



October 26, 2010

**MEMORANDUM**

**TO:** Montgomery County Planning Board

**VIA:** Glenn Kreger, Acting Chief, Vision/Community-Based Planning Division *JK*  
Dan Hardy, Chief, Transportation Planning Division *DKH*  
Rose Krasnow, Chief, Development Review Division *RAK*

**FROM:** Piera Weiss, Master Planner *PW*  
Jacob Sesker, Planner Coordinator (301.650.5619)  
Vision/Community-Based Planning Division *JS*

**SUBJECT:** Update on Staging Allocation (White Flint Sector Plan)

---

**PURPOSE**

The purpose of this memorandum is to provide the Planning Board with an update regarding the implementation of the White Flint Sector Plan. This report also highlights several issues related to staging allocation that must be resolved in the coming weeks. These issues should be resolved in a Staging Allocation Policy Report approved by the Planning Board in the coming weeks. Ultimately, staff will need to draft a Transportation Approval Mechanism that is consistent with that report. In addition, we need to investigate whether the Board would need new authorities to implement the allocation policy. Legal staff should be prepared to draft legislation necessary to implement the Board's staging allocation policy, including any necessary amendments to the Growth Policy (Subdivision Staging Policy).

This memorandum includes the following:

- 1) An update on the status of staging requirements and practical requirements that must be completed prior to granting new development approvals in White Flint.
- 2) A discussion of issues associated with the allocation of staging capacity.
  - a) Which approved development projects are not subject to staging capacity limits and what unique issues are raised by those projects?
  - b) When should staging capacity draw-down occur?
  - c) At what point should an approved project to which capacity has been allocated be sent to the end of the queue?
  - d) Should capacity be allocated in a first-come, first-served manner?
  - e) Assuming that capacity is drawn down at site plan, should some capacity be reserved for projects not requiring site plan?
- 3) Next steps

Attached to this document are the following additional materials:

- Attachment A: Relationship and Distinction between Zoning Capacity and Staging Capacity
- Attachment B: Status Report: White Flint Sector Plan (July 22, 2010)
- Attachment C: White Flint Sector Plan Approved Projects Included in Baseline Transportation Analysis

## STATUS UPDATE

On July 22, staff presented the current status of implementing the White Flint Sector Plan. The Draft Transportation Approval Mechanism was attached to that report. That report, including the Draft Transportation Approval Mechanism, is attached to this report as "Attachment B."

The Sector Plan requires certain mechanisms to be in place by certain dates before the Planning Board can approve any new development. Those mechanisms include both staging requirements and practical requirements.

### *Staging/Phasing Requirements*

The White Flint Sector Plan's phasing (or staging) section requires the following elements pertinent to this discussion:

1. Public entities and financing mechanisms necessary to implement the Sector Plan must be in place by January 2011. Legislation was introduced on October 5, 2010. The Council scheduled a public hearing on October 26, 2010. Committee (PHED/MFP) work sessions are scheduled to begin on October 28, 2010.
2. A transportation approval mechanism and biennial monitoring program, to be developed by Planning staff and approved by the Planning Board, must be in place by June 2011. However, assuming that public entities and financing mechanisms are in place prior to the expiration of the six-month deadline, the Planning Board would likely begin review of submitted sketch plans in January or February. In that case the Planning Board will, as a practical matter, need to have approved an overall policy direction governing the allocation of staging capacity.
3. An Advisory Committee must be appointed by the Planning Board by June 2011. This requirement was met when the Planning Board appointed the advisory committee on September 30, 2010.

## *Practical Requirements*

Other tasks must be completed before the Planning Board approves new development in White Flint.

1. The Planning Board must approve a sketch plan process and schedule of sketch plan fees. On July 22, the Planning Board approved the process and costs for a sketch plan under the provisions of the CR Zone. The CR Zone is a new zone that was first applied in the White Flint Sector Plan Sectional Map Amendment.
2. The Planning Board must approve CR Zone Public Benefit Guidelines. The Public Benefit Guidelines must be in place before the Planning Board can award optional method density for projects zoned CR. A draft of those guidelines was before the Board on October 21, 2010.
3. The Planning Board must approve Design Guidelines for White Flint. A draft was presented to the Planning Board in July.
4. The Planning Board should establish the “rules of the game” with respect to allocation of staging capacity. The White Flint Sector Plan distributes staging capacity over three phases. During each phase, a certain amount of residential and non-residential development may be approved and certain public infrastructure must be provided. How the limited capacity is allocated presents a number of issues, which are the subject of the remainder of this memorandum.
5. The Planning Board should propose changes to the Subdivision Staging Policy and changes to legislation necessary to implement the staging allocation policy.

