



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

April 25, 2011

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Glenn Kreger, Acting Chief *GK*
Area 2 Planning Division

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Area 2 Planning Division

FROM: Steve Findley, Environmental Planner Coordinator (301.495.4727) *S.F.*
Area 2 Planning Division

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SUBJECT: Great Seneca Science Corridor Master Plan Staging – Preliminary
Recommendations

PURPOSE

To respond to Planning Board comments received at the March 10 Planning Board meeting on the staging plan for the Life Sciences Center area of the Great Seneca Science Corridor (GSSC) Master Plan, and to seek input from the Board for preparation of the Great Seneca Science Corridor implementation guidelines.

ACTION REQUESTED

No formal Planning Board action is requested on May 5. Staff will use these Preliminary Recommendations and input received from the Board to prepare a formal set of implementation guidelines for the Life Sciences Center area of the GSSC. Staging does not apply to other portions of the GSSC. Staff plans to return with draft guidelines for the Board's review on June 2, 2011.

BOARD COMMENTS RECEIVED AT PLANNING BOARD MEETING, MARCH 10, 2011

At the March 10 Board presentation on the GSSC Staging Plan, the Board directed staff to:

1. Coordinate with County Council staff;
2. Explain differences between staging for the Life Sciences Center portion of the GSSC and the staging process for White Flint;
3. Provide more information about the Transportation Management District; and
4. Address questions regarding accounting for demolitions.

In addition to addressing these points, staff has prepared additional changes and recommendations to deal with additional concerns discussed in follow-up meetings, including safeguards against the hoarding of staging capacity and whether the Board needs to take formal action to declare each stage open or closed.

COORDINATION WITH COUNTY COUNCIL STAFF

The Planning staff met with Marlene Michaelson and Glenn Orlin on April 14, 2011 to review the March 10 recommendations, as well as issues that arose in subsequent discussions. Council staff concurred with staff's interpretations, and made suggestions that are incorporated into the current draft. We will continue to coordinate with Council staff as we develop the draft Implementation Guidelines.

DIFFERENCES BETWEEN GSSC AND WHITE FLINT STAGING RECOMMENDATIONS

The Master Plans for GSSC and White Flint make recommendations for staging that result in unique requirements for each plan. The White Flint Implementation Guidelines establish staging mechanisms that differ from more traditional approaches.

In particular, the White Flint plan replaces the usual PAMR, LATR, and Transportation Impact Tax with a new taxing district. In essence, this approach eliminates the normal Adequate Public Facilities test for transportation in favor of an approach that uses the pooled money from the taxing district to pay for needed transportation improvements. In contrast, PAMR and LATR remain in effect for GSSC.

In White Flint, staging capacity is to be approved by the Planning Board as a "consent agenda" item prior to building permit approval, rather than at preliminary plan or site plan. The underlying policy rationale in White Flint is to make sure that capacity will only be committed to projects in White Flint that are ready to move to construction, thereby discouraging hoarding of capacity. The White Flint process also affects an applicant's ability to revise a plan to match remaining capacity, as it could require revising the site plan, preliminary plan, and possibly a concept plan to reconfigure the development to bring it in under the cap. (This subject is still under review by the Planning Board.)

Plan approvals in GSSC follow a more standard procedure, where the Master Plan specifies that staging capacity is to be allocated at the time of Preliminary Plan approval. In comparison to White Flint, this requirement inhibits our ability to focus limited capacity on projects that are truly ready to proceed.

Staging in the GSSC Master Plan is actually more similar to staging approaches used in other master plans and the normal regulatory process, and the APFO is applied at preliminary plan for both roads and schools. White Flint is the aberration. The matrix shown in Figure 1 compares the staging plans in GSSC and White Flint to the typical application approval process in other master plan areas.

In discussions with Planning staff, Council staff, and stakeholders, there has been agreement that GSSC and White Flint are different situations, and that there is no need for GSSC to match White Flint in its staging recommendations.

