



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

MCPB
Item # 88
7/22/10

July 14, 2010

MEMORANDUM

TO: The Montgomery County Planning Board

VIA: Glenn Kreger, Acting Chief *GK*
Community-Based Planning Division

FROM: Dan Hardy, Chief (301.495.4530) *DKH*
Transportation Planning Division

PW
Piera Weiss, Master Planner (301.495.4728)
Director's Office

Jacob Sesker, Planner Coordinator (301.650.5619) *JS*
Community-Based Planning Division

Shahriar Etemadi, Supervisor (301.495.2168)
Transportation Planning Division

SUBJECT: Status Report: White Flint Sector Plan Implementation

The County Council approved the White Flint Sector Plan on March 23, 2010. The approved Plan contains a series of prerequisites (followed by a three-phased Staging Plan) that must be completed before the Planning Board may approve development. The Council, Executive Branch and Planning Board share responsibilities for the prerequisites and the triggers in each of the three phases. Attachment 1 describes in detail the prerequisites and Phase 1 triggers. Attachment 2 summarizes the responsible entity; status and timeline (if any). Attachment 3 explains the Planning Board's responsibilities. Attachment 4 is a rough outline of the contents of the Transportation Approval Mechanism, one of the triggers in Stage 1 for which the Planning Board has responsibility.

The key targets for the Planning Board to meet for the remainder of 2010 and the coming year are:

September 2010	Appoint Advisory Committee
July 2011	Approve Transportation Approval Mechanism and Biennial Monitoring Program

PW:DH:ha: M:\White Flint Plan production file\Implementation\July 22 Planning Board item.doc

**ATTACHMENT 1:
STAGING PLAN: PREREQUISITES AND PHASE 1 TRIGGERS**

A. Prerequisites

There are five actions that must be completed before any additional development may be approved.

Item 1: Approval and Adoption of Sector Plan

Responsibility: County Council, M-NCPPC
Status: Completed

- Council approved the Plan on March 23, 2010.
- M-NCPPC adopted the Plan on April 21, 2010.

Item 2: Approval of Sectional Map Amendment (Comprehensive Rezoning)

Responsibility: Planning Board, County Council
Status: In progress, estimated time of completion, July 2010

- Planning Board filed SMA April 8, 2010.
- Council held public hearing May 18, 2010.
- PHED Committee held June 28, 2010.
- Full Council adoption July 13, 2010.

Item 3: Amend Growth Policy

Responsibility: County Council
Status: Completed

- Council approved the Growth Policy amendment on April 27, 2010, Resolution 16-1324. The Amendment:
 - Expands the White Flint Metro Station Policy Area to be coterminous with the White Flint Sector Plan boundary.
 - Exempts development from Policy Area Mobility Review if that development is conditioned (at preliminary plan) to "provide substantial funds to a new development district, new impact tax, or special taxing district, or other comprehensive financing mechanism to finance transportation improvements for that policy area."
 - Exempts development in the White Flint Policy Area for LATR similarly.

Item 4: Initiate development of plans for through-traffic access restrictions in abutting residential communities

Responsibility: Executive Branch - MCDOT
Status: To be determined

The Council's Resolution adopting the Sector Plan states:

Initiate development of plans for through-traffic access restrictions and other appropriate protective measures for the residential neighborhoods abutting the Sector Plan area, including traffic from future development in White Flint, and implement these plans if sufficient neighborhood consensus is attained. (Council Resolution No. 16-1300, page 22.)

Item 5: Establish Sector Plan Area as a State of Maryland Bicycle Pedestrian Priority Area

Responsibility: County Council, MDOT, SHA
Status: In progress, estimated time of completion September 2010

The designation of a Bicycle Pedestrian Priority Area is intended to enhance bicycle and pedestrian access and safety. Where an area includes both state highways and local roads, the local jurisdiction and MDOT jointly make the designation.

By approving the Sector Plan, the Council also approved local designation of a Bicycle Pedestrian Priority Area. Since there are two state roads within the White Flint Sector Plan, Old Georgetown Road and Rockville Pike, MDOT must concur with the designation of the White Flint Bicycle Pedestrian Priority Area. The Planning Department has formally requested this designation of SHA and SHA has indicated that they are reviewing the application (Attachment 5).

Phase 1 Triggers

Once the five actions have been completed, Phase 1 begins and the Planning Board may approve additional development under current LATR and PAMR rules. There are two triggers in Phase 1 that must be completed within a specific time frame after the SMA is approved in order for the Planning Board to waive LATR and PAMR.

Item 1: Create public entities or financing mechanisms necessary to implement the Sector Plan within six months of adopting the SMA.

Responsibility: Executive Branch, County Council

Status: In progress, estimated time of completion January 2011

This item connects the Growth Policy amendment language and the development approval process. Once the funding mechanism or public entity is in place, the Planning Board may approve development conditioned upon payment to the financing mechanism.

In order for approval to be granted under this condition, the following legislation may be required:

- modifications to existing development district legislation
- modifications to existing impact tax legislation
- legislation establishing boundaries of a proposed development district or special tax districts
- legislation creating a special fund

The Executive Branch is leading this effort. Council staff, Planning staff, and members of the development and residential communities are involved in the discussion and review of the proposed legislation.

The Planning Board may approve development even if there are no public entities or financing mechanism, but the development application would be subject to LATR and PAMR analysis. There is a caveat, however. If the entity/mechanism is not in place by the end of the six-month period, it is staff's position that the Planning Board may not approve additional development because the six-month time period was intended to allow development to proceed while the Executive Branch put in place the funding mechanism/entity. This window was not intended to remain open indefinitely. If the required mechanisms are not in place, then development approvals should be suspended until the mechanisms are in place.

