

Statement of Justification
Milestone Innovation Center (formally known as "Milestone Business Park")
Application for Preliminary Plan Amendment and Site Plan Amendment
Updated February 24, 2022

I. Introduction

MBP Germantown, LLC (the "Applicant"), an affiliate of the Matan Companies, is the owner of a 44.33-acre property located on the north side of Interstate 270, between Ridge Road (on the east) and Dorsey Mill Road (to the west), within the Germantown Forward Sector Plan area (the "Property"). The Applicant is submitting applications to replace the approved Preliminary Plan (No. 11987271C) and Site Plan (No. 82001009E) applicable to the Property, which are being vacated as part of the Application process. The amendments, known as Preliminary Plan No. 11987271D and Site Plan No. 82001009G (collectively, the "Amendments") will introduce a meaningful mixed-use office and biotech concept to the existing Milestone Business Park. The Property is currently improved with four buildings (Buildings 1, 2, 4 and 5) and a parking structure (Garage A). The Amendments seeks to renumber Buildings 4 and 5 to Buildings 3 and 4, respectively, and use the available remaining density to construct three research and development buildings (Buildings 5, 6 and 7) and two parking structures (garage B and C), along with the following changes:

- Modify internal Property circulation, public open space and landscaping as appropriate;
- Revise existing parcel boundaries to accommodate the proposed development;
- Rename the Property from "Milestone Business Park" to "Milestone Innovation Center"; and
- Clarify existing uses on the Property (collectively, the "Project")

In addition, the Project seeks to reaffirm that the Property and all its current and future development features are subject to the CR Zone, which has been applied to the Property. The Applicant is filing as a standard method Project and is seeking concurrent preliminary and site plan review by the Montgomery County Planning Board of the Maryland National Capital Park and Planning Commission ("M-NCPPC") (the "Planning Board").

II. Property Description

The Property is currently subdivided into six parcels (F, J, K, L, O and P) and contains four office buildings (Buildings 1, 2, 4 and 5) with associated parking facilities. The buildings are arranged in a clockwise fashion around a large plaza area - beginning with Building 1 on the east and ending with Building 5 to the north. A 4-level parking structure is to the north of Building 5 and the balance of the Property is taken

up with surface parking.

Access to the Property is from Milestone Center Drive (also identified as Parcel F), which bisects the Property from east to west and provides an alternate connection from Observation Drive to Dorsey Mill Drive. The Property is in close proximity to a planned transit station for the Corridor Cities Transitway ("CCT") near the intersection of Dorsey Mill Road and Milestone Center Drive. As such, a 70-foot transitway easement marks the northern Property boundary and also serves as a buffer between the Property and the townhouse community to the north.

III. Prior Approvals

The Property was originally approved and developed under the I-3 zoning standards. Buildings 1, 2 and 4 were built when the Property was zoned I-3. Building 4 was approved and built after the Property was rezoned to the TMX-2 Zone via the 2009 Germantown Forward Sector Plan (the "Sector Plan"). Pursuant to generous grandfathering provisions, this building followed the I-3 zoning standards. The current approvals for the Property are set forth in a series of Preliminary Plans (Nos. 11987271A-C) and Site Plans (Nos. 82001009A-E) resulting in the following assigned and currently valid densities and uses:

Parcel J (Building 5) - 175,000 sf of office uses

Parcel K (Building 1) - 130,000 sf of office and light industrial uses

Parcel L – 485 residential units and 28,250 sf of retail converted from 252,250 sf of office, restaurant, retail and daycare uses

Parcel O (Building 2) - 188,000 sf of office uses

Parcel P (Building 4) - 152,000 sf of office uses and 10,000 sf of retail

As noted above, Preliminary Plan 11987271C and Site Plan 82001009E, which approved multi-family and retail uses, are being vacated and replaced as part of the Amendments. In particular, the 485 residential units and 28,250 square feet of retail on Parcel L and 10,000 square feet of retail in Building 4 is being eliminated. The Project further seeks to renumber existing Buildings 4 and 5 to Buildings 3 and 4, respectively. The Applicant is also converting the existing residual approved density of 252,250 square feet of primarily office to much-needed biotech uses. As discussed in the Applicant's Traffic Study, the conversion of available density to research and development uses allows for 470,000 square feet of development.

