



THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

COMMISSION MEETING

May 16, 2018

10:00 a.m. – 12:00 p.m.

Montgomery Regional Office

Auditorium

8787 Georgia Avenue

Silver Spring, Maryland 20901

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION MEETING
Wednesday, May 16, 2018
Montgomery Regional Office (Auditorium)
10:00 a.m. – 12:00 p.m.

ACTION

	Motion	Second
1. Approval of Commission Agenda (10:00)	(+*) Page 1	
2. Approval of Commission Minutes		
a) Closed Session – March 8, 2018	(+*)	
b) Open Session – March 30, 2018	(+*) Page 3	
c) Closed Session – March 30, 2018	(+*)	
d) Open Session – April 18, 2018	(+*) Page 7	
e) Closed Session – April 18, 2018	(+*)	
3. General Announcements (10:10)		
a) May is Asian Pacific American Heritage Month		
b) May is Jewish-American Heritage Month		
c) May is Arab American Heritage Month		
d) May is Military Appreciation Month		
e) M-NCPPC Employee Health Fitness Week – May 11 th – 18 th		
f) May is Stress Awareness and Alcohol Awareness Month		
g) National Prevention Week – May 13 th – 19 th (Mental Health/Substance Abuse Disorders)		
4. Committee Minutes/Board Reports (For Information Only) (10:15)		
a) Executive Committee Meeting – Open Session – May 2, 2018	(+) Page 9	
b) Executive Committee Meeting – Closed Session – May 2, 2018	(++)	
c) Employees’ Retirement System Board of Trustees Meeting Minutes April 3, 2018	(+) Page 11	
5. Action and Presentation Items (10:20)		
a) Introduction of New Montgomery County Park Police Chief (Riley)		
b) Mandatory Referral Food and Drug Administration (General Services Administration/Gardner)	(+*) Page 15	
c) Memorandum on Fiscal Year 2019 Compensation and Benefits and Related Resolutions (Barney)	(+) Page 89	
d) Resolution #18-09 Fiscal Year Anniversary (Merit) Pay Increment Adjustment for Certain Non-Represented Merit System Employees (Barney)	(+*) Page 91	
e) Resolution #18-10 Fiscal Year 2019 Cost of Living Adjustments for Certain Non-Represented Merit System and Certain Contract Employees (Barney)	(+*) Page 93	
f) Resolution #18-11 Fiscal Year 2019 Pay Increment Adjustments for Seasonal/ Intermittent and Term Contract Employees (Barney)	(+*) Page 95	
g) Resolution #18-12 Fiscal Year 2019 Merit Increase and Cost of Living Adjustments for the Park Police Command Staff and Candidates (Barney)	(+*) Page 97	
h) Resolution #18-13 Fiscal Year 2019 Merit Increase and Cost of Living Adjustments for the Park Police Bargaining Unit (Barney)	(+*) Page 99	
i) Resolution #18-15 Fiscal Year 2019 Health Insurance Premium Holidays (Barney)	(+*) Page 101	
J) Resolution #18-14 Refunds to Appropriate Non-Departmental Accounts for Fiscal Year 2018 Overpayments to Group Insurance Fund (Zimmerman)	(+*) Page 103	
k) Request for Use of Salary Lapse for the Office of Finance (Zimmerman)	(+*) Page 105	
l) Request for Use of Salary Lapse for the Department of Human Resources and Management (Barney)	(+*) Page 107	
m) Acknowledge Dr. Alicia Hart as the Prince George’s County Open Trustee to the Board of Trustees for the term ending June 30, 2021 (Rose)	(+*) Page 109	
n) FY2019 Operating Budget for the Employees’ Retirement System (Rose)	(+*) Page 111	
o) Annual Legislative Update (Gardner)		

6. Officers' Reports

- a) Executive Director's Report (For Information Only)
Employee Evaluations Not Completed by Due Date (April 2018) (+) Page 117
- b) Secretary Treasurer (For Information Only)
MFD 1st and 2nd Quarter Purchasing Statistics FY18 (+) Page 119
- c) General Counsel
Litigation Report (For Information Only) (+) Page 145

(+) Attachment (++) Commissioners Only (*) Vote (H) Handout (LD) Late Delivery



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
Open Session Minutes
March 30, 2018

The Maryland-National Capital Park and Planning Commission met at the Laurel-Beltsville Senior Center Multi-Purpose Room in Laurel, MD.

