

ATTACHMENT B

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION FOREST CONSERVATION PLAN RECOMMENDATIONS

TO: Plan Enforcement Staff
Development Review Division

SUBJECT: Project Name Percontee - Cherry Hill Date Recd. 1/26/98 NRI/FSD # 4-98160E

The above-referenced plan has been reviewed by the Environmental Planning Division to determine the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law). A determination has been made that the plan qualifies for the following exemption or waiver:

EXEMPTION:

- ☐ **Single lot** - Applies to an activity conducted on an existing single lot of any size that is: 1) not subject to special exception; 2) does not disturb more than 40,000 square feet of forest; 3) does not violate a previously approved tree save plan; and 4) for which a declaration of intent has been filed with the Montgomery County Planning Director.
Note: Per section 22A-3(u) of the Forest Conservation Law a lot which is subject to future subdivision does not qualify for the single lot exemption.
- ☐ **Grandfathering Provision** - Lot(s) covered by a preliminary plan of subdivision or site plan for which the plan was:
 - ☐ Approved before July 1, 1984 and has less than 40,000 sq. ft. of forest cover.
 - ☐ Approved or extended between July 1, 1984 and July 1, 1991.Note: Plans approved before July 1, 1991 that are revised after that date and will result in cutting of more than 5,000 additional square feet of forest are not exempt.
- ☐ **Real Estate Transfer** - Transfer to provide a security, leasehold, or other legal or equitable interest in a portion of a lot or parcel. Transfer does not involve a change in land use or new development or redevelopment, with associated land disturbing activities; and both the grantor and grantee have filed a declaration of intent.
- ☐ **Agricultural** - Exempt from platting and requirements to obtain a sediment control permit and meets the definition of agricultural activity specified in section 22A-3(b).
- ☐ **Tree Nursery**
- ☐ **Planned Unit Development** - Activity or development within a planned unit development which:
 - ☐ Development or Project Plan was approved before January 1, 1992 and site plans were approved before July 1, 1992
 - ☐ Development or Project Plan was approved before January 1, 1992 and site plans were not approved before July 1, 1992, but the PD was 75% or more complete on January 1, 1992 (measured by the total acreage subject to the PD that has received site plan approval).Note: A development plan or project plan amendment approved after January 1, 1992 is not exempt if it results in the cutting of more than 5,000 additional square feet of forest.
- ☐ **Small Property Exemption** - Activity occurring on a tract less than or equal to 1.5 acre in size where there is no existing forest and afforestation requirements would be less than 10,000 square feet; or, activity occurring on a tract less than or equal to 1 acre in size where activity will not result in the clearing of more than 30,000 square feet of existing forest and reforestation requirements would be less than 10,000 square feet.
Note: Tree preservation and/or replanting of individual trees may be required. Forest within any priority area on-site must be preserved.
- ☒ **Other/Comments** Section 22A-5(i) - noncoal surface mining regulated under Title 7 of the Natural Resources Article of the Maryland Code (MDE Surface Mining Permit #93-SP-0430)

Signature: 

Environmental Planning Division

Date: 1/28/98

cc: Jeff Amateau, VIKa for the applicant FAX 703/761-2787
FCPRE r 10/22/97

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MONTGOMERY COUNTY PLANNING BOARD THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 17-101
Sketch Plan No. 320180040
Viva White Oak
Date of Hearing: November 30, 2017

JAN 30 2018

RESOLUTION

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

WHEREAS, on August 21, 2017, Global Lifesci Development Corporation ("Applicant") filed an application for approval of a sketch plan for a mixed-use 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 on approximately 279.62 gross acres zoned CR 1.0: C 1.0, R 0.5, H 220; located between Cherry Hill Road and Industrial Parkway, along FDA Boulevard ("Subject Property") in the White Oak Policy Area and White Oak Science Gateway Master Plan ("Master Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320180040 Viva White Oak ("Sketch 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 November 20, 2017, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on November 30, 2017, the Planning Board held a public hearing on the Application at which it 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 binding elements and conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320180040, Viva White Oak, for a mixed-use development including up to 12,180,270 square feet total development, which may include up to 6,090,135 square

Approved as to
Legal Sufficiency:

Christina Sone 1/10/18

M-NCPPC Legal Department
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feet of residential uses on the Subject Property, subject to the following binding elements and conditions:¹

A. Binding Elements. The following site development elements are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. General layout of landbays and public dedications;
3. General type, location, and extent of public open spaces;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative, and subject to refinement at the time of Site Plan.

B. Conditions. This approval is subject to the following conditions:

1. Density

The Sketch Plan is limited to a maximum of 12,180,270 square feet of total development on the Subject Property, which may include up to a maximum 6,090,135 square feet of residential uses. The maximum number and distribution of residential dwelling units and non-residential uses will be determined at Site Plan.

2. Height

The development is limited to a maximum height of 220 feet.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59.7.3.3.I. Total points must equal at least 100 and be chosen from at least four categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7.1 and the CR Zone Incentive Density Implementation Guidelines must be fulfilled for each public benefit. Public benefit points will be allocated to each Site Plan proportional to its size relative to the size of the entire Property, and must include benefits from a minimum of four categories. Final points will be established at Site Plan approval.

- a. Major Public Facility, achieved through providing a collocated school and local park on site;

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

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- b. Transit Proximity, achieved through location abutting/confronting a master-planned Level 2 Transit Station;
- c. Connectivity and Mobility, achieved through advanced dedication, through-block connections, and wayfinding;
- d. Diversity of Uses and Activities, achieved through care center, live-work units, and small business opportunities;
- e. Quality of Building and Site Design, achieved through exceptional design, public open space, and public art; and
- f. Protection and Enhancement of the Natural Environment, achieved through building lot terminations, tree canopy, and vegetated area.

4. Public Space

- a. The Applicant must dedicate a collocated school and local park of approximately 9 acres (4.21-acre school site and a 4.72-acre local park site) that will be publicly maintained, and another 6 acres of contiguous privately owned and maintained park/open space and civic green for a total of 15 acres per the School and Public Park Site sheet of the Sketch Plan, submitted November 10, 2017. The final size and location of these spaces will be determined at Preliminary Plan. If the location of the collocated school and local park site change, the collocated school and local park site shall be a minimum of 9 acres. The remaining 6 acres of the collocation must be contiguous, and must be located elsewhere on the Property.
- b. The Applicant must provide a variety of local parks, civic greens, urban plazas, neighborhood greens, neighborhood parks, and greenway/linear parks as conceptually shown on the Sketch Plan, that will be privately owned and maintained. While these spaces must be in the approximate location, size, and quantity as shown on the Sketch Plan, the exact size, location and design will be determined at the time of Site Plan(s).

5. Master-Planned Streets B-5, B-10, and A-106

The Applicant must design and construct the public/master-planned streets B-5, B-10, and A-106, as shown on the Sketch Plan. The final extent, delineation, and alignment of these roads will be determined at the time of Preliminary Plan.

6. Future Coordination for Preliminary Plan(s) and Site Plan(s)

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In addition to any other requirements for Preliminary Plans under Chapter 50 and Site Plans under Chapter 59, the following must be addressed when filing a Preliminary or Site Plan:

- a. The first Preliminary Plan should include all public/master-planned streets, major utility lines, a Preliminary Forest Conservation Plan which identifies expected forest conservation easement areas, and public facilities (public use/open space, schools, parks) with information about when each will be provided/constructed;
- b. All new roads must be public roads unless the Applicant satisfies the requirements for private roads as defined by Section 50.4.3 of the County Code, including 50.4.3.I.3.b.;
- c. Dedication for both the school site to Montgomery County Public Schools (MCPS) and the local park site to the Montgomery County Parks Department, for a total of 9 acres; and location of the additional 6 acres of park/open space and civic green at Preliminary Plan;
- d. Structures are typically not permitted to cross public and/or private rights-of-way; any proposed structure to cross a public and/or private right of way is subject to review and approval from the Department of Permitting Services (DPS) at the time of Preliminary Plan and/or Site Plan;
- e. Demonstration of how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements;
- f. Implementation of transportation network improvements, including the location and cross section of bus-rapid-transit (BRT) and all master-planned bike facilities;
- g. Consideration of building-to-street interface to maximize activation and safety;
- h. Focus on energy efficiency in building design features;
- i. Maximize, to the extent feasible, tree cover for new development;
- j. The Natural Resources Inventory/Forest Stand Delineation must be approved by Staff prior to submission of a Preliminary Plan; and
- k. The Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the White Oak Transportation Management District (TMD) to help in achieving the Non-Auto Driver Mode Share (NADMS) goal of 30% for new development.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

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1. *The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.*

Section 4.5.4 of the Zoning Ordinance sets forth the development standards for the Optional Method of Development within the CR Zone. The development will satisfy the applicable development standards for the Optional Method of Development in the CR Zone, with the exact figures to be determined at the time of Site Plan.

