

VIVA WHITE OAK
PROVISIONAL ADEQUATE PUBLIC FACILITIES FOR
DEVELOPMENT DISTRICT NO. APF202602



Description

The Applicant requests provisional adequate public facilities approval for the Viva White Oak Development District under Chapter 14 of the County Code.

COMPLETED: 9/15/2025

PLANNING BOARD HEARING DATE: 9/25/2025

MCPB ITEM NO. 8

Planning Staff

	Emily Tettelbaum, Planner III, East County Planning, Emily.Tettelbaum@montgomeryplanning.org, 301-495-4569
KM	Katie Mencarini, Acting Supervisor, East County Planning, katherine.mencarini@montgomeryplanning.org, 301-495-4549
CS	Carrie Sanders, Chief, East County 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 Real Estate

ACCEPTANCE DATE

August 19, 2025

REVIEW BASIS

Chapters 14 and 50

Summary:

- Staff recommends provisional adequate public facilities approval, with conditions, for the Viva White Oak Development District.
- The Planning Board approved a Sketch Plan (No. 320180040) for Viva White Oak in 2018 that has since expired. A new Sketch Plan (No. 320240080) was approved by the Planning Board on July 7, 2025, allowing up to 12,180,270 square feet of mixed-use development.
- 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.
- The Board approved Preliminary Plan Amendment No. 12018024A on July 7, 2025, to adjust the right-of-way width and cross sections of the previously approved master-planned public roads, stormwater management facilities, and limits of disturbance (LOD).
- Staff received correspondence from civic associations and community members, primarily with concerns and suggestions about the transportation impacts of the Project. Councilmember Mink's office submitted a letter to the Planning Board with questions about transportation, schools, and parks.

TABLE OF CONTENTS

SECTION 1: EXECUTIVE SUMMARY.....	3
SECTION 2: RECOMMENDATIONS.....	7
PROVISIONAL ADEQUATE PUBLIC FACILITIES (APF) APPROVAL.....	7
FUTURE REGULATORY APPLICATIONS IN THE DEVELOPMENT DISTRICT.....	9
SECTION 3: SITE DESCRIPTION.....	10
VICINITY.....	10
PROPERTY DESCRIPTION.....	10
SECTION 4: PROJECT DESCRIPTION.....	13
PREVIOUS APPROVALS.....	13
DEVELOPMENT DISTRICT/TAX INCREMENT FINANCING.....	16
SECTION 5: COMMUNITY OUTREACH AND CORRESPONDENCE.....	19
SECTION 6: ADEQUATE PUBLIC FACILITIES ANALYSIS.....	22
PLANNING BOARD ROLE.....	22
PUBLIC FACILITIES.....	22
SECTION 7: CONCLUSION	39
ATTACHMENTS	39

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) property (Figure 1). The GDA envisioned the redevelopment of the two industrial properties into Viva White Oak, a mixed-use world-class bio/life science and research community, consisting of office, retail, residential, parks, and other uses and amenities as envisioned in the 2014 *White Oak Science Gateway Master Plan*.



Figure 1: Subject Property

Earlier this year, the Planning Board approved Sketch Plan No. 320240080 for up to 12,180,270 square feet of mixed-use development, which may include up to a maximum of 6,090,135 square feet of residential uses (Figure 2). The Sketch Plan contains a variety of uses including retail, restaurant, multifamily, hotel, office, and townhouses, and a collocated school and park site.

Preliminary Plan Amendment No. 12018024A (Figure 3) and Forest Conservation Plan No. F20240840 were approved concurrently with Sketch Plan No. 320240080. With these three approvals, the Applicant can move forward with the construction of the master planned road network that will

Viva White Oak,

APF202602

provide access to the new community. Subsequent preliminary and site plan approvals will be required prior to any vertical development.



Figure 2: Sketch Plan No. 320240080

Viva White Oak will have a transformational impact on Eastern Montgomery County and will create a significant amount of new housing and jobs. However, the former industrial property is not only large (approximately 280 acres) but is almost devoid of infrastructure and has significant environmental issues. Costly public improvements are needed to move the Project forward. To help fund the infrastructure necessary for Viva White Oak, the Applicant, MCB Real Estate, partnered with the County Executive to request the creation of a development district, under Chapter 14 of the County Code, and corresponding tax increment financing (TIF) district.

A TIF is a tool used to finance public infrastructure within a defined property area (the “Development District”) through the issuance of bonds that get repaid by the future increased (incremental) tax revenue that will be generated by properties within the Development District. The Maryland Economic Development Article, Sections 12-201, et seq., requires that action to create a Development District be considered in conjunction with the creation of the corresponding TIF District. All counties in Maryland are subject to state law for authority to use TIFs. Because the TIF bonds will also be secured by a special tax levy, the County will need to create both a TIF District and the Development District, a special taxing district.

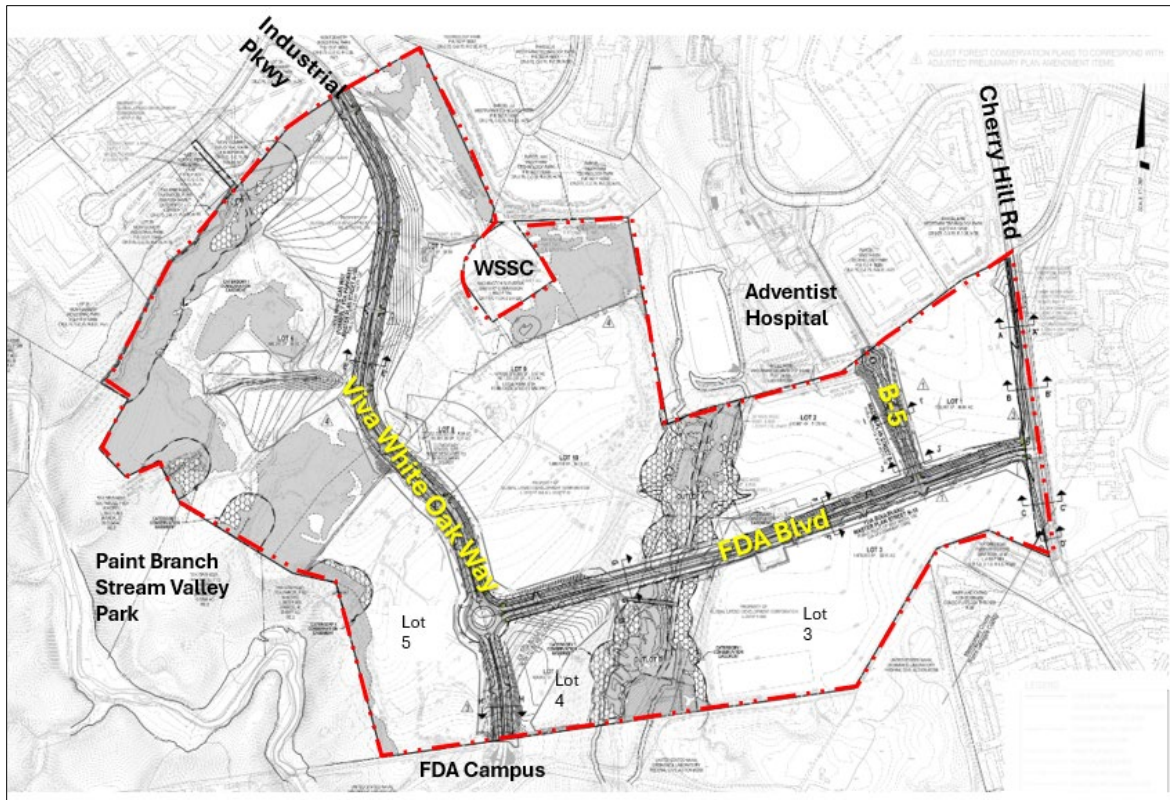


Figure 3: Preliminary Plan Amendment No. 12018024A, Master-Planned Public Roads

Montgomery County has a unique, multi-step process to create a Development District, under Chapter 14 of the County Code that involves the County Council, County Executive, and the Planning Board. A summary of the process is provided below.

1. The County Council approves a resolution to begin the process of determining if a Development District should be created. This step was completed with Council approval of Resolution No. 20-875 on July 8, 2025 (Attachment C).
2. The Applicant submits an application to the Planning Board for a provisional adequate public facility approval for the proposed development covering the entire proposed district. The Subject Application addresses this step in the process. After the hearing, the Planning Board's resolution will be transmitted to the Council.
3. The County Executive submits a fiscal analysis of the proposed Development District and the TIF to the Council.
4. The County Council holds a public hearing and votes on the establishment of the Development District and TIF district.

The Planning Board's role in the Development District/TIF analysis is to determine what public facilities are necessary to serve the Development District. Under Section 14-7, the Planning Board may conditionally approve the Subject Application if it finds that the proposed Development District will

satisfy the adequate public facilities requirements of Section 50-4.3.J and any added requirements that apply to a district under the current *Growth and Infrastructure Policy* (GIP). Section 14-7 further requires the Board to list the infrastructure improvements needed to meet the Applicant's adequate public facilities requirements in the proposed Development District.

SECTION 2: RECOMMENDATIONS

PROVISIONAL ADEQUATE PUBLIC FACILITIES (APF) APPROVAL

Based on the requirements of Section 50-4.3.J and the 2024-2028 *Growth and Infrastructure Policy* (GIP), the public infrastructure listed below is necessary to serve the entire Viva White Oak Development District. The improvements may be constructed solely by the Applicant, by the Applicant in concert with public agencies or neighboring landowners, solely by public agencies, or by others with development approvals also conditioned on the construction of the improvements.

