



March 3, 2011

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Glenn Kreger, Acting Chief, Area 2 Division *GK*
Shahriar Etemadi, Supervisor, I-270 Corridor Team
Area 2 Division

FROM: Steve Findley, Environmental Planner Coordinator (301.495.4727) *SFH*
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SUBJECT: Great Seneca Science Corridor Master Plan Staging Issues

PURPOSE

To brief the Planning Board on the staging plan for the Great Seneca Science Corridor Master Plan including the status of prerequisites for opening Stage 1, to discuss implications for plan review and project construction, and to seek guidance from the Board on policy issues.

ACTION REQUESTED

No formal Planning Board action is requested on March 10. Staff will return to the Board with a formal recommendation for the Board's approval at a Planning Board meeting later this spring.

GREAT SENECA SCIENCE CORRIDOR STAGING

Implementation of the Great Seneca Science Corridor Master Plan is divided into the following:

- a pre-staging element listing actions that must be completed before any new development plans can be approved; and
- four development stages.

Staging applies to all 5 Districts in the Life Sciences Center (LSC) – North, Central, South (except Rickman property), West, and Belward. It does not apply outside the LSC.

Before Stage 1 begins, all of the following must occur:

- Approve and adopt the Sectional Map Amendment. **Status: Done**
- Fund and begin operating the Greater Shady Grove Transportation Management District (TMD). **Status: In process**
- Designate the LSC Central, West, Belward, and North Districts as a Road Code Urban Area. **Status: Done**
- Include the entirety of the Rickman Property on Travilah Road in the R&D Policy Area **Status: Done**
- Document the baseline of non-driver mode share through monitoring and traffic counts. **Status: Part of TMD process**
- Develop a monitoring program for the Master Plan within 12 months of adopting the sectional map amendment that addresses the following:
 - The Planning Board must develop a biennial monitoring program for the LSC. This program will include a periodic assessment of development approvals, traffic issues (including intersection impacts), public facilities and amenities, the status of new facilities, and the CIP and Growth Policy as they relate to the LSC. The program should conduct a regular assessment of the staging plan and determine if any modifications are necessary. The biennial monitoring report must be submitted to the Council and Executive prior to the development of the biennial CIP. **Status: In process**
 - The Planning Board must establish an advisory committee of property owners, residents, and interested groups (including adjacent neighborhoods in Gaithersburg and Rockville), with representation from the Executive Branch, the City of Rockville, and the City of Gaithersburg that are stakeholders in the redevelopment of the Plan area – to evaluate the assumptions made regarding congestion levels, transit use, and parking. The committee’s responsibilities should include monitoring the Plan recommendations, monitoring the CIP and Growth Policy to address issues that may arise, including, but not limited to, community impacts and design, and the status and location of public facilities and open space. **Status: Done**
 - Dependent on the availability of outside funding, the Planning Board must initiate an ongoing health impact assessment of development in the Plan area, with the participation of the Montgomery County Department of Health and Human Services, the Department of Environmental Protection, the Department of Transportation, the City of Gaithersburg, and the City of Rockville. **Status: Staff applied for a grant to fund the health impact assessment, but was not awarded the grant.**

Stage 1

- Commercial Development Totals
 - 7.0 million square feet – existing
 - 3.7 million square feet – pipeline
 - Subtotal: 10.7 million square feet (existing + pipeline)
 - 400,000 square feet – additional
 - 11.1 million square feet – total Stage 1 Commercial development
- Health care services are exempt from the requirements of Stage 1**

Development above 11.1 million square feet cannot proceed until all the prerequisites for Stage 2 have been met, including full funding of the Corridor Cities Transitway (CCT) from the Shady Grove Metro Station to Metropolitan Grove within the first six years of the County's CIP or the State CIP.

- Residential Development Totals
 - 3,300 - total existing and approved dwelling units
 - 2,500 – additional new dwelling units
 - 5,800 total Stage 1 dwelling units

Before Stage 2 begins, all the following must occur:

- Fully fund construction of the CCT, including the proposed realignment through the LSC, from the Shady Grove Metro Station to Metropolitan Grove within the first six years of the County's CIP or the State CTP.
- Fully fund relocation of the Public Service Training Academy from LSC West to a new site.
- Fund the LSC Loop trail in the County's six-year CIP and/or through developer contributions as part of plan approvals.
- Attain an 18 percent non-auto driver mode share (NADMS).