Figure 1. Comparison of Staging Approaches

	Typical Application	GSSC	WF
Plan and Permit Requirements	Project Plan, Preliminary Plan, Site Plan, Recordation and Building Permit	Sketch Plan (for CR zone only), Preliminary Plan, Site Plan, Recordation and Building Permit	Sketch Plan (unless Standard Method), Preliminary Plan, Site Plan, Recordation and Building Permit
APF Transportation Requirement	LATR and PAMR	LATR and PAMR	Only School APF No Transportation
Staging	N/A	Yes-At the time of Preliminary Plan or if no P.P required, Site Plan or Building Permit	Yes-Just prior to Building Permit as a consent item.
Queuing	N/A	At the time an application is accepted as complete	When a staging allocation request is submitted and there isn't enough capacity
Plan Exceeds Capacity	N/A	Modify plan to available capacity and gain approval	No final decision by the Board
Demolition	Credited for APF Test	Credited for APF Test; conversion of Commercial to Residential exempt from staging if trips balance	Credited when demolition occurred after the adoption of Sector Plan
Exemptions	Public Facilities tested for APF but no obligation for mitigation	HealthCare at Stage 1 but counted against subsequent stages; public facilities; development approvals predating adoption of Master Plan; Rickman Property	MPDUs exceeding min. requirements; public facilities; development approvals predating adoption of Sector Plan
How is capacity from expired plans recaptured?	Capacity not an issue where no staging limits exist	Capacity from expired Preliminary Plans becomes available for new development, subject to staging limits	Capacity must be used or lost within a short period of time (may be shorter than APF validity period)

TRANSPORTATION MANAGEMENT DISTRICT

The Greater Shady Grove Transportation Management District (TMD) includes the Life Sciences Center portion of the GSSC. Funding for the Greater Shady Grove TMD is included in a Modified Resolution on Transportation Fees, Charges and Fares submitted by the County Executive on March 23, 2011. Transportation Management Districts are established by the County Executive to promote transit and other commuting options in Montgomery County's major business districts. According to the Montgomery County Government web site, TMDs have four goals:

- Cut traffic congestion
- Increase transportation capacity
- Reduce air and noise pollution
- Promote bicycle and pedestrian access

TMDs accomplish these goals by offering employers assistance in setting up alternative transportation programs for their employees, including establishing carpools and vanpools, providing public transit schedules and information, and offering incentives to employees who do not drive single-occupant vehicles to work.

County Law requires every employer in a TMD with 25 or more full- or part-time employees to prepare a Traffic Mitigation Plan to reduce single-occupant vehicle commuting and strive to reach the established Non-Auto Driver Mode Share (NADMS) goal in their planning area. Employers must also participate in an annual commuter survey and submit an annual report documenting their efforts. The annual survey is the basis for determination of Non-Auto Driver Mode Share.

TMDs are currently operating in Friendship Heights, Downtown Silver Spring, Downtown Bethesda, and North Bethesda. The Greater Shady Grove TMD, which will include the Life Sciences Center in the GSSC, will become the fifth TMD when funding is approved and it becomes fully operational. It is critical for the Greater Shady Grove TMD to be operational to determine the baseline NADMS and future progress toward the NADMS goals identified in the staging element of the Master Plan.

SAFEGUARDS AGAINST HOARDING OF STAGING CAPACITY

Because new commercial development is so limited under Stage 1, the potential for hoarding of staging capacity should not be an issue until Stage 2 and beyond. The only safeguards against potential hoarding are the time limits placed on plan validity and APF approvals. Because development in the GSSC is tightly controlled by staging, plan validity and APF approvals should be limited to the minimum time periods prescribed in the subdivision regulations: currently five years for a Preliminary Plan approval and seven years for Adequate Public Facilities approval¹. It is up to the Planning Board to limit the approval of extensions in order to discourage hoarding.

PROCESS FOR DECLARING STAGES OPEN AND CLOSED

¹ Per County Council resolution, the typical three-year and five-year minimum validity periods for Preliminary Plans and APF approvals, respectively, has been increased to five and seven years for approvals granted until April 1, 2013.