IV. Project Description

a. Introduction

The Project presents a great opportunity to expand the synergy of uses that exists on the Property and take advantage of the Property's proximity to the established Interstate 270 employment corridor. The Applicant envisions a new type of employment hub on the Property that can accommodate an innovative combination of traditional office and burgeoning biotech uses. The new buildings are designed to fulfill a market need for the life sciences industry. According to a recent market study conducted by CBRE for the Washington D.C. metropolitan region, out-of-market demand is accelerating with more than 1 million square feet of recently executed or active requirements from net new entrants to the market. With a market vacancy rates of less than 4%, the biggest challenge to the growth of the life science industry along the Interstate 270 corridor is a lack of suitable and available space. These circumstances offer significant potential to capture additional employment and economic development opportunities within this growing sector in Montgomery County.

b. Development Program

The Applicant proposes to further develop the Property in one phase as a mixed-use center by introducing research and development buildings into the current office park. This is a standard method CR Project, which also seeks to update the existing I -3 zoned development to current CR standards. As a result, the entire Property, including any future development, will be evaluated under a uniform zoning scheme. The proposed buildings include the following:

Building 5 (located west of existing Building 3 (formally 4))

- 200,000 sf of research and development space
- Two stories

Building 6 (located on the southern portion of the Property to the north of Ridge Road)

- 185,000 sf of research and development space
- Two stories

Building 7 (located on the eastern portion of the Property to the north of Ridge Road)

- 85,000 sf of research and development space
- Three stories

Garage B (located between buildings 5 and 6)

- 582 parking spaces
- 6 levels (5 above grade)

Garage C (located south of building 7)

- 582 parking spaces
- 6 levels (5 above grade)

The buildings will have a mix of 4 potential primary functions: research and development, laboratory space, pharmaceutical manufacturing space and warehouse-distribution space, along with ancillary offices. The size of these spaces will vary based on the specific needs of the building tenant; however the building envelopes will not change once Planning Staff confirms the proposed building layouts. All three biotech buildings will have their own loading docks and service yards.

The proposed Project will also update and upgrade the existing central plaza. The current plaza has strong features, but feels closed off from the surrounding spaces. As a result, it feels uninviting and lacks vibrancy. The new plaza will have views and openings to invite activation of the space. Existing seating areas will be demolished to open up the space. New seating will be created above the sunken plaza space to create overlooks into an inviting central area. The new design will save a majority of the existing trees in order to preserve the otherwise positive character of the space and its surroundings. New paving, outdoor seating, landscaping and pedestrian lighting will be upgraded to enhance the plaza. Bio retention areas will be added to diversify the feel of the space and to satisfy new storm water regulations.

c. Update of Existing Development

The proposed development scheme requires a redrawing of parcel boundaries to accommodate the enhanced entrance road and public spaces described in the development program above and to ensure that no buildings cross parcel lines. The Amendments also seek to change the Property name to "Milestone Innovation Center" to allow the Property to align with the existing product offered by the Applicant. The current name, "Milestone Business Park," would be misleading and not reflective of the site's new direction.

d. Gross Tract Area

The net lot area for the Property is 44.334 acres (1,931,190 sf). As previously confirmed in Preliminary Plan No. 11987271C, there are significant prior dedications associated with the Property and the Gross Tract Area is approximately 65.85 acres (2,868,517 sf).

e. Zoning and Permitted Uses

Consistent with the comprehensive rezoning for the County, the Property was rezoned from the TMX-2 Zone to the following new zoning classification:

CR-2.0, C-1.75, R-0.5, H-125 T (Commercial Residential)

The Property is also subject to a new overlay zone, the Germantown Transit Mixed Use Overlay Zone ("GTMU"), which is singularly designed to establish the priority of

Building Lot Termination ("BLT") in the optional method of development for certain Germantown properties in the CR zone. Because this is a standard method Project, the GTMU does not affect these applications.

The CR zone permits life sciences, office, and research and development uses, along with structured parking. As indicated on the Site Plan Amendment's "Development Tabulations" table, the Project and the existing development comply with all the applicable CR Zone development standards. We note that certain build-to areas and forms of the existing development, which were approved under the I-3 Zone, do not meet CR Zone standards contained in Section 4.5.3.C.3 and 5 of the Zoning Ordinance. These modest deviations are deemed conforming under Section 7.7.1.A of the Zoning Ordinance and, as such, the entire Property may be unified under one zoning scheme.

The Project otherwise satisfies the build-to-area and orientation requirements of Section 59.4.5.3 of the Zoning Ordinance. The build-to measurement is taken from the internal right-of way on the property, upon which the buildings front, and the Project easily conforms to the twenty foot setback limitation. Regarding Building 7, the Applicant is maintaining the street wall at a range of 15-22 feet from the curb. This building is set at this distance to accommodate the significant grade change and the WSSC easement within the adjacent road, resulting in a setback that meets the intent of the build-to provision.

Regarding orientation, the Zoning Ordinance requires buildings to provide entrances facing the street or open space. The buildings within the proposed Project comply with this requirement by providing entrances facing the new east-west right of way running through the Property.

The Project architecture has been specifically designed for the intended R&D/office users. Given the internal building design and operational constraints associated with the proposed use, the build-to areas fall below required percentages for certain new buildings, particularly Buildings 6 and 7, as described in the "Build To Exhibit" included in the resubmittal. In addition, the transparency falls below the upper story 20% required by the Zoning Ordinance and the Applicant is not able to meet the 100-foot entrance spacing requirement of the Zoning Ordinance. The Applicant is seeking to modify the build-to, transparency and entrance spacing (i.e., building orientation) requirements with the permission of the Planning Board under Section 7.3.4 of the Zoning Ordinance.

