


VIVA White Oak, Preliminary Plan No. 120180240

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Completed: 11/16/2018

Description

Request to subdivide Property into eleven Large Lots (to be further subdivided prior to issuance of any building permits), three Outlots and one road Parcel; establishing the cross-section and right-of-way widths for dedication of Master Plan roads FDA Parkway (A-106), FDA Boulevard (B-10) and B-5; approval of the Preliminary Forest Conservation Plan; and a 50.9 waiver of the validity and phasing requirements in Sections 50.4.2.G.2. and 50.4.3.J.5. to allow for up to 43-year Plan Validity and APF Validity, for up to 12,180,270 square feet of total development, which may include up to a maximum of 6,090,135 square feet of residential uses.

Location: Between Cherry Hill Road and Industrial Parkway, along FDA Boulevard.

Master Plan: 2014 *White Oak Science Gateway Master Plan* area.

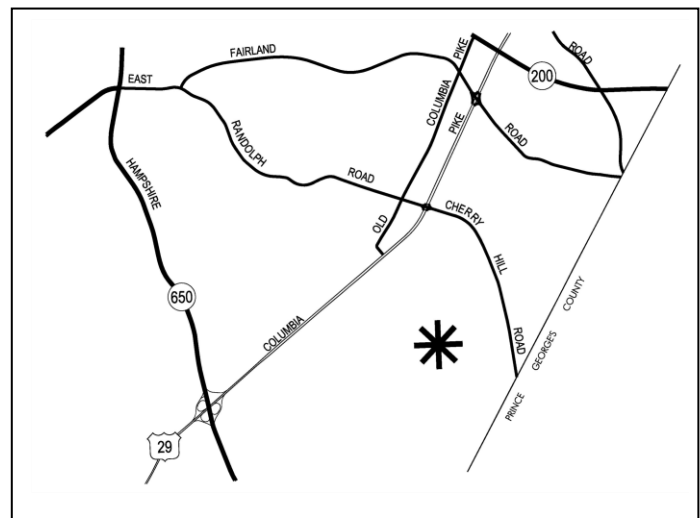
Zone: CR-1.0: C-1.0, R-0.5, H-220.

Property Size: Approximately 279.62 acres.

Application Accepted: June 28, 2018.

Applicant: Global Lifesci Development Corporation (GLDC).

Review Basis: Chapter 50.



Summary

- Staff recommends approval of the Viva White Oak Preliminary Plan/Infrastructure Plan with conditions.
- This Preliminary Plan/Infrastructure Plan will establish the location of the cross-sections and right-of-way widths for Master-Planned roads A-106, B-10 and B-5; subdivide the Property into Large Lots for further subdivision; and establish the Preliminary Forest Conservation Plan for the Property. Per the approval of Subdivision Regulation Waiver SRW201801, this Preliminary Plan will be conditioned to prohibit issuance of building permits on any portion of the Property (except for construction of the master-planned roads and demolition of existing buildings) until subsequent Preliminary Plan Amendments and Site Plans have been filed, approved and certified for each Large Lot or Parcel where development is sought.
- Staff supports the Section 50.9 waiver of the 10-year maximums allowed by Sections 50.4.2.G.2. and 50.4.3.J.5. for Plan Validity, APF Validity and Phasing for this first Preliminary Plan/Infrastructure Plan. Subsequent Preliminary Plan Amendment(s) will establish any necessary Phasing and Validity Periods.
- In subsequent phases of development, the Applicant proposes to transform the approximately 279-acre Property into a mixed-use town center to include office, academic, hotel, retail, restaurant, entertainment, service, conference center, and residential uses, while implementing the vision of the White Oak Science Gateway (WOSG) Master Plan.

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SECTION 1: RECOMMENDATION AND CONDITIONS

Staff recommends approval of Viva White Oak, Preliminary Plan No. 120180240, including the Preliminary Forest Conservation Plan (PFCP). All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions:

DENSITY AND RESTRICTION OF BUILDING PERMITS

1. This Preliminary Plan is limited to eleven Large Lots, three Outlots and one Road Parcel for a maximum of 12,180,270 square feet of total development, which may include up to a maximum of 6,090,135 square feet of residential uses, with the maximum number and distribution of residential dwelling units and non-residential uses to be determined at subsequent Preliminary Plan Amendments and Site Plans.
2. Building permits must not be issued on any portion of this Property (except for construction of master-planned roads) until subsequent Preliminary Plan Amendments and Site Plans have been filed where development is sought.

COMPLIANCE WITH CONDITIONS OF PRIOR APPROVALS

3. The Applicant must comply with conditions of approval for Sketch Plan 320180040 by Resolution No. 17-101 dated January 30, 2018, and the Subdivision Regulation Waiver SRW201801 by Resolution No. 18-070.

PRELIMINARY FOREST CONSERVATION PLAN

4. Staff recommends approval of the Preliminary Forest Conservation Plan (PFCP) with the following conditions:
 - a. Prior to approval of the Certified Preliminary Plan, the Applicant must amend the Preliminary Forest Conservation Plan to show 0.80 acres of forest clearing and 59.25 acres of forest retention.
 - b. Prior to approval of the Certified Preliminary Plan, the Applicant must remove the limits of disturbance lines from the PFCP.
 - c. Prior to approval of the Certified Preliminary Plan, the Applicant must amend the PFCP to remove Note Number 5 associated with the Forest Conservation Worksheet.
 - d. This approval is valid only for the area of the rights-of-way for the master-planned roads and is not sufficient for approval of road construction permits. A Final Forest Conservation Plan (FFCP) and Site Plan, showing limits of disturbance for grading and stormwater management required for road construction, must be submitted for review and approval prior to approval of the sediment and erosion control permit.
 - e. At the time of any Preliminary Plan Amendment, the Applicant must submit a revised PFCP. This revised plan shall reflect any changes made to the topography, wetlands, forest total, and other natural features pursuant to State-issued Mining Permit No. (93-SP-0430-A) and State-approved reclamation plan. The existing forest total (exclusive of any reforestation or afforestation performed after the initial Preliminary Plan) and resulting total reforestation and afforestation requirement may be reduced if permitted by the State-issued Mining Permit No. (93-SP-0430-A) and State-approved reclamation plan. Any adjusted existing forest total and reforestation and afforestation requirement must be reflected in the revised FCP worksheet and Final Forest Conservation Plan (FFCP).
 - f. In future submittals, when any plan depicts impacts to specimen trees on the Subject Property, the Applicant must obtain a variance approval for the trees impacted as part of the Forest Conservation Plan. The variance request will also require the County Arborist's review and recommendation.

5. The Applicant and Montgomery County are permitted to demolish existing structures prior to approval of the Final Forest Conservation Plan, provided that the Applicant or Montgomery County minimizes the land disturbance necessary for the demolition of the structure and no specimen trees are impacted or removed without a previously approved variance, to which the County's Arborist will have the opportunity to review and make recommendations.

AGENCY APPROVALS

6. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated September 18, 2018, except for 2.I.a.i., 2.I.b.i. and 2.I.c.iv., and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, except for 2.I.a.i., 2.I.b.i. and 2.I.c.iv., which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
7. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
8. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) – Water Resources Section in its stormwater management concept letter dated September 7, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
9. Include all agency approval letters and Preliminary Plan Resolution on the approval sheet(s).

TRANSPORTATION AND ROAD DEDICATION/IMPROVEMENTS

10. Prior to Certified Preliminary Plan, the Applicant must modify the cross sections for B-5, FDA Boulevard (B-10) and FDA Parkway (A-106), with the final dimensions of each element to be determined at subsequent Site Plan, as follows:
 - a. B-5 (elements listed from west to east):
 - One and one-half (1.5)-foot buffer
 - Seven (7)-foot concrete sidewalk
 - Two (2)-foot buffer
 - Seven (7)-foot tree/lawn/stormwater management facilities
 - Two (2)-foot buffer
 - Eight (8)-foot parking lane
 - Two (2) eleven (11)-foot travel lanes
 - Eight (8)-foot parking lane
 - Two (2)-foot buffer
 - Seven (7)-foot tree/lawn/stormwater management facilities
 - Two (2)-foot buffer
 - Ten (10)-foot sidepath (expected to be converted to a two-way separated bike lane with a sidewalk)
 - One and one-half (1.5)-foot buffer
 - b. FDA Boulevard, 122-foot right-of-way, east and west of the bridge (elements listed from north to south):
 - Seven (7)-foot sidewalk
 - Two (2)-foot buffer

- Seven (7)-foot tree/lawn/stormwater management facilities
 - Two (2)-foot buffer
 - Ten (10)-foot two-way separated bike lane
 - Four (4)-foot bike buffer
 - Ten (10)-foot travel lane
 - Eleven (11)-foot travel lane
 - Twenty-two (22)-foot median
 - Eleven (11)-foot travel lane
 - Ten (10)-foot travel lane
 - Eight (8)-foot parking lane
 - Two (2)-foot buffer
 - Seven (7)-foot tree/lawn/stormwater management facilities
 - Two (2)-foot buffer
 - Seven (7)-foot concrete sidewalk
- c. FDA Parkway, 132-foot right-of-way (elements listed from west to east):
- Five (5)-foot sidewalk
 - Two (2)-foot buffer
 - Eight (8)-foot tree/lawn/stormwater management facilities
 - Two (2)-foot buffer
 - Eight (8)-foot parking lane
 - Ten (10)-foot travel lane
 - Eleven (11)-foot travel lane
 - Twenty-eight (28)-foot median
 - Eleven (11)-foot travel lane
 - Ten (10)-foot travel lane
 - Eight (8)-foot parking lane
 - Three (3)-foot bike buffer
 - Ten (10)-foot two-way separated bike lane
 - One (1)-foot buffer
 - Eight (8)-foot tree/lawn/stormwater management facilities
 - Two (2)-foot buffer
 - Five (5)-foot sidewalk
11. The Applicant must dedicate road rights-of-way to accommodate New Road (B-5), FDA Boulevard (B-10), and FDA Parkway (A-106), as shown on the Certified Preliminary Plan, with the final delineation and alignment to be determined at Site Plan.
 12. The Applicant must design and construct the public/master-planned streets B-5, B-10, and A-106, as shown on the Certified Preliminary Plan, with the final engineered design, extent, delineation, alignment and curb-cuts of these roads to be determined at the time of Preliminary Plan Amendments and Site Plans.
 13. If a TMD is established, the Applicant must enter into a Traffic Mitigation agreement to participate in the White Oak Transportation Management District (TMD) and with the Planning Board and MCDOT to assist in achieving their Non-Auto Driver Mode Share (NADMS) goal for new developments of 30%.

14. The Applicant must coordinate with MCDOT to identify location(s) and number of, and reserve adequate space for, bus rapid transit (BRT) station(s) within the boundaries of the Property and along the potential supplemental BRT route of the US 29 Corridor No. 9 between Tech Road and Cherry Hill Road, and the Applicant must ensure that proposed BRT operations can navigate the proposed roundabouts/circles.
15. The Applicant must coordinate with MCDOT's Commuter Services Section regarding the location of bike share stations and should be consistent with the White Oak Local Area Transportation Improvement Program (LATIP).
16. The Applicant must coordinate with Metrobus and Ride On to ensure that local bus service is provided as necessary on FDA Parkway and FDA Boulevard. Metrobus Route Z6 and Ride On Route 10 currently operate in the vicinity of the Viva White Oak site.
17. The Applicant must work with WSSC to assure public access/cross easements for the paths proposed through their water tower property.

PARK DEDICATION

18. Consistent with the Sketch Plan approval, the Applicant must dedicate a minimum of nine (9) acres that will be publicly owned and maintained for a co-located school and park, and an additional six (6) acres of contiguous park/open space, which may be privately owned and maintained, for a total of fifteen (15) acres. The final size, location and ownership of the co-located school and park site must be determined and dedicated within 85 months from the day the Resolution is mailed.
19. Park Permits will be required for any work on existing or proposed public Park Property.

MODERATELY PRICED DWELLING UNITS (MPDU)

20. The Applicant must provide a minimum of 12.5% MPDUs with final MPDU locations, bedroom compositions, and layouts to be determined at each applicable Preliminary Plan Amendment and Site Plan that includes residential units, subject to review and approval by the Department of Housing and Community Affairs (DHCA) and Planning Staff.
21. Prior to issuance of any residential building permit, the Applicant must enter into an agreement (Agreement to Build) with the DHCA.
22. Prior to Certified Preliminary Plan, the Applicant must delete the entire Footnote 8 and substitute the following language: "Final MPDU locations, bedroom compositions, and layouts will be determined at Site Plan, with review and approval by the DHCA and the Department of Planning."

ADEQUATE PUBLIC FACILITIES (APF)

23. The Applicant must satisfy the transportation APF, Local Area Transportation Review test by satisfying the Local Area Transportation Improvement Program (LATIP) fee under the established "Unified Mobility Program" for the White Oak Policy Area. Any credit against the LATIP fee for off-site master-planned improvements that are beyond those required at subdivision may be negotiated with the MCDOT. Payment of the LATIP Fee and applicable impact taxes satisfies the APF approval for transportation for both residential and non-residential uses. The final square footage and/or number and type of residential units for calculating the LATIP will be determined at subsequent Preliminary Plan Amendments.
24. Phasing of record plats and validity periods for non-residential uses is not required for any non-residential building proposed in a subsequent Preliminary Plan Amendment, conditioned upon:
 - a. All master-planned roads necessary for the proposed uses in that Preliminary Plan Amendment are constructed;
 - b. The applicable LATIP Fee is timely paid;
 - c. All applicable impact taxes are timely paid; and
 - d. All other public facilities are deemed adequate.
25. The Applicant must dedicate the 9-acre co-located school and park site within 85 months from the day the Resolution is mailed.

26. Phasing for residential uses is not required at this time, if prior to issuance of any building permit for residential uses:
 - a. All applicable school impact taxes are paid;
 - b. All master-planned roads necessary for the proposed uses are constructed; and
 - c. All necessary wet and dry utilities are provided.
27. At subsequent Preliminary Plan Amendment(s), for any proposed residential units/uses, the schools test portion of the APF review will need to be tested for any residential units/uses proposed in accordance with the applicable Subdivision Staging Policy at that time, and any necessary phasing and validity periods will be assigned.
28. All other public facilities included in APF review will need to be tested at each subsequent Preliminary Plan Amendment(s).

PRELIMINARY PLAN VALIDTY AND RECORD PLATS

29. All plats for residential units/uses associated with this Preliminary Plan must be recorded within the applicable validity periods assigned at subsequent Preliminary Plan Amendments, or a request for extension must be filed.
30. Prior to submittal of any plat application, the Applicant must obtain a Certified Preliminary Plan and Certified Site Plan on the portion of the Property a plat is sought.
31. The record plat must show necessary easements.
32. Except as permitted by State-issued Mining Permit No. (93-SP-0430-A), the State-approved reclamation plan, and demolition of existing structures as permitted by Condition No. 5 above, no clearing or grading of the site, nor recording of plats is permitted prior to Certified Site Plan approval.

CERTIFIED PRELIMINARY PLAN

33. Prior to Certified Preliminary Plan, the Applicant must:
 - a. Include all agency approval letters and Resolutions on the approval sheet(s);
 - b. Revise all master-planned road cross sections as conditioned;
 - c. Revise the PFCP as conditioned;
 - d. Insert a note on the Preliminary Plan that a ten (10)-foot-wide two-way separated bike lane, or Planning Board approved equivalent, will be provided on the west side of Cherry Hill Road along the Property frontage, or alternate location if approved by the Planning Board, with final details to be determined at subsequent Preliminary Plan Amendment and Site Plan; and
 - e. Delete Footnotes as conditioned.

SUBSEQUENT PRELIMINARY PLANS AND SITE PLANS GUIDANCE

34. The Applicant must provide a cross section that illustrates the transition of master-planned road B-5 from the Washington Adventist Hospital site to the Property for review and approval by the Planning Board.
35. The Applicant must provide a cross section that illustrates the transition of master-planned road A-106 (FDA Parkway) with existing Industrial Parkway for review and approval by the Planning Board.
36. The Applicant must address how long-term bicycle storage is addressed at the future BRT station location(s) within the Property boundaries.
37. The Applicant must address the following bikeway recommendations in coordination with MCDOT and Planning Staff, with timing and final details to be determined at subsequent Preliminary Plan Amendments and Site Plans, substantially as follows:
 - a. FDA Parkway: Provide two-way separated bike lanes on the east side, with a buffer between the parking lane and bike lanes. The buffer between the two-way separated bike lanes and the street should have a minimum width of three (3) feet if its adjacent to on-street parking and a minimum width of six (6) feet if its adjacent to the street. Locate the bike buffer and bike lanes

- at an elevation of six (6) inches higher than the parking lane, and the sidewalk at an elevation two (2) to three (3) inches higher than the separated bike lanes.
- b. FDA Boulevard: Provide two-way separated bike lanes on the north side, with a buffer between the parking lane and bike lanes. The buffer between the two-way separated bike lanes and the street should have a minimum width of three (3) feet if its adjacent to on-street parking and a minimum width of six (6) feet if its adjacent to the street. Locate the bike buffer and bike lanes at an elevation of six (6) inches higher than the parking lane, and the sidewalk at an elevation two (2) to three (3) inches higher than the separated bike lanes.
 - c. Master-Planned Street B-5: The Bicycle Master Plan recommends two-way separated bike lanes and a sidewalk on the east side, with a six (6)-foot buffer between travel lanes and bike lanes. The bike lanes should be grade separated from the travel lanes and the sidewalk should be provided at an elevation that is two (2) to three (3) inches higher than the separated bike lanes.
 - d. Cherry Hill Road: Provide a two-way separated bike lane on west side of road by providing ten (10)-foot-wide separated bike lanes with a minimum six (6)-foot-wide buffer from the street. Locate the sidewalk at an elevation two (2) to three (3) inches higher than the separated bike lanes.
 - e. Separated bike lanes that intersect with intersections or driveways must be set back a minimum of six (6) feet from the street buffer to reduce conflicts between road users. Specific setback requirements and corner truncation will be determined through subsequent Preliminary Plan Amendments and Site Plans.
 - f. The buffer between separated bike lanes and the roadway will be a minimum of six (6) feet to provide adequate separation between bicyclists and motor vehicles.
38. The Applicant must coordinate with Planning Staff and MCDOT on the FDA Parkway/Boulevard traffic circle design and B-5 roundabout design. Additional analysis and details of each is needed during subsequent Preliminary Plan Amendments and Site Plans. The following guidance should be considered:
- a. Outlot C Roundabout: Design the roundabout to provide protected intersections at the intersections with FDA Boulevard and FDA Parkway.
 - i. Provide six feet of separation between the separated bike lane and vehicular travel lane.
 - ii. Set back the bicycle and pedestrian crossings from the circle based on industry best practices.
 - iii. Provide additional corner truncation to accommodate the setbacks.
 - iv. Provide raised pedestrian and bicycle crossings at all approaches to the traffic circle.
 - b. B-5 Roundabout: Design the traffic circle to provide protected intersections at the intersections with FDA Boulevard.
 - i. Provide six feet of separation between the separated bike lane and vehicular travel lane.
 - ii. Set back the bicycle and pedestrian crossings from the circle based on industry best practices.
 - iii. Provide additional corner truncation to accommodate the setbacks.
 - iv. Provide raised pedestrian and bicycle crossings at all approaches to the traffic circle.
 - v. Narrow the curb-to-curb dimensions of the traffic circle.
39. Address high quality bike parking, substantially as described in the Planning Department’s [Bicycle Parking Guidelines](#) (see pages 13 – 15), and long-term bicycle parking spaces, potentially as bike lockers or bike storage room and number of short-term inverted-U bike racks, or equivalent as approved by staff. The final locations and types of the bike lockers/storage room and racks must be reviewed and approved at subsequent Preliminary Plan Amendments and Site Plans.
40. Explore providing protected intersections at all intersections on FDA Boulevard, FDA Parkway, Master-Planned Street B-5, and Cherry Hill Road where pedestrians or cyclists cross.

41. Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bike paths will be determined at subsequent Preliminary Plan Amendments and Site Plans.
 42. If a subsequent Site Plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot or right-of-way configuration or alignment, the Applicant must obtain approval of a Preliminary Plan Amendment prior to Certification of the Site Plan.
-

SECTION 2: SITE DESCRIPTION AND BACKGROUND

Subject Property

The Subject Property (outlined in red below – Property or Subject Property) includes the approximately 168-acre Global Lifesci (Percontee) property and the approximately 110-acre county-owned Site II property. Both properties have been altered quite extensively through industrial use. The Property is within the area encompassed by the 2014 Approved and Adopted *White Oak Science Gateway Master Plan* and is included in the Life Sciences/FDA Village Center area as a specific center within the 2014 *White Oak Science Gateway Master Plan Design Guidelines*.

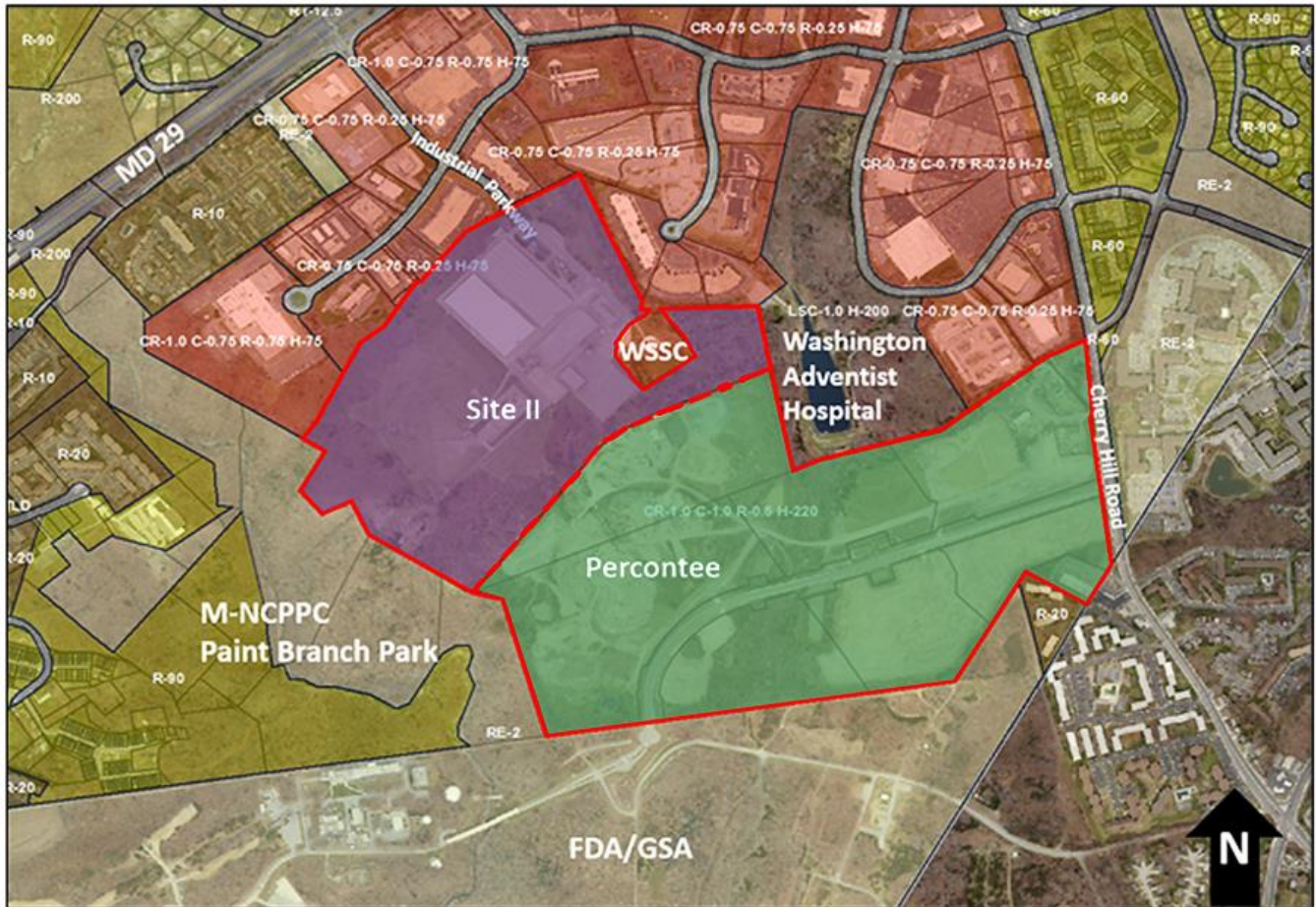


Figure 1: Subject Property

Site Analysis

The Global Lifesci (Percontee) Property has been a sand and gravel mine since the 1930's. Currently it is being used as a rubble land fill, a sand, gravel, stone, topsoil processor and wholesaler, and concrete recycler. All previously mined areas are in various stages of reclamation, but the entire site will be subject to Maryland Department of Environment (MDE) requirements for land reclamation and cleanup. The Westfarm Tributary of the Paint Branch bisects the Global Lifesci property, from north to south. There are areas of wetlands associated with this stream, as well as forest within the stream valley. Other forested areas are located at the perimeter of the Property.

