

VIVA WHITE OAK
SKETCH PLAN NO. 320240080,
PRELIMINARY PLAN AMENDMENT NO. 12018024A, &
FOREST CONSERVATION PLAN NO. F20240840



Description

Proposal to transform the 279-acre Property from an industrial site into a mixed-use town center to include up to 12,180,270 square feet of total development, up to half of which can be residential, while implementing the vision of the White Oak Science Gateway Master Plan.

COMPLETED: 5/19/2025

PLANNING BOARD HEARING DATE: 5/29/2025

MCPB ITEM NO. 12

Planning Staff

ET

Emily Tettelbaum, Planner III, Midcounty Planning, Emily.Tettelbaum@montgomeryplanning.org, 301-495-4569

Matthew Folden, Supervisor, Midcounty Planning, Matthew.Folden@montgomeryplanning.org, 301-495-4539

CS

Carrie Sanders, Chief, Midcounty Planning, Carrie.Sanders@montgomeryplanning.org, 301-495-4653

LOCATION/ADDRESS

Intersection of Cherry Hill Road and FDA Boulevard

MASTER PLAN

2014 *White Oak Science Gateway Master Plan*

ZONE

CR-1.0, C-1.0, R-0.5, H-220

PROPERTY SIZE

279.62 acres

APPLICANT

MCB White Oak Developer, LLC

ACCEPTANCE DATE

Sketch Plan: September 18, 2024

Preliminary Plan/Forest Conservation Plan:
November 27, 2024

REVIEW BASIS

Chapters 22A, 50, 59



Summary:

- Staff recommends approval with conditions of Sketch Plan No. 320240080, Preliminary Plan Amendment No. 12018024A, and Forest Conservation Plan No. F20240840.
- On January 30, 2018, the Planning Board approved Sketch Plan No. 320180040 with the same density as the current proposal. Sketch Plan No. 320180040 expired on January 30, 2021.
- On January 15, 2019, the Planning Board approved Preliminary Plan No. 120180240, including subdivision waivers to create 11 large lots, three outlots and one road parcel and to establish cross-sections for dedication of master-planned roads.
- Viva White Oak (“Viva”) will be a phased development and will potentially include office, hotel/conference center, retail, and restaurant uses in addition to residential uses.
- The Subject Applications include a master-planned collocated elementary school and local park, civic green; dedication of master-planned streets B-5, B-10, and A-106; approximately 57 acres of active and passive open spaces; and advance dedication, through-block connections, wayfinding, care centers, live-work units, small business opportunities, exceptional design, public open space, public art, building lot terminations, tree canopy, and vegetated areas.

TABLE OF CONTENTS

SECTION 1: EXECUTIVE SUMMARY	3
SECTION 2: RECOMMENDATIONS AND CONDITIONS	6
SKETCH PLAN 320240080	6
PRELIMINARY PLAN AMENDMENT 12018024A.....	9
FOREST CONSERVATION PLAN F20240840	13
SECTION 3: SITE DESCRIPTION.....	16
VICINITY.....	16
PROPERTY DESCRIPTION.....	17
SECTION 4: PROJECT DESCRIPTION.....	20
PREVIOUS APPROVALS.....	20
PROPOSAL	23
SECTION 5: COMMUNITY OUTREACH	39
SECTION 6: SKETCH PLAN 320240080 FINDINGS AND ANALYSIS	40
SECTION 7: PRELIMINARY PLAN 12018024A FINDINGS AND ANALYSIS.....	58
SECTION 8: FOREST CONSERVATION PLAN F20240840 FINDINGS AND ANALYSIS.....	64
SECTION 9: CONCLUSION	69
ATTACHMENTS	69

SECTION 1: EXECUTIVE SUMMARY

In 2016, Montgomery County signed a General Development Agreement (GDA) with the owner of the Percontee mining site on Cherry Hill Road in White Oak to facilitate joint redevelopment of the Percontee Site and the adjacent County-owned property, a former Washington Suburban Sanitary Commission (WSSC) site (Figure 1). The GDA envisioned the redevelopment of the two industrial properties into a mixed-use world-class bio/life science and research community, including office, retail, residential, parks, and other uses and amenities as envisioned in the 2014 *White Oak Science Gateway Master Plan*.



Figure 1: Subject Property

Sketch Plan No. 320180040, Viva White Oak, was approved by the Planning Board in 2018, allowing a mixed-use project with up to 12,180,270 square feet of development on the former industrial

properties (Figure 2). The Sketch Plan expired in 2021 because a site plan was not submitted within the required timeframe.



Figure 2: Sketch Plan 320180040

A Preliminary Plan (No. 120180240) was approved by the Planning Board in 2019 to establish cross-sections for the master-planned public roads forming the main arteries through the proposed development. The Preliminary Plan included the road cross sections, illustrative large lots for future development, outlots for environmental buffers, and a Forest Conservation Plan. Preliminary Plan No. 120180240 has not been implemented.

A new developer, MCB White Oak, LLC has since become involved with the Project and has submitted new Sketch Plan, Preliminary Plan Amendment, and Forest Conservation Plan applications. The new Sketch Plan Application requests the same density and a similar mix of uses as the expired Sketch Plan, but the layout of buildings and open spaces have been reconfigured (Figure 3).



Figure 3: Sketch Plan No. 320240080

The Preliminary Plan Amendment proposes changes to the approved right-of-way width and cross sections of the previously approved master-planned public roads, stormwater management facilities, and limits of disturbance (LOD). It also includes a detailed layout of the public roads. Upon approval of the Applications, the Applicant can move forward with construction of the master-planned roads. Preliminary Plan Amendment, Forest Conservation Plan Amendment, and Site Plan applications will be required for any development beyond the master-planned roads.

SECTION 2: RECOMMENDATIONS AND CONDITIONS

SKETCH PLAN 320240080

Staff recommends approval of Viva White Oak, Sketch Plan No. 320240080, for up to 12,180,270 square feet of density on 279.62 acres, zoned CR-1.0, C-1.0, R-0.5, H-220, in the 2014 *White Oak Science Gateway Master Plan*. The following site development elements are binding under Section 59-7.3.3.F:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

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

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, which may include up to a maximum of 6,090,135 square feet of residential uses with 12.5% MPDUs. 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, as measured from the building height measuring point to be illustrated on the Certified Site Plan. A maximum building height will be established for each site plan approval.

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 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

- a) Major Public Facility, achieved through providing a collocated school and local park site;
- b) Transit Proximity, achieved through level 1 transit proximity;
- c) Connectivity and Mobility, achieved through advanced dedication, through-block connections, and wayfinding;
- d) Diversity of Uses and Activities, achieved through care centers, dwelling unit mix, and small business opportunities;

Viva White Oak
Nos. 320240080, 12018024A, F20240840

- 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 the purchase of building lot terminations, tree canopy, and vegetated area.

4. Public Facilities and Open Space

- a) The Applicant must dedicate a collocated school and local park site that is a minimum of nine (9) acres to Montgomery County Public Schools and Montgomery Parks, as applicable. The final size and location of the parcels, and the timing of dedication will be determined during subsequent regulatory applications.
- 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, and accessible to the public. 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).
- c) The Civic Green must be a minimum of one (1) acre, with relatively flat topography and in a centrally located, high-density area, ideally adjacent to the collocated school/park.
- d) The Applicant must provide a minimum of 10% of the Site Area (27 acres) as Public or Common Open Space sited and designed in a manner that supports the associated land uses. The final location, design, and size of which will be finalized with subsequent site plan applications.

5. Coordination for Future Regulatory Reviews

In addition to any other requirements, the following must be addressed during subsequent regulatory applications:

- a) Parking is prohibited between all buildings and the street on the Subject Property, with the exception of a large format retailer shown on the Sketch Plan in Phase 2B (southeast of the traffic circle).
- b) Surface parking lots must be screened from adjacent streets by a 36-inch minimum sidewalk and landscaping buffer, or Staff-approved alternative.
- c) The Applicant must work with Staff during each Site Plan to determine the phasing of the trail construction.
- d) The Applicant must work with WSSC to assure public access easements for the paths proposed through the water tower property.
- e) In the Eastern Neighborhood (Phases IIa and IIb):
 - i. Provide one continuous, well-defined, centrally located public open space on Main Street at the intersection with Road B-5.

- ii. For the large format retailer shown on the Sketch Plan in Phase 2B (southeast of the traffic circle), an approximately 100-foot-deep linear park (from face of curb of FDA Boulevard to face of curb of the parking lot) must be provided along FDA Boulevard to screen the large surface parking lot and provide gathering, active, and passive recreation spaces for the community.
 - iii. The intersection of FDA Boulevard and Cherry Hill Road should be marked with gateway features and prominent buildings parallel to the street that frame the public realm.
- f) In the Western Neighborhood (Phase 3):
- i. Concentrate 2 over 2, or taller, building types along Viva White Oak Way, with townhouses behind.
 - ii. Avoid front-loaded townhouses to the extent possible.
6. **Validity**
- The first site plan for the Project must be submitted within 36 months after the date the Sketch Plan resolution is sent per Section 59-7.3.3.G.

PRELIMINARY PLAN AMENDMENT 12018024A

Staff recommends approval with conditions of the Preliminary Plan Amendment to adjust street sections and right-of-way widths for master-planned roads B-10, A-106, and B-5, adjust stormwater facilities within master-planned road right-of-way, and adjust limits of disturbance for construction of master-planned roads. All site development elements shown on the latest electronic version of Preliminary Plan No. 12018024A as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required, except as modified by the following conditions. The following conditions supersede all previous conditions of Preliminary Plan approval.

GENERAL APPROVAL

1. This Preliminary Plan Amendment is limited to road parcels for master-planned roads B-10 (FDA Boulevard, to be owned by the Federal Government), A-106 (Viva White Oak Way, to be dedicated to the County), and B-5 (to be dedicated to the County) (collectively "master-planned roads"). All other elements of the Preliminary Plan Amendment are illustrative, and subsequent Preliminary Plan Amendment(s) and Site Plan(s) are required before platting of any other lots or parcels.
2. Except for construction of master-planned roads, building permits must not be issued for the Property until approval of subsequent Preliminary Plan Amendments and Site Plans.
3. The Application must comply with the conditions of approval for Subdivision Regulation Waiver No. SRW201801 (MCPB No. 18-070) and Sketch Plan No. 320240080 (approved concurrently with this Preliminary Plan Amendment).

ADEQUATE PUBLIC FACILITIES (APF) AND PRELIMINARY PLAN VALIDITY

4. 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 Montgomery County Department of Transportation (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 of non-residential development and/or the number and type of residential units for calculating the LATIP will be determined at subsequent Preliminary Plan Amendments.
5. 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 in the subsequent Preliminary Plan amendment that approves the use.
6. At subsequent Preliminary Plan Amendment(s), for any proposed residential units/uses:
- a) All public facilities included in the APF review, except for transportation, which is covered by the LATIP, will need to be tested in accordance with the Growth and Infrastructure Policy in effect at that time; and
 - b) Any necessary phasing and validity periods will be assigned-
7. All plats that include residential units/uses associated with a future Preliminary Plan Amendment must be recorded within the applicable validity periods, or a request for extension must be filed.

OUTSIDE AGENCIES

8. The Planning Board has reviewed and accepts the recommendations of the MCDOT in its letter dated May 14, 2025, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
9. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT's requirements for access and improvements.
10. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Water Resources Section in its stormwater management concept letter dated May 9, 2025, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
11. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated May 10, 2025, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

MODERATELY PRICED DWELLING UNITS (MPDUs)

12. 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.

13. Prior to issuance of any residential building permit, the Applicant must enter into an agreement (Agreement to Build) with the DHCA.

TRANSPORTATION

Frontage Improvements on Existing Roads

14. Along the Subject Property frontage for Cherry Hill Road, the Applicant must provide dedication, or a perpetual access easement per condition No. 18, and show on the record plat all land/easement area necessary to accommodate:
 - a) At least forty-five (45) feet from the centerline; and
 - b) The entire width of the sidewalk and bike lane shown on the Certified Preliminary Plan.
15. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS to ensure construction of a six -foot-wide (6ft) sidewalk, eight-foot-wide (8ft) pedestrian/bicycle buffer, 10-foot-wide two-way separated bikeway, and three-foot-wide (3ft) street buffer along the property frontage on Cherry Hill Road, as shown on the Certified Preliminary Plan Amendment.

New Roads

16. The Applicant must dedicate the rights-of-way and ensure construction of all necessary road improvements for the following public streets, as shown in the Certified Preliminary Plan, to the design standards imposed by all applicable road codes.
 - a) Viva White Oak Way (Master Plan Street A-106); and
 - b) Master Plan Street B-5.
17. The Applicant must ensure construction of all necessary road improvements for FDA Boulevard (Master Plan Street B-10) as shown in the Certified Preliminary Plan, to the design standards imposed by all applicable road codes. The Federal Government/U.S. General Services Administration will retain ownership of FDA Boulevard, including the traffic circle and the road south of the circle leading to the FDA campus.
18. Per the MCDOT letter, a perpetual access easement and maintenance agreement between the U.S. General Services Administration and Montgomery County must be fully executed and recorded in the land records for FDA Boulevard, including the traffic circle, the road south of the circle leading to the FDA campus, and the areas adjacent to Cherry Hill Road.
19. Before issuance of any permit for road construction on the Percontee Site, Forest Conservation Plan (FCP) No. F20240840 must be amended to include the Percontee Site. When approved, this amendment of FCP No. F20240840 will replace Forest Conservation Exemption No. 41998160E on the Percontee Site.

Record Plats

20. Except as permitted by State-issued Mining Permit No. 93-SP-0430-A, the State-approved reclamation plan, and demolition of existing structures, there shall be no clearing or grading of the Percontee Site before recordation of plat(s).

21. The record plat must show necessary easements.

OTHER DEDICATIONS

22. The Applicant must dedicate a collocated school and local park that is a minimum of nine acres to Montgomery County Public Schools and Montgomery Parks, as applicable. The final size and location of the lots, and the timing of dedication must be established with the first Preliminary Plan or Preliminary Plan Amendment that proposes any residential units west of the West Farm Tributary.