In approving a site plan under Section 7.3.4, the Planning Board must find that these plan elements: (1) deviate from the Build-to, Building Orientation and Transparency requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporate design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks. As noted above, the proposed buildings deviate from the applicable build-to, orientation and transparency requirements only to the extent prescribed for the biotech end user. These users require large, secure and customized interior spaces for sensitive lab research and/or product manufacturing. The proposed buildings are designed to accommodate these particularized needs with limited building access points while preserving the appearance of transparency as much as possible.

In order to engage the surrounding publicly accessible spaces, the proposed buildings have been oriented to face an internal east-west right of way connection. The Applicant uses a combination of building articulations and design features to enliven the surrounding publicly accessible spaces. In addition, the adjoining streetscape contains tree plantings, bicycle accommodations and spacious pedestrian ways to accentuate the buildings' symbiotic relationships with the outside public environment.

Landscaping within and around the parking facilities will be provided in accordance with the requirements in Section 6.2.9 of the Zoning Ordinance. Final calculations will be provided once Planning Staff confirms the Project layout.

f. Architecture and Design

The three new mixed use biotech buildings (Buildings 5, 6 and 7) are designed as pedestrian scaled two story structures. The proposed height for Buildings 5 and 6 is on average thirty-six feet tall with some areas around entrances and special function areas that are forty-two feet tall. Building 7 is fifty-two feet tall. The first two levels of each building will feature lobby entrances and punched windows along the street frontage.

The exterior architecture of the new buildings will be complementary to the existing brick-faced office structures. The design will be contemporary in nature and include two-color brick and concrete facades accented with articulated wall panels and metal trim. Windows will be glazed with energy efficient insulating glass. The exterior walls of parking garages will also be a mix of painted articulated concrete. There will be a variation in window sizes and shapes, along with three-dimensional reveals and rustications of the façade materials. Building walls will be articulated to break up the building mass and promote an inviting and approachable streetscape environment. Entrance canopies for each facility will be cross laminated (CLT) or heavy timber structure with metal structural connection details, trim and soffits. The canopy for each building will be unique to that facility.

V. Sector Plan Conformance

The Property is located within the Germantown planning area. As per the Sector Plan, the Property is located in the North End District, one of seven different development districts in the Sector Plan. The North End District extends across both sides of I-270 and is bounded on the southeast by Father Hurley Boulevard/Ridge Road and on the northwest by the Sector Plan limits. The existing Milestone Business Park is specifically referred to as the "Milestone North Property."

The Sector Plan recommends a mix of research and development, employment, technology, street level retail, restaurants, and new housing for the Milestone North Property. Notably, the Sector Plan contemplates a 1.0 Floor Area Ratio ("FAR") for the Milestone North Property, with no more than 20% residential uses at the site. The Sector Plan contemplates building heights of up to 125 feet along I-270, which would be stepped down as buildings approach existing residential communities. An additional

recommendation is to provide green commons within the interior of the Milestone North Property.

The Project responds to the Sector Plan's goals and objectives as follows:

1. USES. The Project will introduce research & development uses and additional office to the Property as a complement to the existing primarily office and light industrial uses. These new uses meet the Sector Plan's recommendation for a mix of specific uses.
2. FAR. The total density for the contemplated Project, including existing density, is .39 FAR (1,125,000 sf of proposed development divided by 2,868,517 GTA). This is well below the contemplated Sector Plan limit of 1.0 FAR.
3. HEIGHTS. The proposed building heights for Buildings 5 (two stories), 6 (two stories) and 7 (three stories) are 80 feet maximum. The new garages will be five stories above grade. All Property heights are below the 125-foot limit and are appropriate in relation to the residential communities to the north.
4. GREEN COMMONS. The Project plans to refresh the current office plaza area into an attractive, pedestrian-friendly green open space. This is a hallmark of the Project and precisely what the Sector Plan envisioned.

VI. Zoning Ordinance Conformance

Section 4.5.1 of the Zoning Ordinance states that the CR Zone “permit[s] a mix of residential and nonresidential uses at varying densities and heights. The zones promote economically, environmentally, and socially sustainable development patterns where people can live, work, recreate, and access services and amenities.” The Project responds to the specific objectives of the CR Zone as follows:

1. Implement the recommendations of applicable master plans.

The Project, as described in Section V above, substantially conforms to the recommendations of the Sector Plan. Specifically, the Project introduces complementary uses and provides enhanced public use spaces and amenities, as well as significant improvements to the pedestrian environment.

2. Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.

The existing office park is a vestige of an older, car-centric development philosophy. The Project offers the opportunity to further urbanize, modernize and activate the campus with additional uses and advanced pedestrian focus. The Applicant envisions

that the Project will eliminate most of the surface parking on the Property while responding to a critical market need for more biotech spaces.