This plan is being developed using CR Optional Method of Development		
	<u>Required/Allowed</u>	<u>Proposed</u>
Gross Tract Area:		
Illustrative Right of way dedication ¹		279.62 ac. (12,180,270 sf.)
Illustrative Townhouse area ¹		11.62 ac (506,330 sf.)
Illustrative Single Family Detached area ¹		79.78 ac (3,475,345 sf.)
Illustrative Single Family Detached area ¹		2.87 ac (125,017 sf.)
Total Site area for Public Open Space Public Benefit Point Calculation ¹		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.)
Residential	0.5 FAR (6,090,135 sf.)	0.5 FAR (6,090,135 sf.)
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	144.28
Number of Benefit Categories (min)	4	6
MPDUs	12.5%	12.5%
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). 2. Final amounts of Public Open Space and Common Open Space will be determined at Site Plan as appropriate. 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.		

The Sketch Plan meets the development standards of Section 59-4.5.4, as shown in the Data Table above. The Application will provide the minimum required number of bicycle parking spaces for residents and visitors, which will be determined at the time of Site Plan(s). The number of vehicular parking spaces will be determined at Site Plan(s) based on the square footage of non-residential uses, and number and type of residential dwelling units.

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2. *The Sketch Plan substantially conforms to the recommendations of the Sector Plan.*

The Sketch Plan substantially conforms to the recommendations for the Property included in the Master Plan and the Approved Design Guidelines, and has been designed to respond to and incorporate specific recommendations for the Property. The Master Plan envisions three major activity centers; White Oak Center, Hillandale Community, and Life Sciences/FDA Village Center. The Property is a major component of the Life Sciences/FDA Village Center, for which, *“The Plan contemplates having the Life Sciences /FDA Village Center provide a focal point or Town Center for the broader community. Mixed-use zoning at this location will encourage a combination of commercial, residential, and retail uses within a compact walkable center. The recommended civic green and other elements described in this Plan should draw residents from the entire White Oak community.”* (page 27)

The Project provides the Town Center for the broader community; includes a wide variety of uses including office, commercial, retail, hotel, conference center, civic, multi-family, live-work, duplex, townhouse, and single-family detached uses within a compact walkable center; and an assortment of parks, plazas, greens, and open spaces designed to draw residents from the larger White Oak community.

Percontee/Site 2

- *The [Master] Plan recommends that an adequate and appropriate site for an elementary school be dedicated on the Percontee property as part of the redevelopment of these two sites. (page 47)*

The Applicant must dedicate a collocated school and local park of approximately 9 acres that will be publicly maintained, and another 6 acres of contiguous privately owned and maintained park/open space and civic green for a total of 15 acres per the School and Public Park Site sheet of the Sketch Plan, submitted November 10, 2017. The final size and location of these spaces will be determined at Preliminary Plan. If the location of the collocated school and local park site change, the collocated school and local park site shall be a minimum of 9 acres. The remaining 6 acres of the collocation must be contiguous, and must be located elsewhere on the Property.

MCPS has written a letter indicating that enrollment projections now indicate need at the middle school and potentially high school levels in the area, and are requesting a minimum 15.5-acre school site. MCPS

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standards describe an elementary school site as being 7.5 acres in size, and a middle school site as being 15.5 acres in size.

The Property is envisioned to be redeveloped as an urban town center, and public facilities should reflect both the context and vision for the Property and larger vicinity. The Master Plan was approved and adopted in 2014, with the expectation that the Property owner(s) would be required to dedicate an adequately-sized elementary school site. There are examples of recently approved elementary school sites in urban areas of the County between 4 to 4.3 acres in size. So, a smaller school footprint in an urban area is achievable.

The Master Plan further recommends a collocated, *“Local Park with a large adult-sized rectangular athletic field and other amenities such as a community garden, dog park, basketball courts, community open space, urban wooded areas, and play areas”* (page 89), and that to maximize efficiencies of parking and community use, on-street parking should be provided to the extent possible and assume a reduction from the typical parking standards applied by the Department of Parks, since many park users could walk or take transit (page 89). While the Design Guidelines specifies a 4-acre minimum size for the Local Park (page 33), the Parks Department has indicated that, per the 2005 standards adopted by the Planning Board and Parks Department, the approximate size of a local park is 15 acres. Thus, the Parks Department requested a 15-acre local park.

The Applicant is proposing a series of urban parks, plazas, greens, and open spaces that satisfy the recommendations of the Master Plan and Design Guidelines. Any increase in the collocated site should not be treated as compensation for, or at detriment to, any of the other parks, plazas, greens, or open spaces currently shown on the Sketch Plan. Furthermore, as shown on the Sketch Plan, the proposed development is well under the 220-foot height limit on the majority of the Property. Any required relocation of development should be able to be absorbed in other portions of the Property, in order to accommodate the increase in size of the collocated school and park site.

Therefore, based on the recommendations of the Master Plan, the Design Guidelines, input from MCPS and the Parks Department, and the expected densities and number of users envisioned for the Property and immediate vicinity, the Applicant must dedicate a collocated school and local park of approximately 9 to 15 acres as conditioned.

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- *Provide ample parks and open space amenities including civic greens, a local park and integrated trail and bikeway system. (page 47)*

The Project contains ample parks, plazas, greens, open spaces, amenities, a local park, and a well-integrated trail and bikeway system totaling approximately 65 acres, in addition to the approximately 26 acres of stream valley buffers, which will provide a significant amount (approximately 91 of 280 acres) of open space on-site. The parks and open spaces are envisioned to be well dispersed throughout the development, and they will be linked by an extensive network of trails and sidewalks, which will further connect to nearby amenities and public facilities.

The Park dedication is approximately 205,475 square feet (4.72 acres), and will include an adult-size rectangular playfield and other amenities. The remaining open spaces are intended to be privately owned and maintained for public use. The four urban plazas are envisioned as being retail-oriented spaces, will total approximately 60,500 square feet (1.4 acres), will include a combination of hard-surface and landscaping, and will provide spaces for active and passive gathering, potentially an ice-skating rink in winter, farmers market, and food-truck events. The four neighborhood green spaces will total approximately 146,500 square feet (3.4 acres), and will include a combination of an academic quad, thru-block connections, sitting areas, and play space. The seven civic green spaces envisioned as a combination of civic and residential squares will total approximately 222,600 square feet (5 acres), and will include a combination of play lawns, playgrounds and tot lots, benches and game tables, lunch and picnic tables, and outdoor performance space, which includes the Master Plan recommended Civic Green Urban Park (page 89, Master Plan). The four neighborhood parks envisioned as small active recreation parks will total approximately 318,000 square feet (7.3 acres), and will include a combination of two community centers with pools, tot lots and playgrounds, and open play lawns. The two active local parks total approximately 479,800 square feet (11 acres), and are envisioned as providing potential areas of forest preservation, walking and hiking trails, and possibly active play space/courts/surfaces. Lastly, the twelve greenways and/or linear parks total approximately 1,517,000 square feet (34.8 acres), and are envisioned to provide active walking and hiking areas, BBQ and picnic areas, covered shelters, bocce lawns, and horseshoe play areas.

The final size, location and configuration of the open spaces will be determined at Site Plan(s).

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- *Development of this site could also be enhanced by orienting buildings along a perimeter road (with a shared use path) adjacent to and overlooking Paint Branch Stream Valley Park, integrating the natural and built environments and creating a scenic route for driving, walking, and biking. (pages 47-48)*

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.

