



Black Hill Viasat: Site Plan Amendment No. 82018011A

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Completed: 02/08/2019

ViaSat: Site Plan Amendment No. 820180110:

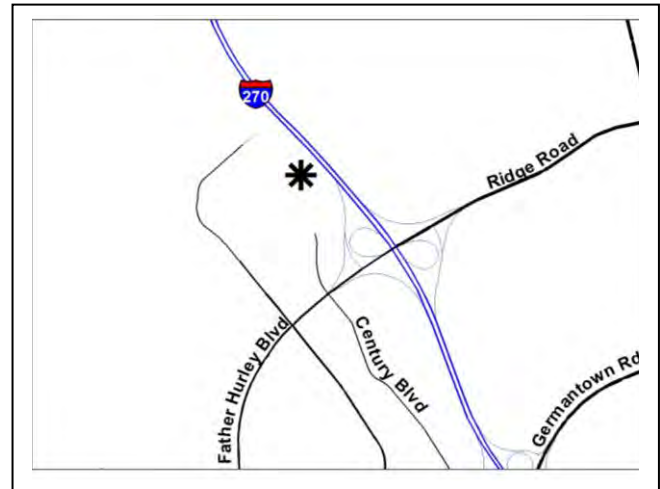
Amendment to remove a vehicle drop-off lane, adjust pedestrian circulation between the parking garage and building, relocate the trash enclosure, adjust the multi-use trail route and minor landscaping and lighting adjustments; on approximately 5.8 acres; CR 0.75, C-0.5 R-0.5 H-145T and Germantown Transit Mixed Use Overlay Zone, but reviewed under the TMX-2 zone; 2009 Germantown Employment Area Master Plan.

Recommendations – Approval of the Site Plan Amendment

Applicant: ViaSat Inc

Application Accepted: November 20, 2018

Review Basis: Chapter 59



Summary:

- The Applicant has requested a number of minor changes to the site circulation prior to starting construction on the property.
- Revised plans have been reviewed and approved by the Fire Marshal's office
- No correspondence has been received for this Amendment.
- The proposed amendment does not necessitate any amendments to conditions.
- This amendment is reviewed under the Zoning Ordinance in effect on October 29, 2014 subject to the exemption in Section 59.7.7.1.B.3.

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SECTION 1 – RECOMMENDATION

Site Plan Amendment No. 82018011A: Staff recommends approval with conditions of the Site Plan Amendment. 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. All previous conditions of approval remain in full force and effect.

SECTION 2 – PROPERTY LOCATION, ANALYSIS & HISTORY

Property Location

The Viasat site is approximately 5.8 acres in size, located on the northeast corner of Century Boulevard and the future Dorsey Mill Road, in the southeast corner of the Black Hill Property (“Property” or “Subject Property”). East of the Property is I-270 and the Milestone business park. South of the Property, across Dorsey Mill Road, is currently unimproved but has a Sketch Plan approval, No. 320180220 for a mixed-use development called Poplar Grove. North and west of the Subject Property is other land within the Black Hill community which has been approved for multi-family housing or office uses.



Figure 1 – Vicinity Map

Site Analysis

The Property is cleared but unimproved, and is located within an area that was previously cleared and used as a golf course and driving range. The Property is moderately sloped with the lowest elevations in the southwest near the intersection of Century Boulevard and the future Dorsey Mill Road. It contains no noteworthy environmental features.



Figure 2 – Aerial Map

History

Project Plan 920120040 and Preliminary Plan 120120210

On March 14, 2013, the Planning Board held a hearing for the Project Plan and Preliminary Plan for Crystal Rock. The Project Plan No. 920120040 was approved by Resolution MCPB No. 13-37 on May 30, 2013 and the Preliminary Plan No. 120120210 was approved by Resolution MCPB No. 13-38 on July 8, 2013. These plans approved the creation of 11 lots for a total of 3,284,000 square feet of mixed-use development including up to 1,097,800 square feet of office space, up to 91,400 square feet of retail use, up to 243,240 square feet (350 rooms) of hotel use, and up to 1,618 residential units. Of the residential units, no more than 440 units were to be non-age restricted and the remaining 1178 units were age restricted. These applications also laid out the right-of-way for Crystal Rock Drive and Century Boulevard, and envisioned a network of private streets providing local access to the new development. The Project Plan also laid out the basic staging plan for the required Public Use spaces and amenities which were to be provided with future site plan applications.