1. The following transportation infrastructure must be constructed as approved by Preliminary Plan No. 120180240 (as amended):
 - a) FDA Boulevard (master planned road B-10);
 - b) Viva White Oak Way (master planned road A-106);
 - c) Master planned road B-5; and
 - d) Cherry Hill Road pedestrian and bicycle improvements along the Property frontage.
2. The Applicant must dedicate a minimum nine-acre site for a co-located elementary school and Local Park, as approved by Preliminary Plan No. 120180240 (as amended).
3. The following school infrastructure must be constructed or funded when Montgomery County Public Schools (MCPS) determines it is needed to serve the area through the annual CIP process:
 - a) A new elementary school on the dedicated Viva White Oak site; and
 - b) Expansion of a middle school or high school if MCPS enrollment projections determine that it is needed to serve the area.
4. A Local Park, co-located with the elementary school, must be constructed before the issuance of the final use and occupancy certificate for the first phase of residential development, anticipated to be the townhouses.
5. The following water and sewer main projects, as required by Washington Suburban Sanitary Commission (WSSC), must be constructed, with the pipe sizes and length ultimately determined by WSSC with the Hydraulic Planning Analysis:
 - c) Approximately, 8,900 feet of 16-inch diameter water main running along Viva White Oak Way, Industrial Parkway and FDA Boulevard;
 - d) Approximately, 4,175 feet of 15-inch to 24-inch sewer main;
 - e) Approximately, 2,500 feet of 24-inch and 30-inch diameter sewer mains, replacing 21-inch and 27-inch diameter sewer mains in the Paint Branch basin downstream of the West Farm Creek Tributary; and
 - f) Up-sizing of approximately 7,015 feet of an existing water main from 4 inches to 20 inches in diameter spanning Cherry Hill Road, Gracefield Road, and Powder Mill Road.¹

¹ This upgrade will support three planned development projects, including Viva White Oak.

6. A Montgomery County Fire and Rescue Service (MCFRS) worksite consisting of approximately 10,000-15,000 square feet with details and timing to be determined by MCFRS. ²
7. For the design and construction of the LATIP intersection improvements at US-29 at Industrial Parkway, US-29 at Tech Road, and Tech Road at Industrial Parkway (“the LATIP Intersections,”) vehicular, pedestrian, and bicycle safety must be addressed considering recommendations in relevant master plans.
8. Submit design proposals for the LATIP Intersections to the Planning Department for review with a Preliminary Plan or Mandatory Referral.
9. Explore the feasibility of designing the LATIP Intersections as protected intersections, consistent with the Planning Department’s Protected Intersection Review Checklist and *Complete Streets Design Guide* subject to MCDOT and MDOT SHA approval as appropriate. If protected intersections cannot be accommodated due to limited right-of-way (ROW) or other constraints, consider providing an interim design for the intersections. The interim design should:
 - a) demonstrate how the County could later modify the interim design to implement the ultimate design;
 - b) accommodate pedestrian and bicycle users as safely and comfortably as possible; and
 - c) apply the dimensions for sidewalks and sidepaths identified in the *Complete Streets Design Guide*.
10. Montgomery County Department of Transportation (MCDOT) should conduct an annual assessment with the CIP to determine if the following improvements, as specified in the White Oak Local Area Transportation Program (LATIP), are needed to serve Viva White Oak:
 - a) Circulator transit service;
 - b) Industrial Parkway separated bike lanes and sidewalk (offsite); and
 - c) Prosperity Drive Breezeway sidepath (offsite).
11. This Provisional APF approval shall be null and void and of no further effect if the Viva White Oak Development District, as proposed by County Council Resolution No. 20-875, dated July 8, 2025, is not created.
12. Regardless of the language in Section 14-7(e) and the ability of the Development District Property to be considered to have fully satisfied all APF requirements by seeking a Provisional APF approval, this particular Application is not seeking the protections of Section 14-7(e) and the Planning Board is not granting such an approval. Accordingly, all property within the Development District must undergo a full APF review at the time of Preliminary Plan and/or Site Plan review for any vertical development (anything beyond the currently approved road infrastructure) subject to the applicable Growth Policy and other laws and regulations at the time of processing such applications.

² This facility will support Viva White Oak and other anticipated East County developments.

FUTURE REGULATORY APPLICATIONS IN THE DEVELOPMENT DISTRICT

With subsequent Preliminary Plans, Preliminary Plan Amendments, and Site Plans in the Development District, all public facilities included in the APF review must be reviewed and tested in accordance with the *Growth and Infrastructure Policy* (GIP) in effect at that time. This may result in future application conditions of approval that specify additional public infrastructure, not listed in items 1-12 above, to be implemented by the Applicant or others in the Development District.

SECTION 3: SITE DESCRIPTION

VICINITY

The Property (“Property” or “Subject Property”) 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 and Paint Branch Stream Valley Park is located to the west.

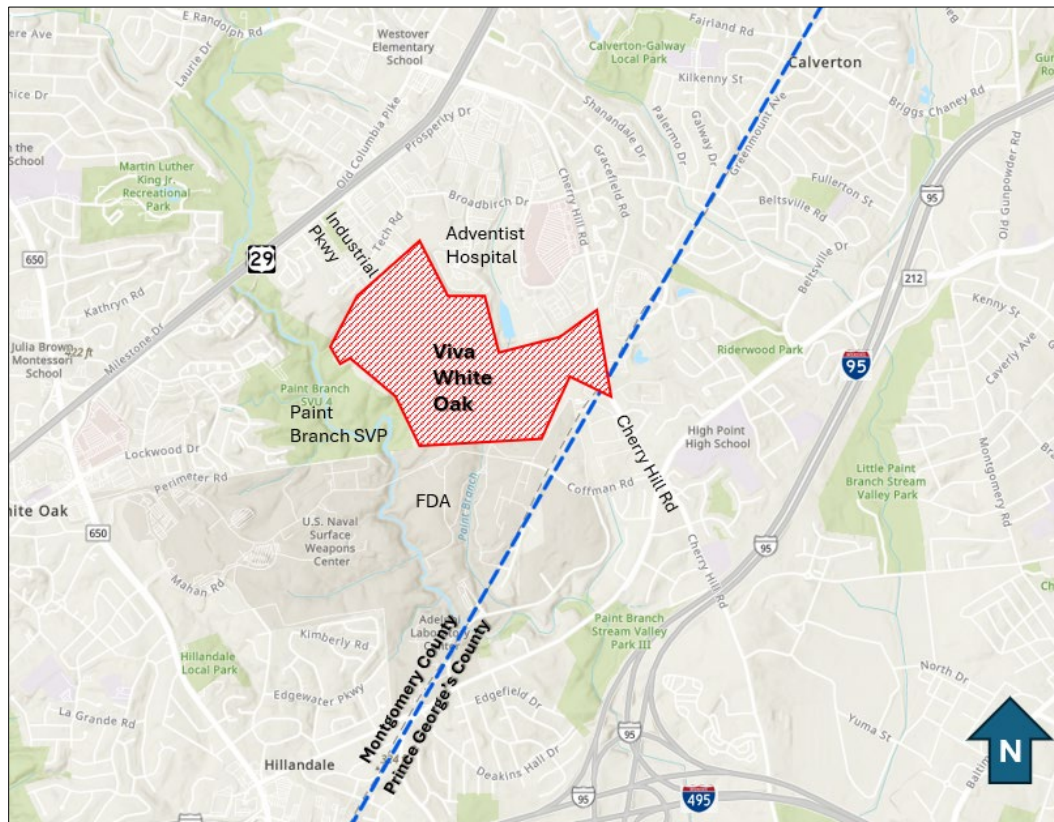


Figure 4: Vicinity Map

PROPERTY DESCRIPTION

The approximately 279-acre Property (outlined in red in Figures 4 and 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* (“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 1930s. Currently, it is being used as a rubble landfill; a sand, gravel, stone, and topsoil processor and wholesaler; and a concrete recycler. All previously mined areas are in various stages of reclamation, but the entire Percontee 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.

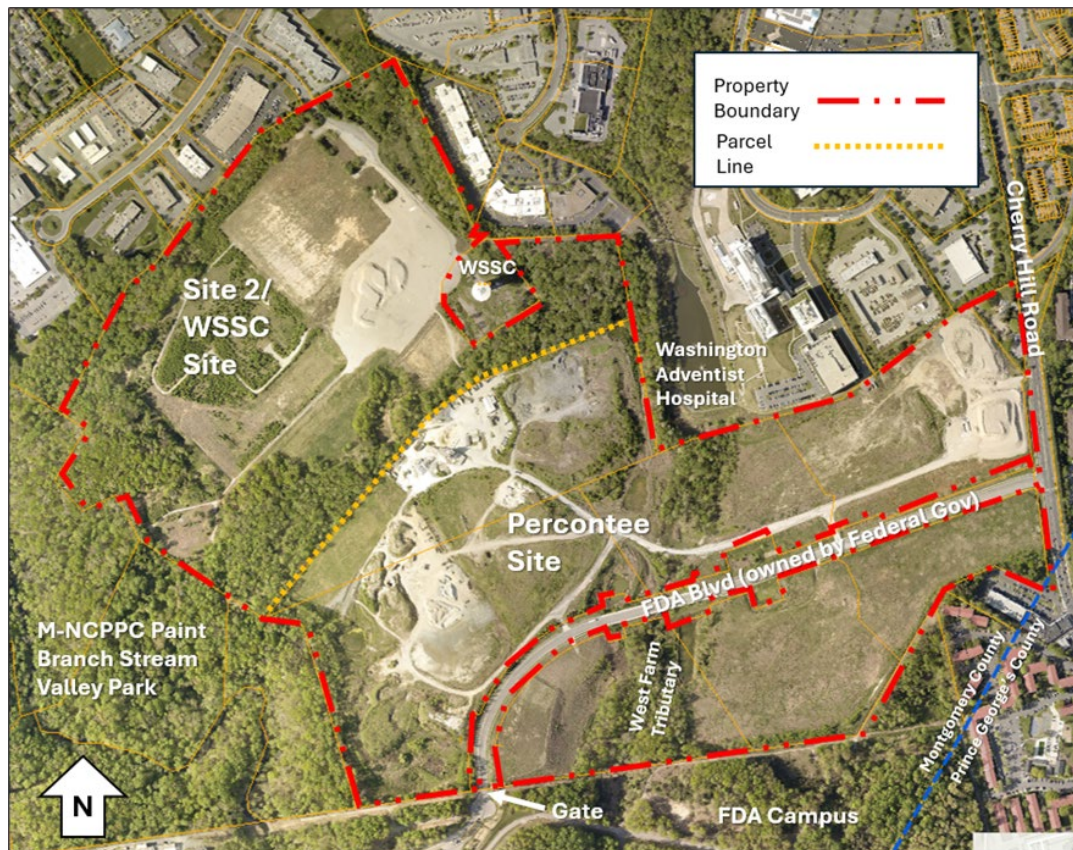


Figure 5: Subject Property

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 Site 2 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 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.