Town Center on Percontee/Site 2

- *A prominent civic promenade that can serve as a community focal point or Town Center. (page 48)*
- *The Town Center should include community-gathering attractions and features such as (but not necessarily specifically prescribed) entertainment venues, shops, restaurants, wide sidewalks for outdoor dining and merchandising, a civic green and streetscape that could accommodate community festivals and/or holiday celebrations, and other urban features that would encourage outdoor community activities (especially serving children and families). (page 48)*

The area of the collocated school and park site is adjacent to the Master Plan recommended Civic Green Urban Park and future civic/recreation/events building. This is the area within the Village Center Neighborhood and the larger Viva White Oak development, where it is envisioned to be a community focal point, where the majority of civic activity and uses are likely to occur. The Project is envisioned to provide a prominent civic promenade that can serve as a community focal point or Village Center. As conceived, the Village Center will include multiple community gathering spaces in the form of parks, plazas, civic greens, squares, open spaces, 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. These spaces and urban features have been designed to accommodate community festivals and/or holiday celebrations and farmers market, which will encourage outdoor community activities for residents and visitors alike.

- *This Plan further recommends that the County consider locating a prominent County resource center or agency (such as a library and/or one*

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or more County offices or County agency facilities) that would further activate this civic promenade. (page 48)

The Project accommodates space adjacent to the proposed Civic Green Urban Park for the envisioned County center/agency to help activate the Civic Green Urban Park.

- *...this Plan further recommends the County seek potential collaborations with State, Federal, and /or International agencies or institutions to locate one or more prominent State, Federal, and /or International biomedical or bioscience facilities or programs proximate to this proposed civic promenade, which would further activate this East County community-gathering place. (page 48)*

Office, research, hotel/conference center uses are envisioned in proximity to the civic promenade, which would potentially help in activating the community gathering space.

- *the developer of the 300-acre Percontee /Site 2 properties should prepare one overall sketch plan [...] that demonstrates how the new community will achieve the vision of the Master Plan and reflect the themes described below:*
 - *Uses likely to create an active town center, including a complementary mix of uses.*

The Project 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 designed to include public uses, and a public school, that will complement the 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.

- *A central public space in the town center for community gatherings, supplemented by smaller public spaces or public squares in the various neighborhoods to encourage social interaction and recreation.*

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As shown on the Open Space Plan, the Project includes gathering spaces, including large spaces anchoring the main street, and a central academic green. 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.

- *Connections to the surrounding communities.*

The Sketch Plan includes proposed connections to the FDA, Washington Adventist Hospital, the Paint Branch Park, and existing commercial development along Industrial Parkway/Tech Road. The Sketch Plan also envisions connections to the White Oak Community Recreation Center, and the Martin Luther King Recreational Park.

- *Development scale that concentrates the tallest buildings near the existing water tower or at the center of the community along the main streets (Industrial Parkway extended and FDA Boulevard) to lower scale buildings at the edges of the community. (page 48)*

As shown on the Massing Diagram, 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 on the edges of the Project. 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.

- *Throughout the entire 300-acre property, the design should encourage a pedestrian-oriented development with appropriate open space:*
 - *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. 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 and economic development.

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- *Integrated active and passive recreational uses through the creation of formal and informal open spaces and parks, pedestrian trails linked to the street network and bicycle paths and lanes.*

As shown on the Open Space Plan, the Project includes both formal and informal open spaces and parks, greens, and plazas. The areas preserved as stream valley buffer will provide passive recreational opportunities, while other open spaces will be for active recreational uses and gathering. As shown on the Pedestrian and Bicycle Circulation Plan, a system of pedestrian trails including comfortable streetscapes and trails link these open spaces and provide access to the adjacent Paint Branch Park. Bicycle lanes and multiuse paths are also included to provide additional opportunities for mobility and connectivity to adjacent and nearby land uses. The final size, location and configuration of the open spaces will be determined at Site Plan.

- *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, Industrial Parkway will be extended as FDA Parkway, A-106, into the Property from its current terminus and will connect with FDA Boulevard, providing through access to both Rt. 29 and Cherry Hill Road. New Road B-5 will provide additional connection to Plum Orchard Drive.

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

As shown on the Vehicular Circulation Diagram, the Project includes an interconnected hierarchical network of streets ranging from FDA Parkway A-106 (arterial), the extension of FDA Boulevard B-10 (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 will be provided for on an interconnected grid of streets. The Master Plan roads include FDA Parkway and FDA Boulevard providing traffic a connection from Columbia Pike to the FDA Gate to Cherry Hill Road, and the New Road B-5 connection to the Washington Adventist Hospital property, which will provide a connection to

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Plum Orchard Drive. The BRT runs in the FDA Parkway and Boulevard between Columbia Pike and Cherry Hill Road.

The Project will provide for an interconnected grid of streets that form small blocks that will be walkable and have pedestrian friendly, quality streetscapes. The street framework is integrated with a series of open spaces and linear parks, including central gathering spaces and smaller greens and plazas. Final right-of-way widths and street sections will be determined at subsequent Preliminary Plan and Site Plan(s) reviews.

- *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. 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, 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. Where surface parking abuts the street, appropriate screening will be provided.

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

Streets are designed to be walkable, pedestrian friendly, and provide well-integrated and efficient pedestrian circulation throughout the development. 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.

- *Integrated multi-modal 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. (page 49)*

The Project is envisioned as a pedestrian-oriented, mixed-use environment where employees, visitors, and residents are encouraged to walk or bike within its limits, and to use transit for

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external trips. The Project accommodates a BRT lane within the right-of-way of FDA Boulevard and FDA Parkway. In addition, a planned BRT station within the Project limits, along with the Master Planned BRT station along Rt. 29, will encourage future transit use. As shown on the Pedestrian and Bicycle Circulation Plan, the Project will have dedicated bike lanes, shared bike/vehicle lanes, shared-use paths, and an extensive sidewalk network that will encourage activity and alternative transportation options. The interconnected system of sidewalks, pathways, open spaces, activity centers, and trailheads will encourage walking and community interaction. As stated previously, while the Applicant's proposal shows dedicated BRT lanes in FDA Boulevard and FDA Parkway, the Master Plan envisions BRT running in mixed traffic. The master-planned right-of-way width for FDA Boulevard and FDA Parkway is recommended as a minimum of 100 feet, while the Applicant proposes a 134-foot-wide right-of-way. The Planning Board reserves the opportunity for further analysis at Preliminary Plan review.

Mobility

- *The circulation network should include extending Industrial Parkway through Site 2 and connecting it with FDA Boulevard to form a "main street" through this area. The development will include a series of smaller, interior streets as well as amenities and a network of open spaces. (page 49)*
- *Public access to the Paint Branch Stream Valley Park and opportunities for outdoor recreation along its edge should be provided. (page 49)*
- *When redevelopment occurs, the Plan recommends that these dead-end streets be extended and connected to improve circulation. Other opportunities to improve connectivity should be considered as this area redevelops. (page 50)*
- *The [Master] Plan recommends the following:*
 - *Extend Industrial Parkway through Site 2/Percontee to connect with FDA Boulevard and designate as a four-lane arterial.*
 - *Reclassify roads in the Life Sciences/FDA Village Center from Industrial Roads to Business District Streets.*
 - *Provide additional vehicular connections in the Life Sciences/FDA Village Center if redevelopment occurs.*
 - *Designate Road Code Urban Areas (see Map 15) to utilize road standards that allow narrower travel lane widths and provide wider sidewalk areas. (page 57)*
- *The following new bike routes are recommended:*
 - *Shared Use Path on FDA Boulevard (LB-1)*

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- *Bike Lanes on Industrial Parkway (LB-7)*
 - *Bike Lanes on Proposed Road B-5 (LB-8) (page 63)*
- *This [Master] Plan recommends a 30 percent NADMS for all new development, residential and commercial, in the Life Sciences/FDA Village Center of the Plan area based on the area's future transit service and connectivity opportunities. (page 65)*
- *The [Master] Plan discourages land dedicated to surface parking. New projects and redeveloping properties should consider shared parking strategies —preferably using structured parking compatible in size and design with both the associated uses and the adjacent area. (page 66)*

As shown on the Vehicular Circulation Diagram, the Project includes an interconnected hierarchical network of streets ranging from FDA Parkway A-106 (arterial), the extension of FDA Boulevard B-10 (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 will be provided for on an interconnected grid of streets. There are numerous amenities and open spaces proposed along the main street and the smaller interior streets.

The areas of the Project that are adjacent to the Paint Branch Stream Valley Park have been designed and oriented to embrace these features as natural amenities. Activating uses are proposed to be located in proximity to buffers and forest areas, but disturbance of these areas will be minimized to the extent possible. These uses will encourage recreation at the edges of the park. The Applicant will provide an extensive network of sidewalks, shared-use paths, and bike facilities, including LB-1, LB-7, and LB-8 as recommended by the Master Plan.