Site II was operated as a gravel quarry from the mid-1930's through approximately 1980, when it was acquired by WSSC. WSSC filled the quarry with unknown materials and developed the site as Montgomery County Regional

Composting Facility to compost the County's sludge. The WSSC facility was completed in 1983 and decommissioned in 1999. It has gone through extensive environmental remediation through the (MDE)'s Voluntary Cleanup Program (VCP). Site contamination was due to leakage from underground storage tanks (USTs) and off-site groundwater contamination that had migrated. MDE has determined that Site II has no further requirements for remediation and was released for residential fee-simple development. Site II contains nine main buildings and approximately 11 support buildings, as well as a large stormwater management retention basin, which will be demolished and removed. Site II has several streams running in the NE to SW direction, draining into the Paint Branch Stream. There are areas of forest on-site and steep slopes leading into the streams.



Figure 2: View of the approximately 279-acre property under review

The Property is also located adjacent to the Paint Branch Stream Valley and Paint Branch Park. The surrounding area is dominated by commercial uses including the Montgomery Industrial Park, the Westech Business Park, Washington Adventist Hospital, WSSC and County facilities and can be accessed via Industrial Parkway and future FDA Parkway. The Property is adjacent to the federal Food and Drug Administration Headquarters and Federal Research Center (collectively, "FDA"). The FDA comprises approximately 662 acres and is the site of the former Naval Ordnance Laboratory and the former Naval Surface Warfare Center.

Background

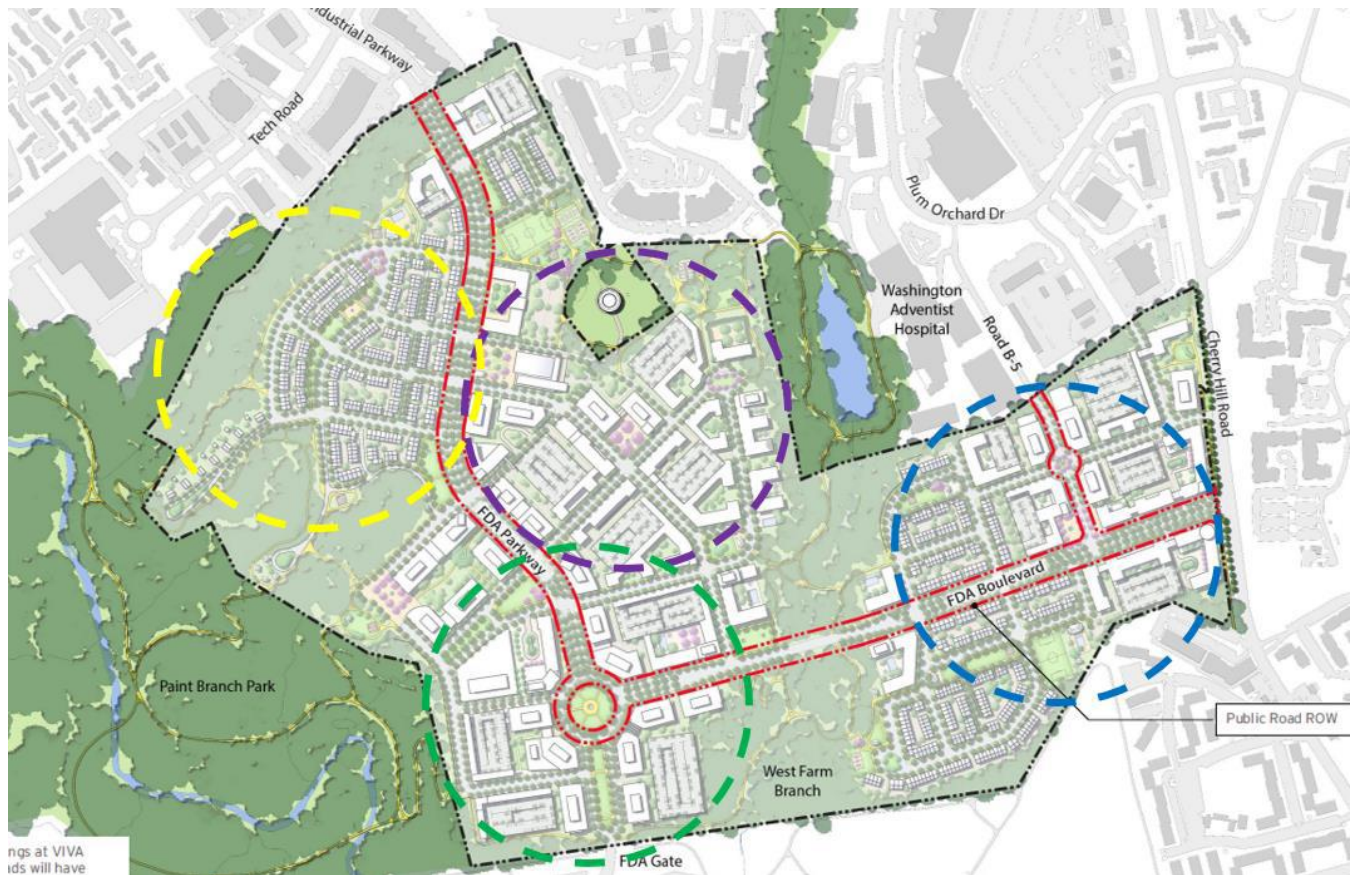


Figure 3: Conceptual Neighborhoods (based on the Applicant's Statement of Justification)

It is envisioned that the project will consist of four distinct, yet interconnected neighborhoods as shown in circles in Figure 3 above: East Side (Blue), West (Yellow), Village Center (Purple), and Academic Campus (Green).

The Academic Campus and Research and Development (R&D) Core will be located at the intersection of FDA Boulevard (B-10) and FDA Parkway (A106 – Industrial Parkway extended). This neighborhood is envisioned primarily as a combination of academic classrooms, laboratory space, and hotel/conference center, while allowing for the potential of multi-family residential uses.

The Village Center is envisioned as the mixed-use center of the Project, containing a mix of retail, office, cultural, service, residential, and civic uses and gathering spaces, and potentially a boutique hotel. The Village Center is designed to connect easily to FDA Parkway and the proposed US 29 Bus Rapid Transit (BRT) route and station. The Village Center will contain a number of open spaces and anticipates a potential connection to Washington Adventist Hospital. A new elementary school and co-located local park are located at the edges of the Village Center and West Neighborhoods.

The West Neighborhood is envisioned as a largely residential neighborhood within easy walking distance of the Village Center. The Applicant proposes a residential gateway entrance on FDA Parkway immediately inside the Property line and a variety of parks and open spaces. A mix of residential housing types is contemplated in the neighborhood, which could include multi-family, duplex, townhouse, and single-family detached residential uses.

The East Side is envisioned as a mixed-use neighborhood with a neighborhood-oriented retail center, office space, and multi-family and townhouse residential uses. The neighborhood-oriented retail center and office space are envisioned to be anchored along New Street B-5, and tie into the development on the Washington Adventist Hospital property. The western portion of the East Side is envisioned as primarily townhouse and duplex residential uses. The East Side will also include a community center, several quality open spaces, plazas, and parks.

The Project will provide multimodal transportation options to residents, employees and visitors. The roadway design is intended to adapt to accommodate an alternative route of the US 29 BRT Corridor. The Project envisions orienting development and a bike facility along the perimeter road overlooking the Paint Branch Stream Valley Park, which will be designed to seamlessly integrate the natural and built environment, thus creating a scenic route for driving, biking, and walking.

Previous Approvals

Sketch Plan 320180040 was approved for the Property by Resolution No. 17-101 dated January 30, 2018, for a mixed-use and multi-phase project with up to 12,180,270 square feet of total development, which may include up to a maximum of 6,090,135 square feet of residential uses, with the maximum number and distribution of residential dwelling units and non-residential uses to be determined at subsequent Preliminary Plan Amendments and Site Plans. Due to the unusually large scale of the project, the project is expected to be constructed in multiple phases over many years.

The Subdivision Regulation Waiver (SRW) SRW201801 was recently approved for the property by Resolution No. 18-070. The Section 50.9. waiver of Sections 50.4.1.B.7. and 50.10.5. was necessary to process the first Preliminary Plan as submitted. As agreed upon at Sketch Plan and the SRW, the Applicant has filed one Preliminary Plan that covers the entire Property with an associated Preliminary Forest Conservation Plan. This first Preliminary Plan/Infrastructure Plan will establish the larger Land Bays, which are comprised of Large Outlots, Lots and Parcels. These Large Lots will be further subdivided and refined as portions of the Property move forward for development with subsequent Preliminary Plan Amendments and Site Plans, when the respective development is ready to proceed. Per the SRW and this application, issuance of building permits is prohibited on any portion of the Property, except for the construction of master-planned roads and demolition of existing structures.

SECTION 3: PROPOSED PROJECT

Project Description

Consistent with the previously approved Sketch Plan and SRW, this Preliminary Plan/Infrastructure Plan proposes a maximum of approximately twelve million square feet of mixed-use development, which may include academic, research and development, office, residential, conference center/lodging, retail, restaurant and entertainment uses, active and passive parks and natural features, and other civic uses.

This Preliminary Plan/Infrastructure Plan primarily provides for the dedication of master-planned roads FDA Parkway (A-106, Industrial Parkway extended), FDA Boulevard (B-10) and a new Business District Road (B-5); the realignment of the existing FDA Boulevard through the south of the Property; major wet and dry utilities necessary to support the proposed development; and the dedication of the co-located school and park site within seven (7) years. It also includes typical cross-sections and dimensions for each road segment, which in turn depict the various elements comprised within the road section.

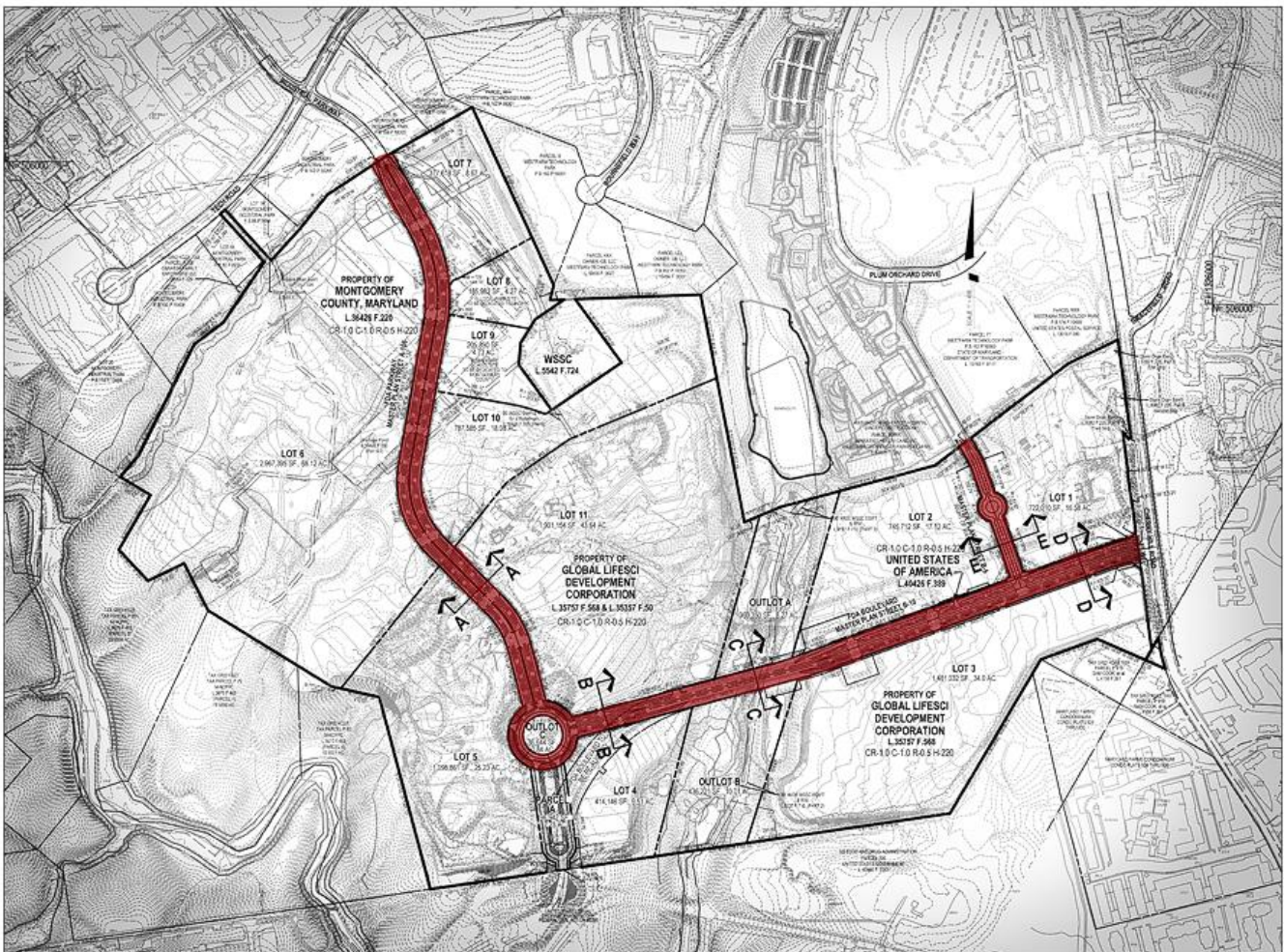


Figure 4: Proposed Phase 1 dedication for FDA Parkway, FDA Boulevard and Street B-5

The Preliminary Plan/Infrastructure Plan proposes 11 Large Lots ranging in size from 4.27 acres to 43.64 acres, 3 Outlots ranging in size from 0.84 acres to 10.01 acres, and one 2.23-acre Road Parcel which will serve as the access to the FDA Property. The Outlots are proposed for areas of stream valley buffer and the park open space within FDA Circle, and the road Parcel is proposed for access to the FDA. It has not been determined whether the Federal Government will allow the access to FDA to be a publicly dedicated right-of-way, or if they will require this Road

Parcel to remain private. Either way, access will likely be limited in some way, and further details will emerge in subsequent Preliminary Plan Amendments and Site Plans.

Based on market conditions, subsequent Preliminary Plan Amendments and Site Plans will be filed for development within each Large Lot, to further subdivide as necessary the Large Lots, as well as to refine the internal public and/or private road network and access to the master-planned roads within each block.

The Preliminary Plan/Infrastructure Plan also illustratively depicts the dedication of an approximately 4.73-acre lot (Lot 9) to Montgomery County Public Schools (MCPS) for a school site, and an approximately 4.27-acre park lot (Lot 8) to the Montgomery County Parks Department (Parks) pursuant to the recommendations of the *White Oak Science Gateway* Master Plan and conditions of the approved Sketch Plan. The Planning Board is not considering the size or location of the MCPS and Parks dedications at this time. The final size, location, ownership, and timing of the dedication of the co-located school and park site will be determined at the first Preliminary Plan Amendment.

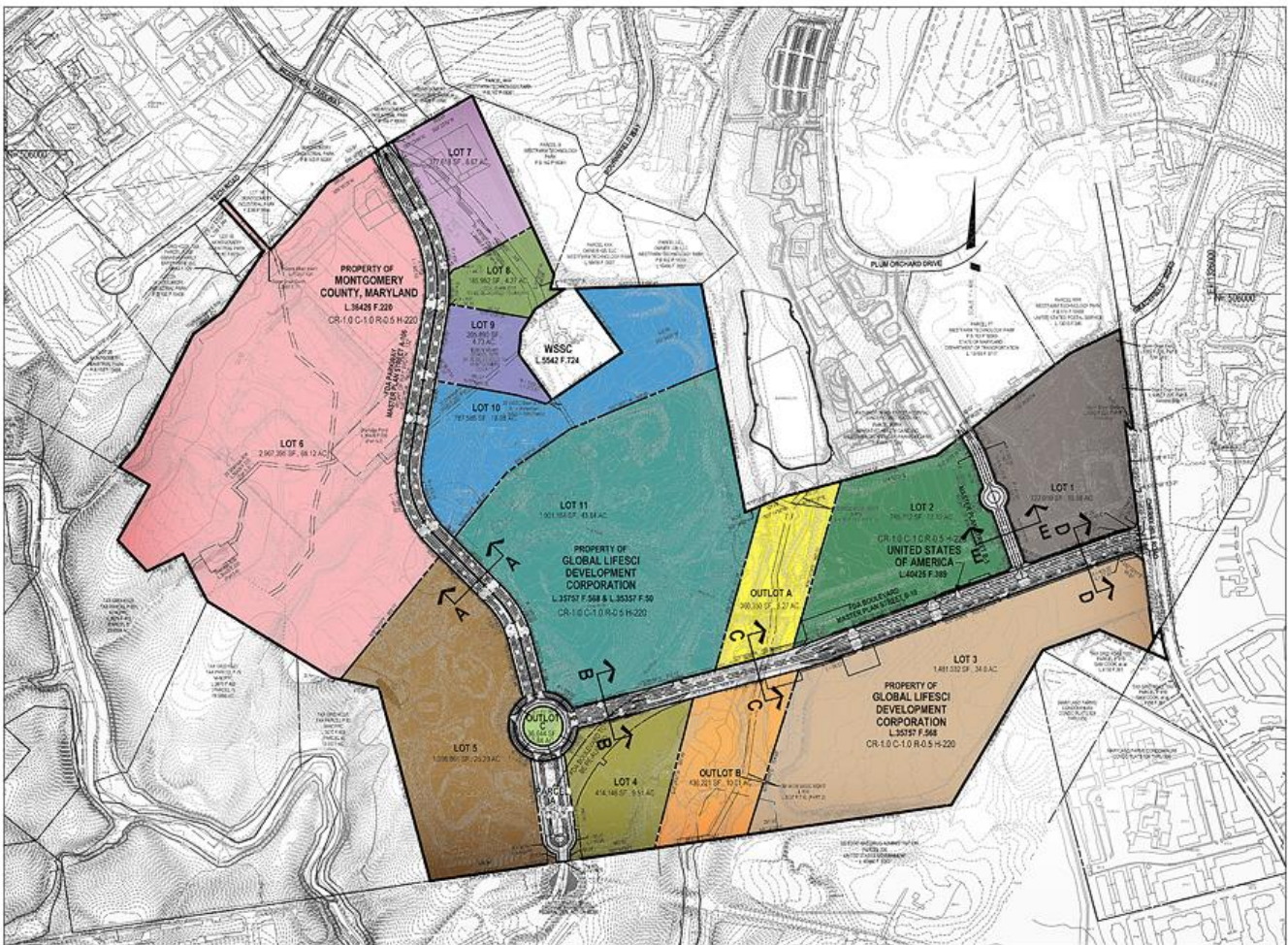


Figure 5: Proposed Lots and Outlots

Although Figure 5 displays the various Lots and Outlots numerically and alphabetically, these do not demonstrate a phasing order of development for the entire breakdown of the project. These are merely displayed in this instance to represent the different components that define the areas within the proposed development. Figure 6 shows a conceptual phasing plan.

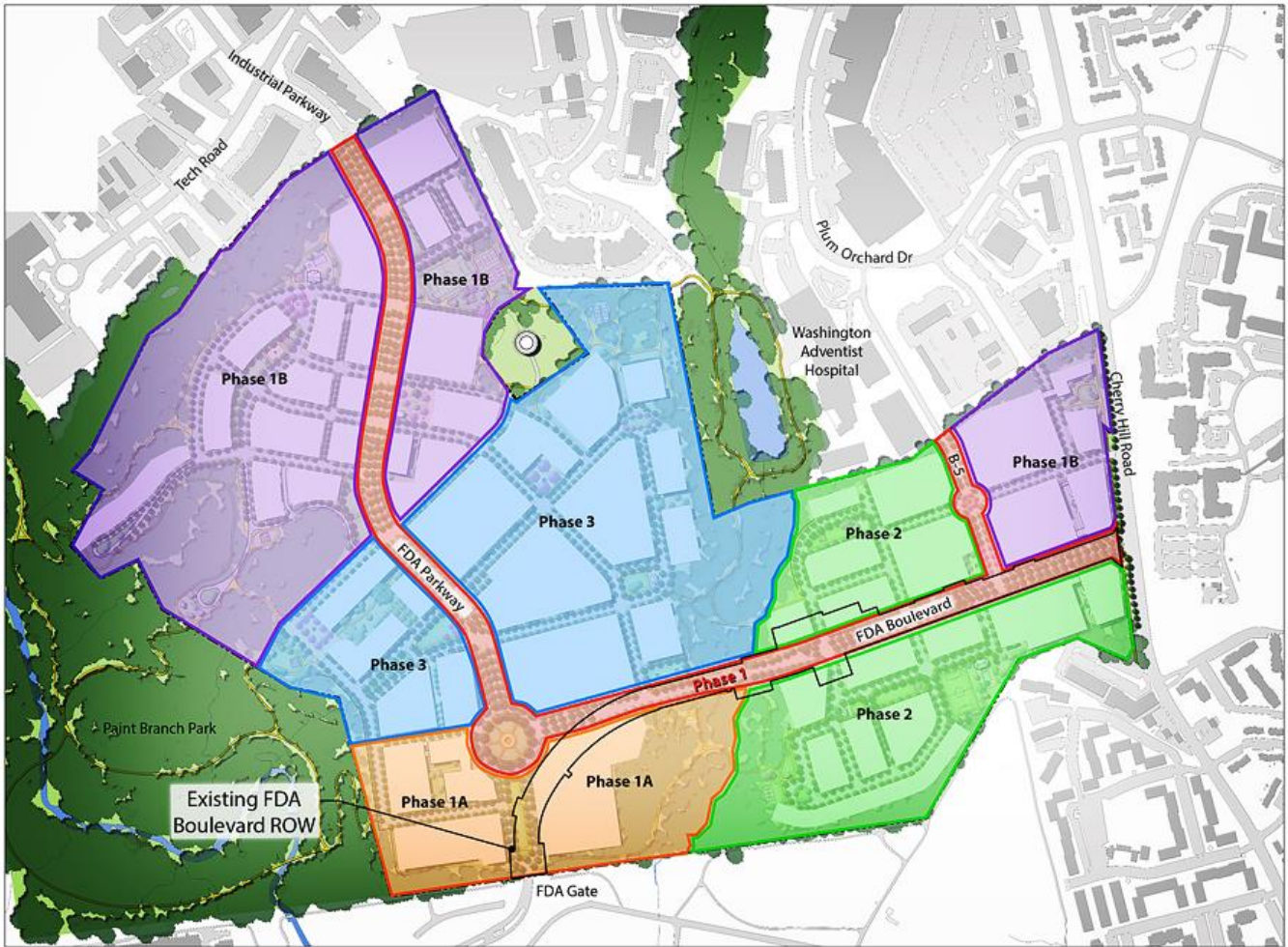


Figure 6: Conceptual Phasing Plan

Environment

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved for this property on April 30, 2018. The total site acreage is 279.62 acres, and the site contains 61.68 acres of forest and 55 specimen trees. The NRI/FSD documented 4990 linear feet of stream and 36.52 acres of stream buffer on the property. The stream buffer included 3.93 acres of 100-year floodplain, 1.81 acres of wetlands, and 24.52 acres of forest. There were no documented occurrences of Rare, Threatened, or Endangered species on the site.