PRESENT

Prince George's County Commissioners

Elizabeth M. Hewlett, Vice-Chair
Dorothy Bailey
William Doerner
A. Shuanise Washington

Montgomery County Commissioners

Casey Anderson, Chair
Gerald Cichy
Tina Patterson

NOT PRESENT

Manuel Geraldo

Norman Dreyfuss
Natali Fani-Gonzalez

Vice-Chair Hewlett convened the meeting at 10:25 a.m.

ITEM 1

APPROVAL OF COMMISSION AGENDA

ACTION: Motion of Hewlett to approve the Commission agenda
Seconded by Bailey
7 approved the motion

ITEM 2

APPROVAL OF COMMISSION MINUTES

Open Session – February 21, 2018
ACTION: Motion of Hewlett to approve the Commission minutes
Seconded by Bailey
7 approved the motion

ITEM 3

GENERAL ANNOUNCEMENTS

Chair Anderson announced the Financial Disclosure filing requirement of April 30, 2018. He also announced the M-NCPPC Women's History Event will occur immediately after the Commission Meeting from 12:00 p.m. – 3:00 p.m. at the Laurel-Beltsville Senior Center.

ITEM 4

COMMITTEE MINUTES/BOARD REPORTS (For Information Only)

- a) Executive Committee – Open Session – March 5, 2018
- b) Regular Board of Trustees Meeting Minutes – February 6, 2018

ITEM 5

ACTION AND PRESENTATION ITEMS

- a) Resolution #18-06 Adoption of Energized Public Spaces Functional Master Plan
Chair Anderson commended Montgomery County Parks Planner Coordinator Christina Sasaki for her valued contribution on the Energized Public Spaces Functional Master Plan. Ms. Sasaki provided a brief statement explaining the Master Plan which applies an innovative methodology to identify areas with the highest need for parks and open spaces.

ACTION: Motion of Washington to approve Resolution #18-06

Seconded by Doerner

7 approved the motion

b) Acknowledgement of Rick Liu as the Montgomery County Open Trustee to the Employees' Retirement System Board of Trustees

ACTION: Motion of Patterson to approve Rick Liu as the Montgomery County Open Trustee

Seconded by Washington

7 approved the motion

c) Recommendation of White Oak Global Advisors as a New Investment Manager for the Employees' Retirement System(ERS)

ACTION: Motion of Doerner to approve White Oak Global as a New Investment Manager for the ERS

Seconded by Washington

7 approved the motion

d) EOB Building Update

Executive Director Patricia Barney informed that the Executive Office Building (EOB) Feasibility Study Work Group with the support of Commissioners' Dreyfuss and Doerner has been working diligently on the EOB Building project to determine whether Central Administrative Services (CAS) should relocate to a purchased or leased building. Executive Director Barney informed that the Full Commission would be apprised of the project's progression as phases were completed. The project is being led by Corporate Policy and Management Operations Chief Anju Bennett.

Chief Bennett reported, in July 2017, the Commission approved the use of a commercial space expert to conduct a comprehensive assessment of the office space requirements, assistance identifying feasible alternatives for relocation including lease and purchase options and detailed cost benefit analysis of options for the Executive Office Building. Chief Bennett provided an update on the status of the project since the completion of the project scope and the competitive selection process which enabled Gensler to be the consultant for the project. Chief Bennett reviewed the project tasks and accepted comments from the Commissioners as follows:

- Commissioner Doerner thanked the team for all of their hard work on the project and requested that an IT Component be considered when conducting Task 2. He suggested the consideration of IT hooks up, bandwidths, etc.
- Commissioner Cichy suggested considering transit access when searching for potential locations and/or buildings.
- Commissioner Cichy also recommended conducting a zip code analyses to determine what areas the majority of new hires dwell in.

e) Non- Recommended Savings

Executive Director Barney and Budget Director John Kroll introduced the approach of Central Administrative Services(CAS) to address the 2% budget reductions requested by Montgomery County Executive Ike Leggett for Fiscal Year 2019. The total reduction was recommended of \$6,637,314. Due to the timing of when the Montgomery County Council deals with their reconciliation list, Executive Director Barney proposed that a reasonable approach might be that the CAS departments/units' Tier 1 items be held harmless. Although that would require more non-recommended reductions to be listed by the Parks and Planning Departments, it would enable those items to be considered for placement on the reconciliation list.