The Applicant must enter into a Traffic Mitigation Agreement with the Planning Board and MCDOT to participate in the White Oak Transportation Management District to help in achieving the NADMS goal of 30% for new development.

Both surface and structured parking is anticipated. Surface parking facilities are envisioned as temporary to accommodate phasing as development progresses over many years. Structured parking will be located behind buildings wherever possible, 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. Where surface parking abuts the street, appropriate screening will be provided.

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Percontee – Natural Environment Recommendations (page 73)

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

Grading of the Percontee property is expected as part of the State-issued MDE Reclamation Permit; however, the areas of the Project that are adjacent to environmental features such as the stream valley buffers have been designed and oriented to embrace these features as natural amenities. Activating uses are located in proximity to buffers and forest areas, but disturbance of these areas will be minimized to the extent possible.

- *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 no new stream crossings for the internal vehicular circulation are proposed.

- *Minimize disturbance of steep slopes when new development occurs.*

Grading of the Percontee property is expected as part of the State-issued MDE Reclamation Permit, and grading of the County's Site II property is expected as part of the County Demolition Permit; however, new development will minimize disturbance of steep slopes to the extent feasible.

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

Grading of the Percontee property is expected as part of the State-issued MDE Reclamation Permit, and grading of the County's Site II property is expected as part of the County Demolition Permit; however, the Project will preserve the entire portion of the stream buffer on the Property, totaling approximately 26 acres. Although not intended for dedication, the stream valley buffer areas will be protected through conservation easements granted to the Planning Board and will serve as a buffer between the Park and the Project.

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

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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.

- *Integrate stormwater management as urban design features.*

As detailed in the Stormwater Management Narrative and Stormwater Concept included in the Application, the Project 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 will be located throughout the site and include, but are not limited to, planning techniques, alternative cover, and micro-scale practices, and will be incorporated as urban design features where possible. Design and location of stormwater management facilities will occur during subsequent reviews of Preliminary Plan and Site Plan(s).

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

The Project will comply with applicable Forest Conservation requirements as determined at Preliminary Plan and Site Plan. When possible, on-site planting will be used to meet such requirements.

- *Investigate options for power generation.*

Options for power generation and energy conservation will be considered at subsequent Preliminary Plan and Site Plan(s) reviews.

- *Work with WSSC to ensure adequate sewer volume at time of development.*
 - *Minimize disturbance in Paint Branch and investigate option of extending the sewer line in Cherry Hill Road.*

The adequacy of the existing sewer systems near the Project will be determined at subsequent Preliminary Plan and Site Plan(s). 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 2 – Natural Environment Recommendations (page 74)

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

Site 2 has gone through MDE's Voluntary Cleanup Program, and has been released for residential development. All required remediation work for Site 2 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.

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

Areas of the Project that are adjacent to environmental features such as the stream buffers have been designed and oriented to embrace these features as natural amenities. Activating uses are located in proximity to buffers and forest areas, and disturbance of these areas will be minimized to the extent possible.

- *Integrate stormwater management as urban design features.*

As detailed in the Stormwater Management Narrative and Stormwater Concept included in the Application, the development will meet the applicable criteria under State and County law for Water Quality Volume, Recharge Volume, and Channel Protection Volume through ESD practices to the MEP. ESD facilities will be located throughout the site and include, but are not limited to, planning techniques, alternative cover, and micro-scale practices, and will be incorporated as urban design features where possible. Design of stormwater management facilities will occur during subsequent reviews of Preliminary Plan and Site Plan(s).

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

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

Parks Recommendations for Life Sciences/FDA Village Center (pages 89-90)

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- *Provide a Civic Green Urban Park, approximately one acre, to serve as a gathering space and focal point in the highest density cluster of retail and residential uses that may function as a "town center." The Civic Green should be a formally planned, flexible, programmable open space, with a central lawn area.*

The Project provides for an approximate one-acre civic green located adjacent to the school site. This green will 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. In addition, as shown on the Open Space Plan, the Project includes multiple formal and informal open spaces of various sizes.

- *Provide a Local Park with a large adult-sized rectangular athletic field and other amenities such as a community garden, dog park, basketball courts, community open space, urban wooded areas, and play areas. Provide on-street parking to the extent possible and assume a reduction from the typical parking standards applied by the Department of Parks, since many park users could walk or take transit. For the athletic fields, consider synthetic turf and lighting to provide longer hours of use and higher overall capacity. To maximize efficiencies of parking and community use, co-locate with a proposed elementary school, which will be needed if potential residential densities are achieved. If other potential public amenities, such as a community meeting space or a library are proposed, also consider co-location with the park.*

As discussed above, based on the recommendations of the Master Plan, the Design Guidelines, input from MCPS and the Parks Department, and the expected densities and number of users envisioned for the Property and immediate vicinity, the Applicant must dedicate a collocated school and local park of approximately 9 acres that will be publicly maintained, and another 6 acres of contiguous privately owned and maintained park/open space and civic green for a total of 15 acres per the School and Public Park Site sheet of the Sketch Plan, submitted November 10, 2017. The final size and location of these spaces will be determined at Preliminary Plan. If the location of the collocated school and local park site change, the collocated school and local park site shall be a minimum of 9 acres. The remaining 6 acres of the collocation must be contiguous, and must be located elsewhere on the Property.

- *Incorporate privately owned and managed public use spaces similar to Neighborhood Green Urban Parks for each district in the 300-acre*

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development with open lawn areas, shaded seating, play structures, community gardens, and dog spots, or similar neighborhood recreation facilities.

The Sketch Plan includes numerous public spaces in the form of greens, squares, and linear parks. Although the design details and exact location 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, dog areas, and a wide variety of recreational opportunities.

- *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. Dedication of additional land may be needed to accomplish this.*

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 subsequent Site Plan(s).

- *Create an integrated trail and bikeway system that connects perimeter trails to destinations throughout the development. All trails and park facilities, except for a carefully sited natural surface trail to the river along the old roadbed, should remain outside of sensitive areas. Accordingly, 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, thereby offering visual access into the stream valley park throughout its length, and physical access only by the natural surface trail. Any hard surface trails should be outside the environmental buffers, except where needed as a crossing, in accordance with the practice of first avoiding, then minimizing, and then mitigating impacts. 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 proposed trail along the perimeter of the Paint Branch Park will serve as a significant amenity that will provide access and encourage use of the Park. As currently planned, there will no private lots backing up to the Stream Valley Park, although final design and layout of development adjacent to the Park will be determined at Site Plan.

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- *Explore provision of a trail connecting to the potential walking path around the regional stormwater pond on the proposed Washington Adventist Hospital site.*

The Sketch Plan shows trail connections to the site boundary adjacent to the proposed stormwater pond on the Hospital site. The feasibility of these connections will be explored as part of subsequent Preliminary Plan and Site Plan(s) reviews.

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

Although the Applicant does not intend to dedicate, this area of stream valley buffer will be protected through conservation easements granted to the Planning Board and will serve as a buffer between the Park and the Project. The final extent of this area will be determined at Preliminary Plan.

- *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 Sketch Plan includes 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 main stem are envisioned on the western side of the Property. The Stream Valley promenade has bike lanes and offers access to multiple trails into Paint Branch Park. Final design and location of trails and bike facilities will be determined at Site Plan.

- *Include a sustainably designed multi-use natural surface trail connecting the Plan area to Martin Luther King Recreational Park. A hard surface trail is not recommended because it adversely impacts sensitive resources, entails significant topographic challenges (connecting to Old Columbia Pike), and requires long stretches of boardwalk, which is expensive to install and maintain in a floodplain.*

The Project will include trail connections to Paint Branch Park. It is envisioned that a trail system will be constructed in the Park in the

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future by others to connect the Project to the White Oak Community Recreation Center, and Martin Luther King, Jr. Recreational Park.

