adequacy of public facilities...The Council delegates to the Planning Board and its staff all other necessary administrative decisions not covered by the guidelines outlined below.”

Second, while pages 12-13 of the GIP identify the maximum amounts of off-site improvements that can be required under the pedestrian, bicycle and bus transit system adequacy tests, the GIP does not indicate that the applicant must make – under all conditions and circumstances – all identified improvements up to the limits established in the GIP. Specifically:

- **Pedestrian Level of Comfort:** Table T4 (see below) specifies the “maximum span of improvement that the applicant must provide beyond the frontage.” As the note below the table states that “The maximum required length of sidewalk and streetlighting improvements beyond the frontage is 4 times the appropriate value in this column,” applicants can be required to construct or improve between 1,000’ and 4,000’ (or 4 X 250’ and 4 X 1,000’) of sidewalks and crossings.
- **Street Lighting:** Table T4 specifies the “maximum span of streetlighting that the applicant must provide beyond the frontage.” As with Pedestrian Level of Comfort, the note below the table states that “The maximum required length of sidewalk and streetlighting improvements beyond the frontage is 4 times the appropriate value in this column,” so applicants can be required to construct or improve between 1,000’ and 4,000’ of street lighting (or 4 X 250’ and 4 X 1,000’).
- **ADA Compliance:** Table T4 identifies the “maximum span of ADA improvements that the applicant must provide beyond the frontage.” Applicants can be required to construct or improve between 250’ and 1,000’ of sidewalks and ramps.

**Table T4. Pedestrian Adequacy Test Scoping**

Peak-Hour Person Trips Generated	Red and Orange Policy Area Walkshed*	Yellow and Green Policy Area Walkshed*
50 – 99	400’	250’
100 – 199	750’	400’
200 – 349	900’	500’
350 or more	1,000’	600’

\* The maximum required length of sidewalk and streetlighting improvements beyond the frontage is 4 times the appropriate value in this column. The maximum span required for ADA improvements beyond the frontage is equal to the appropriate value in this column.

- **Bicycle System Adequacy:** Table T5 (see below) requires applicants to construct improvements “that create or extend LTS-2 conditions up to the specified distance from the site frontage.” Applicants can be required to construct between 250’ and 1,000’ of master-planned sidepaths, separated bike lanes or trails.

**Table T5. Bicycle Adequacy Test Scoping**

Peak-Hour Person Trips Generated	Red and Orange Policy Areas	Yellow and Green Policy Areas
50 – 99	400’	250’
100 – 199	750’	400’
200 – 349	900’	500’
350 or more	1,000’	600’

- **Bus Transit System Adequacy:** Table T6 (see below) states that applicants “must construct up to the number of shelters and amenities” identified. Applicants can be required to construct between one and four bus shelters with realtime information and other amenities. Applicants are also required to provide a safe, efficient, and accessible path to bus shelters, but this would likely overlap with the requirements for the Pedestrian System Adequacy test.

**Table T6. Transit Adequacy Test Scoping**

Peak-Hour Person Trips Generated	Red and Orange Policy Areas	Yellow Policy Areas
50 – 99	2 shelters within 500’	1 shelters within 500’
100 – 199	2 shelters within 1,000’	2 shelters within 1,000’
200 – 349	3 shelters within 1,300’	2 shelters within 1,300’
350 or more	4 shelters within 1,500’	3 shelters within 1,500’

Third, page 15 of the GIP indicates that “the Planning Board and staff must examine the applicant’s traffic study to determine whether adjustments are necessary to assure that the LATR study is a reasonable and appropriate reflection of the traffic impact of the proposed subdivision...”

Accordingly, the Planning Board must determine the actual extent of improvements required of each applicant. To do this fairly and consistently the Planning Board must devise a methodology through the LATR Guidelines that will ensure the GIP is reasonably applied within the legal limits of the County’s authority.

## SECTION 4

### RECOMMENDED PROPORTIONALITY TEST

To ensure that off-site transportation improvements are reasonable as they relate to a project's impact, Planning Department staff has developed an approach to establish an upper limit to the cost of off-site mitigation for projects that surpass the 50 net new peak hour person trip threshold that triggers an LATR study. On October 21, 2021, Planning Department staff presented the Planning Board with a recommended approach. Since this time, and after extensive coordination with the Montgomery County Department of Transportation (MCDOT), the Montgomery County Department of Permitting Services (DPS), traffic engineers and other stakeholders, Planning Department staff are proposing modifications to the approach, as detailed below.