CERTIFIED PRELIMINARY PLAN

23. The Certified Preliminary Plan must contain the following notes:

- a) *Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures, and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
- b) *The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant, along with their representatives, must attend the pre-construction meeting with the M-NCPPC inspector. A copy of the approved Certified Preliminary Plan is required to be on-site at all times.*

24. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:

- a) Show resolutions and approval letters on the certified set.
- b) Include the approved Fire Department Access Plan.
- c) Add the paving details to the cross-sections per the MCDOT letter.
- d) Show the full extent of the FDA road parcel including FDA Boulevard and the areas adjacent to Cherry Hill Road.
- e) Remove the gross area from the park and school sites on all relevant sheets.

FOREST CONSERVATION PLAN F20240840

Staff recommends approval with conditions of Forest Conservation Plan No. F20240840 to allow construction of the master-planned public roads as shown on the accompanying Preliminary Plan Amendment No. 12018024A ('Accompanying Plan'). All site development elements shown on the latest electronic version of Forest Conservation Plan No. F20240840, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.

1. Before certification of Forest Conservation Plan ("FCP") No. F20240840, the Applicant must make the following revisions:
 - a) Revise the boundary covered by FCP No. F20240840 to cover only Site 2.
 - b) Show all areas of disturbance associated with the construction of the road, including required stormwater outfalls, etc.
 - c) Show areas of existing forest, forest removed, and areas of forest retained that will be credited as forest retention on the Forest Conservation Worksheet.
 - d) Revise all figures in the worksheet and tables to reflect the change in boundary, including Net Tract Area including any needed off-site work associated with construction of the master-planned road within the new plan boundary, total area of forest, area of forest retained, area of forest removed, areas identified for reforestation, and mitigation planting required.
 - e) Prepare worksheets for both potential mitigation options, within the same or a priority watershed, and outside of the same or a priority watershed.
 - f) Make certain that the worksheet, all tables tabulating areas of forest, forest to be retained and forest to be removed are in agreement with each other, and that all areas identified on the plan sheets as forest, forest to be retained, forest to be removed and reforestation areas agree with the tables.
 - g) Submit the plan as a Preliminary/Final FCP.
2. Before any additional clearing, grading, or construction on the Percontee Site following closeout of the mining permit, the Applicant must obtain approval of an amendment to FCP No. F20240840 to incorporate the area of the Percontee Site into the Forest Conservation Plan. This amendment will require:
 - a) A variance request for proposed impacts to trees identified as priority for protection under Section 22A-12(b)(3)(B) of Chapter 22A.
 - b) A variance request for any proposed forest removal within an environmental buffer.
 - c) A justification for forest removed in the Priority Urban Forest zone established by the State of Maryland in the July 1, 2024 update to the Maryland Forest Conservation Law.

Viva White Oak
Nos. 320240080, 12018024A, F20240840

- d) All stream buffer areas must be forested.
- 3. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Code of Montgomery County Regulations (“COMCOR”), Forest Conservation Regulations.
- 4. The Applicant must comply with all tree protection and tree save measures shown on the approved Final FCP. Tree save measures not specified on the Final FCP may be required by the M-NCPPC Forest Conservation Inspection Staff.
- 5. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
- 6. Before issuance of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for this FCP, the Applicant must:
 - a) Record a Category I Conservation Easement over all areas of forest retention, forest planting, and environmental buffers as specified on the approved Final FCP. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed. The Book/Page for the easement must be referenced on the record plat.
 - b) Install the permanent conservation easement signage and fencing along the perimeter of the conservation easements as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
 - c) Execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, including variance tree mitigation plantings, and landscape plantings credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff. All proposed measures should be chosen with consideration of the proximity to the on-site stream and wetlands and the sensitive nature of this watershed. The use of herbicides should be avoided where possible in these areas.
 - d) Submit a cost estimate for the reforestation/afforestation and other FCP requirements, which includes but is not limited to trees and shrubs, variance mitigation trees, five years of maintenance including invasive species management controls, permanent easement posts and signage, natural surface trails, split rail fencing, mulching, staking, tree protection, and tree protection removal credited toward meeting the requirements as shown on the FCP. This cost estimate must be reviewed and approved by the M-NCPPC Planning Department Inspection Staff prior to the submission of financial surety to determine the amount of the financial surety.

- e) Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department Inspection Supervisor for the new forest planting, including invasive species management controls, credited toward meeting the requirements of the Certified FCP.
- 7. Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the afforestation/reforestation plantings for the amount of mitigation required by the worksheet of the Certified FFCP (outside of the LOD) as shown on the approved FCP.

SECTION 3: SITE DESCRIPTION

VICINITY

The Property (Property or Subject Property), outlined in red in Figure 4, is located on the west side of Cherry Hill Road, between Cherry Hill Road on the east, Industrial Parkway to the northwest, and the United States Food and Drug Administration (FDA) campus to the south. Washington Adventist Hospital is located directly north of the Property.

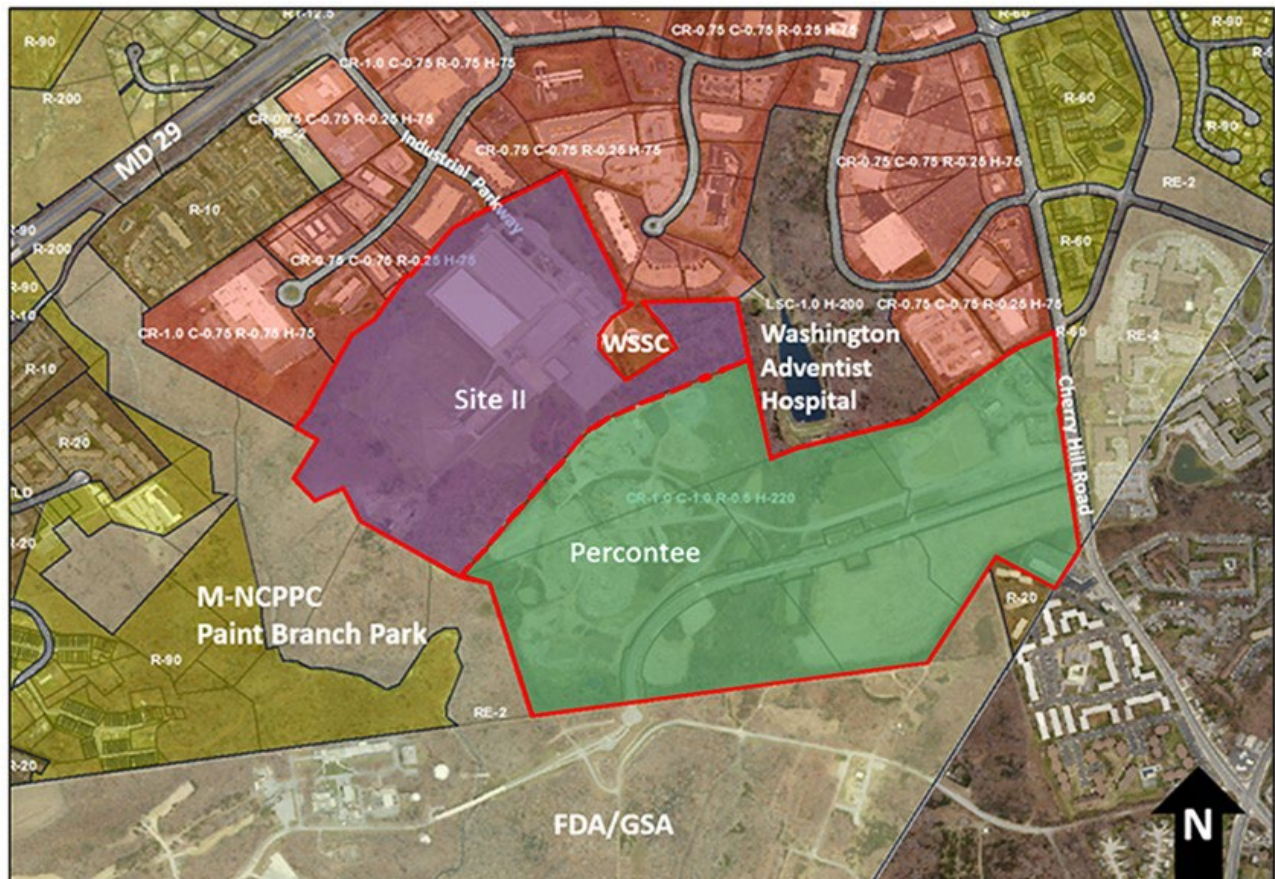


Figure 4 – Vicinity Map

PROPERTY DESCRIPTION

SKETCH AND PRELIMINARY PLAN AMENDMENT

The approximately 279-acre Property (outlined in red in Figure 5) consists of the approximately 168-acre Global Lifesci Percontee property (“Percontee Site”), currently a sand and gravel mining operation and concrete recycling facility; and the approximately 110-acre Site 2 property, a former WSSC facility (“Site 2” or “Former WSSC facility”). Both properties have been altered from their natural state quite extensively through industrial use. Most of the Property is within the area encompassed by the 2014 *White Oak Science Gateway Master Plan*, except for a very small area of the Percontee Property’s southeastern corner that crosses into Prince George’s County.

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



Figure 5 - Subject Property

Site 2 was operated as a gravel quarry from the mid-1930s through approximately 1980, when it was acquired by WSSC. WSSC filled the quarry with unknown materials and developed the Site as the Montgomery County Regional Composting Facility to compost the County's sludge. The facility was completed in 1983 and closed and decommissioned in 1999. Site 2 has gone through extensive environmental remediation through the MDE's Voluntary Cleanup Program (VCP). Site contamination was due to leakage from underground storage tanks and off-site groundwater contamination that had migrated. MDE has determined that Site 2 has no further requirements for mitigation, and it was released for residential fee-simple development. All buildings that were previously on Site 2 have been demolished and removed from the Property. Site 2 has several streams running in the northeast to southwest direction, draining into the Paint Branch Stream. There are areas of forest on-site and steep slopes leading into the streams.

FDA Boulevard currently bisects the Percontee Site and connects Cherry Hill Road to an entry gate on the northern side of the FDA campus. The road is in a separate parcel owned by the Federal Government. Pursuant to a 2013 agreement, the U.S. General Services Administration (GSA) granted the County a perpetual easement allowing the County to use and maintain FDA Boulevard as a public road.

FOREST CONSERVATION PLAN

Forest Conservation Plan (FCP) No. F20240840 covers only the Site 2/Former WSSC portion of the Property. The Percontee Site continues to operate under Forest Conservation Exemption No. 41998160E that allows for mining operations and reclamation grading. The Applicant will submit a Forest Conservation Plan (FCP) amendment, once the MDE mining permit has been closed out, to include the Percontee Site in the FCP.

SECTION 4: PROJECT DESCRIPTION

PREVIOUS APPROVALS

FOREST CONSERVATION EXEMPTION NO. 41998160E

On January 28, 1998, the Planning Department granted Forest Conservation Exemption No. 41998160E under Section 22A-5(i) on the Percontee site to allow noncoal surface mining regulated under Title 7 of the Natural Resources Article of the Maryland Code (MDE Surface Mining Permit #93-SP-0430). This exemption will remain in effect until the reclamation of the site is complete and the MDE mining permit is closed out by MDE.

GENERAL DEVELOPMENT AGREEMENT

On June 7, 2016, Montgomery County and Global LifeSci Development Corp, the owner of the Percontee mining site, signed a General Development Agreement (GDA) to facilitate joint redevelopment of the Percontee Site and the adjacent County-owned property, a former WSSC facility. The GDA envisioned the redevelopment of the two industrial properties into a mixed-use world class bio/life science and research community including office, retail, residential, parks, and other uses and amenities.

SKETCH PLAN

On January 30, 2018, the Planning Board approved Resolution MCPB No. 17-101 for Sketch Plan No. 320180040, allowing a mixed-use project with up to 12,180,270 square feet of total development, which could include up to a maximum of 6,090,135 square feet of residential uses (Figure 6). Since a site plan was not submitted within three years after the approval of the sketch plan, as required by Section 59-7.3.3.G, Sketch Plan No. 320180040 expired on January 30, 2021.

SUBDIVISION REGULATION WAIVER

On August 8, 2018, the Planning Board approved Resolution MCPB No. 18-070 for Subdivision Regulation Waiver No. SRW201801 to waive certain requirements of Chapter 50. The Planning Board waived Section 50-4.1.B.7 such that the Applicant is only required to submit what is deemed necessary by applicable agencies to complete the review of the initial Preliminary Plan for the public roads instead of the full Preliminary Plan submittal requirements of Section 50-4.1. The Planning Board also waived Section 50-10.5 regarding the payment of application fees, subject to conditions.



Figure 6: Approved Sketch Plan No. 320180040

PRELIMINARY PLAN

On January 15, 2019, the Planning Board approved Resolution MCPB No. 18-100 for Preliminary Plan No. 120180240 to create eleven (11) Large Lots (to be further subdivided before issuance of any building permits), three (3) Outlots and one (1) road Parcel to be located between FDA Boulevard and the adjoining FDA campus; establish the cross-section and right of-way widths for dedication of master-planned roads Viva White Oak Way (formerly FDA Parkway) (A-106), FDA Boulevard (B-10) and B-5 (collectively “master-planned roads”); include approval of the Preliminary Forest Conservation Plan; and provide a Section 50.9 waiver of the preliminary plan 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 could include up to a maximum of 6,090,135 square feet of residential uses (Figure 7).

Although Preliminary Plan No. 120180240 did not pose any development beyond the public roads, the Planning Board recognized that within the 2014 *White Oak Science Gateway Master Plan* area, payment

of the Local Area Transportation Impact Payment (LATIP) Fee and Development Impact Taxes would satisfy the transportation portion of the Adequate Public Facilities (APF) analysis for both residential and non-residential development. The Planning Board established that, from a transportation perspective, APF and Preliminary Plan Validity analysis was not necessary, provided all necessary master-planned roads were constructed, the LATIP Fee was paid, and all other public facilities were deemed adequate.