Project Plan 92012004A and Preliminary Plan 12012021A

On March 10, 2016 the Planning Board held a hearing for amendments to the Project Plan, approved by Resolution MCPB No. 16-024, mailed on May 3, 2016 and a Preliminary Plan for Black Hill (Formerly Crystal Rock) approved by Resolution MCPB No. 16-025, mailed on May 3, 2016, to remove the age-restriction on most of the residential units, and to decrease the total number of residential units to 1,229 (140 age-restricted and 1,089 all ages units). The amendments also modified the APF approvals, amended the stormwater management and made the necessary modifications to conditions of approval.

Infrastructure Site Plan 820130250 and Amendments

The entire Black Hill Property is covered by an infrastructure Site Plan that was first approved August 1, 2013. The inclusion of this Infrastructure Site Plan was necessary for the Applicant of Black Hill to start infrastructure improvements to the site before subsequent site plans were filed. The Infrastructure Site Plan contains the approvals for the public roads, stormwater management for the roads, and the FFCP for all of Black Hill. The Infrastructure Site Plan has been amended four times previously. The A amendment was approved by Resolution MCPB No. 16-027 on May 3, 2016 and it updated the FFCP pursuant to the Black Hill Multi-Family site plan plans. The B amendment was actually approved before Amendment A, by Resolution MCBP 15-151 on December 30, 2015, which amended the FFCP to show the necessary grading along the southern Black Hill Property boundary for Dorsey Mill Road. The C amendment was approved on July 3, 2018, by Resolution No. 18-051 to amend the FFCP to show the final designs for the Thrive Assisted Living site plan. The D amendment was approved by Resolution No. 17-076 on August 1, 2017 to relocate 0.58 acres of Category I Conservation Easement on the Black Hill Property.

Project Plan 92012004B, Preliminary Plan 12012021A, Site plan 820180110

Preceding the current Site Plan Amendment, amendments were approved for the Project and Preliminary Plans for Black Hill, and a Site Plan was approved for Viasat. The Project and Preliminary Plan amendments were adjustments necessary for the Viasat Site Plan and included adjustments to conditions regarding the timing and location of certain open space areas, the phasing of construction, and the creation of a new lot for Viasat. The Viasat Site Plan approved a new 130,000 sq. ft. office building to be constructed over two phases on the Subject Property including the provision of the Gateway Plaza and Linear Park.

SECTION 3 – PROPOSAL

The Applicant has submitted an amendment to the Viasat Site Plan, Site plan Amendment No. 82018011A ("Amendment"). The Amendment requests the following modifications:

- Removal of the one-way vehicle drop-off lane adjacent to the main door of the building
- Re-alignment of the access walk between the parking garage and the building
- Minor adjustments to the parking layout
- Relocation of the trash enclosure
- Modifications to the site landscaping and lighting including a different decorative lighting fixture
- Re-alignment of the multi-use trail

The most substantial of these requested changes is the removal of the vehicle drop-off lane adjacent to the eastern side of the main building. The drop-off was seen as redundant by the Applicant, and instead this area is proposed to become a larger front entry patio with landscaping. Other adjustments to circulation such as the sidewalk between the parking garage and building, and the multi-user trail were

for efficiencies in circulation. The other requested amendments are more administrative in scope and are largely a result of adjusting plan elements to accommodate the removal of the drop-off lane. Figure 3 below highlights the major changes to circulation that are apparent on the Site Plan.