Public Entities/Financing Mechanism

- Development District Legislation – Executive Branch /County Attorney's Office

The Executive Branch has concluded that a Development District is the appropriate public entity through which to accomplish construction projects identified in the Sector Plan as critical to the Staging Plan. The Development District legislation will apply to most, or all, of the properties within the Sector Plan boundary.

The Executive Branch is analyzing the costs associated with the public improvements identified in the Sector Plan as necessary to provide a balance between transportation and land use. The projects have been divided into three categories of responsibility: the private sector, the public sector and the "District." "District" projects should be those transportation projects that are required to advance to the next stage of development. Once the universe of district projects is determined and the costs of those projects have been estimated, the parties can then determine the sources of funding to pay for those projects. Once the uses and sources have been determined, the rates for taxes and fees can be set.

Even if this item has not been completed, the Planning Board may approve additional development subject to the existing LATR and PAMR requirements for up to six months after the SMA. After six months, however, the window closes unless a funding mechanism is in place.

- Urban District Legislation - Executive Branch/County Attorney's Office

An Urban District designation enables the County to provide certain services deemed to be in the public interest. Executive Branch staff is in the process of drafting legislation specific to the White Flint Sector Plan.

Item 2: Transportation Approval Mechanism and Monitoring Program

Responsibility: Planning Board

Status: In progress, estimated time of completion July 2011

In order for the Planning Board to approve development not subject to existing LATR and PAMR requirements, an alternative transportation approval mechanism and a monitoring program must be in place within 12 months of the SMA approval.

Transportation Approval Mechanism

This mechanism replaces the standard APF test (LATR and PAMR) required at the time of subdivision as allowed by the Growth Policy amendment for development in the White Flint Metro Station Policy Area. Attachment 4 summarizes the current proposal for the Transportation Approval Mechanism. The Transportation Approval Mechanism cannot be completed until the details of the special taxing district have been established.

Biennial Monitoring Program

The Planning Board is already charged with preparing a biennial master plan status report for all master plans. The Planning Department is coordinating efforts between the divisions to develop a new, more graphic approach to this report. The report will include data on approved private development for each master plan area. The status report is due in spring 2011. The monitoring reports required by the White Flint Sector Plan can be folded into the status report. The *Biennial Monitoring Program* must be submitted to the Council and Executive prior to biennial CIP. The monitoring program must include:

- Periodic assessment of development approvals
- Status of new public facilities and amenities
- A Comprehensive Local Area Transportation Review (CLATR) to identify and recommend specific projects and services needed to promote adequate transportation service
- Regular assessment of staging phase and if modifications are necessary
- Review of Capital Improvements Program and Growth Policy

The biennial monitoring program will build upon the most current traffic data and Non-Auto Driver Mode Share (NADMS) collected by the North Bethesda Transportation Action Partnership. Under Section 42A-27 of the County Code, this report will be delivered by the first of December each even numbered year. The analysis of surveyed mode share data will be used to define progress toward the Sector Plan NADMS prerequisites for each phase of development.

The CLATR will include all signalized intersections in the Sector Plan area plus all signalized intersections on major highways and arterials elsewhere in the North Bethesda/Garrett Park Master Plan area, with the exceptions of a) Rock Spring Park (i.e., southwest of the I-270 Spur), and b) the Twinbrook Metro Station Policy Area (i.e., both northeast of the CSX tracks and north of Montrose Parkway). The CLATR will consider the following scenarios:

- Existing conditions
- A ten-year to fifteen-year development horizon (rounded to the nearest five years, consistent with the philosophy in the Executive's Transportation Policy Area Review (TPAR report) considering:
 - approved development within White Flint Sector Plan area
 - the latest round of cooperative forecasts submitted by the Planning Department to the Metropolitan Washington Council of Governments (MWCOG) for the rest of Montgomery County (including the municipalities)
 - the latest round of cooperative forecasts approved by MWCOG for the rest of the region
 - the latest Constrained Long Range Plan (CLRP) transportation network approved by MWCOG for the rest of the region

- additional projects in Montgomery County if approved by the County Council as part of the Subdivision Staging Policy/CIP process
- local infrastructure programmed by the State, County, or special taxing district for the specified horizon year.

Advisory Committee

The Sector Plan requires that a White Flint Sector Plan Advisory Committee be appointed by the Planning Board and assigned certain tasks listed in the County Council's resolution. The committee is intended to have input into the Biennial Monitoring Program. Members are to include property owners, residents, interested groups that are stakeholders in the redevelopment of the Plan area and representatives from the Executive Branch. The committee's responsibilities are described in the resolution as:

- Monitor Plan recommendations
- Identify new projects for the Amenity Fund
- Monitor the CIP and Growth Policy
- Recommend action by the Planning Board and County Council to address issues that may arise

Staff has publicized the formation of the Committee and requested applications. Staff will bring the recommendations for appointment to the Committee to the Planning Board in September 2010 (Attachment 6).

