

## Item 5 - Correspondence

**From:** [Dan Reed](#)  
**To:** [MCP-Chair](#)  
**Subject:** GGWash testimony on Growth and Infrastructure Policy update  
**Date:** Wednesday, May 22, 2024 5:08:56 PM  
**Attachments:** [GGWash GIP Planning Board testimony.pdf](#)

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Dear Chair Harris and members of the Planning Board:

Please find attached Greater Greater Washington's comments in support of the 2024-2028 Growth and Infrastructure Policy update. We appreciate your consideration!

best regards,  
Dan



**Dan Reed, AICP (they/them)**  
Regional Policy Director  
Greater Greater Washington  
<https://ggwash.org>  
(202) 256-7238



May 22, 2024

Artie Harris, Chair  
and Members, Montgomery County Planning Board  
2425 Reedie Drive  
Wheaton, Maryland 20902

Dear Chair Harris and Members of the Montgomery County Planning Board:

My name is Dan Reed and I serve as the Regional Policy Director for Greater Greater Washington, a nonprofit that works to advance racial, economic, and environmental justice in land use, transportation, and housing throughout Greater Washington. GGWash supports the recommendations in the 2024–2028 Growth and Infrastructure Policy update, as a way to incentivize the construction of much-needed smaller and more attainably-priced housing options.

We'd like to call attention to three specific provisions in the update:

**3.12 Exempt multi-family units with three or more bedrooms from off-site mitigation construction and payment.**

**4.3 Offer a 50% transportation and school impact tax discount to single-family attached and detached units that are 1,500 square feet or smaller.**


**4.5 Expand the current discount for units with three or more bedrooms to a total impact tax exemption for both transportation and school impact taxes and in all impact areas and policy areas.**

These recommendations, if enacted, will address one of the biggest challenges facing Montgomery County right now: the mismatch between the housing stock that currently exists and the housing stock the county's residents want and need. Households in the county are getting smaller, but both existing homes and new construction trends towards larger homes. According to Planning staff, the average size of a new home built between 2020 and 2023 in Montgomery County is 3,800 square feet.<sup>1</sup> One result is that 18,000 households in the county are "overhoused," meaning they have more bedrooms than residents.<sup>2</sup> This mismatch

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<sup>1</sup> <https://moco360.media/2024/05/13/zoning-reform-at-the-heart-of-solving-county-housing-crisis-officials-say/>

<sup>2</sup> <https://montgomeryplanning.org/blog-design/2020/01/over-housed-number-crunching-montgomerys-housing-crunch/>

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[info@ggwash.org](mailto:info@ggwash.org)



exacerbates our existing housing shortage as people compete for a limited number of homes that actually meet their needs. Home prices in the county are at a record high, averaging \$970,000 for a single-family home in 2023.

Montgomery County residents need, and deserve, more housing choices, which requires the increased production of smaller, more affordably-priced homes, as well as apartments that can accommodate families. One solution is changing the permitting and fee structure Montgomery County uses for new construction, which can reduce the costs of building certain housing types. We're excited to see that the Growth and Infrastructure Policy recommends reducing impact fees for homes under 1,500 square feet, and eliminating impact taxes and off-site mitigation payments for family-sized apartments.

Alongside the zoning changes recommended by Attainable Housing Strategies, these recommendations will create a powerful incentive for builders to produce the diverse housing types current and future residents need. We urge the Planning Board to adopt the recommendations in the 2024-2028 Growth and Infrastructure Policy update, and look forward to working with you to increase the diversity of our housing stock. Thank you for your time.

Sincerely,

Dan Reed  
Regional Policy Director

**From:** [Mike English](#)  
**To:** [MCP-Chair](#)  
**Subject:** GIP Written Comments  
**Date:** Wednesday, May 22, 2024 8:35:44 PM

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Hello Chair Harris, and all members of the planning board.

Apologies for missing the deadline for comment earlier today. I hope these still reach you in time. While I am unable to attend the hearing tomorrow, I wanted to briefly write you to express my support for the staff recommendations on the Growth and Infrastructure Policy update.

While the changes here are more modest than the last update, which thankfully lead to the end of the county's longstanding, ill advised conditional housing moratorium, this update is full of common sense updates and tweaks that will play a supporting, but significant role in addressing Montgomery County's housing crisis.

In particular I would like to highlight 3 recommendations.

3.11 Expand the current off-site mitigation exemption for affordable housing units, which currently only includes mitigation payments, to include constructed improvements.

As I don't need to tell you, there are a wide variety of limitations on new affordable housing, more comprehensive mitigation to help these pencil out is unambiguously good.