3. *Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.*

The Project provides a mixed-use, transit-oriented development that is appropriate for the area and will also accommodate the future CCT line serving the site. While no residential component is planned in the Amendments, the Project will meet the needs of workers of the area by providing additional employment opportunities in close proximity with the onsite existing offices and nearby adjacent residential communities. There is also the possibility that a residential building could still be added to the site in the future. The Project will convert many existing and planned surface parking spaces into street-activated structures. Additionally, the streetscape improvements along Milestone Center Drive, in conjunction with the refreshed green commons, will promote a welcoming pedestrian environment that is lacking in the current development.

4. *Allow a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.*

As discussed above, the Property is surrounded by various residential uses. The Project will provide new employment opportunities in close proximity to future transit, which will complement the surrounding residential and office. The surrounding properties are separated from the Property by Observation Drive, Ridge Road and a sizable transit easement. As such, the 80-foot heights proposed on the Property will fit into the existing character of the area. The architecture and design of the Project also complement the existing structures on the Property.

5. *Integrate an appropriate balance of employment and housing opportunities.*

The Project provides a desirable mix of uses that will support the existing surrounding uses. The proposed development will provide additional employment opportunities for those who live in the nearby residential areas.

6. *Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.*

The Project is a standard method application that will not require optional method public benefits. However, the Project provides significant public benefits in the form of enhanced pedestrian connectivity, vastly improved streetscape and an improved central gathering area.

VII. Findings Required for Preliminary Plan Amendment

The purpose of this portion of the Statement is to provide justification that the Preliminary Plan Amendment satisfies the applicable provisions of Chapter 50 of the Montgomery County Code (the "Subdivision Regulations").

A. Subdivision Regulation Compliance

The Preliminary Plan Amendment demonstrates that the size, width, shape and orientation of the proposed reconfiguration of parcels will be appropriate for the location and proposed development.

B. Sediment Control/ Water Quality

The Project will comply with the requirements of Chapter 19 of the Montgomery County Code. Applicable requirements under Chapter 19 are addressed in a Concept Stormwater Management Plan submitted to the Montgomery County Department of Permitting Services ("DPS") for review. Stormwater management for the Project site will be provided by micro-bio-retention facilities with enhanced filters. The existing sand filter ponds and downstream Father Hurley Interchange pond system will remain and continue to provide stormwater management for the Property. This Property is not in a Special Protection Area, so no separate water quality-monitoring plan is required. Construction of the proposed improvements will be sequenced such that the total area of land disturbance does not exceed 20 acres at any given time. A Sediment and Erosion Control Plan will be submitted to DPS for their approval prior to commencement of construction.

C. Adequate public facilities

The public facilities will be more than adequate to accommodate the proposed development. On March 15, 2011, the Property obtained approval for 428,000 square feet of office density (see Preliminary Plan 1987271B), in addition to the 480,000 square feet of then existing development (*i.e.*, Buildings 1, 2 and 3 (formerly 4)). Building 4 (formerly 5) utilized 175,000 square feet of this capacity, which leaves available density for approximately 252,250 square feet of office uses. The proposed Project seeks to convert the trips associated with this density into up to 470,000 square feet of research & development space. As per the traffic statement submitted with this application, the available approved trip capacity is more than sufficient to accommodate the Project.

The Project will be served by public water and sewer systems. Electric, gas and telecommunications services will also be available. Other public facilities and services - including police stations, firehouses, and health care facilities - are currently operating in accordance with the County's applicable growth policies and will continue to be

sufficient following construction of the Project. Therefore, the public facilities will be more than adequate to support and service the new development areas of the proposed Project.

D. Relation to Master Plan

The Project's conformance with the Sector Plan is addressed in Section V above.

E. Forest Conservation

As per M-NCPPC letter dated September 16, 1993, the Property was deemed exempt from the applicable Forest Conservation Ordinance under Section 22A-5(k) of the Ordinance. As such, the Project was exempt from the applicable Forest Conservation requirements. The Applicant has requested confirmation of this through a letter dated January 23, 2015, a copy of which is submitted with the Amendment applications. A Natural Resources Inventory/Forest Stand Delineation ("NRI/FSD") was prepared for the Property and was approved on December 20, 1996.

VIII. Findings Required for Site Plan Amendment

The purpose of this portion of the statement is to provide justification that the Site Plan Amendment satisfies the applicable provisions of Section 7.3.4 of the Zoning Ordinance, governing the approval of a site plan application. Section 7.3.4.E establishes the findings required for approval of a site plan application. As set forth below, the Site Plan Amendment satisfies each requirement of Section 7.3.4.E:

- a. *The proposed development satisfies any previous approval that applies to the site, including any development plan or schematic development plan in effect on October 29, 2014.*

The Applicant is submitting this application for concurrent Preliminary Plan Amendment and Site Plan Amendment approvals. This Site Plan Amendment is consistent with the substantive requirements in previously approved Preliminary and Site Plans.