Preliminary Plan No. 120180240 further established that the schools test portion of APF would be satisfied if the Applicant dedicated a nine-acre co-located school and park site within 85 months (7 years) from the date Resolution MCPB No. 18-100 was mailed. Phasing for residential uses was not required with this Preliminary Plan/Infrastructure Plan if, before issuance of any building permit for residential uses, required school impact taxes were paid, all necessary master-planned roads were constructed, and all necessary wet and dry utilities were provided. School adequacy and other public facilities were to be tested at subsequent Preliminary Plan Amendments, and, if necessary, APF Validity Periods and Phasing were to be assigned at that time. The Sketch Plan and Preliminary Plan approvals were not implemented.

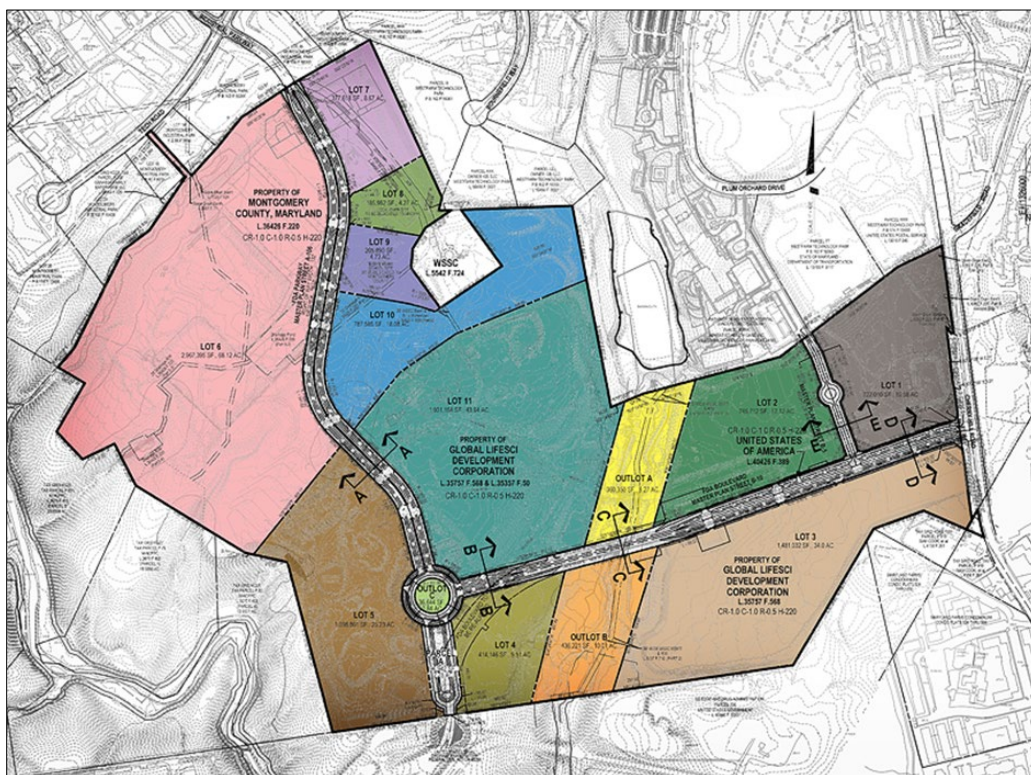


Figure 7: Approved Preliminary Plan No. 120180240

PROPOSAL

MCB White Oak Developer, LLC, (“Applicant”) requests approval of Sketch Plan No. 320240080, Preliminary Plan Amendment No. 12018024A, and Forest Conservation Plan No. F20240840 (Application or Applications) for the development of a large-scale, mixed-use development that will be a catalyst for the revitalization of a significant portion of eastern Montgomery County (“Project” or “Viva”). The Applications propose up to 12,180,270 total square feet of development, which may include up to 12,180,270 square feet of commercial uses, including office, academic, hotel, retail/entertainment/restaurant, and conference center uses, and up to 6,090,135 square feet of residential uses. This is the same amount of density approved by Sketch Plan No. 320180040 (“Initial Sketch Plan”) and Preliminary Plan No. 120180240 (“Initial Preliminary Plan”).

SKETCH PLAN

The Applicant submitted a new Sketch Plan application (No. 320240080) because the Initial Sketch Plan (No. 320180040) expired in 2021. The Subject Sketch Plan Application requests the same density and a similar public road network as the initial Sketch Plan approval, but the layout of buildings and uses have been reconfigured in the Subject Application to respond to current market demands for new development. The Sketch Plan includes retail, restaurant, multifamily, hotel, office and townhouses, and a collocated school and park site. The Project may include additional uses as allowed by the CR Zone, to be determined at future preliminary and site plans. For the purpose of describing the large-scale Project, Figure 8 divides the Sketch Plan into three neighborhoods: the eastern mixed-use neighborhood (“Eastern Neighborhood”), the central mixed-use neighborhood (“Central Neighborhood”) and the western residential neighborhood (“Western Neighborhood”). Density and building height is concentrated in the Eastern and Central Mixed-use Neighborhoods, with lower density townhouse development proposed in the Western Neighborhood (Figure 9). The Sketch Plan shows the Eastern and Central Neighborhoods with building heights of up to 220 feet, while the maximum height in the Western Neighborhood is proposed at 50 feet.



Figure 8: Sketch Plan No. 320240080 with Neighborhood Designations

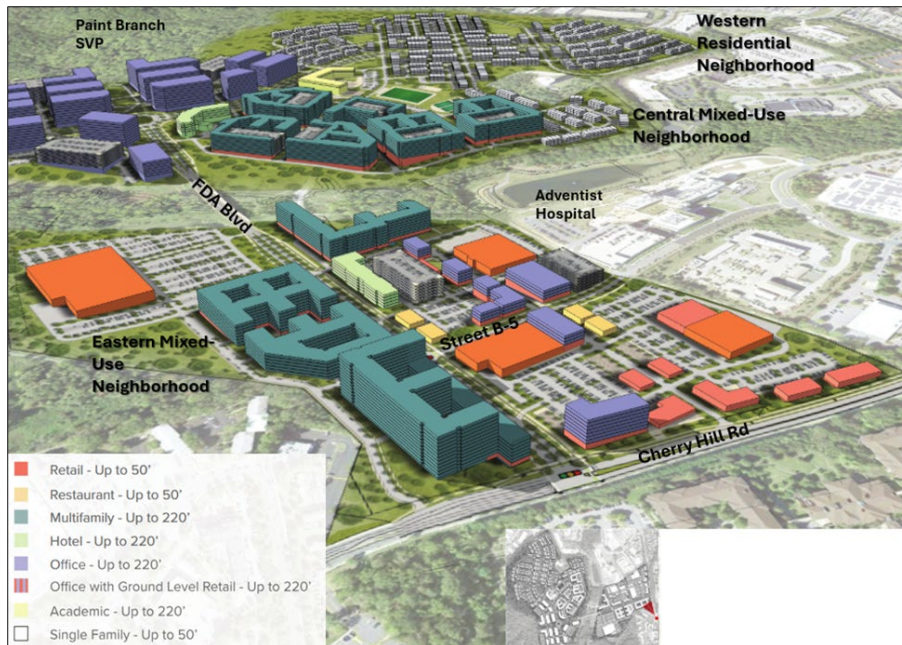


Figure 9: Illustrative Massing Diagram, as viewed from the east side of Cherry Hill Road facing northwest

Eastern Mixed-Use Neighborhood

The Eastern Neighborhood contains the greatest mix of proposed uses including large- and small-scale retail, multifamily, office, restaurants and a hotel (Figure 10). This neighborhood contains Viva's proposed "Main Street," which is located north of- and parallel to- FDA Boulevard and envisioned as the Project's primary pedestrian focused retail/commercial corridor. Proposed buildings and open spaces generally frame Main Street, but Staff recommends that the Applicant focus on the following aspects of Main Street as the design progresses:

- Distinct open spaces should be consolidated into one continuous, well-defined, centrally located public open space that is framed by two streets (Main Street and Road B-5).
- Parking lots or garages must be located behind buildings, away from the public realm, with all retail buildings easily accessible via sidewalk to pedestrians.
- All surface parking lots along Main Street, and throughout the Project, should be screened from the street by a 36" minimum sidewall and landscaping buffer.

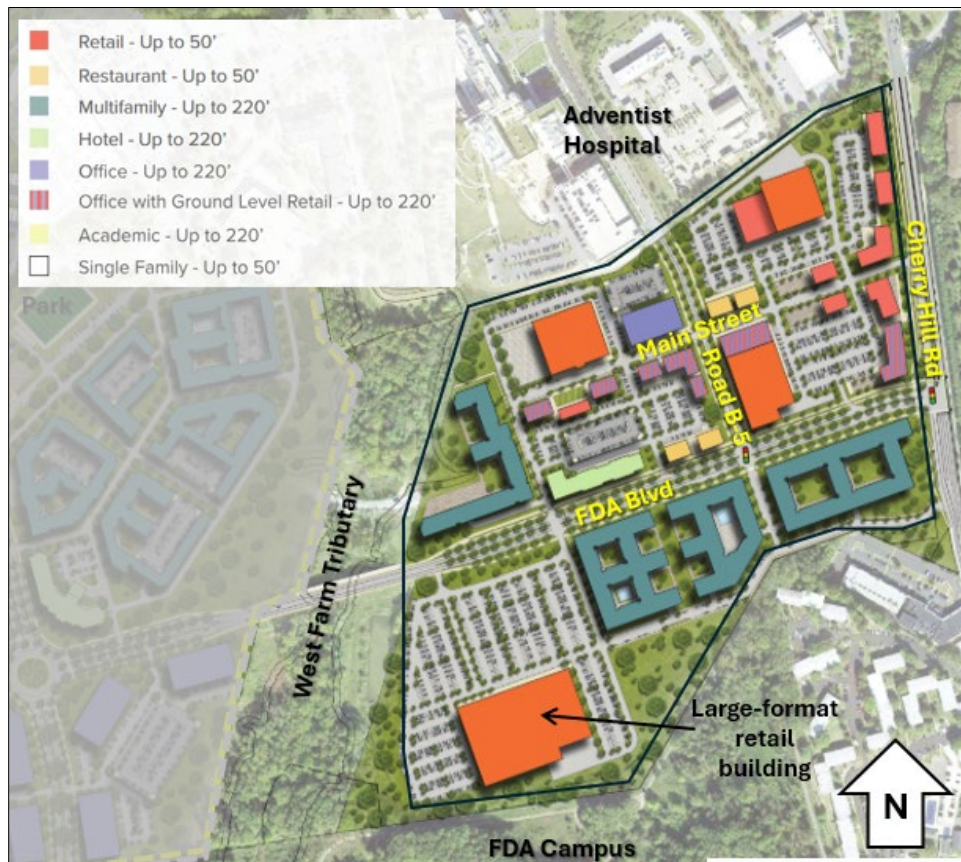


Figure 10: Eastern Mixed-Use Neighborhood

The intersection of FDA Boulevard and Cherry Hill Road is the main entry point into the development and should be marked with gateway features and prominent buildings parallel to the street that frame the public realm. Staff recommends concentrating building height at this intersection as a gateway into the Project and stepping back the building towards the west.

In the southwestern corner of the Eastern Neighborhood, the Sketch Plan shows a large-format retail building separated from FDA Boulevard with by a sizable surface parking lot. The Applicant has coordinated with Planning Staff on the site design of this large-format retail property. The Applicant has agreed to enhance the streetscape along FDA Boulevard with a 100-foot-deep linear park and a small retail building located close to the street. The linear park along FDA Boulevard will screen the large surface parking lot and provide gathering, active, and passive recreation spaces for the community. Except for this large format retail site, no other buildings at Viva should have parking located between the building and the street.

Central Mixed-Use Neighborhood

The Central Neighborhood includes a proposed office complex, six multifamily buildings, a hotel, and the collocated school/park site (Figure 11). The office complex is located in the southern portion of the Central Neighborhood, flanking the gate to the FDA Campus. Structured parking lots are proposed within the office complex.

The proposed elementary school fronts directly on Viva White Oak Parkway, with playgrounds and parking behind the building. The proposed public park is northeast of the school site, separated by a road. Montgomery County Public Schools (MCPS) has expressed concerns about the road between the school and park site and students' ability to walk safely between the two facilities. The design of the road network around the school and park will be determined during a future Preliminary Plan Amendment and Site Plan, but the road could be designed as a driveway that MCPS can close during the school day.

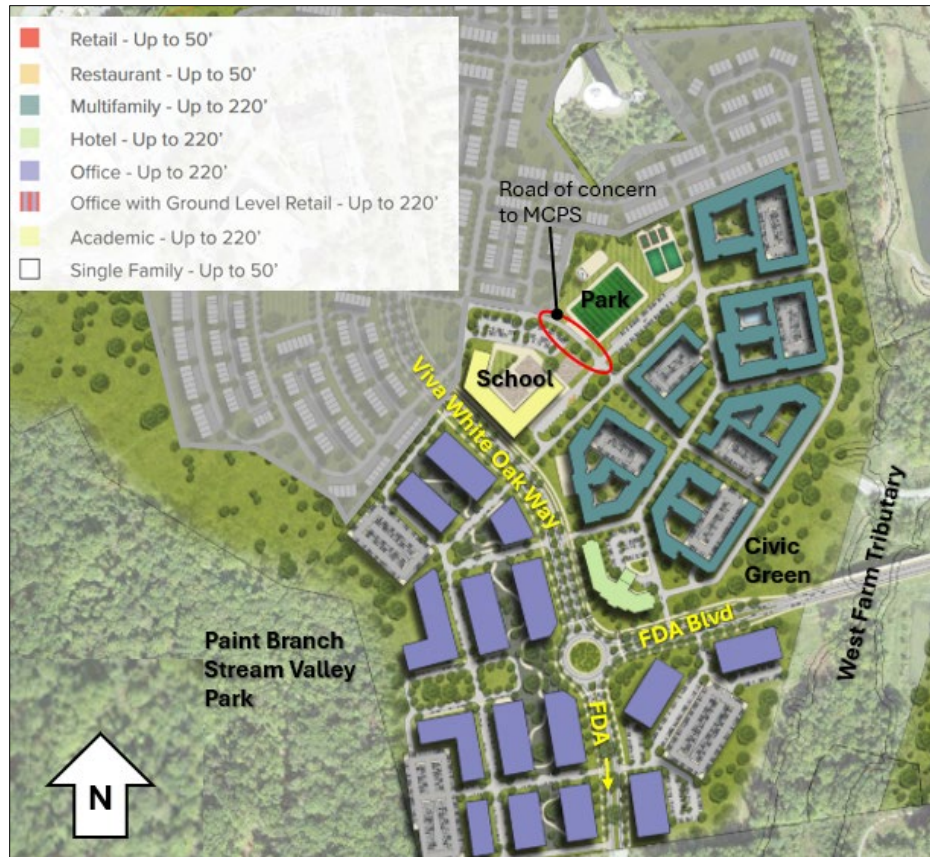


Figure 11: Central Mixed Use Neighborhood

Western Residential Neighborhood

The entirety of the Western Neighborhood is proposed as townhouses and two-over-two dwelling units with open spaces of various sizes scattered through the neighborhood (Figure 12). MDE approved fee-simple residential development on this portion of the Property (the former WSSC site) because the impacts from the prior industrial use have been remediated.