Community Facilities

- *This [Master] Plan recommends that an adequate site for a future public elementary school be dedicated on the Percontee property, should the enrollment projections prepared by Montgomery County Public Schools determine that a new school is necessary. Explore co-locating a child care center with the new elementary school. (page 91)*

As discussed above, based on the recommendations of the Master Plan, the Design Guidelines, input from MCPS and the Parks Department, and the expected densities and number of users envisioned for the Property and immediate vicinity, the Applicant must dedicate a collocated school and local park of approximately 9 acres that will be publicly maintained, and another 6 acres of contiguous privately owned and maintained park/open space and civic green for a total of 15 acres per the School and Public Park Site sheet of the Sketch Plan, submitted November 10, 2017. The final size and location of these spaces will be determined at Preliminary Plan. If the location of the collocated school and local park site change, the collocated school and local park site shall be a minimum of 9 acres. The remaining 6 acres of the collocation must be contiguous, and must be located elsewhere on the Property.

- *While applicants for the optional method of development may propose any of the thirty-six (36) public benefits listed in Section 4.7.2 of the Zoning Ordinance, there are certain benefits that should be prioritized for this Plan area. These include the following:*
 - *Provision of major public facilities, including but not limited to: Bus Rapid Transit; a bus circulator to connect centers and/or transit; conveyance of an acceptable site for (or construction of) a new public elementary school, fire station or library; and dedication of land for parks and trails.*
 - *Connectivity and mobility, including but not limited to: transit access improvement and trip mitigation.*
 - *Diversity of Uses and Activities, particularly care centers and affordable housing, including workforce housing.*
 - *Quality building and site design, including but not limited to: structured parking, exceptional design, and the amenities listed on pages 87-90 to the extent they exceed the requirements of the zone. (page 96)*

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As discussed in detail in the public benefit finding below, the Applicant is providing a school site dedication, and qualifies for Level 2 transit proximity due to the BRT route and station proposed through the Property. The Applicant is also proposing to utilize the Connectivity and Mobility category through advance dedication, through-block connections, and wayfinding. The Applicant will also be entering into a TMAg in order to help meet the Master Plan NADMS goal of 30% for new development. The Applicant is proposing to provide a care center, which satisfies the recommendation for the Diversity of Uses and Activities category. Finally, the Applicant is proposing to provide exceptional design to satisfy the Quality of Building and Design category. The Applicant will be providing structured parking throughout the site, and the amenities listed on pages 89-90 of the Master Plan.

3. *The Sketch Plan satisfies, under Section 7.7.1.B.5 of the Zoning Ordinance, the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

The Sketch Plan is not subject to a development plan or schematic development plan.

4. *The Sketch Plan satisfies the green area requirement in effect on October 29, 2014.*

The Property's zoning classification on October 29, 2014 was not a result of a Local Map Amendment.

5. *The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.*

Existing development in the immediate vicinity consists of predominantly non-residential uses. The Project proposes a mix of uses, building heights and massing that are appropriate for the development of a village center as recommended by the Master Plan, and will provide necessary vehicular and pedestrian connections to surrounding uses. The proposed mix of uses, building heights, and massing in the Office/R&D Core Neighborhood are intended to create synergy with the FDA. The Project proposes to expand the park-like setting on the adjoining Washington Adventist Hospital property by providing additional green area, a stream valley park, and an adjacent neighborhood park between the East Side and Village Center Neighborhoods. The proposed vehicular, bicycle, and pedestrian connections will integrate and complement the surrounding neighborhood.

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6. *The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.*

The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. The Project will significantly improve vehicular access and circulation by providing new internal master-planned streets that connect the project to the regional transportation network and to FDA, with a grid of local streets and significant streetscape improvements. The design of the internal streets will promote a safe pedestrian environment by incorporating ample sidewalks, street trees, street furnishings, and on-street parking. Adequate parking will be provided on-site primarily with structured parking and street parking, and will accommodate all users of the Property, and access to parking and loading will be strategically located to minimize pedestrian-vehicular conflicts. Some surface parking will be permitted where appropriate or as necessary to accommodate phasing.

7. *The Sketch Plan proposes an outline of public benefits that supports the requested incentive density and is appropriate for the specific community.*

Under Section 59.4.7.1.B, in approving any incentive FAR based on the provision of public benefits, the Planning Board must consider:

1. the recommendations of the applicable master plan;
2. *CR Zone Incentive Density Implementation Guidelines*;
3. any design guidelines adopted for the applicable master plan area;
4. the size and configuration of the site;
5. the relationship of the site to adjacent properties;
6. the presence or lack of similar public benefits nearby; and
7. enhancements beyond the elements listed in an individual public benefit that increase public access to, or enjoyment of, the benefit.

The Planning Board finds that the public benefit points and categories proposed by the Applicant as set forth in the following table are appropriate in concept, and appropriate for further detail, refinement, and review. For a development of this size in the CR Zone, the Zoning Ordinance requires 100 points in at least four categories. Although at the time of Sketch Plan review, only the categories need to be approved, the following table shows both the categories and points for public benefits requested at Sketch Plan to demonstrate the project's ability to meet the requirement to provide sufficient public benefit points. The exact size of the gross lot, school site, park site, dedication area of roads, and resulting net lot area will be determined at subsequent Preliminary Plan. Therefore, the final calculations and benefit

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points earned will be further refined and ultimately determined at subsequent Site Plan(s). The Applicant's requested categories and public benefit points for Major Public Facilities, Transit Proximity, Connectivity and Mobility, Diversity of Uses and Activities, Quality Building and Site Design, and Protection and Enhancement of the Natural Environment are as follows:

Public Benefits Calculations		
Public Benefit	Incentive Density Points	
	Max Allowed	Requested
59.4.7.3.A: Major Public Facility		
School site dedication	70	2.92
59.4.7.3.B: Transit Proximity		
	30	21.7
59.4.7.3.C: Connectivity and Mobility		
Advance Dedication	30	4.34
Through-Block Connections	20	10
Wayfinding	10	5
59.4.7.3.D: Diversity of Uses and Activities		
Care Centers	20	10
Live/Work	15	10
Small Business Opportunities	20	10
59.4.7.3.E: Quality of Building and Site Design		
Exceptional Design	10	5
Public Open Space	20	15.3
Public Art	15	7.5
59.4.7.3.F: Protection and Enhancement of the Natural Environment		
Building Lot Termination (BLTs)	30	30
Tree Canopy	15	7.5
Vegetated Area	10	5
Total	315	144.26

Major Public Facility

School site: The Applicant requests 2.92 points for the dedication of approximately 4 acres (178,110 SF) for a school site. This is appropriate given the Master Plan recommendation for an elementary school site on the Property. Further details regarding the exact size of the school site to be determined at Preliminary Plan and/or Site Plan(s) review(s).

Transit Proximity

The Property is located adjacent to a proposed BRT route and station, which allows the development to be eligible for Level 2 transit as defined in the

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Zoning Ordinance. However, due to the size of the Property, the project qualifies as a split proximity-range project, and is calculated as such. The Applicant requests 21.70 points for Transit Proximity.

Connectivity and Mobility

Advance Dedication: The Applicant requests 4.34 points for advance dedication of approximately 506,330 square feet of right-of-way for FDA Parkway (A-106, Industrial Parkway extended) and new road B-5. Further details regarding the exact cross section and amount of dedication will be determined at Preliminary Plan review.

Through-Block Connections: The Applicant requests 10 points for providing six separate through-block connections to promote improved pedestrian connectivity between different uses, amenities, trails, and parks.

Wayfinding: The Applicant requests 5 points for providing a way-finding system to include directional piers, maps, and banners that would help orient pedestrians and cyclists to transit facilities, amenities, and open spaces.

Diversity of Uses and Activities

Care Centers: The Applicant requests 10 points for providing a care center for at least 15 people and a minimum of 25% of the space in the care center will be open to the general public.

Live/Work: The Applicant requests 10 points for providing at least two live/work units as part of the development. Conceptually, the units will have retail and/or office on the first floor and residential uses above, and are primarily envisioned on the East Neighborhood of the project, but may be located in other areas depending on demand.

Small Business Opportunities: The Applicant requests 10 points for providing at least three retail spaces of no more than 5,000 square feet for small businesses.

Quality of Building and Site Design

Exceptional Design: The Applicant requests 5 points for building or site design that enhances the character of a setting. Per the CR Guidelines, incentive density of 5 points is appropriate for development that meets at least four of the guideline criteria, while 10 points is appropriate for development that meets all six criteria. The Applicant asserts that the Project will meet at least four of the six criteria. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, and heights.

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Public Open Space: The Applicant requests 15.3 points for providing approximately 2,038,608 square feet of public open space. Further details regarding the exact amount of public open space will be determined at Preliminary Plan and Site Plan(s) review(s).