3.12 Exempt multi-family units with three or more bedrooms from off-site mitigation construction and payment.

While I spend a lot of time pushing for smaller apartments and condos to meet the significant share of 1-3 person households living, or seeking to live in the county, larger units also have a role to play. Sure more supply of smaller units will free up some of these indirectly, but policies like this that directly incentivize these also needed family size units, which face headwinds smaller (also needed) units do not, seem like a good idea to me.

4.6 Exempt office-to-residential conversion projects from impact taxes, given the high office vacancy rate in the county and the difficulty of converting office space to residential use.

A lot of people offer up office to residential conversions as some sort of panacea, and, frankly, as an excuse not to allow change near them, and I have no patience for that, but we *\*should\** do this where possible, and there is no shortage of barriers to doing so. (I talked about some of them in an article a few years ago for what it's worth. [Converting office space into housing can be one solution for the region's housing crisis — but not the only solution – Greater Greater](#)

[Washington \(ggwash.org\)](http://ggwash.org)

In any event, exempting them from impact taxes won't make fundamentally unfit office buildings suddenly workable, but they could help mitigate significant costs, and cause a more marginal project to pencil that otherwise wouldn't.

Thank you,

Mike English  
8005 13th Street  
Unit 304  
Silver Spring, MD  
20910

**From:** [scott.plumer@verizon.net](mailto:scott.plumer@verizon.net)  
**To:** [MCP-Chair](#)  
**Subject:** DCA Testimony for the 2024 - 2028 Growth and Infrastructure Policy Update - Public Hearing  
**Date:** Friday, May 24, 2024 11:32:22 AM  
**Attachments:** [DCA GIP 240523.pdf](#)

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

Please see attached. Thank you.

Scott Plumer  
Staff Assistant for Research and Strategic Projects  
Darnestown Civic Association Executive Board and Committees  
Participant Vision Zero Darnestown, a project of the Darnestown Civic Association's Roads Task Force  
14100G Darnestown Road Darnestown MD 20874  
scott.plumer@verizon.net  
www.darnestowncivic.org

Thank you. For the record my name is Scott Plumer. I am representing the Darnestown Civic Association.

We wish to thank Chair Harris, Vice Chair Pedoeem, and the rest of the board for allowing us to testify today. We also wish to thank Director Sartori and the entire Montgomery Planning staff for their exceptional work, which we enjoy every day, as we live our lives in Montgomery County.

The GIP is one of a few strategic, countywide, planning reviews done on a regular basis and with extensive detailed analytics.

The GIP Policy Areas are one of the best illustrations of the countywide development footprint, population density, and localized transportation infrastructure.

Tonight, we'd like to focus on changes in select GIP policy area classifications demonstrating selected Thrive Montgomery 2050 precepts; population density as a key planning concept; an incongruence in our myriad of planning geographies and the data which informs them; and as we go, highlight major policy challenges.

- As shown on page 25 of the Public Hearing Draft the proposed Transportation Policy area classification changes, specifically the changes in the northwestern part of the county where four areas change from yellow to orange, and one area from green to yellow, illustrates the swelling of our bloated corridors at the expense of corridor focused

growth. For your reference these changes also appear in a table format in Appendix E page 1 and 2.

- These northwestern area changes are right up against the green Rural Areas and Agricultural Reserve of Thrive Montgomery 2050.
- these new orange policy areas directly abutting green areas and the new red area in Rock Spring abutting a yellow area, represent sprawl but also show how tight boundaries, not buffer areas with steep density gradients are key to our future of corridor focused growth.
- Damascus takes a green area and turns it yellow - a dangerous precedent.
- Sprawl is most likely to happen on the edges of the development footprint and is especially threatening to very low population Planning Areas like Darnestown, Travilah, Upper Rock Creek, Cloverly, and Patuxent. Goshen might also be included in this list.

Thrive Montgomery 2050 says to succeed we need to move ...

- from Buffers resulting in separation, to Boundaries which control development
- from Expandable Flexibility to Tight Controls
- from Accommodating the Political Economy of Sprawl, to the Prosperity of Corridor Focused Growth
- These points speak to why the Limited Growth area in Thirve Montgomery 2050 might not only be too large but be unnecessary.
- The area outside the Ag Reserve and outside the water and sewer envelope needs to be unified and protected from the political economy of sprawl.
- Managing population density might well be the single most critical spatial factor in managing human settlements.
- We are delighted to see more and more population density maps and discussions of people per acre and per square mile
  - o We saw it in Montgomery Planning's presentation to the newly elected County Council in early 2023
  - o We see it in again here in Appendix C of this plan



