

REVISED  
2/3/92

**TRANSPORTATION PLANNING DIVISION**

**SITE PLAN NO. 8-90060 (Cloverleaf Center, Phase I)**

The Site Plan Enforcement Agreement for the subject property shall include a trip reduction program ("Trip Reduction Program") pursuant to the purposes and requirements set forth in Section 59-5.436 of the Zoning Ordinance having, at a minimum, the following provisions:

1. The Initial Trip Reduction Components. Commencing with the occupancy of each building on the property, the property owner(s) of each occupied building (hereinafter sometimes also referred to as "Applicant") shall offer all employees in each building, on an on-going basis, the following trip reduction measures, referred to as the "Initial Component."

a) a discount of twenty-five percent (25%) on bus transit fares, in addition to any discounts, if any, provided by MCDOT:

b) sufficient reserved parking spaces for all car-poolers and vanpoolers, as close to the building entrances as possible;

c) free rides home in cases of occasional family emergencies for those employees not driving alone, including bicyclists, carpoolers, vanpoolers, and transit users;

d) educational programs on a regular basis to educate tenants about both the commuter-assisted opportunities made available by the property owner(s) and those available through Montgomery County Government; and

e) sufficient bike parking facilities for all bicyclists: to the extent reasonably permitted by the building and site design, the property owner(s) shall endeavor to protect the bike parking area(s) from vandalism and weather.

2. Transportation Coordination. Commencing with initial occupancy of the first building on the property, the property owner(s) shall designate a transportation coordinator who shall be responsible for administering the trip reduction program. The transportation coordinator can be a property manager or other employee of the property owner(s) with other employment duties and responsibilities.

3. Bus Shelters. A maximum of two bus shelters will be installed by the property owner(s). The locations of the bus shelters shall be determined by the M-NCPPC and MCDOT prior to issuance of the building permit for the nearest affected building. All locations shall be on-site or the County will provide

necessary right-of-way at no cost to the owner(s). The Site Plan Enforcement Agreement shall provide that the timing of construction of the required bus shelter shall be in conjunction with the provision of bus service to the site by MCDOT. The specifications for the construction of the bus shelter shall be in substantial conformance with those attached as Attachment "A". The final specifications shall be reviewed and approved by MCDOT prior to construction.

4. Terms of the Program. Once the property owner(s) have accepted use and occupancy permits for 200,000 square feet of development in Phase I and shall have demonstrated substantial occupancy of such 200,000 square feet, the monitored term of the trip reduction program to determine compliance with the trip reduction goal established in Paragraph 7 shall commence (the "Commencement Date"). The monitored term shall continue for a period of ten (10) years from the date that Applicant demonstrates and Staff confirms that Applicant has achieved the goal in accordance with the Goal Achievement provision of Paragraph 7. If, after good faith efforts, the Applicant does not achieve the goal within a period of two (2) years or earlier if so determined, modifications to the program may be considered by the Planning Board including reduction of the goal. The program may operate for less than ten (10) years only if the Planning Board determines that the trip reduction program or monitoring thereof is no longer necessary. Monitoring will be based on the review of driveway counts as required in Paragraph 6.

5. Goal Achievement. Driveway counts shall be taken beginning as of the Commencement Date and continued for the successive six (6) months as provided in Paragraph 8. Based upon an average of at least two (2) driveway counts over this six (6)-month period, a determination shall be made by the Planning Board Staff as to whether the trip reduction goal (adjusted based on use and occupancy permits issued and reasonably available and non-proprietary occupancy information to be provided by the Applicant) is being achieved. The parties further agree to accept a five percent (5%) vacancy rate to be generally applied to the determination of occupied space, it being understood that a five percent (5%) vacancy rate is the current industry norm. If, at the termination of this six-month review, it is determined that the goal, as defined in Paragraph 7, is not being achieved by Applicant's operation of the Initial Component, the property owner(s) shall immediately, but in no event greater than three (3) months from the determination of the non-compliance of goal, implement additional trip reduction measures, referred to as the "Substitute Component."

The Substitute Component shall consist of some or all of the following trip reduction measures with the number and extent thereof to be mutually agreed to by the property owner(s) and Planning Board staff based on the established progress toward the goal: (i) operation by the owner(s) or participation in an established personalized ride-share matching service, participation in a County ride-share matching service, or development of

an acceptable trip mitigation program by the property owner(s) and Montgomery County, (ii) establishment of a program to promote off-peak hour travel, (iii) participation in a transit management program established for Germantown, or (iv) expansion of the transit fare discount program to include additional incentives for vanpools. If any of the measures included in the aforementioned Substitute Component are required to be implemented by the property owner(s), the maximum cost for the implementation of said Substitute Component is to be established prior to said implementation.

6. Goal Maintenance. Once the monitored period begins and determination has been made that the goal is being achieved, if, for counts averaged over any six (6)-month period (based on an average of at least two (2) driveway counts, it is determined that the goal, as defined in Paragraph 7, is not being achieved by the Program, the property owner(s) shall implement the Substitute Component if not already implemented or shall implement such further Substitute Component as appropriate and mutually agreed to by the parties. Provided, however, that prior to the requirements to implement the Substitute Component, the property owner(s) shall have a remedy period of three (3) months following the determination that the goal is not being met to comply with the goal. Such determination shall be made on the basis of the average of at least three (3) driveway counts taken monthly during the remedy period. If, during the remedy period, the Applicant is successful in re-achieving the goal, Applicant shall

disclose all means it utilized to re-achieve the goal and, if appropriate, shall include such measure as part of its Program. This provision is not intended nor should it be construed to inhibit the Applicant from modifying the Program to add and delete measures.

7. Trip Reduction Goal. Since the subject property is currently in a Group II Transportation Service Area and in view of the specific circumstances applicable to the property, including specific trip reduction design features incorporated into the site plan, the trip reduction goal for Cloverleaf Center is to reduce the site's trip generation by seven percent (7%) below the standard trip generation for the land uses on the site, as documented by the site's approved traffic studies. The goal translates to having no more than 665 total trips generated by Phase I (based upon 403,657 square feet of development) or such lesser amount dependent on square footage occupied as shown on Attachment "B" during any hour within the morning peak period. If this area is later re-designated as a Group IV or Group V Area, then the goal for Cloverleaf Center would be to reduce trip generation by ten percent (10%) as documented by the site's approved traffic studies. A twelve (12)-month period in which to comply with the increased goal shall be provided which twelve (12)-month period shall count against the ten (10)-year term as long as the previous goal is maintained. A determination of compliance with the increased goal shall be made upon an average of at least six (6) counts over this twelve (12)-month period.

8. Monitoring. The property owner(s) shall make annual payments to the Planning Board to pay for driveway counts to be performed once every three (3) months during the morning peak period or as otherwise required in these conditions at the subject site. The counts shall be used to monitor progress towards the trip reduction goal. The counts shall be performed by a consultant selected by the Planning Board Staff. The results of each count shall be simultaneously forwarded to the Planning Board Staff and property owner(s).

9. Parking. Off-street parking for Phase I shall be limited to no more than 3.27 spaces per 1,000 square feet of development.

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