**ATTACHMENT 2:
RESPONSIBILITY SPREAD SHEET FOR WHITE FLINT IMPLEMENTATION**

Responsibility/Items	Coordination	Phase 1 Trigger	Key Date	Completed
Council				
▪ CR Zone Amendment		Y	Approved April	Y
▪ White Flint Sector Plan		Y	Approved March 23	Y
▪ SMA		Y	Approved July 13	Y
▪ Growth Policy		Y	Approved April	Y
Executive				
▪ Public Funding Entities		N	January 2011	
▪ Initiate study of traffic access restrictions to protect adjacent residential communities		Y	January 2011	
County Council /State Highway Administration				
▪ State Bike Pedestrian Area designation		Y	Required before development can be approved	
Planning Board				
▪ Adopt White Flint Sector Plan	M-NCPPC	Y	April 2010	Y
▪ File SMA		Y	April 2010	Y
▪ Approve CR Guidelines		N	June 2010	Y
▪ Approve White Flint Design Guidelines		N	June 10, 2010	Y
▪ Develop Transportation Approval Mechanism	MCDOT	Y	June 2011	
▪ Approve biennial monitoring program for White Flint		Y	June 2011	
<ul style="list-style-type: none"> - CLATR - Development approvals - CIP - Growth Policy - Development approvals - Public facilities and amenities 				
<ul style="list-style-type: none"> ▪ Establish Advisory Committee - Evaluate assumptions of sector plan - Congestion levels - Transit use - Parking - Amenity fund projects - CIP - Growth Policy 		Y	June 2011	
<ul style="list-style-type: none"> ▪ Approve Application Process - Sketch Plan 		N	July 2010	



**ATTACHMENT 3:
PLANNING BOARD'S RESPONSIBILITIES FOR THE STAGING PLAN**

Phase 1:

1. Planning Board may approve 3,000 dwelling units and 2.0 million square feet non-residential development.
2. Residential development must pass the Growth Policy School Adequacy test.
3. Projects/Actions to be completed by end of Phase 1:
 - Contract for construction of the realignment of Executive Boulevard and Old Georgetown Road
 - Contract for the construction of Market Street (B-10) in the Conference Center Block
 - Fund streetscape improvements, sidewalk improvements and bikeways for substantially all of the street frontage within one quarter mile of the Metro Station: Old Georgetown Road, Marinelli Road and Nicholson Lane
 - Fund and complete the design study for Rockville Pike to be coordinated with SHA, MCDOT and M-NCPPC
 - Achieve NADMS for Plan area employees of at least 34 percent
 - Planning Board to assess whether the build-out of the Sector Plan is achieving the Plan's housing goals

Phase 2:

1. Planning Board to determine that all the Phase 1 prerequisites have been met.
2. Planning Board may approve 3,000 dwelling units and 2.0 million square feet non-residential development.
3. Residential development must pass the Growth Policy School Adequacy test.
4. Projects/Actions to be completed by end of Phase 2:
 - Construct streetscape improvements, sidewalk improvements and bikeways for substantially all of the street frontage within one quarter mile of the Metro station: Old Georgetown Road, Marinelli Road and Nicholson Lane
 - Complete realignment of Executive Boulevard and Old Georgetown Road
 - Construct the portion of Market Street needed for road capacity
 - Fund the second entrance to the White Flint Metro Station
 - Explore the potential for expediting portion of Rockville Pike where sufficient right-of-way exists or has been dedicated
 - Increase NADMS for Plan area employees to at least 42 percent
 - Planning Board to assess whether the build-out of the Sector Plan is achieving the Plan's housing
 - Planning Board to develop a plan to determine how to bring the mode share to 51 percent Non-Automotive Driver Mode Share for residents and 50 percent for employees during Phase 3.

Phase 3:

1. Planning Board to determine that all the Phase 2 prerequisites have been met.
2. Planning Board may approve 3,800 dwelling units and 1.69 million square feet of non-residential development.
3. Residential development must pass the Growth Policy School Adequacy test.
4. Projects/Actions to be completed:
 - o Construct streetscape improvements, sidewalk improvements and bikeways outside the one-quarter mile of the Metro Station
 - o Reconstruct any remaining portion of Rockville Pike not constructed during prior phases
 - o Achieve the ultimate mode share of 51 percent NADMS for residents, 50 percent NADMS for employees

ATTACHMENT 4: DRAFT TRANSPORTATION APPROVAL MECHANISM

The Transportation Approval Mechanism replaces LATR and PAMR for properties in the White Flint Sector Plan that are participating in the Special Taxing District. The details of the Transportation Approval Mechanism are dependent upon the details of the special taxing district. Therefore, while the two mechanisms must be developed in tandem, the details of the Transportation Approval Mechanism will necessarily follow from, and be completed slightly later than, the Special Taxing District. This document identifies the elements expected in the Transportation Approval Mechanism, based on the information available in July 2010.

The Transportation Approval Mechanism must achieve three basic functions:

- Establish how the development in each phase of the Sector Plan Staging Mechanism will be allocated. Because the staging plan creates development pressures, staging capacity must only be allocated to properties ready to construct. The Transportation Approval Mechanism therefore recommends that:
 - Staging capacity be allocated at Certified Site Plan
 - The staging capacity allocation has a 24-month expiration period
 - Applications for extensions require a new Certified Site Plan

- Establish how Adequate Public Facilities (APF) findings and expirations should be customized for the White Flint Sector Plan. Because the proposed staging capacity has, by necessity, a short time horizon and the APF may be satisfied by participation in the special taxing district, a longer APF may be granted for properties in the taxing district that will require Site Plan approval. The selection of an APF period length, however, may relate to the elements of the phasing plan and therefore should be considered as part of the special taxing district implementation.

- Provide suitable levels of information to guide infrastructure implementation decisions, any required Traffic Mitigation Agreements (TMAg), and coordinate background traffic assumptions between development applications within and outside of the special taxing district.

The Transportation Approval Mechanism must accommodate the following scenarios:

- Properties both within and outside the Special Taxing District. The White Flint Sector Plan envisions a community in which the Sector Plan area and the Special Taxing District are coterminous. It is quite possible, however, that there will be some properties within the Sector Plan that choose not to participate in the Special Taxing District.