SECTION 4: PROJECT DESCRIPTION

PREVIOUS APPROVALS

GENERAL DEVELOPMENT AGREEMENT

On June 7, 2016, Montgomery County and Global LifeSci Development Corp, the owner of the Percontee 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. 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.

On July 7, 2025, the Planning Board approved Resolution MCPB No. 320240080 for a new Sketch Plan No. 320240080 (“Sketch Plan”) for up to 12,180,270 square feet of mixed-use development, which may include up to a maximum of 6,090,135 square feet of residential uses on the Property. While the density was the same as the expired Sketch Plan, the site design was significantly different. The Sketch Plan included a variety of uses such as retail, restaurant, multifamily, hotel, office, and townhouses, as well as a co-located school and park site. The eastern portion of the Sketch Plan contains the greatest mix of proposed uses, including large- and small-scale retail, multifamily, office, restaurants and a hotel. It also 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. The central area of the Sketch Plan contains a proposed office complex, six multifamily buildings, a hotel, and the co-located school/park site. The western portion of the Sketch Plan is proposed as townhouses and two-over-two dwelling units with open spaces of various sizes scattered throughout the neighborhood.

Sketch Plan No. 320240080 includes a variety of 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. The proposed parks and open spaces will be dispersed throughout the proposed development and linked by a network of trails and sidewalks. As mentioned, a co-located park and school site will be dedicated to public use, while the remainder of the open space will likely be privately owned.



Figure 6: Sketch Plan No. 320240080

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.

PRELIMINARY PLAN

On January 15, 2019, the Planning Board approved Resolution MCPB No. 18-100 for Preliminary Plan No. 120180240 to create 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 the “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.

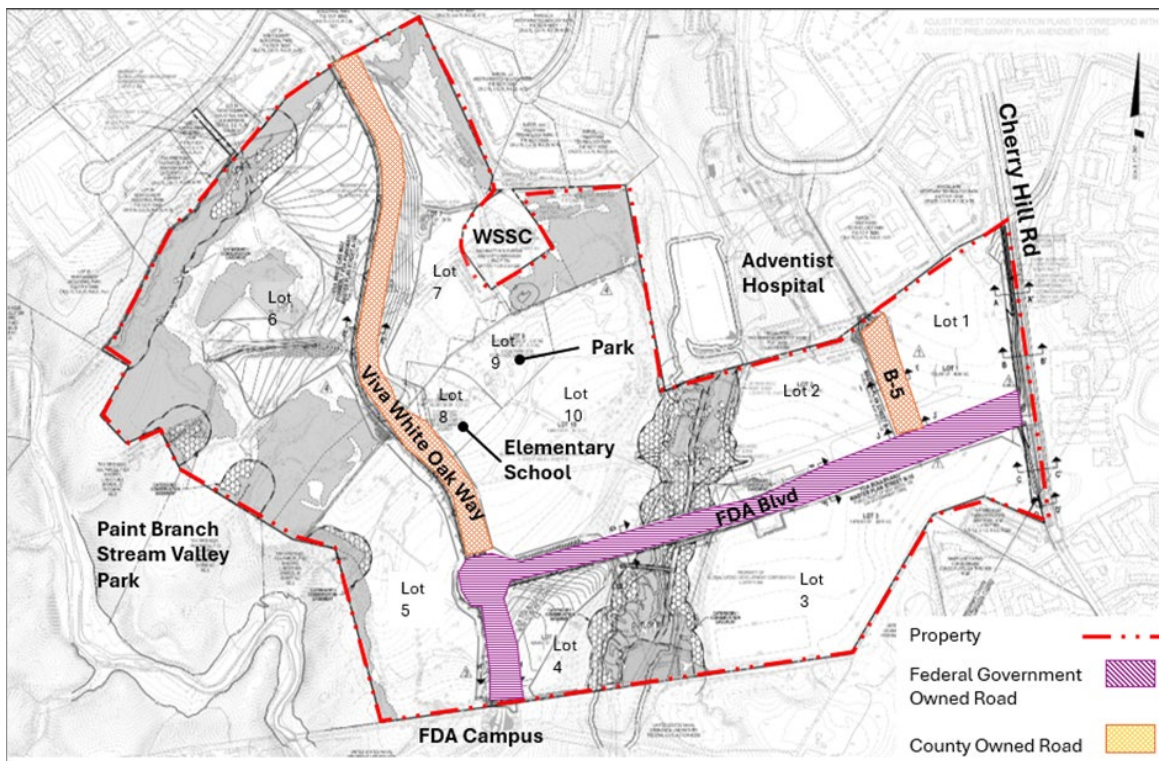


Figure 7: Preliminary Plan Amendment No. 120180240 and Public Road Ownership (all lots are illustrative)

Although Preliminary Plan No. 120180240 did not propose any development beyond the public roads, the Planning Board recognized that within the 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. 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.

On July 7, 2025, the Planning Board approved Resolution MCPB. No. 25-068 for Preliminary Plan Amendment No. 12018024A to adjust street sections and right-of-way widths for master-planned roads A-106, B-5, and B-10, to adjust stormwater management facilities provided within master-planned road right-of-way, and to adjust the limits of disturbance for the construction of the updated master-planned roads. This approval did not include buildings or uses other than the road infrastructure.

DEVELOPMENT DISTRICT/TAX INCREMENT FINANCING

In response to a County Executive request filed with the County Council on April 29, 2025, the Council approved Resolution No. 20-875 on July 8, 2025, to initiate the comprehensive evaluation of a development district for Viva White Oak, as authorized by Section 14-6(b) of the County Code. Resolution No. 20-875 recognizes that public investment in Viva White Oak will benefit the public interest because certain public facilities and development will be provided in a faster and more coordinated fashion. The Council action was the first in a multi-step process to implement tax-increment financing (“TIF”) for Viva White Oak.

TIF is a tool used to finance public infrastructure within a defined property area (the “Development District”) through the issuance of bonds that get repaid by the future increased (incremental) tax revenue that will be generated within the Development District. Only the increased tax revenues from the property in the Development District are pledged to pay off the bonds. The developer must commit to the payment of the bonds through a special tax levy if at any time the incremental tax revenues do not cover the bond interest and principal payments. Local government continues to collect the base taxes that it was collecting before the project. Taxpayers outside of the Development District do not contribute to paying off the TIF bonds.

A TIF may only be used for a project where analysis by the County or its consultants demonstrate that, ‘but for’ the public infrastructure support that can be provided by TIF financing, it is unlikely that a development would move forward on the site in the foreseeable future. State enabling legislation for TIF bonds requires that funds be used only for public infrastructure purposes and to cover prospective operating expenses of the County that will be generated by the project.

The Maryland Economic Development Article, Sections 12-201, et seq., requires that action to create a Development District be considered in conjunction with the creation of the corresponding TIF District. All counties in Maryland are subject to state law for authority to use TIFs. Because the TIF bonds will also be secured by a special tax levy, the County will need to create both a TIF District and the Development District/special taxing district.

Process for Approving a TIF in Montgomery County

Montgomery County has a unique, multi-step process to create a special taxing district under Chapter 14 of the County Code that involves the County Council, County Executive, and the Planning Board. A summary of the process is provided below.

1. The County Council approves a resolution to begin the process of determining if a Development District and/or TIF district should be created. (This step was completed with Council approval of Resolution No. 20-875 on July 8, 2025).
2. The Applicant submits an application to the Planning Board for a provisional adequate public facility approval for the proposed development covering the entire proposed district. The

Subject Application addresses this step in the process. After the hearing, the Planning Board's resolution will be transmitted to the Council.

3. The County Executive submits a fiscal analysis of the proposed Development District and TIF to the Council.
4. The County Council holds a public hearing and votes on the establishment of the Development District and TIF district.

With the approval of a TIF district, the County Council authorizes the maximum amount of bonds that can be issued over the life of the project. TIF bonds can be issued in phases that coordinate with the timing of public infrastructure construction and the projection of sufficient tax increment revenues to pay the debt service on the bonds. The Council must vote prior to issuance of each phase of bond issuance.

VIVA White Oak TIF District

Viva White Oak represents a unique opportunity to bring transformational change to eastern Montgomery County with new jobs and housing. However, since it is comprised of former industrial uses, the Property has virtually no existing infrastructure and costly public improvements are needed to move the Project forward. To help fund the infrastructure necessary for Viva White Oak, the Applicant, MCB Real Estate, has partnered with the County Executive to request a Development District and TIF financing.

For the Provisional APF analysis, MCB Real Estate has proposed up to 2,638,200 square feet of non-residential development and up to 4,708 dwelling units to include townhouses, multi-family, and senior housing. Table 1 shows a breakdown of the proposed uses. This is only a portion of the density that was approved by the Sketch Plan, which remains a valid approval for up to 12,180,270 square feet of mixed-use development, which may include up to a maximum of 6,090,135 square feet of residential³.

³ Pursuant to Sketch Plan No. 320180040 and the LATIP, the full development capacity has been considered.