- And we are encouraged to see more in-depth evaluations of our ability to manage density gradients and directing investment to where it is most needed.
- The GIP Transportation Policy Areas match up well with population density maps from the 2020 Census.
- Our November 2021 testimony to the County Council on Thrive Montgomery 2050 was a series of map-based views of our plans and strategies centered around population densities and environmentally sensitive areas. Our ever-expanding map stack illustrates the incongruities of the Limited Growth area.
- GIP Appendix C says around 70% of our growth will be in the corridor focused growth area. Perhaps we are setting the bar far too low.
- Planning's annual report to the state of Maryland includes the percent of our growth occurring in Priority Funding Areas, and we have been exceeding the state and our own targets for some time, but the numbers I think are declining. Our tepid growth expectations and our desire to focus growth, suggest we look to set these bars far higher.
- If we are to achieve critical mass in our core, we need much tighter controls, better incentives, and much higher targets for directing our tepid growth.
- As noted in Appendix C and in many other Montgomery Planning strategic plans, densification is key to our future success, yet with our timid growth expectation and allowances for expanded footprints outside of the Corridor Focused Growth area, the hollowing out of our core will continue. We risk establishing rings of decay by allowing the footprint to continue to expand with our septic tier subdivision exemption, and too large Limited Growth area. In fact, it appears our plans and our research repeatedly point out how the entire Limited Growth concept is not a credible approach for us.
- Sprawling to densify low population areas does not help us.
- Page 10 in Appendix C clearly makes the case for locating investments in a tightly focused area.
- Perhaps then, it is time for us to consider widening our focus from impact fees to corridor focused growth incentives calculated from

private direct infrastructure investment, especially in areas where it is most needed.

- We need to consider if the APF ordinances are properly geared to a non-greenfield, infill, and redevelopment strategy.
- One unfilled gap in the GIP policy is a countywide overlay. The impact fees calculations consider only hyperlocal impacts, and in the aggregate these developments can have far reaching impacts across an array of county wide infrastructures.

I'd like to close with an example of how communities like ours are viewed from the various plan lenses. As you can see from the GIP overview and Appendices, we have a myriad of plans which we use to manage growth. Areas like Darnestown are often split across boundaries. We are in multiple Thrive areas, multiple septic tiers, mostly outside the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan envelope, and covered by Planning Areas, Policy Areas, Master Plan areas, Functional plans, Suburban and Rural contexts and many more plan lenses.

So, a quick case in point from my community of Darnestown. We are composed, as we define it, and as defined in the Potomac Subregion Master Plan, of three complete Census Block Groups and a small slice of a fourth census block group. The other part of that fourth census block group is multiple times as dense as the rest of Darnestown and part of it is in the city of Gaithersburg. Together these four census block groups make up a census tract. When planning lenses use census tract level data, our measures are heavily skewed by areas outside of our boundaries, inside the development footprint, and with densities hundreds of percent greater than in our community. The same is true for Travilah, and even more so, as the Travilah Planning Area includes what is now known as North Potomac. These planning configurations lead to data errors which are promulgated and lead to errant foundations creating policy errors. In the RDCA (see Chapter 4 of Appendix C in the GIP) – it seems over half of the buildable lots in Darnestown, are not in Darnestown or located on master planned parcels not slated for housing and should not be considered buildable in terms of predicting future population

densities. The point here is not so much about failings in our data analytics but rather about how difficult these fragile, sparsely populated, environmentally sensitive edge communities are to define and protect.

Thank you for your time tonight, and for your continued attention to these vitally important issues for our county, our community, and other similarly situated communities. Our communities are outside the edge of the development footprint and wholly or partially outside Thrive Montgomery 2050 Rural Areas and Agricultural Reserve, we are sparsely populated, and served by well and septic. Protecting our communities from densification is well aligned with corridor focused growth, and stopping our sprawling corridors from detracting investment from where it is most needed. We look forward to continuing to inform your decision making. Thank you.

**From:** [Harris, Patricia A.](#)  
**To:** [MCP-Chair](#)  
**Cc:** [Govoni, Lisa](#); [Buckley, Darcy](#)  
**Subject:** 2024-2028 GIP  
**Date:** Friday, May 24, 2024 1:47:46 PM  
**Attachments:** [Ltr re\\_GIP\(6005230.1\).docx](#)

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

Chair Harris,

Attached please find our written comments regarding the 2024-2028 GIP. Thank you and I hope you have a nice holiday weekend.