The proposed VIVA White Oak development will occupy the site of the former WSSC biosolids processing facility and the Percontee sand and gravel mine. A considerable portion of the properties have been substantially disturbed and require restoration prior to development. Most of the Property lies within the Paint Branch watershed, which is a State Use Class III watershed and requires a minimum stream buffer of 150 feet on each side of the stream. A small portion of the northeast corner of the site drains to the Little Paint Branch watershed, which is Use Class I with a minimum 100-foot buffer on each side of the stream.

The current Preliminary Plan/Infrastructure Plan is being reviewed to establish major road rights-of-way required by the Master Plan to access the site and improve circulation in the White Oak area. One of the roads traverses an isolated section of stream buffer. According to the *Guidelines for Management of Development in Montgomery County (the "Environmental Guidelines")*, Section V.A.1.(f), "Only unavoidable road and utility crossings will be permitted in the stream buffer when it is clearly demonstrated that no feasible alternatives exist, and every effort

is made to locate road alignment and/or utilities to create the least disturbance to existing vegetation, grade, wetlands, trout spawning areas in Use III watersheds, etc.”

Staff considers this road crossing to be unavoidable because it was deemed necessary in the Master Plan to provide adequate circulation within the Master Plan area. Compensation for the loss of buffer function in this area should be provided through buffer averaging, enhanced forestation on-site, or off-site forest planting or preservation, providing compensation equivalent to the area of encroachment. The mitigation will be determined at subsequent Preliminary Plan Amendments. This is in addition to the afforestation required under Chapter 22A, Forest Conservation.

Preliminary Forest Conservation Plan

This Preliminary Plan/Infrastructure Plan establishes the alignment of the master-planned roads on the site. The total forest clearing associated with the road alignments is approximately 34,707 square feet, or about 0.80 acres. The Preliminary Forest Conservation Plan (PFCP) acknowledges a reduction in the area of on-site forest due to the presence of existing storm drain and WSSC easements of 1.63 acres, leaving 60.05 acres of forest on the Property. The clearing of 0.80 acres of forest for the road alignment leaves 59.25 acres of forest retained, and results in no afforestation or reforestation requirements at this time. The master-planned road alignment does not affect the critical root zone (CRZ) of any specimen trees, so no variance is required at this time.

This approval is strictly limited to the road alignment and does not include limits of disturbance for construction. A Final Forest Conservation Plan will be necessary to show limits of disturbance before any construction can occur. Future applications will be evaluated for their forest and specimen tree impacts based on the limits of disturbance shown on these subsequent plans. Mitigation requirements will be determined based on these impacts according to the provisions of Chapter 22A. Variance requests will be required for future submissions that result in CRZ impacts to specimen trees.

Staff acknowledges that the Percontee property has an approved Mining and Reclamation permit from the Maryland Department of the Environment, and that this permit shows State-approved grading lines for restoration of the site upon completion of the mining activities approved on the permit. Forest clearing and specimen tree impacts will be permitted on future plans based on the approved grading lines shown on the plans accompanying the State-approved permit.

SECTION 4: ANALYSIS AND FINDINGS

1. *The layout of the subdivision, including size, width, shape, orientation and diversity of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The Preliminary Plan/Infrastructure Plan proposes a variety of Lots and Outlots varying in sizes:

- Eleven (11) Large Lots ranging in size from 4.27 acres to 43.64 acres;
- Three (3) Outlots ranging in size from 0.84 acres to 10.01 acres; and
- One (1) 2.23-acre Road Parcel.

As previously stated, subsequent Site Plans will be filed for developments within each Large Lot. Concurrently, amendments to this Preliminary Plan/Infrastructure Plan will be filed to further divide the Large Lots into smaller Lots and Blocks, as necessary, and to refine the internal public and/or private road network within each Large Lot. As the Property builds out, the development will provide important connections to the FDA, Washington Adventist Hospital, White Oak Medical Center, Paint Branch Park, and the existing commercial development along Industrial Parkway/Tech Road.

The Outlots are proposed for areas of stream valley buffer and the open space within the FDA traffic circle serving as the link between FDA Parkway and FDA Boulevard. The Road Parcel will serve as the access to the FDA. Further details of this access will be determined during subsequent Preliminary Plan and Site Plan reviews.

While no development is technically proposed at this point, Section 4.5.4 of the Zoning Ordinance sets forth the development standards for the Optional Method of Development within the CR Zone. The Large Lots were reviewed for compliance with the dimensional requirements for the CR Zone as specified in the Zoning Ordinance. The Large Lots, as proposed, will meet all the dimensional requirements for area, frontage, width, and setbacks in the Zone. A summary of this review is included in Table 1. Additional review of the Lots, Blocks and internal public and/or private road network within each Large Lot will be necessary during subsequent Preliminary Plan Amendments and Site Plans.

This plan is being developed using CR Optional Method of Development		
	Required/Allowed	Proposed
Gross Tract Area:		
Illustrative Right of way dedication ³		279.62 ac. (12,180,270 sf.)
Illustrative Townhouse area ³		11.62 ac (506,330 sf.)
Illustrative Single Family Detached area ³		79.78 ac (3,475,345 sf.)
Illustrative Single Family Detached area ³		2.87 ac (125,017 sf.)
Total Site area for Public Open Space Public Benefit Point Calculation ³		185.34 ac (8,073,578 sf.)
Zoning	CR -1.0, C-1.0 R-0.5 H-220	CR -1.0, C-1.0 R-0.5 H-220
Development Standards (Section 4.5.4)		
Public Open Space (min)²	10% (18.53 ac.)	25.3% (46.8 ac.)
Common Open Space in Townhouse area (min)²	10% (7.98 ac.)	>12.5% (10 ac.)
Density, and Height		
Commercial	1.0 FAR (12,180,270 sf.)	1.0 FAR (12,180,270 sf.) ¹
Residential	0.5 FAR (6,090,135 sf.)	0.5 FAR (6,090,135 sf.) ¹
Total Density (max)	1.0 FAR (12,180,270 sf.)	1.0 FAR (12,180,270 sf.)
Height (max)	220'	220'
Public Benefit Points and Categories (Section 4.5.4.A)		
Public Benefit Points (min)	100	144.26
Number of Benefit Categories (min)	4	6
MPDUs	12.5%	12.5%
<p>1. Mix of Uses will be determined at Site Plan, but will not exceed the maximum FAR permitted for Commercial Uses (1.0 FAR) and Residential Uses (0.5 FAR).</p> <p>2. Final amounts of Public Open Space and Common Open Space will be determined at Site Plan as appropriate.</p> <p>3. The Illustrative Townhouse area, Illustrative Single Family Detached area, the Illustrative Right of way dedication area, and the Total Site area for Public Open Space Public Benefit Point Calculation shown are illustrative, for Public Benefit Point calculation only. Final layout will be determined at Site Plan.</p>		

Table 1: Data Table

In addition to the information included within Table 1, the Final MPDU locations, bedroom compositions, and layouts will be determined at Site Plan, with review and approval by the Department of Housing and Community Affairs (DHCA) and the Department of Planning.

2. *The Preliminary Plan substantially conforms to the Master Plan or Urban Renewal Plan.*

The Property is within the boundaries of the 2014 *White Oak Science Gateway (WOSG) Master Plan* (Master Plan). The Master Plan area is largely suburban in character, but the Master Plan envisioned three areas centered on existing commercial centers, as future major activity centers. The Subject Property is part of the *Life Sciences/FDA Village* activity center. This center includes a mix of light industrial and service uses, back offices, public sector facilities, and some heavy industrial uses. The application is a joint development that includes the County-owned former WSSC composting facility, referred to as Site 2, and the adjacent Percontee-owned property, which at present is operated as a sand and gravel mining/washing operation. The Master Plan discussed the efforts that led to the County-Percontee partnership and supported the concept of a town center on the Property to build synergies with the adjacent FDA campus that would serve as community center for the broader Eastern Montgomery County.

The Master Plan included detailed recommendations for this future Town Center (refer to pages 46-49 of the approved Master Plan for a complete list). This Preliminary Plan/Infrastructure Plan application advances the following recommendations:

- Creation of lots to be further subdivided into local neighborhoods to include internal networks of streets and public open spaces.
- Creation of lots for the Collocation of a public school and a public park.
- Dedication of major public roads A-106 (extension of Industrial Parkway), B-5 (connection to Plum Orchard Drive via Washington Adventist Hospital), and realignment of existing road B-10 (FDA Boulevard).
- Delineation of protected areas and reforestation zones along stream valley and steep sloped areas.

The Application included supporting documents to illustrate the conceptual phasing, full buildout, and layout of streets and open spaces within the Land Bays created by this Preliminary Plan/Infrastructure Plan, consistent with information included with prior Concept Plan and Sketch Plan applications for this Property. However, conformance with Master Plan recommendations on these items will require the details to be provided by future Preliminary Plan Amendments and Site Plans.

Master-Planned Roadways, Bikeways, and Transitways

The Applicant proposes right-of-way dedications that are wider than those recommended by the Master Plan to accommodate the potential extension of the BRT as an alternative alignment through the Property, stormwater management, and the recommended facilities of the 2018 Bicycle Master Plan. With the modifications of the master-planned road cross sections, as conditioned, Staff finds the proposed cross sections to be in substantial conformance with the Master Plan.

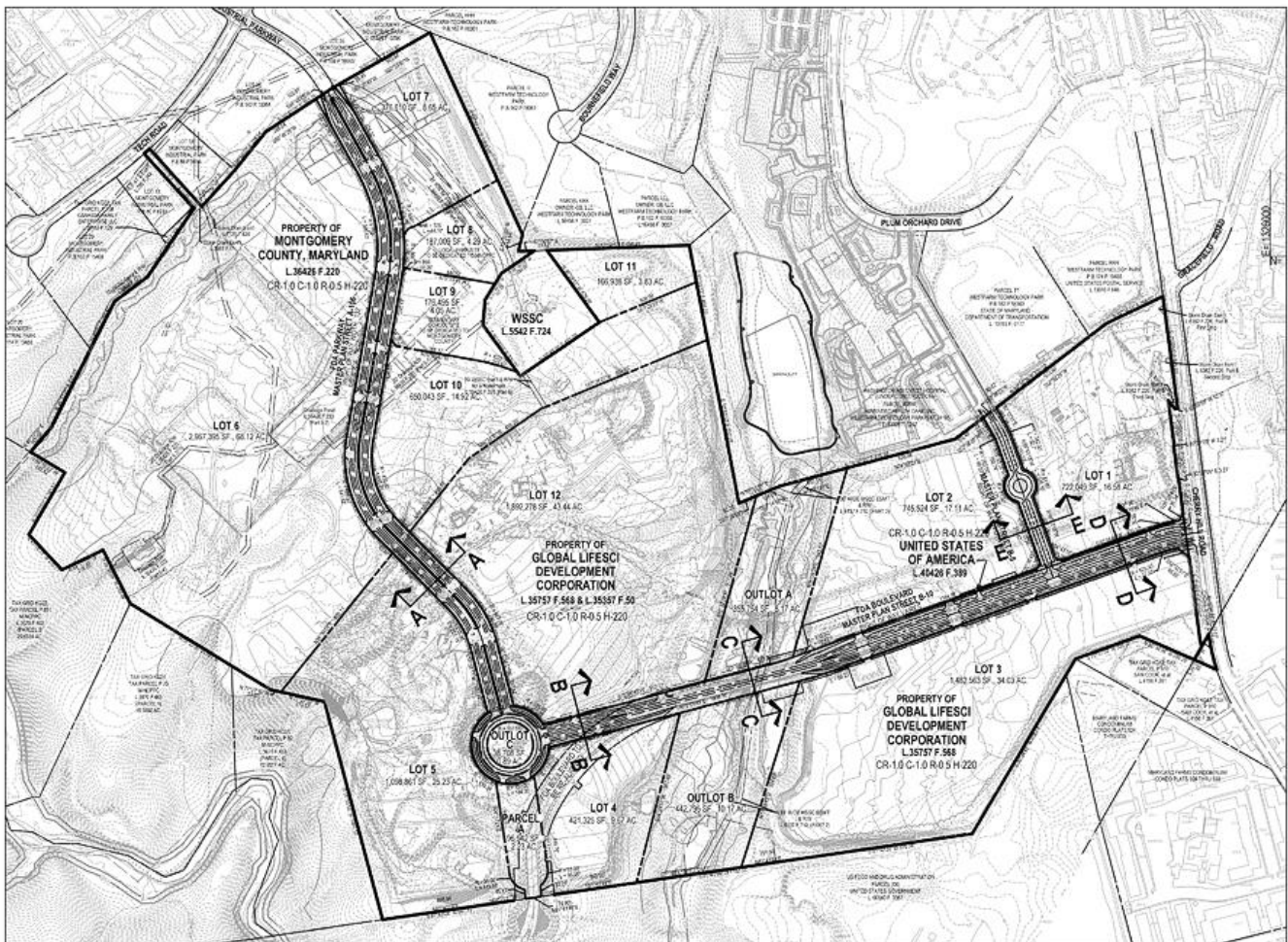
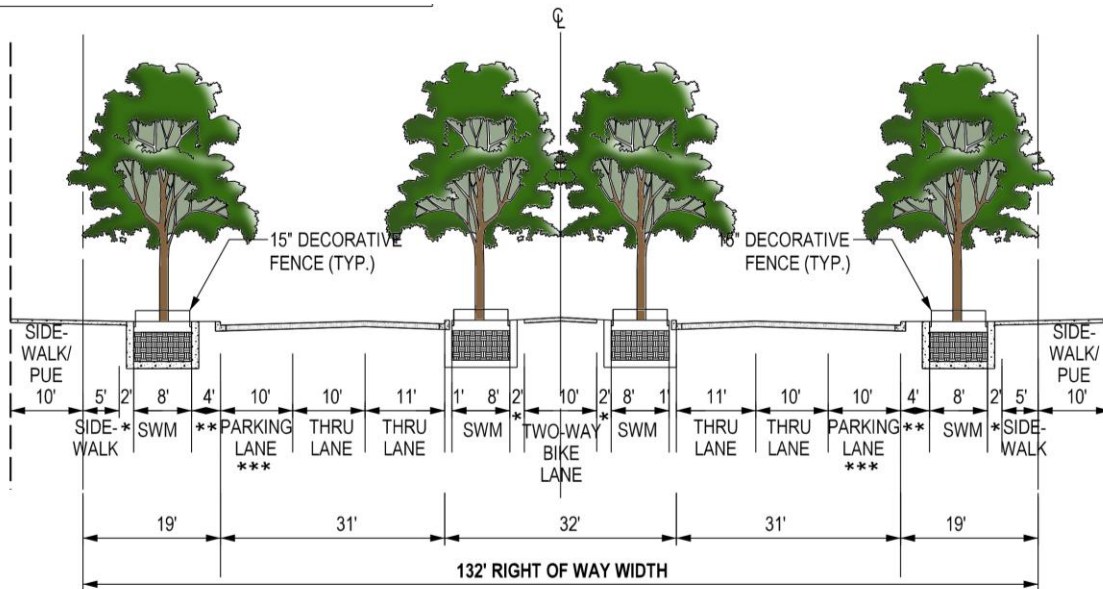


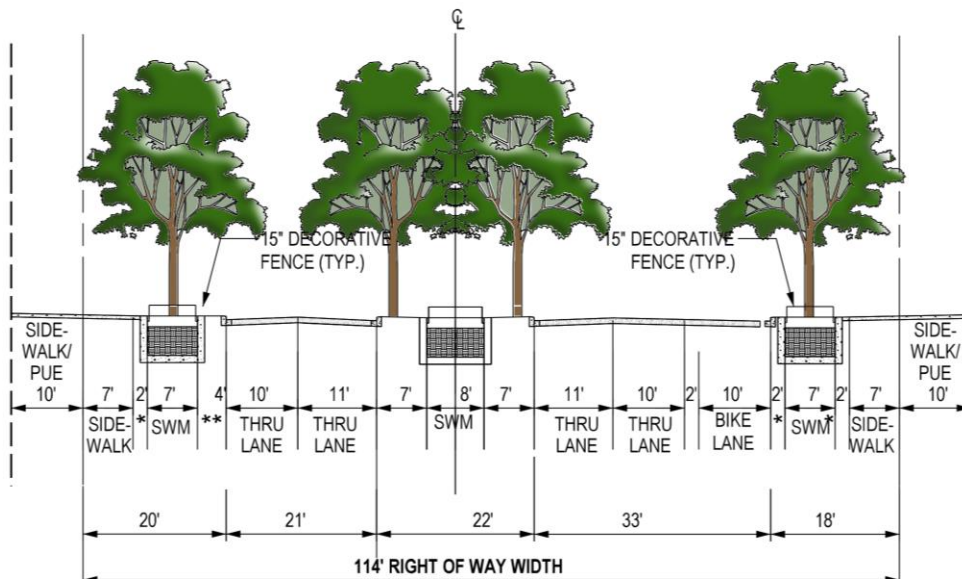
Figure 7: Proposed Cross Sections for the various major roadways of the project

The following graphics represent the Applicant's proposed cross sections, which Staff has recommended slight modifications to. See both the conditions of approval and Figures 8, 9 and 10 below for the Staff recommended cross sections for new Business District Street (B-5), FDA Boulevard (B-10) and FDA Parkway (A-106, Industrial Parkway extended).



SECTION A-A: FDA PARKWAY CROSS SECTION

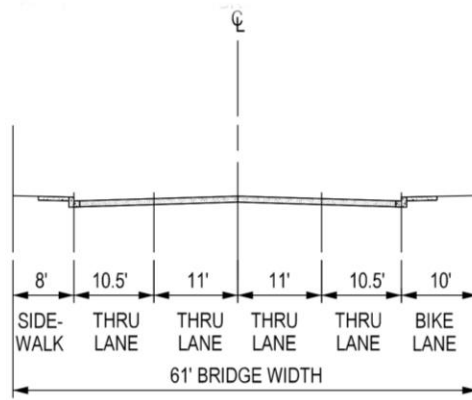
- * = 2 FOOT SAFETY AREA AS REQUESTED BY DPS
- ** = 4 FOOT P.U.E. FOR BROADBAND
- *** = ONE OF THE 10' CURB LANES COULD BE CONVERTED TO A 2-WAY BIKE LANE, IF THE MEDIAN 2-WAY BIKE LANES ARE EVER RELOCATED OUT OF THE MEDIAN TO ACCOMMODATE FUTURE HIGH CAPACITY PEOPLE-MOVING MODES OF TRANSPORTATION WITHIN THE MEDIAN



SECTION B-B: FDA BOULEVARD CROSS SECTION (SECTION LOOKING EAST)

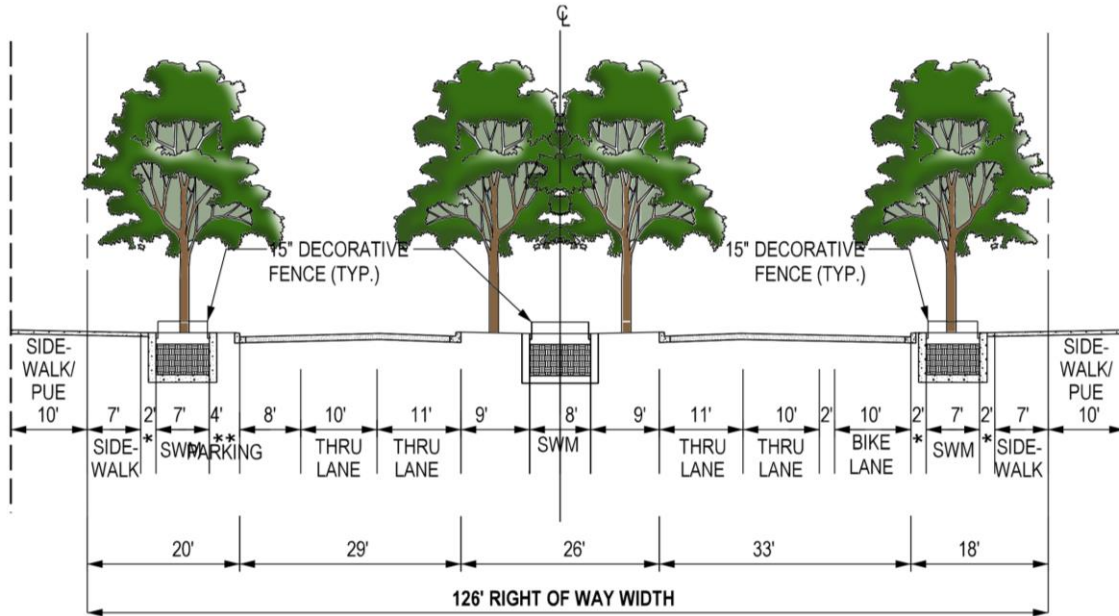
FROM BRIDGE TO CIRCLE

- * = 2 FOOT SAFETY AREA AS REQUESTED BY DPS
- ** = 4 FOOT P.U.E. FOR BROADBAND



SECTION C-C: FDA BOULEVARD CROSS SECTION (SECTION LOOKING EAST)

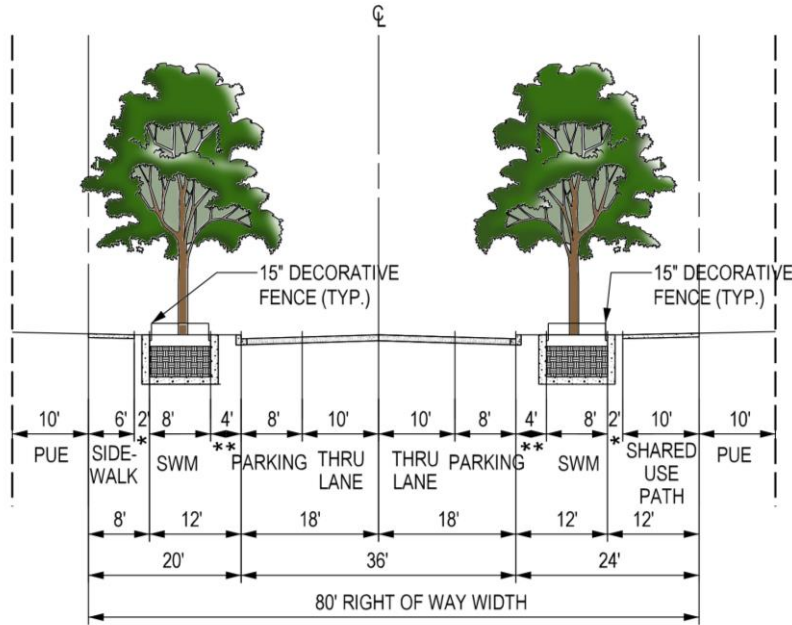
BRIDGE



SECTION D-D: FDA BOULEVARD CROSS SECTION (SECTION LOOKING EAST)

FROM CHERRY HILL ROAD TO BRIDGE

- * = 2 FOOT SAFETY AREA AS REQUESTED BY DPS
- ** = 4 FOOT P.U.E. FOR BROADBAND



SECTION E-E: STREET B-5 CROSS SECTION

* = 2 FOOT SAFETY AREA AS REQUESTED BY DPS
 ** = 4 FOOT P.U.E. FOR BROADBAND

The master-planned transportation facilities are designated below in accordance with the:

- 2013 *Countywide Transit Corridors Functional Master Plan*;
- 2014 *White Oak Science Gateway Master Plan*;
- 2018 *Master Plan of Highways and Transitways*; and
- 2018 *Bicycle Master Plan*.

1. Cherry Hill Road is designated as an arterial (A-98), with a recommended 80-foot-wide right-of-way. Any necessary additional right-of-way dedication will be required at subsequent Preliminary Plan. The 2018 *Bicycle Master Plan* recommends a two-way separated bike lane on the west side.
2. FDA Boulevard is designated as a business district street, B-10, with a recommended 100-foot right-of-way. The *Bicycle Master Plan* recommends two-way bike lanes on the both sides. Staff recommends the bike facility to be relocated on the north side of FDA Boulevard and slight modifications to the typical section, as shown in Figure 8 below. This modification was accepted by Staff due to the desire to reduce the proposed right-of-way width as much as possible and that the Applicant is expected to provide additional bicycle connections through the development, south of FDA Boulevard. Thus, two-way bike lanes on both sides of FDA Boulevard is not necessary.