- Properties that develop under standard and optional methods. The optional method allows greater densities and includes provisions for transportation-related amenities as part of the establishment of allowed density. Provisions of the transportation-related amenities must be documented as part of the sketch plan, preliminary plan, and site plan applications.
- Properties that do not require site plans. Staff does not expect many standard method development proposals of less than 10,000 square feet, although these applications are provided for in the CR Zone. The staging mechanism must therefore be able to allocate staging capacity to those projects and the same 24-month period is proposed. This shorter allocation period will help disincentivize projects that do not require site plan approval.
- Properties that propose an optional Traffic Mitigation Agreement (TMAg) to either:
 - Option 1: satisfy APF (per the Alternative Review Procedure of the Growth Policy), or
 - Option 2: to achieve incentive density (per the CR Zone).

The following exhibits show the types of information that would be required for CR Zone applications:

- Exhibit 1 pertains to a property within the White Flint Sector Plan and the White Flint Special Taxing District
- Exhibit 2 pertains to a property within the White Flint Sector Plan but outside the White Flint Special Taxing District
- Exhibit 3 pertains to properties elsewhere in the County

Each exhibit shows the types of information required in chronological order from top to bottom, beginning with the sketch plan application and carrying through to building permit and associated transportation impact tax implications.

Sketch Plan

With respect to a transportation approval mechanism process, the sketch plan should establish the CR Zone incentive density parameters and a time frame for the development. The basic development size and type by phase must be established for three reasons:

- The development locations, types, and vehicle trips expected to be generated over time is a necessary component for the biennial Comprehensive Local Area Transportation Review (CLATR) analysis and as background traffic information for nearby developments outside the special taxing district.

- The vehicle trip generation may be influenced by trip reduction methods proposed by either Option 1 or Option 2 TMAGs.
- The timing and coordination of on-site transportation infrastructure and any proposed or required off-site transportation infrastructure must be established. This is necessary for ensuring road connections within the purview of the district and for identifying those cases where a private owner proposes to construct a piece of infrastructure previously allocated to the district and for which they should be credited.

Preliminary Plan

- A preliminary plan application will not be accepted if:
 - The project proposes a standard method development that does not require site plan approval, and
 - There is not sufficient staging capacity in the current Sector Plan phase to accommodate the proposed site plan development
 - Any preliminary plan application not accepted will be entered into the White Flint Sector Plan Staging Queue.
- The subdivision of an entire sketch plan property will occur through preliminary plan, at which time APF is satisfied through conditional approval. This may require amendments to Section 50 to allow properties in a special taxing district to either have a longer APF approval timeframe (say, for 20 years; or alternatively, covering the lifespan of the special taxing district).
- The LATR/PAMR study information will be customized for different types of applications:
 - Intersection data (traffic counts, trip generation/distribution/assignment, CLV calculations) will not be required for properties satisfying APF via participation in the Special Taxing District
 - PAMR analysis will not be required for properties satisfying APF via participation in the Special Taxing District
 - A bicycle/pedestrian impact statement will be required to ensure that the implementation of bicycle and pedestrian infrastructure is occurring in a safe and efficient manner, consistent with the establishment of the Bicycle and Pedestrian Priority Area.
 - Information on pedestrian crossing times will only be required for those applications that are not participating in the special taxing district (and therefore must conduct the time consuming intersection CLV analysis process).
- The establishment and schedule for right-of-way dedication will be conditioned at this time.

- Regardless of the type of APF approval, all applicants will be conditioned to participate in the North Bethesda Transportation Action Partnership (TAP) under current rules and regulations.

Site Plan

- A site plan application will not be accepted if there is not sufficient staging capacity in the current Sector Plan phase to accommodate the proposed site plan development. Any site plan application not accepted will be entered into the White Flint Sector Plan Staging Queue.
- The allocation of White Flint staging capacity (2.0 million square feet commercial and 3,000 residential units in Phase 1) will be granted upon approval of certified site plan. The approval will expire within 24 months for any building permits not granted in that time.

Building Permit

- The types of fees, taxes, and credits to be paid prior to building permit, at the time of building permit, or after building permit approval will be determined as part of the special taxing district rules.

White Flint Sector Plan Staging Queue

- The Planning Department will maintain a White Flint Sector Plan Staging Queue. This queue will document the timing of site plan applications (or preliminary plan applications for standard method projects that do not require site plans) that cannot be accepted by the Planning Board due to insufficient staging capacity
 - A project will enter the queue upon acceptance of a complete application
 - The queue will be managed on a first-in, first-out basis
 - The oldest eligible application(s) in the queue will be accepted only at such time as staging capacity exists for both the full residential and commercial development proposed in the application
 - The 24-month site plan approval still applies for projects that have been in the queue.
 - Adjustments to queue position may be granted by the Planning Board, but only after receipt of a proposal jointly submitted by all applicants whose positions in the queue would be affected. Such a proposal, for instance, would allow a smaller project to move ahead of a larger project if the larger project would not fit within the remaining staging capacity but the smaller project would. The Planning Department would not be a party to any negotiations between applicants who agree to change queue positions.

Other Elements

The Transportation Approval Mechanism should contain the following additional elements:

- Public projects such as schools, libraries, fire stations, and recreational centers utilize Sector Plan staging capacity. These projects will be reviewed through the mandatory referral process. Their contribution to vehicular demand will need to be satisfied by pro-rata County contributions to the special taxing district. They will remain exempt from APF rules and Sector Plan staging allocation will be granted at time of mandatory referral approval.
- Projects located outside the special taxing district that create an LATR impact within the district must address that impact by a pro-rata contribution to the district.
- Projects that already have APF approval (i.e., pipeline projects) are exempt from staging requirements, but the status of such approvals will be evaluated in the establishment of taxing district charges. An applicant with pipeline approvals may choose to submit a revised preliminary plan to revise their conditions and in such case they retain the right to any staging capacity that would be returned to the system if they submit concurrent preliminary and site plans. Any staging capacity not reclaimed under a new site plan returns to the general pool of staging capacity for that phase.