Table 1: Development proposed for Development District by current Applicant

Type of Development	Proposed amount
<u>Nonresidential (sf)</u>	
Office	79, 200
Bioscience Facility	1,730,000
Retail	504,000
Other	325,000
Total Nonresidential	2,638,200
<u>Residential (units)</u>	
Townhouse	938
Multi-family high-rise	3,470
Senior	300
Total Residential	4,708

The Subject Application is similar to Preliminary Plan 120180240, as amended, in that it assesses the adequacy of the public facilities and evaluates the proposed development for consistency with the Growth Policy. However, this Provisional APF review includes a more in-depth assessment, as the Subject Application provides additional details about the public infrastructure requirements for the Project.

SECTION 5: COMMUNITY OUTREACH AND CORRESPONDENCE

The Applicant has complied with all submittal requirements and mailed a notice letter dated August 25, 2025. A pre-submittal public meeting was not required for this application.

Staff received phone calls and correspondence from residents and area civic associations with general comments about Viva White Oak and the proposed TIF, as well as concerns about transportation impacts and the LATIP (Attachment H). The correspondence is summarized below.

- The Greater Colesville Citizens Association (GCCA) supports the Viva White Oak TIF proposal, and the correspondence includes many recommendations about the Subject Application, the TIF, and the LATIP.

Staff response: GCCA's recommendations were taken into account while drafting the transportation recommendations in the next section of the report.

- The North White Oak Civic Association (NWOCA) submitted comments about the Subject Application as well as the NWOCA testimony from the County Council hearing on the creation of the Development District. The NWOCA is generally supportive of Viva White Oak and the TIF, but they are concerned about traffic impacts and reliance on the LATIP instead of a comprehensive transportation assessment of the Project.

Staff response: Following approval of the White Oak Science Gateway Master Plan, the County Council directed MCDOT to create the LATIP, which is intended to replace the typical intersection evaluation (LATR) process for all developments in the White Oak Policy Area.

In addition, Section TL5.3 of the 2024-2028 Growth and Infrastructure Policy states that the Board may approve a subdivision in the White Oak LATIP area conditioned on participation in the LATIP program. This is the current policy that controls the Planning Board's review.

- The Fairland and Briggs Chaney Master Plan Implementation Advisory Committee ("FBCIAC") requests that the Planning Board send a resolution to the County Council recommending acceleration of the timetable for the design, construction, and financing of the Cherry Hill Road Bikeway project.

Staff response: Staff recommends adding the Cherry Hill bikeway to the LATIP.

- A community member expressed general concerns about traffic, the LATIP, and the Council County's consideration of ending the Transportation Demand Management (TDM) program.

Staff response: Staff recommends updating the LATIP as detailed in the next section of this report. Planning Director Sartori sent a memo to the County Council, dated July 17, 2025, expressing support for the TDM initiatives as a vital component of the county's transportation strategy (Attachment K).

Councilmember Mink (District 5) submitted a letter to the Planning Board requesting additional information and analysis about the LATIP, other transportation projects, schools, and funding of the public park (Attachment I). Councilmember Mink's specific requests and Staff responses are provided below.

- List the intersection improvements that the Applicant intends to count as credit towards their LATIP fees and the projected LATIP fees and credits.

Staff response: The Applicant intends to improve three intersections for LATIP credit: Tech Road at Industrial Parkway, Route 29 at Industrial Parkway, and Route 29 at Tech Road. Details of the proposed intersection improvements were not submitted with the Subject Application.

The Applicant submitted the following LATIP fee estimates: \$32,168,936 total LATIP fee, \$12,100,000 credit for LATIP construction projects, and 20,068,936 net LATIP fee (Attachment J).

- Suggest improvements (LATIP and non-LATIP projects) that would be beneficial for the functioning of the transportation system within and near the Master Plan area. An access ramp from Cherry Hill Road onto I-95 has been suggested by some residents as a way to relieve traffic pressure on US29 heading towards I-495.

Staff response: The LATIP was developed to capture all the necessary improvements for redevelopment in the White Oak Science Gateway Master Plan area. Table 2 identifies the projects in the County Council's approved LATIP resolution and indicates those that the Applicant plans to construct.

Modifications to the LATIP project list require an update to the LATIP itself. Per the LATIP resolution and the 2019 White Paper, the LATIP is to be updated by MCDOT every six years from 2017 to 2040. Given that the LATIP was last updated in 2019, it would be appropriate for MCDOT to update it.

Staff cannot recommend an interchange connecting Cherry Hill Road to I-95 because this would be located in Prince George's County, and their existing Transportation Master Plan and draft Transportation Master Plan do not reflect this improvement. However, if such a study is initiated, they could coordinate with appropriate agencies.

- Comment on the Project's likely impact on nearby high schools and the feasibility of including construction of the public park in the TIF proposal.

Staff response: A full analysis of area schools is included in the next section of the report. A utilization premium payment (UPP) would be required for Paint Branch High School under the FY2026 Annual School Test. Based on FY26 CIP projections for the 2030-31 school year, MCPS would consider a classroom addition for Paint Branch High School; however, this will be reviewed in more detail when an application for vertical construction is submitted and MCPS conducts its annual review of facility needs.

The public park is a critical part of Viva White Oak's infrastructure, as it anchors the development with a vibrant civic space and provides necessary opportunities for active recreation. Funding the construction of the public park as part of the TIF is the best way to ensure that it is constructed in a timely manner. The construction cost for the park is not included in the current Parks six-year CIP (adding it to the CIP would require the delay or elimination of other existing and approved priority projects). The County Council will need to assess whether to include the construction costs in the TIF funding.

SECTION 6: ADEQUATE PUBLIC FACILITIES ANALYSIS

PLANNING BOARD ROLE

The Planning Board's role in the Development District/TIF analysis is to determine what public facilities are necessary to serve the overall development. Under Section 14-7, the Planning Board may conditionally approve the Subject Application if it finds that the proposed Development District will satisfy the adequate public facilities requirements of Section 50-4.3.J⁴ and any added requirements that apply to a district under the *Growth and Infrastructure Policy* ("GIP").

Per Section 50-4.3.J, public facilities and services to be examined for adequacy include roads and transportation facilities, sewer and water service, schools, police stations, firehouses, and health clinics. The GIP guides how the Planning Board makes the adequate public facilities determination by setting standards for evaluating public infrastructure and the impact an individual development may have on it. However, the 2024-2028 GIP does not include any added requirements that apply to a Development District.

Section 14-7 further requires the Board to list the infrastructure improvements needed to meet the Applicant's adequate public facilities requirements in the proposed district. Chapter 14 broadly defines an infrastructure improvement to include facilities beyond those required for a traditional APF review (as required by Section 50-4.3.J), such as parks, libraries, and recreational facilities⁵. Planning and Parks Staff recommend that construction of the public park (on the co-located park/school site) be included in the list of infrastructure requirements as discussed further in the next subsection.

PUBLIC FACILITIES

Analysis of the Development District is based on the density information included with the Subject Application in Table 1

TRANSPORTATION

Onsite Public Roads

The Viva White Oak circulation network is anchored by three master-planned public roads: FDA Boulevard, Viva White Oak Way, and Road B-5 (Figure 8). The design of the master-planned public

⁴ Chapter 14 references Section 50-35(k) from Chapter 50 in effect prior to February 13, 2017, which is equivalent to Section 50-4.3.J from current Chapter 50.

⁵ *Infrastructure Improvement* means a school, police station, fire station, library, civic or government center, storm drainage system, sewer, water system, road, bridge, culvert, tunnel, street, transit facility or system, parking lot or facility, sidewalk, lighting, park, recreational facility, or any similar public facility, and the land where it is or will be located. (Section 14-3 of the County Code).

roads was approved with Preliminary Plan No. 120180240, as amended, and the associated MCDOT approval letter is included in Attachment G.

Industrial Parkway will extend east into the Property as Viva White Oak Way and connect, via a traffic circle, to FDA Boulevard and ultimately to Cherry Hill Road. FDA Boulevard will be realigned and will continue to provide a connection to the FDA campus' 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 designation of all other roads within the Project as public or private will be determined during a subsequent Preliminary Plan Amendment.

Bike lanes and sidewalks will be provided along FDA Boulevard and Viva White Oak Way. Road B-5 includes a shared-use path that connects to Washington Adventist Hospital. A two-way bikeway will be provided along the Property's Cherry Hill Road frontage.