Staff encourages the Applicant to concentrate the proposed two-over-two dwelling units, or other taller, building types along FDA Boulevard, with townhouses or other lower-density buildings located behind the higher density buildings. Staff also recommends providing rear-loaded townhome blocks and avoiding front-loaded townhouses to the extent possible.



Figure 12: Western Residential Neighborhood

Open Space

The Applicant is proposing a myriad of parks, urban plazas, greens, and open spaces totaling approximately 57.5 acres (21.5% of the Site) providing a significant amount of open space on-site (Figure 13). The proposed parks and open spaces are envisioned to be well dispersed throughout the proposed development, and they will be linked by a network of trails and sidewalks.

A public park, approximately 4.59 acres in size, is proposed for dedication to Montgomery Parks, and will include an adult-size rectangular playing field and other amenities. The remaining open spaces are intended to be privately owned and maintained for the public with a variety of amenities.

The Sketch Plan shows a civic green between the west side of the stream and the multifamily neighborhood. Planning Staff determined that this proposed location is not ideal because it is located

behind a multifamily building rather than a more highly visible central location. As conditioned, the civic green must be a minimum of one acre in size, relatively flat, and in a highly visible central location, ideally near the school/park site.

Formal urban open spaces, such as plazas, are proposed for higher density areas near multifamily and commercial buildings. Amenities in the urban open spaces may include farmer's markets, seating, organized activities, interactive art or music settings and active settings for social gatherings. Neighborhood focused open spaces are concentrated in the Western Neighborhood, throughout the townhouse communities, with amenities such as lawns, playgrounds and other play areas. Active connection spaces will include trails, bridges and through-block connections, while passive greenway areas include natural and stream restoration areas, community and ornamental gardens. Final location and design of all open spaces will be determined during future site plans.



Figure 13: Illustrative Open Space

Transportation

Vehicle Access

The main vehicular access to the Property will continue to be from Cherry Hill Road on the east and Industrial Parkway from the west. Industrial Parkway will extend into the Property as Viva White Oak Way and connect, via a traffic circle, to FDA Boulevard. FDA Boulevard will be realigned but will continue to provide a connection to the FDA campus's northern gate. Master-planned Road B-5 will connect the Property to Plum Orchard Drive via Healing Way, a private road adjacent to Adventist White Oak Hospital. The Applicant is proposing to provide all master-planned streets, FDA Boulevard¹, Viva White Oak Way, and Road B-5, as public streets. The County Council has allocated funding, through Capital Improvement Program Project No. 361701, to help pay for the construction of the three master-planned roads. The designation of all other streets within the Project as public or private will be determined during a subsequent Preliminary Plan Amendment.

Pedestrian and Bicycle Access

The Project will provide pedestrian and bicycle facilities including bike lanes, shared-use paths, sidewalks along all streets, and an extensive network of trails to provide access to the parks, plazas, greens, and open spaces existing and proposed. The trail system will be designed as an extension of the sidewalk network. Bike lanes will be provided along FDA Boulevard and Viva White Oak Way, and a two-way bikeway will be provided along the Property's Cherry Hill Road frontage.² Road B-5 includes a shared-use path that connects to the Washington Adventist Hospital.

¹ FDA Boulevard will be owned by the Federal Government and will have the status of a public street as a result of the perpetual access agreement between the Federal Government and Montgomery County.

² The Cherry Hill Road bikeway is not shown in Figure 14 but is included on the Preliminary Plan Amendment cross-section (see Figure 23).



Figure 14: Circulation

Phasing

The Project is a phased development that will be built out over many years (Figure 15). The Applicant has provided a conceptual Phasing Plan, but Staff recognizes that the extent and timing of each phase will likely change due to the scale and complexity of the Project. The first phase, which is the most concrete element of the Phasing Plan, is construction of FDA Boulevard (B-10), Viva White Oak Way (A-106), and Road B-5 (Healing Way Extended). The Phasing Plan shows the Eastern Neighborhood as Phase 2, the Western Neighborhood as Phase 3, and the Central Neighborhood as Phases 4 and 5.

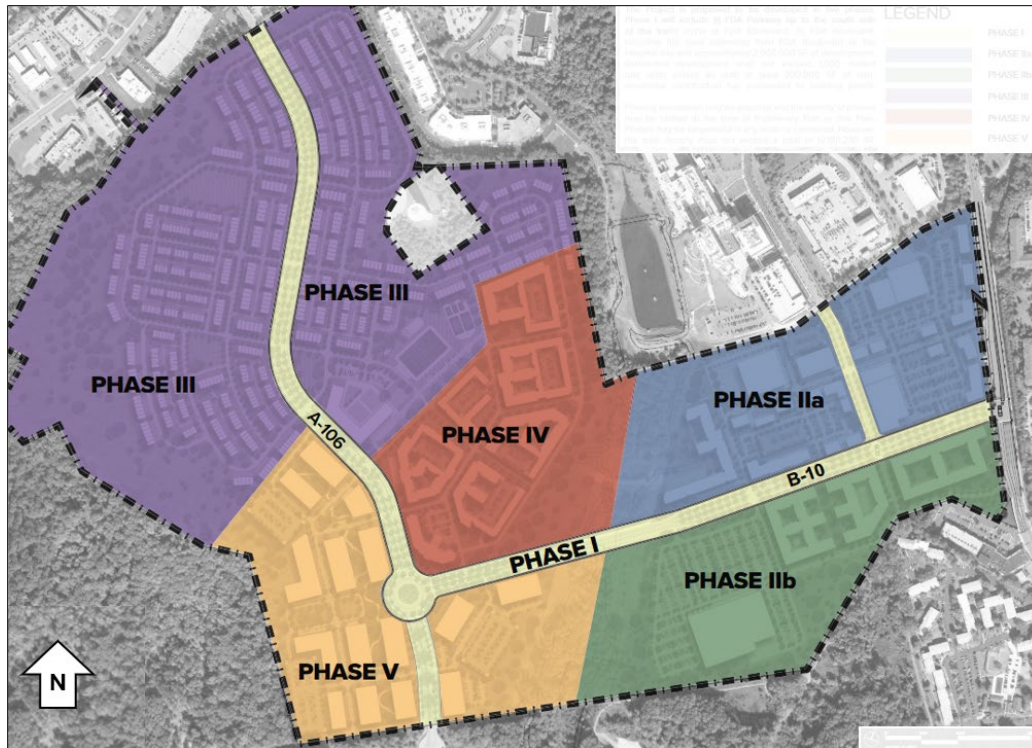


Figure 15: Phasing Plan

PRELIMINARY PLAN AMENDMENT (PHASE 1)

Preliminary Plan Amendment No. 12018024A proposes adjustments to street sections and right-of-way widths for master-planned roads A-106, B-5, and B-10, adjustments to stormwater management facilities provided within master-planned road right-of-way, and adjustment to the limits of disturbance for the construction of the updated master-planned roads (Figure 16). The Amendment will allow the Applicant to move forward with construction of master-planned public roads FDA Boulevard, Viva White Oak Way, and Road B-5 (Phase 1 of the Phasing Plan in Figure 15).

The Preliminary Plan Amendment shows master-planned road parcels; conceptual lots, including lots for the public school and park sites; and outlots for environmental buffers. However, only the master-planned roads will be platted after approval of the Preliminary Plan Amendment. All future development will be subject to Preliminary Plan Amendment and Site Plan approval.

Consistent with the initial Preliminary Plan approval, the Applicant proposes to realign FDA Boulevard while retaining the connection between Cherry Hill Road and the northern entrance to the FDA campus. A proposed traffic circle connects FDA Boulevard to Viva White Oak Way and the road leading

to the FDA campus gate. The Federal Government will retain ownership of FDA Boulevard, the traffic circle, and the road south of the traffic circle leading to the FDA gate. A new perpetual easement agreement between GSA and Montgomery County, similar to the existing agreement, will grant public access and maintenance responsibility to the County with FDA Boulevard treated as part of the County road network.

The Amendment proposes modifications of the master-planned road cross sections approved in the Initial Preliminary Plan. Cross-sections have been updated for consistency with the 2024 *Complete Streets Design Guide*, adopted after approval of the Initial Preliminary Plan. The Applicant has worked with Planning and DOT staff to determine details of the road design that were not approved with the Initial Preliminary Plan, including street trees and parking layout, potential location of BRT stops, truck turning movements, and protected intersections. The Amendment also proposes structural underground stormwater management rather than the micro-bioretenion facilities approved in the Initial Preliminary Plan.

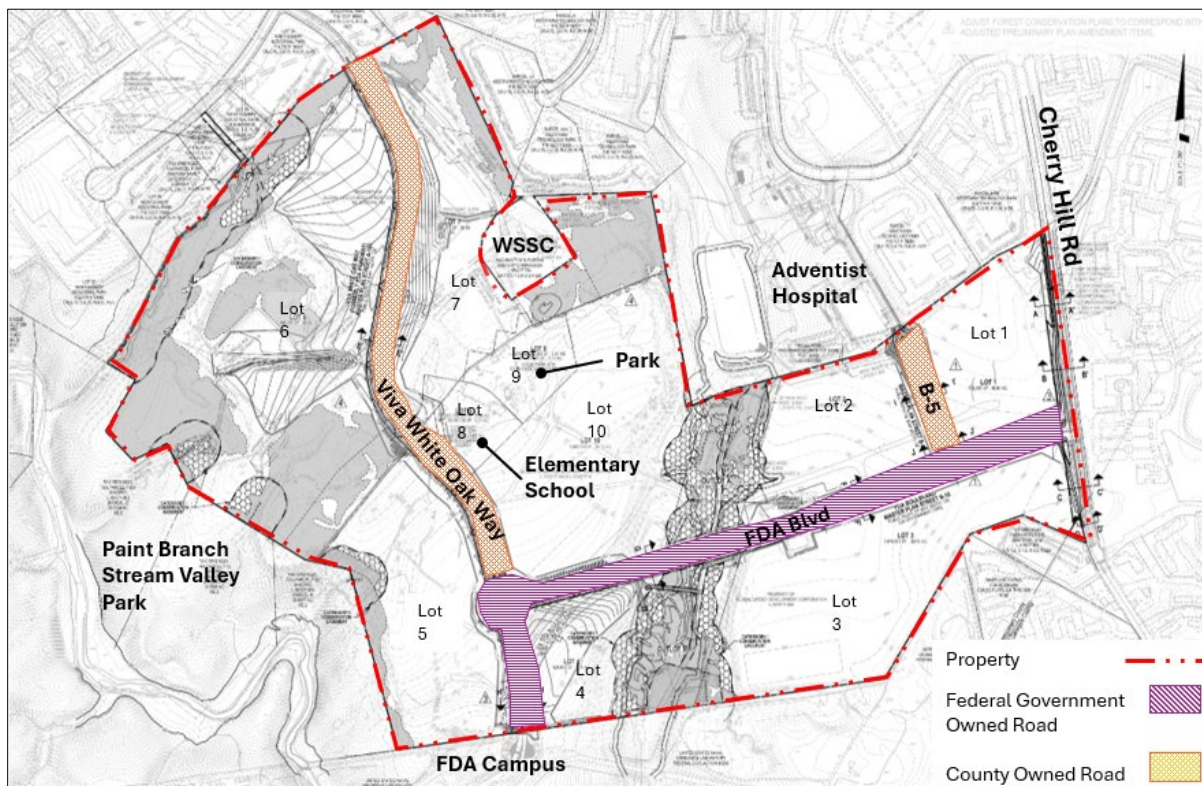


Figure 16: Preliminary Plan Amendment and Road Ownership (all lots are illustrative)

The proposed 126-foot width of the FDA Boulevard cross-section is slightly wider than the 122-foot-wide approved width, but the proposed cross-section includes the full width of the sidewalks, whereas a portion of the sidewalks in the previously approved cross-section were located within a Public Utility Easement (PUE) on private property (Figure 17 and 18). The median width has been reduced while the sidewalk buffers have been expanded to accommodate the underground structural stormwater facilities. The parking lane on one side of the street has been removed, but on street parking will be incorporated into the street buffer in certain areas.