## **ALLOCATION OF STAGING CAPACITY**

Per the approved Sector Plan, staging capacity is divided up into three phases representing roughly 30 percent, 30 percent and 40 percent of staging capacity.

- Phase 1 is 3,000 units and 2 million square feet of non-residential.
- Phase 2 is 3,000 units and 2 million square feet of non-residential.
- Phase 3 is 3,800 units and 1.69 million square feet of non-residential.

Before the Planning Board can approve development above those limits, it must first make a determination that all “triggers” have been satisfied. For additional information with respect to those triggers, see Attachment B, staff’s Status Update to the Planning Board from July 22, 2010.

Representatives of four properties have met with staff to discuss filing of sketch plans. Three applications for sketch plan have been submitted. The total amount of development depicted on the sketch plans submitted is greater than the amount allocated in Phase 1.

Project	Acres	Non Residential	Residential Units
Mid-Pike Plaza	23	1,542,388	1,725
North Bethesda Gateway	11.04	1,034,131	1,127
North Bethesda Market II	4.41	368,000	414
TOTAL		2,944,519	3,266

Of the total amount of development depicted in the sketch plans, not all would move forward in Phase One. Over the next few months, the Planning Board will likely be reviewing sketch plans for total levels of development that exceed the amount of Phase One capacity allowed in the Sector Plan. Prior to beginning those reviews, the Planning Board must consider several issues (outlined below) and then establish policies so that the rules governing staging allocation are clear before the Planning Board begins review of the sketch plan applications.

- a) *Which approved development projects are not subject to staging capacity limits and what unique issues are raised by those projects?*

Four projects were included in the baseline transportation analysis. Of those, all four have preliminary plan approval, including one project that was already subdivided and had zoning approval for a specified amount of development with special trip mitigation requirements to be addressed at site plan. A summary of each project can be found in Attachment C to this document.

In general these projects raise the following concerns:

- At least one of these projects will be building out its existing approvals under a floating zone and also developing additional development under the CR. This will present tracking challenges that will require us to distinguish development in each use category that is a prior approval and development in each use category that is a new approval.
- At least one of these projects is likely to build the number of dwelling units under its existing approval but use additional CR density in order to increase the size of its approved units. These larger units would not affect staging capacity. However, the sketch plan approval process for using that additional density to make the units larger would be unique.
- At least one of these projects is likely not to build the full amount of approved development. As a result, some residential units that were included in the baseline transportation analysis will not be on the ground. It may be necessary to create a process through which approved but not yet built capacity can be placed back into the staging capacity after APF expiration.
- One of these projects has its rezoning but does not yet have APF approval.
- None of these properties, even if building MPDUs in excess of the minimum requirement under Chapter 25A, fall within the Sector Plan language (“This Plan recommends that affordable housing units provided under the CR Zone incentives (and are in addition to those required by Chapter 25A) may be excluded from staging capacity”). This means that any tracking system must differentiate between MPDUs, bonus MPDUs approved under non-CR zones, and bonus MPDUs approved as an incentive under the CR Zone.

b) *When should staging capacity draw-down occur?*

The Sector Plan does not specify how or when staging capacity is allocated. In general, the choice is between allocating staging capacity at sketch plan or site plan. **The Draft Transportation Approval Mechanism suggested that draw-down occur at certified site plan.**

At least one stakeholder has expressed concern that drawing down staging capacity at site plan could lead to a situation in which a property owner will begin to prepare an application for site plan and invest substantial resources in legal and professional services only to find that another property owner beat them to the punch and used all remaining capacity within that phase. It has also been suggested that a potential problem with allocating capacity at site plan is that early projects with large sketch plan applications will scare other property owners away from submitting their sketch plans.

As an alternative to site plan, it has been suggested that staging capacity be allocated at sketch plan. An example of the way that this could work would be to allocate up to a certain percentage of total density proposed in the sketch plan. For example, limits could be established such that no more than 50 percent of the density proposed in any sketch plan could receive site plan approval within that phase of the Sector Plan. While this is a viable approach for large properties, it could effectively limit the amount of zoned density that could be utilized on smaller properties that would not submit sketch plans proposing phased development projects. As such, in order to use this approach a distinction would need to be made between “large” and “small” properties.