Public Art: The Applicant requests 7.5 points for providing public art in the form of artistic pavers, traditional permanent art installations, interactive art installations, and temporary art displays. The Applicant considers public art installations an important component of placemaking, and envisions public art to be incorporated in the many parks, squares, and plazas planned throughout the development. Per the CR Guidelines, incentive density of 7.5 points is appropriate for public art that is reviewed for comment by the Art Review Panel and is found to fulfill at least five of the eight guideline criteria. The Applicant asserts that the Project will meet at least five of the eight criteria.

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT): The Applicant requests the full 30 points permitted for the purchase of 14.5 BLTs.

Tree Canopy: The Applicant requests 7.5 points for protecting tree canopy coverage with at least 15 years of growth, per the Trees Technical Manual, of at least 25 percent of the on-site open space. Per the CR Guidelines, incentive density of 7.5 points is appropriate for development that meets the requirements of the Zoning Ordinance. Coverage is calculated as 75 percent of 20-year canopy coverage under the M-NCPPC Trees Technical Manual. Canopy used to satisfy Forest Conservation requirements is not eligible for incentive density.

Vegetated Area: The Applicant requests 5 points for providing vegetated areas with a minimum of 12 inches of soil, covering at least 5,000 square feet. These areas must not include vegetated roofs or stormwater management facilities.

8. *The Sketch Plan establishes a feasible and appropriate phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

Due to the complexities of phasing, financing, and developing the approximately 279-acre Property as a mixed-use town center, the Applicant is requesting flexibility in phasing. Thus, the Applicant will submit one Preliminary Plan for the entire Property, which will act as an infrastructure

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plan, and should include major streets, major utility lines, a Preliminary Forest Conservation Plan, and public facilities (public use/open space, schools, parks) with information about when each will be provided/constructed. In addition, the first Preliminary Plan will establish two primary Land Bays/phases divided by the West Farm Branch Stream (Land Bay A and Land Bay B). These Land Bays will be comprised of large Outlots and/or Lots to be further subdivided and refined as portions of the Property move forward for development with subsequent Preliminary Plan Amendments and Site Plan(s).

The Project is proposed to be implemented with multiple sub-phases within each Land Bay. While the Sketch Plan encompasses the entire Project, the Applicant will seek a Preliminary Plan Amendment and Site Plan approval for each area/sub-phase of development within a Land Bay, when the respective development is ready to proceed. The Applicant envisions a range of potential development within each Land Bay, and proposes that of the first 2,000,000 square feet of development, a minimum of 300,000 square feet of non-residential uses and no greater than 1,700,000 square feet of residential uses will be proposed on the Property regardless of Land Bay location.

The phasing plan requires flexibility to respond to market conditions, while implementing the vision and requirements established by the Master Plan. Land Bay A will include the buildout of the West, Village Center, and Academic Campus Neighborhoods, while Land Bay B will include the buildout of the East Side Neighborhood. Phases may be split into sub-phases, sequenced in any order or combined, phase boundaries may be adjusted, and the density of phases shifted at the time of Preliminary Plan and/or Site Plan(s) approvals. Except for the construction of New Road B-5 as described above, all sidewalks, bike facilities, dedications, open spaces, plazas, greens, and parks must be delivered during construction of the Phase they are located, with specific timing to be determined at subsequent Preliminary Plan and/or Site Plan(s) approvals. While allowing flexibility in phasing on such a large property, it is important to still be able to measure progress toward meeting the required public benefit points for Optional Method Development in the CR Zone with each area of development within a Land Bay/phase. Therefore, the Applicant is required to provide public benefits from at least four categories with each Site Plan(s), with final number of points to be determined at the time of Site Plan(s).

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the Sector Plan, or other requirements; and

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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 all binding site development elements shown on the latest version of Viva White Oak Sketch Plan No. 320180040 submitted to 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 this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 30 2018 (which is the date that this Resolution is mailed to all parties of record); and

* * * * *

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 Cichy, seconded by Commissioner Patterson, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Cichy and Patterson voting in favor, and Commissioner Fani-González absent at its regular meeting held on Thursday, January 25, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

ATTACHMENT B



MONTGOMERY COUNTY PLANNING BOARD THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 18-070
Subdivision Regulation Waiver No. SRW201801
Viva White Oak
Date of Hearing: July 12, 2018

AUG 08 2018

RESOLUTION

WHEREAS, Montgomery County Code Section 50.4.1.B.7. generally, requires detailed graphic representation of the lot and block layout; all proposed roads (both public and private); location and width of all proposed pedestrian and bicycle facilities; all sites for public uses and open spaces; location, type, and width of all existing and proposed rights-of-way; and the proposed use of all lots on the preliminary plan and the scaled dimensions and approximate area of each use; and

WHEREAS, Montgomery County Code Section 50.10.5. generally, requires the Planning Board to establish, by resolution, fees necessary to cover the cost of administering Chapter 50; and

WHEREAS, on June 28, 2018, Montgomery County and Global Lifesci Development Corporation ("Applicant") filed a Section 50.9 request for Subdivision Regulation Waiver of Section 50.4.1.B.7., which generally requires detailed graphic representation of the subdivision, and of Section 50.10.5. which establishes the standard review fees for regulatory plans administered under Chapter 50, on approximately 280 acres of land in the CR-1.0: C-1.0, R-0.5, H-220 Zone, located between Cherry Hill Road and Industrial Parkway, along FDA Boulevard ("Subject Property"), in the 2014 *White Oak Science Gateway Master Plan* ("Master Plan") area; and

WHEREAS, the Planning Board may grant a waiver of the requirements of the Subdivision Regulations under Section 50.9. if: 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, 3) the waiver is the minimum necessary to provide relief from the requirements, and 4) the waiver is consistent with the purposes and objectives of the General Plan; and

WHEREAS, Applicant's request for a Subdivision Regulation Waiver was designated Subdivision Regulation Waiver No. SRW201801, Viva White Oak ("Waiver" or "Application"); and

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910

MNCPPC Legal Department
www.montgomeryplanningboard.org

Phone: 301.495.4605 Fax: 301.495.1320

E-Mail: mcp-chair@mncppc-mc.org

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WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff"), Staff issued a memorandum to the Planning Board, dated July 2, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 12, 2018, the Planning Board held a public hearing on the Application at which it 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 Subdivision Regulation Waiver No. SRW201801 and waives the requirements of Sections 50.4.1.B.7. and 50.10.5. on the Subject Property, subject to the following conditions:¹

Section 50.4.1.B.7.

1. The Applicant must submit only what is deemed necessary by applicable agencies to adequately complete the review of Preliminary Plan 120180240.
2. Each subsequent Preliminary Plan Amendment must satisfy all submittal requirements of Section 50.4.1.

Section 50.10.5.

1. The Applicant must pay \$240,000.00 for review of the first Preliminary Plan and the Preliminary Forest Conservation Plan.
2. The Applicant must pay the review fee by August 1, 2018, or the Application shall be deemed automatically withdrawn.
3. The Applicant must pay the standard fees, according to the standard fee-schedule and worksheet, for each subsequent Preliminary Plan Amendment and Forest Conservation Plan.

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. 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;

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.

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Section 50.4.1.B.7. generally, requires detailed graphic representation of the lot and block layout; all proposed roads (both public and private); location and width of all proposed pedestrian and bicycle facilities; all sites for public uses and open spaces; location, type, and width of all existing and proposed rights-of-way; and the proposed use of all lots on the preliminary plan and the scaled dimensions and approximate area of each use. Graphic representation of this level of detail is not necessary for the initial Preliminary Plan, since the initial Preliminary Plan will only establish the large Outlots, Lots and Parcels that comprise the larger Land Bays and the master-planned road locations and cross-sections. Approving the requested waiver of this section will allow the Applicant to proceed with constructing the master-planned roadways immediately, as required by the General Development Agreement (GDA) entered into between the Applicant and the County, as approved by the County Executive and the County Council. Furthermore, as agreed to by the Applicant, the initial Preliminary Plan will be conditioned to prohibit building permits to be issued on any portion of the Property (except for construction of the master-planned roads) until subsequent Preliminary Plan Amendments and Site Plans have been filed for each large Outlot, Lot or Parcel where development is sought.