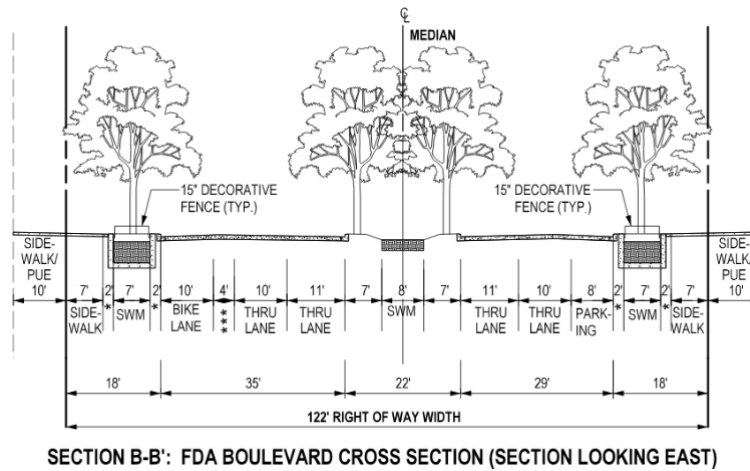


Figure 17: Approved FDA Boulevard Cross Section, Preliminary Plan No. 120180240

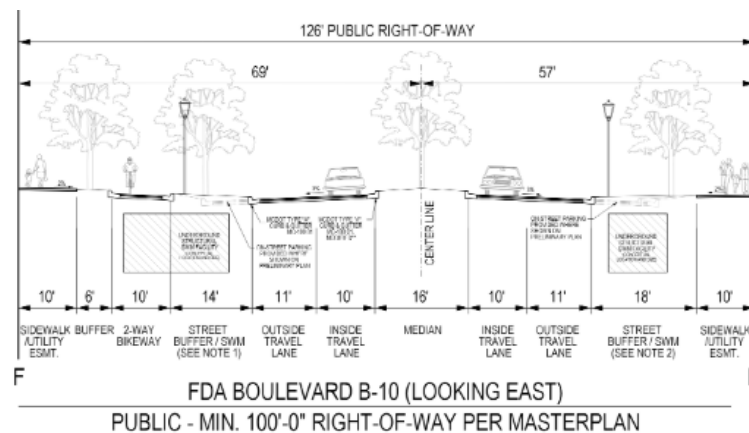


Figure 18: Proposed FDA Boulevard Cross Section

The approved Viva White Oak Way (labeled FDA Parkway in the Initial Preliminary Plan approval) cross-section has a 132-foot-wide right-of-way, with portions of the sidewalk in PUEs outside of the right-of-way (Figure 19 and 20). The Amendment cross section has been reduced to a 126-foot-wide right-of-way width, inclusive of the sidewalks. The Amendment also proposes to reduce the width of median and eliminate the parking lanes. On-street parking will be provided along portions of the right-of-way within the street buffer area.

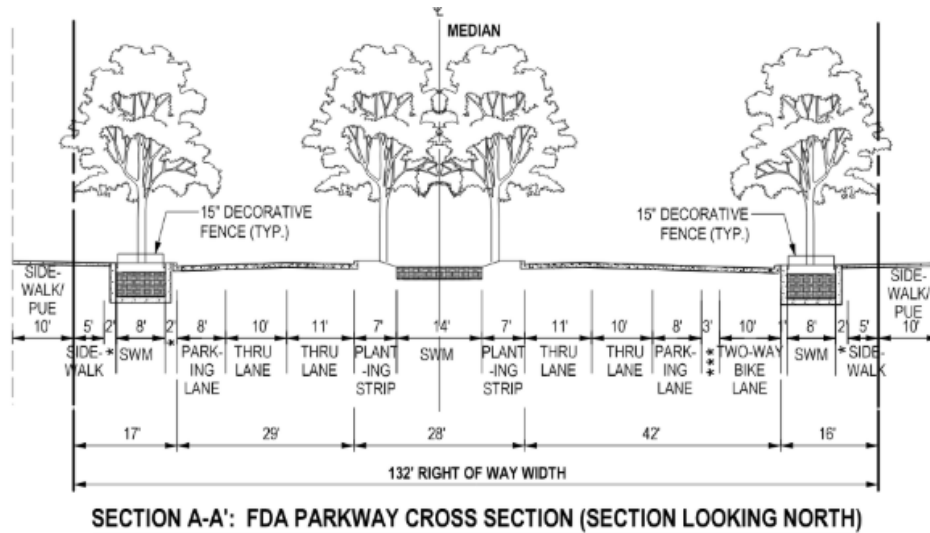


Figure 19: Approved Viva White Oak Way cross section, Preliminary Plan No. 120180240

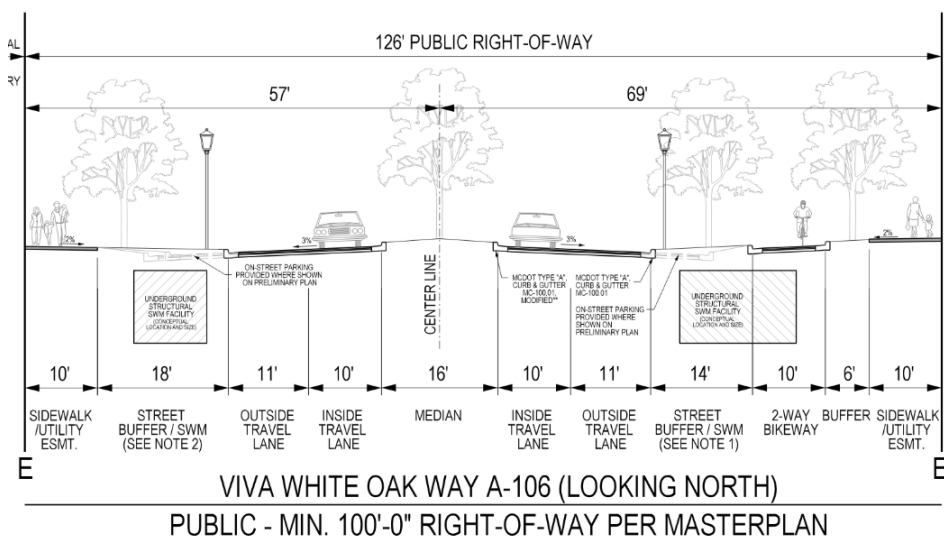


Figure 20: Proposed Viva White Oak Way

At 80 feet wide, the proposed Street B-5 right-of-way width is unchanged from the approved cross section (Figures 21 and 22). However, the parking lanes are eliminated in the proposed cross-section, and the street buffers are expanded to accommodate the underground stormwater management structures. Street parking is provided in some areas along Street B-5. Per MCDOT requirements, the Applicant will provide a traffic circle that allows County trucks to turn around between Street B-5 (a public road) and Healing Way, an existing private street owned by adjacent Washington Adventist Hospital.

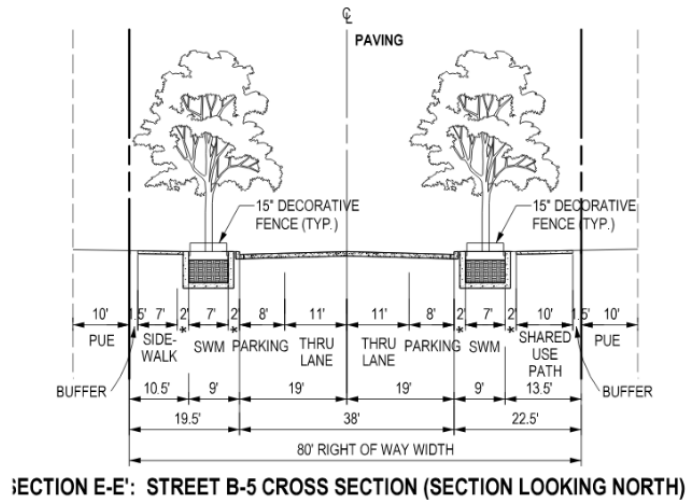


Figure 21: Approved Street B-5 Cross Section, Preliminary Plan No. 120180240

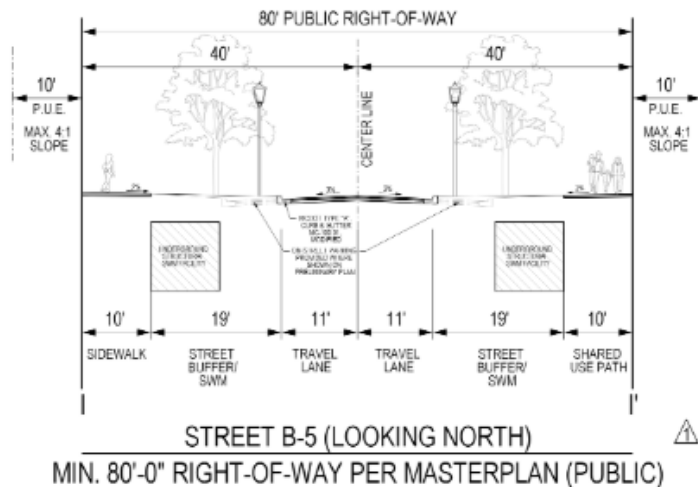


Figure 22: Proposed Street B-5 Cross Section

Viva White Oak
Nos. 320240080, 12018024A, F20240840

The Amendment includes a cross section for frontage improvements along the Property's Cherry Hill Road frontage that were not included with the Initial Preliminary Plan (Figure 23). The Applicant worked with MCDOT to design bicycle and pedestrian improvements that will be consistent with the MCDOT Cherry Hill Road Bikeway project (CIP No. 0502314) currently in the design phase along this segment of Cherry Hill Road. The Applicant will construct a ten-foot, two-way bikeway along the Property frontage, with a three-foot street buffer. Along the Property frontage, Cherry Hill Road has a variable right-of-way width that ranges from 80 feet to over 120 feet wide. The Applicant will dedicate land along Cherry Hill Road to achieve a minimum 90-foot-wide right-of-way and to accommodate the proposed sidewalk and bikeway where existing right-of-way width is 90 feet or more.

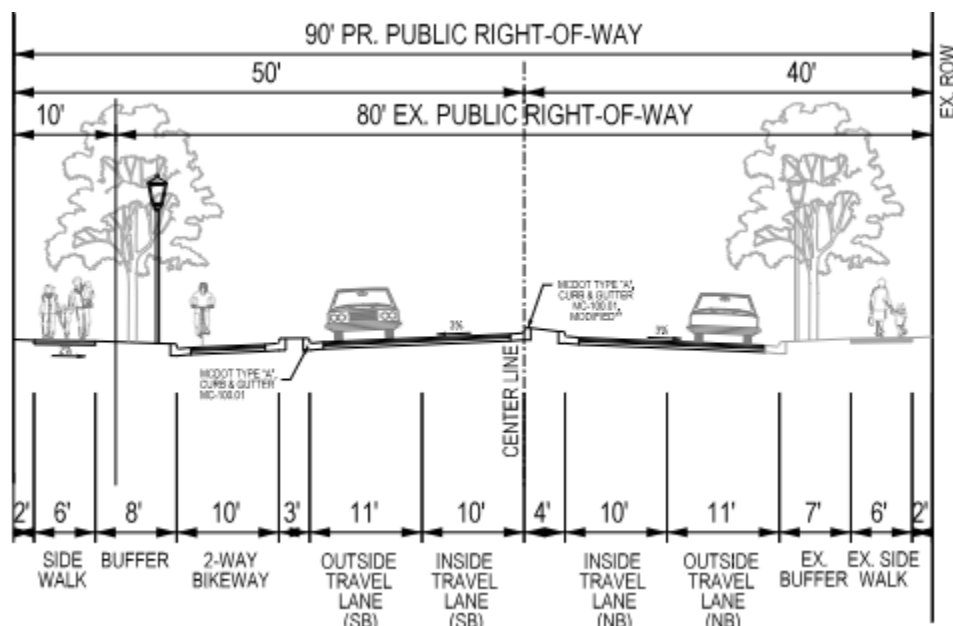


Figure 23: Proposed Cherry Hill Road Cross-Section, approximately 660 feet north of the FDA Boulevard/Cherry Hill Road intersection

ENVIRONMENT

Remediation of Percontee Site

A reclamation grading plan (MDE Surface Mining Permit #93-SP-0430) for the Percontee Site is under review by MDE and will be implemented and closed out prior to commencement of road construction. The Applicant plans to participate in MDE's Voluntary Cleanup Program to remediate the Percontee Site.

Forest Conservation

FCP No. F20240840, as conditioned, only covers Site 2 with this Application. On Site 2, the Applicant proposes to clear approximately one acre of forest, with the final amount to be determined by the Certified FCP, for construction of the master-planned public roads. Reforestation will take place on site.

SECTION 5: COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements, and a pre-submittal public meeting was held for the Sketch Plan on May 7, 2024 (Preliminary Plan Amendments do not require pre-submittal meetings). Attendees asked the Applicant team a number of questions at the meeting (Attachment E). In their answers to community questions, the Applicant team provided the following information about the Project that may be relevant to the Planning Board approval:

- Multifamily, townhouse, and two-over-two buildings will be provided.
- The mix of uses proposed in the Sketch Plan would allow a convention center to be constructed if supported by the market.
- Although traffic issues on Old Columbia Pike are unrelated to the Project, the Applicant supports the community and County's efforts to improve traffic and pedestrian safety on Old Columbia Pike and the road network surrounding the project and will assist with these efforts as best they can.
- The residential units are expected to be a mix of rental apartment units and for-sale condominium townhouses and two-over-two units.

Staff received a few email and phone call inquiries while reviewing the Project (Attachment D). Community members asked about the status of the Project, the mining reclamation permit, and the Project's urban design. Staff has not received any correspondence in opposition to the Project.

SECTION 6: SKETCH PLAN 320240080 FINDINGS AND ANALYSIS

The purpose of a Sketch Plan is to identify general land uses, development intensity, and public benefits for the optional method of development in the CR, CRT, EOF or LSC zones. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, heights and anticipated uses, the locations of open and public use spaces, the general circulation patterns for all modes of transportation, an estimated range of peak hour trips and relationships between existing or proposed adjacent buildings and rights-of-way. Details of the proposed development are determined during Preliminary and Site Plan review. Section 59.7.3.3.E of the Zoning Ordinance states: “To approve a Sketch Plan, the Planning Board must find that the following elements are appropriate in concept and appropriate for further detailed review at Site Plan. The Sketch Plan must:”

1. *Meet the objectives, general requirements, and standards of this Chapter;*

Section 59-4.5.4 of the Zoning Ordinance sets forth the development standards for the Optional Method of Development within the CR Zone. The proposed development will satisfy the applicable development standards for the Optional Method of Development in the CR Zone. The Sketch Plan meets the development standards of Section 59-4.5.4, as shown in Table 1. Parking requirements will be determined at Site Plan(s) based on the square footage of non-residential uses, and number and type of residential dwelling units.