Other stakeholders have expressed a concern that sketch plan does not provide enough certainty to be the basis for staging allocation, or that in order to allocate capacity at sketch plan we would need to essentially use the sketch plan process as a beauty contest for un-allocated capacity. To use sketch plan as a beauty contest could force us to make changes to the sketch plan process that would reduce its flexibility.

c) *At what point should an approved project to which capacity has been allocated be sent to the end of the queue?*

Whether staging allocation is made at site plan or at sketch plan, it will be necessary to place a limit on how long an approved project can wait before moving to the next step (site plan or building permit). **The Draft Transportation Approval Mechanism suggested that projects with approved site plans should have two years to obtain building permits before losing any allocated capacity and being sent to the back of the queue.** Property owners have suggested that four years is preferable, but that three would probably be acceptable.

Assuming that the staging allocation is made at site plan, one issue that must be resolved is at what point capacity allocated through an approved site plan—but for which building permits have not been issued—should either expire or be sent to the back of a queue. Merely having an approved site plan should not entitle a property owner to hoard staging capacity for an indefinite period of time. (Although site plans do not expire, their APF approval does.) However, to place an expiration date on a site

plan approval without allowing a property owner to go back into the queue would be a draconian measure given the time and expense associated with preparing a site plan application. It may be necessary for Legal staff to draft legislation necessary for the Planning Board to establish and manage a queue.

d) *Should capacity be allocated in a first-come, first-served manner?*

**The Draft Transportation Approval Mechanism suggested that the approvals should draw down staging capacity in a first-come, first-served manner, and that the queue be managed in a first-in, first-out manner.**

The Council is currently considering the Executive's proposed funding mechanism, which is a special ad valorem property tax that does not require consent of the property owners, under which all property owners would begin paying increased taxes (in proportion to the value of their properties) whether or not they are redeveloping. This structure would be more equitable if the staging allocation policy serves to prevent a small number of properties from using all staging capacity within a stage.

On the other hand, any financing mechanism will be needed to produce as much revenue as possible as quickly as possible. Preventing large properties that are ready to move forward from doing so in order to advance a more even geographic distribution of staging capacity might result in suppressing some development demand on properties that are ready to develop now. A staging allocation policy that suppresses development demand on individual properties in order to allow a broader set of property owners to develop within each stage may ultimately slow the inflow of revenues.

e) *Assuming that capacity is drawn down at site plan, should some capacity be reserved for projects not requiring site plan?*

If draw-down of staging capacity is to occur at site plan then it is necessary that a process be established through which projects not going to site plan can utilize staging capacity. Under the CR Zone, standard method projects with more than 10,000 square feet of gross floor area or with more than 10 dwelling units must get site plan approval. Some amount of staging capacity should be reserved for projects that do not require site plan.

A separate process would need to be created to allow these projects to draw-down staging capacity. One possible policy solution is to reserve some portion of the total allocable density in each stage for projects not requiring site plan. To do so would also address a fundamental fairness concern that large projects should not be allowed to use all available staging capacity thereby preventing smaller properties and properties in transitional locations from moving forward at a time when it makes sense for them to do so.

Because the CR Zone's thresholds for requiring site plan are so low, it is likely unnecessary to reserve substantial amounts of capacity for these projects. For example, it may be sufficient to reserve capacity in each stage for up to 100,000 square feet of non-residential capacity and 100 residential units. Regardless of the ultimate numbers, an additional policy choice will be determining when that capacity should be released if not used.

## **NEXT STEPS**

Staff requests that the Planning Board should:

- Provide direction with respect to incorporating this discussion into a draft document that will establish a policy framework for the allocation of staging capacity. Implementation of that policy will require the Planning Board to approve a Transportation Approval Mechanism, and will require additional legislation.
- Establish a timeline for the draft Staging Allocation Policy Report. Due to the schedule for reviewing sketch plans that have already been submitted, staff recommends a December deadline for the draft policy document.
- Establish a timeline for official Planning Board confirmation of the pipeline of approved development. As above, staff recommends a December deadline.
- Establish a timeline for additional work sessions as necessary to discuss tools necessary to implement this policy, including the Transportation Approval Mechanism and any necessary changes to the Subdivision Staging Policy or legislative changes necessary to provide the Planning Board with authority to establish and manage a staging queue.

Attachment A: Relationship and Distinction between Zoning Capacity and Staging Capacity

Attachment B: Status Report: White Flint Sector Plan (July 22, 2010)

Attachment C: Pipeline of Approved Development

JS:ha:

M: \\Mcp-mro-filesrv\userdata\Shared\\_VISION\White Flint\implementation\White Flint Staging Memo for 11\_4\_10.doc

**Attachment A:  
Relationship and Distinction Between Zoning Capacity and Staging Capacity**

*Zoning Capacity*

Before discussing staging capacity, it may be helpful to provide a brief overview of the distinctions and relationships between zoning capacity and staging capacity.