#### **Original Recommendation**

On October 21, 2021, Planning staff proposed a two-step approach to ensure that off-site transportation improvements are reasonably related to a project's impact by first establishing an upper limit on the cost of off-site transportation improvements and then identifying the improvements to be made by the applicant. This approach is summarized below, but discussed in greater detail in Attachment B.

In staff's original recommendation, the upper limit on the cost of off-site transportation improvements was to be established based on the number of net new weekly person trips generated by the project and a cost per weekly person trip on transportation infrastructure. The original recommendation would then generate a list of prioritized off-site transportation improvements based on the results of the LATR system adequacy tests. After developing cost estimates for the LATR improvements based on 30 percent design plans, approval of the development application would be conditioned on construction of (or payment for) off-site improvements up to upper limit established in the first step.

#### Challenges of the Original Approach

After the October 21, 2021 Planning Board discussion, the Planning Department conducted a series of stakeholder meetings (see Section 8). Among the issues discussed at these meetings was the challenges of implementing the original recommendation. First, weekly person trip generation rates do not currently exist, though this was not considered an insurmountable obstacle. Second, the approach required establishing a cost per weekly person trip and Planning staff determined that it would require substantial research and documentation to develop an acceptable cost per weekly trip beyond what could be accomplished in the timeframe of this project. Third, the requirement to prepare 30 percent design plans would be costly for applicants and both MCDOT and DPS agreed that concept (10 percent) plans would suffice.



## Current Recommendation

In response to these concerns and others raised, Planning staff's current recommendation is to continue using a two-step approach that first establishes an upper limit on the cost of off-site pedestrian, bicycle and bus transit improvements and then identifies the improvements to be made by the applicant, but to modify the mechanics of how these processes are completed.

### Step 1: Calculate the LATR Improvement Cap

Compared to the original approach to setting an upper limit to the cost of off-site mitigation, the current recommendation utilizes already available and accepted measurements of a project's impact on transportation infrastructure. A project's "LATR Improvement Cap" would be calculated by multiplying the project's proposed extent of development by an LATR Improvement Cap Rate and by an LATR Improvement Cap Adjustment Factor.

$$\text{LATR Improvement Cap} = \left( \frac{\text{Extent of Development}}{\text{Development}} \right) \times \left( \frac{\text{LATR Improvement Cap Rate}}{\text{Cap Rate}} \right) \times \left( \frac{\text{LATR Improvement Cap Adjustment Factor}}{\text{Adjustment Factor}} \right)$$

The **Extent of Development** refers to the net increase in number of residential units or commercial square footage the applicant is proposing. The **LATR Improvement Cap Rate** is the overall measure of proportionality for the development project. These rates reflect current impact tax rates for each land use category, which were informed by the number of trips that each land use category is forecast to produce over the next 20 years (see Attachment C for additional details). Since the LATR Improvement Cap is applied only to pedestrian, bicycle and bus transit adequacy, the **LATR Improvement Cap Adjustment Factor** adjusts the LATR Improvement Cap Rates by a factor based on the Non-Auto Driver Mode Share (NADMS) goal for different areas of the county.

The LATR Improvement Cap Rates are shown in Table 1 and would be adjusted biennially, effective July 1 of odd-numbered years, coincident with the county's update to the transportation impact tax rates.

Table 1: LATR Improvement Cap Rates

Land Use	Unit	Rate
<b>Residential Uses</b>		
Single-Family Detached	per unit	\$20,173
Single-Family Attached	per unit	\$16,506
Multifamily Low Rise	per unit	\$12,835
Multifamily High Rise	per unit	\$9,168
Senior Residential	per unit	\$3,668
<b>Commercial Uses</b>		
Office	per SF GFA	\$18.45
Retail	per SF GFA	\$16.45
Private School and Daycare	per SF GFA	\$1.50
Place of Worship	per SF GFA	\$0.95
Other Nonresidential	per SF GFA	\$9.15

The LATR Improvement Cap Adjustment Factors are based on the NADMS goals established in the GIP (see Table 2). While the GIP specifies NADMS goals for most geographic areas of the county, there are some gaps and idiosyncrasies that needed to be addressed.