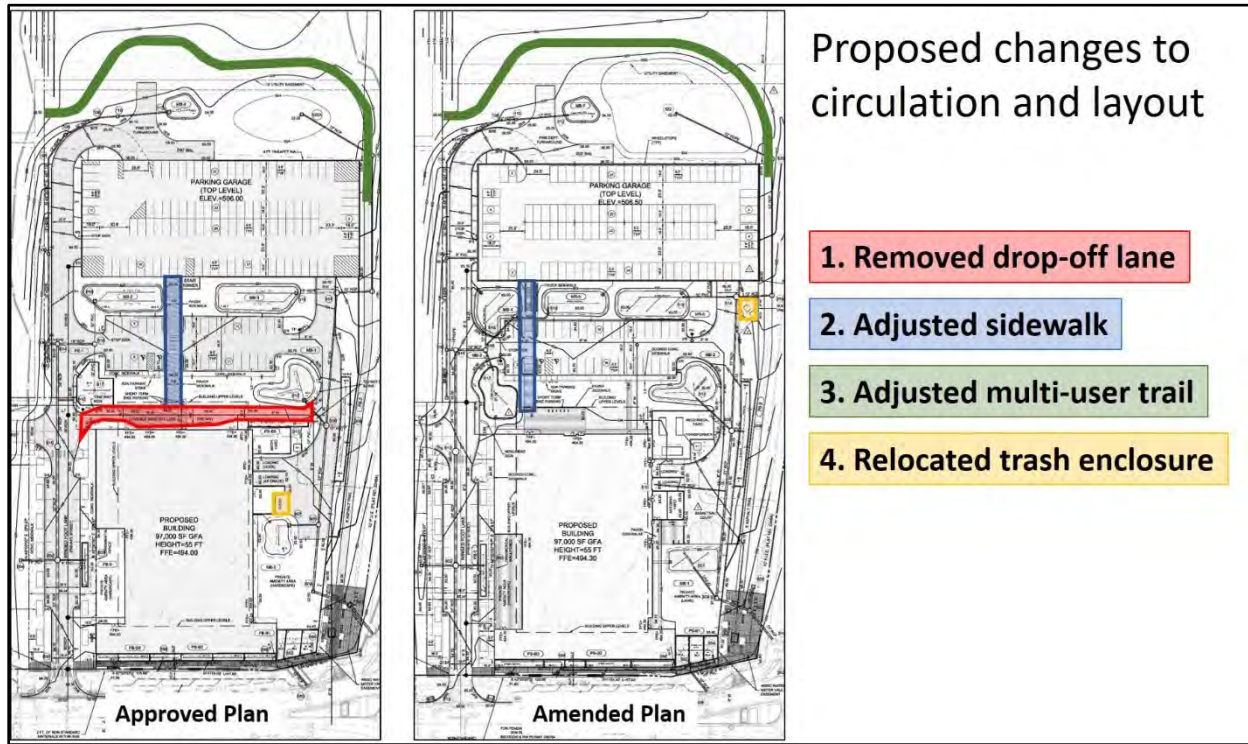


Figure 3 – Proposed circulation changes

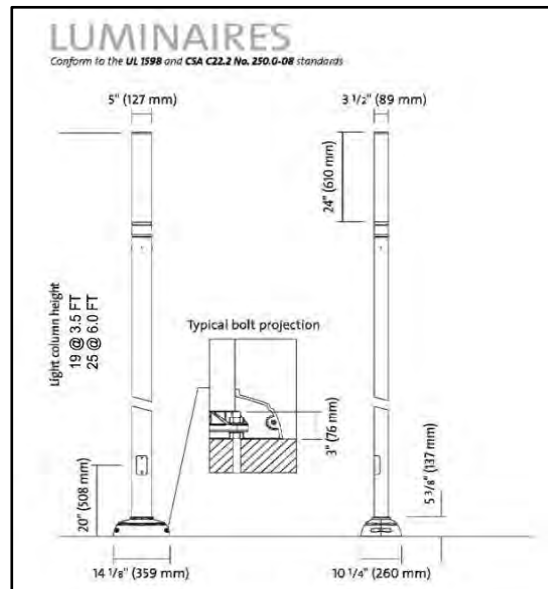


Figure 4 – Proposed decorative light columns

SECTION 4 – COMMUNITY OUTREACH

The Applicants have met all noticing and outreach requirements as part of the application process, including properly posting signage along the Property frontage and providing notice to adjacent property owners and HOAs. As of the writing of this Staff Report, Staff has not received any correspondence from the community about this Amendment.

SECTION 5 – ANALYSIS AND FINDINGS SITE PLAN AMENDMENT 82018011A

The following findings pertain to Site Plan Amendment No. 82018011A for Viasat. The Site Plan is reviewed under the Zoning Ordinance in effect on October 29, 2014 subject to the exemption in Section 59.7.7.1.B.3 and therefore, the following findings are those located in Section 59-D-3.4(c). All previous findings of approval remain in full force and effect except as modified by the findings below.