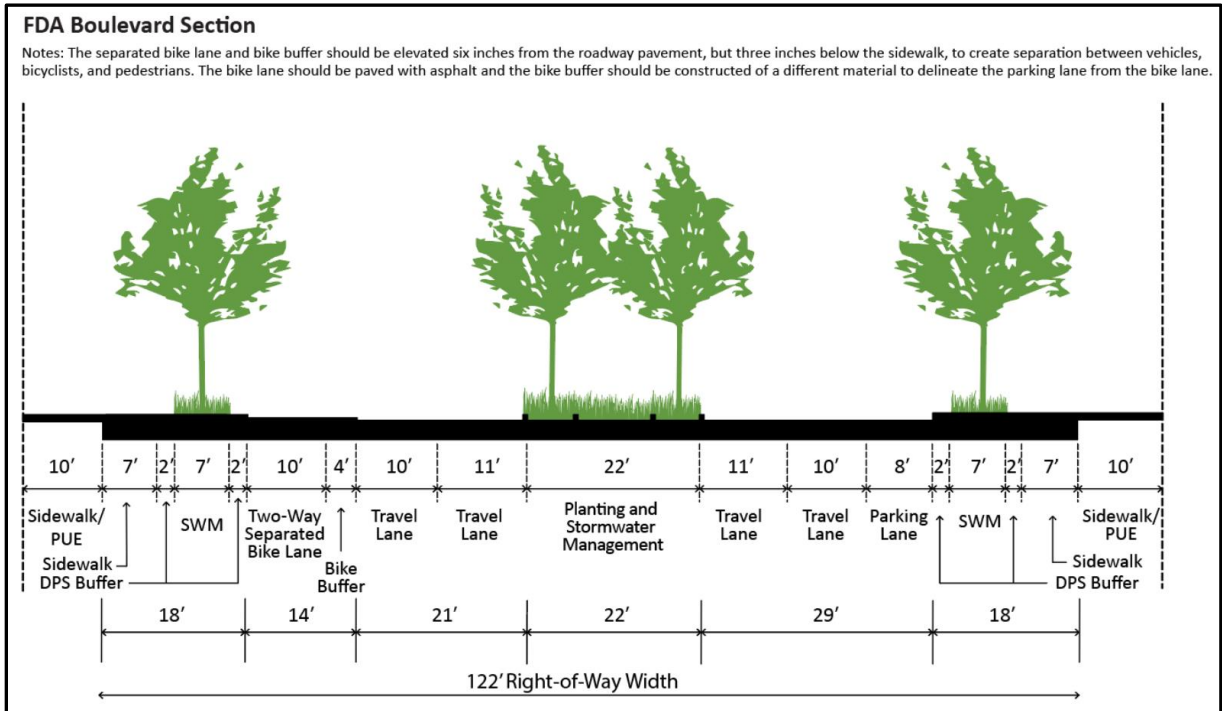


Figure 8: Staff recommended cross section for FDA Boulevard

- Business District Street (B-5) is recommended to have a 70-foot-wide right-of-way. The Bicycle Master Plan recommends two-way separated bike lanes on the east side. Washington Adventist Hospital will be implementing a shared-use path on the east side, which will be upgraded to two-way separated bike lanes and a sidewalk in the future as part of a separate project. Staff recommends two-way separated bike lanes and a sidewalk on the east side of B-5 to transition into the sidepath on the adjoining Washington Adventist Hospital property as shown in Figure 9 below..

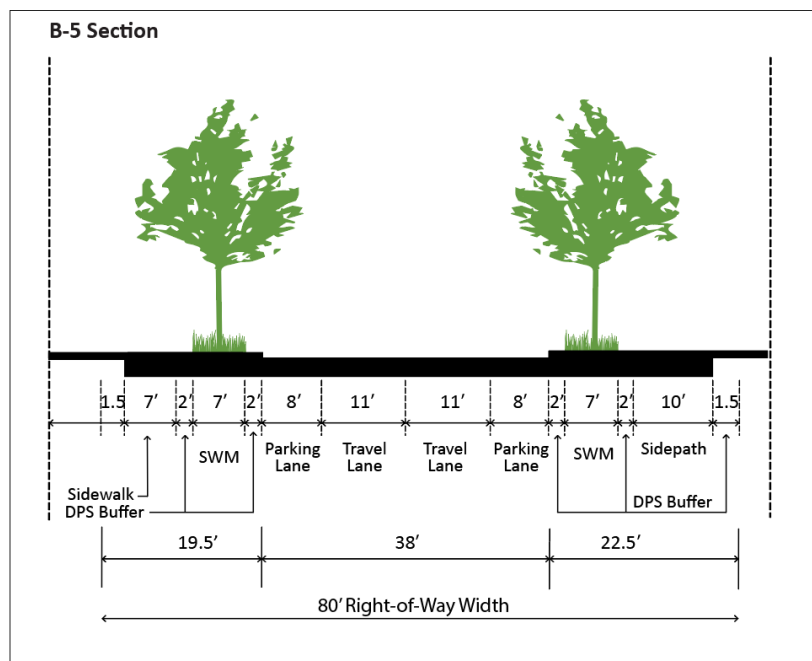


Figure 9: Staff recommended cross section for Business District Street (B-5)

- FDA Parkway (Industrial Parkway extended) is designated as an arterial, A-106, with a recommended 100-foot right-of-way. The Bicycle Master Plan recommends two-way separated bike lanes on the both sides. Staff recommends the bike facility to be relocated on the east side of FDA Parkway and slight modifications to the typical section, as shown in Figure 10 below. Again, this modification was accepted by Staff due to the desire to reduce the proposed right-of-way width as much as possible and that the Applicant is expected to provide additional bicycle connections through the development, west of FDA Parkway. Thus, two-way bike lanes on both sides of FDA Parkway is not necessary.

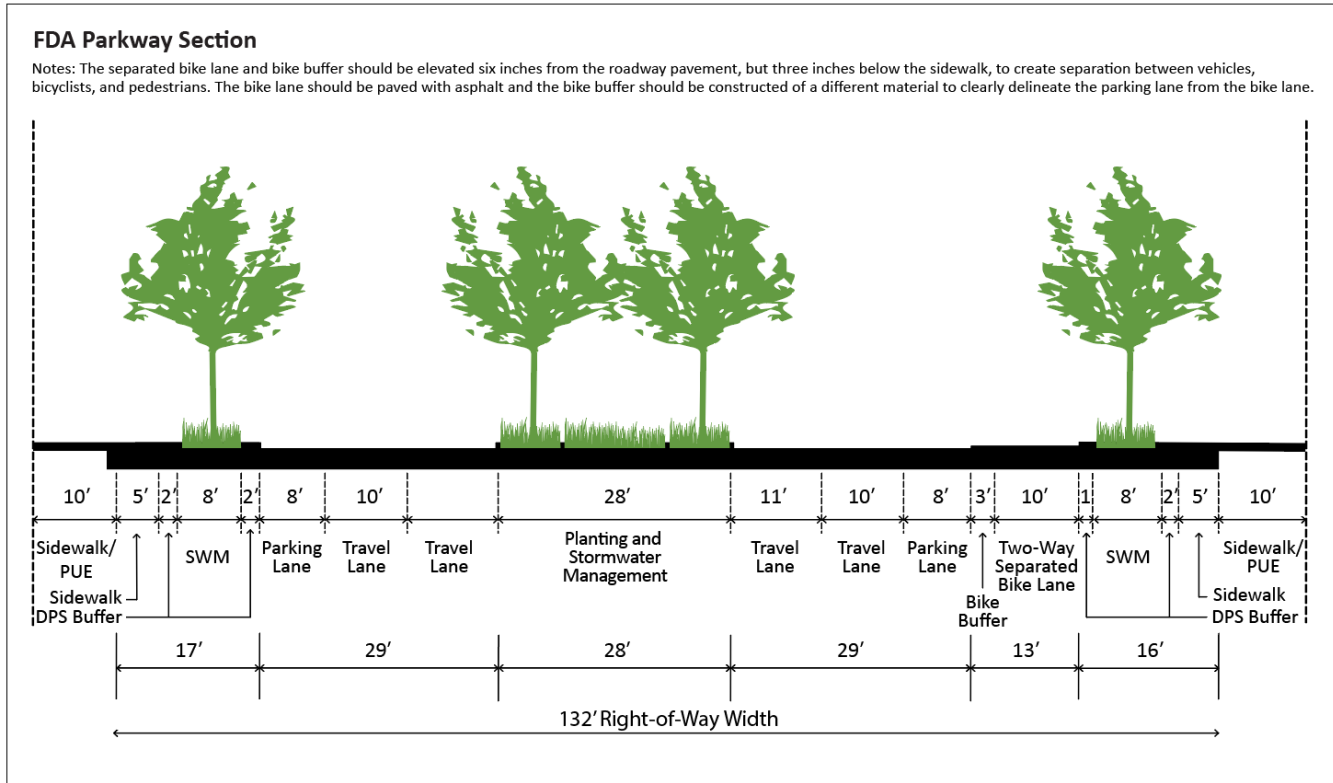


Figure 10: Staff recommended cross section for FDA Parkway

Supplemental BRT routes are recommended along Cherry Hill Road (A-98), FDA Boulevard (B-10) and FDA Parkway (A-106, Industrial Parkway extended). As conditioned, the Applicant will continue to coordinate with MCDOT regarding identification of locations of BRT station(s) along these potential supplemental BRT routes associated with the US 29 Corridor between Tech Road and Cherry Hill Road. The BRT right-of-way is planned to be 26-foot-wide with two-way 12-foot wide lanes and one-foot gutters. In addition, the BRT design vehicle must be able to navigate proposed traffic calming devices, which are currently envisioned as roundabouts.

Master Plan Transportation Management

If the White Oak Transportation Management District (TMD) is established, the Applicant must enter into a Traffic Mitigation Agreement to participate with the White Oak TMD with the Planning Board and MCDOT to assist in achieving an NADMS goal for new developments of 30%.

- Public facilities will be adequate to support and service the area of the subdivision.

Vehicular Access

The vehicular access points are proposed from Cherry Hill Road and the master-planned roadways New Road (B-5), FDA Boulevard (B-10) and FDA Parkway (A-106, Industrial Parkway extended).

Available Transit Service

Metrobus route operates along the Cherry Hill Road frontage with the nearest bus stop approximately 500 feet to the north at the intersection of Cherry Hill Road and Gracefield Road.

Pedestrian Facilities

The Applicant must provide ADA-compliant pedestrian circulation.

Local Area Transportation Review (LATR)

The Local Area Transportation Review test is satisfied by making the Local Area Transportation Improvement Program (LATIP) fee under the “Unified Mobility Program” for the White Oak Science Gateway Master Plan under the 2016-2020 Subdivision Staging Policy. The following actions implemented the LATIP fee and program:

- The County Council adopted Resolution No. 18-107 on April 14, 2015 that established the LATIP fee of all development in the White Oak Policy Area.
- The County Council adopted Resolution No. 18-728 on February 14, 2017, that established the Capital Improvement Program Project No. 361701 to use the developers LATIP fees to fund the design and construction of the White Oak transportation infrastructure.
- The County Council adopted Expedited Bill No. 51-16 on February 14, 2017, that authorized a credit against the LATIP fee for the applicant’s cost of an improvement in the White Oak Policy Area to the extent it exceeds the listed cost of the improvement in the CIP Project.
- The Planning Board approved a fee of \$5,010 per vehicle trip at its public hearing on September 28, 2017, that will be added to the *Local Area Transportation Review Guidelines*. The subject development for the land uses proposed shown below based on the trip generation rate schedule approved by the Planning Board:

Table 2: Data Table

Land Use	Trips per Unit of Development
Single-Family Detached Housing Units	1.28 per Unit
Townhouse	0.65 per Unit
Mid-Rise Apartments	0.34 per Unit
All Office Space	1.200 per 1,000 Sq. Ft.
All Retail Space	3.00 per 1,000 Sq. Ft.

The LATIP fee would be based on the number of units or square footage multiplied by the above “LATIP” rates and will be calculated/refined at each Preliminary Plan Amendment.

Schools

Although the Applicant is requesting approval of up to 6,090,135 square feet of residential development with this Preliminary Plan/Infrastructure Plan, school adequacy will be determined at the time of subsequent Preliminary Plan Amendments when the Large Lots are further subdivided and if/when residential units are proposed.

As previously stated, the Preliminary Plan/Infrastructure Plan also illustratively depicts the dedication of an approximately 4.73-acre lot (Lot 9) to Montgomery County Public Schools (MCPS) for a school site, and an approximately 4.27-acre park lot (Lot 8) to the Montgomery County Parks Department (Parks) pursuant to the recommendations of the WOSG Master Plan and conditions of the approved Sketch Plan. The final size, location

and ownership must be determined and dedication of the co-located school and park site must occur within 85 months of the date of the Resolution.

Other Public Facilities

The proposed development will be served by public water and sewer systems. The Montgomery County Department of Permitting Services Fire Department Access and Water Supply Section has reviewed the application and has determined that the Property has appropriate access for fire and rescue vehicles. However, further analysis and details are necessary at subsequent Preliminary Plan Amendments and Site Plans. Other public facilities and services including police stations, firehouses and health care are currently operating in accordance with the Subdivision Staging Policy. Electric, gas and telecommunications services are currently available and adequate. Again, further analysis and details will be necessary to reconfirm that adequate public facilities exist at subsequent Preliminary Plan Amendment(s) and Site Plan(s).

4. All Forest Conservation Law, Chapter 22A requirements are satisfied.

This Preliminary Plan/Infrastructure Plan establishes the alignment of the master-planned roads on the site. The total forest clearing associated with the road alignments is approximately 34,707 square feet, or about 0.80 acres. The Preliminary Forest Conservation Plan (PFCP) acknowledges a reduction in the area of on-site forest due to the presence of existing storm drain and WSSC easements of 1.63 acres, leaving 60.05 acres of forest on the Property. The clearing of 0.80 acres of forest for the road alignment leaves 59.25 acres of forest retained, and results in no afforestation or reforestation requirements at this time. The master-planned road alignment does not affect the critical root zone (CRZ) of any specimen trees, so no variance is required at this time.

This approval is strictly limited to the road alignment and does not include limits of disturbance for construction. A plan amendment will be necessary to show limits of disturbance before any construction can occur. Future applications will be evaluated for their forest and specimen tree impacts based on the limits of disturbance shown on these subsequent plans. Mitigation requirements will be determined based on these impacts according to the provisions of Chapter 22A. Variance requests will be required for future submissions that result in CRZ impacts to specimen trees.

Staff acknowledges that the Percontee property has an approved Mining and Reclamation permit from the Maryland Department of the Environment, and that this permit shows State-approved grading lines for restoration of the site upon completion of the mining activities approved on the permit. Forest clearing and specimen tree impacts will be permitted on future plans based on the approved grading lines shown on the plans accompanying the State-approved permit.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

The Preliminary Plan/Infrastructure Plan Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from Montgomery County Department of Permitting Services (MCDPS) water resources division on September 7, 2018. The Application will meet stormwater management goals through a variety of techniques including the use of micro bioretention. This concept approval is for the establishment of the master plan roadways including FDA Boulevard, Master Plan Street B-5, FDA Parkway, and the access roadway located on Parcel A. Please refer to the approval letter from MCDPS for the additional issues to be addressed prior to Planning Board approval of the Site Plan.

6. *Section 50.9 Subdivision Regulation Waiver of the timing and phasing requirements of Sections 50.4.2.G.2. and 50.4.3.J.5.*

Due to the unusually large scale of this Project and understanding that a project of this size and scale is going to take a considerable amount of time for the market to absorb the densities and uses envisioned on the Property, the project is expected to be constructed in multiple phases over many years. Thus, the Applicant has requested a Section 50.9 waiver of the timing and phasing requirements of Sections 50.4.2.G.2. (Plan Validity) and 50.4.3.J.5. (Adequate Public Facilities Validity).

Adequate Public Facilities (APF) Validity Period

Per Section 50.4.3.J.5.a.iv., a determination of APF validity made under Chapter 50 is timely and remains valid for no less than 5 and no more than 10 years after the Preliminary Plan is approved, as determined by the Planning Board when it approved the plan, for any plan approved after March 31, 2017. Thus, per Chapter 50, the minimum and maximum APF validity period the Planning Board can approve is five and ten years, respectively.

Furthermore, per Section 50.4.3.J.5.b.i., if an Applicant requests a longer APF validity period than the minimum, the Applicant must submit a development schedule or phasing plan to the Planning Board for its approval. At a minimum, the proposed development schedule or phasing plan must show the minimum percentage of the project that the applicant expects to complete in the first 5 years after the Preliminary Plan is approved. Per Section 50.4.3.J.5.b.ii.:

“To allow an APF validity period longer than the minimum, the Planning Board must find that the size or complexity of the subdivision warrant the extended validity period and would not be adverse to the public interest. The Planning Board must condition a validity period longer than the specified minimum on adherence to the proposed development schedule or phasing plan, and may impose other improvements or mitigation conditions if those conditions are needed to assure adequate levels of transportation or school service during the validity period.”

Applicant’s Request for a 43 Year APF and Plan Validity Period

The Applicant initially requested a 36 to 48-year APF and Plan Validity Period. After the postponement of the public hearing on October 11, 2018, and further discussions with Staff, the Applicant is now requesting a 43-year APF and Plan Validity Period, subject to the following proposed conditions and phasing schedule:

(1) during Phase I (described below), and thus prior to any use or occupancy of any commercial or residential buildings, the Applicant will be incurring tens of millions of dollars for the construction of the on-site master planned roads, together with the water, sewer, ultra-high-speed broadband service, dry utilities, and other public facilities located within the rights-of-way of those master planned roads; and

(2) the Applicant is obligated to pay all Local Area Transportation Improvement Program (LATIP) payments and applicable Impact Taxes for all commercial and residential buildings; and

(3) the Applicant is obligated to dedicate the land for the Project's elementary school site and co-located park site during the initial phase of the first 2,000,000 square feet of commercial and residential construction, the APF review for the Preliminary Plan will remain valid on a phased basis, and building permits will be issued on a phased basis, as follows:

- a. Phase I – The Applicant will (i) record plats for the dedication of FDA Parkway and Master Plan Street B-5; (ii) convey the property necessary for the realignment of FDA Boulevard; (iii) obtain Site Plan approval for the construction of these roads; and (iv) obtain necessary construction permits and bonds for these roads within sixty (60) months (5 years) from the day the County fully satisfies all of its obligations under the General Development Agreement to demolish all structures located on Site II and mass-grade Site II; but in no event more than eighty-four (84) months (7 years) from the day the Resolution is mailed, subject to force majeure beyond the control of the Applicant.
- b. Phase II – Building permits must be issued for the first 2,000,000 square feet of the total 12,180,270 square feet approved within one hundred forty-four (144) months (12 years) from the expiration of the Phase I validity period; provided, however, that the APF validity period for Phase II may be further extended, subject to written approval by the Planning Director, on account of force majeure and/or market conditions beyond the control of the Applicant.
- c. Phase III through Phase VI - For each of the next four subsequent phases of 2,000,000 square feet each, building permits for each of those separate phases must be issued within one hundred forty-four (144) months (12 years) from the expiration of the immediately preceding phase; provided, however, that the APF validity period for any phase may be further extended, subject to written approval by the Planning Director, on account of force majeure and/or market conditions beyond the control of the Applicant.
- d. Phase VII - For the final phase of 2,180,270 square feet, building permits for this final phase must be issued within one hundred forty-four (144) months (12 years) from the expiration of Phase VI; provided, however, that the APF validity period for Phase VII may be further extended, subject to written approval by the Planning Director, on account of force majeure and/or market conditions beyond the control of the Applicant.

The APF approval for the total approved 12,180,270 square footage will expire on the date the APF validity period expires for the final Phase VII; and any square footage that has not been included in a building permit issued by that date may not be used unless a new finding for APF has been made or an extension is granted.

Per the Applicant's Statement of Justification, the Applicant asserts:

"The Project will be a long-term development that is highly unique in terms of the amount of density proposed, expected length and complexity of buildout and financing, and significant obligations to provide public infrastructure including the dedication and construction of Master Plan roads in the first phase of development and the dedication of a site for a public school... As envisioned in the Master Plan and recognized by the County Executive and County Council, the Project will be a catalyst for revitalizing a

significant portion of eastern Montgomery County by (i) creating job opportunities throughout the White Oak region and beyond; (ii) leveraging the adjacent United States Food and Drug Administration Headquarters; and (iii) enhancing the County's reputation as a leader in the biomedical and biotechnology industry sectors. As such, Viva White Oak is a transformative project that will require significant public and private investment to be successfully implemented.

Moreover, the Project will be developed in multiple increments over many years and each increment of the Project's development will be planned with an appropriate balance and mix of uses in response to market conditions and in furtherance of the vision of the Project to encourage employment, community revitalization and economic development. Although it is anticipated that there will be approximately 6 increments of development (of approximately 2 million square feet each), it is impossible to predict the size and timing of each incremental phase of development. Given the size of the project in terms of both land area and proposed density, and the contemplated mix of uses, the development of the Project will necessarily be market-driven and therefore is likely to take many years to complete. At various times over this period it is expected that market conditions will vary. This is particularly evident given the location of the Project in a section of the County that has historically seen stagnant development activity for employment uses and new residential communities. As more fully discussed below, due to the public/private partnership with the County, the Master Plan roads that will support full development will be built up front and the APF Validity Period and the Plan duration period must be extended well beyond the standard periods to justify this investment.

The Project also provides significant mobility and recreational amenities that will benefit the entire Eastern County, and not just the Project. The Project is illustratively designed to accommodate at least one dedicated BRT lane in the median of FDA Parkway and within FDA Boulevard, with connection via through lanes around FDA Circle. At least one BRT station is planned within the Project limits, along with the Master Planned BRT station along Rt. 29, will encourage transit use. The Project also includes an interconnected system of sidewalks, pathways, open spaces and activity centers that will encourage walking and community interaction.

As noted above the Project is being undertaken as a joint public/private partnership with the County in accordance with the General Development Agreement (GDA). As part of this partnership, the County has committed over \$47,000,000 in funds to implement the Project in the FY19-24 Capital Improvements Program, including approximately \$40,000,000 towards the construction of the Master Plan roads (FDA Boulevard, FDA Parkway, and B-5) and more than \$7,000,000 for the demolition of existing buildings and site development activities on the County property. Global Life-Sci Development Corporation (GLDC) will fund the balance of the construction costs for these roads. These roads are estimated to cost more than \$75,000,000 to construct. Accordingly, GLDC's obligation to fund these public master planned roads that will serve the entire area would be in excess of \$35,000,000. Significantly, GLDC is constructing these roads in the first phase of the Project, and thus perhaps decades in advance of some portions of the development activities for the proposed uses in the Project. These improvements, once constructed, will serve not only the Project; but also, will serve and improve mobility in and around the entire White Oak area, including FDA's campus and the new White Oak Medical Center Hospital. Thereafter, subsequent development will fund necessary transportation and mobility infrastructure through the payment of the LATIP. In order to justify these expenditures and secure lenders as needed, it is essential that the APF Validity Period is long enough to ensure the Project can be thought fully planned and developed without the risk of unexpected development constraints and added costs for providing additional public infrastructure.