Section 50.10.5. requires the Planning Board to establish, by resolution, fees necessary to cover the cost of administering Chapter 50. While establishing the large Outlots, Lots and Parcels and master-planned roads with the initial Preliminary Plan, the Applicant will also be seeking Adequate Public Facilities (APF) approval for the maximum 12,180,270 square feet of development permitted on the Property. Based on the standard fee calculation of the Preliminary Plan and Preliminary Forest Conservation Plan, which is calculated on number of lots and square footage proposed, this equates to approximately \$1,458,790.05 for the initial filing fee. Additionally, since subsequent Preliminary Plan Amendments of the larger Outlots, Lots and Parcels will be considered major amendments, the same calculation (which established the initial filing fee of \$1,458,790.05) will be performed again for each subsequent Preliminary Plan Amendment. Not modifying the filing fee of the initial Preliminary Plan and Preliminary Forest Conservation Plan would essentially result in double-charging the Applicant for review of the proposed development after all of the subsequent Preliminary Plan Amendments have been filed.

As previously stated in the Sketch Plan report, the GDA permits 2,000,000 square feet of development in the first phase. Thus, the proposed fee is roughly proportional to the first phase of development permitted by the GDA.

Given the limited scope of the initial Preliminary Plan, knowing the Applicant is accepting the condition to prohibit issuance of any building permits (except for master-planned roads) on the Property, and knowing that this is an unusually large project expected to be constructed in many phases over many years, the Planning Board accepts the proposed fee of \$240,000 for the initial Preliminary Plan and Preliminary Forest Conservation Plan.

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Therefore, due to the unusual size of the project, the limited scope of the initial Preliminary Plan, the condition prohibiting issuance of any building permits (except for master-planned roads) on the Property until subsequent Preliminary Plan Amendments and associated Site Plans are filed for the Outlots, Lots or Parcels where development is sought, and any subsequent Preliminary Plan Amendments being considered major amendments and fees being calculated based on the standard fees adopted by the Planning Board, the Planning Board finds that the requirements of Sections 50.4.1.B.7. and 50.10.5. are not needed to ensure the public health, safety, and general welfare in this case.

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

Compliance with the graphic representation criteria of Section 50.4.1.B.7. will be satisfied at subsequent Preliminary Plan Amendments, when the large Outlots, Lots and Parcels are further subdivided and are under concurrent Site Plan reviews. Regarding Section 50.10.5, since the Preliminary Plan Amendments will likely be considered major amendments, fees will be established according to the standard calculations adopted by the Planning Board and will be based on the actual square footage and uses proposed by the subsequent Preliminary Plan Amendments and associated Site Plans. Thus, the Planning Board finds the intent of the requirements of Sections 50.4.1.B.7. and 50.10.5. will still be met.

3. the waiver is:

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

The Planning Board 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 for this unusually large, multi-phased project, which is expected to take several years to fully build.

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, the Planning Board finds the requested waiver permits the Applicant to proceed with its Preliminary Plan approval consistent with the purposes and objectives of the General Plan.

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

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BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is AUG 08 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 Vice Chair Dreyfuss, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, July 26, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

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MONTGOMERY COUNTY PLANNING BOARD THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 18-100
Preliminary Plan No. 120180240
VIVA White Oak
Date of Hearing: November 29, 2018

JAN 15 2019

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on June 28, 2018, Global Lifesci Development Corporation (GLDC) ("Applicant") filed an application for approval of a preliminary plan/infrastructure plan that would: create eleven (11) Large Lots (to be further subdivided prior to issuance of any building permits), three (3) Outlots and one (1) road Parcel to be located between FDA Boulevard and the adjoining FDA property; establish the cross-section and right-of-way widths for dedication of Master Plan roads FDA Parkway (A-106), FDA Boulevard (B10) and B-5; include approval of the Preliminary Forest Conservation Plan; and provide a Section 50.9 waiver of the validity and phasing requirements in Sections 50.4.2.G.2. and 50.4.3.J.5.; 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; on 279 acres of land in the CR-1.0: C-1.0, R-0.5, H-220 Zone, located on the west side of Cherry Hill Road between FDA Boulevard and Industrial Parkway in White Oak, MD ("Subject Property") in the 2014 White Oak Science Gateway Master Plan ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120180240, VIVA White Oak, ("Preliminary 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 November 16, 2018, setting forth its analysis and recommendation for approval of the Application, subject to conditions ("Staff Report"); and

WHEREAS, on November 29, 2018, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

Approved as to
Legal Sufficiency:

Christina Smith 1/2/19
8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
MNCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

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WHEREAS, on November 29, 2018, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Norman Dreyfuss, seconded by Commissioner Natali Fani-Gonzalez, with a vote of 5-0; Commissioners Casey Anderson, Gerald R. Cichy, Norman Dreyfuss, Natali Fani-Gonzalez, and Tina Patterson voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120180240, to create eleven (11) Large Lots (to be further subdivided prior to issuance of any building permits), three (3) Outlots and one (1) road Parcel to be located between FDA Boulevard and the adjoining FDA property; establish the cross-section and right-of-way widths for dedication of Master Plan roads FDA Parkway (A-106), FDA Boulevard (B10) and B-5; include approval of the Preliminary Forest Conservation Plan; and provide a Section 50.9 waiver of the validity and phasing requirements in Sections 50.4.2.G.2. and 50.4.3.J.5., 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, subject to the following conditions:¹

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. The Planning Board approves 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.

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.

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- 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.

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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

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- 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 (“Transportation Management District”) is established, the Applicant must enter into a Traffic Mitigation agreement to participate in the White Oak

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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)

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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 VALIDITY 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

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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

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- 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.

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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.
-

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 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.

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.

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The Outlots are 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 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:		279.62 ac. (12,180,270 sf.)
Illustrative Right of way dedication ¹		11.62 ac (506,330 sf.)
Illustrative Townhouse area ²		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):	10% (18.53 ac.)	25.3% (46.8 ac.)
Common Open Space in Townhouse area (min):	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.)
Residential	0.5 FAR (6,090,135 sf.)	0.5 FAR (6,090,135 sf.)
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	144.28
Number of Benefit Categories (min)	4	6
MPDUs	12.5%	12.5%
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). ² Final amounts of Public Open Space and Common Open Space will be determined at Site Plan as appropriate. 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.		

Table 1: Data Table

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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*. 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.

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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, the Planning Board finds the proposed cross sections to be in substantial conformance with the Master Plan.

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. Details of this facility along Cherry Hill Road will be determined by subsequent Preliminary Plan Amendments and Site Plans.
 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. The Planning Board requires the bike facility to be relocated on the north side of FDA Boulevard and slight modifications to the typical section. This modification was acceptable by the Planning Board 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.