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

Location of Open Spaces, Landscaping and Lighting

Landscaping and Lighting

The location and quantity of landscaping and lighting proposed by the Amendment is safe, adequate and efficient. The changes made to landscaping are minimal and are a response to changes made in the alignment of on-site sidewalks and the multi-use trail, and the removal of the drop-off drive. The type and quantity of plant material is substantially similar and it maintains the intent of providing shade and screening. The adjustments to site lighting include a new light fixture over the relocated trash enclosure, adjusted lighting locations in the surface parking lot because of the relocated sidewalk, and an adjustment of pole locations on top of the parking garage. The amended lighting continues to provide ample security and visibility lighting around the building and circulation areas, and the light impacts on the Property edge are negligible and continue to meet code requirements. The Amendment also replaces the manufacture and style of the decorative light columns that will be used in the linear gateway park. The previous lights were rectangular and the new lights are more oval in shape. The Amendment maintains the same height and decorative purpose as the previous lights.

Pedestrian and Vehicular Circulation

Pedestrian and Bicycle Circulation

The location and design of the pedestrian and bicycle circulation proposed by the Amendment is safe, adequate, and efficient. The two changes to pedestrian circulation are the re-alignment of the sidewalk that connects the building to the parking garage, and the re-alignment of the multi-use trail around the perimeter of the Property. The sidewalk is being realigned to create a direct path between the garage and the main building entrance, since the vehicle drop-off lane is removed. The sidewalk is similar in size and function to the previously approved sidewalk, and only shifts the alignment a few feet to the north. The multi-use trail changes push the trail closer

to the edge of the eastern edge of the Property, providing a larger lawn area between the parking and the trail that can be used as an amenity by employees. The intent and character of the trail remains the same and the adjusted alignment only moves the trail in one section.

Vehicle Circulation

The location and design of vehicle circulation on the ViaSat Property continues to be safe, adequate and efficient. The Amendment removes a one-way drive aisle previously shown running along the eastern edge of the building, which functioned primarily as a drop-off area. The Applicant no longer finds this necessary and instead intends to expand the entry patio and provide additional green planting areas. Emergency and service vehicles still have adequate access to all sides of the building through the parking lot aisle. Removing the one-way drop-off aisle makes the vehicle circulation on the Property more efficient by eliminating a redundant drive aisle, and pedestrian safety is increased through a reduction in the number of crosswalks between the parking garage and building. The adjustments to the parking lot are in response to the relocated sidewalk between the parking garage and building. The visitors' parking lot maintains the same circulation but the pedestrian crossing has moved slightly to the north, and the parking spaces in the garage have adjusted to accommodate a shift in the elevator and stair tower. These changes in parking do not change the parking count or overall circulation of vehicle within the lots.

SECTION 6 – CONCLUSION

The Applications meet all requirements established in the Zoning Ordinance in effect on October 20, 2014. The Amendment continues to meet all of the necessary findings and requirements of the County review agencies. Staff recommends approval of the Site Plan Amendment.

ATTACHMENTS

- A. Resolution No 18-074, Viasat 820180110



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 18-074
Site Plan No. 820180110
ViaSat
Date of Hearing: July 19, 2018

JUL 25 2018

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, under Section 59-7.7.1.B.1 the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014, including the zoning then in effect; and

WHEREAS, on March 22, 2018, ViaSat, Inc. ("Applicant") filed an application for approval of a site plan for a three-story building of up to 130,000 square feet of office space to be constructed over two phases on 5.8 acres of TMX-2 zoned-land, located on the south and east side of Black Hill Regional Park, west of I-270 and north of the future Dorsey Mill Road. ("Subject Property"), in the Germantown West Policy Area and Germantown Employment Area Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820180110, ViaSat ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 6, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 19, 2018, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820180110 for a three-story building with 130,000 square feet of office space, the Subject Property, subject to the following conditions:¹

1) Project Plan Conformance

The development must comply with the conditions of approval for Project Plan Amendment No. 920012004B, as approved concurrently with the Site Plan.

2) Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan Amendment No. 12012021B, as approved concurrently with the Site Plan.

3) Infrastructure Site Plan Conformance

The development must comply with the conditions of approval for Infrastructure Site Plan Amendment No. 82013005E for purposes of Forest Conservation, as approved concurrently with the Site Plan.