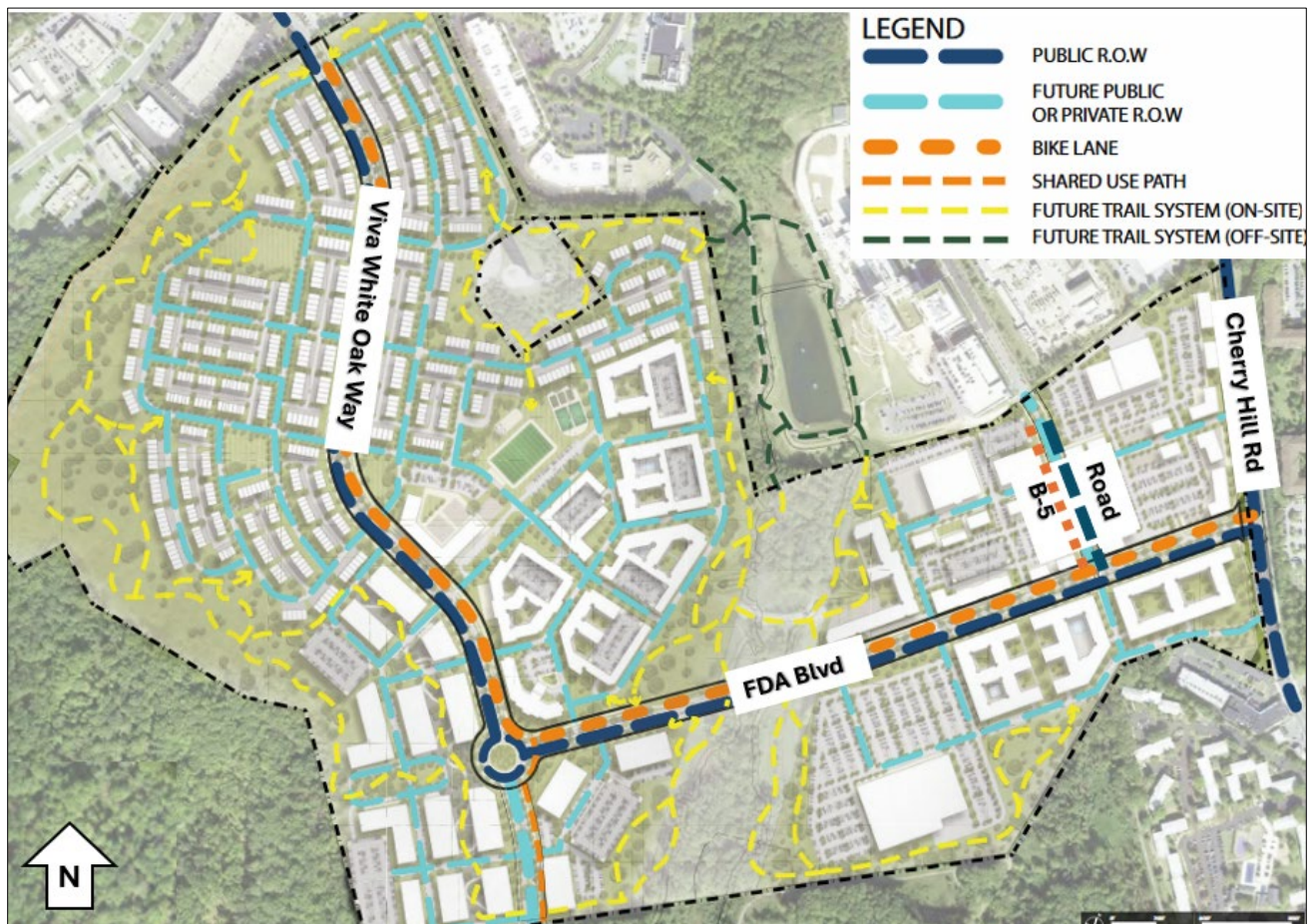


Figure 8: Sketch Plan No. 320240080, Viva White Oak Circulation Exhibit

Local Area Transportation Review/Local Area Transportation Improvement Program

The Project is located within the White Oak Local Area Transportation Improvement Program (“LATIP”) area and under the 2024-2028 *Growth and Infrastructure Policy*, the Project is not subject to the County’s Local Area Transportation Review (“LATR”). In the White Oak LATIP District⁶, 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.

The Applicant team provided a list of the LATIP projects proposed for construction with Viva White Oak and an estimate of the Project’s LATIP fees and credits (Attachment J). Three off-site intersections improvements are planned with the first phase: Tech Road at Industrial Parkway, Route 29 at Industrial Parkway, and Route 29 at Tech Road. Descriptions of each intersection project from the 2019 update of the *White Oak Science Gateway LATR / LATIP Cost Estimating Analysis White Paper* (Attachment D) are listed below. If the Applicant constructs the intersection improvements as described, the improvements would be eligible for LATIP credit.

1. Tech Road at Industrial Parkway

Add two eastbound left-turn lanes and a westbound right-turn lane along Industrial Parkway, and one southbound left-turn lane. Construct a new traffic signal if warranted and justified.

2. Route 29 at Industrial Parkway

Relocate two northbound right-turn lanes from the primary intersection to a secondary intersection and add a second southbound left-turn lane. Add a new westbound right-turn lane from Industrial Parkway onto Prosperity Drive, and signalization at this intersection if warranted and justified. Old Columbia Pike/Prosperity Drive will be converted to right-only upon approach to Industrial Parkway.

3. Route 29 at Tech Road

Add a northbound right-turn lane, convert the southbound right-turn lane to a shared thru/right lane, add a second southbound left-turn lane, add a second westbound right-turn lane, redirect westbound lefts to Cedar Hill Dr, redirect eastbound lefts to Industrial Dr, and remove split phasing from the signal.

Proposed designs for these intersections were not submitted with this Application, but Staff understands that the Applicant plans to propose alternatives to the improvements specified in the LATIP. For any changes to the LATIP’s proposed infrastructure, MCDOT is required to hold one public open house and one public hearing to approve any changes after a technical review by MCDOT and MDOT SHA (as applicable).

Table 2 provides an overview of all the projects identified in the LATIP, including those proposed to be constructed by the applicant.

⁶ The White Oak LATIP area largely overlaps with the White Oak Science Gateway Master Plan area, the White Oak Policy Area, and White Oak Downtown Policy areas with some exceptions.

Table 2: LATIP Projects

Project	Type	Proposed by VIVA Applicant in SOJ (6/7/2025)
US 29 at Randolph Road / Cherry Hill Road	Intersection	
Broadbirch Dr at Cherry Hill Rd & Plum Orchard Dr	Intersection	
Broadbirch Dr at Tech Rd	Intersection	
US 29 at Industrial Pkwy	Intersection	X
US 29 at Stewart Lane	Intersection	
US 29 at Tech Road	Intersection	X
Tech Rd at Prosperity Dr/ Old Columbia Pike	Intersection	
Tech Road at Industrial Parkway	Intersection	X
MD 650 at Lockwood Dr	Intersection	
MD 650 at Powder Mill Rd	Intersection	
New Ride On Service	Transit	
White Oak Circulator	Transit	
Increased Service on Ride On Route 10	Transit	
Increased Service on Ride On Route 22	Transit	
Hillandale Transit Center	Transit	
Bus Stop Improvements	Transit	
M-10 US-29 / DB-9 Columbia Pike	Bikeways	
M-12 MD 650 / DB-7 (New Hampshire Ave)	Bikeways	
A-94 / BL-40 Powder Mill Rd	Bikeways	
A-105 Old Columbia Pike (Stewart Lane to Industrial Parkway)	Bikeways	
A-106 / LB-7 Industrial Pkwy	Bikeways	
A-107 / LB-3 Tech Rd	Bikeways	
A-108 / LB-4 Prosperity Drive	Bikeways	
A-286 / DB-10 Lockwood Drive	Bikeways	
Bikesharing Stations and Bikes	Bikeways	
A-105 Old Columbia Pike: Bridge over Paint Branch	New Roads	
LATR Analyses	Other	

Recommendations

While the Applicant has provided information about LATIP projects they plan to construct with the development of Viva White Oak, the proposed LATIP designs for the intersections noted above are not consistent with the 2018 *Bicycle Master Plan* and the *Complete Streets Design Guide*.

As shown in Figure 9, Old Columbia Pike is identified in the 2018 *Bicycle Master Plan* as having a sidepath, which is part of the County's planned Breezeway network. Breezeways provide the highest level of comfort, convenience, safety and efficiency for bicyclists of all ages and abilities. The Breezeway Network prioritizes higher speed bicycle travel between major activity centers, including central business districts, transit stations, and job centers, since people are more likely to travel longer distances when the travel time for their trip is closer to that of traveling by automobile.

A section of this Breezeway sidepath has already been constructed between Industrial Parkway and Tech Road. Additionally, MCDOT has continued development of the Old Columbia Pike / Prosperity Drive Improvement Project, completing a project prospectus in December of 2024. The Planning Board reviewed the conceptual design alternatives in March of 2025, providing formal comments to the Transportation & Environment Committee (T&E Committee) on April 11th, 2025. The Planning Board sought to advance Alternative 3⁷ as the preferred alternative for the corridor but noted that none of the intersection options presented in the Project Prospectus should move forward.

The two US-29 intersections proposed for reconstruction are immediately adjacent to Old Columbia Pike and due to the proximity of Old Columbia Pike and US-29, the intersections of Old Columbia Pike with Industrial Parkway and Tech Road functionally operate as the same intersection as US-29 and Industrial Parkway and US-29 and Tech Road. Creating comfortable and safe crossings at these intersections is critical to provide access to the Route 29 Bus Rapid Transit ("BRT") and to support the overall vision for this corridor: therefore, these should ultimately be designed as protected intersections. Per the *Complete Streets Design Guide*, protected intersections are the default intersection treatment for all intersections with separated bike lanes, sidepaths, buffered bike lanes and conventional bike lanes at one or more approaches.

Industrial Parkway is identified in the 2018 *Bicycle Master Plan* as having one-way separated bike lanes on both sides of the roadway from Old Columbia to the south into the Viva White Oak development site, where the new Viva White Oak Parkway would be constructed. Tech Road is also identified as having one-way separated bike lanes on both sides of the road. Therefore, the intersection design for Industrial Parkway and Tech Road should also be designed as a protected intersection.

⁷ Alternative 3 would provide sidepath and sidewalk improvements along Old Columbia Pike and Prosperity Drive between Stewart Lane and Cherry Hill Road. It includes replacing the bridge over Paint Branch to provide two-travel lanes for vehicular traffic, which is currently closed to vehicular traffic.

Old Columbia Pike, Prosperity Drive, Industrial Parkway and Tech Road are each classified as Downtown Boulevards. Per the *Complete Streets Design Guide* and based on the facilities identified in approved master plans, these roadway classifications should have the following dimensions that would need to be accommodated at the intersections.