The Transportation Approval Mechanism will be adopted by the Planning Board as an amendment to the Planning Board's *LATR/PAMR Guidelines* within six months of the establishment of the special taxing district. Depending upon the details of the special taxing district, the Transportation Approval Mechanism may also require amendments to the County's Subdivision Staging Policy and/or the Subdivision Regulations to establish appropriate revisions to APF regulations and preliminary plan and site plan requirements.

Exhibit 1. Inside White Flint Sector Plan and Special Taxing District

CR Zone Implementation Process Transportation Analysis and Approval Mechanism

Type of Approval	Optional	Optional	Optional	Standard	Standard
Traffic Mitigation Agreement (Option 1: Res: 11-1687, Option 2: CR Zone)	No TMAg	TMAg per Growth Policy (trips cut in half)	TMAg per CR incentive (reduce trips)	No TMAg	TMAg per Growth Policy (trips cut in half)
SKETCH PLAN					
Trips generated by full sketch plan	Yes	Yes	Yes	n/a	n/a
Trips generated by each proposed preliminary/site plan phase	Yes	Yes	Yes	n/a	n/a
Phasing of CR Zone elements (advanced dedication, TMAg trip reduction, on-site and off-site improvements)	Yes	Yes	Yes	n/a	n/a
PRELIMINARY PLAN					
Preliminary Plan Submission Acceptance Requires WFSP Staging Capacity?	No	No	No	If no Site Plan	If no Site Plan
LATR / PAMR Studies					
LATR CLV analyses (if > 30 weekday peak hour vehicle trips)	No	No	No	No	No
PAMR analyses (if > 3 weekday peak hour vehicle trips)	No	No	No	No	No
Pedestrian / bike statement	Yes	Yes	Yes	Yes	Yes
CBD pedestrian crossing analysis	No	No	No	No	No
Proposed mitigation	For credit info	No	For credit info	For credit info	For credit info
Traffic Mitigation Agreement (TMAg) Option 1 (Res 16-1187 - reduce 50% of trips)	n/a	Proposal	n/a	n/a	Proposal
Traffic Mitigation Agreement (TMAg) Option 2 (59-C-15.84 - 50% NADMS)	n/a	n/a	Proposal	n/a	n/a
	Per District specifications to be determined	Per District specifications to be determined	Per District specifications to be determined	Per District specifications to be determined	Per District specifications to be determined
APF Validity Period	n/a	n/a	n/a	n/a	n/a
WFSP Staging Validity Period: Certified Site Plan to Building Permit	n/a	n/a	n/a	n/a	n/a
North Bethesda TAP participation (soft agreement)	Yes	Yes	Yes	Yes	Yes
Record Plat					
Right-of-way dedication (advanced or regular?)	Both	Both	Both	Regular	Regular
SITE PLAN					
Site Plan Submission Acceptance Requires WFSP Staging Capacity?	Yes	Yes	Yes	Yes	Yes
WFSP Staging Validity Period: Certified Site Plan to Building Permit	24 months	24 months	24 months	24 months	24 months
	Per District specifications to be determined	Per District specifications to be determined	Per District specifications to be determined	Per District specifications to be determined	Per District specifications to be determined
Beginning of special tax payments		No			No
BUILDING PERMIT					
Transportation Impact Taxes and Credits					
Impact tax?	Per District specifications to be determined	75% of General	Per District specifications to be determined	Per District specifications to be determined	75% of General
LATR improvements credit eligible?	Per District specifications to be determined	n/a	Per District specifications to be determined	Per District specifications to be determined	n/a
PAMR improvements credit eligible?	Per District specifications to be determined	n/a	Per District specifications to be determined	Per District specifications to be determined	n/a
Pay-and-go in lieu of improvement (\$11.3K / trip in FY 11) credited?	Per District specifications to be determined	n/a	Per District specifications to be determined	Per District specifications to be determined	n/a

Exhibit 2. Inside White Flint Sector Plan But Outside Special Taxing District

CR Zone Implementation Process

Transportation Analysis and Approval Mechanism

Approval Method	Optional	Optional	Optional	Standard	Standard
Traffic Mitigation Agreement (Option 1: Res: 11-1687, Option 2: CR Zone)	No TMAg	TMAg per Growth Policy (trips cut in half)	TMAg per CR incentive (reduce trips)	No TMAg	TMAg per Growth Policy (trips cut in half)
SKETCH PLAN					
Trips generated by full sketch plan	Yes	Yes	Yes	n/a	n/a
Trips generated by each proposed preliminary/site plan phase	Yes	Yes	Yes	n/a	n/a
Phasing of CR Zone elements (advanced dedication, TMAg trip reduction, on-site and off-site improvements)	Yes	Yes	Yes	n/a	n/a
PRELIMINARY PLAN					
Preliminary Plan Submission Acceptance Requires WFSP Staging Capacity?	No	No	No	If no Site Plan	If no Site Plan
LATR / PAMR Studies					
LATR CLV analyses (if > 30 weekday peak hour vehicle trips)	Yes	Yes	Yes	Yes	Yes
PAMR analyses (if > 3 weekday peak hour vehicle trips)	Yes	Yes	Yes	Yes	Yes
Pedestrian / bike statement	Yes	Yes	Yes	If LATR needed	If LATR needed
CBD pedestrian crossing analysis	Yes	Yes	Yes	If LATR needed	If LATR needed
Proposed mitigation	Yes	No	Yes	For approval	For approval
Traffic Mitigation Agreement (TMAg) Option 1 (Res 16-1187 - reduce 50% of trips)	n/a	Proposal	n/a	n/a	Proposal
Traffic Mitigation Agreement (TMAg) Option 2 (59-C-15.84 - 50% NADMS)	n/a	n/a	Proposal	n/a	n/a
APF Validity Period	5 years	5 years	5 years	5 years	5 years
WFSP Staging Validity Period: Certified Site Plan to Building Permit	n/a	n/a	n/a	n/a	n/a
North Bethesda TAP participation (soft agreement)	Yes	Yes	Yes	Yes	Yes
Record Plat					
Right-of-way dedication (advanced or regular?)	Both	Both	Both	Regular	Regular
SITE PLAN					
Site Plan Submission Acceptance Requires WFSP Staging Capacity?	Yes	Yes	Yes	Yes	Yes
WFSP Staging Validity Period: Certified Site Plan to Building Permit	24 months	24 months	24 months	24 months	24 months
Beginning of special tax payments	n/a	n/a	n/a	n/a	n/a
BUILDING PERMIT					
Transportation Impact Taxes and Credits					
Impact tax?	Yes	75% of General	Yes	Yes	75% of General
LATR improvements credit eligible?	See Section 52	n/a	See Section 52	See Section 52	n/a
PAMR improvements credit eligible?	See Section 52	n/a	See Section 52	See Section 52	n/a
Pay-and-go in lieu of improvement (\$11.3K / trip in FY 11) credited?	No	n/a	No	No	n/a