Table 1: Viva White Oak Sketch Plan Data Table for CR-1.0, C-1.0, R-0.5, H-220 Zone, Optional Method

Development Standard	Permitted/ Required	Proposed
Tract Area (ac/sf)	n/a	279.62/12,180,270
Prior Dedication (ac)	n/a	0
Proposed Dedication (ac)	n/a	
Viva White Oak Pkwy		9.54
Cherry Hill Rd		0.12
B-5		1.55
Total Dedications		11.21
Site Area (ac)	n/a	
Tract Area minus dedications		267.25
Remainder from realigned FDA Blvd ¹		1.16
Total Site Area ²		269.57
Density (max sf GFA/FAR)		
Residential	6,090,135/0.5	6,090,135/0.5
Commercial	12,180,270/1.0	12,180,270/1.0
Total	12,180,270/1.0	12,180,270/1.0
MPDU requirement (min)	12.5%	12.5%
Building Height (max ft)	220	220
Open Space (min ac)	26.95 (10%)	57.5 (21.5%) ³

¹ The area of the existing FDA Blvd Parcel minus the area of the proposed FDA parcel

² Total Site Area is the tract area minus dedications plus the excess land absorbed into the Site after the realignment of FDA Boulevard.

³ The Open Space shown in the Sketch Plan is illustrative, and the designation of public and common open space will be determined at Site Plan.

a) Implement the recommendations of applicable master plans

Overall Plan Vision

The Sketch Plan substantially conforms to the recommendations for the Property included in the 2014 *White Oak Science Gateway Master Plan* (Master Plan or Plan) and has been designed to incorporate the Plan's 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 and the Master Plan contemplates the Property as a town center for the broader community with a diverse mix of uses within a walkable neighborhood (page 27). The Sketch Plan fulfills the Plan's vision by providing office, commercial, retail, hotel, civic, multifamily and townhouse uses connected through a

network of sidewalks, trails and bike paths; and an assortment of parks, plazas, greens, and open spaces designed to draw residents from the larger White Oak community.

Land Uses

The Master Plan has the following land use recommendations for the Property:

- Locate uses on the Property that are likely to create an active town center (page 48)
- Include community-gathering attractions such as entertainment venues, shops, restaurants, wide sidewalks for outdoor dining and merchandising (page 48)

The Project includes a mix of office, residential, conference center/lodging, retail, and restaurant uses designed to create an active development. The Project also includes sites for a public elementary school and local park that will complement the proposed residential and commercial development. Overall, as this multi-phased long-term Project builds out, implementing Site Plans will include an appropriate mix and balance of uses based on market conditions and in furtherance of the goals of the Master Plan.

It is anticipated that the new main street in the Eastern Mixed-use Neighborhood will include a variety of shops and restaurants and will provide wide sidewalks and outdoor dining opportunities. Design of the main street and streetscape will be determined at a future Preliminary and Site Plan.

Public Facilities

The Master Plan has the following recommendations for public facilities on the Property:

- A collocated elementary school and local park (pages 47, 89)
- A possible childcare center located with the new elementary school (page 91)
- Consideration for locating a prominent County run facility on the Property and potential for co-location of such a facility with the local park (pages 48, 89)
- Potential collaborations with State, Federal, and/or agencies (page 48)
- A local park with an adult sized rectangular field and other amenities that may include a community garden, dog park, basketball courts, community open space, urban wooded areas (page 89).
- Montgomery Parks should consider synthetic turf and lighting to provide longer hours of use for athletic field and higher overall capacity (page 89)
- On-street parking to the extent possible near the local park (pages 89-90)

- Montgomery Parks should assume a reduction from the typical parking standards since many park users could walk or take transit to the Park (pages 89-90)
- A trailhead with interpretive signage on parkland natural surface trail to the stream along the old roadbed, at the eastern edge of the park (page 90)
- 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 (page 90)
- A sustainably designed multi-use natural surface trail connecting the Plan area to Martin Luther King Recreational Park (page 90)

The Project proposes a minimum nine-acre collocated elementary school, for dedication to MCPS, and a Local Park (Park), for dedication to Montgomery Parks. MCPS and Montgomery Parks have coordinated with Planning Staff and the Applicant on conceptual design parameters that are currently shown on the Sketch Plan. The conceptual Park design includes a large adult-sized rectangular athletic field and other amenities including two smaller courts. The final size and location of the lots for the collocated school and park will be determined during a subsequent Preliminary Plan Amendment. While the Sketch Plan does not preclude a childcare located within the elementary school, a proposed daycare facility is located close to the school, in another location in the Central Neighborhood. The Project will provide on-street parking along Viva White Oak Way in the vicinity of the School and Park to provide additional parking for these uses. During subsequent regulatory review, additional on-street parking on the streets adjacent the School and Park sites will be determined.

There are currently no trails within Paint Branch Stream Valley Park that connect with the Property, and steep slopes in this area may preclude creation of such trails.

Although the current proposal does not include additional County, State or Federal facilities, the Sketch Plan does not preclude the establishment of such facilities in the future. Many locations in the Central and Eastern neighborhoods would be appropriate locations for a government agency or facility.

Urban Design

The Master Plan has the following urban design recommendations:

- Concentrate 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)
- Consider orienting buildings along a perimeter road (with a shared use path) adjacent to and overlooking Paint Branch Stream Valley Park to create a scenic route for driving, walking, and biking (pages 47-48)
- 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 (page 49)
- To reinforce public access to the edge of the stream valley, there should be no private lots backing up to the stream valley park (page 90)

The Sketch Plan shows the tallest buildings in the core areas of the Property along Viva White Oak 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.

Both surface and structured parking is anticipated to be provided with the Project. Structured parking will be located behind buildings wherever possible or must be lined with uses at the ground level to enhance the appearance of the community and to activate the adjacent streetscape. Where surface parking abuts the street, appropriate screening must be provided. Except for the large format retail site located in the southwestern corner of the Eastern Neighborhood, no other buildings at Viva should have parking located between the building and the street.

Front-loaded townhouses back up to some areas of the Paint Branch stream valley in the Sketch Plan. Staff recommends eliminating rear-loaded townhouses to the extent possible to allow access and views into this stream valley.

Mobility/Transportation

The Master Plan has the following transportation/mobility recommendations that are applicable to the Project:

- A prominent civic promenade that can serve as a community focal point by extending Industrial Parkway and connecting it with FDA Boulevard to form a “main street” (pages 48, 49)
- Extension and connection of dead-end roads (page 50)

- A hierarchical street grid network and connections to nearby facilities (pages 48, 49)
- Tree-lined streets that link to the various uses and open spaces (page 49)
- Multi-modal transportation that may include shuttles, buses, cars and car sharing, bicycles, and extensive sidewalks and trails (page 49)
- A trail and bikeway system that connects perimeter trails to destinations throughout the development and adjacent properties (page 90)
- Extension of BRT, running in mixed traffic, into the Project (page 61)
- A 30% non-auto driver mode share goal (page 65)

The Sketch Plan provides FDA Boulevard and Viva White Oak Way that can serve as a prominent civic promenade and community focal point for the Project. The Sketch Plan includes proposed connections to the FDA campus, Washington Adventist Hospital, and existing commercial development along Industrial Parkway/Tech Road. Industrial Parkway will be extended as Viva White Oak Way, A-106, into the Property from its current terminus and will connect with FDA Boulevard, providing through access to both Route 29 and Cherry Hill Road. New Road B-5 will provide an additional connection to Plum Orchard Drive. The road network will help integrate the Project with the surrounding community and uses, specifically by extending Industrial Parkway into the site and connecting it with FDA Boulevard.

The Applicant is proposing 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, for internal roads other than Viva White Oak Way, FDA Boulevard, and Road B-5, will be determined at subsequent Preliminary Plan and Site Plan(s) reviews. Streets are designed to be walkable, pedestrian friendly, and provide well-integrated and efficient pedestrian circulation throughout the proposed development. The interconnected system of sidewalks, pathways, open spaces, activity centers, and trailheads will encourage walking and community interaction. 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. Bicycle lanes and multiuse paths are also included to provide additional opportunities for mobility and connectivity to adjacent and nearby land uses.

Potential locations for BRT stations are shown along FDA Boulevard which, along with the BRT station along Route 29, could encourage future transit use. The Project will have dedicated bike lanes, shared-use paths, and an extensive sidewalk network that will encourage activity and alternative transportation options.

Transportation Demand Management (TDM) provisions of County Code 42A-26 apply to the Project, and the Applicant will be required to commit to a Level 3 TDM Results Plan to achieve a project Non-Auto Driver Mode Share (NADMS) goal of 40%, which is 10% higher than the base 30% NADMS goal for the White Oak TMD - Life Sciences/FDA Village Center.

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

A trail along the perimeter of the Paint Branch Park is proposed and will serve as a significant amenity that will provide access and encourage use of the Park. The Sketch Plan shows some private lots backing up to the Stream Valley Park, but the design and layout of development adjacent to the Park will be determined at Site Plan.

Open Space

The Master Plan has the following open space recommendations for the Project:

- New development on the Property should provide extensive open space opportunities (page 89)
- A central public space in the town center for community gatherings, supplemented by smaller public spaces or public squares (page 48)
- A civic green and streetscape that could accommodate community festivals and/or holiday celebrations (page 48)
- A one-acre formally planned, flexible, programmable Civic Green, with a central lawn area in the highest density cluster of retail and residential uses (pages 89-90)
- 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 (page 49)
- Privately owned urban parks for each district in the development with open lawn areas, shaded seating, play structures, community gardens, and dog spots, or similar facilities (page 89)

As shown on the Open Space Plan, the Project includes open spaces of varying sizes for passive and active recreation. These spaces will be linked by trails creating a robust open space network. The open spaces are both formal and informal open spaces and parks, greens, and plazas. 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. The areas preserved as stream valley buffer will provide passive recreational opportunities, while other open spaces will be for active recreational uses and gathering. A system of pedestrian trails including comfortable streetscapes and trails link these open spaces.

The Sketch Plan shows a Civic Green between the west side of the West Farm Branch and the multifamily buildings in the Central Neighborhood. The proposed location of the Civic Green is not ideal because it is located behind a multifamily building rather than a more highly visible central location. As conditioned, the Civic Green must be a minimum of one acre, relatively flat, and in a highly visible central location.

Appropriate locations for other open space facilities recommended in the Plan including a community garden, dog park, basketball courts, community open space, urban wooded areas, and play areas are shown in conceptual locations in the Sketch Plan. Locations and design of these facilities will be determined at subsequent Preliminary and Site Plans.

Environment

The Master Plan has the following environmental recommendations for the Property:

- Orient development to maximize exposure to the natural environment (pages 73, 74)
- Avoid new stream crossings and use existing stream crossings where possible (page 73)
- Minimize disturbance of steep slopes, environmental buffers and forest for development and trails (pages 69, 73, 74)
- Restore and protect streams and buffers, while still allowing non-motorized access and visibility (page 73)
- Work with adjacent property owners to create a trail system to take advantage of natural features (page 73)
- Integrate stormwater management as urban design features (page 73)

- Preserve and plant forest adjoining existing areas of forest on adjacent properties (page 73)
- Investigate options for local energy production and power generation (page 72)
- Work with WSSC to ensure adequate sewer volume at time of development (page 73)
- Minimize disturbance in Paint Branch and investigate option of extending the sewer line in Cherry Hill Road (page 73)
- Intensive investigation of subsurface conditions may be required at time of development of Site 2 (page 74)
- Stream and buffer restoration efforts should coincide with any cleanup and removal of contaminated materials on Site 2 if necessary (page 74)
- Designate approximately 20 acres of steeply sloped mature forest along the Paint Branch Stream Valley Park as a Legacy Open Space Natural Resource site through easement and/or dedication to Parks (page 90)

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. Disturbance of these areas will be minimized to the extent possible. The Project will utilize the existing bridge over the West Farm Branch on FDA Boulevard, and no new stream crossings for the internal vehicular circulation are proposed.

The Project will preserve the entire portion of the stream buffer on the Property, totaling approximately 36 acres. The Applicant intends to protect the steeply sloped, mature forest along the Paint Branch Stream Valley Park through conservation easements that will serve as a buffer between the Park and the Project.

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. Site 2 has been approved for residential fee simple development, but use of groundwater is prohibited. Grading of the Percontee Site is expected as part of the State-issued Maryland Department of the Environment Reclamation Permit, however, new development will minimize disturbance of steep slopes to the extent feasible.

The Applicant gained approval from DPS to construct underground storage vaults to treat stormwater from FDA Boulevard, Viva White Oak Parkway, and Road B-5. Staff encourages the Applicant to use ESD facilities throughout the rest of the Project.

The Project will comply with applicable Forest Conservation requirements. When possible, on-site planting will be used to meet such requirements. Staff encourages the Applicant to explore options for power generation and energy conservation at subsequent Preliminary Plan and Site Plan(s) reviews.

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.

Trails proposed 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. The Sketch Plan includes pedestrian trails along both edges of the West Farm Branch tributary that goes through the Property. Final design and location of trails and bike facilities will be determined at Site Plan.

Public Benefit Points

The Plan has the following recommendations about public benefit points:

- 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).

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(s) proposed on the Property. The Applicant is also proposing to utilize the Connectivity and Mobility category through advance dedication, through-block connections, and wayfinding. In addition, the Applicant will enter into a Traffic Demand

Management Agreement 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 many of the amenities listed on pages 89-90 of the Master Plan.

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

Although this is not applicable since the Property is comprised of a former WSSC facility, and a concrete recycling and sand and gravel operation, the proposed development will provide a mix of uses on former industrial sites.

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

The Project will provide a wide range of residential housing types, including multifamily, townhouses, and two over twos. Mobility options in the area will be greatly improved by the proposed network of streets and pedestrian connections, bicycle facilities, and the potential BRT route through the Property.