In summary, among the highly unique reasons why it is in the public interest to approve the Applicant's requested APF Validity Period are:

- The Project is located in the northeastern portion of Montgomery County, which has been the subject of a de jure and de facto moratorium for over 30 years. Accordingly, there is not an established broader market in the vicinity of the Project, from which the Project could draw or attract. Indeed, it is incumbent on the Project itself to be the primary transformational catalyst for revitalizing not just the Project, but the entire WOSG Master Plan area.
- The Project is of such significant size – in excess of 12 million square feet – this it is, itself, perhaps the only development project in the entire WOSG Master Plan area that single-handedly is capable of advancing the WOSG Master Plan area beyond "the tipping point," resulting in a successful revitalization not only for the Project, but for the entire WOSG Master Plan area.
- As reflected in the Master Plan, the County Council specifically and intentionally designated the WOSG Plan area as a strategic "Economic Opportunity Center," particularly because it leverages the recent federal government's investment of more than \$1.3 Billion in the area through the consolidation of the FDA Headquarters, and has the potential to revitalize this historically economically disadvantaged area of Montgomery County.
- Given the multiple increments of development and the long-term development horizon of this Project, coupled with the Project's important economic catalytic qualities for the entire area, it is in the public's best interest to approve the Applicant's requested APF Validity Period."

Staff Recommendation

Staff does not recommend an expiration of APF or Plan Validity for this first Preliminary Plan/Infrastructure Plan. However, school adequacy and other public facilities will need to be tested at subsequent Preliminary Plan Amendments, and, if necessary, validity periods and phasing will be assigned at that time.

Due to the unusually large scale of this project and understanding that a project of this size and scale is going to take a considerable amount of time for the market to absorb the densities and uses envisioned on the Property, the project is expected to be constructed in multiple phases over many years. As previously stated and agreed upon at Sketch Plan and the previously approved SRW, the Applicant has filed one Preliminary Plan/Infrastructure Plan that covers the entire Property with an associated Preliminary Forest Conservation Plan. This first Preliminary Plan/Infrastructure Plan will establish the larger Land Bays, which are comprised of Outlots, Large Lots and Road Parcels, which will be further subdivided and refined as portions of the Project move forward for development with subsequent Preliminary Plan Amendments and Site Plans, when the respective development is ready to proceed. This first Preliminary Plan/Infrastructure Plan will also layout the master-planned roads and infrastructure and will establish a Preliminary Forest Conservation Plan for the entire Property. Per the SRW and this application, issuance of building permits is prohibited on any portion of the Property, except for the construction of master-planned roads and demolition of existing structures.

While the Applicant is requesting approval of 12,180,270 square feet of development with up to 6,090,135 square feet of residential uses, the Applicant is not actually proposing development of any buildings or units at this time. As previously stated, payment of the LATIP Fee and Development Impact Taxes satisfy the transportation portion of APF for both residential and non-residential development. Therefore, from a transportation perspective, APF and Plan Validity is not necessary, provided all necessary master-planned roads are constructed, the LATIP Fee is paid, and all other public facilities are deemed adequate.

The schools test portion of APF is satisfied for this Preliminary Plan/Infrastructure Plan if the Applicant dedicates the 9-acre co-located school and park site within 85 months (7 years) from the day the Resolution is mailed. Phasing for residential uses will not be required with this Preliminary Plan/Infrastructure Plan if prior to issuance of any building permit for residential uses required school impact taxes are paid, all necessary master-planned

roads are constructed, and all necessary wet and dry utilities are provided. As stated previously, school adequacy and other public facilities will need to be tested at subsequent Preliminary Plan Amendment(s), and, if necessary, validity periods and phasing will be assigned at that time.

Applicant's Request for a 43-year Preliminary Plan Validity Period

Per the Applicant's revised request and Statement of Justification, the Applicant requests a forty-three-year Preliminary Plan Validity Period for the same reasons listed above in the APF Validity Period Section, subject to the following phasing schedule:

"The Applicant proposes that the first phase of the Preliminary Plan, for purposes of Section 50.4.2.G.2.b, will consist of (i) recordation of plats for the dedication of FDA Parkway and Master Plan Street B-5, and (ii) conveyance of property necessary for the realignment of FDA Boulevard. Given the need to obtain Site Plan approval prior to platting of these roads (FDA Boulevard, FDA Parkway, and B-5), the Applicant requests 5 years from the Initiation Date of the Preliminary Plan, as defined in Section 50.4.2.G.1 to complete the requirements for the validation of Phase 1. Given the size, scope and complexity of the Project as detailed above, if Phase 1 is timely validated, then the Preliminary Plan approval for the Project will be validated if the balance of the property included in the Preliminary Plan is platted within the duration of the APF Validity Period."

Staff Recommendation

As stated above, Staff does not recommend an expiration of APF or Plan Validity for this first Preliminary Plan/Infrastructure Plan. However, school adequacy and other public facilities will need to be tested at subsequent Preliminary Plan Amendments, and, if necessary, validity periods and phasing will be assigned at that time.

Again, due to the unusually large scale of this project and understanding that a project of this size and scale is going to take a considerable amount of time for the market to absorb the densities and uses envisioned on the Property, the project is expected to be constructed in multiple phases over many years. Furthermore, this first Preliminary Plan/Infrastructure Plan will primarily layout the master-planned roads and infrastructure and will establish a Preliminary Forest Conservation Plan for the entire Property. Per the SRW and this Application, issuance of building permits is prohibited on any portion of the Property, except for the construction of master-planned roads and demolition of existing structures. Thus, Staff agrees that the maximum ten-year Preliminary Plan Validity Period is not sufficient and supports the waiver of the timing requirement.

Section 50.9.3. Findings

Per Section 50.9.3., to grant a waiver, the Planning Board must find that:

1. *due to practical difficulty or unusual circumstances of a plan, the application of a specific requirement of the Chapter is not needed to ensure the public health, safety, and general welfare;*

As stated above, due to the unusually large scale of this project and understanding that a project of this size and scale is going to take a considerable amount of time for the market to absorb the densities and uses envisioned on the Property, the project is expected to be constructed in multiple phases over many years. Thus, the limited scope of the initial Preliminary Plan/Infrastructure Plan, the condition prohibiting issuance of any building permits (except for master-planned roads and demolition of existing structures) on the Property until subsequent Preliminary Plan Amendments and associated Site Plans are filed for the Outlots, Lots or Parcels where development is sought, all necessary master-planned roads will be constructed, the co-located school and park site will be dedicated within seven (7) years, and that any subsequent Preliminary Plan Amendments will be considered major amendments with any associated LATIP Fees, applicable impact taxes and school capacity tests will be calculated with each subsequent

Preliminary Plan Amendment, Staff finds that the maximum ten-year Preliminary Plan and APF Validity requirements of Sections 50.4.2.G.2. and 50.4.3.J.5. are not needed at this Preliminary Plan/Infrastructure Plan to ensure the public health, safety, and general welfare.

2. *the intent of the requirement is still met; and*

Again, Staff agrees that based on the unusually large scale of this project and understanding that a project of this size and scale is going to take a considerable amount of time for the market to absorb the densities and uses envisioned on the Property, the project is expected to be constructed in multiple phases over many years. Since the Applicant is required to submit subsequent Preliminary Plan Amendments and Site Plans on any portion of the Property where development is sought, and any applicable validity periods and phasing will be established at that time, Staff finds the intent of the requirements of Sections 50.4.2.G.2. and 50.4.3.J.5. will still be met.

3. *the waiver is:*

a. *the minimum necessary to provide relief from the requirements; and*

Staff finds the requested waiver to be acceptable and the minimum necessary to provide relief from the requirements, while implementing the Preliminary Plan as agreed to during review of the Sketch Plan and the previous Subdivision Regulation Waiver for this unusually large, multi-phased project, which is expected to take several years to fully buildout.

b. *consistent with the purposes and objectives of the General Plan.*

Based on the conditions of approval listed in this report, and the Binding Elements, Conditions of Approval, and Findings of the previously approved Sketch Plan and Subdivision Regulation Waiver, Staff finds the requested waiver permits the Applicant to proceed with Preliminary Plan approval consistent with the purposes and objectives of the General Plan.

SECTION 5: COMMUNITY CORRESPONDENCE

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Applications. Staff has not received any correspondence on the proposed development.

SECTION 6: CONCLUSION

Based on the review by Staff and other relevant agencies, and the analysis contained in this report, Staff finds the proposed Preliminary Plan/Infrastructure Plan meets the requirements and standards of all applicable sections of Chapter 50 the Subdivision Regulations, Chapter 59 the Zoning Ordinance, and Chapter 22A the Forest Conservation Law. Access and public facilities will be adequate to support the proposed density and uses. The proposed development is in substantial conformance with the 2014 Approved and Adopted *White Oak Science Gateway Master Plan* and the 2014 *White Oak Science Gateway Master Plan Design Guidelines*. Therefore, Staff recommends approval of Preliminary Plan No. 120180240, subject to the conditions stated at the beginning of this report.

ATTACHMENTS

1. Applicant's Preliminary Plan/Infrastructure Plan including Cross Sections
2. Applicant's Statement of Justification
3. Approval Letters

ATTACHMENT #2

VIVA WHITE OAK™ PRELIMINARY PLAN NO. 120180240 JUSTIFICATION STATEMENT

I. INTRODUCTION

Global Lifesci Development Corporation, “Applicant” or “GLDC”, submits this Preliminary Plan Narrative and Justification Statement to demonstrate conformance of the proposed development with all applicable review requirements and criteria for this Preliminary Plan application (“Application”) as prescribed by Chapter 50 of the Montgomery County Code (“Subdivision Regulations”) and other applicable laws, rules, and regulations.

Viva White Oak™ is located on Cherry Hill Road southwest of Gracefield Road in Silver Spring, Maryland (“Property”). The Property consists of two parcels identified in the Approved and Adopted White Oak Science Gateway Master Plan (2014) (“Master Plan”) – “Site II” and the “Percontee property” with a combined gross tract area of approximately 279.62 acres. The Property is zoned CR-1.0, C-1.0, R-0.5, H- 220 in accordance with the recommendations of the Master Plan. Percontee, Inc. and its affiliates engage in mining and reclamation activities, a concrete plant operation, and a concrete recycling operation on the Percontee property; and Site II (presently owned by Montgomery County, Maryland) is a former Washington Suburban Sanitary Commission (WSSC) composting facility.

In 2011, the County Executive selected GLDC as its development partner in response to a Request for Proposals from entities interested in developing Site II. The County selected GLDC through a competitive solicitation to assume the role of Master Developer for the joint development of a large-scale mixed-use development on the Property that will be a catalyst for revitalization of a significant portion of eastern Montgomery County (the “Project”). By Resolution No. 18-195 adopted June 23, 2015, the Montgomery County Council approved a Declaration of No Further Need for Site II, authorizing the County to dispose of Site II under the material terms provided by the Montgomery County Executive in his June 17, 2015 memorandum to the County Council, as supplemented by the Council in its Resolution (the “2015 Council Resolution”). Those material terms were incorporated into a General Development Agreement between Montgomery County and GLDC dated June 7, 2016 (the “GDA”).¹ By Resolution No. 18-727, adopted February 14, 2017, the Montgomery County Council ratified, authorized, and approved the Declaration of No Further Need for Site II, authorizing the County to dispose of Site II under the specific terms and conditions set forth in the executed GDA, and as Montgomery County Executive described in his November 15, 2016 memorandum to the County Council, as supplemented by the Council in its Resolution No. 18-727 (the “2017 Council Resolution”).

¹ In accordance with the terms of the GDA, the County Executive (by and through the Department of General Services) has approved the Preliminary Plan and authorized the submission of this Application to include Site II.

The Project will create job opportunities throughout the White Oak region and beyond and will serve as a transformational development for this portion of the County by leveraging the adjacent United States Food and Drug Administration Headquarters (“FDA”) and enhancing the County’s reputation as a leader in the biomedical and biotechnology industry sectors. Proposed uses may include, but are not necessarily limited to, academic, research and development, office, residential, conference center/lodging, retail, restaurant and entertainment uses, active and passive parks and natural features, and other civic uses. The land use mix reflects the County’s policy to encourage employment, community revitalization, and economic development with an emphasis on the biomedical and biotechnology industries and the innovation economy. Although the Project contains residential uses, it is not intended to be a primarily residential development.

By Resolution dated January 30, 2018, the Montgomery County Planning Board (“Planning Board”) approved, with conditions, Sketch Plan No. 320180040 for up to 12,180,270 square feet (“SF”) of mixed-use development on the Property, which may include academic, research and development, office, residential, conference center/lodging, retail, restaurant and entertainment uses, active and passive parks and natural features, and other civic uses (the “Sketch Plan”). Condition 6a of the Sketch Plan provides:

The first Preliminary Plan should include all public/master-planned streets, major utility lines, a Preliminary Forest Conservation Plan which identifies (public use/open space, schools, parks) with information about when each will be provided/constructed.

To implement the Sketch Plan, GLDC is submitting this Application under the Optional Method of Development in the CR Zone in accordance with the requirements of the Subdivision Regulations.

The Preliminary Plan submitted with the Application proposes mixed-use development of up to approximately 12.1 million square feet, which may include in excess of 6.0 million SF of commercial uses including, office, academic, hotel, retail/entertainment/restaurant, conference center uses, and other non-residential uses; and up to approximately 6.0 million SF of residential uses. Because the development of the Project will occur over many years, this Preliminary Plan specifies the maximum amount of commercial and residential development, but reserves the right to adjust the specific densities and uses to address market needs as development of the Project proceeds. However, in all events the maximum amount of commercial development and the maximum amount of residential development and the total amount permitted development approved by the Preliminary Plan will not be exceeded.

The Preliminary Plan proposes 11 large lots ranging in size from 4.27 acres to 43.64 acres, 3 outlots ranging in size from 0.84 acres to 10.01 acres, and one 2.23-acre parcel. The outlots are proposed for areas of stream valley buffer and the park open space within FDA Circle, and the parcel is proposed for a section of a private road for access to the FDA. Based on market conditions, subsequent Site Plans will be filed for development within each large lot and, concurrently, a limited amendment to this Preliminary Plan will be filed to further divide as

necessary the large lots, as well as to refine the internal public and private road network within each block.

The Preliminary Plan also provides for the dedication of Master Plan roads A-106 (FDA Parkway) and Business District Road B-5, as well as the realignment of existing FDA Boulevard through the Property. Finally, the Preliminary Plan illustratively proposes the dedication to the County of an approximately 4.73-acre lot (Lot 9) for a public school; and an approximately 4.27-acre park lot (Lot 8) to the MNCPPC pursuant to the recommendations of the Master Plan and conditions of the approved Sketch Plan. The illustrative areas for the school and park are adequate for the intended use and programming.

Solely for purposes of informing matters relating to the required findings for this initial Preliminary Plan --- but expressly not being incorporated into or becoming a part of the official Preliminary Plan --- the Applicant is submitting (among other the supplemental supporting documents to Applicant's Preliminary Plan application package): (1) an illustrative plan of a conceptual full buildout of the Property (which is the same illustrative plan submitted as part of the approved Sketch Plan), (2) an illustrative phasing schedule, and (3) illustrative graphic representations of the proposed three master planned roads. Final building locations, dimensions, heights, uses, phasing schedule, densities, development standards, public and private open spaces, block layouts, road and trail alignments, utility locations, circulation patterns, and development programs shall be established as specific limited preliminary plan amendments and site plans are applied for and approved.

A. Subject Property and Surrounding Area

The Property is located on Cherry Hill Road southwest of Gracefield Road in Silver Spring. The surrounding area is dominated by commercial uses including the Montgomery Industrial Park, the Westech Business Park, WSSC and County facilities and the Property itself. Rt. 29 is classified as a major highway within a planned 100'- 200' divided right-of-way including 6 travel lanes in the vicinity of the Property. Cherry Hill Road is classified as an arterial roadway within an 80' right-of-way including 4 travel lanes. The site of the new Washington Adventist Hospital, which is intended to be named "White Oak Medical Center" (the "Hospital") is located adjacent to the Property. Construction of the Hospital is underway, and is expected to open to serve its first patients in July of 2019.

Access to the Property is obtained via Industrial Parkway and future FDA Parkway, a planned arterial roadway within a 132' right-of-way, including 4 through travel lanes hereinafter referred to as "FDA Parkway". As discussed below, FDA Parkway will be constructed by the Applicant in the first phase of development. Access to the Property is also obtained via existing FDA Boulevard, a 4-lane business district road connecting the Property with Cherry Hill Road, which is expected to be realigned and reconstructed as part of the first phase of the Property's development. When constructed, FDA Parkway will also connect with FDA Boulevard via the planned "FDA Circle" shown illustratively on the Preliminary Plan, which will also be constructed in the first phase of development.

As noted above, the Property is adjacent to the FDA Headquarters and Federal Research Center (collectively, “FDA”). The FDA comprises approximately 662 acres and is the site of the former Naval Ordnance Laboratory and the former Naval Surface Warfare Center. The site was renamed the Federal Research Center in 1996, within which the FDA located its headquarters.

The Property is also located adjacent to the Paint Branch Stream Valley and Paint Branch Park. The Project illustratively proposes residential uses, including residences fronting the Park. A comprehensive trail system connecting to the Property and the Stream Valley will serve to activate and encourage use of the Park.

B. Transit Accessibility and Transportation Improvements

The Property is currently served by Metrobus Routes R2 and Z6 along Cherry Hill Road, Broadburch Drive and Plum Orchard Road, and Metro Bus Route Z6 and RideOn Route 10 on Tech Road and Industrial Parkway.

In addition, the Approved and Adopted Countywide Transit Corridors Functional Master Plan (2013) recommends dedicated lanes for Bus Rapid Transit (BRT) along Rt. 29. The Master Plan refines this provision and recommends an extension of the Randolph Road BRT route east along Cherry Hill Road to FDA Boulevard, with the potential to extend further into Prince George’s County. The Master Plan also recommends a spur off the mainline Rt. 29 BRT route into Viva White Oak™ via Tech Road or Industrial Parkway. The Master Plan also indicates one or more BRT stations should be planned for Viva White Oak™. The Preliminary Plan illustratively provides for future opportunities to have at least one dedicated BRT lane in the median of FDA Parkway and FDA Boulevard, together with at least one BRT station.

The Master Plan, at page 65, recommends a non-auto driver mode share (“NADMS”) goal of 30% for all new residential and commercial development in the portion of the planning area that includes the Property. In 2015, the White Oak Transportation Management District (“TMD”) was created by the County to coordinate and promote transit and commuter services programs in the TMD boundaries, which include the Property. In accordance with Condition 6k of the Sketch Plan, this Application includes a draft Trip Mitigation Agreement between the County, the Planning Board and GLDC that outlines the programs GLDC may implement to assist in achieving the Master Plan NADMS goal for the Property, as well as provide other transportation benefits to the White Oak Transportation Management District.

C. The Project

As noted, the Project consists of the joint development of Site II and the Percontee property, subject to the terms of the GDA. A maximum 12,180,270 SF of mixed-use development is proposed, which may include academic, research and development, office, residential, conference center/lodging, retail, restaurant and entertainment uses, active and passive parks and natural features, and other civic uses. It is anticipated that the Project will include four distinct, yet interconnected neighborhoods: East, West, Village Center and Office, R&D Core and Academic Campus (“Campus Neighborhood”).

1. Moderately Priced Dwelling Units (“MPDUs”)

At full buildout of the Project, the number of the Project’s Moderately Priced Dwelling Units (“MPDUs”) will meet or exceed the minimum ratio of 12.5% of the total units for all residences in the Project, as required under Section 59.4.7.3 of the Zoning Ordinance in effect as of the date of this Preliminary Plan’s Application (the “MPDU Standard”). GLDC, however, may exceed this minimum 12.5% MPDU Standard by constructing, at full buildout of the Project, MPDUs in excess of 15% of the total number of units of all residences constructed in the Project. To the extent the Project’s number of constructed MPDUs exceeds 15% of the total number of units of all residences constructed, all of the Gross Floor Area (“GFA”) of all of those constructed MPDUs shall be exempt from the calculation of the Project’s Floor Area Ratio (FAR), as now permitted under the MPDU Standards. To the extent the Project’s number of constructed MPDUs exceed 12.5%, but does not exceed 15%, of the total number of units of all residences constructed, only the GFA of constructed MPDUs above the minimum 12.5% ratio shall be exempt from the calculation of the Project’s FAR, as now permitted under the MPDU Standards. The amount of GFA exempted for the Project’s FAR may be transferred and utilized in any increment of the Project’s development for any use permitted under the Project’s CR zoning designation. On a building-by-building basis, the number of MPDUs within any specific building may be more or less than the minimum 12.5% MPDU Standard; provided, however, that as of the completion of that specific building’s construction, the number of MPDUs of all MPDUs then constructed to date shall, on a running-aggregate basis, exceed the minimum 12.5% MPDU Standard of all residences then constructed to date in the Project. This MPDU Standard shall govern the entire buildout of the Project. Final MPDU locations, bedroom compositions, and layouts will be determined at the applicable Certified Site Plan, with review and approval by the Department of Housing and Community Affairs.

2. Public Elementary School, Parks, and Civic Uses

In accordance with the Master Plan and Sketch Plan, and as illustratively shown on the Preliminary Plan, GLDC is dedicating land for a new public elementary school and co-located with a local park. The Project also includes civic greens, parks, plazas, and an integrated trail and bikeway system as recommended by the Master Plan and illustrated on the Sketch Plan.

3. Master Planned Roads and Roadway Network

As shown on the Preliminary Plan, FDA Parkway will be constructed to connect with FDA Boulevard via FDA Circle. The Project will also include interior business district and residential streets, amenities and a network of open spaces connected by a series of paths and sidewalks. As noted above, because each neighborhood and the location and mix of uses is anticipated to evolve over time with more detailed planning, the internal road network is not shown on this Preliminary Plan. Rather, internal roads will be shown on subsequent Site Plans for the Project. To the extent such roads are public, necessary dedication will follow Site Plan approval.

4. Phasing Plan

The GDA, as ratified by the County Council in the 2017 Council Resolution, requires this Preliminary Plan Application to include information regarding the Project's intended Phasing Plan. Together with this Justification Statement, the materials accompanying this Preliminary Plan Application illustratively identify, in geographic terms, where the Project may develop incrementally; and, on a per square foot basis, describe the buildout of the Project in terms of six increments of development of approximately 2 million square feet each. At this Preliminary Plan stage, however, it would be folly to try to predict precisely all the market conditions, timing, and locations for each incremental phase of development. Accordingly, the actual discreet number of phases, timing, and geographic configurations of each incremental phase of the Project's development are likely to change (perhaps significantly) based upon market conditions over the long-term buildout of the all the entitled densities of the Project.

As specifically set forth in the GDA, and as ratified by the County Council in the 2017 Council Resolution, the Applicant and County (acting through the Department of General Services) are required to "coordinate and agree on the specific Phasing Plan of the Project's development that would address, at a minimum, the following":

a. an appropriate balance and mix of intended land uses for each phase of the Project (including, but not necessarily limited to, employment, lodging, retail/entertainment, institutional, various public and civic uses, and quality residential uses), reflecting the County's policy to encourage employment, community revitalization, and economic development with an emphasis on the biomedical and biotechnology industries and the innovation economy (and not primarily a residential development).

In coordination with the Department of General Services, the Applicant and County agree that the Phasing Plan as generally described among the materials accompanying this Application provides for an appropriate balance and mix of intended land uses for each incremental phase of the Project. The Project is intended to be developed in multiple increments. The first phase of development is intended to consist of approximately 2 million square feet of development, within which building permits will not be issued for more than 1,000 market-rate residential units unless and until building permits have been issued for at least 300,000 square feet of non-residential uses. The on-site amenities for each incremental phase of development with residential uses will occur concurrently with the construction of the residential units to be built within that incremental phase, and will be completed prior to the occupancy of more than 90% of the units in that incremental phase, subject to possible deferral of landscaping to the appropriate planting season(s) for each incremental phase.

b. ultra-high speed broadband data transmission infrastructure.

In coordination with Montgomery County Department of Technology Services (pursuant to the "Ultra-Montgomery" Initiative) the Applicant and the County have agreed upon the provision for, and dedicated location of, ultra-high speed broadband data transmission infrastructure within the public right-of-way of the master planned roads (from which the ultra-high speed broadband data service would then connect to each building within each subdivided lot).

c.the graduated transportation trip mitigation goals required for each phase of the Project.

The proposed Trip Mitigation Agreement (TMAg) accompanying this Application more fully sets forth the graduated transportation trip mitigation goals for each incremental phase of the Project's development.

d.the timing of the graduated transportation infrastructure improvements needed to serve each phase of the Project (including rapid transit, if applicable).