July 6, 2010 DRAFT

Exhibit 3. Outside White Flint Sector Plan

CR Zone Implementation Process Transportation Analysis and Approval Mechanism

Type of Approval	Optional	Optional	Optional	Standard	Standard
Traffic Mitigation Agreement (Option 1: Res: 11-1687, Option 2: CR Zone)	No TMAg	TMAg Option 1 (50% fewer trips)	TMAg Option 2 (50% NADMS)	No TMAg	TMAg Option 1 (50% fewer trips)
SKETCH PLAN					
Trips generated by full sketch plan	Yes	Yes	Yes	n/a	n/a
Trips generated by each proposed preliminary/site plan phase	Yes	Yes	Yes	n/a	n/a
Phasing of CR Zone elements (advanced dedication, TMAg trip reduction, on-site and off-site improvements)	Yes	Yes	Yes	n/a	n/a
PRELIMINARY PLAN					
Preliminary Plan Submission Acceptance Requires WFSP Staging Capacity?	n/a	n/a	n/a	n/a	n/a
LATR / PAMR Studies					
LATR CLV analyses (if > 30 weekday peak hour vehicle trips)	Yes	Yes	Yes	Yes	Yes
PAMR analyses (if > 3 weekday peak hour vehicle trips)	Yes	Yes	Yes	Yes	Yes
Pedestrian / bike statement	If LATR needed	If LATR needed	If LATR needed	If LATR needed	If LATR needed
CBD pedestrian crossing analysis	If LATR needed	If LATR needed	If LATR needed	If LATR needed	If LATR needed
Proposed mitigation	For approval	No	For approval	For approval	For approval
Traffic Mitigation Agreement (TMAg) Option 1 (Res 16-1187 - reduce 50% of trips)	n/a	Proposal	n/a	n/a	Proposal
Traffic Mitigation Agreement (TMAg) Option 2 (59-C-15.84 - 50% NADMS)	n/a	n/a	Proposal	n/a	n/a
APF Validity Period	5 years	5 years	5 years	5 years	5 years
WFSP Staging Validity Period: Certified Site Plan to Building Permit	n/a	n/a	n/a	n/a	n/a
TMD participation (soft agreement) if applicable	Yes	Yes	Yes	Yes	Yes
Record Plat					
Right-of-way dedication (advanced or regular?)	Both	Both	Both	Regular	Regular
SITE PLAN					
Site Plan Submission Acceptance Requires WFSP Staging Capacity?	n/a	n/a	n/a	n/a	n/a
WFSP Staging Validity Period: Certified Site Plan to Building Permit	n/a	n/a	n/a	n/a	n/a
Beginning of special tax payments	n/a	n/a	n/a	n/a	n/a
BUILDING PERMIT					
Transportation Impact Taxes and Credits					
Impact tax?	Yes	75% of General	Yes	Yes	75% of General
LATR improvements credit eligible?	See Section 52	n/a	See Section 52	See Section 52	n/a
PAMR improvements credit eligible?	See Section 52	n/a	See Section 52	See Section 52	n/a
Pay-and-go in lieu of improvement (\$11.3K / trip in FY 11) credited?	No	n/a	No	No	n/a

July 6, 2010 DRAFT

ATTACHMENT 5:
SHA LETTER - REVIEW OF WHITE FLINT
BICYCLE PEDESTRIAN PRIORITY AREA
DESIGNATION APPLICATION

Harvey



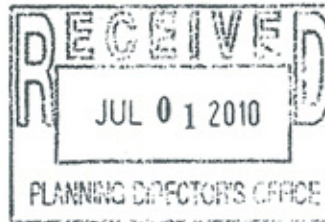
Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

June 25, 2010

Rollin Stanley, Director
Montgomery County Planning Department
The Maryland-National Capital Park
and Planning Commission
8787 Georgia Avenue
Silver Spring MD 20910



Dear ~~Mr. Stanley~~ ^{Rollin}

Thank you for your letter to the State Highway Administration (SHA) regarding the designation of the White Flint Sector Plan area as a Bicycle and Pedestrian Priority Area (BPPA). We support the overall vision of White Flint and agree that the area is ideal for transit-oriented development supported by a strong transit, bicycle, and pedestrian network.

The provision for this type of designation was introduced by the Bicycle and Pedestrian Access 2000 bill in 1995. However, SHA has never provided an official designation of this sort for a local government. The SHA policy and practices since 1995 have exceeded the intent of the original Bicycle and Pedestrian Access 2000 bill. When the designation is requested, as you have done in your letter, the process is to consider the designation as a joint effort with both SHA and the Maryland- National Capital Park and Planning Commission (M-NCPPC).