Table 3: Old Columbia Pike and Prosperity Drive Complete Streets Design Guide Dimensions

Design Parameter	Default Width	Minimum Width
Center Median (recommended)	Between 6-feet and 16-feet	6-feet-wide
Left-Turn Lane (if required)	10-feet	9-feet
Inside Travel Lanes	10-feet	10-feet
Outside Travel Lanes	11-feet	11-feet
Curbside Zone/On-Street Parking (if present)	8-feet	8-feet
Street Buffer (both sides)	8-feet	6-feet
Bikeway (south side only)	11-feet	11-feet
Sidewalk (north side only)	15-feet	10-feet

Table 4: Tech Road and Industrial Parkway Complete Streets Design Guide Dimensions

Design Parameter	Default Width	Minimum Width
Center Median (recommended)	Between 6-feet and 16-feet	6-feet-wide
Left-Turn Lane (if required)	10-feet	9-feet
Inside Travel Lanes	10-feet	10-feet
Outside Travel Lanes	11-feet	11-feet
Curbside Zone/On-Street Parking (if present)	8-feet	8-feet
Street Buffer (both sides)	8-feet	6-feet
Bikeway (both sides)	11-feet	8-feet
Ped/Bike Buffer (both sides)	6-feet	2-feet
Sidewalk (both sides)	15-feet	10-feet

It is understood that there may be challenges with fully accommodating a protected intersection at each of the proposed intersection improvement locations. However, the following are recommended:

- Design and construct the intersection improvements at US-29 at Industrial Parkway, US-29 at Tech Road, and Tech Road at Industrial Parkway.
- The Applicant team should provide an ultimate design for protected intersections consistent with the Planning Department's Protected Intersection Review Checklist and *Complete Streets Design Guide*.
 - If the ultimate design for the off-site LATIP protected intersections cannot be accommodated due to limited right-of-way (ROW) or other constraints, the Applicant should provide an interim design for the intersections. The interim design should:

- demonstrate how the County could later modify the interim design to implement the ultimate design;
 - accommodate pedestrian and bicycle users as safely and comfortably as possible; and
 - strive to use the dimensions for sidewalks and sidepaths identified in the *Complete Streets Design Guide*.
- Final intersection designs should be submitted for review by the Planning Department either through Preliminary Plan Amendment or a Mandatory Referral.

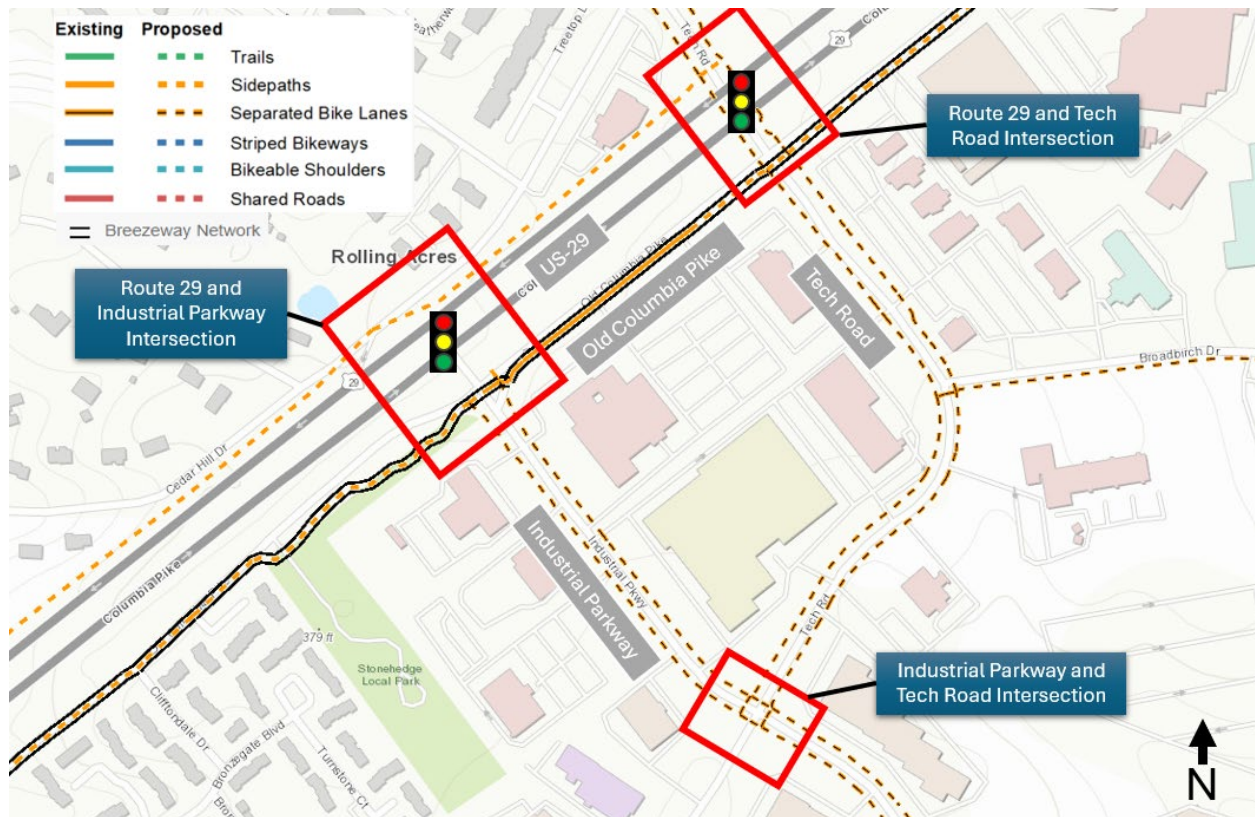


Figure 9 – Bicycle Master Plan Facilities at Proposed Intersection Improvement Locations

While the Applicant team has not proposed construction of other LATIP projects and instead anticipates paying a fee for the remainder of the LATIP requirement, the Planning Department developed a list of priority projects in the area for MCDOT to consider for these funds. The development of these priority projects considers multimodal connectivity, building on infrastructure already anticipated for construction through the CIP or through the Viva White Oak Development project itself, as well as review of the Greater Coleville Citizens Association letter dated July 20, 2025.

Some of these projects are not currently in the list of LATIP projects and others have been updated to reflect current master plan recommendations and facility types documented in a February 2, 2024, memorandum from the County Executive titled *White Oak Science Gateway: Local Area Transportation*

Improvement Program (LATIP) 2023 Update (Attachment E). However, these updates have not been officially adopted as part of the LATIP.

Table 5 summarizes the priority list of projects, including the three intersections proposed by the Applicant for reconstruction. Figure 10 provides a map of the priority projects.

Table 5: Planning Department Identified Priority Projects for LATIP Funds

Project Location	Type of Project Identified in LATIP Resolution (18-671)	Project Identified in February 2024 Memorandum	Cost Estimate From LATIP Resolution (18-671)	Updated Cost Estimate (from February 2024 Memorandum)
US 29 at Industrial Pkwy	Intersection	N/A	\$4,400,000	\$6,100,000
US 29 at Tech Road	Intersection	N/A	\$3,300,000	\$4,600,000
Tech Road at Industrial Parkway	Intersection	N/A	\$4,400,000	\$3,900,000
Industrial Pkwy	Bikeway (A-106 / LB-7)	Separated Bike Lanes and Sidewalk	\$8,400,000	\$23,100,000 ⁸
Prosperity Drive	Bikeway (A-108 / LB-4)	Breezeway Sidepath	\$3,600,000	\$15,100,000
Cherry Hill Lane Bikeway Project ⁹	Bikeway	N/A	N/A	N/A

⁸ The bike lanes along Industrial Parkway include sections of the roadway within the Viva White Oak development site, therefore a portion of the project would be considered an on-site improvement.

⁹ This project was not identified in the LATIP resolution or the February 2024 memo. However, the 2018 *Bicycle Master Plan* identified a two-way separated bike lane on the west side of the roadway. This corresponds with P502314 in the CIP. This project also received state funds programmed during the 2022 State General Assembly Session. Some of this bikeway project will be considered a frontage improvement along the Subject Property's Cherry Hill Road frontage.

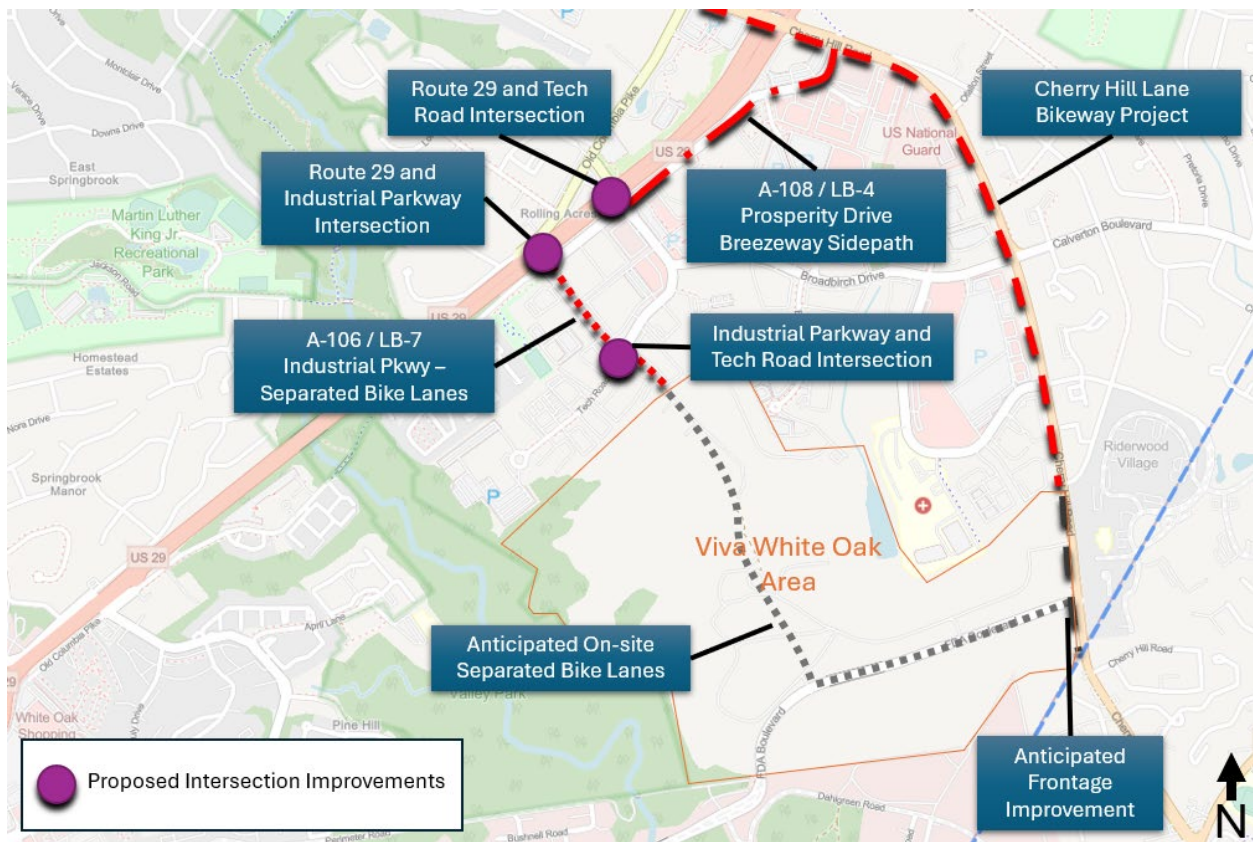


Figure 10 – Map of Planning Department Identified Priority Projects for LATIP Funds