After the 2016 execution and effective date of the GDA, the County Council amended the County's Subdivision Staging Policy (SSP) in 2017. Section TL4.7 of the SSP states that the Planning Board may approve a subdivision in the White Oak Policy Area conditioned on the applicant paying a fee to the county commensurate with the applicant's proportion of the cost of a White Oak Local Area Transportation Improvement Program ("LATIP"), including the costs of design, land acquisition, construction, site improvements and utility relocation. The LATIP payment process, therefore, effectively operates as the applicable transportation infrastructure plan for the Project (including the timing of the graduated transportation infrastructure improvements).

5. Infrastructure Plan

As specifically required under the GDA, and as ratified by the County Council in the 2017 Council Resolution, the Applicant and County (acting through the Department of General Services) was required to "coordinate and agree on the Project Infrastructure Plan, which would include, at a minimum:

a. ***a method of identifying and establishing the priorities among necessary on-site and off-site transportation infrastructure improvements (including rapid transit, if applicable, and any other Non-Single Occupancy Vehicle, multi-modal means of mobility), as well as non-transportation infrastructure improvements (such as water, sewer, utilities, ultra-high speed broadband data transmission lines, etc.), associated with each phase of the Project's development.***

The LATIP payment process (described above) is the applicable method of identifying the necessary on-site and off-site transportation infrastructure improvements. This Preliminary Plan Application also reflects the Applicant's coordination with the Washington Suburban Sanitation Commission ("WSSC"), PEPCO, Montgomery County Department of Technology Services, and other service providers relating to the non-transportation infrastructure improvements associated with each phase of the Project's development.

b. ***the proposed Trip Mitigation Agreement that will govern the Project's development to assure achievement of the graduated trip mitigation goals required of the Project (which the Parties acknowledge would be merely what would be proffered in the Application for Entitlements, but eventually would be subject to approval by MCDOT and M-***

NCPPC).

The proposed Trip Mitigation Agreement (“TMAG”) that would govern the Project’s development has been included among the materials that accompany this Preliminary Plan Application.

c. a program for transportation infrastructure improvements, to be shared proportionately among the proposed Project development, other new development within the White Oak Science Gateway (“WOSG”) Master Plan area, the County, and any needed Federal and/or State participation in those funding mechanisms (including the equitable funding of contributions by the Project development to any WOSG TMD formed to serve the WOSG Master Plan area)

The LATIP payment process (described above) sets forth the applicable program for transportation infrastructure improvements. In addition, the County, in coordination with the State of Maryland, and with the award of a federal TIGR grant, is funding and implementing a bus rapid transit corridor along US Route 29 from the Burtonsville County Line to the Silver Spring Transit Center (thus representing County, State, and federal participation in those funding mechanisms).

d. a program for non-transportation infrastructure improvements (such as water, sewer, utilities, ultra-high speed broadband data transmission lines, etc.) to be shared proportionately among the proposed Project development, other new development within the WOSG Master Plan area, the County, and any needed Federal and/or State participation in those funding mechanisms.

The Applicant is coordinating with WSSC, PEPCO, Montgomery County Department of Technology Services, and other service providers to establish capital improvement projects for non-transportation infrastructure, with appropriate proportionate sharing of those capital improvement project costs by the Project, other new development within the WOSG Master Plan, the County, as well as State and/or federal sources of funds.

6. Intended Victory Housing Affordable Senior Residences in Phase One of Project

Recently, The Martha B. Gudelsky Child Development Center, Inc. (“MBGCDC”) --- a 501(c)(3) charitable organization related to GLDC (two of the 6 owners of GLDC also serve as two of 5 board members of the MBGCDC charitable organization, with the majority of the MBGCDC Board being independent from GLDC) --- was selected by County Executive Isiah Leggett (through a competitive Request for Development Proposal process) to design, construct, operate, and manage an early childhood education and development center (primarily for children of low or moderate income families) on the former Silver Spring Library Site on Colesville Road in Downtown Silver Spring. As part of that selection process, County Executive Leggett requested MBGCDC to arrange to have GLDC provide in the first phase of development within the VIVA White Oak™ Project a suitable, “finished” parcel for Victory Housing --- a 501(c)(3) charitable organization affiliated with the Archdiocese of Washington, which provides

affordable senior residential living options --- for Victory Housing to design, develop, construct, operate, and maintain affordable senior residences in VIVA White Oak™, with the cost of that land to be at no cost to Victory Housing. Pursuant to County Executive Leggett's request, GLDC and Victory Housing negotiated and executed a Letter of Intent for GLDC to provide, at no cost to Victory Housing, a "finished" parcel of land (i.e., land that will be graded, with access to a public road and with necessary utilities to the parcel's property line) within the first phase of development of VIVA White Oak™. Under that Letter of Intent, the parties intend for Victory Housing to design, develop, construct, operate and maintain an affordable senior housing community within the first phase of VIVA White Oak™ (approximately 125,000 to 140,000 square feet in size and accommodating a minimum of 90 affordable senior residences). Copies of the executed Letter of Intent will be provided to any MNCPPC staff and/or member of the Planning Board and/or any other Montgomery County public official upon written request. GLDC and Victory Housing are currently in negotiations to enter into a binding Contract to convey such a suitable parcel for Victory Housing's intended use within the first phase of development of VIVA White Oak™, and expect to have entered into that binding Contract before any Planning Board action on this Preliminary Plan Application. GLDC pledges to use all good faith, commercially reasonable efforts to enter into a binding Contract with Victory Housing before any final decision by the Planning Board regarding this Preliminary Plan Application.

II. FINDINGS REQUIRED FOR APPROVAL OF THE PRELIMINARY PLAN APPLICATION

In order to approve a Preliminary Plan of Subdivision, pursuant to Section 50.4.2 *et seq.* of the Subdivision Regulations, the Planning Board must make certain findings. The Preliminary Plan application satisfies the findings that the Planning Board must make, as follows:

- 1. The size, width, shape, and orientation of the proposed lot is appropriate for the location of the subdivision.*

The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of long-term, phased development contemplated. As noted above, the Preliminary Plan proposes 12 large lots, 3 outlots, and one parcel. The outlots are proposed for the stream valley buffer areas and the parcel is proposed for a section of a private road for access to the FDA. Based on market conditions, Site Plans will be filed for development within each large lot and, concurrently, a limited amendment to this Preliminary Plan will be filed to further divide as necessary the large lots, as well as to refine the internal public and private road network within each block. In addition, the Application meets all of the development standards and requirements of the CR Zone, as demonstrated in the Data Tabulations on the Cover Sheet of the Preliminary Plan.

2. *The Preliminary Plan substantially conforms to the Master Plan.*

The Master Plan recommends development of the Property with a prominent civic promenade that can serve as a community focal point or Village Center. The Project illustratively envisions the creation of a new Village Center for eastern Montgomery County. As conceived, the Village Center is designed to include multiple community gathering spaces in the form of civic greens, squares, parks and trailheads. It is anticipated that the new main street in the Village Center will include a variety of shops and restaurants and will include wide sidewalks and outdoor dining opportunities. Additional gathering areas are proposed at strategic locations along the new main street, with open space anchors at each end of main street.

The Master Plan further recommends that the Village Center:

1. *Include uses likely to create an active town center, including a complementary mix of uses.*

The Project illustratively includes a mix of academic, research and development, office, residential, conference center/lodging, retail, restaurant and entertainment uses to be located within a grid pattern of streets connected with enhanced streetscaping and punctuated by public gathering spaces, all designed to activate the Village Center. The Village Center is illustratively designed to include public uses, and a public elementary school, that will complement the proposed residential and commercial development. Overall, as this multi-phased long-term Project builds out, implementing Site Plans will include an appropriate mix and balance of uses based on market conditions and in furtherance of the goals of the Master Plan.

2. *Include a central public space for community gatherings, supplemented by smaller public spaces or public squares to encourage social interaction and recreation.*

As illustratively shown on the Open Space Plan, the Project is designed to include gathering spaces, including large spaces anchoring the main street, and a central academic green. All of the neighborhoods will have open spaces of varying sizes for passive and active recreation. These spaces will be linked by trails creating a robust open space network.

3. *Include connections to surrounding communities.*

The Preliminary Plan includes proposed connections to the FDA, Washington Adventist Hospital/White Oak Medical Center, the Paint Branch Park, and existing commercial development along Industrial Parkway/Tech Road.

4. *Incorporate a development scale that concentrates the tallest buildings near the existing water tower or at the center of the community along the main streets (FDA Parkway and FDA Boulevard) to lower the scale of buildings at the edges of the community.*

The Preliminary Plan allows heights up to a maximum of 220' permitted by the Property's zoning. (Additional height may be permitted for MPDUs pursuant to Section 59.4.7.3 of the Zoning Ordinance.) The concept for the Project is to locate the tallest buildings in the core areas

of the Property along FDA Parkway and FDA Boulevard. Buildings with lower heights are generally located toward the edges of the Project. In order to ensure maximum flexibility to respond to market conditions for this multi-phased, long-term project, final building heights will be determined at Site Plan.

The Master Plan also recommends that the Project design should encourage a pedestrian-oriented development with appropriate open space as follows:

1. A mix of uses, such as academic, research and clinical facilities, office, hotel, retail and residential uses.

The mix of uses in the Project may include, but is not limited to, academic, research and development, office, residential, conference center/lodging, retail, restaurant and entertainment uses, active and passive parks and natural features, and other civic uses. The Project will be developed in multiple phases over many years and each phase of the Project will be planned with an appropriate balance and mix of uses in response to market conditions and in furtherance of the vision of the Project to encourage employment, community revitalization and economic development.

2. Integrate active and passive recreation uses through the creation of formal and informal open spaces and parks, pedestrian trails linked to the street network and bicycle paths and lanes.

The areas preserved as stream valley buffer will provide passive recreational opportunities, while other open spaces will provide opportunities for active recreational uses and gathering. As stated in the Development Standards Table on the Preliminary Plan, approximately 25% of the gross tract area is proposed as open space, with the final size, location and configuration of the open spaces to be determined at Site Plan. Further, as shown on the Preliminary Plan, the cross sections for the Master Plan streets include sidewalks, bike lanes and shared use paths. These facilities form the central lines of a comprehensive system of bicycle and pedestrian trails that will be provided throughout the Project. The design and alignment of trails, paths and bike lanes will be determined at Site Plan.

3. Integration with the surrounding community and uses, specifically by extending Industrial Parkway into the site and connecting it with FDA Boulevard.

In accordance with this recommendation, as shown on the Preliminary Plan Industrial Parkway will be extended as FDA Parkway into the site from its current terminus and will connect with FDA Boulevard, providing through access to both Rt. 29 and Cherry Hill Road. Additional street connections from the Project to Plum Orchard Road and Cherry Hill Road are proposed.

4. A hierarchical street grid network that focuses activities, defines circulation, and is integral with a series of public use spaces.

As illustratively shown on this Preliminary Plan, the Project is designed to include an interconnected hierarchical network of streets ranging from FDA Parkway (arterial), the extension of FDA Boulevard (business district street), new road B-5 connecting FDA Boulevard with Plum Orchard Drive (business district street), the new main street (business district street) and smaller business district and residential streets. Vehicular circulation is provided for at two levels on an interconnected grid of streets. The Master Plan public roads as shown on the Preliminary Plan include FDA Parkway, FDA Circle, and FDA Boulevard providing traffic a connection from Columbia Pike to the FDA Gate to Cherry Hill Road and the B-5 connection to the Hospital. Both FDA Parkway and FDA Boulevard could provide for BRT between Columbia Pike and Cherry Hill Road. Subsequent Site Plans for the Project will show the secondary access and circulation grid on public and private streets.

5. Structured parking that is located at the back of lots or lined with residential or office uses to enhance the pedestrian quality of the entire community.

Both surface and structured parking is anticipated, with final design and locations determined at Site Plan. Surface parking facilities are envisioned predominantly as temporary uses and to accommodate phasing as development progresses over many years. Structured parking will be located behind buildings wherever possible and practical, or will be lined with uses at the ground level to enhance the appearance of the community and to activate the adjacent streetscape. (Due to project phasing, parking might be exposed to the street as an interim condition before final buildout. Where surface parking abuts a Master Planned road, appropriate screening will be provided.)

6. Tree-lined streets and open spaces that form green links to the various uses and open spaces.

Streets are designed to be eminently walkable, pedestrian friendly, and the principal conduit of pedestrian circulation in the Viva White Oak™. Most streets will be tree-lined with planting strips between the sidewalk and the curb and will link the various open spaces, uses and activity centers throughout the Project.

7. Integrated multimodal transportation featuring elements that may include shuttles, buses, cars and car sharing, bicycles, and extensive pedestrian sidewalks and trails so that visitors can park once and then use other forms of transportation.

Viva White Oak™ is envisioned as a pedestrian-friendly, mixed-use environment where employees, visitors and residents are encouraged to walk or bike within its limits and to use transit for external trips. The Project illustratively accommodates future opportunities for at least one dedicated BRT lane within FDA Parkway and within FDA Boulevard, connected via the through lanes around FDA Circle. In addition, the opportunities for at least one BRT station within the Project limits, along with the Master Planned BRT station along Rt. 29, will

encourage transit use. As illustratively shown on the Preliminary Plan, the proposed FDA Parkway, proposed FDA Boulevard, and the proposed FDA Circle is designed to have dedicated bike lanes and an extensive sidewalk network that will encourage activity and alternative transportation choices. Moreover, the expansive right-of-way GLDC proposes to dedicate for FDA Parkway and FDA Boulevard --- while narrow enough to create an urban feel at the human scale, and to provide “pedestrian safe havens” for those crossing the street --- will also provide tremendous flexibility and adaptability for the future, when future professionals at MCDOT and MNCPPC determine alternative multi-modal transportation options would be the most cost-effective and efficient means for creating people-moving capacity and for achieving the Property’s graduated NADMS goals. The interconnected system of sidewalks, pathways, open spaces and activity centers approved at Site Plan will encourage walking and community interaction. Trailheads will connect onto public and private streets, not alleys.

The Master Plan includes a number of recommendations in connection with its discussion of community facilities as follows:

1. Provide a Civic Green Urban Park approximately one acre to serve as a neighborhood gathering space and focal point.

As illustrated in the Preliminary Plan, the Project proposes an approximately one-acre civic green intended to serve as a neighborhood gathering space and focal point. This green is intended to have a central lawn area and is large enough to accommodate public performances and a variety of community activities. It will be a primary focus of the community and an attractive and flexible gathering space.

2. Provide a local park with a large adult-sized rectangular athletic field and other space, urban wooded areas, and play areas...Provide on-street parking...To maximize efficiencies of parking and community use, co-locate with a proposed elementary school.

As illustrated in the Preliminary Plan, the Project includes dedication of an elementary school site comprised of approximately 4.05 acres and dedication of an adjacent approximately 4.29-acre park site as recommended by the Master Plan. On-street parking is planned in proximity to the fields to reduce vehicle speeds consistent with the pedestrian environment to be created, and to reduce Department of Parks parking requirements.

3. Incorporate privately owned and managed public use spaces similar to Neighborhood Green Urban Parks for each district in the 300-acre development with open lawn areas, shaded seating, play structures, community gardens and dog spots or similar neighborhood recreation facilities.

As illustrated in the Preliminary Plan, the Project is designed to include numerous public spaces in the form of greens, squares, and linear parks. Although the design details for each of these spaces will be determined at the time of Site Plan review, it is envisioned that a variety of spaces will be created that could accommodate neighborhood amenities, such as shaded seating, play structures, community gardens and dog park areas.

4. Incorporate a trailhead on parkland with interpretive signage, and a natural surface trail to the stream along the old roadbed at the eastern edge of the Paint Branch Stream Valley Park.

Trailheads with signage are incorporated at several access points to the Paint Branch Park. All trailheads will connect to streets. Final locations and design for trailheads will be determined at Site Plan.

5. Create an integrated trail and bikeway system that connects perimeter trails to destinations throughout the development ... A perimeter trail, whether a bikeway along a road right-of-way, or a hard surface trail on expanded parkland, should be located adjacent to the top of the stream valley. To reinforce public access to the edge of the stream valley, there should be no private lots backing up to the stream valley park.

A trail along the perimeter of the Paint Branch Park is illustratively proposed and will serve as a significant amenity that will provide access and encourage use of the Park. As currently planned, the private lots adjacent to the Stream Valley Park will have front-doors facing toward portions of the Stream Valley Park, although final design and layout of development adjacent to the Park will be determined at Site Plan.

6. Explore the provision of a trail connecting to the potential walking path around the regional storm water pond on the proposed Washington Adventist Hospital site.

The Preliminary Plan illustrates trail connections to the site boundary adjacent to the proposed storm water pond on the Hospital site. The feasibility of these connections will be explored at the time of Site Plan for that portion of the Project. If such connection(s) are feasible, coordination with the adjacent property owner will be necessary and pursued in good faith.

7. Designate approximately 20 acres of steeply sloped, mature forest at the edge of the development along the Paint Branch Stream Valley Park as a Legacy Open Space Natural Resource site. At the time of regulatory review, determine whether this forest resource should be preserved through easement and/or dedication to Parks.

As shown on the Preliminary Forest Conservation Plan included with the Application (“PFCP”), the Project will preserve the entire portion of the stream valley buffer on the Property, totaling approximately 30 acres. Although not intended for dedication, this area of stream valley buffer will be protected through forest conservation easements granted to the Planning Board and will serve as a buffer between the Park and the Project. The proposed conservation easement areas are shown on the PFCP.

8. Locate trails or bikeways along the edge of the regulatory stream buffers by providing additional parkland (approximately 50-100 feet wide) to keep the trails out of the buffers.

The Preliminary Plan illustrates pedestrian trails along both edges of the West Farm Branch tributary that goes through the Property. Additional trails and access to the Paint Branch Park are envisioned on the western side of the Property. As noted, the final design and location of

trails will be determined at Site Plan. The Stream Valley promenade illustratively provides for bike lanes and offers access to multiple trails into Paint Branch Park.

9. Include a sustainably designed multi-use natural surface trail connecting the area to Martin Luther King Recreational Park.

The Project illustratively includes trail connections to Paint Branch Park. A trail system could be constructed in the Park in the future by others to connect the Project to Martin Luther King, Jr. Recreational Park.

The Master Plan, at pages 73-74, has several property-specific environmental protection recommendations for the redevelopment of the Percontee Property and Site II, which are addressed by the Project as follows:

Percontee Property

1. Orient development to maximize exposure to the natural environment while minimizing disturbance of buffers and retaining forest.

The areas of the Project that are adjacent to environmental features such as the stream valley buffers have been thoughtfully designed and oriented to embrace these features as natural amenities. To maximize exposure, activating uses are located in proximity to buffers and forest areas, but disturbance of these areas will be minimized to the extent possible.

2. Avoid new stream crossings and use existing stream crossings, where possible, when redeveloping the site and creating a circulation system.

The Project will utilize the existing stream crossing of the West Farm Branch on FDA Boulevard and the current haul road only. No new stream crossings for the internal vehicular circulation are proposed.

3. Minimize disturbance of steep slopes when new development occurs.

New development will minimize disturbance of steep slopes to the extent feasible.

4. Restore and protect streams and buffers, while still allowing non-motorized access and visibility.

As shown on the PFCP, the Project will preserve the entire portion of the stream valley buffer on the Property, totaling approximately 30 acres. Although not intended for dedication, this area of stream valley buffer will be protected through conservation easements granted to the Planning Board, which are shown on the PFCP and will serve as a buffer between the Park and the Project.

5. ***Work with adjacent property owners to create a trail system to take advantage of natural features.***

The Project will include trail connections to Paint Branch Park. A trail system could be constructed in the Park in the future by others to connect the Project to Martin Luther King, Jr. Recreational Park.

6. ***Integrate stormwater management as urban design features.***

As detailed in the Preliminary Stormwater Management Plan and Narrative and included in the Application, the proposed development and the Property will meet the applicable criteria under State and County law for Water Quality Volume, Recharge Volume, and Channel Protection Volume through environmental site design (ESD) practices to the maximum extent practicable (MEP). ESD facilities are proposed throughout the site and include, but are not limited to, planning techniques, alternative cover, and micro-scale practices. Final design of stormwater management facilities will occur at Site Plan.

7. ***Preserve and plant forest adjoining existing areas of forest on adjacent properties.***

The PFCP submitted with the Application demonstrates the Project is compliant with applicable Forest Conservation requirements. Substantial on-site plantings are planned and intended to be used to meet such requirements.

8. ***Investigate options for power generation.***

Options for power generation may be considered at later stages of project planning and building design.

9. ***Work with WSSC to ensure adequate sewer volume at time of development.***

- ***Minimize disturbance in Paint Branch and investigate option of existing the sewer line in Cherry Hill Road.***

The Property is currently served by public water and sewer service. A Hydraulic Planning Analysis that demonstrates sewer service will remain adequate to serve the proposed development has been submitted to the Washington Suburban Sanitary Commission and included in this Application. Due to the size and complexity of the Project, multiple connection points and sewer systems may need to be used. If a sewer connection is determined to be required within the Paint Branch Stream Valley, appropriate precautions will be taken to minimize disturbance and protect the stream and its natural features.

Site II

10. *Intensive investigation of subsurface conditions may be required at time of development.*

Geotechnical investigations have been completed on the site and development plans have considered the subsurface conditions

11. *Stream and buffer restoration efforts should coincide with any cleanup and removal of contaminated materials, if necessary. The actual extent and location of groundwater is not easily apparent due to the amount of fill on this site.*

All previously required remediation work for Site II has been completed and approved by the Maryland Department of the Environment (MDE), and a No Further Requirements Determination (NFRD) was issued by MDE on December 8, 2014.

12. *Development should be oriented to maximize exposure to the natural environment while minimizing disturbance of buffers and retaining forest.*

The areas of the Project that are adjacent to environmental features such as the stream valley buffers have been thoughtfully designed and oriented to embrace these features as natural amenities. To maximize exposure, activating uses are located in proximity to buffers and forest areas, but disturbance of these areas will be minimized to the extent possible.

13. *Integrate stormwater management as urban design features.*

As detailed in the Preliminary Stormwater Management Concept Plan and Narrative included in the Application, the proposed development and the Property will meet the applicable criteria under State and County law for Water Quality Volume, Recharge Volume, and Channel Protection Volume through environmental site design (ESD) practices to the maximum extent practicable (MEP). ESD facilities are proposed throughout the site and include, but are not limited to, planning techniques, alternative cover, and micro-scale practices. Final design of stormwater management facilities will occur at Site Plan.

14. *Any trails should minimize encroachment into areas of steep slopes and environmental buffers.*

Trails proposed in the environmental buffers will have natural surfaces and will be planned and installed to minimize encroachment into areas of steep slopes to the extent possible.

3. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

Pursuant to Section 50.4.3.A of the Subdivision Regulations, the Board may only approve a preliminary plan when it finds that “public facilities will be adequate to support and service the subdivision. Public facilities and services to be examined for adequacy include roads and

transportation facilities, sewer and water service, schools, police stations, firehouses, and health clinics.” Public facilities including transportation, water and sewage facilities, police, and fire and health services are adequate to support the proposed development based on the standards established in the 2016-2020 Subdivision Staging Policy, adopted by County Council Resolution 18-671 on February 14, 2017 (the “SSP”).

Transportation Facilities

Section TL4.7 of the SSP states that the Planning Board may approve a subdivision in the White Oak Policy Area conditioned on the applicant paying a fee to the county commensurate with the applicant’s proportion of the cost of a White Oak Local Area Transportation Improvement Program (“LATIP”), including the costs of design, land acquisition, construction, site improvements and utility relocation. The proportion is based on a subdivision’s share of net additional peak-hour vehicle trips generated by all master-planned development in the White Oak Policy Area approved after January 1, 2016. Pursuant to Section 52-51(a) of the County Code, the LATIP is paid upon the earlier of: (a) 12 months after the time of building permit, or (b) upon issuance of a use and occupancy permit. Accordingly, the Applicant will satisfy all requirements for Local Area Transportation Review through payment of the LATIP at the time as described in the preceding sentence. Further, as part of the Application, the Applicant has submitted a draft Trip Mitigation Agreement that addresses the process for GLDC to identify and implement trip mitigation programs to assist the County in achieving the NADMS Goals.