In the spirit of moving forward, SHA will begin the process to formalize this request. First, SHA will review this designation and coordinate the request internally, as illustrated in the legislation, and make a determination as to whether SHA concurs. If concurrence is given, SHA will then take the steps necessary to implement a plan developed in cooperation with M-NCPPC. If we do not concur, we will provide an explanation of why the area was not chosen for BPPA designation.

We look forward to working through this with you and your staff. Again, thank you for your letter requesting the BPPA designation for White Flint. If we may be of further assistance, please do not hesitate to contact Reena Mathews, Regional Planner, SHA at 410- 545-5668, toll-free 1-888-204-4828 or via email at rmathews@sha.state.md.us.

Sincerely,

Gregory I. Slater, Director
Office of Planning and Preliminary Engineering

cc: Mr. Michael Jackson, Director of Bicycle and Pedestrian Access, MDOT
Ms. Reena Mathews, Regional Planner, SHA
Mr. Douglas H. Simmons, Deputy Administrator/Chief Engineer for Planning, Engineering, Real Estate and Environment, SHA

My telephone number/toll-free number is 410-545-0412 or 1-888-204-4828
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410-545-0300 • www.marylandroads.com





ATTACHMENT 6:
NOTICE PUBLICIZING THE FORMATION OF
ADVISORY COMMITTEE AND REQUESTING
APPLICATIONS
MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

June 22, 2010

SUBJECT: White Flint Sector Plan Advisory Committee

Dear Property Owner/Civic Association Leader:

The Montgomery County Department of Planning is soliciting letters of interest from residents, property owners, homeowners and civic associations, advocacy organizations, and other community organizations to participate in the White Flint Sector Plan Advisory Committee.

A staging provision in the County Council Resolution No.16-1300, which approved the White Flint Sector Plan, requires that the Planning Board establish an advisory committee. The resolution states:

The Planning Board must establish an advisory committee of property owners, residents and interested groups that are stakeholders in the redevelopment of the Plan area, as well as representatives from the Executive Branch, to evaluate the assumptions made regarding congestion levels, transit use, and parking. The committee's responsibilities should include monitoring the Plan recommendations, indentifying new projects for the Amenity Fund, monitoring the CIP and Growth Policy, and recommending action by the Planning Board and County Council to address issues that may arise (p.22).

Approximately, 18 individuals will comprise the Advisory Committee. Individuals will represent property owners, residents of existing multi-family buildings, civic and homeowners associations, and advocacy organizations. Additional representatives from the Executive will also be included in the Committee. We expect that the Advisory Committee will meet quarterly with additional meetings when planning staff identifies specific items that the Committee needs to discuss. The Advisory Committee will be asked to advise the Planning staff, Planning Board, and County Council regarding the topics identified in the Council resolution.

Please submit your nominations, no more than 500 words, highlighting your interest, background, expertise and any other qualification that will ensure the successful implementation of the White Flint Sector Plan. Letters of support can also be submitted. We expect that the Planning Board will appoint the Committee by September. When there are vacancies, the Board will appoint new members. The first meeting is likely to take place in October. An initial two year commitment is anticipated for Committee members.

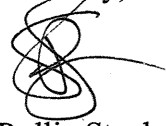
Your nomination must be submitted by August 13, 2010 by e-mail or regular mail. All letters should be sent to Chairman, Montgomery County Planning Board, 8787 Georgia Avenue, Silver Spring Maryland 20910 or via email at MCP-Chairman@mncppc-mc.org.

Please contact Nkosi Yearwood at 301-495-1332 or you can email him at nkosi.yearwood@mncppc-mc.org if you have any questions.



I want to thank you in advance of your service and your willingness to participate in the White Flint Sector Plan Advisory Committee.

Sincerely,

A handwritten signature in black ink, appearing to be 'Rollin Stanley', with a stylized flourish extending to the right.

Rollin Stanley
Planning Director

ATTACHMENT 7:
CORRESPONDENCE

THE WHITE FLINT PARTNERSHIP

July 7, 2010

Ms. Francoise Carrier
Chair, Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: White Flint Sector Plan Implementation Issues

Dear Ms. Carrier:

The White Flint Partnership congratulates you on assuming the position of Chair of the Montgomery County Planning Board. We are a group of developers active in the White Flint Sector Plan area for the past several years. Our participants include Federal Realty Investment Trust (Mid-Pike Plaza), Lerner Enterprises/Tower Companies (White Flint Mall), JBG (four properties, including the Conference Center and North Bethesda Marketplace under construction), Combined Properties (White Flint Plaza), Holladay Corporation (Metro Pike Plaza), and Gables Residential (Executive Boulevard residential parcel). We are writing to alert you to several key issues which we believe should be addressed in the near future to help assure the timely and effective implementation of the Staging Plan of the White Flint Sector Plan.

The first key issue to address is staging capacity. More particularly, when is an applicant deemed to have obtained capacity for purposes of the Sector Plan's various stages? Each of the Sector Plan stages is limited to a finite amount of residential and non-residential development. Yet, the Sector Plan does not define at what point in the regulatory process such development is counted—e.g. subdivision, site plan or building permit—nor for how long.

White Flint Partnership has written to the Council (see attached letter) proposing that Sector Plan staging capacity be counted at the time of site plan approval, with a permitted duration of four years. We are meeting with Council staff this month to advance these discussions, but the Planning Board should be an active participant in this dialogue. If no limitations are developed for this matter, the Phase I capacity may be quickly spoken for by a few developers; they may claim that the staging capacity is theirs by virtue of them being the first to file a Sketch Plan under the C-R zone. This would be an unfortunate result, since the effective implementation of the Sector Plan requires broad cooperation among all stakeholders on a myriad of issues.