Pat

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**Patricia A. Harris**, Attorney

Lerch, Early & Brewer, Chtd. rising to every challenge for over 70 years

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**Patricia A. Harris, Esq.**  
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May 24, 2024

Via Electronic Mail

Artie Harris, Chair  
Montgomery County Planning Board  
2425 Reedie Drive  
Wheaton, Maryland 20902

Re: 2024-2028 Growth & Infrastructure Policy

Dear Chair Harris and Members of the Planning Board:

On behalf of several residential developers, I want to take this opportunity to further comment on the 2024-2028 Growth & Infrastructure Policy (“GIP”) as it relates to the two-over-two housing product and the student generation rates and corresponding impact taxes. These comments include and expand upon the testimony I delivered to the Planning Board during the public hearing.

Foremost, we applaud the Planning Board Staff’s efforts with respect to the GIP and the focus on one of the County’s most significant problems – the housing shortage, including the shortage of affordable housing. While two-over-twos are a fairly new housing type, they are increasingly popular and at an overall height of approximately 50 feet, the units are smaller, denser and more affordable than a townhouse. For all of these reasons, the product type should be encouraged.

As discussed below, we are concerned about the GIP’s proposed reclassification of two-over-twos from low-rise multi-family to single-family attached. In addition, we believe that the 1,500 square foot cap to qualify a residential unit for a 50 percent reduction in the impact taxes should be increased to at least 1,600 square feet.

I. Classification of Two-over-Two Units

The GIP (page 19) points out that two-over-twos are currently recognized as multi-family low-rise by zoning standards and for purposes of student generation rates. This classification is consistent with the definition provided in the impact tax provisions of the County Code. Section 52-39 provides:

- (3) *Multifamily residential* includes:
  - (A) garden apartments;
  - (B) mid-rise and high-rise dwelling unit structures; and
  - (C) mobile homes.

Moreover, this classification is consistent with the building code which requires that two-over-twos be constructed pursuant to the International Building Code, as opposed to the International Residential Code (the code to which single family, duplexes and townhouses are subject).

In keeping with the classification of two-over-twos as multi-family low-rise for zoning standards and student generation purposes, two-over-twos have also historically been subject to the low-rise multi-family impact tax rates.<sup>1</sup>

The GIP correctly recognizes that two-over-two units generate more students than low-rise multi-family but less students than single-family attached units. For this reason, the GIP recommends that two-over-twos should be provided for in a separate category for purposes of student generation rates (and hence impact taxes). However, the GIP recommends that given the current lack of data on student generation rates, a new category should not be created at this time and instead the two-over-twos should in the interim be reclassified as single-family attached units. This conclusion is based on the available data from the two-over-twos that are located in the more suburban “turnover” impact areas and the lack of data for the two-over-twos located in the more urbanized “infill” impact area. We note that two of our clients’ two-over-two projects are located within the City of Rockville – one located well within ¼ mile of the Twinbrook metro station and the second within the Rockville Town Center planning area.

We strongly disagree with the recommendation to reclassify the two-over-twos as single family attached given the resulting exorbitant increase in impact taxes and the corresponding significant negative impact it will have on the production of two-over-two housing. This is especially true with respect to those project currently undergoing entitlements which are relying on pro-formas based on the low rise multi-family impact tax rate. More specifically, the current school impact tax rate for a low-rise multi-family unit in an infill area is \$6,584 compared to \$21,664 for a single-family attached unit. This represents an increase of more than 300 percent and threatens the economic viability of these types of projects, which ironically provide a unit type that the County wants to encourage. To highlight this impact, a 1,600 square foot lower level two-over-two unit would pay the same school impact tax as a 3,000 square foot townhouse. Further highlighting this inequity is the fact that the lower level two-over-two units often have no school age children, given the nature of the unit (see discussion of size below). We note that the transportation impact tax also increases under the single-family attached classification, but not nearly as dramatically (i.e. \$6,146 per low-rise multi-family unit vs. \$7,905 per single family attached unit in a red policy area and \$15,366 per low-rise multi-family unit vs. \$19,761 per single family attached unit in an orange policy area).

#### Recommendation:

Given that the data does not support reclassifying the two-over-twos as single-family attached units, we respectfully recommend the following:

1. Postpone any reclassification until more data is available at which time a new two-over-two category can be created.

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<sup>1</sup> There is a recent effort afoot by the Department of Permitting Services to impose the single-family attached impact tax rate to two-over-twos.

2. Add a grandfathering provision to the GIP exempting all two-over-two applications that have been accepted and are currently undergoing review, given that these projects were underwritten based on the current low-rise multi-family classification.<sup>2</sup>
- II. Impact Tax Discount –Increase Maximum Square Footage to at least 1,600 Square Feet

Recognizing the need for smaller, more affordable units, the GIP recommends a 50 percent discount on the impact taxes for the construction of single-family and single-family attached units that are less than 1,500 square feet in size. We recommend that the two-over-two product (to the extent that it is not reclassified as a single-family attached unit, which as indicated, we do not support) be included in this provision and that the threshold be increased to at least 1,600 square feet. At the public hearing, several witnesses testified that the threshold should be increased to 2,000 square feet to reflect the current market, and we would also support this.