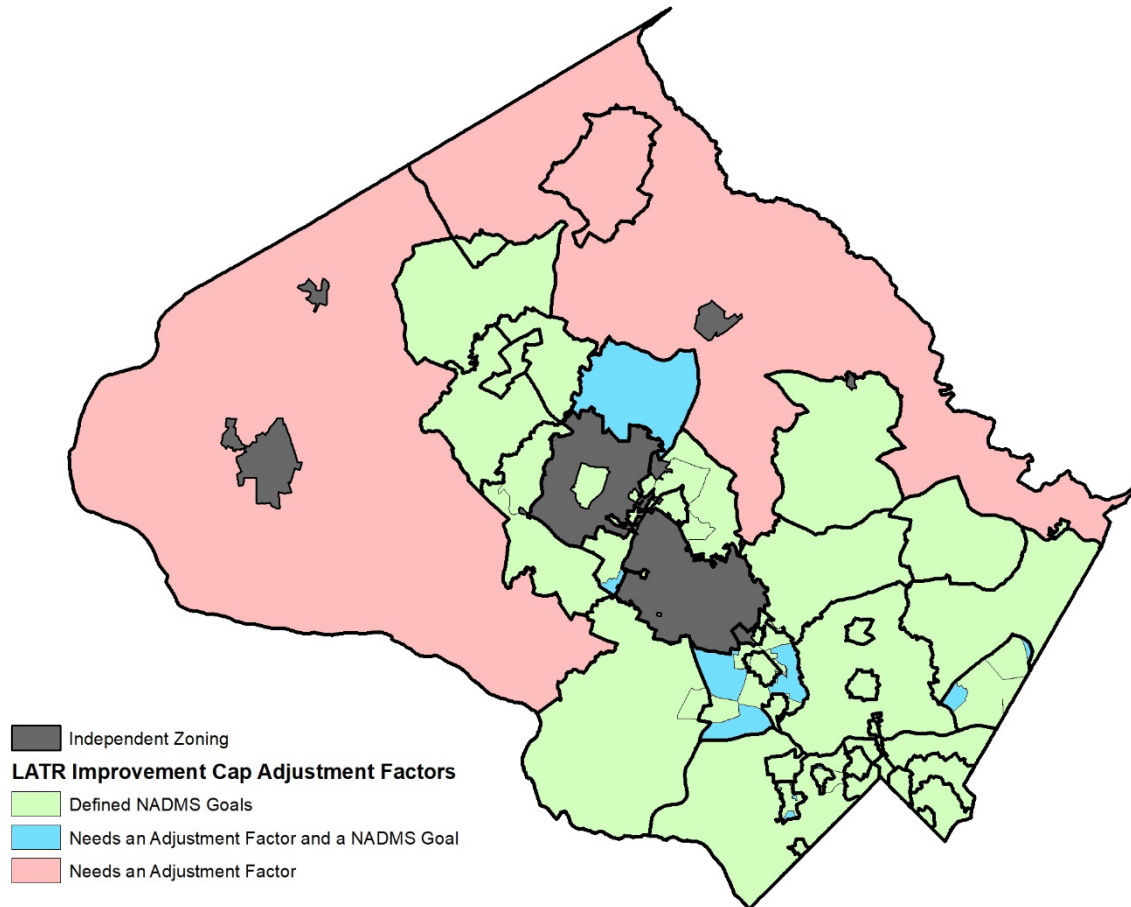
Generally, residential NADMS goals apply to residential uses and employment NADMS goals apply to commercial uses. However, some areas of the county only have an employment NADMS goal and in these areas, the employment NADMS goal would also be used for residential uses. This includes the Germantown Town Center Policy Area, the Great Seneca Science Corridor Master Plan Area, the Silver Spring Transportation Management District and the Wheaton CBD.

NADMS goals established in master plans that were approved after the GIP was approved supersede the goals established in the GIP. For instance, the GIP recommends a 35 percent transit ridership goal for residents in the Shady Grove Policy Area, but this was superseded by the 2021 *Shady Grove Minor Master Plan Amendment's* 50 percent NADMS goal for residents in the policy area. The Planning Board Draft of the Silver Spring Downtown and Adjacent Communities Plan recommends increasing the residential and employment NADMS goal to 60 percent. If this goal is included in the adopted version of the plan, then it will be used in calculating the LATR Improvement Cap for development applications within the plan area.