4) Stormwater Management

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated May 30, 2018, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

5) Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated May 17, 2018, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.

6) MCDPS – ROW Permitting

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Permitting and Plan Review Section (MCDPS-RPP) in its letter dated May 29, 2018, and hereby incorporates

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

7) Public Use Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 101,144 square feet of public use space (39% of net lot area) on-site.
- b. The Applicant must construct the Gateway Plaza and Linear Park, and the Hiker/Biker Trail, as shown on the Certified Site Plan.
- c. The Applicant must grade for the Village Green South, located north of the ViaSat building, as shown on the Certified Site plan.
- d. Before the issuance of use and occupancy certificates for the commercial development, all public use space areas on the Subject Property must be completed.

8) Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to benches, trash receptacles, decorative lighting, bicycle racks and decorative paving within the Gateway Plaza and Linear Park and the Hiker/Biker trail.

9) Transportation

The Applicant must construct the Private Street on Parcel D (Winged Foot Lane) to the standards approved by Preliminary Plan No. 12012021B, and must construct all sidewalks, both on and off the Subject Property, to applicable ADA standards. Before the release of bond or surety, the Applicant must provide DPS Z&SPE Staff with certification from a licensed civil engineer that all streets and sidewalks have been built to the above standards.

10) Pedestrian & Bicycle Circulation

The Applicant must provide 26 long-term and eight short-term bicycle parking spaces.

- a. The long-term spaces must be in a secured, well-lit facility located in the covered parking garage area, and the short-term spaces must be inverted-U racks (or approved equal) installed near the buildings primary entrance facing toward the visitor parking and employee parking garage. The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- b. The Applicant must provide for a 10-foot wide shared use path along Century Boulevard, and eight-foot wide sidewalk along the private street, and an eight-foot wide shared use path for the Hiker/Biker trail.

11) Building Lot Terminations (BLTs)

Before issuance of the any building permit, the Applicant must provide proof to the Department of Permitting Services (DPS) that the density for the entire Black Hill development project remains under the 0.5 FAR threshold, under which no BLTs are required.

12) Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheets 09-ARCH-820180110-A04.021, 09-ARCH-820180110-A04.022, and 09-ARCH-820180110-MATERIAL_BOARD of the submitted architectural drawings, as determined by Staff.

13) Landscaping

The Applicant must install all landscaping materials and elements as shown on the Certified Site plan prior to issuance of the final inspection for the commercial building. Plant material may be installed up to six months or one planting season after the final inspection.

14) Lighting

- a. Prior to certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b. All onsite down-lights must have full cut-off fixtures.
- c. Deflectors will be installed on proposed fixtures on top of the parking garage to prevent excess illumination and glare.
- d. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads and residentially developed properties.
- e. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

15) Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-

NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 [59-D-3.5(d)] of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, site furniture, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, private utilities, the Hiker/Biker path and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, and street trees and street lights along the private road. The surety must be posted before issuance of the any building permit of development and will be tied to the development program.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

16) Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

17) Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the stormwater management concept approval letter, development program, Fire & Rescue approval and Site Plan resolution on the approval or cover sheet(s).
- b. Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c. Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- d. Modify data table to reflect development standards approved by the Planning Board.
- e. Ensure consistency of all details and layout between Site and Landscape plans.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of ViaSat 820180110, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

The Site Plan is consistent with Project Plan 92012004B, which was reviewed concurrently with the Site Plan. The Site Plan conforms to the density, land uses, public use facilities and amenities, green area, and setbacks envisioned for the Subject Property by providing an office building with a Gateway Plaza and Linear Park and a portion of the Hiker/Biker trail.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The Site Plan conforms to the intent and requirements of the TMX-2 Zone.

The intent of the TMX-2 zone is to implement master plan recommendations by:

- Facilitating mixed-use development with a compatible network of interconnecting streets, open squares, plazas, and civic and community-oriented uses;
- Providing flexible development standards; and
- Encouraging designs that produce a desirable relationship among individual buildings, the circulation system, public spaces, and adjacent areas, and that foster use of non-auto forms of transportation including pedestrian, bicycle, and public transit.