Public Schools

The Project is located in the Northeast Consortium Cluster and is served by Paint Branch High School, Briggs Chaney Middle School, and Galway Elementary School. Under the FY 18 Schools Test, public schools serving the Project are currently operating within the acceptable program capacity standard of 120% and, for elementary and middle schools, the seat deficit standards of, respectively, 110 seats and 180 seats.

In addition, in accordance with recommendation of the Master Plan GLDC is dedicating approximately 4.09 acres of land to the County for construction of a public school, which will significantly add to the school capacity available for residents of the Project and the surrounding community.

Water and Sewer/Public Health and Energy Services

The Property is currently served by public water and sewer service. A Hydraulic Planning Analysis that demonstrates service will remain adequate to serve the proposed development has been submitted to the Washington Suburban Sanitary Commission and included in this Application. Additionally, health clinics, police and fire rescue services are currently operating within the standards set by the SSP currently in effect.

4. *The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A*

All applicable requirements for forest conservation under Chapter 22A are satisfied, as detailed in the PFCP included with the application. The PFCP also shows areas of the Property proposed to be placed in Forest Conservation Easements.

5. *The application meets all applicable stormwater management, water quality plan and flood plan requirements of Chapter 19.*

The Applicant will provide sediment and erosion control and water quality treatment for stormwater as required by County laws, rules, and regulations. The Applicant has an approved stormwater management concept plan, demonstrating environmental site design to the maximum extent practicable as required by State and local regulations, and will continue to coordinate with MCDPS on all required sediment and erosion control and stormwater management approvals as the entitlement process progresses. The Stormwater Management (“SWM”) Concept Plan for the Project has been submitted to the County Department of Permitting Services for review and is included with this Application. As demonstrated on the SWM Concept Plan, the proposed stormwater management facilities meet all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. Please note that the SWM Concept Plan is subject to minor modifications during final engineering review and approval.

III. ADEQUATE PUBLIC FACILITIES VALIDITY PERIOD AND PRELIMINARY PLAN VALIDITY PERIOD

Adequate Public Facilities Validity Period

Section 50.4.3.J.5.a provides that a determination of adequate public facilities is timely and remains valid for no less than 5 and no more than up to 12 years for preliminary plans approved after March 31, 2017. Section 50.4.3.J.5.b. further provides:

If an applicant requests a longer validity period than the minimum specified in 5.a, the applicant must submit a development schedule or phasing plan for completion of the project to the Board for its approval.

- i. At a minimum, the proposed development schedule or phasing plan must show the minimum percentage of the project that the applicant expects to complete in the first 5 or 7 years, whichever is the applicable minimum, after the preliminary plan is approved.

- ii. To allow a validity period longer than the specified minimum, the Board must find that the size or complexity of the subdivision warrants the extended validity period and would not be adverse to the public interest. The Board must condition a validity period longer than the specified minimum on adherence to the proposed development schedule or phasing plan, and may impose other improvements or mitigation conditions if those conditions are

needed to assure adequate levels of transportation or school service during the validity period.

The Project will be a long-term development that is highly unique in terms of the amount of density proposed, expected length and complexity of buildout and financing, and significant obligations to provide public infrastructure including the dedication and construction of Master Plan roads in the first phase of development and the dedication of a site for a public school. Accordingly, and as discussed in greater detail below, the Applicant is requesting an initial APF Validity Period of 36 years, with an available extension of 12 years; all subject to automatic extension for the aggregate period(s) of *force majeure* beyond the control of GLDC (e.g., moratorium, condemnation, war, labor and/or material shortages, etc.). In accordance with the requirements of Section 50.4.3.J.5.b, when requesting a longer validity period than the minimum, the Applicant proposes, as the development schedule, that within 5 years of the Initiation Date of the Preliminary Plan as defined in Section 50.4.2.G.1, the Applicant will (i) record plats for the dedication of FDA Parkway and Master Plan Street B-5; (ii) convey the property necessary for the realignment of FDA Boulevard; (iii) obtain Site Plan approval for the construction of these roads; and (iv) obtain necessary construction permits and bonds for these roads. If these requirements are timely met and the project is not complete at the expiration of the initial APF Validity Period of 36 years, then the APF Validity Period will automatically be extended for an additional 12 years to a total of 48 years; all subject to automatic extension for the aggregate period(s) of *force majeure* beyond the control of GLDC (e.g., moratorium, condemnation, war, labor and/or material shortages, etc.).

As envisioned in the Master Plan and recognized by the County Executive and County Council, the Project will be a catalyst for revitalizing a significant portion of eastern Montgomery County by (i) creating job opportunities throughout the White Oak region and beyond; (ii) leveraging the adjacent United States Food and Drug Administration Headquarters; and (iii) enhancing the County's reputation as a leader in the biomedical and biotechnology industry sectors. As such, Viva White Oak™ is a transformative project that will require significant public and private investment to be successfully implemented.

Moreover, the Project will be developed in multiple increments over many years and each increment of the Project's development will be planned with an appropriate balance and mix of uses in response to market conditions and in furtherance of the vision of the Project to encourage employment, community revitalization and economic development. Although it is anticipated that there will be approximately 6 increments of development (of approximately 2 million square feet each), it is impossible to predict the size and timing of each incremental phase of development. Given the size of the project in terms of both land area and proposed density, and the contemplated mix of uses, the development of the Project will necessarily be market-driven and therefore is likely to take many years to complete. At various times over this period it is expected that market conditions will vary. This is particularly evident given the location of the Project in a section of the County that has historically seen stagnant development activity for employment uses and new residential communities. As more fully discussed below, due to the public/private partnership with the County, the Master Plan roads that will support full

development will be built up front and the APF Validity Period and the Plan duration period must be extended well beyond the standard periods to justify this investment.

The Project also provides significant mobility and recreational amenities that will benefit the entire Eastern County, and not just the Project. The Project is illustratively designed to accommodate at least one dedicated BRT lane in the median of FDA Parkway and within FDA Boulevard, with connection via through lanes around FDA Circle. At least one BRT station is planned within the Project limits, along with the Master Planned BRT station along Rt. 29, will encourage transit use. The Project also includes an interconnected system of sidewalks, pathways, open spaces and activity centers that will encourage walking and community interaction.

As noted above the Project is being undertaken as a joint public/private partnership with the County in accordance with the GDA. As part of this partnership, the County has committed over \$47,000,000 in funds to implement the Project in the FY19-24 Capital Improvements Program, including approximately \$40,000,000 towards the construction of the Master Plan roads (FDA Boulevard, FDA Parkway, and B-5) and more than \$7,000,000 for the demolition of existing buildings and site development activities on the County property. GLDC will fund the balance of the construction costs for these roads. These roads are estimated to cost more than \$75,000,000 to construct. Accordingly, GLDC's obligation to fund these public master planned roads that will serve the entire area would be in excess of \$35,000,000. Significantly, GLDC is constructing these roads in the first phase of the Project, and thus perhaps decades in advance of some portions of the development activities for the proposed uses in the Project. These improvements, once constructed, will serve not only the Project; but also, will serve and improve mobility in and around the entire White Oak area, including FDA's campus and the new White Oak Medical Center Hospital. Thereafter, subsequent development will fund necessary transportation and mobility infrastructure through the payment of the LATIP. In order to justify these expenditures and secure lenders as needed, it is essential that the APF Validity Period is long enough to ensure the Project can be thought fully planned and developed without the risk of unexpected development constraints and added costs for providing additional public infrastructure.

In summary, among the highly unique reasons why it is in the public interest to approve the Applicant's requested APF Validity Period are:

- The Project is located in the northeastern portion of Montgomery County, which has been the subject of a *de jure* and *de facto* moratorium for over 30 years. Accordingly, there is not an established broader market in the vicinity of the Project, from which the Project could draw or attract. Indeed, it is incumbent on the Project itself to be the primary transformational catalyst for revitalizing not just the Project, but the entire WOSG Master Plan area.
- The Project is of such significant size --- in excess of 12 million square feet --- this it is, itself, perhaps the only development project in the entire WOSG Master Plan area

that single-handedly is capable of advancing the WOSG Master Plan area beyond “the tipping point,” resulting in a successful revitalization not only for the Project, but for the entire WOSG Master Plan area.

- As reflected in the Master Plan, the County Council specifically and intentionally designated the WOSG Plan area as a strategic “Economic Opportunity Center,” particularly because it leverages the recent federal government’s investment of more than \$1.3 Billion in the area through the consolidation of the FDA Headquarters, and has the potential to revitalize this historically economically disadvantaged area of Montgomery County.
- Given the multiple increments of development and the long-term development horizon of this Project, coupled with the Project’s important economic catalytic qualities for the entire area, it is in the public’s best interest to approve the Applicant’s requested APF Validity Period.

Preliminary Plan Validity Period

Section 50.4.2.G.2.b of the Subdivision Regulations provides that for a multi-phase project, the applicant may propose a phasing schedule for the duration of the Preliminary Plan Validity Period, provided that for plans approved after March 31, 2017, the time allocated for any phase must be no more than 37 months after the initiation date for a particular phase and the cumulative validity period for all phases must be shorter than or equal to the APF Validity Period, including any extensions. The duration of the validity period for each phase is based on the size, type, and location of the Project.

The Applicant proposes that the first phase of the Preliminary Plan, for purposes of Section 50.4.2.G.2.b, will consist of (i) recordation of plats for the dedication of FDA Parkway and Master Plan Street B-5, and (ii) conveyance of property necessary for the realignment of FDA Boulevard. Given the need to obtain Site Plan approval prior to platting of these roads (FDA Boulevard, FDA Parkway, and B-5), the Applicant requests 5 years from the Initiation Date of the Preliminary Plan, as defined in Section 50.4.2.G.1 to complete the requirements for the validation of Phase 1. Given the size, scope and complexity of the Project as detailed above, if Phase 1 is timely validated, then the Preliminary Plan approval for the Project will be validated if the balance of the property included in the Preliminary Plan is platted within the duration of the APF Validity Period.

To the extent the Planning Board deems it necessary to accommodate the APF Validity Period and Preliminary Plan Validity Period requested above, the Applicant requests that this Justification Statement be considered a request for a waiver from the standard requirements of Sections 50.4.2.G *et seq.* (Preliminary Plan Validity Period) and 50.4.3.J *et seq.* (APF Validity Period) as allowed pursuant to Division 50.9 of the Subdivision Regulations.

The criteria for a waiver are as follows:

1. due to practical difficulty or unusual circumstances of a plan, the application of a specific requirement of the Chapter is not needed to ensure the public health, safety, and general welfare;
2. the intent of the requirement is still met; and
3. the waiver is:
 - a. the minimum necessary to provide relief from the requirements; and
 - b. consistent with the purposes and objectives of the General Plan.

For all the same reasons enumerated in the APF Validity Period section of this Application (above), the Applicant's requested APF Validity Period and Preliminary Plan Validity Period meet the requirements for any necessary waivers. First, the Project's unique circumstances allow for the extended validity periods requested above without impairing the public health, safety or general welfare. In particular, the purpose of the APF and Preliminary Plan validity periods is to ensure that projects move forward at a reasonable pace and commensurate with the availability of public infrastructure and facilities. In the instant case, the Project is unique and unlike most other developments because the significant Master Plan roads that support full buildout of the Project, and provides additional road network capacity in the vicinity will be provided in the initial phase of development, in advance of development activity. Accordingly, approval of validity periods longer than standard will not lead to a deficit of transportation capacity before the Project is fully developed, which would be contrary to public health, safety and welfare. To the contrary, the validity periods requested further the general welfare by providing the certainty in development costs and entitlements necessary to justify the up-front expenditures and secure financing for the Project and its significant public benefits detailed above. In the same way, approval of the requested validity periods will not frustrate the intent of the standard validity periods.

Further, the requested waiver is also the minimum necessary to provide relief from the standard validity periods. As stated above, this Project has a long-term development horizon, and buildout will be dictated by market conditions that vary over time. Given the size and complexity of the Project, the requested validity periods are reasonable and the minimum necessary to promote and support the successful completion of the Project.

Finally, Viva White Oak™ is recognized in the Master Plan as a long-term transformative project that will bring significant benefits not only to the East County, but also the region and the world. As noted above, the Project and Preliminary Plan are in conformance with the recommendations of the Master Plan. The requested validity periods allow adequate time to complete the Project in a thoughtful, deliberate manner that is entirely consistent with, and in furtherance of, the purposes and objectives of the Master Plan. For these reasons, and the reasons stated above, to the extent it is deemed necessary to waive any requirements of the

Subdivision Regulations to accommodate the APF Validity Period and Preliminary Plan duration periods requested by the Applicant, the criteria for the grant of such waivers has been satisfied.

Bonus Density

During the Planning Board's initial review and set of recommendations to the County Council for WOSG Master Plan relating specifically to the proposed VIVA White Oak™ development, MNCPPC staff recommended to the Planning Board that the VIVA White Oak™ development property have a floor area ratio (FAR) of 1.15. The Applicant had proposed during the Master Plan process that a 1.25 FAR was more appropriate and financeable. During the Planning Board's deliberations, the Planning Board Chair noted that the Planning Board only had authority to recommend FAR densities in 0.25 FAR increments. Primarily on the basis of MNCPPC's staff's skepticism of the Project's ability to achieve the aggressively targeted NADMS Goal of 30% (where other parts of the WOSG Master Plan had only a 25% NADMS goal), coupled with the MNCPPC's staff's skepticism of the Project having any real market demand for the proposed biomedical focused mixed-use development within the VIVA White Oak™ Property, and given the restriction on the Planning Board's authority to recommend FAR densities only in 0.25 increments, the Planning Board elected to establish a 1.0 FAR for the VIVA White Oak™ Property, rather than a 1.25 FAR..

The actual buildout of the Project, however, will determine if the foundation upon which the Planning Board recommended (and the County Council approved) the 1.0 FAR density for VIVA White Oak™ was mistaken and fundamentally flawed. For these reasons, if, by the time the Project has built out 10 million square feet of its total 1.0 FAR density (e.g., ~80% of the total 1.0 FAR density) the Project is: (a) exceeding its graduated NADMS Goal by at least 10% (i.e., 10% higher than the graduated NADMS Goal set forth in the TMAg for the end of the fifth increment), with reasonably reliable evidence that the Project will likely exceed by at least 10% the established 30% NADMS Goal at full buildout of the 1.0 FAR densities (i.e., achieving a 33% or more NADMS); or (b) the market demands and pace of development of the VIVA White Oak™ Project exceed the initial development expectations by at least 10% (i.e., the full buildout of the Project at a 1.0 FAR it is likely to occur within the time that is 90% or less than the APF Validity Period), then the Project would be entitled to have a bonus density of the additional 0.25 FAR density that it was denied originally. In this event, the Property would be rezoned to a CR-1.25, C-1.25, R- 0.625, H-220 zone. The reason for the 10% excess threshold over the NADMS Goal (or the absorption time of full buildout at 1.0 FAR density) to trigger the bonus density is because 10% over the original staff recommendation of a 1.15 FAR would be more than 1.26 (i.e., $1.15 \times 110\% > 1.26$). Given that the County's most important justification for enacting the WOSG Master Plan was to ignite or "jump start" a catalyst for job opportunities, increases in the tax base, increased tax revenues for additional civic programs, and branding the WOSG Master Plan area as a World-Class, preeminent biomedical cluster proximate to the FDA Headquarters, this proposed formula for correcting what would then demonstrate the mistake of previously flawed presumptions would thus be appropriate under these circumstances.

IV. CONCLUSION

The Applicant respectfully requests that the Planning Board grant approval of the Application. As explained above and in the plans submitted herein, the Project satisfies all of the findings that the Planning Board must make when approving the Application under the Subdivision Regulations and applicable County laws and regulations.

Respectfully submitted,

LINOWES AND BLOCHER LLP

By: _____
Barbara A. Sears

By: _____
Scott C. Wallace
7200 Wisconsin Avenue, Suite 800
Bethesda, Maryland 20814
(301) 961-5124
SWallace@linowes-law.com
Attorneys for Applicant



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Clarence J. Snuggs
Director

September 7, 2018

Mr. Garry Meus
Area 2 Division
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Viva White Oak
Preliminary Plan No. 120180240

Dear Mr. Meus:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plan and recommends Approval, with the following condition:

- Delete the entire Footnote 8 and substitute the following language: "Final MPDU locations, bedroom compositions, and layouts will be determined at Site Plan, with review and approval by the Department of Housing and Community Affairs (DHCA) and the Department of Planning."

Sincerely,

Lisa S. Schwartz
Senior Planning Specialist

cc: Amy Zou, Soltesz, LLC
Barbara Sears, Linowes & Blocher LLP
Scott Wallace, Linowes & Blocher LLP

S:\Files\recurring\Housing\MPDU\Developments\Viva White Oak\Viva White Oak DHCA Letter_9-7-2018.docx

Division of Housing

Affordable Housing Common Ownership Communities Landlord-Tenant Affairs Multifamily Housing

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DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

September 7, 2018

Ms. Jyotika Sharma
Soltész
2 Research Place, Suite 100
Rockville, MD 20850

Re: Stormwater Management **CONCEPT** Request
for Viva White Oak
Preliminary Plan #: 120180240
SM File #: 283385
Tract Size/Zone: 279.6/CR
Total Concept Area: 256.4
Lots/Block: N/A
Parcel(s): N/A
Watershed: Paint Branch

Dear Ms. Sharma,

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via the use of micro bioretention. This concept approval is for the establishment of the master plan roadways Lot 1-01, including FDA Boulevard Master Plan Street B-5, Lot 1-02, including FDA Parkway, and access roadway located on Parcel A.

The following **items** will need to be addressed **prior to** Planning Board approval of the Site Plan:

- 1. Prior to Planning Board approval of the Site Plan, this stormwater management concept must be formally revised and an approved Site Development Stormwater Management Plan approval letter must be issued by DPS. If the Site Plan will be approved in stages, the Site Development Plan revision submittal must specifically refer to the appropriate phase.**
2. An approved MDE Dam Breach analysis for the Westfarm Regional Pond will be required prior to any Site Plan approvals to determine the existing and the developed Dam Hazard Classification for the pond. If the dam is or will become medium or high hazard due to existing or proposed improved improvements, an attempt must be made to make on site modifications to bring the pond embankment into conformance with Class A Low Hazard dam criteria. Any required improvements must be submitted with the first detailed plan submission for sediment control.
3. Each proposed Right of Way study point must be evaluated as its own separate parcel as provided in the conceptual computations. DPS may require separate study points and computations for the for the eastern and western portion of FDA Boulevard draining towards the existing culvert crossing.
4. Greater detail for the safe placement of storm water management structures located within the Right of Way may be required prior to site plan approval. A meeting with all concerned parties is needed prior to Site Plan approval to ensure that the proposed stormwater



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Ms. Jyotika Sharma
September 7, 2018
Page 2 of 2

elements within the roadway right-of-way are understood and deemed to be compatible by other relevant agencies.

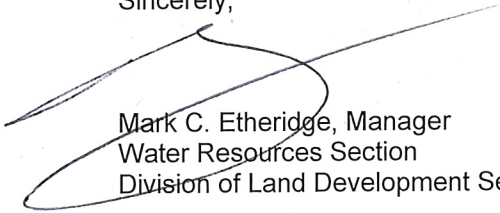
5. It must be determined if the proposed roadways located on the private lots will be on separate parcels. If the roadways are located on separate parcels they must provide storm water management treatment within the limits of the proposed parcel.
6. Stormwater Management waivers will not be granted for any proposed lots with future Site Plan Subdivision or Stormwater Management Concept revisions.

This list may not be all-inclusive and may change based on available information at the time.

This concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Thomas Weadon at 240-777-6309.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: TEW

cc: N. Braunstein
SM File # 283385

ESD: Required/Provided 156,295 cf / 156,862 cf
PE: Target/Achieved: 2.0"/2.0"
STRUCTURAL: N/A
WAIVED: N/A.



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DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Al R. Roshdiah
Director

September 18, 2018

Mr. Garry Meus, Planner Coordinator
Area 2 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan Letter
Preliminary Plan No. 1201800240
Viva White Oak

Dear Mr. Meus:

We have completed our review of the revised Preliminary Plan submitted to eplans dated August 29, 2018. This plan was reviewed by the Development Review Committee at its meeting on July 17, 2018. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

Significant Preliminary Plan Comments

1. Pay the Montgomery County Department of Transportation plan review fee in accordance with Montgomery County Council Resolution 16-405 and Executive Regulation 28-06AM ("Schedule of Fees for Transportation-related Reviews of Subdivision Plans and Documents").

As per email response dated 7/2/2018 to Jonathan Genn regarding the reduced application fee, MCDOT cannot reduce the filing fee for preliminary plan as our fees are set by Council. Since this project is proposed to be built in phases, we recommend that the application fee payment be submitted for each phase of the project. MCDOT does not charge a fee for preliminary plans that show only roads; therefore, we will not charge a fee for this preliminary plan. We will defer the filing fee to the preliminary plan amendments that include specific development. We presume the limited preliminary plan amendments, would show the specific location, number and type of units/

Office of the Director

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square footage, vehicular, pedestrian, bicycle and transit access. The filing fee for these limited preliminary plan amendments would be based on the size of the development proposed in that phase and should be paid before the applicant decides to submit the plans. Each of the limited preliminary plan application fee will be based on the new application fee and not revised application fee since we are not assessing a fee for the Preliminary Plan since it does not include development other than roads.

2. Prior to certified preliminary plan, the applicant will provide additional information to MCDOT for the following outstanding issues in order to resolve the matters in subsequent preliminary plan amendments.
 - I. Sheet 1 of 7:
 - a) FDA Parkway:
 - i. Since this roadway is classified as an Arterial Roadway and the submitted plans show it as a divided roadway, we recommend modifying the standard detail MC-2004.06 to (from west to east):
 - Five (5)-foot concrete sidewalk
 - Two (2)-foot buffer
 - Eight (8)-foot tree lawn/stormwater management facilities
 - Two (2)-foot buffer
 - Eight (8)-foot parking lane
 - Ten (10)-foot travel lane
 - Eleven (11)-foot travel lane
 - Twenty-eight (28)-ft. median
 - Eleven (11)-foot travel lane
 - Ten (10)-foot travel lane
 - Eight (8)-foot parking lane
 - Two (2)-foot buffer
 - Ten (10)-foot two-way bike lane
 - Two (2)-foot buffer
 - Eight (8)-foot tree lawn/stormwater management facilities
 - Two (2)-foot buffer
 - Five (5)-foot concrete sidewalk
 - ii. The roadway section should be crowned from the center of the median to the curb on the outside per standard detail MC-2004.06.