Through the NextGen TDM bill (Bill 36-18), the Council has determined that all areas of the county, with the exception of the Damascus, Rural East, and Rural West policies areas, need to have NADMS goals. The GIP was intended to create NADMS goals for these areas but inadvertently excluded NADMS goals in portions of the Bethesda CBD, Chevy Chase Lake, North Bethesda and R&D Village policy areas, and did not establish an NADMS goal for the entire Montgomery Village / Airpark Policy Area. Map 1 shows

areas in green that currently have NADMS goals, areas in blue that need NADMS goals and areas in red where the Council has determined that NADMS goals are not needed.

Map 1: LATR Improvement Cap Adjustment Factors



For the purposes of the LATR Improvement Cap Adjustment Factors, all areas of the county need NADMS goals. Therefore, the LATR Guidelines will established unofficial NADMS goals as follows:

- Areas with a “parent” NADMS goal: The Bethesda CBD and Chevy Chase Lake policy areas have NADMS goals that cover most of their geographic areas, except for small residential areas on the periphery. Therefore, Planning Department staff recommends applying the goals for the Bethesda TMD and the Chevy Chase Lake Master Plan area to the rest of their respective policy areas.
- Areas without a “parent” NADMS goal: For the Damascus Policy Area, Montgomery Village / Airpark Policy Area, and parts of the North Bethesda and R&D Village policy areas, a proxy NADMS goal was developed based on the same process that was used to develop NADMS goals for the 2020-2024 Growth Policy (adding 5% to the 2019 non-auto driver mode share as reported in the American Community Survey).

- **Rural Areas:** For the Rural East and Rural West policy areas, the NADMS goal was assumed to be the non-auto driver mode share in 2019 as reported by the American Community Survey, without a 5 percent increase, as the county has not prioritized pedestrian, bicycle and bus transit in these areas. In application this is likely to be only an academic exercise, as few rural development projects are likely to trigger LATR studies.

Table 2: LATR Improvement Cap Adjustment Factors

<b>Geographic Area</b>	<b>Residential Projects</b>	<b>Commercial Projects</b>
Aspen Hill PA	35%	35%
Bethesda TMD	55%	55%
Bethesda/Chevy Chase PA	41%	41%
Burtonsville Town Center PA	25%	25%
Chevy Chase Lake MP & Policy Area	49%	36%
Clarksburg PA	25%	25%
Clarksburg Town Center PA	25%	25%
Cloverly PA	23%	23%
Damascus PA	19%	19%
Derwood PA	39%	39%
Fairland/Colesville PA	27%	27%
Forest Glen PA	48%	25%
Friendship Heights TMD	39%	39%
Germantown East PA	28%	28%
Germantown Town Center PA	25%	25%
Germantown West PA	27%	27%
Glenmont MSPA	35%	35%
Great Seneca Science Corridor MP Area	28%	28%
Greater Shady Grove TMD (Shady Grove PA)	50%	20%
Greater Shady Grove TMD (elsewhere)	39%	39%
Grosvenor PA	50%	50%
Kensington/Wheaton PA	40%	40%
Lyttonsville PA	50%	50%
Medical Center MSPA	41%	41%
Montgomery Village / Airpark PA	30%	30%
North Bethesda TMD	30%	39%
North Bethesda PA (elsewhere)	39%	39%
North Potomac PA	27%	27%
Olney PA	22%	22%
Potomac PA	29%	29%
Purple Line East PA	50%	50%
R&D Village PA	29%	29%
Rock Spring MP Area	41%	23%
Rural East PA	22%	22%

<b>Geographic Area</b>	<b>Residential Projects</b>	<b>Commercial Projects</b>
Rural West PA	22%	22%
Silver Spring TMD	50%	50%
Silver Spring/Takoma Park PA	48%	48%
Takoma MSPA	48%	48%
Twinbrook MSPA	45%	45%
Wheaton CBD	30%	30%
White Flint MSPA	51%	50%
White Flint 2 Planning Area (east of CSX tracks)	42%	50%
White Flint 2 Planning Area (elsewhere)	51%	50%
White Oak PA (Life Sciences/ FDA Village Center)	n/a	n/a
White Oak PA (White Oak Center & Hillandale Center)	n/a	n/a
White Oak PA (elsewhere)	35%	35%
Woodside PA	50%	50%

Two examples are provided to show how this approach would work:

Example 1: An applicant proposes to construct 100 single family homes in the Derwood Policy Area. As the LATR Improvement Cap Rate for single family homes is \$20,173 and the policy area has a residential NADMS goal of 39 percent, the LATR Improvement Cap would be \$786,747.