- b. *The proposed development satisfies applicable use standards, development standards, and general requirements in the Zoning Ordinance.*

As described above, the vast majority of the Site Plan complies with the development standards for the CR Zone, as well as the general requirements contained in the Zoning Ordinance. Certain elements of the current development (approved under a prior zone) do not fully comply with CR Zone standards. However, they are deemed to be conforming pursuant to Section 7.7.1.A.1 of the Zoning Ordinance. The Applicant is

seeking build-to, building orientation and transparency modifications from the Planning Board pursuant to Section 7.3.4 of the Zoning Ordinance.

- c. *The proposed development satisfies the applicable requirements of Chapter 19, Erosion, Sediment Control, and Stormwater Management, and Chapter 22A, Forrest Conservation.*

Compliance with applicable requirements of Chapter 22A and Chapter 19 is discussed in Section VII above.

- d. *The proposed development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.*

As thoroughly discussed above, the Site Plan is designed to ensure the adequacy, safety and efficiency of the overall development.

- e. *The proposed development substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

As discussed in detail in Section V above, the project is in substantial conformance with the goals and recommendations contained in the Sector Plan.

- f. *The proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

As discussed in section VII above, there are adequate public services and facilities to support the Project.

- g. *Proposed development on a property in a Rural Residential or Residential zone is compatible with the character of the residential neighborhood.*

This provision is not applicable.

- h. *The proposed development is compatible with the existing and approved or pending adjacent development.*

As discussed above, the Project has been designed to ensure that it is physically compatible with, and not detrimental to, existing and future development surrounding the Property.

IX. Outreach

The Applicant has engaged in several meetings with Planning Staff regarding its

proposed development. In particular, the Applicant met with Staff on May 7, 2021 regarding the planned changes and Amendment, in order to generate M-NCPPC checklists. In addition, the Applicant convened a meeting on May 18, 2021 to introduce the plan concept to the community. The Applicant will continue to engage the surrounding community to address concerns regarding the planned Project and, when applicable, construction-related coordination.

X. Conclusion

As described in this Statement of Justification, the Amendments address all applicable requirements of the Subdivision Regulations and Zoning Ordinance that govern development under the CR Zone. Furthermore, the Project is in conformance with the recommendations of the Sector Plan and makes a significant contribution to the future and continued success of the Germantown area. For all of those reasons, the applications should be approved.

January 19, 2022

MNCPPC Planning Department Upcounty Team

ATTN: Angelica P. Gonzalez
Planning Coordinator
2425 Reddie Drive
Wheaton, MD 20902

VIA: Electronic Submission

RE: Milestone Center Alternative Compliance Request for Public Open Space Design

Dear Ms. Gonzalez,

By means of this letter, the Applicant for Site Plan 82001009G requests approval of an alternative method of compliance with the Public Open Space design requirements under Section 6.3.6.B, as allowed under Division 6.8.

Applicable Code & Existing Site Conditions

The standards of Section 6.3.6.B for standard method development require that the Public Open Space:

- abut a public sidewalk or other public pedestrian route;
- be a minimum of 15 feet wide;
- include seating and shade; and
- be in a contiguous space.

We are proposing an alternative open space design that will:

- satisfy the intent of the applicable Division;
- modify the applicable functional results or performance standards the minimal amount necessary to accommodate the constraints;
- provide necessary mitigation alleviating any adverse impacts; and
- be in the public interest.

The subject site is currently a primarily surface-parked office park with several large buildings serving various uses. It is the epitome of the scenario described in the 2019 *Parking Lots to Places* Guidelines for Rock Spring and White Flint 2 where numerous similar sites exist. As described in those Guidelines, this project seeks to begin a transformational vision of the property by adding density, minimizing parking footprints with garages, and expanding the sidewalk and shade tree network between buildings. A later stage, shown conceptually in the application, will continue this transformation with additional buildings and a greater mix of uses.





Figure 1: Aerial View of Property

Proposed Redevelopment

The proposed redevelopment includes three large bio-tech focused buildings built on spec to meet the urgent and growing demand for lab, light-manufacturing, warehouse, and office to fulfill the high-priority sector of Montgomery County’s Economic Development Goals. This is directly in line with the 2009 Germantown Employment Area Master Plan’s recommendation for a mix of research and development, employment, technology, street level retail, restaurants, and new housing. This Phase of development implements the priority uses: research, development, employment, and technology. Subsequent phases are projected to provide additional retail and dining options as residential buildings complete the picture. For timing purposes, however, the Applicant is pursuing a speedy realization of these bio-tech buildings to stay on the leading edge of the market.

