Attachment "1"

Draft Amendment to "Schools, Levels of Service" at pages 8-9 of the APF Standards Approved and Adopted on July 6, 2011 by Resolution 15-11

Based on Avalon Bay and EYA Proposal

New text underlined; deleted text shown with strikeout

III.B.Schools

School demand is based on actual student census in the most recent complete academic year, adjusted for the following: demographic changes, changes in district boundaries and other changes anticipated by planners with Montgomery County Public Schools; additional demand from approved development; additional demand from the specific development being considered for approval. Developers may be required to obtain current certification of school capacities for individual clusters, because the annual figures reported to the Board of Education can rapidly be outdated.

(i) Levels of Service

Except for development applications filed during the pendency of a related annexation petition, a determination of the adequacy of public school capacity is based on the following principles:

- The program capacities determined annually by the Superintendent of Montgomery County Public Schools, as reported to the Board of Education, shall be used as the capacity basis for the APFO program, based on 110 percent of program capacity at all school levels; in the second ~~test~~ year after the applicable Initial APFO Approval or Detailed APFO Approval for the development application, as defined in Table 1, including a conditional approval pursuant to Section 25.20.02(d) of the APFO;
- Within the City, capacity is based on a cluster of schools, using the clusters already established by the Montgomery County Public Schools; however "borrowing" of capacity from adjacent clusters will not be counted towards the adequacy of school capacity within the City. "Borrowing" of capacity within a cluster will not be counted towards adequacy of school capacity;
- Capacity temporarily taken off-line for rehabilitation and remodeling in accordance with the Montgomery County Public Schools Capital Improvements Program shall be considered available;
- Facilities shown on an adopted Capital Improvements Program with identified sources of funding and planned for completion within 2 years or less shall be considered available~~;~~ Any new school shown on an adopted Capital Improvements Program with identified sources of funding and planned for completion within 2 years or less shall be considered available, and projected capacity from such new school be added to the total capacity for the cluster ~~allocated in equal proportions~~

~~to the capacity of each school in~~at the same school level in the cluster so that the

capacity is evaluated cluster-wide on an interim basis, without the requirement that a boundary survey be initiated or completed;

- If at the time of conditional approval of a development application pursuant to Section 25.20.02(d) of the APFO, or at any time following such conditional approval, there is adequate capacity at one or two school levels but inadequate capacity at the other applicable school level(s), then a final determination of adequacy will be made for those school level(s) with adequate capacity and the capacity at such school level(s) will be reserved for the development application and will not be retested when adequate capacity is deemed available at the inadequate school level(s).

Draft Amendment to "Waiver Provisions" at pages 4-5 of the APF Standards Approved and Adopted on July 6, 2011 by Resolution 15-11

New text underlined

II.C. Waiver Provisions[1]

Certain classes of uses are deemed to have little or no impact on public facilities or are necessary to implement the City's economic development goals and master and/or neighborhood plans. As such, the deciding body may waive full compliance with the APFO provisions if it finds that there will be minimal adverse impact resulting from such a waiver. Such a waiver does not exclude any project from the final adequacy check for water and sewer service, if needed for the project.

The following uses or classes of uses are eligible for a waiver from the APFO requirements:

Accessory Apartments
Houses of Worship
Personal Living Quarters
Wireless Communications Facility
Nursing Homes (no waiver from the Fire and Emergency Service Protection provision)
Housing for the Elderly and Physically Handicapped, or for other age-restricted residential uses (no waiver from the Fire and Emergency Service Protection provision)
Publicly-owned or publicly operated uses (Note: the addition of portable classrooms to existing schools are excluded from the APFO requirements)
Minor subdivisions (up to 3 residential lots)
Residential projects that satisfy either of the following: (i) development applications ~~were~~ filed before [the date of adoption of this amendment]~~,~~that are consistent with the applicable master or neighborhood plans, are transit-oriented and promote the City's economic development goal~~s~~ and policies, or (ii) amendments to an approved Planned Development that are consistent with the applicable master or neighborhood plans and the City's economic development goal~~s~~ and policies.

[1] Section 25.20.01.b of the City's Zoning Ordinance provides the following: *"A waiver of the requirement to comply with one or more of the Adequate Public Facilities Standards may be granted only upon a super-majority of the Approving Authority. For purposes of this Article, a super-majority vote shall be 3 votes for the Board of Appeals, 5 votes for the Planning Commission, and 4 votes for the Mayor and Council. The Chief of Planning may not grant a waiver."*