



TO: Development Services Customers

SUBJECT: **INFORMATION BULLETIN 522**  
Rough Proportionality "Grandfathering" Information

DATE: December 7, 2009/*Revised August 1, 2014*

CREATED BY: Land Development Division/Engineering & Environmental Section

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**Purpose:**

As a customer service initiative, the Development Services Department (DSD) created this **revised** bulletin to update Information Bulletin (IB) 522 on rough proportionality “grandfathering” information. DSD has developed this Information Bulletin to clarify the requirements associated with the implementation of HB 1835 -Rough Proportionality. This bulletin has been updated to incorporate the department’s new format for Information Bulletins.

**Scope:**

The following are examples of issues that may be encountered during the Traffic Impact Analysis (TIA) submittal process and their corresponding solutions.

*Item 1: Master Development Plan (MDP) and TIA are submitted and approved prior to March 1, 2010 with no future changes proposed to land use, density or access points.*

- a. Condition 1A: No activity takes place on the site and TIA becomes outdated,(over 5 years old).  
Action: No activity will mean that MDP expires. TIA must be redone based on the new- Rough Proportionality code. .
- b. Condition 1B: Activity occurred on site to maintain MDP approval and no changes were made to land use, density, access or TIA.  
Action: No new TIA needed. Original TIA will still apply.

*Item 2: TIA was performed and submitted for zoning change application and approved prior to March 1, 2010.*

- a. Condition 2A: Is the TIA "grandfathered" if platting or building permit application occurs after-March 1, 2010?  
Action: The original TIA is grandfathered and will still apply if no changes to land use/density/access require update.
- b. Condition 2B: The TIA for Condition 2A becomes more than 5 years old before the

request for a building permit?

Action: A new TIA will be needed per the new –Rough Proportionality code.

*Item 3: MDP is submitted and approved with a Planning Level TIA prior to March 1, 2010?*

- a. Condition 3A: In accordance with code, a TIA will be required at the time of platting for each individual parcel within the MDP. Must the TIA be prepared in accordance with the current code or does the new Rough Proportionality code apply?  
Action: The TIA submitted after March 1, 2010 must be performed in accordance with the new Rough Proportionality code. At time of Planning Level TIA approval, developer/engineer must adhere to the conditions for traffic infrastructure improvements indicated on the approval letter for the Planning Level TIA.

*Item 4: MDP and TIA were submitted and approved prior to March 1, 2010. Development is ongoing beyond 5 years.*

- a. Condition 4A: Land use, density or access changes are made to a remaining vacant parcel that triggers a new-TIA requirement, which code applies?  
Action: New TIA is required per new Rough Proportionality code.
- b. Condition 4B: Which site boundary determines TIA study area?  
Action: The individual parcel boundary reprising the TIA change would be used to determine the study area for the TIA, not the overall MDP boundary.
- c. Condition 4C: Can MDP infrastructure improvements completed be identified as credits in Rough Proportionality calculation?  
Action: Yes, improvements can be identified as credits or "supply" in Rough Proportionality calculation but overall MDP trips generated must be included as "demand".

*Item 5: TIA and plat are submitted prior to March 1, 2010.*

- a. Condition 5A: Land use, density and access points don't change.  
Action: No new TIA is required.
- b. Condition 5B: Changes to access are made at time of building permit application. What is needed in terms of the TIA?  
Action: Changes may or may not affect traffic patterns/impacts. Meeting with P&DSD Traffic Engineers will be required to discuss and agree to required action.
- c. Condition 5C: Changes to land use/density trigger new TIA. Which code applies?  
Action: New TIA must be performed based on new Rough Proportionality code.

*Item 6: Development previously required only TIA Worksheet since trip generation was less than 100 trips. Worksheet and plat were submitted prior to March 1, 2010.*

- a. Condition 6A: No changes to land use, density or access. Peak hour trips are over 75.  
Action: No TIA is required unless changes to land use, density or access trigger requirement per new code.
- b. Condition 6B: Building permit application shows changes to land use/density or access that trigger requirement for new TIA. However, total peak hour trips are still under 76. What is required?  
Action: If total peak hour trips are under 76 then only Peak Hour Trip Generation Form, Turn Lane Evaluation, and Rough Proportionality Worksheet are required per new code. No TIA is required.
- c. Condition 6C: Same as Condition 6B above, except peak hour trips are above 75.  
Action: TIA will be required per new code.

If you have any questions or concerns please contact Pablo G. Martinez, P.E. at (210) 207-0265.

**Summary:**

This Information Bulletin is for informational purposes only.

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