The typical two-over-two unit is a for-sale unit. The two-over-two units, and especially the lower-level smaller units, provide an entry into homeownership for many first time homebuyers. Decreasing the impact tax rates on these units helps to lower the sales price of these units. However, based on our evaluation of the two-over-two proto-type floor plan that builders use throughout the District, Maryland and Virginia market, even the smaller lower level units are greater than 1,500 square feet in size. It is important to emphasize that even so, these are not large units -- the second and third bedrooms are only 110 square feet (approximately 10 feet x 11 feet) and the combined living room/dining room area is approximately 180 square feet, which is well below the size of an averaged sized living room only (average size 216 square feet) (an averaged size dining room is 200 square feet). Reducing the threshold by 100 feet would further limit the available space in these units. In considering this request, we note that the upper level two-over-two units typically exceed 2,000 square feet and would not qualify for this reduced impact tax rate.

Recommendation:

Offer a 50 percent transportation and school impact tax discount to single-family attached, single-family detached and two-over-two units that are 1,600 square feet or smaller.

We appreciate the opportunity to provide our comments on the GIP and look forward to the continued discussion regarding these points.

Sincerely,



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<sup>2</sup> There is precedent for a GIP to include a grandfathering provision. The 2020 GIP provided a grandfathering provision with respect to the 25 percent MPDU exemption provision which eliminated the full exemption and instead provided for a discount up to the amount of the impact tax in a red policy area.

Patricia A. Harris

cc: Ms. Lisa Govoni  
Ms. Darcy Buckley



**From:** [Bossi, Andrew](#)  
**To:** [MCP-Chair](#)  
**Cc:** [Peckett, Haley](#); [Torma, Rebecca](#); [Olsen Salazar, Kara](#); [Iseli, Claire](#); [Wellington, Meredith](#); [Buckley, Darcy](#); [Anspacher, David](#)  
**Subject:** GIP Public Hearing Draft - MCDOT Comments  
**Date:** Friday, May 24, 2024 3:24:58 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[GIP Public Hearing Draft Memo - MCDOT Comments 5.24.2024.pdf](#)

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Please see attached. Thanks!!

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**Andrew Bossi, P.E.** *(he/him)*

Senior Engineer, Transportation Policy, Director's Office  
Montgomery County Department of Transportation

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**I am working a mixture of in-office and telework.  
My most effective means of communication is by email.**



**For more helpful Cybersecurity Resources, visit:**  
<https://www.montgomerycountymd.gov/cybersecurity>



Marc Elrich  
County Executive


Christopher R. Conklin  
Director

DEPARTMENT OF TRANSPORTATION

**MEMORANDUM**

May 24, 2024

**TO:** Artie Harris, Chair  
Montgomery County Planning Board

**FROM:** Haley Peckett, Deputy Director for Transportation Policy   
Department of Transportation Haley Peckett (May 24, 2024 14:09 EDT)

**SUBJECT:** Growth and Infrastructure Policy  
Public Hearing Draft – MCDOT Comments

Thank you for the opportunity to review the May 2024 Public Hearing Draft of the Growth & Infrastructure Policy (GIP). In addition to our attached detailed comments, we would like to highlight several significant issues:

- 1) **FISCAL IMPACTS AND ADEQUATE PUBLIC FACILITIES:** Many of the proposed changes will reduce development-provided revenues and infrastructure while limiting the ability of the County to ensure equitable Adequate Public Facilities (APF). The recommendations proposing to change policy areas will reduce impact taxes and proposed changes to LATR treatments will reduce or eliminate required off-site mitigations. The recommendations would allow impact tax credits for treatments along State highways further reducing the County's fiscal ability to fund priority transportation projects.

With these recommendations in place, new development may not have adequate public facilities to serve this new growth, requiring the County to build these facilities while simultaneously reducing the amount of impact taxes to pay for these investments. The reduced resources also risk underfunding master-planned infrastructure based on the Thrive Montgomery 2050 general plan vision and approved master plans.

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Office of the Director

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[www.montgomerycountymd.gov/mcdot](http://www.montgomerycountymd.gov/mcdot)

At a minimum, we strongly recommend that the collective portfolio of GIP recommendations be neutral in value to the County as compared to the current GIP policy. It would be our preference that recommendations provide a net positive value to the County, which would improve our ability to ensure adequate public facilities and achieve master planned visions.