Stage 2

- Commercial Development Totals
 - 11.1 million square feet Stage 1 development
 - 2.3 million square feet additional Stage 2 development
 - 13.4 million square feet total Stage 2 commercial development
- Residential Development Totals
 - 5,800 Stage 1 dwelling units
 - 2,000 additional Stage 2 dwelling units
 - 7,800 total Stage 2 dwelling units

Before Stage 3 begins, all the following must occur:

- CCT is under construction from Shady Grove Metro Station to Metropolitan Grove and at least 50 percent of the construction funds have been spent.
- Program for completion within six years any needed master-planned transportation improvement identified by the most recent biennial monitoring review to be needed at this point in the staging plan.
- Construct and open at least one public street (such as Medical Center Drive extended) across LSC West and Belward to provide a direct connection across major highways and between the districts, contributing to place-making and connectivity.
- Attain a 23 percent NADMS.

Stage 3

- Commercial Development Totals
 - 13.4 million square feet Stage 1 & 2 development
 - 2.3 million square feet additional Stage 3 development
 - 15.7 million square feet total Stage 3 commercial development
- Residential Development Totals
 - 7,800 Stage 2 dwelling units
 - 1,200 additional Stage 3 dwelling units
 - 9,000 total Stage 3 dwelling units

Before Stage 4 begins, all of the following must occur:

- Begin operating the CCT from the Shady Grove Metro Station to Clarksburg.
- Program for completion within six years any needed master-planned transportation improvement identified by the most recent biennial monitoring review as needed at this point in the staging plan.
- Attain a 28 percent NADMS.

Stage 4

- Commercial Development Totals
 - 15.7 million square feet Stage 1, 2 & 3 development
 - 1.8 million square feet additional Stage 4 development
 - 17.5 million square feet total Stage 4 development at full buildout
- Residential Development Totals
 - 9,000 Stage 3 dwelling units
 - No additional Stage 4 dwelling units
 - 9,000 total Stage 4 dwelling units at full buildout

Issues and Staff Recommendations

Issue 1. At what point is staging capacity allocated?

The Master Plan states that, "Each development stage will be initiated when all of the triggers for that stage are met. After a stage has been triggered, individual properties can proceed with Preliminary Plan approval." Staff believes this section of the Plan implies two things:

1. Preliminary plans that include new additional development cannot proceed to the Planning Board for approval until all of the triggers for that stage are met.
2. Allocation of additional new development occurs at the time of Preliminary Plan approval by the Planning Board.

As stated above, there are certain pre-staging elements, or triggers, that have not been met in order to open Stage 1 for new development. Staff believes it is possible and likely that by the time the Stage 1 triggers are met and Stage 1 is truly open for new development, there will be multiple preliminary plan applications ready to go to the Planning Board, which cumulatively will exceed the 400,000 square feet of new development allowed by Stage 1.

Staff Recommendation: Staff believes that a "first come, first served" policy should be applied so that each plan submitted goes to the Board in the order it was received. This should be accomplished by a two-step process:

1. An application will enter the queue when the application has been accepted as final by our Development Application and Regulatory Coordination Division.
2. A Board date will be set 180 days from the time the application is accepted as final. If the application is not ready to go to the Board within 180 days, the application will lose its place in the queue to the next available application. (Applications could also be heard earlier than the 180-day "outside date" if the applicant requests it and the order of the queue is not disrupted.)

No extension requests will be considered; however, exceptions will be made for days lost to furlough, or other unforeseen and unscheduled closings that are out of the Applicant's control. Capacity will still not officially be deemed allocated until the Planning Board approves the preliminary plan, or otherwise at the time when the Adequate Public Facilities test is applied for additional new development not requiring a preliminary plan.

Issue 2. Each stage lists both new development maximums and total development maximums for both commercial development (in square feet) and for residential development (in number of units). Which number – the incremental addition of new development or the total maximum for the stage - should be controlling?