The TMX-2 zone also encourages land assembly, providing a variety of housing opportunities, promote the effective use of transit, and providing for Building Lot Terminations. The Site Plan is implementing part of the larger Black Hill Project Plan, which is a 97 net acre mixed use project with employment, retail, a variety of age-restricted and free market housing, hotel space, a network of

interconnected private and public streets, open spaces, and dedication to Black Hill Regional Park. The Application provides an employment use close to a planned CCT station, implements two of the Public Use areas in Black Hill and features unique building design not seen before in Germantown that includes modern lines, building stepbacks and variations of façade treatments. The Site Plan will also implement a portion of the private street network adjacent to the building, which continues a grid of streets approved by other site plans and envisioned by the Project Plan.

The TMX-2 Zone also requires applications be consistent with the applicable master or sector plan recommendations. The Site Plan conforms to the applicable approved Sector Plan. The Sector Plan's vision states, "This Plan establishes a vision that will transform Germantown's central employment corridor into a vibrant town center and mixed-use uptown districts. The Germantown of the future will be the center of business and community life in upper Montgomery County." The Sector Plan further envisions Germantown completing an economic core, increasing employment, and organizing development around transit. Other areawide recommendations include clustering development near future transit stations, creating interconnecting transportation options, creating gathering spaces, establishing centers, and creating meaningful street character. These broad visions and recommendations are being implemented by the Black Hill Project Plan, of which this Site Plan is a component. The Site Plan provides employment near future transit opportunities, provides Public Use space for gathering, and implements an urban street character.

The Subject Property is in the North End District of the Sector Plan and is identified as the Lerner Property. The relevant recommendations include:

- Orient signature office buildings and employment uses closest to I-270
- Line the east side of Century Blvd with six-story buildings, reducing the sense of building bulk and mass by limiting heights to three or four stories at street level and stepping back to upper floors
- Building setbacks from I-270 should maintain the existing setback of 200 feet from the current right-of-way
- Develop the east side of Century Blvd with wide sidewalks that can accommodate café's and seating areas
- Provide an urban plaza directly adjacent to the transit station with seating, lighting, shelter and other amenities
- Introduce a network of streets with short blocks 250 to 350 feet in length

The Site Plan conforms to these recommendations by providing a new office building on a Property adjacent to I-270 that meets the 200-foot setback, establishes a building presence along Century Boulevard, and provides wide

sidewalks and Public Use Space along the building frontage and near the future transit station that accommodates seating, lighting and shade opportunities.

Based on the following data table, which sets forth the development standards approved by the Planning Board and binding on the Applicant, and based on other evidence and testimony of record, the Application meets all of the applicable requirements and development standards of the TMX-2 Zone.

Data Table

Development Standard	Permitted/Required by Zoning	Approved by 92012004B & 12012021B	Approved by 820180110
General Standards			
Net Tract Area (Lot 22)	18,000 sq ft minimum	5.84 ac (254,537 sq ft.)	5.84 ac (254,537 sq ft.)
Building Coverage (Max)	Set by Project Plan	35%	32%
Minimum Public Use Space ²	20% of total Project	51% (2.14 M sq. ft.)	39% (101,144 sq ft.)
Maximum Building Height	143 feet	143 feet	55 feet
Minimum Setbacks			
Adjacent Building ³	0 ft/15ft	0 ft/15ft	N/A
Adjacent Residential Zone	25 ft	90 ft	N/A to this lot
Public Streets	0 ft	0 ft	16 ft
I-270	Master Plan 200 ft	200 ft	200 ft
Maximum Density (FAR)			
Permitted by zoning	2.0 (9.38 M Sq Ft)		
Per the Master Plan	0.7 (3.28 M Sq Ft)	0.7 (3.28 M Sq Ft)	130,000 Sq Ft
Commercial Density	Set by Project Plan	0.3 (1.43 M Sq Ft)	130,000 Sq Ft
Required BLTs	Based on Density	14.1 BLTs	0 ⁴
Parking for ViaSat⁵			
Phase 1 Min/Max	194/291	N/A	267
Phase 2 Min/Max	260/390	N/A	281
Accessible Parking	9 ⁶	N/A	9

² Minimum public use space is based on the entire Project Plan boundary. Some Site Plan applications may have less than the minimum on individual lots, including Lot 22.