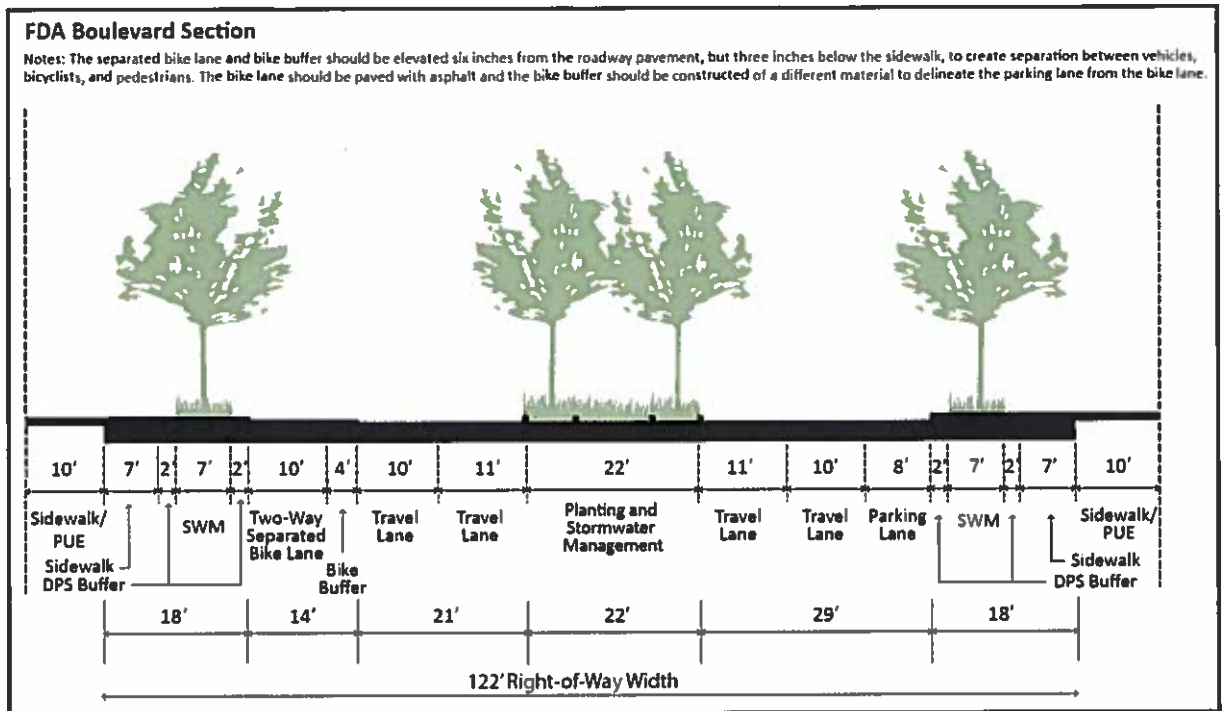
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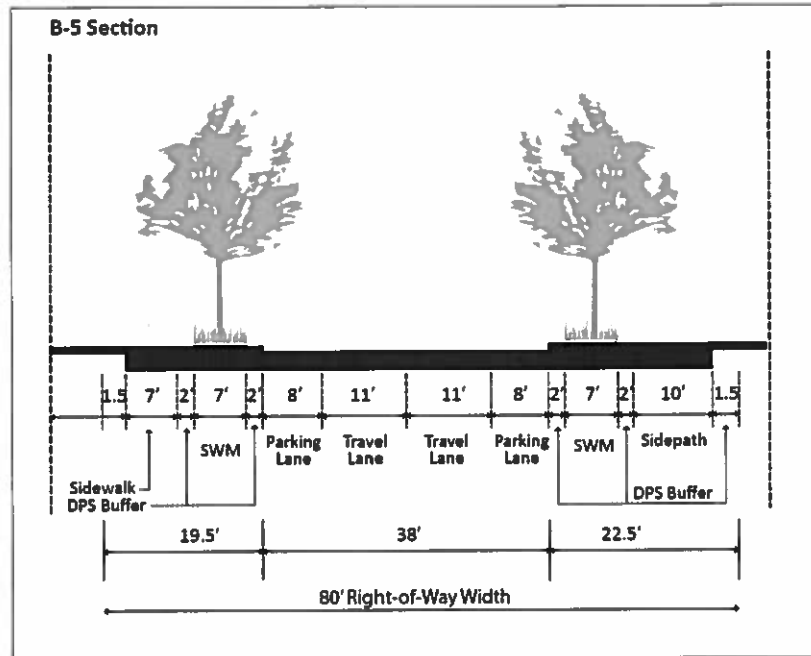


Planning Board Approved Cross-Section for FDA Boulevard

3. 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. The Planning Board requires 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.

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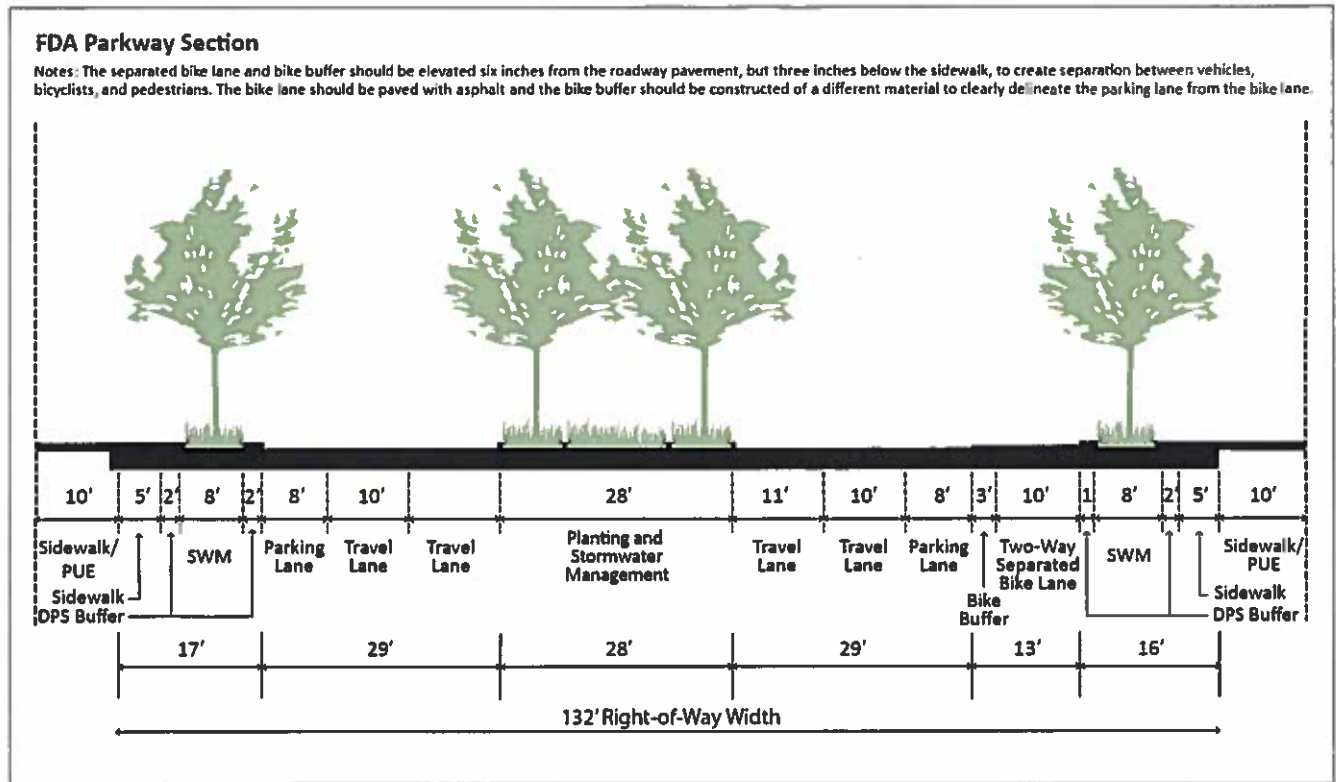


Planning Board Approved Cross-Section for Business District Street (B-5)

4. 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. The Planning Board requires the bike facility to be relocated on the east side of FDA Parkway and slight modifications to the typical section. Again, this modification is acceptable to the Planning Board 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.

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Planning Board Approved 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%.

3. *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).

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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:

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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 is 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 Master Plan recommendations 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 this 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 Amendments and Site Plans.

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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 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.

The Planning Board 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.

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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. The Applicant must satisfy additional issues identified in the MCDPS approval letter 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.*

Adequate Public Facilities (APF) Validity Period and Phasing

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. (APF Validity).

As previously stated and agreed upon at Sketch Plan and the previously approved Subdivision Regulation Waiver, 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

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proposing development of any buildings or units at this time. In the Master Plan area 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 this 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 Amendments, and, if necessary, APF Validity Periods and Phasing will be assigned at that time.

Therefore, the Planning Board finds that APF Validity and Phasing is not necessary at this time, but will be established, if necessary, at subsequent Preliminary Plan Amendments.

Preliminary Plan Validity Period

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.

As previously stated regarding APF Validity and Phasing, school adequacy and other public facilities will need to be tested at subsequent Preliminary Plan Amendments, if necessary. Thus, Plan Validity and Phasing will be assigned at that time.

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;*

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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, the Planning Board 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, the Planning Board 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, the Planning Board 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

The Planning Board 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

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Sketch Plan and Subdivision Regulation Waiver, the Planning Board finds the requested waiver permits the Applicant to proceed with Preliminary Plan approval consistent with the purposes and objectives of the General Plan.

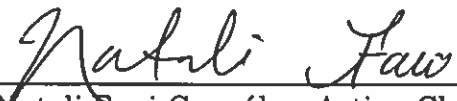
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 15 2019 (which is the date that this Resolution is mailed to all parties of record); and

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 Cichy, seconded by Commissioner Patterson, with Acting Chair Fani-González and Commissioners Cichy and Patterson voting in favor at its regular meeting held on Thursday, January 10, 2019, in Silver Spring, Maryland.



Natali Fani-González, Acting Chair
Montgomery County Planning Board