Montgomery County Planning Director Gwen Wright and Montgomery County Parks Deputy

Director John Nissel identified funds to support CAS with the removal of tier 1 reductions by increasing their amount of reductions for fiscal year 2019. Vice-Chair Hewlett asked Executive Director Barney additional questions as the Montgomery County Directors' proposed amount would not fully cover all the Tier 1 reductions for CAS.

Commissioner Washington made a motion to approve the Montgomery County Parks and Planning Departments to cover a portion of the Central Administrative Services Tier 1 reductions and that Executive Director Barney work with the CAS Leaders to work out the details; Commissioner Patterson seconded; Commissioner Hewlett opposed. 6 voted in favor of the motion.

ITEM 6

OFFICERS' REPORTS

- a) Executive Director's Report (For information only)
Employee Evaluations Not Completed by Due Date (February 2018)
- b) Secretary-Treasurer's Report (For information only)
Investment Report (February 2018)
- c) General Counsel (For information only)
 - 1) Litigation Report (February 2018)
 - 2) Legislative Update

There being no further business to discuss in open session, Vice-Chair Hewlett requested a motion to move to closed session at 11:53 a.m., Chair Anderson approved the motion pursuant to Section 3-305(b)(7) and (b)(9) of the General Provisions Article of the Annotated Code of Maryland, for consultation with counsel and to conduct collective bargaining negotiations or consider matters that relate to the negotiations.

At 12:05 p.m., the Commission moved to open session and the meeting adjourned.



Deirdra S. Walker, Administrative Specialist



Patricia Colihan Barney, Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
 Open Session Minutes
 April 18, 2018

The Maryland-National Capital Park and Planning Commission met at the Prince George's Parks and Recreation Auditorium in Riverdale, MD.

PRESENT

Prince George's County Commissioners

Elizabeth M. Hewlett, Vice-Chair
 Dorothy Bailey
 William Doerner
 Manuel Geraldo

Montgomery County Commissioners

Casey Anderson, Chair
 Gerald Cichy
 Norman Dreyfuss
 Natali Fani- Gonzalez
 Tina Patterson

NOT PRESENT

A. Shuanise Washington

Vice-Chair Hewlett convened the meeting at 10:25 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

ACTION: Motion of Hewlett to approve the Commission agenda
 Seconded by Cichy
 9 approved the motion

ITEM 2 GENERAL ANNOUNCEMENTS

Chair Anderson made the following announcements:

- Financial Disclosure filing requirement due date of April 30, 2018
- M-NCPPC Employee Health and Fitness Week – May 11th – May 18th
- April is National Arab-American Heritage Month
- April is Diversity Month
- May is Stress Awareness Month and Alcohol Awareness Month
- National Prevention Week (Mental Health/Substance Abuse Disorders) is May 13th – May 19th

Vice-Chair Hewlett encouraged participation in the M-NCPPC Health and Fitness Week events. Chair Anderson requested that the agency focus on bringing awareness to staff of the benefits offered to support mental health disorders and alcohol and substance abuse. Chair Hewlett congratulated General Counsel Adrian Gardner and the Office of the General Counsel for Court of Appeals litigation concerning Costco.

ITEM 3 COMMITTEE MINUTES/BOARD REPORTS (For Information Only)

- a) Executive Committee – Open Session – March 5, 2018
- b) Regular Board of Trustees Meeting Minutes – March 6, 2018

ITEM 4

ACTION AND PRESENTATION ITEMS

a) Resolution #18-07 Mandatory Referral Uniform Standards

ACTION: Motion of Hewlett to approve Resolution #18-07
Seconded by Geraldo
9 approved the motion

b) Personnel Management Review

Human Resources Director William Spencer introduced Human Resources Specialist Jillian Chapman of the Classifications and Compensation office, who provided an overview of the M-NCPPC 2017 Personnel Management Review (PMR). The PMR reports the demographics of the agency's workforce. Ms. Chapman informed that the 2017 report has been updated to reflect the racial ethnicity of Native Hawaiian and Pacific Islander and the statistics of the M-NCPPC Language and Literacy Proficiency Program. Racial distribution throughout the agency remained consistent with the prior year. The average length of service is 12.5 years for Commission employees and the turnover rate is 8.2 percent, which may be caused by the higher than average rate of staff eligible to retire.