The Property is envisioned as a town center with hotel, retail, office and restaurant uses. The Project will provide multiple public facilities and amenities as recommended by the Master Plan, including parks, open spaces, plazas, greens, a school site, and spaces for civic uses. The Project will provide for parking primarily with structured parking and street parking. The Sketch Plan shows buildings lining the majority of streets, with a few exceptions to allow for larger format retail. Surface parking lots will primarily be provided where deemed appropriate and must be screened from adjacent streets. As discussed in the Staff Report, the Applicant has coordinated with staff to mitigate the visual impact of the proposed large format retail and surface parking, located at the southwest corner of the Eastern Neighborhood, by providing an approximately 100-foot-wide linear park and

retail building between the parking lot and FDA Boulevard.

d) Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.

The Project will provide a mix of uses on-site, including office, hotel, retail, and restaurant and a variety of different types of residential uses. The highest densities and heights are proposed along FDA Boulevard and Viva White Oak Way, generally stepping down toward the Western Neighborhood.

The Project achieves compatibility with surrounding development by stepping down the proposed densities and heights near the Property boundaries, where appropriate. Thus, the heights and densities proposed by the Project are compatible and provide appropriate transitions to the surrounding development.

e) Integrate an appropriate balance of employment and housing opportunities.

The Project provides a substantial amount of new residential development through a variety of housing options including, multifamily, townhouses, and two over twos. The proposed residential units will be a combination of both market-rate units and MPDUs. The Project also proposes office, hotel, retail, and restaurant uses. The Project proposes an appropriate balance of employment and housing opportunities consistent with the recommendations in the Master Plan.

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

The Project will provide the required 100 public benefit points from a minimum of four categories to achieve the desired incentive density above the standard method limit. Final determination of public benefit points will be determined at the time of Site Plan.

2. Substantially conforms to the recommendations of the applicable master plan:

As discussed in finding 1a, the Project substantially conforms with the recommendations of the 2014 *White Oak Science Gateway Master Plan*.

3. Satisfy any development plan or schematic development plan in effect on October 29, 2014;

Not applicable; the Property is not subject to a development plan or schematic development plan.

4. Under Section 7.7.1.B.5, for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment, satisfy any green area requirement in effect on October 29, 2014; any green area under this provision includes and is not in addition to any open space requirement of the property's zoning on October 30, 2014;

Not applicable; the Zoning on October 29, 2014 was not the result of a Local Map Amendment.

5. Achieve 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 are intended to create synergy with the FDA campus and the surrounding neighborhood. The Project proposes to expand the park-like setting on the adjoining Washington Adventist Hospital property by providing additional green area and a (privately owned, publicly accessible) stream valley park around the West Farm Tributary. The proposed vehicular, bicycle, and pedestrian connections will integrate and complement the surrounding neighborhood.

6. 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 the FDA campus, 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, trails, street trees, street furnishings, and on-street parking. Adequate parking will be provided on-site, primarily with structured and street parking, and will accommodate all users of the Property. Access to parking and loading will be strategically located to minimize pedestrian-vehicular conflicts, with details to be finalized at Site Plan. Some surface parking will be allowed where appropriate, but it must be adequately screened from adjacent streets.

7. *Propose an outline of public benefits that supports the requested incentive density and is appropriate for the specific community;*

Taking into account the considerations in Section 59.4.7.1.B, including the recommendations and objectives of the Master Plan and any applicable design guidelines, the 2017 *CR Incentive Density Implementation Guidelines*, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site, as described below.

For the proposed development, the Zoning Ordinance requires 100 points in four categories. The Applicant proposes to exceed the 100-point requirement utilizing six categories. Although at the time of Sketch Plan review only an outline of public benefits needs to be approved, the following table shows both the categories and points for the public benefits requested at Sketch Plan to demonstrate the project's ability to meet the requirement to provide sufficient benefit points. Staff supports the proposed outline of public benefits, and further details will be determined with future Site Plans.

Table 2 Public Benefit Calculations- Division 59-4.7

Public Benefit	Maximum Points Allowed	Proposed
Major Public Facilities	70	3.12
Transit Proximity	50	23.46
Connectivity and Mobility		
Advance Dedication	30	4.15
Through-Block Connections	20	10
Wayfinding	10	5
Diversity of Uses and Activities		
Care Centers	20	10
Dwelling Unit Mix	10	5
Small Business Opportunities	20	10
Quality Building and Site Design		
Exceptional Design	10	5
Public Open Space	20	11.21
Public Art	15	7.5
Protection and Enhancement of the Natural Environment		
Building Lot Terminations (BLT)	30	30
Tree Canopy	15	7.5
Vegetated Area	10	5
Total Points	100 required	136.94

MAJOR PUBLIC FACILITIES

School site: The Applicant requests 3.12 points for the dedication of approximately 4.21 acres (183,451.38 square feet) 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, and the development to be eligible for Level 2 transit as defined in the Zoning Ordinance. Due to the size of the Property, this will qualify as a split proximity-range project and 23.46 points are requested.

CONNECTIVITY AND MOBILITY

Advance Dedication

The Applicant requests 4.15 points for advance dedication of approximately 11.13 acres (484,489 square feet) of right-of-way for Viva White Oak Parkway, (A-106, Industrial Parkway extended) Road B-5, and frontage on Cherry Hill Road. 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 ten through-block connections to promote improved pedestrian connectivity between different uses, amenities, trails, and parks. Some of the connections shown on the Sketch Plan may not qualify for public benefit points under the CR Incentive Density Guidelines. Details about each through-block connection will be determined and points will be granted, as applicable, at Site Plan(s).

Wayfinding

The Applicant requests 5 points for providing a wayfinding 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. The Sketch Plan shows a conceptual location for the care center in the Central Mixed-Use Neighborhood adjacent to the elementary school site.

DWELLING UNIT MIX

The Applicant requests five (5) points for integrating a mix of residential market-rate multifamily unit types with at least 7.5% efficiency units, 8% one- and two-bedroom units, and 5% three- or more bedroom units; the proportional number of MPDUs for each unit type must satisfy Chapter 25A.

SMALL BUSINESS OPPORTUNITIES

The Applicant requests to provide at least three retail spaces of 5,000 square feet or less for small businesses and is requesting 10 points.

QUALITY 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. It is anticipated that several buildings in the project will incorporate design elements to achieve up to 5 public benefits with points for exceptional design to be determined at the time of Site Plan. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, and heights.

Public Open Space

The Applicant requests 11.21 points for providing approximately 30.23 acres (1,316,949.64 square feet) of public open space beyond the requirement. 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 throughout the Project. 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.

PROTECTION AND ENHANCEMENT OF THE NATURAL ENVIRONMENT

Building Lot Terminations (BLT)

The Applicant requests the full 30 points permitted for the purchase of 14.5 BLTs. BLT requirements will be determined based on the density of each subsequent Site Plan approval.

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. 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 be part of the required public open space or open space used for incentive density, vegetated roofs, or stormwater management facilities. The Sketch Plan shows vegetated areas in the Central and Eastern Mixed-Use Neighborhoods. At the time of Site Plan, the Applicant will provide additional details on meeting the vegetated area criteria.

8. *Establish a feasible and appropriate provisional 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. While the Sketch Plan encompasses the entire Project, the Applicant will seek a Preliminary Plan Amendment and Site Plan approval for each phase/sub phase of development.

The phasing plan requires flexibility to respond to market conditions, while implementing the vision and requirements established by the Master Plan. 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. All sidewalks, bike facilities, dedications, open spaces, plazas, greens, and parks must be delivered during construction of the Phase they are located in, with specific timing to be determined at subsequent Preliminary Plan and/or Site Plan(s) approvals. The Applicant must provide public benefits with each phase proportional to the level of development constructed within that phase.

SECTION 7: PRELIMINARY PLAN 12018024A FINDINGS AND ANALYSIS

The Planning Board previously approved Preliminary Plan No. 120180240, MCPB No. 18-100, 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 campus; establish the cross-section and right-of-way widths for dedication of Master Plan roads Viva White Oak Parkway (formerly FDA Parkway) (A-106), FDA Boulevard (B-10) and B-5; include approval of the Preliminary Forest Conservation Plan; 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.

Preliminary Plan Amendment No. 12018024A requests to adjust street sections and right-of-way widths and determine design details for master-planned roads A-106, B-5, and B-10, adjust stormwater management facilities provided within master-planned road rights-of-way, and adjust the limits of disturbance for the construction of the updated master-planned roads. Previous findings of approval remain in full force and effect except as modified below.

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

The Preliminary Plan Amendment (“Amendment”) is an Infrastructure Plan that proposes parcels for the public roads and illustrative lots for development, and outlots for areas of stream valley buffer. The Amendment also shows an illustrative location for the proposed MCPS elementary school and Montgomery Parks Local Park. Subsequent Preliminary Plan Amendments will be filed to subdivide the Property into developable lots and blocks and to refine the internal public and/or private road network. As the Property builds out, the development will provide important connections to the FDA campus, Washington Adventist Hospital, White Oak Medical Center, and the existing commercial development along Industrial Parkway/Tech Road.

While no development, beyond construction of the master-planned roads, is proposed with this Preliminary Plan Amendment, Table 1 in Sketch Plan Finding No. 1 demonstrates that the Overall Property complies with Section 4.5.4 of the Zoning Ordinance. Additional review of the lots, blocks and the public and/or private road network will be necessary during subsequent Preliminary Plan Amendments and Site Plans.

2. The Preliminary Plan substantially conforms to the Master Plan

As discussed in Sketch Plan finding No. 1a, the Amendment substantially conforms to the 2014 *White Oak Science Gateway Master Plan*.

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

a) Roads and other Transportation Facilities

i. Existing Facilities

FDA Boulevard currently bisects the Percontee Site and connects Cherry Hill Road to an entry gate on the northern side of the FDA campus. The road is in a separate tax parcel owned by the Federal Government and varies from approximately 115 feet wide to 365 feet wide. Pursuant to a 2013 agreement, the U.S. General Services Administration (GSA) granted the County a perpetual easement allowing the County to use and maintain FDA Boulevard as a public road.

FDA Boulevard has two vehicle travel lanes in each direction, with a sidewalk and grass panel buffer on the south side, and an asphalt sidepath with grass panel buffer on the north side. There are no street trees along FDA Boulevard.

Cherry Hill Road has a variable right-of-way width that ranges from 80 feet to over 120 feet wide. The Property's Cherry Hill Road frontage has an approximately five-foot-wide existing sidewalk with an approximately seven-foot-wide buffer. There are no street trees along the Property's Cherry Hill Road frontage.

A bus stop near the corner of FDA Boulevard and Cherry Hill Road serves Ride On Bus Route 27 between the Hillandale Transit Center and the Tech Road Park and Ride. A bus stop located at the Cherry Hill Road and Gracefield Road intersection, north of the Property, serves WMATA Route R2 between Calverton and Fort Totten.

ii. Proposed public transportation infrastructure

Cherry Hill Road

The *Master Plan of Highways and Transitways* (MPOHT) classifies Cherry Hill Road as a four lane Downtown Boulevard with a minimum right-of-way width of 90 feet and a planned BRT route. The 2018 *Bicycle Master Plan* recommends a separated bike lane along the west side of Cherry Hill Road.

As conditioned, the Amendment provides dedication of at least 45 feet from the centerline and sufficient right-of-way width along the Property's Cherry Hill Road frontage to include the sidewalk and bicycle infrastructure within the right-of-way³. The Applicant will also construct a six-foot-wide sidewalk, eight-foot-wide pedestrian and bicycle buffer, a 10-foot-wide, two-way separated bikeway, and three-foot-wide street buffer along Cherry Hill Road. This frontage improvement is consistent with the MCDOT Cherry Hill Road Bike Facility Project (CIP 0502314) that is currently in the design phase for this segment of Cherry Hill Road.

FDA Boulevard

FDA Boulevard is classified in the MPOHT as a four-lane Downtown Boulevard with a minimum right-of-way width of 100 feet and planned BRT. The 2018 *Bicycle Master Plan* recommends separated bike lanes along both sides of FDA Boulevard.

The Amendment provides a 126-foot-wide right-of-way with 10-foot-wide sidewalks and minimum six-foot wide sidewalk buffers on both sides of the road, and a ten-foot wide, two-way bikeway with a 14 foot-wide street buffer on the north side of FDA Boulevard.

Viva White Oak Way

Viva White Oak Way (Industrial Parkway extended) is classified in the MPOHT as a four lane Downtown Boulevard with a minimum right-of-way width of 100 feet and planned BRT. The 2018 *Bicycle Master Plan* recommends separated bike lanes along both sides of Viva White Oak Way.

The Amendment proposes a 126-foot-wide right-of-way width with 10-foot-wide sidewalks on both sides, minimum six-foot pedestrian/bicycle buffers, a two-way, ten-foot-wide bikeway on the eastern side of the road with a 14-foot-wide street buffer.

Street B-5

³ A portion of the Cherry Hill Road frontage improvements will be within the area owned by GSA, but publicly accessible and maintained by MCDOT through a perpetual access agreement.

The MPOHT classifies Street B-5 as a Downtown Street with a minimum right-of-way width of 70 feet. The 2018 *Bicycle Master Plan* recommends a separated bike lane.

The Amendment provides Street B-5 as an 80-foot-wide right-of-way. The west side of Street B-5 has a 10-foot-wide sidewalk and 19-foot-wide street buffer, with a 10-foot-wide shared use path and 19-foot -wide street buffer on the east side.

iii. ***Proposed private transportation infrastructure***

At this time, no private transportation infrastructure is proposed, but future preliminary plan amendments will likely include private roads.

b) Local Area Transportation Review (LATR)

The Project is located within the White Oak Local Area Transportation Improvement Program (LATIP) area. As such, the project is not subject to the County's Local Area Transportation Review (LATR). In the White Oak LATIP District, Applicants must pay a fee to the County based on the number of trips a proposed project will generate. An Applicant may also implement LATIP improvements as a credit applied toward the required fee.

c) Transportation Management

Transportation Demand Management (TDM) provisions of County Code 42A-26 apply to the Project. The Project is located in the White Oak Transportation Management District (TMD) and is an Orange Policy Area, triggering a requirement for a Level 3 TDM Results Plan. A Level 3 TDM Results Plan requires a commitment by the Applicant to achieve a project Non-Auto Driver Mode Share (NADMS) goal of 40%, which is 10% higher than the base 30% NADMS goal for the White Oak TMD - Life Sciences/FDA Village Center (for residents and employees blended), and related commuting goals for that Project.

d) Schools

This Amendment does not authorize construction of any residential units. School adequacy will be determined for any subsequent Preliminary Plan amendment that includes residential development. The Amendment also illustratively depicts a 9-acre minimum collocated school and park site. MCPS and Montgomery Parks prefer to delay dedication until the road network and lots that surround the school/park site are

determined. The timing of dedication will be determined in a future phase when a Preliminary Plan is submitted for any residential development west of the West Farm Tributary.

e) *Other Public Facilities and Services*

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 Growth and Infrastructure Policy currently in effect. Electric, gas and telecommunications services are currently available and adequate.

f) *Adequate Public Facilities (APF) and Preliminary Plan Validity*

With approval of the Initial Preliminary Plan, the Planning Board established that, from a transportation perspective, APF and Preliminary Plan Validity analysis is not necessary at this time, provided all necessary master-planned roads are constructed, the LATIP Fee is paid, and all other public facilities are deemed adequate during a subsequent Preliminary Plan.