- 2) **IMPACT TAX:** Impact Tax rates were initially based on the costs of unbuilt master-planned infrastructure needs assessed across all developments in the County. As one means to keep the impact tax rates down, a decision was made to specifically exclude the cost of improvements on State roads. Since the 2000s, no adjustment in the rates have been made to account for infrastructure additions from master plans. With only modest adjustments for inflation, impact tax rates have become increasingly disconnected from the cost of producing the master-planned infrastructure.

Infrastructure funding has long been a critical issue hampering our ability to grow our economy and provide public services. Further impact tax reductions will only further reduce our ability to meet public expectations and implement planned school and transportation infrastructure.

Allowing transportation impact tax credits along State roads, in particular, could have a substantive fiscal impact whereby credits are granted for projects that are the State's responsibility to fund, eroding the County's ability to address needs along County facilities. We concur with the need for an interconnected transportation system, regardless of road ownership, but this recommendation would effectively mean that developer priorities would take precedence over the priorities identified by the County through our planning and budgeting process. As credits along State roads were not included in the calculation of impact tax rates, if the Growth Policy gives credits for projects on State roads, we would suggest recalculating impact taxes to reflect this additional scope of work.

- 3) **POLICY AREA ADEQUACY:** We urge caution with changing policy areas without adequate transit, bicycle, and pedestrian infrastructure in place (#3.1, #3.3). While we recognize the “chicken & egg” situation between land use and transportation, changing policy areas before non-auto options are in place risks a period where travelers lack high quality and safe access to transit and active transportation, and they therefore resort to car travel and create additional congestion.

We do not oppose the changes in policy areas at some point in the future, but these changes should be linked to the implementation of transportation alternatives, especially increased transit service, prior to making these changes.

- 4) **SUPPORT:** We support several recommendations, including those that increase the value gained from new development (such as #3.5 increasing the Bike and Transit adequacy distances), streamlining recommendations (such as #3.5, 3.6, 3.7, 3.15, 3.17, 3.18), and more flexibility in spending revenues (such as #3.9 and 3.10).

Enclosure: GIP 2024 MCDOT Recommendations

cc: Andrew Bossi, MCDOT  
Rebecca Torma, MCDOT  
Kara Olsen-Salazar, MCDGS  
Claire Iseli, CEX  
Meredith Wellington, CEX

## Growth and Infrastructure Policy Index of Recommendations

### Montgomery County Department of Transportation (MCDOT)

5/24/24

MCDOT offers the following response to each of Planning’s recommendations on the 2024-2028 Growth and Infrastructure Policy Update. MCDOT’s priority across all of these recommendations is to ensure adequate public facilities (APF) are in place to support all new developments.

Rec #	GIP Transportation Recommendation	MCDOT Response
3.1 (p.24)	Update policy areas to support the county’s goals (includes new “red” areas at Great Seneca Life Sciences, White Oak Village & Center, Rock Spring; “orange” areas at Rockville Pike, Georgia Avenue, US29; and “yellow” areas at Damascus.	MCDOT opposes changes to policy areas until the transit and active transportation infrastructure and transit service is in place to support the more intensive development. MCDOT also advocates for a sustainable funding source to support ongoing improvements in transit service.
3.2 (p.26)	Require LATR studies for a proposed development generating 30 or more peak-hour vehicle trips.	MCDOT neither supports nor opposes on the understanding that this is an approximately equal conversion between units, and that this recommendation does not lead to a substantive reduction in LATRs produced. But we do note that there have been several developments under the current growth policy which met this de minimis and would not under this proposal, and vice versa.
3.3 (p.27)	Update the LATR Intersection Congestion Standards to reflect changes to policy area boundaries and designations.	MCDOT is concerned that this change would allow for greater vehicular congestion from new growth in newly classified policy areas without necessitating that robust transit service is available for users to have viable alternatives.
3.4 & 3.5 (p.27-28)	<p>Modify the non-motor vehicle test requirements to maintain the county’s high standards while minimizing unnecessary data collection and analysis.</p> <ul style="list-style-type: none"> <li>• Ped Adequacy (PLOC, ADA, Lighting) - Use Yellow/Green distances for all policy areas.</li> <li>• Bike Adequacy - Use Red/Orange distance for all policy areas.</li> </ul>	<p>The modal adequacy tests may not be perfect in accomplishing the goals of Thrive 2050 or in ensuring APFO. However, MCDOT recommends maintaining the 2020 modal adequacy tests to maintain funding levels for APFO.</p> <p>The proposed changes for pedestrian adequacy stand to increase the County’s burden in funding pedestrian infrastructure by reducing the extent of offsite improvements. The relative financial benefit to the County of increased area for offsite bike mitigation is much less than the disbenefit of decreased offsite pedestrian mitigation.</p>