The second key issue to address is the pending C-R Incentive Density Guidelines. The Planning Board has considered drafts of these Guidelines for several months now, but it is not clear when they will be on the Board's agenda for adoption. The adoption of these Guidelines is necessary to provide appropriate direction to applicants in the preparation of their Sketch Plans, where the calculation of incentive density under the C-R zone is a key application component.

We urge you to schedule the Guidelines for Planning Board action prior to the Board's August recess.

The third issue to address is the development of "plans for through-traffic access restrictions and other appropriate protective measures for the residential neighborhoods abutting the Sector Plan area....." The Sector Plan does not specify whether the County's Department of Transportation or the Planning Board should develop these plans. We urge you to initiate a dialogue with the appropriate agencies to determine the responsibility for this task, and to work with the responsible agency to plan and implement this task as soon as practicable.

Finally, the fourth issue to address is the development of a "transportation approval mechanism and monitoring program." The Sector Plan requires this to be done within twelve months of the adoption of the sectional map amendment. Here, the Sector Plan language clearly places the responsibility for this task on the Planning Board, and the biennial monitoring report must be submitted to the Council and the Executive prior to the development of the biennial Capital Improvements Program. We suggest that your Transportation Planning (Move) Staff be directed to draft this program within the next few months for consideration by all of the stakeholders.

Thank you very much for your consideration. We look forward to working with you on the implementation of the White Flint Sector Plan.

Federal Realty Investment Trust

Combined Properties

Lerner Enterprises

The Holladay Corporation

The Tower Companies

Gables Residential

The JBG Companies

Att

cc: Mr. Rollin Stanley w/att
Ms. Piera Weiss w/att
Mr. Dan Hardy w/att
Mr. Jacob Sesker w/att

THE WHITE FLINT PARTNERSHIP

March 23, 2010

The Hon. Nancy Floreen, President
And Members of the Montgomery County Council
100 Maryland Avenue, Sixth Floor
Rockville, Maryland 20850

Re: March 23, 2010 Public Hearing -- Resolution to Amend 2009-2011 Growth Policy: White Flint
Metro Station Policy Area

Dear President Floreen and Councilmembers:

As you know, the White Flint Partnership ("WFP") consists of seven property owners working collectively toward the advancement of the White Flint Sector Plan. The WFP consists of Combined Properties, Federal Realty Investment Trust, The Holladay Corporation, Gables Residential, The JBG Companies, Lerner Enterprises, and The Tower Companies, who jointly own or control approximately 55% of the commercial land in White Flint. The WFP fully supports the proposed White Flint Amendment to the 2009-2011 Growth Policy that is the subject of the March 23, 2010 public hearing before the County Council and wishes to suggest an additional provision to deal with the allocation of staging policy within the White Flint Sector Plan area.

Specifically, the WFP has included an attachment with suggested language that would provide direction to the Planning Board in reviewing development plans regarding the allocation of staging capacity. The proposed language provides that a staging capacity determination would be made at the time of site plan. Further, once an applicant receives approval of a certified site plan, the applicant has 48 months to submit a completed building permit application to the Department of Permitting Services in order to retain its allocated staging capacity. The proposed language also provides a means of allowing development plans to proceed for review and approval and building permits to be issued if certain higher standards of non-auto driving mode share are committed to as part of the approval process.

The WFP believes this is a fair and equitable means of allocating capacity and encourages properties to utilize the capacity granted within a reasonable period of time or allow the capacity to be reallocated. We would encourage your inclusion of this language in the final Resolution dealing with White Flint.

Thank you for your consideration of this matter.

Best Regards,

THE WHITE FLINT PARTNERSHIP

Combined Properties
Federal Realty Investment Trust
Gables Residential
The Holladay Corporation
The JBG Companies
Lerner Enterprises
The Tower Companies

**Recommended Growth Policy Language for
Allocation of Staging Capacity in White Flint Sector Plan Area**

Staging capacity is allocated at the time of site plan application based on the number of dwelling units and/or square feet of non-residential development proposed in the application (the "Allocated Staging Capacity"). Following site plan approval, the Allocated Staging Capacity will be adjusted based on the amount of development approved in the site plan.

Following site plan approval, if adequate staging capacity is available for the project, the applicant must submit a complete building permit application to the Department of Permitting Services within 48 months of certified site plan approval or the project's Allocated Staging Capacity will expire for any portion of the site plan for which building permit applications have not been filed and the expired Allocated Staging Capacity will be placed in a staging capacity queue based on the date the site plan application was filed. No building permits for that portion of the project placed in the queue will be issued unless adequate staging ceiling capacity is available for such portion of the project based on the project's position in the queue. The Allocated Staging Capacity from the expired portion of the project will be put back into the available staging capacity in the applicable stage.

The Planning Board may accept a site plan application for review and action even if there is inadequate staging capacity for all or a portion of the Allocated Staging Capacity. Following approval of a site plan for which there is not adequate staging capacity for all or a portion of the project, the site plan will be placed in a staging queue based on the date the site plan application was filed and building permits will not be issued for the portion of the project until adequate staging capacity becomes available. Notwithstanding the above, building permits may be issued for a project for which staging capacity is inadequate if, as a condition of site plan approval, the applicant enters into an agreement with the Planning Board committing to achieve the applicable non-auto driver mode share for the next development phase for properties located within ¼ mile of an existing or planned Metro station portal or the applicable non-auto driver mode share for the next development stage minus 5% for properties located beyond ¼ mile of an existing or planned Metro station portal. For those properties with land area located both within and beyond the ¼-mile distance, the weighted average percent based on land area will be used.