$$LATR\ Improvement\ Cap = (100\ single\ family\ homes) \times (\$20,173) \times (39\%) = \$786,747$$

Example 2: An applicant proposes to construct a 100,000 square foot office building in the Twinbrook MSPA. As the LATR Improvement Cap Rate for office is \$18.45 per square foot of gross floor area and the policy area has an employment NADMS goal of 45 percent, the LATR Improvement Cap would be \$830,250.

$$LATR\ Improvement\ Cap = (100,000\ SF\ GSA) \times (\$18.45) \times (45\%) = \$830,250$$

Step 2: Identify Transportation Improvements to be Made by Development Project

The process for determining off-site improvements will follow several steps:

Step 2a: Submit LATR Study

To generate the list of transportation improvements, applicants are first required to conduct the adequacy tests included in the Growth and Infrastructure Policy. These include:

- Motor Vehicle Adequacy, using the Highway Capacity Manual assessment.
- Pedestrian System Adequacy, using the Pedestrian Level of Comfort, Street Lighting, and ADA Compliance assessments.
- Bicycle System Adequacy, using the Bicycle Level of Traffic Stress assessment.
- Transit System Adequacy, using the Bus Shelter Availability Assessment.

Applicants will document the deficiencies in the LATR study, identify the LATR Improvement Cap and prioritize all mitigation projects required to address off-site deficiencies.

#### Step 2b: Development Review Committee (DRC)

Planning Staff will provide feedback on the prioritized list of off-site mitigation during a DRC meeting and indicate if other improvements should take precedence. In prioritizing off-site mitigation, applicants and Planning Staff should consider the following:

- Proximity to the site
- Availability of right-of-way
- Master plan priorities
- Greatest community benefit
  - ADA improvements
  - Access to transit, public facilities and major destinations
  - Safety: identified in the High Injury Network or the Predictive Safety Analysis
- Improvements that address multiple deficiencies
- Severity of deficiencies:
  - Higher Pedestrian Level of Comfort scores
  - Higher Level of Traffic Stress scores
  - Transit stops with higher boardings
- Improvement maximums established by mode in the GIP

Each project may have circumstances that place a greater priority on one or more of these considerations. Planning Staff will assess the appropriate priority level for proposed improvements.

Additionally, improvements that have previously been conditioned for construction or a payment should not be conditioned of another applicant. Finally, motor vehicle mitigation that also reduces pedestrian, bicycle and bus transit deficiencies can be counted toward the LATR Improvement Cap.

#### Step 2c: Cost Estimates and Verification

Applicants seeking to apply the LATR Improvement Cap to their off-site mitigation requirements must prepare concept (10 percent) plans and itemized costs for the identified off-site improvements. The itemized cost estimates will be generated using the Planning Department's cost estimation tool, once available, and by applicants before the tool is available. Staff will review these cost estimates for reasonableness.

Applicants will estimate costs for mitigation projects in order of priority and continue to do so until the total cost of the projects reaches the LATR Improvement Cap or there are no additional projects on the list that will sum to a cost that is less than or equal to the LATR Improvement Cap. For example, if there are three mitigation projects prioritized as follows: Project A (\$10,000), Project B (\$30,000) and Project

C (\$5,000), and the LATR Improvement Cap is \$16,000, the applicant would be responsible for constructing or paying for Project A and Project C only.

#### Step 2d: Four Weeks Before Planning Board Date

Planning Department staff will determine the final list of off-site mitigation four weeks before the Planning Board date so that there is sufficient time to develop conditions of approval and to prepare the staff report. Planning Department staff will determine whether the mitigation is to be constructed or to be paid for. Per the Growth and Infrastructure Policy, fee-in-lieu can be considered only if the Planning Board and MCDOT agree that constructing all or part of these requirements may not be practicable due to:

- Unattainable right-of-way;
- An existing CIP project;
- Other operational conditions outside the applicant's control; or
- Not considered practicable by the Planning Board and MCDOT

#### Cost Verification

As applicants will be required to construct or pay for improvements up to the LATR Improvement Cap, developing reasonable estimates of project costs is a critical part of the process. Applicants that want to use the LATR Improvement Cap to limit their off-site mitigation requirements must therefore prepare concept (10 percent) plans and itemized costs for the identified off-site improvements.