The Initial Preliminary Plan further established that the schools test portion of APF is satisfied at this time if the Applicant dedicates a nine-acre co-located school and park site. The Amendment updates the timing of the dedication per the request of MCPS and Montgomery Parks, to align with residential development and the surrounding road network on the portion of the Property west of the West Farm Tributary. School adequacy and other public facilities will be tested at subsequent Preliminary Plan Amendments, and, if necessary, APF Validity periods and phasing will be assigned at that time.

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

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County

Planning Department's Environmental Guidelines as further discussed in the findings for Forest Conservation Plan F20240840.

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

DPS approved a Combined Stormwater Management Concept/Site Development Stormwater Management Plan on May 9, 2025. The plan proposes to meet required stormwater management goals via the use of proprietary filtration structures with pretreatment.

- 6. Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.**

The Applicant has had no actual or constructive notice of a burial site on the Property, and the Property is not included in the Montgomery County Cemetery Inventory.

- 7. Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.**

No other provisions apply to the subdivision.

SECTION 8: FOREST CONSERVATION PLAN F20240840 FINDINGS AND ANALYSIS

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

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. The Forest Conservation Plan complies with the Montgomery County Environmental Guidelines and the Forest Conservation Law⁴, as conditioned and described further below.

NATURAL RESOURCE INVENTORY/FOREST STAND DELINEATION PLAN

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

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved for this Property on April 30, 2018. The total site acreage is 279.62 acres, and the site contains 61.68 acres of forest and 55 specimen trees. The NRI/FSD documented 4,990 linear feet of stream and 36.52 acres of stream buffer on the Property. The stream buffer included 3.93 acres of 100-year floodplain, 1.81 acres of wetlands, and 24.52 acres of forest. There were no documented occurrences of Rare, Threatened, or Endangered species on the site. The Property drains to the Paint Branch, which is a Maryland State Use Class III stream.

Since approval of the NRI/FSD, substantial additional disturbance has occurred on the site associated with the mining reclamation work on the Percontee Site and the removal of buildings and infrastructure and soil remediation on the former WSSC property. This work has been conducted under approved permits. The previously approved NRI/FSD and PFCP acknowledged that additional disturbances would occur and noted that any changes to natural resources on the site should be

⁴ Based on the initial acceptance date for the Subject Application, the Forest Conservation Plan is subject to the Forest Conservation Law in effect on April 4, 2023.

reflected on subsequent Forest Conservation Plan submissions. During the review of Preliminary/Final FCP No. F20240840, the Applicant submitted evidence that an area in the middle of the Property that was identified as a stream no longer met the criteria for designation as a stream with an associated stream buffer (Attachment F). The stream buffer surrounded an isolated stream section of Site 2, with the stream buffer extending south onto the Percontee Site. The submitted information included an assessment conducted by a wetland consulting firm, as well as statements from staff of the Maryland Department of the Environment (MDE) and U.S. Army Corps of Engineers (USACOE) who visited the site in December 2024. The MDE and USACOE staff stated that they did not observe conditions that would cause them to issue a jurisdictional determination that Waters of the United States or wetlands are present on the site.

While this information provided by the Applicant is useful, Montgomery County stream determinations are made by Planning staff by documenting characteristics of streams according to criteria in Appendix E of the Montgomery County Planning Department's *Environmental Guidelines*. Environmental staff of the Midcounty Planning Division made a field visit to the site on March 4, 2025 to reexamine the area and make an assessment regarding presence or absence of the previously identified intermittent stream in the middle of the Property. At this field visit, Staff observed substantial recent land disturbance, including a wall of soil on the adjacent Percontee Site coming right up to the property boundary of Site 2. This large area of fill is consistent with grading shown on the approved mining reclamation plan approved by MDE. The soil covered about 1.5 acres of the delineated stream and associated buffer. Additional disturbance associated with building and infrastructure removal and soil remediation was evident on the WSSC side of the property. The assessment conducted by Staff was unable to document sufficient stream characteristics to determine that an intermittent stream was still present on the site.

Staff suspects that the recent land disturbances have changed the hydrology of the site that once contributed to a periodically elevated groundwater table that would support an intermittent stream. While removal of a previously identified stream and its associated buffer is highly unusual in Staff's experience, the Viva site is unique in that it has an ongoing sand and gravel mining operation on the southern portion of the property (the Percontee Site), with valid mining permits and an approved reclamation plan overseen by the MDE. The northern portion of the Property (Site 2) is a former industrial site that is the subject of recent clearing and grading approved under a County Demolition Permit. These disturbances are not directly associated with the proposed development plans now under review but are the result of other recent and current approved actions under other plans and permits. Disturbances of such scope and magnitude can logically cause changes in drainage patterns and hydrology, but these disturbances are not due to actions by the current Applicant. The change reduces the total stream buffer area on the overall Property to 32.39 acres. Future Preliminary and

Site Plan applications should seek opportunities to compensate for the lost stream buffer by increasing stream buffer widths where possible on the site (stream buffer averaging) or other methods prescribed in Section IV.A.8.e.5 of the *Environmental Guidelines* to protect the Class III Paint Branch stream.

PRELIMINARY/FINAL FOREST CONSERVATION PLAN

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law (“FCL”) and the Montgomery County Planning Department’s Environmental Guidelines. As required by Chapter 22A, a Forest Conservation Plan (“FCP”) designated F20240840 was submitted with the Application.

The Percontee Site is subject to existing Forest Conservation Exemption No. 41998160E and as conditioned, Site 2 will be subject to Forest Conservation Plan No. F20240840 (Figure 24).

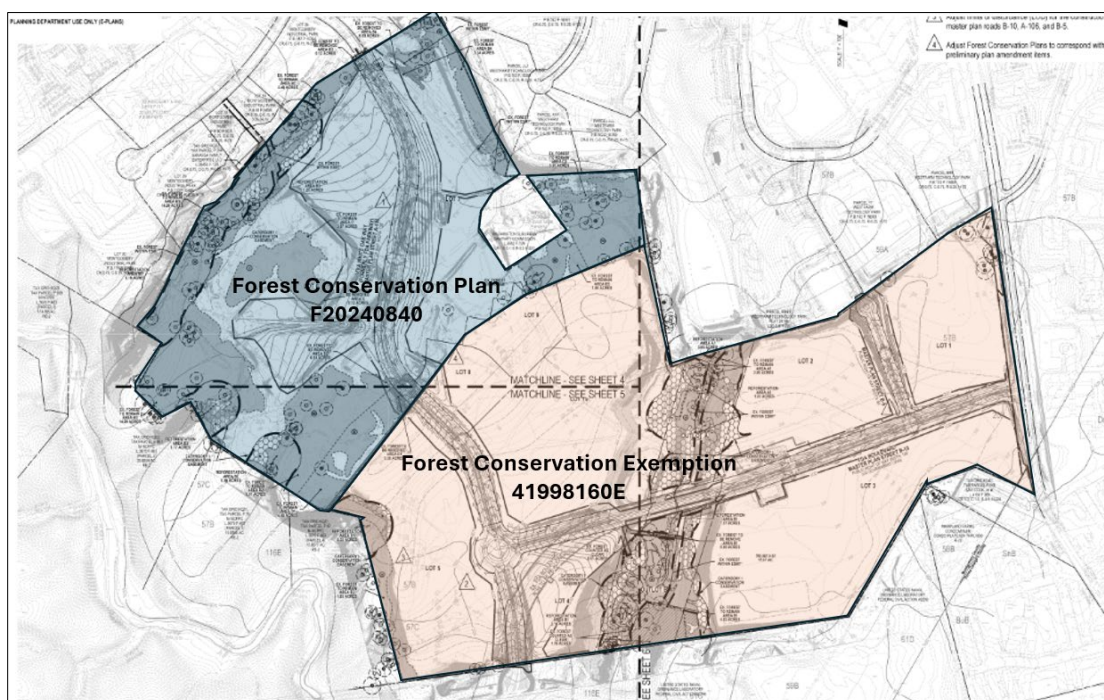


Figure 24: Area of FCP F20240840 and FCE 41998160E

Forest Conservation Exemption

Disturbance associated with the mining operation and site reclamation are being conducted under a permit administered by the MDE (MDE Surface Mining Permit #93-SP-0430). Forest conservation law

Viva White Oak
Nos. 320240080, 12018024A, F20240840

compliance is covered by Forest Conservation Exemption 41998160E, which was approved by Planning Staff on January 26, 1998 under Section 22A-5(i) (non-coal surface mining) of the Forest Conservation Law.

Forest Conservation Plan

The Applicant is required to modify the submitted Forest Conservation Plan No. F20240840 prior to certification by limiting the area covered by the FCP to only the area of Site 2. This will reduce the Net Tract Area to approximately 110 acres, forest retained to around 40 acres, and forest removed to approximately 1 acre. Based on these approximations, the resulting forest mitigation planting requirement would be around 2 acres. The submitted FCP includes areas identified for on-site reforestation to provide the required forest conservation mitigation. These figures will all be finalized in the modified FCP submitted for certification.

Approval of the certified FCP F20240840 will cover the Forest Conservation requirements for construction of the master-planned road on the former Site 2 property, while the existing Forest Conservation Exemption 41998160E will continue to allow for the disturbance required to close out the mining operation and reclamation of the Percontee Site. This exemption will remain in effect until the reclamation of the site is complete and the MDE mining permit is closed out by MDE. Together, these two plans will cover compliance with Chapter 22A requirements for the entire area comprising Preliminary Plan 12018024A.

When the mining and reclamation permit is closed out, the Applicant will need to submit an amendment to FCP No. F20240840 to include the Percontee Site portion of the road construction to allow completion of the master-planned road system.

Priority Forest Removal

The Subject Property includes forest designated as a high priority for retention, as the Property is located within a Priority Urban Forest area, as mapped by Maryland Department of Natural Resources. FCP No. F20240840, as modified, will result in clearing approximately one acre of forest (to be determined by the Certified FCP). Reforestation requirements are proposed to be met on site. Per Section 22A-12(b) of Forest Conservation Law, the forest conservation plan must retain certain vegetation and specific areas in an undisturbed condition unless specific findings are made.

Priority Forest Removal Findings

The following determinations are based on the required findings for the removal of priority urban forest:

Viva White Oak
Nos. 320240080, 12018024A, F20240840

1. *The development would make maximum use of any available planning and zoning options that would result in the greatest possible forest retention.*

The Property is zoned CR-1.0, C-1.0, R-0.5, H-220. The Property is in the 2014 *White Oak Science Gateway Master Plan* which envisions over seven million square feet of commercial development and 5,360 housing units on the Site 2 and Percontee properties. The Plan recommends extending Industrial Drive as a new roadway, Viva White Oak Way, south through the site to connect with FDA Boulevard, with these roads forming a main street to serve the development. The zoning and planning design for this large site are intended to deliver much-needed housing and commercial space near the campus of the U.S. Food and Drug Administration to serve eastern Montgomery County. While most of the Priority Urban Forest will be preserved, the road design and grading needed for vehicle, bicycle and pedestrian circulation through the site cannot avoid all areas of forest on the property.

2. *Reasonable efforts have been made to protect the specific areas and vegetation listed in the plan.*

The alignment of Viva White Oak Way to connect with FDA Boulevard in the Preliminary Plan mirrors the alignment envisioned in the Master Plan. This alignment largely traverses the open center of the property, avoiding the large forest areas along the northern, western and southern boundaries of the site that help protect the Paint Branch and its tributary streams in the area. Disturbance has been minimized but the location of the forest and the grading required for the topography, in conjunction with the Sector Plan goals, have created a scenario in which a small area of the existing forest must be cleared in order to construct the roads.

3. *The development proposal cannot be reasonably altered.*

The requirements for the road alignment needed to connect Viva White Oak Way with the existing section of Industrial Drive and FDA Boulevard to the south, coupled with the site topography, required grading, and location needed to minimize disturbance to environmentally sensitive areas and existing forest leave little room for an altered alignment or road design that could save more forest.

Recommendation on Removal of Priority Forest

Staff recommends approval of the request to remove the approximately one acre of priority forest as the Applicant cannot avoid or minimize the forest loss while still meeting the goals of the Master Plan and the requirements of the zone.

SECTION 9: CONCLUSION

As conditioned, the Sketch Plan, Preliminary Plan Amendment, and Forest Conservation Plan applications satisfy the requirements of the Zoning Ordinance, Subdivision Regulations, or Forest Conservation Law, as applicable, and substantially conform to the recommendations of the *White Oak Science Gateway Master Plan*. Therefore, Staff recommends approval of Sketch Plan No. 320240080, Preliminary Plan Amendment No. 12018024A, and Forest Conservation Plan No. F20240840 with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Sketch/Preliminary/Site/FCP Plan

Attachment B: Prior Approvals

Attachment C: Agency Letters

Attachment D: Community Correspondence

Attachment E: Community Meeting Minutes

Attachment F: Justification for Stream and Stream Valley Buffer Removal Memo

Attachment G: MDE Voluntary Cleanup Program Memo for Site 2