All of that said, however, the redevelopment of almost 46 acres of existing office park land comes with significant challenges. The sheer size of the property poses a challenge to the nature of the infill character envisioned by the Applicant based on the Master Plan. How is the required 4.6 acres of Public Open Space to be allocated across such a site and in a way



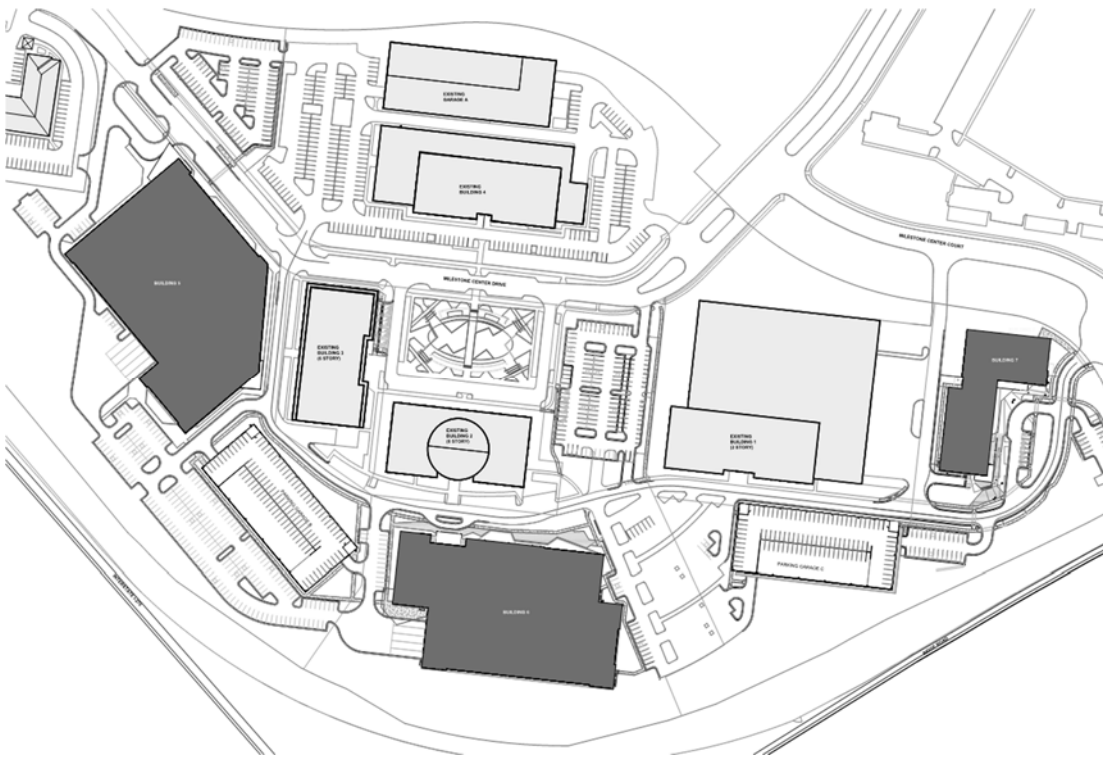


Figure 2: Infill Building & Garage Locations

appropriate to the phasing? For the current uses, we anticipate much of the space to be used more like Amenity Open Space with seating for lunch, outdoor work, and smaller, quicker gatherings. Indeed, if this site were zoned LSC, up to 50% of the open space would be allowed as amenity open space. With future phases, additional and different types of open space will be provided.

An additional question is raised by the 200-foot setback from I-270 and the 100-foot setback from the ramp recommended by the Master Plan. While our original vision pushed parking and back-of-house building functions closer to I-270 – thinking that the setbacks were less standards and more guidelines – we have moved our buildings inward significantly limiting space previously allocated for Public Use Space as plazas and a sidewalk network with pocket seating and gathering areas. In this case, the trade-off for buildings with tighter street frontage and a continual edge is that space is allocated to the side and in the back of buildings.

More to the point of the open space and setbacks, we have significant existing stormwater facilities within the setbacks noted above that were approved and are still required for the existing development. While all new buildings will be treated with smaller Environmental Site Design (ESD) facilities, the larger facilities provide a significant benefit to the environment where we are not allowed to place buildings or structures. This open space is, thus, “allocated” and cannot be redesigned per the Design Requirements.

While many spaces meets the standards with curb-to-building sidewalks, shade trees, and pocket seating areas that are at least 15 feet wide, and we have a central park feature anchoring the circulation systems, much of our space is devoted to greening the site with significantly enhanced plantings. These planting are visible throughout the site and from the buildings enhancing the visual environment and, according to summaries provided by NIH and others, providing numerous benefits for employees:

- reduced stress
- increased well-being
- encouragement of physical activity
- fewer sick-days and improved immune function
- improved mental capability.