The zoning capacity in White Flint is approximately 44,000,000 square feet. Zoning capacity is derived from multiplying a density factor associated with each zoning category by the acreage. The zoning capacity does not include density from existing public rights-of-way, which in White Flint Sector Plan area is about 63 acres.

In White Flint, as in most large-area master plans, there are some properties that will not develop over the life of the master plan. Examples of this include the two bus lots (WMATA and County), and several properties that are built out with respect to amount of land covered but have not reached the maximum FAR. These circumstances will reduce the holding capacity of the land to about 41 million square feet. This **adjusted holding capacity** was presented to the PHED Committee during the deliberation of the Sector Plan's zoning capacity and transportation infrastructure in order to determine that land use and transportation were in balance.

*Staging Capacity*

The Planning Board recommended and the County Council approved the Sector Plan's recommended staging based on the conclusion that the staging ceiling must correspond to the transportation capacity including the end-state goal of achieving a 60/40 split between residential and non-residential development. The staging capacity was determined by the number of peak hour trips generated by the jobs and housing units that could be accommodated within the cordon line given specified mode-share assumptions.

The existing and pipeline square footage are 4,541 units (5.4 million square feet) and 7.19 million square feet for a total of 12.59 million square feet. Together, existing and pipeline amount to 31 percent of the adjusted holding capacity (41 million square feet).

The Council approved staging capacity of 9,800 new units and 5.69 million square feet of non-residential uses. A residential unit is defined as containing 1,200 square feet (gross), for a total of 11,760,000 square feet. The total (residential and non-residential) square feet allowed under the staging capacity is 17,450,000 square feet. This new development was divided into three phases in the Sector Plan. The total staging capacity (all three phases) represents about 42 percent of the adjusted holding capacity. Existing, pipeline, and new development together account for roughly 73 percent of the adjusted capacity. The remaining 27 percent is zoned density that does not fit within the established staging ceilings.





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

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
<b>Council</b>				
▪ 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
<b>Executive</b>				
▪ Public Funding Entities		N	January 2011	
▪ Initiate study of traffic access restrictions to protect adjacent residential communities		Y	January 2011	
<b>County Council /State Highway Administration</b>				
▪ State Bike Pedestrian Area designation		Y	Required before development can be approved	
<b>Planning Board</b>				
▪ Adopt White Flint Sector Plan	M-NCPPC	Y	April 2010	Y
▪ File SMA				
▪ Approve CR Guidelines		Y	April 2010	Y
▪ Approve White Flint Design Guidelines		N	June 2010	Y
▪ Develop Transportation Approval Mechanism		N	June 10, 2010	Y
▪ Approve biennial monitoring program for White Flint	MCDOT	Y	June 2011	
- CLATR		Y	June 2011	
- Development approvals				
- CIP				
- Growth Policy				
- Development approvals				
- Public facilities and amenities				
▪ Establish Advisory Committee				
- Evaluate assumptions of sector plan		Y	June 2011	
- Congestion levels				
- Transit use				
- Parking				
- Amenity fund projects				
- CIP				
- Growth Policy				
▪ 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)
<b>SKETCH PLAN</b>					
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
<b>PRELIMINARY PLAN</b>					
Preliminary Plan Submission Acceptance Requires WFSP Staging Capacity?	No	No	No	If no Site Plan	If no Site Plan
<b>LATR / PAMR Studies</b>					
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
<b>Record Plat</b>					
Right-of-way dedication (advanced or regular?)	Both	Both	Both	Regular	Regular
<b>SITE PLAN</b>					
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	No	Per District specifications to be determined	Per District specifications to be determined	No
Beginning of special tax payments					
<b>BUILDING PERMIT</b>					
<b>Transportation Impact Taxes and Credits</b>					
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)
<b>SKETCH PLAN</b>					
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
<b>PRELIMINARY PLAN</b>					
Preliminary Plan Submission Acceptance Requires WFSP Staging Capacity?	No	No	No	If no Site Plan	If no Site Plan
<u>LATR / PAMR Studies</u>					
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
<u>Record Plat</u>					
Right-of-way dedication (advanced or regular?)	Both	Both	Both	Regular	Regular
<b>SITE PLAN</b>					
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
<b>BUILDING PERMIT</b>					
<u>Transportation Impact Taxes and Credits</u>					
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)
<b>SKETCH PLAN</b>					
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
<b>PRELIMINARY PLAN</b>					
Preliminary Plan Submission Acceptance Requires WFSP Staging Capacity?	n/a	n/a	n/a	n/a	n/a
<b>LATR / PAMR Studies</b>					
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
<b>Record Plat</b>					
Right-of-way dedication (advanced or regular?)	Both	Both	Both	Regular	Regular
<b>SITE PLAN</b>					
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
<b>BUILDING PERMIT</b>					
<b>Transportation Impact Taxes and Credits</b>					
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

Harbig



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

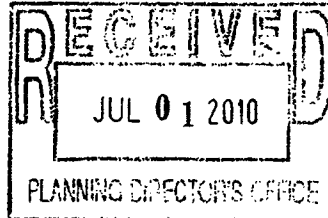
State Highway  
Administration

Beverly 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~~ <sup>Rollin</sup>

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](mailto: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](http://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](mailto:MCP-Chairman@mncppc-mc.org).

