

## Item 9 - Correspondence

**From:** [Maribel Donahue](#)  
**To:** [MCP-Chair](#); [Govoni, Lisa](#); [Buckley, Darcy](#)  
**Cc:** [Katie Wagner](#); [William Zeid](#)  
**Subject:** Planning Board 9.28.23 Meeting comments on 2024 Growth and Infrastructure Scope of Work  
**Date:** Wednesday, September 27, 2023 11:57:09 AM  
**Attachments:** [Planning Board 9.28.23 Meeting - Gorove Slade comments on 2024 Growth and Infrastructure Policy Scope of Work.pdf](#)

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**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

Good morning,

Please find attached our comments for the Planning Board's consideration as part of tomorrow's meeting and public hearing on the 2024 Growth and Infrastructure Policy Update – Scope of Work. We are grateful for the opportunity to provide input and look forward to future briefings and the Transportation Advisory Group activities.

Thank you,

Maribel Donahue (she/her)

*Project Manager*

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## TECHNICAL MEMORANDUM

To: Chair Harris and Planning Board Members  
Montgomery County Planning Board

Cc: Lisa Govoni  
Darcy Buckley  
Countywide Planning & Policy Division  
Countywide Planning & Policy Division

From: Maribel Wong  
Will Zeid, P.E.  
Katie Wagner, P.E., PTOE

Date: September 27, 2023

Subject: Planning Board September 28<sup>th</sup> 2023 Meeting:  
2024 Growth and Infrastructure Policy Scope of Work Input

### Introduction

We are writing to express our support for the forthcoming 2024 Growth and Infrastructure Policy (GIP) update. As transportation professionals who support developers through the regulatory review process, we are keenly interested in the themes and objectives outlined in the Scope of Work for this significant policy update.

In our dual roles as transportation professionals and community members, we wish to offer several comments for your consideration as you undertake this effort.

### ***Motor Vehicle Adequacy Test in Red Policy Areas***

While we strongly support the elimination of the motor vehicle system adequacy test in urban, transit-oriented areas ("Red policy areas"), we wish to highlight a pertinent issue. The Maryland Department of Transportation State Highway Administration (SHA), an integral player in the regulatory review process, continues to insist on motor vehicle capacity analysis in these areas even when not required to satisfy the County's Adequate Public Facilities (APF) regulation. This practice creates a situation where developers must navigate both the County's code requirements for multimodal infrastructure evaluation and SHA's separate requests for roadway and intersection operational analysis that may not be required by the County code. This dual requirement has introduced timing and cost unpredictability into the review process, hindering timely and efficient decision-making. We request that Red policy areas continue to be exempted from the motor vehicle adequacy test in the 2024 GIP and that SHA be fully engaged in the implementation of this policy.

We understand that SHA should provide input where their facilities are impacted; however, consideration should be given to the process and jurisdiction under which the application is subject to and whether the Applicant is meeting the County's requirements for approval. Additional requirements above and beyond the County's requirements can be burdensome and unpredictable, both of which can be a roadblock to timely and successful development applications.

### ***Transportation Impact Tax Credits***

We endorse the concept of transportation impact tax credits as outlined in the Scope of Work report. However, we believe that the eligibility criteria, as defined in Section 52-50 of the County Code, needs further evaluation. The current eligibility criteria are limited and do not align with the County's broader goals of enhancing multimodal infrastructure and capacity. Notably, the eligibility list omits improvements along roadways that serve the County but are owned by the state, upgrades to existing infrastructure to comply with ADA standards, upgrades to existing infrastructure to conform to the County's Complete Streets

guidelines, and improvements to support the County's commitment to Vision Zero. This limitation disincentivizes infrastructure improvements on all roadways in the County that advance the principles of Complete Streets and Vision Zero.

### ***Proportionality Guide Rates and Transportation Impact Tax Rates in Red Policy Areas***

As presented to the Board in the June 22<sup>nd</sup> meeting, the LATR Guidelines established a Proportionality Guide in response to concerns associated with the costs borne by developers to meet multimodal adequacy standards. We support the efforts to ensure that required off-site transportation improvement costs are reasonable and proportional to a project's impact. However, we note a disparity in rates, particularly for developments in Red Policy Areas. Higher non-auto driver mode share goals (NADMS) in these areas result in higher Proportionality Guide Rates that are greater than the Transportation Impact Tax Rates for these projects, placing an additional financial burden on such projects compared to developments in other policy areas. We recommend a careful evaluation of this discrepancy to ensure equitable treatment across the County.

### ***Affordable Housing Projects***

The LATR Guidelines Proportionality Guide currently permits development projects to receive a discount or credit for Moderately Priced Dwelling Units (MPDUs) only if the project is approved to submit a "mitigation payment" instead of constructing multimodal infrastructure improvements. The guidelines strongly favor constructed improvements and accept mitigation payments only in exceptional cases. This preference places a disproportionate burden on affordable housing projects which may only receive relief on the required maximum costs for off-site improvements if infeasible improvements are identified within the Proportionality Guide. We recommend reviewing this policy to ensure opportunities for affordable housing developments are maximized.

Such opportunities could include a reduction in the Proportionality Guide "limit" scaled based on the level and amount of the affordable component of the project.

### ***Development Application Amendments and the LATR Guidelines***

In line with the theme of making policy implementation clearer and more efficient, we suggest that the Planning Staff consider providing clear guidelines for regulatory reviewers for amendments to approved applications. These guidelines should outline the applicability of current policies and establish thresholds for amendments to approved development applications with active plans and valid adequate public facilities.

We appreciate the opportunity to provide our comments and recommendations as part of this essential policy update process. We believe that implementing these suggestions will foster more equitable development practices while advancing the County's commitment to Vision Zero and its overarching multimodal objectives.

Sincerely,



**Katie L. Wagner, PE, PTOE**  
*Principal*



**William L. Zeid, PE**  
*Senior Associate*



**Maribel Wong**  
*Project Manager*