The Plan states that "if a Preliminary Plan expires, the development capacity associated with it becomes available to all eligible applicants. This released capacity would essentially shift from the category of approved, pipeline development to the category of additional new development, while the total in the stage would remain unchanged."

Staff Recommendation: The citation from the Plan quoted above indicates that while the amount of approved pipeline development and additional new development can change, the total development maximum in each stage should be considered the ultimate controlling number.

Issue 3. The Plan states that “health care services are exempt from the requirements of Stage 1.” This could be interpreted in several different ways: First, it could mean that new health care services development does not count against the maximum development totals in Stage 1 only, but that this development is applied against the maximum development in Stage 2; Second, it could mean that new health care services development is completely exempt from staging, and is not counted against the maximum total development at any stage; Third, it could mean only that new health care services development will not be subject to the staging triggers controlling Stage 1, but can proceed when a preliminary plan is ready.

Staff Recommendation: First, staff believes that new health care services development are not to be delayed by the staging triggers that open Stage 1. Second, the statement that health care services are exempt from the requirements of Stage 1 takes place in the context of a discussion about maximum allowable development. Staff interprets this to indicate that new health care services development does not count against the total development allowable under Stage 1; however, new development for health care services should be tracked so that the development can be applied against the totals for Stage 2.

Issue 4. Which category of development (pipeline, additional, or total allowed) should capacity be added to for reductions in existing development due to demolitions?

Staff Recommendation: Again, the Plan states that, “If a Preliminary Plan expires, the development capacity associated with it becomes available to all eligible applicants. This released capacity would essentially shift from the category of approved, pipeline development to the category of additional new development, while the total in the stage would remain unchanged.” Staff believes this language implies that the total amount of existing, pipeline, and additional development in each stage can fluctuate as long as the total amount of development allowed in each stage remains unchanged. Regarding demolition of existing development, staff believes that square footage should be put in one of following two categories:

1. The square footage for existing development demolished with a valid preliminary plan should be subtracted from existing development and added to pipeline development.
2. The square footage for existing development demolished with an expired preliminary plan should be subtracted from existing development and added to additional new development allowed by the current stage.

Again, the controlling number remains the total amount of development allowed per each stage.

Issue 5. If a plan is submitted that exceeds the remaining staging capacity in a given stage, should the applicant be given an opportunity to reduce the plan to match the remaining capacity, or should the allocation go to the next applicant in the queue whose plan is below the remaining capacity?

Staff Recommendation: Again, staff believes that a “first come, first served” policy should be applied so that each plan submitted is taken in the order received; if a plan in the queue exceeds the staging capacity available, the applicant should have an opportunity to revise the plan to bring it within the available capacity. If the applicant chooses not to revise the plan, the opportunity should pass to the next plan in the queue. Applicants who choose not to revise their plan will have their plan moved to the queue for the next stage. As discussed in Issue 1, there may need to be a time limit imposed on applicants to decide if they are going to modify a project or wait for the next Stage.

Issue 6: Can approved (pipeline) residential development be converted to commercial development under the staging plan?

Staff Recommendation: Staff believes that converting approved (pipeline) residential development to commercial is not allowed. The Plan states that “The owner of a property approved for commercial development may re-subdivide and convert to residential development and still be exempt from staging, provided that the change in development will not increase the number of vehicle trips. This may require an administrative adjustment in the number of approved jobs and housing units exempt from staging.” Note that the Council resolution does not say that residential can be converted to commercial. Staff feels that, if the Council wanted conversion to happen both ways, the Plan would have so specified.

Issue 7: What criteria should the Board use to determine that the TMD is funded and operating?

Staff Recommendation: The TMD should appear in the County’s approved Operating Budget (either current FY or next FY).

Issue 8: How will the baseline mode share be established?

Staff Recommendation: We are working with the Executive Branch (Commuter Services) on this now. The baseline mode share will be determined using the results of employee surveys being administered this spring. The determination of current mode share should be made by the end of this fiscal year.

Issue 9: Is there any MPDU exemption from staging?

Staff recommendation: The Great Seneca Science Corridor Master Plan does not include an exemption for MPDUs, so staff recommends that MPDUs should count towards the residential caps.

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Attachment

Life Sciences Center Districts