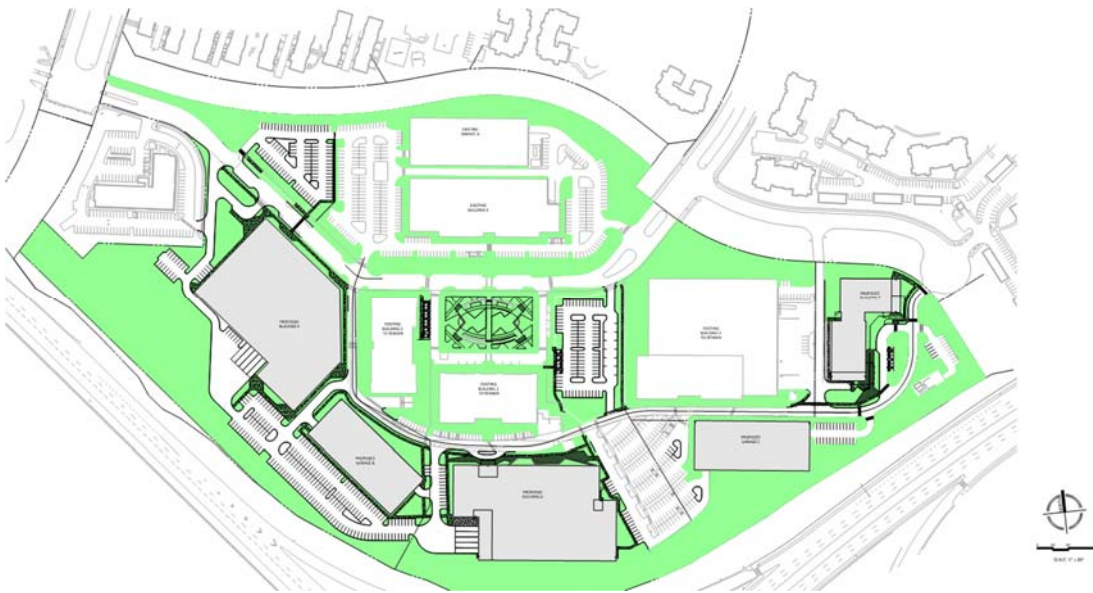


Figure 3: Open Space Diagram

Approval Determination

Under Division 6.8, Alternative Compliance, the Planning Board may approve a design alternative if it determines that this is a unique site, has a use with a particular characteristic, or has development constraints. All three of these apply to this project.

- Unique Site. On the positive side, there are few sites with the size or capacity to provide such significant employment density in a high-priority sector such as this. With ample surface parking area and existing infrastructure, the site is a prime candidate for infill redevelopment in line with Master Plan recommendations and County policy goals. On the other hand, the site is also unique in its need to accommodate existing uses and agreements for parking, access, and security.
- Use Characteristics. The existing and proposed uses are atypical for non-residential development. They have very specific size, building typology, operations, and

security characteristics. While admittedly large, they can accommodate administrative, lab and research areas, sensitive technical equipment, manufacturing space, and storage and delivery functions for one or several tenants. Outdoor spaces for such facilities are generally limited to small seating and gathering areas for coffee, lunch, small meetings, or work on pleasant days. Large spaces are not necessary but, importantly, visual access to greenery is very beneficial. Thus, significant area is devoted to plantings that can be seen from within the building and that provide shady and beauty along sidewalks and streets.

- **Development Constraints.** Most noticeably, the property has several large ponds that collect rainwater from the existing development providing an immense benefit to water quality and reducing the risk of downstream flooding. These ponds are under current easements and being modified to a minimal extent with the proposed redevelopment because new disturbance will be treated primarily with ESD micro-bioretenion facilities dispersed throughout the site. There are also several agreements in place for parking and tenant security in addition to sizeable setbacks from I-270 that constrain current design options.

In sum, these various constraints preclude efficient development under the Public Open Space design requirements. Given the design approach and landscape elements described above, however, the proposed open space will meet satisfy the necessary determinations.

- **Intents of Division 6.3.** It is the intent of the open space provisions to provide adequate light, air, circulation, and recreation and encourage preservation and enhancement of natural resources, including improvement of water and air quality. The provided open space is focused on the pedestrian network between buildings ensuring adequate light, air, and circulation and encouraging walking. The retention of areas with existing stormwater facilities and adding new ESD measures will maintain and improve water quality and the significant number of new plantings will improve air quality.
- **Minimal Modification.** The proposed open space largely meets the design requirements being at least 15 feet wide being along (or part of) the pedestrian network and in contiguous spaces along that network. The spaces that do not specifically meet these requirements are only those that are excluded due to the site, use, and development constraints discussed above.
- **Adverse Impacts.** There are no adverse impacts regarding the proposed open space design.
- **Public Interest.** The public interest is served by the alternative open space design through numerous environmental benefits, such as air and water quality, and the health benefits for employees, as discussed above. The applicant is providing more than the minimum area but request alternative compliance only for the design parameters that cannot be met. No prohibited uses, under Section 6.3.3B, are proposed within the Public Open Space; all uses and design elements are allowed, under Section 6.3.A.





Figure 4: Germantown Forward Master Plan Illustrative

Finally, when one compares the approved Master Plan’s conceptual vision for this site, illustrated on page 63, there is little to distinguish the illustrative design from the proposed site plan leading the Applicant to conclude that the focus of the project should be on the internal pedestrian network and smaller spaces along the network, while retaining the green space along I-270 and the central park as the key focal point.

For all of these reasons, we request approval of Alternative Compliance for the proposed Public Open Space design.

Sincerely,

VIKA Maryland, LLC

Joshua Sloan, R.L.A., ASLA, AICP
Director of Planning & Landscape Architecture / Vice President

Private Roadway Justification
Preliminary Plan No. 11987271D
January 26, 2022

The Applicant has chosen to provide a private roadway in new Parcel DD, per comments from staff. This private roadway connects from Milestone Center Drive to Milestone Center Court.