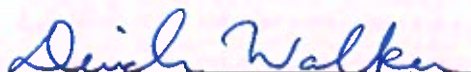
Ms. Chapman informed Commissioners that the Classification and Compensation office welcomes any feedback regarding the report and any additional data Commissioners would like to see within the report. Commissioner Dreyfuss inquired why veteran status is not captured within the PMR report, and the likelihood of the Commission launching a program to incentivize veterans to apply for and obtain employment with the Commission. Executive Director Barney informed that the Department of Human Resources and Management would research approaches implemented by other organizations and offer scenarios to the Commission. Commissioner Geraldo inquired about efforts being made by the agency's Recruitment and Selection Services (RSS) division to hire from the Hispanic and Asian populations. Human Resources Director Spencer reported that the RSS division has obtained diverse subscriptions such as Diversity Pro and participated in various festivals and conferences to assist with diverse hiring efforts. Mr. Spencer offered for Recruitment Manager Steven Kawakami to brief the Commissioners on the agency's diverse hiring efforts. Commissioner Dreyfuss requested an educational briefing on the differences between a Health Savings Account (HSA) and a Flexible Spending Account (FSA) to ensure the Commission has selected the option which best favors employees. Executive Director Barney advised that DHRM would report back to the Commission on these two plans.


ITEM 5

OFFICERS' REPORTS

- a) Executive Director's Report (For Information Only)
Employee Evaluations Not Completed by Due Date (March 2018)
- b) Secretary Treasurer (For Information Only)
Investment Report (January 2018)
- c) General Counsel (For information only)
 - 1) Litigation Report (March 2018)
 - 2) Legislative Update

Vice-Chair Hewlett made a motion to move to closed session to discuss items pertaining to Collective Bargaining; Chair Anderson seconded the motion. The closed session meeting convened at 10:42 a.m.


Deirdra S. Walker, Administrative Specialist


Patricia Colihan Barney, Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

EXECUTIVE COMMITTEE MEETING MINUTES

May 2, 2018

On May 2, 2018, the Maryland-National Capital Park and Planning Commission's Executive Committee via conference call. Present were Chair Casey Anderson, Vice-Chair Elizabeth M. Hewlett and Executive Director Patricia Barney. Also present were:

Department Heads

Andree Checkley, Director, Prince George's County Planning
 Gwen Wright, Director, Montgomery County Planning
 Mike Riley, Director, Montgomery County Parks
 Roslyn Johnson, Acting Director, Prince George's Parks and Recreation
 Joseph Zimmerman, Secretary-Treasurer
 Adrian Gardner, General Counsel

Presenters/Staff

Mazen Chilet, Chief Information Officer
 William Spencer, Human Resources Director, Department of Human Resources and Management
 Michael Beckham, Policy Manager, Corporate Policy and Management Operations
 Brian Coburn, Senior Management Analyst, Corporate Policy and Management Operations

The meeting convened at 10:08 a.m.

ITEM 1a – APPROVAL OF EXECUTIVE COMMITTEE AGENDA

Discussion	Executive Director Barney added a budget update to the agenda.
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ITEM 1b – APPROVAL OF COMMISSION MEETING AGENDA

Discussion	<ul style="list-style-type: none"> • Prince George's Parks and Recreation Acting Director Roslyn Johnson requested that the TedX Presentation be moved to the June 20, 2018 Commission Meeting. • General Counsel Adrian Gardner provided background of the Food and Drug Administration Mandatory referral which affects both counties. The Montgomery County and Prince George's County Planning Departments have worked together on the Referral which will be vetted by both Planning Boards prior to the May 16, 2018, Commission Meeting. Requests for comments from the public will be accepted and included within the Commission packet. • General Counsel Gardner informed that the he will need 20 minutes for the Annual Legislative Update. • Executive Director Barney added to the agenda the Employees' Retirement System Fiscal Year 19 Budget and the Acknowledgement of Alicia Hart as the Prince George's County Open Trustees for a term ending June 30, 2021. • Vice-Chair Hewlett requested that the Office of the General Counsel provide an Ethics briefing to the Full Commission in the near future. Executive Director Barney informed that she would schedule a meeting with the Office of the General Counsel, Office of the Inspector General, and Human Resources to determine which ethics violations occur most frequently and develop an approach for addressing them.
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ITEM 1c – ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS	
Discussion	Executive Director advised that the Legislative Report should be move from June to September as a placeholder.
ITEM 2 – MINUTES	
	April 9, 2018 - Executive Committee Minutes – accepted without changes.
ITEM3 – DISCUSSION/REPORTS/PRESENTATIONS	
	<p>a) <u>Refund of Retiree Insurance Costs to Departments</u> – Secretary-Treasurer Joseph Zimmerman reported that there is an excess in the amount of employer contribution for retiree insurance costs in Fiscal Year 2018. The contributions which total approximately \$2,000,000 can be reimbursed. It is possible that the Fiscal Year 2019 budget may yield a similar outcome of additional contributions from the employer’s perspective. The resolution to refund the excess contribution will be brought to the May 16, 2018 Full Commission Meeting.</p> <p><u>Budget Update: added by Executive Director Barney</u> Executive Director Barney reported that she received a call from Montgomery County Council Administrator Marlene Michaelson who inquired of a decision from the Prince George’s County Council on the Central Administrative Services budget. Executive Director Barney expects that the item will be addressed at the Prince George’s County Work Session on May 8, 2018. Information that was available regarding the budget has been provided to Ms. Michaelson. Executive Director Barney suggested that Joseph Zimmerman, John Kroll and the Montgomery County Office of Management and Budget discuss the revenue shortfall.</p>
Follow up	<ul style="list-style-type: none"> Executive Director Barney to schedule a meeting with the Office of the General Counsel, Office of the Inspector General, and Human Resources Director to determine which ethics violations occur most frequently and develop an approach for addressing them.