Rec #	GIP Transportation Recommendation	MCDOT Response
	<ul style="list-style-type: none"> <li>Bus Adequacy - Use Red/Orange distance for all policy areas.</li> </ul>	<p>MCDOT calculated approximate fiscal impact of these recommendations, if applied retrospectively to LATRs submitted from 2021-2024 (and assuming no induced changes in development). The impact of pedestrian adequacy changes results in a <i>cost</i> of approximately \$1.7M, where the bike adequacy changes result in a <i>benefit</i> of approximately \$360K.</p> <p>MCDOT recommends study and development of a future transit modal adequacy test or other transit-focused GIP policy that results in meaningful improvement of transit service. Adding a shelter does not substantively expand transit access.</p> <p>Each of these adequate tests must also define the point from which Pedestrian, Bicycle, and Transit Adequacy is measured. MCDOT suggests that they be measured from the nearest edge of the property.</p>
3.6 (p.29)	Refine the Vision Zero Statement to focus on managing speed for safety. Effective speed management helps reduce roadway fatalities and ensures the safety of all road users. It is one of the best tools for saving lives and reducing serious injuries on our roadways.	MCDOT supports this recommendation. The narrowed focus on speed provides useful data on existing conditions to MCDOT. The language allows MCDOT staff to approve implementation of safety countermeasures on a case-by-case basis.
3.7 (p.29)	Remove the reference to the Safe Systems Adequacy Test from the GIP.	MCDOT supports this recommendation.
3.8 (p.30)	As part of the 2025 LATR Guidelines update, develop a vehicle trip-based Proportionality Guide calculation that better accounts for impacts.	MCDOT will monitor this recommendation as the proportionality guide is developed in 2025.
3.9 & 3.10 (p.31)	<p>Allow all fee-in-lieu funds to be spent in both the subject policy area and adjacent policy areas.</p> <p>Rather than limiting the use of funds to specific modes, allow fee-in-lieu funds collected for non-motor vehicle deficiencies to be used for any non-motor vehicle improvement within the subject policy area or an adjacent policy area.</p>	MCDOT supports this recommendation. It provides the County with greater flexibility to use fee-in-lieu for the highest priority needs.

Rec #	GIP Transportation Recommendation	MCDOT Response
3.11 (p.31)	Exempt affordable housing units from off-site mitigation construction and payments. Adjust the Proportionality Guide limit by subtracting trips attributed to new affordable units.	<p>MCDOT would support this recommendation only if the County can develop an alternate funding source for adequate public facilities (APF) for affordable housing units. The current recommendation will result in a notable decrease in offsite improvements, which may disproportionately affect residents of affordable housing and their market-rate neighbors.</p> <p>For this and the following items, MCDOT supports maintaining the requirement for LATRs wherever they are currently required. LATRs are a critical tool for MCDOT to measure impact on our transportation network and determine need for APF (regardless of who funds the improvements).</p>
3.12 (p.31), 4.5 (p.41)	Exempt multifamily units with three or more bedrooms from off-site mitigation construction and payment. Adjust the Proportionality Guide limit by subtracting trips attributed to new three or more-bedroom multifamily units.	<p>MCDOT voices minor opposition to this recommendation, given that MCDOT's priority is to ensure adequate public facilities can be built for all new developments. Exemptions of off-site mitigations can decrease the County's ability to build APF on County roads. However, the anticipated fiscal impact of Recommendation 3.12 is minor (under \$200K over three years per the fiscal analysis described above) due to the few number of 3+ bedroom units built over recent years.</p> <p>We also request that units with three or more bedrooms be clearly defined, such as whether boarding / rooming houses, or other forms of shared or group housing, would qualify for the proposed changes.</p>
3.13 (p.32)	Exempt daycares from the requirement to complete an LATR study.	MCDOT opposes this recommendation. MCDOT supports maintaining the requirement for LATRs wherever they are currently required. LATRs are a critical tool for MCDOT to measure impact on our transportation network and determine need for APF.
3.14 (p.32), 4.7 (p.42)	Make the Bioscience LATR exemption permanent.	MCDOT neither supports nor opposes this recommendation; it would have no or negligible fiscal impact as compared to the current policy.
3.15 (p.32)	Establish NADMS goals for new policy areas and other areas without goals. Update the NADMS goals to reflect recently adopted master plans.	MCDOT supports the establishment of NADMS goals for new policy areas, but we would like to partner with Planning on calculating these goals. First, we'd like to see the data calculations supporting these goal areas. We have some questions about whether the 2019 American Community Survey data and the 2023 TMR data (Appendix 3, page 11) reflect current and future travel patterns.