Ultimately, the Planning Department will develop a cost calculation tool for off-site improvements that will be published on the department's website for use by applicants and staff. An example of a simplified cost estimation tool is provided in Table 3. For each cost item, the tool will identify unit costs that will be regularly updated with MCDOT. Applicants would enter the amount of the item (the shaded cells in the table below), and the tool would provide a subtotal cost. Additional costs would be applied to the subtotal for design, maintenance of traffic, erosion and sediment control and stormwater management based on documented factors. Calculating unit costs and factors will be a primary component of the tool development and will be based off documented costs for similar projects.

Table 3: Example of a Simplified Cost Estimation Tool

Item	Unit	Amount	Unit Cost	Cost
Relocation of inlet	each	1	\$10,000	\$10,000
Removal of curb and gutter	LF	375 LF	\$5/LF	\$2,250
Curb and gutter Type A	LF	375 LF	\$26/LF	\$11,700
Roadway excavation	CY	300 CY	\$20/CY	\$6,000
Graded aggregate base	SY	275 SY	\$12/SY	\$3,300
Milling	SY	3100 SY	\$6/SY	\$18,600
Full-depth pavement	TON	120 TON	\$110 TON	\$13,200
Monolithic median	CY	70 CY	\$500/CY	\$35,000
Asphalt – 2” thickness	TON	350 TON	\$115 TON	\$40,250
Thermoplastic lane line – 5”	LF	2500 LF	\$2/LF	\$5,000
<b>SUBTOTAL</b>				<b>\$145,300</b>
Design	10%			\$14,530
Maintenance of Traffic	15%			\$21,795
Erosion & Sediment Control	5%			\$7,265
Stormwater Management	20%			\$29,060
<b>TOTAL</b>				<b>\$217,950</b>

LF = linear foot; SY = square yard; CY = cubic yard

Until the spreadsheet is developed, applicants will propose construction costs, including costs of design, maintenance of traffic, erosion and sediment control and stormwater management, that will be verified by MCDOT and Planning Department staff.

#### Staff Report and Conditions of Approval

The Planning Department staff report will document the full LATR process, including calculation of the LATR Improvement Cap and the prioritized list of improvements.

The proposed condition of approval will include a list of projects and/or identify a payment. In accordance with the Growth and Infrastructure Policy, if fee-in-lieu is conditioned, the condition must identify:

- The type of improvement (pedestrian, bicycle and/or bus transit); and
- The policy area(s) where the funds must be used (based on where the project is located).

Additionally, as it may be several years before the payment is made, the condition must clearly indicate that the payment will be indexed to the Federal Highway Administration’s National Highway Construction Cost Index from the mailing date of the Planning Board resolution to the date of the first above-grade building permit or right-of-way permit (whichever comes first).

In the event that a conditioned off-site improvement is constructed as a frontage improvement by a subsequent project, that a required master plan recommendation is modified or MCDOT or SHA



construct the improvement first, the applicant can propose an alternative LATR off-site improvement from the priority list of improvements provided in the staff report that is of similar current value. This alternative improvement, if reviewed and approved by Planning Department staff, could then be substituted and shown on a revised Certified Preliminary Plan.

A model condition could include the follow:

In accordance with the 2020–2024 Growth and Infrastructure Policy, the Applicant must address modal deficiencies prior to issuance of first above-grade building permit or right-of-way permit (whichever comes first):

- a. Pedestrian System Adequacy Mitigation
  - i. Install a traffic signal at the intersection of [specify street] and [specify street].
  - ii. Construct a sidewalk on [specify location]. The sidewalk will have the following dimensions: [specify typical section].
  - iii. Construct streetlights at these locations: [specify locations].
- b. Bicycle System Adequacy Mitigation
  - i. Construct a [specify bikeway type] on [specify location]. The bikeway will have the following dimensions: [specify typical section].
- c. Bus Transit System Adequacy Mitigation
  - i. Upgrade the following bus stops with bus shelters and realtime information displays: [identify bus stop number and location].
- d. Make a payment of \$[specify amount] to the Montgomery County Department of Transportation towards the construction of a [transit, bikeway or pedestrian] improvement in the [identify policy area(s)] policy area(s). The payment will be inflated based on the Federal Highway Administration’s National Highway Construction Cost Index from the mailing date of the Planning Board resolution to the date of the first above-grade building permit or right-of-way permit (whichever comes first).
- e. If, at the time the Applicant submits for permits to construct one of the required LATR Off-Site Improvements, the improvement is no longer necessary or desirable, because:
  - i) it has been constructed or is under construction by another applicant or as part of a capital improvement project by a government agency, or, ii) the applicable master plan has changed and no longer requires or suggests the improvement, the Applicant can propose an alternative LATR Off-Site Improvement from the priority list of improvements provided in the subject Staff Report that is of similar value, and this alternative improvement, if reviewed and approved by Staff, can be substituted and shown on a revised Certified Preliminary Plan.