DIVISION 50.4. PRELIMINARY PLAN

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Section 4.3. Technical Review

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E. Roads.

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4. Additional standards for private roads.

a. Designating Private roads.

In general, except when a private road is identified in a master plan, the creation of public roads is preferred; an applicant must justify the use of a private road based upon the criteria below and the specific compelling circumstances of the property being developed.

b. Justification for a private road:

A subdivider who proposes a private road must provide a list of proposed design elements that do not meet public road standards, including context-sensitive road design standards or a previously approved Design Exception, and justify why those design elements are necessary for the proposed development. The justification for a private road must not be based solely on the installation of non-standard amenities that could be addressed under a Maintenance and Liability Agreement with the County.

The private roadway is a loop connecting Milestone Center Drive and Milestone Center Court and will be lined with sidewalks and street trees to provide pedestrian circulation, lighting and tree canopy with shade. In addition, the roadway has some non-standard elements to remain that are contained or interfacing with the design, due to the existing nature of the development. There are two buildings that have service areas, containing trash and loading areas. The elements within this private roadway parcel are standard in nature and will be placed within a covenant. The roadway geometry and width is non-standard, but the pavement section is suitable for public travel.

c. Standards. Private roads must be built to the construction specifications of the corresponding public road concerning paving detail and design data, including surface depth and structural design. The road must be designed in accordance with sound engineering principles for safe use, including: horizontal and vertical alignments for the intended target speed; adequate typical sections for vehicles, pedestrians, and bicyclists; compliance with the Americans with Disabilities Act; drainage and stormwater management facilities; intersection spacing and driveway locations; parking; lighting; landscaping or street trees; and utilities. The

width and cross section of a private road must meet the right-of-way specified in a master plan or be equal to the corresponding public road standard unless modified by the Board. Private roads must conform to the horizontal alignment requirements of this Chapter. If a road is allowed to be a private road, the approval of the road will not require the Department of Transportation to approve a Design Exception for any aspect of the road's design.

The roadway, while in a private parcel, will contain a covenant and will be built to public standards, with exception to its geometry, due to the existing constraints.

d. Road Classifications. When the Department of Transportation determines that the proposed road is not needed to maintain area circulation, provide continuous corridors to serve the general public and quasi-public needs such as communication, utility, and future potential transportation or other systemic needs that serve the public on a long-term basis, and is not needed to be part of the network modeled for area capacity, consideration will be given to making the following roads private:

- i. Only roads classified as either Business District, Industrial, Secondary, Tertiary, or Alley may be considered by the Board to be private. All other road classifications must be public unless specifically permitted to be a private road by a master plan.*

The proposed private roadway in new Parcel DD is equivalent to a tertiary or alley classification per the applicable classification standards. It is not a master plan indicated roadway and serves only to provide frontage for the new buildings and to provide additional connectivity within a large campus.

- ii. Private roads with improvements above or below the pavement are only allowed in projects that require site plan review and approval.*

The only improvements in the proposed private road are underground utilities and, to the extent they trigger this provision, a site plan is being submitted along with the referenced preliminary plan.

- iii. Private roads should not be permitted if they will create a segmented road ownership pattern, unless approved by the Planning Board.*

The proposed private road is fully contained within the Applicant's property and will not create a segmented ownership pattern.

- iv. Private roads must not be permitted if they will negatively affect development of other properties.*

The proposed private road facilitates the development of the Applicant's property and will not negatively affect the development of other properties.

- v. Except where a Master Plan indicates that a Business District street could be private, a Business District road may be a private road only when it is not required to provide an adequate traffic level of service. A private Business District street may be approved only when the proposed road is either not a connector between two higher classification roads or a road that is not planned to extend beyond the boundary of the preliminary plan.*

The proposed road is not a Business District Street.

vi. An industrial road may be a private road only when the road is part of roads internal to the industrial site and the road is not a connector between higher classified roads.

The proposed road is not an industrial road.

vi. A secondary road may be a private road only when it connects to no more than one higher classification road and the road does not need to be extended onto adjacent property to facilitate a future subdivision of land.

The proposed road is not a secondary road.

vii. A tertiary road, when a cul-de-sac, must be less than 500 feet in length.

The proposed road does not terminate in a cul-de-sac.

ix. A private alley will not require an access easement if the alley only serves one building or if the alley is a secondary access to one-family residential dwellings.

The Applicant intends to grant a covenant for access over the proposed private road.

e. Certification. Before the Board may approve a preliminary plan, the subdivider must have an engineer certify that each private road has been designed to meet the standards required by this Section; however, when a site plan is required under Chapter 59, Article 59-7.3.4, the certification may be provided anytime before the approval of the site plan. The subdivider must then certify to the Department of Permitting Services that all construction complies with the design before release of the surety for the road.

The Applicant and their development team will ensure that the roadway design meets the intended public access standards for a small, private connector road within a large site.