Please contact Nkosi Yearwood at 301-495-1332 or you can email him at [nkosi.yearwood@mncppc-mc.org](mailto: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', written in a cursive style.

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.

**Attachment C:  
White Flint Sector Plan Approved Projects Included in Baseline Transportation  
Analysis**

---

**North Bethesda Center (LCOR)**

Approved Development:

- 1, 350 dwelling units
- 1.14 million square feet of office
- 202,037 square feet of commercial

Approved Zone: Transit Station, Mixed (TSM)

Zoning Application: G-801; County Resolution No. 15-151

Preliminary Plan: 120040490

Site Plans: 820050340; 820080110

Location: White Flint Metro Station

Developer: LCOR

LCOR is the developer of the 32-acre property at the White Flint Metro Station that is owned by Washington Metropolitan Area Transit Authority (WMATA). Wentworth House, the first multifamily building on the site with 312 multifamily dwelling units, was recently completed along with a 65,000-square foot Harris Teeter grocery store. The developer has received site plan approvals for most of the property. As part of its approvals, LCOR used the alternative review procedure in the Annual Growth Policy (AGP) where the developer agrees to reduce at least 50 percent of trips attributable to a development. This agreement is enforced for 55 years; starting from December 2006. The recently approved White Flint Sector Plan rezoned this property from the TSM zone to the Commercial Residential (CR-4 and CR-3) zones.

**North Bethesda Market**

Approved Development: 440 dwelling units and 223,000 square feet of non-residential

Zone: Transit Station, Mixed (TSM)

Zoning Application G-830

Preliminary Plan: 120060310

Site Plan: 820060170

Location: Woodglen Drive and Executive Boulevard

Developer: JBG Companies

North Bethesda Market is close to completion with 397 multifamily dwelling units and 223,000 square feet of commercial development. The developer ultimately built fewer units than had been allowed under the rezoning and assumed in the transportation analysis. This development completed the extension of Executive Boulevard from Woodglen Drive to Rockville Pike, and it was developed under the 1992 North Bethesda Garrett Park Master Plan recommendations. The White Flint Sector Plan rezoned this property to the Commercial Residential (CR-4 and CR-3) zones.

## **White Flint View**

Approved Development: 183 dwelling units and 29,500 square feet of non-residential  
Zone: General Commercial (C-2)  
Preliminary Plan: 120070380  
Location: 5511 Nicholson Lane  
Developer: Quantum Companies

The proposed developed at 2.4 FAR was approved under the transit oriented mixed use option in the General Commercial (C-2) zone. The developer dedicated the right-of-way for the completion of Citadel Avenue to Nicholson Lane. This roadway is now operational.

The adequate public facility approval, for the preliminary plan, was valid for 61 months from October 5, 2007, and was automatically extended for an additional two years by County Council Resolution in April 2009. It will expire in 2014. The Sector Plan rezoned the property to CR-4 (CR-4, C-2.0, R-3.5, H-250) zone. The developer has indicated an interest in using the additional density to increase the size of the residential dwelling units, while maintaining the approved residential units.

## **Metro Pike Holladay**

Approved Development: 247 dwelling units and 201,822 square feet of non-residential  
Zone: TSM  
Zoning Application: G-860; Resolution No. 16-430  
Location: 11520-11564 Rockville Pike  
Developer: Holladay Corporation

The proposed Metro Pike Holladay development was approved via local map amendment in January 2008. Several binding elements are associated with the TSM zoning case, including the development is limited to 2.22 FAR with no more than 1.0 FAR of non-residential density; provision of 15 percent of residential units as MPDUs; and dedication agreement between the developer and adjacent property owner (Forest City) regarding the ultimate alignment and right-of-way of Woodglen Drive Extended.

At the time of rezoning, the developer indicated a desire to use the alternative review procedure for Metro Station Policy Areas in the Growth Policy. No preliminary plans or site plans are associated with this development. This property was rezoned to the CR-4 (C-3.5, R-3.5, H-300) zone as part of the White Flint Sector Plan.