Construction of the three bikeways outlined in Table 5 and Figure 10 are priorities for the Planning Department in supporting the Viva White Oak development. These bikeways will provide direct connections to the on-site bikeways developed as part of the Viva White Oak project and will also provide connections to the US-29 BRT and surrounding communities, including Prince George’s County. Additionally, these bikeways will create a safe and comfortable non-motorized network in the area, encouraging current and future residents and visitors to use alternative modes of transportation. The County Council should consider updating the LATIP to include the full list of master plan projects identified in the 2024 memorandum plus the Cherry Hill Road bikeway to reflect these priorities.

SCHOOLS

Preliminary Plan No. 120180240, as amended, requires the Applicant to dedicate a minimum nine-acre co-located elementary school/park site on the Property. Construction of a new elementary school on the Viva White Oak school site should be considered when Montgomery County Public Schools (MCPS) enrollment projections determine that it is needed to serve the area. Additions to the middle and high schools may be needed as determined by future MCPS enrollment projections.

White Oak Science Gateway Master Plan

The Master Plan states that at build out, the envisioned residential density would trigger the need for an elementary school site, which is recommended for dedication as part of Viva White Oak. The Master Plan notes that the middle and high schools that serve the area are projected to slightly exceed their capacity in the future, but not enough to warrant a school addition, but as mentioned above, this should be determined at the appropriate time by MCPS.

Preliminary School Test

Staff conducted a preliminary school test analysis to show Viva White Oak's potential impact on the public schools that will serve the development. However, as conditioned, the Project will be officially evaluated for public school adequacy at the time of Preliminary Plan amendments for vertical development and assessed Utilization Premium Payments (UPP) as required by the Annual School Test in effect at the time. Enrollment projections are updated by MCPS annually, so the needs for each school may be different when evaluated during future Preliminary Plan amendments.

The Property is served by Galway Elementary School, Briggs Chaney Middle School, and Paint Branch High School. Table 6 shows the enrollment and capacity projections of these schools reflected in the FY2026 Annual School Test, and the UPP tier placements by default. The FY2026 Annual School Test, approved by the Planning Board on June 26, 2025, and effective since July 1, 2025, evaluates the adequacy of public school capacity for development applications reviewed throughout the fiscal year based on projections for the 2029-2030 school year.

Table 6: FY2026 Annual School Test Projections (2029-2030 School Year) & UPP Tier Placements

	Program Capacity	Enrollment	Utilization Rate	Seat Surplus or Deficit	UPP Tier Placement
Galway ES	754	702	93.1%	+52	No UPP
Briggs Chaney MS	939	887	94.5%	+52	No UPP
Paint Branch HS	1,998	2,065	103.4%	-67	No UPP

If this Project were reviewed for preliminary plan approval during the current fiscal year, based on the FY2026 Annual School Test results above, it would not be subject to any default UPP. However, a partial payment would be triggered if the estimated enrollment impact at any school level exceeds the applicable adequacy ceilings shown in Table 7.

Table 7: FY2026 Annual School Test Adequacy Ceilings

	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Galway ES	126	203	316
Briggs Chaney MS	172	240	381
Paint Branch HS	93	333	633

Enrollment Impact Estimate

The Property is located within the White Oak Downtown Policy Area, which is categorized as an Infill Impact Area by the 2024-2028 *Growth and Infrastructure Policy*. Therefore, to estimate the Project's enrollment impact during an average year throughout its life, the FY26-27 Student Generation Rates for Infill Impact Areas would be applied to the net number of units proposed by unit type. Analysis for this report is based on 938 single family attached (townhouse) units and 3,470 multifamily high-rise units¹⁰.

Table 8: Enrollment Impact Estimate (reflects FY2026-2027 Student Generation Rates)

Type of Unit	Net Number of Units	Infill ES Student Generation Rate	ES Student Estimate	Infill MS Student Generation Rate	MS Student Estimate	Infill HS Student Generation Rate	HS Student Estimate
SF Attached	938	x 0.165	=154.770	x 0.088	= 82.544	x 0.137	=128.506
MF High-rise	3,470	x 0.039	=135.330	x 0.016	=55.520	x 0.020	=69.400
TOTAL (rounded down)	4,408		290		138		197

As shown in Table 8, the Project's enrollment impact under the FY26-27 Student Generation Rates is estimated to be 290 elementary school students, 138 middle school students, and 197 high school students. Again, this would be if all 4,408 units were constructed at the same time, which is not likely.

At the elementary school level, the projected number of students would exceed the Tier 1 and Tier 2 adequacy ceilings identified in Table 7. Of the 290 seats needed to accommodate the Project's demand, 126 seats would not be subject to any UPP, but a Tier 1 UPP would be triggered for 77 seats, and then a Tier 2 UPP would be triggered for the remaining 87 seats. Therefore, if the entire Project

¹⁰ The 300 senior units are not included in the school test since age restricted units do not typically generate any school age children.

were to be reviewed during FY2026, it would be assessed 77/290th (or 0.266) of the rate of a Tier 1 UPP and 87/290th (or 0.3) of the rate of a Tier 2 UPP for Infill Impact Areas at the elementary school level.

At the middle school level, the enrollment impact is below the Tier 1 level and no payment would be required. At the high school level, the enrollment impact estimate exceeds the Tier 1 adequacy ceiling by 104 seats. Therefore, a partial payment would be triggered at 104/197th (or 0.528) of the rate of a Tier 1 UPP for Infill Impact Areas at the high school level.

The actual amount paid for a UPP is determined by the official school impact tax rate at the building permit stage, when the payment is expected to be collected. If building permits were issued for this Project under the FY2026-2027 school impact tax rates, the payment amount would be \$5,582 for each market rate single family attached unit/townhouse and \$964 for each market rate multifamily high-rise unit.

2030 Projections for Schools Serving the Project and Adjacent Schools/Cluster

MCPS Guidelines for Addressing Capacity Needs

MCPS reviews the space available at each school by comparing enrollment projections with program capacity in the sixth year of the CIP planning period, in this case the FY26 CIP projections for the 2030-31 school year¹¹. When the enrollment exceeds the program capacity of a school, MCPS considers several strategies to address the overutilization of a school, including reassigning students to a school with surplus capacity, increasing capacity through classroom additions, adjusting programming, or opening a new school.

For a classroom addition to be considered for funding at an individual school, the enrollment needs to exceed capacity by the following thresholds in the sixth year of the CIP period:

- Elementary School – 92 seats
- Middle School – 150 seats
- High School – 200 seats

If reassigning students and increasing capacity of existing schools is not sufficient to address the projected enrollment, a new school may be considered. For the opening of a new school to be considered for funding, the following thresholds need to be met:

- Elementary School – the cluster-wide seat deficit exceeds 500-600 seats
- Middle School – the seat deficit exceeds 800 seats in one or more clusters

¹¹ MCPS uses the number of surplus seats projected for the sixth year of the CIP, in this case the FY26 CIP projections for the 2030-31 school year to determine the need for classroom additions. The Planning Department uses the fifth year of the CIP to determine the number of surplus seats for the School Test (Table 7 is based on the FY26 CIP projections for the 2029-2030 school year).

- High School – seat deficit exceeds approximately 1600 seats in one or more clusters

Elementary School

A total of 45 surplus seats are projected to be available at Galway Elementary School (ES) in 2030. The Project's estimated impact of 290 elementary school students would trigger MCPS consideration of a classroom addition at Galway ES. However, the program capacity at Galway ES is 754 students, which is beyond the maximum level of MCPS's preferred range of enrollment (up to 750 students in elementary schools), making a classroom addition at Galway ES a less feasible option for relieving potential overutilization. Three hundred and seventy-five (375) additional surplus seats are projected to be available across other elementary schools in the cluster (Burtonsville ES, Cloverly ES, Fairland ES, Greencastle ES).

Based on the projected number of surplus seats available cluster-wide (420 seats collectively), the Project's estimated impact of 290 students would not trigger the seat deficit threshold for a new school. However, most of the schools in the cluster and schools in the North East Consortium that share a boundary with Galway ES are projected to be operating within or slightly above an efficient facility utilization range (between 80 to 100 percent of program capacity), and the program capacity at many are at or near the maximum level of MCPS's preferred range of enrollment, rendering student reassignments or classroom additions not as feasible if a school becomes overutilized.

Accordingly, due to the limited options MCPS has in the area to relieve potential overutilization in the cluster or adjacent schools, a new school site on the Property will be necessary in the long term.

Middle School

Montgomery County Public Schools projects 68 surplus seats to be available at Briggs Chaney MS in 2030. The Project's estimated impact of 138 middle school students would not trigger MCPS consideration of a classroom addition.

A surplus of 83 additional seats are projected to be available at the other cluster feeder middle school, Benjamin Banneker MS, bringing the cluster-wide surplus to 151 seats.

The Project's impact would not trigger the need for building additional classroom space, or for a new middle school. If the enrollment exceeds capacity at a given school, MCPS would make operational decisions to accommodate the additional students, including the use of relocatable classrooms or program changes.