<b>Rec #</b>	<b>GIP Transportation Recommendation</b>	<b>MCDOT Response</b>
		We recommend integrating MCDOT Commuter Survey data and levels of transit service into these goals.
3.16 (p.33)	Revise the GIP resolution text to reflect updated county plans, policies, laws, regulations, and guidance.	MCDOT supports this recommendation, with the goal of modernizing and streamlining existing regulations and guidance.
3.17 (p.33)	Reorganize and update the LATR Guidelines. The revised version will reduce duplicative and contradictory language, address frequently asked questions, and include example documents and directions for common challenges.	MCDOT neither supports nor opposes this recommendation; revision may provide clarification or cause confusion among developers who are accustomed to current guidelines. MCDOT would look to partner with Planning on their revision.
3.18 (p.34)	Continue to work with SHA and State Delegates to codify SHA review times.	MCDOT neither supports nor opposes this recommendation; this relates to Maryland State Highway Administration processes. In general, MCDOT supports streamlining and alignment in agency review timelines.
4.4 (p.40)	Remove the Desired Growth and Investment Areas exemption and rely on other policies to advance corridor-focused compact growth and housing. This will simplify the number of boundaries used in conjunction with the policy.	MCDOT supports this recommendation.
4.6 (p.41)	Exempt office-to-residential conversion projects from impact taxes, given the high office vacancy rate in the county and the difficulty of converting office space to residential use.	MCDOT voices minor opposition to this recommendation, given that MCDOT's priority is to ensure adequate public facilities can be built for all new developments, and this recommendation may reduce available revenues to address needs.  Precise definitions will be needed of what does and what does not constitute an office-to-residential conversion, particularly for projects that may include both conversions as well as new non-conversion development. Any benefits for conversions might also be tailored to better support other County needs, such as proximity to transit, affordable housing, 3+ bedroom units, and daycare facilities.
4.8 (p.43)	Update the County Code to provide more clarity and allow credit for capacity improvements along state roadways.	MCDOT strongly opposes this recommendation. Credits for capacity improvements along state roads would significantly impact the County's financial ability to build priority infrastructure projects to accommodate growth.



Rec #	GIP Transportation Recommendation	MCDOT Response
		<p>The impact tax rates are calculated based on regional capacity infrastructure projects along County roads, which are identified as necessary to accommodate future growth. If impact taxes were to include projects on state roads or anything other than <i>regional capacity projects</i> on County roads, the rates would be much higher.</p> <p>The County already lacks funding to advance priority projects on County roads to meet future needs; credits for improvements on state roads would further reduce the pot of available funds and serve to de-prioritize the projects that have been carefully selected through master planning and County budget approvals. The budgeted projects would be delayed and the projects on state roads would happen at the potential expense of critical County needs. This recommendation would likely result in the loss of several million dollars of impact taxes each year, based on past development patterns.</p>
Appendix B p.5	Hammer Hill daycare LATR mitigation requirement includes “Plant additional street trees”	Please clarify that the developer was originally required to provide an off-site shared use path, but that this requirement was eliminated due to the Proportionality Guide.
Appendix B p.8	4910/4920 Strathmore	There was an amendment to the plan after the applicant reduced the size of their development. The applicant is no longer required to construct a sidepath to replace the existing sidewalk and bridge on the south side of Strathmore Ave.

**From:** [Mary Stickles](#)  
**To:** [MCP-Chair](#)  
**Subject:** Impact Tax Reform  
**Date:** Sunday, May 26, 2024 8:30:24 AM

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

Dear Chair Artie Harris and members of the Montgomery County Planning Board,

I am writing in support of the Growth and Infrastructure Policy update recommendation to discount impact taxes for smaller homes, and eliminating them for three-bedroom apartments. This will help incentivize the construction of more of the smaller more affordable homes that are needed in the county.

Three-bedroom apartments are especially scarce and a great solution for families. My daughter's family is a case in point. They have raised their two children since birth in a two-bedroom apartment. This is not ideal as the kids (a boy and a girl now 10 and 12 years old) grow older since they have to share a bedroom. Their family is making it work because this is an older building with very large closets. One child uses the master bedroom closet while the other uses the hall closet for a dressing room and "office" to do their homework. Their family longs for larger space that they could afford. A three-bedroom apartment would be ideal for them.

Sincerely,

Mary P. Stickles  
2602 Arvin St.  
Wheaton, MD 20902