³ Setbacks are 0ft if the adjacent building has no windows. Setbacks is a minimum of 15ft if there are windows. No buildings are currently adjacent to the proposed building; therefore, the setbacks are not applicable

⁴ BLTs are not required until the project pulls building permits totaling 0.5 FAR. Data is tracked on all Black Hill Site Plans. Current approvals total 0.24 FAR and permits only total 0.0235 FAR.

⁵ ViaSat is using the parking standards of the Zoning Ordinance in effect on October 30, 2014 pursuant to 59.7.7.1.B.3.b

Development Standard	Permitted/Required by Zoning	Approved by 92012004B & 12012021B	Approved by 820180110
Motorcycle Parking	6	N/A	6
Car-Share	3	N/A	3
Electric Charging Spaces	3	N/A	3
Bicycle Parking			
Long Term	22	N/A	26
Short Term	4	N/A	8

3. *The locations of the buildings and structures, the open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a. Buildings and Structures

The location of buildings and structures is adequate, safe, and efficient. The Site Plan contains one office building, to be constructed in two phases, totaling 130,000 square feet. The location of phase I (97,000 square feet) is immediately adjacent to the new private street and is set back approximately 16 feet from Century Boulevard. This building placement defines both street edges while providing room for the Linear Park along Century Boulevard. The phase II expansion is horizontal on levels two and three and extends east over the area of visitor parking, minimizing any future disruption beyond the Subject Property. A two-level parking garage for employees will be located east of the office building. This location is in the back of the Subject Property, minimizing views of the parking area from the streets and other developments within Black Hill. The increase in elevation from the main building toward the interstate also allows the parking to tuck into the hill, so that the lower level of the garage is on grade with the ground floor of the building, while the upper level is on grade with the land further east. The Gateway Plaza and Linear Park at the southwest corner of the ViaSat Property will have some terraced planning beds and stormwater management structures that are designed to be a part of the amenity area, and there will be a wall and privacy fence helping frame in the remainder of the amenity space. This wall and fence will match the architecture of the main building to make it appear to be part of the structure. This frames the Gateway Plaza, and the wall will be partially softened with landscaping and will also contain the company's sign.

⁶ Accessible Parking is based on a % of each parking facility with no fewer than 2 in each facility. The garage and the visitor lot are being considered as two separate parking facilities with 2 spaces in the visitor lot and 7 in the garage.

b. Open Spaces

The location of the open spaces is safe, adequate and efficient. The TMX-2 zone has a minimum 20% Public Use space, and the Project Plan approved a Black Hill total of 51% Public Use space. This Site Plan is providing 39% Public Use space, which is a fair portion based on the locations for the Public Use space pre-determined at Project Plan for all of Black Hill.

The Application includes two main Public Use spaces: the Gateway Plaza and Linear Park on the western side of the Subject Property and the Hiker/Biker trail which extends along the southern and eastern portion of the Subject Property. The Gateway Plaza and Linear Park is designed to be an urban, designed space with defined hardscape, planting beds, lighting, seating and bike parking, and serves as a front door to the greater Black Hill community. The plaza portion acts as a natural terminus for the Hiker/Biker trail, and as a destination upon disembarking the future CCT. The Linear Park acts as a green corridor into Black Hill connecting the corner plaza with the Village Green South. The Linear Park also provides a more pedestrian-oriented space away from the main shared use path closer to Century Boulevard. The Hiker/Biker trail in contrast is a more passive space intended to be enjoyed by walking, jogging or bicycling, and is a part of a network that will eventually encircle the entire Black Hill community.

c. Landscaping and Lighting

The location and quantity of landscaping and lighting is safe, adequate and efficient on the Subject Property. The landscaping is typical for Public Use spaces and parking facilities. The Public Use Spaces contain shade and ornamental trees that provide vertical interest and shade while grasses and shrubs fill in other non-hardscape areas to soften the building foundation and provide visual screening from parking. Along the Hiker/Biker trail are also areas of lawn and meadow with native perennials, providing visual interest and wildlife habitat. The Hiker/Biker trail is routed close to the side of the parking garage's southern edge to avoid grading easements for the future Dorsey Mill Road Bridge, but the Applicant created a five-foot wide buffer with shrubs along the garage to soften this edge. The new private street will contain street trees located in tree panels adjacent to the roadway, which is typical of new street construction.