High School

A deficit of 100 seats is projected at Paint Branch HS in 2030. The Project's estimated impact of 197 high school students would trigger MCPS to consider a classroom addition.

A collective deficit of 29 seats are projected across adjacent schools (Blake HS, Sherwood HS, Springbrook HS).

Accordingly, the Project's impact could trigger the need for a classroom addition at Paint Branch HS. If the projected overutilization persists at the time the Project is reviewed for Preliminary Plan approval, a Utilization Premium Payment will be assessed as a condition of approval.

WATER AND SEWER

The Applicant plans to construct three water and sewer upgrades that are currently included in the WSSC CIP, as listed below. The final pipe sizes and lengths will be determined by WSSC during the Hydraulic Planning Analysis, and WSSC may reimburse or credit the Applicant for the construction costs of the CIP projects.

1. Viva White Oak Water Main, CIP #113.21, approximately 8,900 ft of 16-inch diameter water main running along Viva White Oak Way, Industrial Parkway and FDA Boulevard. The Applicant could receive System Development Charge ("SDC") credits for future vertical developments.
2. Viva White Oak Sewer Main, CIP #118.09, approximately 4,175 ft of 15-inch to 24-inch sewer main. The Applicant could receive SDC credits for future vertical developments.
3. Viva White Oak Sewer Augmentation, CIP #118.10, approximately 2,500 ft of 24-inch and 30-inch diameter sewer mains, replacing 21-inch and 27-inch diameter sewer mains in the Paint Branch basin downstream of the West Farm Creek Tributary. The Applicant could be reimbursed per the WSSC Audit Group process.

In addition to the three CIP projects that will be constructed by the Applicant, WSSC is up-sizing approximately 7,015 feet of an existing water main from 4 inches to 20 inches in diameter in the area. This upgrade spans Cherry Hill Road, Gracefield Road, and Powder Mill Road. This CIP project will support three planned development projects in the White Oak area: Viva White Oak, Washington Adventist Hospital, and the FDA White Oak Master Plan.

PARKS

The 2014 *White Oak Science Gateway Master Plan* states that development on the Viva White Oak property should include ample opportunities for open space, such as areas for gatherings, active recreation, spontaneous play, and contact with nature. It specifically recommends creating a public local park ("Local Park") on the Property.

The Viva White Oak Sketch Plan requires the Applicant to dedicate a co-located school and Local Park site that is a minimum of nine acres. The final size and location of the parcels will be determined during subsequent regulatory review and approval processes. Montgomery Parks coordinated with Planning Staff and the Applicant on initial design ideas during the development of the Sketch Plan. The Sketch Plan's conceptual park design includes a large rectangular athletic field and other active recreational amenities. Montgomery Parks also recommends adding a picnic shelter and public restrooms to the Local Park site.



Figure 11: Sketch Plan No. 320180040 Open Space Exhibit

The nearest existing park is Stonehedge Local Park, located approximately a mile from the center of the Property, near the intersection of Industrial Parkway and Old Columbia Road. The 4.4-acre park has playgrounds, a half-court basketball area, and a small multi-use field. Stonehedge Local Park is the only park east of Columbia Pike and south of Cherry Hill Road, and it can only be accessed from Old Columbia Pike. It is not within a 10-minute walk of most of the proposed development, and it will not meet the needs of a new high-density, mixed-use center.

The proposed Local Park strongly supports the goals of the 2022 *Parks, Recreation, and Open Space* (“PROS”) Plan and the County’s General Plan, *Thrive Montgomery 2050*, by providing public access to green spaces in a rapidly growing area, encouraging physical activity, and fostering social connections and civic participation. Integrating the Local Park into the heart of the community as a central, multifunctional space reflects the PROS’ placemaking-first approach and is an important part of ensuring that the new development functions as a complete community.

The timing of the Local Park’s construction should align with the first phase of residential development. The Local Park will serve as a focal point of community life, while offering walkable access to a variety of park experiences. The Local Park is a critical part of Viva White Oak's

infrastructure, as it anchors the development with a vibrant civic space and provides necessary opportunities for active recreation.

In addition to ensuring that the new residents and visitors have access to adequate park facilities, including this civic space in the first phase of development will energize the neighborhood, helping it feel like a true community rather than a private enclave. Funding the construction of the Local Park as part of the TIF is the best way to ensure that it is constructed in a timely manner. The construction cost for the Local Park is not included in the current Parks six-year CIP (adding it to the CIP would require the delay or elimination of other existing and approved priority projects). The County Council should consider including the Park construction in the TIF.

The remainder of the proposed public open spaces at Viva White, including the Civic Green and other parks, will likely be privately owned. Figure 11 shows the proposed location of the Civic Green on Sketch Plan No. 320240080 (“Sketch Plan”). The Planning Board recognized the proposed location of the Civic Green, tucked behind a multifamily building, as suboptimal. Therefore, the Board conditioned Sketch Plan approval as follows: “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” (Condition No. 4c). This condition of approval will be addressed with a future Preliminary Plan Amendment and Site Plan.

POLICE STATIONS

The existing third district police station, located at 1002 Milestone Drive, is adequate to serve Viva White Oak. The additional officers that will be needed to patrol the area will work out of the existing station, as confirmed by the Montgomery County Department of Police Third District Commander.

FIREHOUSES

The Montgomery County Fire and Rescue Service (MCFRS) anticipates that over the next 10–15 years, demand from the Viva White Oak, and other planned East County developments, may increase pressure on nearby stations that are already among the busiest in the system, with limited capacity for additional apparatus or personnel. MCFRS recommends exploring a collaborative public-private partnership to create a non-traditional worksite—modeled after Howard County Fire Station 14—with two bays and space to support eight personnel. Such a facility would require approximately 10,000–15,000 square feet, including apparatus, living quarters, training space, and mechanical systems.

HEALTH CLINICS

Adventist Hospital is located directly north of the Property, and three Montgomery Cares (Medical Care for Uninsured Adults) clinics are located within five miles of the Property (Figure 12). The existing facilities are adequate to serve Viva White Oak.

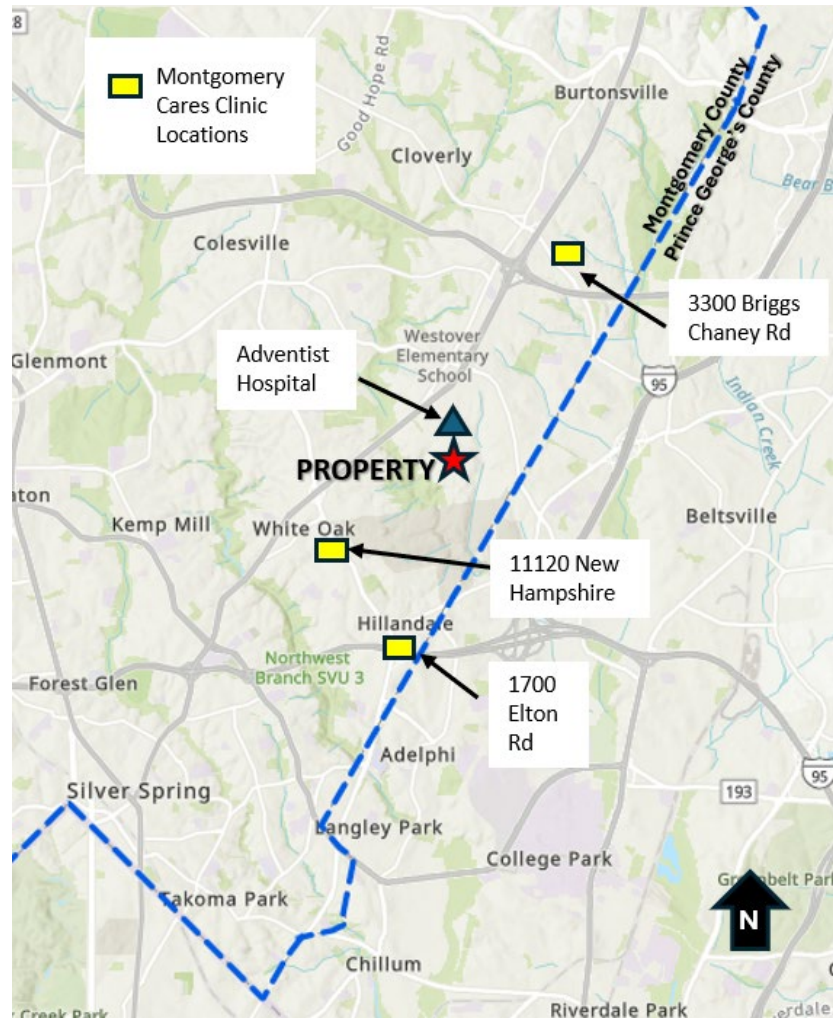


Figure 12: Montgomery Cares Clinic Locations¹²

¹² Clinic locations listed on <https://www.montgomerycountymd.gov/HHS-Program/Maps/MCLOC.html>

SECTION 7: CONCLUSION

As conditioned, the Provisional Adequate Public Facilities application satisfies the requirements of Chapter 14, Section 7 of the County Code. Therefore, Staff recommends approval of the Application with the infrastructure specified at the beginning of this report.

ATTACHMENTS

Attachment A: Development District Boundary

Attachment B: Applicable Prior Planning Board Approvals

Attachment C: County Council Resolution No. 20-875

Attachment D: LATR/LATIP Cost Estimating Analysis White Paper (May 2019)

Attachment E: LATIP 2023 Update

Attachment F: Planning Board's April 11, 2025, Old Columbia Pike/Prosperity Drive letter

Attachment G: Agency Letters

Attachment H: Community Correspondence

Attachment I: Correspondence from Councilmember Mink

Attachment J: LATIP Fee and Credit Estimates

Attachment K: Planning Director's July 17, 2025, Transportation Demand Management Repeal