For the sake of clarity in Stage 1, the Planning Board should officially announce the opening and closing of Stage 1. It is staff's opinion that the Planning Board does not need to issue official declarations marking the opening and closing of subsequent stages. The monitoring program being developed is intended to track development levels and staging triggers, and provide a constant assessment of the status of each stage. We recommend that staff and applicants refer to the monitoring program to determine whether to move ahead with plan preparation and approvals and when stages open and close. The Board may re-visit this near the opening of later stages, and may opt to make an official announcement.

DIFFERENCES BETWEEN GSSC AND WHITE FLINT IMPLEMENTATION GUIDELINES

Implementation guidelines are also being prepared for the White Flint Sector Plan. These guidelines deal with staging, the transportation approval mechanism, community facilities and amenities, and monitoring. The guidelines being prepared for the Life Sciences Center of the GSSC deal primarily with staging, and are intended to explain the staging process to applicants and citizens. There is no transportation approval mechanism in the GSSC because the typical Local Area Transportation Review and Policy Area Mobility Review tests are applied as part of the APF test to gain approval of development applications. GSSC will also have a monitoring program that will track development approvals and community facilities. Together, the monitoring program and staging plan will constitute the Implementation Guidelines for the Life Sciences Center, with the monitoring program tracking the triggers in the staging plan.

PRELIMINARY RECOMMENDATIONS FOR GSSC STAGING

The attached pages contain the original Staff Report recommendations from the March 10, 2011 Planning Board meeting, with changes shown in a strikeout and underline format. Staff will be prepared to review the major changes at the May 5 Planning Board meeting.

Attachment

Attachment

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 plans for 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 and ongoing health impact assessment of development in the Plan area, with the

participation of the Montgomery County Department of Health and Human Services, Department of Environmental Protection, 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 to be 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; or, if a Preliminary Plan is not required, the allocation will occur at the time of Adequate Public Facilities approval.

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. If staging capacity is available, Aa Board date will be set no later than 180 days from the time the application is accepted as final. Applications may go to the Board earlier than 180 days if the applicant requests it as long as the order of the queue is not disrupted. 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.

Plans and APF will not be approved for any amount greater than the available capacity in a stage. For plans that exceed available capacity, a separate application to amend the plan and obtain APF approval for the balance of the development must be made when the next Stage opens. A plan amendment will not enter the queue until the application for the amendment has been accepted as complete.

No ~~extension~~ requests to extend the 180 days 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; 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: The statement that health care service 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.

“Health care services” are defined as “Establishments providing health care by trained professionals. These establishments include hospitals, hospice care facilities, life care facilities, nursing homes, medical clinics, physical therapy facilities, and occupational therapy facilities.”

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.~~

~~This issue actually involves two components: the staging principles and the accounting mechanism. The staging principles will be included in the staging plan, and the accounting mechanism will become part of the monitoring program.~~

Staging principles to guide accounting for demolitions are drawn from the following statement in the Master Plan:

"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. 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 overall principle is 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. Capacity from demolished existing buildings would become additional capacity available in the new development category.

The Master Plan specifies that, when converting commercial development to residential development, the portion of the new residential development that is covered by vehicle trip credits from a prior approved commercial development is not subject to staging. Any additional increment exceeding the vehicle trip credits from the prior approved commercial development would be subject to staging. This would apply both to existing buildings that are demolished to make way for redevelopment, and to approved but unbuilt development.

Conversely, the Master Plan is silent on conversion of residential to commercial development. Staff interprets this to mean that, while residential development may be converted to commercial development if the zone permits, the conversion would be treated as new development for the purposes of staging, and would be subject to all staging limitations. Again, this would apply both to demolitions and to approved but unbuilt development.

The administrative adjustment mentioned in the Master Plan would be included in the monitoring program so that conversions that count against staging will be appropriately accounted for.

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 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 this does not say that residential can be converted to commercial, allowed if permitted by the zone, but not exempt from staging.~~ Staff feels that, if the Council wanted to exempt from staging the conversion to happen both ways of residential to commercial development, the Plan would have so specified. (See Master Plan language cited for Issue 4.)

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) or be approved in a supplemental appropriation.

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.