The lighting plans were reviewed for conformance with standards to ensure there is not excessive glare and that less than 0.5 footcandles of light extend beyond the Subject Property boundary, except for street lighting. The primary lighting is for the parking facilities, and within the Gateway Plaza and Linear

Park along Century Boulevard. The parking lot lighting will have cut-off fixtures to minimize the glare while safely and adequately illuminating the facilities. The lighting in the amenity spaces is decorative and pedestrian scaled as a supplement the existing street lighting along Century Boulevard.

d. Recreation Facilities

The Site Plan does not contain recreation facilities because it is a commercial-only project.

e. Vehicular and Pedestrian Circulation

The location and design of vehicle and pedestrian circulation on the Subject Property is safe, adequate, and efficient. Vehicle access to the front door and the rear loading bays is provided with a one-way drive isle that will intersect with the new private street opposite planned street A, along the east side of the building. The one-way drive isle also provides fire and emergency vehicle access to the building. The return movement for vehicles is through the visitor parking lot. There is also access to both visitor and employee parking through a drive isle that, combined with the one-way isle, completes a four-way intersection where street parcel D, and street A intersect. This circulation pattern is efficient for locating all public access points at one intersection, minimizing pedestrian conflicts and keeping access off of the public streets. Internal to the site, the parking structure has two points of access at the ground floor, and one point of access to the upper level. This is adequate for the size and shape of the garage.

Much of the pedestrian circulation will occur in the public or private rights-of-way with sidewalks planned for along the sides of the new private street, and the existing sidewalk being upgraded to the required shared use path along Century Boulevard. The Applicant is coordinating to provide a raised cross-walk where the shared use path paralleling Century Boulevard crosses the private street because this intersection will be high volume for cars and pedestrians, with a raised crosswalk slowing down vehicles. The Gateway Plaza and Linear Park provide additional areas for pedestrian movement and act as a refuge from the shared use path. The Hiker/Biker trail being built on the south and east side of the Subject Property is designed as an eight-foot wide trail which is consistent with the previous sections built by other developments and is adequate as a recreation amenity. Between the parking garage and building a 14-foot wide paver sidewalk is planned providing direct access from the parking to the main building. As this sidewalk passes through the visitor parking the drive isle is marked with a crosswalk.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The proposed structures are compatible with existing and planned surrounding uses and site plans. The only existing development near the Subject Property is a community of townhouse-style condominiums located on the west side of Century Boulevard, just south of where the future Dorsey Mill Road will be constructed. The southwest corner of the ViaSat Property with the Gateway Plaza and Linear Park will be visible to some of these dwellings. The presence of the public amenity space and landscaping and the design of the three-story building with building stepback ensure the employment use does not dominate the views from the existing residents.

Immediately south of the Subject Property is a large tract of land currently in the early stages of development review for a mixed-use development. Likely plans include multi-family dwellings and office use closest to the Subject Property, which is consistent and compatible with the intensity of office use proposed with this Site Plan and with the Sector Plan vision for higher intensity uses in proximity to the future CCT.

Within Black Hill, pre-construction activities are taking place for previously approved multi-family buildings just west of Century Boulevard, which when completed will finish framing the entrance to Black Hill. The height and scale of the buildings is similar on either side of Century Boulevard. The zero setbacks from the private street help create a street edge necessary to frame the southern side of the future Village Green South which will be just north of the Subject Property. The parking facilities located in the east of the site, closest to the Dorsey Mill Road bridge and I-270 keep the auto-oriented uses together, away from the pedestrian dominant spaces within the Black Hill community.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The Site Plan Amendment meets the requirements of Chapter 22A, Forest Conservation Law, and Chapter 19, Water Resource Protection. Forest Conservation for all properties within Black Hill is covered by the Infrastructure Site Plan No. 82013025E, which was reviewed concurrently to the Site Plan and was amended to show the final grading and development associated with this Site Plan. There were no changes to the ultimate limits of disturbance, forest resources or conservation easements. The Department of Permitting Services, Water Resources Section issued an approval of the Site Development

Stormwater Management Plan for the Subject Property for meeting stormwater management goals using various micro bioretention facilities. A final stormwater management plan will be reviewed prior to construction.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 25 2018 (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Commissioner Patterson, with Chair Anderson and Commissioners Fani-González, Cichy, and Patterson voting in favor, and Vice Chair Dreyfuss absent at its regular meeting held on Thursday, July 19, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

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