- iii. 15-inch decorative fences as shown are not allowed in the right-of-way, unless the applicant maintains them through a maintenance and liability agreement. The minimum height of the fence shall be 18-inches if the applicant decides to install and maintaining it. The fence details shall be provided to Department of Permitting Services (DPS) at the permit stage.

b) FDA Boulevard:

- i. Since this roadway is classified as a Business District Roadway and the submitted plans show it as a divided roadway, we recommend modifying the standard detail MC-2005.04. We recommend the following section for FDA Boulevard:

➤ Roundabout to the Existing Bridge: north to south

- Seven (7)-foot concrete sidewalk
- Two (2)-foot buffer
- Seven (7)-foot tree lawn/ stormwater management facilities
- Four (4)-foot buffer
- Ten (10)-foot two-way bike lane
- Two (2)-foot buffer
- Ten (10)-foot travel lane
- Eleven (11)-foot travel lane
- Twenty-two (22)-ft. median
- Eleven (11)-foot travel lane
- Ten (10)-foot travel lane
- Eight (8)-foot parking lane
- Two (2)-foot buffer
- Seven (7)-foot tree lawn/ stormwater management facilities
- Two (2)-foot buffer
- Seven (7)-foot concrete sidewalk

➤ Existing Bridge: north to south

- Ten (10)-foot shared use path
- Eleven (11)-foot travel lane
- Two (2) Ten and one-half (10.5)-foot travel lane
- Eleven (11)-foot travel lane
- Eight (8)-foot concrete sidewalk

- Existing Bridge to Cherry Hill Road: north to south
 - Seven (7)-foot concrete sidewalk
 - Two (2)-foot buffer
 - Seven (7)-foot tree lawn/ stormwater management facilities
 - Four (4)-foot buffer
 - Ten (10)-foot two-way bike lane
 - Two (2)-foot buffer
 - Ten (10)-foot travel lane
 - Eleven (11)-foot travel lane
 - Twenty-six (26)-ft. median
 - Eleven (11)-foot travel lane
 - Ten (10)-foot travel lane
 - Eight (8)-foot parking lane
 - Two (2)-foot buffer
 - Seven (7)-foot tree lawn / stormwater management facilities
 - Two (2)-foot buffer
 - Seven (7)-foot concrete sidewalk
 - ii. The roadway section should be crowned from the center of the median to the curb on the outside per standard detail MC-2005.04.
 - iii. 15-inch Decorative fences as shown are not allowed in the right-of-way, unless the applicant maintains them through a maintenance and liability agreement. The minimum height of the fence shall be 18-inches if the applicant decides on installing and maintaining it. The fence details shall be provided to Department of Permitting Services (DPS) at the permit stage.
- c) Proposed B-5:
- i. Provide a minimum of 7-foot sidewalk on the west side per standard detail MC-2005.02.
 - ii. 15-inch decorative fences as shown are not allowed in the right-of-way, unless the applicant maintains them through a maintenance and liability agreement. The minimum height of the fence shall be 18-inches if the applicant decides on installing and maintaining it. The fence details shall be provided to Department of Permitting Services (DPS) at the permit stage.
 - iii. The travel lanes should be 11-foot lanes per the standard detail.
 - iv. We recommend the following section for B-5 (modified MC-2005.02): From west to east

- One and one-half (1.5)-foot buffer
 - Seven (7)-foot concrete sidewalk
 - Two (2)-foot buffer
 - Seven (7)-foot stormwater management facilities
 - Two (2)-foot buffer
 - Eight (8)-foot parking lane
 - Two (2)-eleven (11) foot travel lanes
 - Eight (8)-foot parking lane
 - Two (2)-foot buffer
 - Seven (7)-foot tree lawn/ stormwater management facilities
 - Two (2)-foot buffer
 - Ten (10) foot shared use path
 - One and one-half (1.5)-foot buffer
- d) Provide additional roadway cross section for the proposed Bus Rapid Transit stations along FDA Boulevard and FDA Parkway. Show the location of the cross sections on the plan view.

II. Sheet 4 of 7:

- a) FDA Parkway:
- i. Show details of the transition from existing Industrial parkway to FDA Parkway. Show a 10-scale detail of the area with dimensions (length of transition, curb radius, sidewalk tie in etc.).
 - ii. Label the roadway centerline horizontal radius. The minimum horizontal radius required for Arterial Roadway is 300-foot per Montgomery County standard detail MC-2004.06.

III. Sheet 5 of 7:

- b) FDA Parkway:
- iii. The proposed Roundabout as shown on FDA Parkway shall be approved by MCDOT. Please provide details of how the BRT and the traffic operate within the proposed roundabouts. Please coordinate with Mr. Khursheed Bilgrami of our Division of Traffic Engineering & Operations to coordinate Traffic Operations and Traffic Impact Study. Mr. Bilgrami may be contacted at 240 777-2190.
 - i. Label the name of the roadway.

- ii. Label the roadway centerline horizontal radius. The minimum horizontal radius required for Arterial Roadway is 300-foot per Montgomery County standard detail MC-2004.06.

a) FDA Boulevard:

- i. Label the roadway centerline horizontal radius. The minimum horizontal radius required for Business District Roadway is 300-feet per Montgomery County standard detail MC-2005.04.

b) Parcel 'A':

- i. Provide roadway cross section for the section south of the Traffic Circle.
- ii. The proposed sidewalks should be along the outer side of the roadway and not in the median.

IV. Sheet 6 of 7:

a) FDA Boulevard:

- i. Provide details of the transition to the bridge section on both sides of the roadway. How do the bike lanes and sidewalks function? Show a 10-scale detail of the area with dimensions (length of curb transition, curb radius, sidewalk tie in etc.).
- ii. Label the roadway centerline horizontal radius. The minimum horizontal radius required for Business District Roadway is 300-foot per Montgomery County standard detail MC-2005.04.

b) Proposed B-5:

- i. Proposed roadway B-5 (FDA Boulevard to the Washington Adventist Hospital) is an important connection for public transit. Provide details of the transition from a 60-foot right-of-way (from Plum Orchard Drive to the southern end of the Washington Adventist Hospital property boundary) to the 80-foot right-of-way as shown in the plan. The Applicant shall coordinate with Washington Adventist Hospital. Show a 10-scale detail of the area with dimensions (length of curb transition, curb radius, sidewalk tie in etc.).
- ii. The traffic circle as shown on proposed B-5 shall be approved by MCDOT. Please provide details of the Traffic Circle. Please coordinate with Mr. Khursheed Bilgrami of our Division of Traffic Engineering & Operations to

coordinate Traffic Operations and Traffic Impact Study. Mr. Bilgrami may be contacted at 240 777-2190.

- iii. Label the roadway centerline horizontal radius. The minimum horizontal radius required for Business District Roadway is 300-foot per Montgomery County standard detail MC-2005.02.

V. Sheet 7 of 7:

a) Traffic Circle (FDA Boulevard/FDA Parkway):

- i. The proposed pavement should be draining away from the center of the roundabout toward the outside curb.
- ii. The proposed driveway/street entrance curb cut to Lot 5 is not approved at this time. Please remove them or add a note stating that it is for information purposes only. These will be reviewed and approved at a later phase of the project.
- iii. The bike lanes entering the traffic circle has too many traffic/bike conflict points. Please see attached concept for roundabout with bike lanes.
- iv. Provide truck turning movements at the circle.
- v. Refer to Maryland State Highway Administration-Roundabout Design Guidelines for the design of the roundabout. Please see Attachment #1 for a roundabout concept.

b) Circle (Proposed B-5):

- i. The proposed pavement should be draining away from the center of the roundabout toward the outside curb.
- ii. Provide a minimum of 7-foot sidewalk.
- iii. Provide truck turning movements at the circle.
- iv. Provide a cross section of the circle.
- v. The traffic circle should be per Montgomery County standard MC-221.02.
- vi. The traffic circle shows two travel lanes when there is only one entrance and exit lanes from the traffic circle. This could be a traffic operations and safety issue.

3. Grade Establishment Plan Comments:

I. Sheet 2 of 7:

- i. Label the proposed B-5 Station on the profile. Dimension the sight distance.

II. Sheet 4 of 7:

- i. The note "Traffic Circle to be constructed outside of this approval" is shown on this sheet and not on the preliminary plan sheets. Remove this note.
- ii. The proposed pavement should be draining away from the center of the roundabout toward the outside curb.
- iii. Provide a 2-foot flat buffer beyond the proposed sidewalk (less than or equal to 2%) at the south end of the circle before tying into existing grades.

III. Sheet 7 of 7:

- i. The note "Traffic Circle to be constructed outside of this approval" is shown on this sheet and not on the preliminary plan sheets. Remove this note.
 - ii. The proposed pavement should be draining away from the center of the roundabout toward the outside curb.
 - iii. Provide a 2-foot flat buffer beyond the proposed sidewalk (less than or equal to 2%) at the south end of the circle before tying into existing grades at 2:1 slope. If a retaining wall is required, it should be proposed outside the right-of-way and the applicant will be responsible for the maintaining it.
4. The proposed driveway/street entrances off the master plan roads are not approved at this time. Please remove them or add a note stating that it is for information purposes only. These will be reviewed and approved at a later phase of the project.
 5. Traffic Signals may be warranted at various proposed intersections during the subsequent preliminary plan amendments. If a signal is warranted at the proposed intersections, the applicant will be responsible for constructing the traffic signal(s) at the permit stage, prior to opening of the proposed road(s) to traffic:
 6. If it is determined by MCDOT that additional right-of-way is required for the following reasons below, the applicant will be required to provide them at subsequent amendments of the preliminary plan:
 - a) Turn lanes are required for traffic safety and operation for the all the three master plan rights-of-way.
 - b) To accommodate stormwater management for the all the three master plan rights-of-way.
 - c) To accommodate the Proposed B-5 traffic circle and related improvements.
 - d) To accommodate the proposed FDA Boulevard/ FDA Parkway roundabout and related improvements.
 - e) To accommodate the proposed Bus Rapid Transit stations and related improvements along FDA Boulevard and FDA Parkway.

7. Median Breaks:

- a) Divided roadways: Median breaks on divided roadways must be no closer than 600-feet per Montgomery County Code Chapter 50, Article II, Division 50.4.3(E)(2)(f)(ii). The median breaks should also meet the sight distance requirements.
- b) The proposed distance between the street intersections on the master plan roadways FDA Boulevard, FDA Parkway and B-5 should be per Montgomery County Code Chapter 50, Article II, Division 50.4.3(E)(2)(f)(ii).

8. Sight Distance Study: The sight distance evaluation for proposed intersection of FDA Boulevard at Cherry Hill Road is approved. Refer to Attachment #2.

9. Storm Drain Analysis: The storm drain study is under review. This will be reviewed and approved at a later phase of the project.

10. The Forest Conservation shall not extend into the Slope Easements and the Public Utility Easements.

11. We may require operational analysis during the subsequent preliminary plan amendments.

12. Transportation Demand Management and Transit-Related:

I. **Traffic Mitigation Agreement (TMAg):**

To facilitate the review of the draft TMAg submitted with the preliminary plan, the Applicant must re-submit the draft as an electronic editable file compared to the most recent TMAg template for a mixed-use project. A copy of the most recent template can be obtained from, and the revised draft should be submitted to Ms. Sandra Brecher and Ms. Beth Dennard. Ms. Brecher can be reached at Sandra.Brecher@montgomerycountymd.gov, and Ms. Dennard can be reached at Beth.Dennard@montgomerycountymd.gov.

Per Sketch Plan approval, the Applicant must execute a TMAg with the Planning Board and MCDOT to achieve the Master Plan NADMS goal for the Project. The TMAg is required prior to the issuance of any building permit. Questions regarding the TMAg should be directed to Ms. Brecher at (240) 777-8380 or Ms. Dennard (240) 777-8384.

Given the scale and phased nature of the project, and the fact that configurations of each incremental phase of the Project's development are likely to change based upon market

conditions over the buildout of the project resulting in phased site plans; the TMAg may require amendments, accordingly.

Trip reduction measures in the initial TMAg will include but not be limited to:

- a) Carpool/Vanpool Parking. Provide 2 spaces or the number required by law, whichever is greater, in highly visible, preferentially-located spots in each parking facility.
- b) Car Sharing Parking. Provide 2 car sharing vehicle parking spaces, or the number required by law, whichever is greater, in highly visible, preferentially-located spots.
- c) Bike Sharing. Bikeshare must be provided at each phase of the project proportional to the bikeshare requirement in the LATIP. See below.
- d) Bicycle Facilities. Provide bike racks/lockers in weather-protected, highly visible/active locations. Consider providing secure bicycle storage area in the garage for resident use (bike cage) as well as a small bicycle repair station.
- e) Real Time Transit Information Sign(s). Provide the space for Real Time Transit Information sign(s) at highly-used interior and exterior location(s) in the Project to assist employees, residents, and visitors with commuter information.
- f) Displays and Real Time Transit Information. Incorporate display space into residential lobby, office lobby, entertainment facilities and other high pedestrian activity areas, as well as on each level of parking facilities. Provide opportunity and connections for a monitor to display Real Time Transit Information in lobby, elevators, and parking facilities.
- g) Static Information Displays - Incorporate static (permanent) display space into residential lobbies, office, retail locations and other high pedestrian activity areas, to provide opportunity for display of transit and other alternative transportation information.

II. **Bikeshare:**

The Applicant must work with MCDOT's Commuter Services (CSS) regarding a phased approach to implementing bikeshare and similar programs and facilities at the Viva White Oak development. As Preliminary and Site Plans for each phase of the Project move forward, applicable trip mitigation goals will be addressed. At each phase, the Applicant must work with CSS to incorporate bikeshare into trip mitigation efforts. These efforts will incorporate improvements included in the White Oak Local Area Transportation Improvement Program (LATIP) approved in February 2017 by County Council (Resolution 18-726). Bikeshare must be provided at each phase of the project proportional to the

bikeshare requirement in the LATIP. The phased approach will also consider, to the extent possible, changes to County laws and regulations regarding bikesharing and its role in transportation demand management in White Oak and throughout the County. Applicant will be required to take other actions in concert with MCDOT to promote use of bikesharing among residents, employees and visitors at the Project, once the bikesharing system expands to the White Oak area.

III. Bike Facilities:

Provide bike racks/lockers in weather-protected, highly visible/active locations. Providing secure bicycle storage areas in garages for office employee and resident use (bike cages) as well as a small bicycle repair station.

IV. Displays and Communication of TDM Information:

- a) Provide a pavilion in each public plaza to enable outreach events to be staged more readily. These should have electric and water connections.
- b) Incorporate display space into lobbies and other high pedestrian activity areas and opportunity for information on each level of parking facilities.
- c) Provide opportunity and connections for monitors that can display Real Time Transit Information. Interior monitors should be in lobbies, elevators, and parking facilities. At least 2 exterior monitors will be needed on buildings at major intersections along FDA Parkway. This will enable outreach to building residents, tenants, employees, visitors to entertainment venues and hotels, etc.
- d) Provide a concierge/reception desk in each residential building with an area where transit information and pass sales can be transacted – e.g., obtaining transit information, loading of SmarTrip cards.

V. Parking:

- a) Limited parking is a key TDM strategy. To reduce parking below the maximum, major parking facilities in each neighborhood should be built in such a way that there is the potential in future years -- as transit and other options increase -- to repurpose their use or to have that facility shared by other developments. Over build-out of the Project opportunity should be retained to reduce the amount of parking provided in total on-site, by reducing the amount provided in future buildings, consonant with demand. Creation of shared parking structures may enable such reductions to be made more readily than if each building has its own individual, dedicated parking structure.

- b) Flexibility in design of parking critical. Provide flexibility in design of parking areas throughout the development. Enable mixed uses to share parking areas to make most efficient use of them. This strengthens the incentive to reduce drive-alone commuting and parking among on-site employees. Doing this can free up spaces for other uses including retail and hotel customers. That approach will only work if the unused parking areas for employees can be made available once a decrease in demand is realized.
- c) No Bundling of Parking. No bundling of parking should be permitted – i.e., no requirement that those renting, leasing or purchasing residential or office space at the Project be required to commit to a certain number of parking spaces as part of the rental/lease/purchase agreement.
- d) Design parking structures to accommodate both car- and vanpool parking. Car and vanpool parking should be planned for preferred, highly convenient locations for employees to encourage use.

VI. Design Elements:

The following design elements should be incorporated into the Project to facilitate the use of non-auto modes of transportation:

- a) Design building frontages/lobbies to provide two-way visibility for transit vehicles, shuttles and taxis.
- b) Provide concierge/reception desk with an area where transit information and pass sales can be transacted – e.g., obtaining transit information, loading of SmarTrip cards.

STANDARD COMMENTS:

1. We recommend that the applicant coordinate with Ms. Darcy Buckley, of Montgomery County DOT regarding the Bus Rapid Transit (BRT) alignment and the proposed BRT stations. Ms. Buckley can be reached at darcy.buckley@montgomerycountymd.gov or at 240-777-7166.
2. We recommend that the applicant coordinate with Mr. Matt Johnson of our Transportation Engineering Section at matt.johnson@montgomerycountymd.gov or at 240-777-7237 regarding the proposed bike facilities along the public rights-of-way.
3. The development is subject to the White Oak Local Area Transportation Improvement Program (LATIP) fee. We recommend that the applicant coordinate with Mr. Andrew Bossi of our Office of Transportation Policy at andrew.bossi@montgomerycountymd.gov or at 240-777-7170 regarding the White oak LATIP Fee.

4. At or before the permit stage, please coordinate with Ms. NikKia Carver of our Division of Transit Services to coordinate improvements/relocation to the RideOn bus facilities in the vicinity of this project. Ms. Carver may be contacted at NikKia.Carver@montgomerycountymd.gov or 240 777-5800.
5. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Kamal Hamud of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
6. Applicant to coordinate with SHA on the master planned interchange at US-29 and Tech Road/Industrial Parkway.
7. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
8. The owner will be required to submit a recorded covenant for the operation and maintenance of any private storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
9. Size storm drain easement(s) prior to record plat. No fences will be allowed within the storm drain easement(s) without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.
10. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
11. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
12. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - a. Street grading, paving, curbs and gutter, bike lane, minimum six and one-half (6.5)-foot concrete sidewalk and handicap ramps, enclosed storm drainage and appurtenances, and street trees along proposed FDA Parkway.
 - b. Street grading, paving, curbs and gutter, bike lane, minimum five (5)-foot concrete

sidewalk, ten (10) foot bituminous concrete shared use path and handicap ramps, enclosed storm drainage and appurtenances, and street trees along proposed FDA Boulevard.

- c. Street grading, paving, curbs and gutter, minimum seven (7)-foot concrete sidewalk, ten (10) foot bituminous concrete shared use path and handicap ramps, enclosed storm drainage and appurtenances, and street trees along proposed B-5.

* **NOTE: The Public Utilities Easement is to be graded on a side slope not to exceed 4:1.**

- d. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- e. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- f. Developer shall provide street lights on all public street frontages in accordance with the specifications, requirements, and standards prescribed by the Division of Traffic Engineering and Operations.
- g. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. Deepak Somarajan, our Development Review Team Engineer for this project, at deepak.somarajan@montgomerycountymd.gov or (240) 777-7170.

Sincerely,



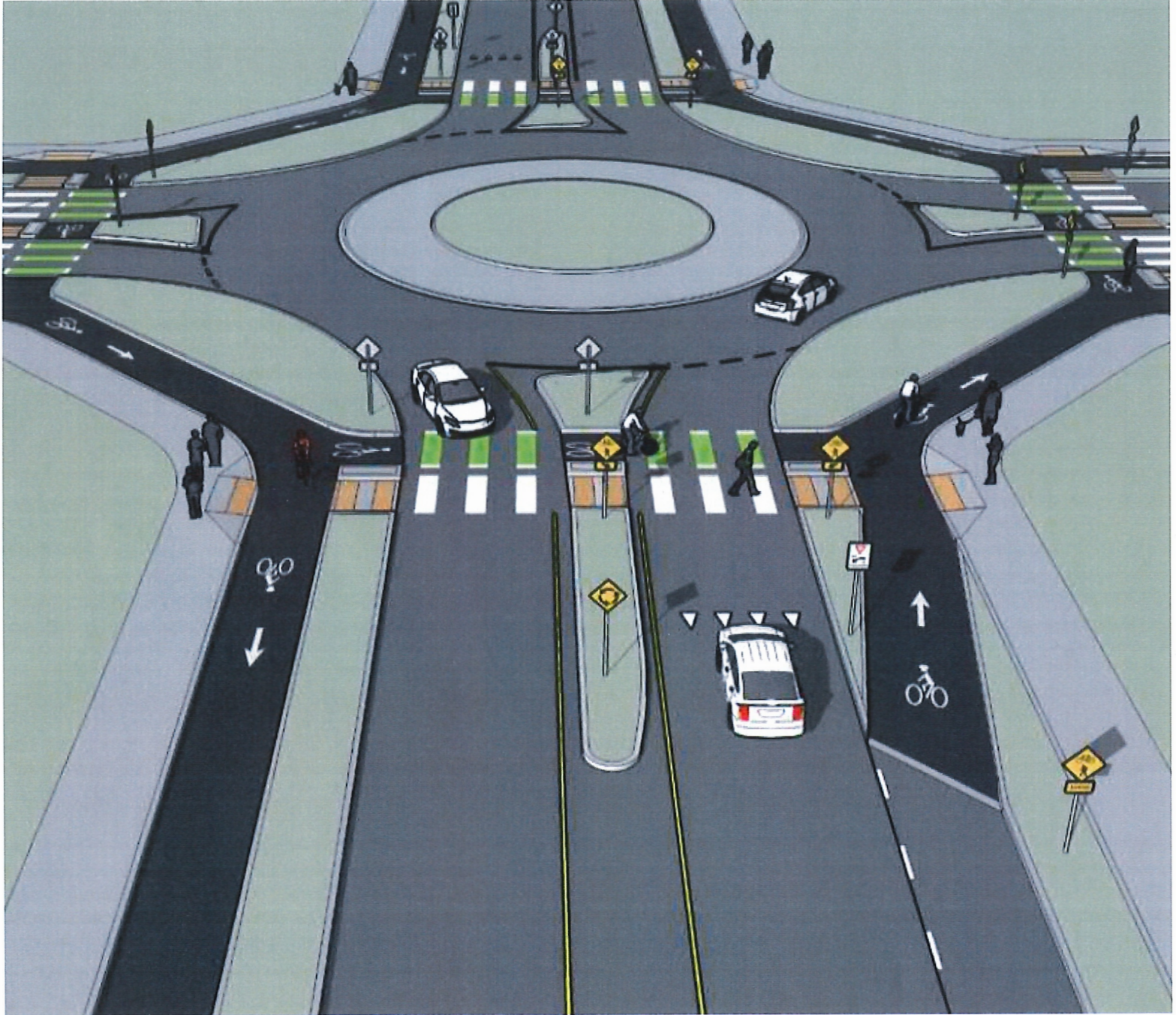
Rebecca Torma, Manager
Development Review
Office of Transportation Policy

1. Roundabout with bike lanes-Concept
2. Sight Distance Study-FDA Boulevard @ Cherry Hill Lane

cc: Amy Zou, Soltesz
Jim Soltesz Soltesz
Dan Pino Soltesz
Barbara Sears Linowes and Blocher
Scott Wallace Linowes and Blocher
Letters notebook

cc-e: Patrick Butler M-NCPPC Area 2
Tom Weeden MCDPS WRM
Atiq Panjshiri MCDPS RWPR
Sam Farhadi MCDPS RWPR
Marie LaBaw MCDPS Fire
Michael Paylor MCDOT DTEO
Devang Dave MCDOT DTEO
Kamal Hamud MCDOT DTEO
NikKia Carver MCDOT DTS
Sandra Brecher MCDOT CSS
Beth Dennard MCDOT CSS
Matt Johnson MCDOT DTE
Darcy Buckley MCDOT BRT
Christopher Conklin MCDOT OTP
Andrew Bossi MCDOT OTP
Deepak Somarajan MCDOT OTP

ATTACHMENT #1



ATTACHMENT #2



MONTGOMERY COUNTY, MARYLAND DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: VIVA-WHITE OAK Preliminary Plan Number: 120180240

Street Name: CHERRY HILL LANE Master Plan Road Classification: ARTERIAL

Posted Speed Limit: 40 mph

Street/Driveway #1 (FDA BOULEVARD) Street/Driveway #2 (_____)

Sight Distance (feet) OK?
 Right 700 FT (EASTBOUND) ✓
 Left 900 FT (WESTBOUND) ✓

Sight Distance (feet) OK?
 Right _____
 Left _____

Comments: _____
FDA BOULEVARD AND CHERRY HILL LANE
IS A SIGNALIZED INTERSECTION, SIGHT
DISTANCE IN EACH DIRECTION IS
ACCEPTABLE

Comments: _____

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
Tertiary - 25 mph	150'
Secondary - 30	200'
Business - 30	200'
Primary - 35	250'
Arterial - 40	325'
(45)	400'
Major - 50	475'
(55)	550'

Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

*Source: AASHTO

ENGINEER/ SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

 Signature
 49206: 49206

JUNE 28, 2018

 Date

PLS/P.E. MD Reg. No.

Montgomery County Review:

Approved

Disapproved:

By: [Signature]

Date: 9/18/17