## SECTION 5

### TESTING OF LATR IMPROVEMENT CAP

Planning Department staff applied the GIP LATR requirements and the proposed LATR Improvement Cap to 70 projects that were submitted and approved in 2020 and 2021 and found that 11 projects would have triggered LATR. A summary of these projects and the LATR Improvement Cap is provided in Table 4.

Table 4: Test Projects

Project	Policy Area	Dwelling Units	Commercial SF	LATR Improvement Cap
4010 Randolph Road	Kensington / Wheaton	200	5,000	\$776,766
Ashford Woods	Clarksburg Town Center	364	0	\$1,502,046
College View Campus	Germantown East	142	47,887	\$757,704
Hampden East	Bethesda TMD	150	340,000	\$4,195,510
HOC HQ	Silver Spring TMD	0	82,220	\$758,480
Kaiser Permanente Aspen Hill	Aspen Hill	0	180,000	\$1,162,350
King Souder Property	Damascus	64	0	\$202,106
MGCDC-CentroNia	Silver Spring / Takoma Park	0	31,000	\$22,320
PSTA SITE	Great Seneca Science Corridor MP Area	585	1,740	\$2,076,813
Shops at Travilah	North Potomac	0	18,443	\$30,401
The Flats at Knowles Station	Kensington / Wheaton	100	23,500	\$535,350

## SECTION 6

### PROPOSED CHANGES TO THE LATR GUIDELINES

Proposed changes to the LATR Guidelines are summarized below and included as Attachment D.

- Section III.B (page 21) permits applicants to propose alternative mode split assumptions in very limited instances where the mode split assumptions in Appendix 1b clearly do not fit the proposed project.
- Section III.C.1 (page 26) updates guidelines for documenting deficiencies and proposed mitigation for the pedestrian, bicycle and bus transit system adequacy test.
- Section III.C.3 (page 28) updates guidelines for traffic speed studies.
- Section IV.D (page 45) specifies that alternatives to motor vehicle mitigation need to be constructed within one-quarter mile of the intersection that exceeds the traffic congestion standard.
- Section V (page 47) provides additional guidance on evaluating and mitigating street lighting.
- Section VIII (page 58 – 59) and Appendices 5 and 6 (page 86 – 88) incorporate Planning Department staff’s recommended proportionality approach.
- Additional minor edits and clarifications throughout the document.

## SECTION 7

### ADEQUATE PUBLIC FACILITIES IN OTHER JURISDICTIONS

During the October 21, 2021 Planning Board discussion, Commissioner Verma asked Planning Department staff to report back on how other jurisdictions in the region approach adequate public facilities for transportation. In this regard, Planning Department staff reached out to staff representing planning or transportation departments in the following four (4) local jurisdictions:

- District of Columbia – District of Columbia Department of Transportation;
- City of Alexandria, Virginia – Department of Transportation & Environmental Services;
- Fairfax County, Virginia – Fairfax County Department of Transportation; and
- Prince George’s County, Maryland – Prince George’s County Planning Department.

The findings are summarized in Attachment E.

## SECTION 8

### STAKEHOLDER ENGAGEMENT

Since the Planning Board briefing on October 21, 2021, Planning Department staff has coordinated extensively with stakeholders and partner agencies on the proposed revisions to the 2021 LATR Guidelines. This included 12 meetings:

- Listening sessions on November 8, 2021 and November 22, 2021 with transportation engineers and land use attorneys.
- Coordination meetings with MCDOT and DPS: 2 meetings
- Coordination meetings with traffic engineers, civil engineers and land use attorneys: 8 meetings

## SECTION 9

### ATTACHMENTS

Attachment A: Excerpts from the Growth and Infrastructure Policy

Attachment B: Planning Board Staff Report, Reasonable Requirements for Off-site Improvements via LATR, October 21, 2021

Attachment C: Excerpts from the 2016 Subdivision Staging Policy Planning Board Draft, Technical Appendix J

Attachment D: Proposed revisions to the Local Area Transportation Review Guidelines

Attachment E: Adequate Public Facilities in Other Jurisdictions