There being no further business to discuss, the meeting adjourned to closed session at 10:48 a.m., to consult with legal counsel.


Deirdra Walker, Administrative Specialist


Patricia Colihan Barney, Executive Director



EMPLOYEES' RETIREMENT SYSTEM
The Maryland-National Capital Park and Planning Commission

**BOARD OF TRUSTEES MEETING
MINUTES
Tuesday, April 3, 2018; 10:00 A.M.
ERS/Merit Board Conference Room**

The Maryland-National Capital Park and Planning Commission Employees' Retirement System Board of Trustees met in the ERS/Merit Board Conference Room at its office in Riverdale, Maryland on Tuesday, April 3, 2018 and was called to order at 10:00 a.m. by CHAIRMAN HEWLETT.

Board members present:

1. Elizabeth M. Hewlett, Board of Trustees Chairman, Prince George's County Commissioner
2. Gerald R. Cichy, Board of Trustees Vice Chairman, Montgomery County Commissioner
3. Sheila Morgan-Johnson, Prince George's County Public Member
4. Dr. Alicia J. Hart, Prince George's County Open Trustee (*via conference call*)
5. Rick Liu, Montgomery County Open Trustee
6. Howard Brown, FOP Represented Trustee
7. Pamela F. Gogol, Montgomery County Public Member
8. Joseph C. Zimmerman, CPA, M-NCPPC Secretary-Treasurer, Ex-Officio
9. Amy Millar, MCGEO Represented Trustee arrived at 10:10 a.m.

Board members not present:

1. Patricia Colihan Barney, CPA, M-NCPPC Executive Director, Ex-Officio
2. Barbara Walsh, Bi-County Open Trustee

ERS staff present were: Andrea L. Rose, Administrator; Heather D. Brown, Senior Administrative Specialist; and, Sheila S. Joynes, Accounting Manager.

Presentations by: M-NCPPC Legal Department - LaTonya Reynolds, Senior Counsel; and, Groom Law Group - Alexander P. Ryan, Counsel (*via conference call*).

Others present were: Wilshire Associates - Bradley A. Baker, Managing Director (*via conference call*).

CHAIRMAN HEWLETT welcomed and introduced the new Montgomery County Open Trustee, Rick Liu.

1. CONSENT AGENDA

The following items are to be approved or accepted by vote on one motion unless a Board member requests separate consideration:

- A. Approval of the April 3, 2018 Board of Trustees Meeting Agenda
- B. Minutes of Regular Meeting, March 6, 2018
- C. Closed Session Minutes of Regular Meeting, March 6, 2018 (**Confidential**)
- D. Disbursements Granted Report – February 2018

ACTION: MR. ZIMMERMAN made a motion, seconded by VICE CHAIRMAN CICHY to approve the Consent Agenda, as submitted.
The motion PASSED unanimously (8-0). (Motion #18-16)

2. CHAIRMAN'S ITEMS

A. Board of Trustees Conference Summary

Andrea Rose reported the Mid-Atlantic Plan Sponsors (MAPS) 2018 Annual Conference will be held from June 4-7, 2018 in Baltimore, Maryland. The agenda will be forwarded to trustees once available.

3. MISCELLANEOUS

No miscellaneous reported.

4. REPORT OF THE ADMINISTRATOR

Presentation by Administrator, Andrea L. Rose

A. Administrator's Report dated March 23, 2018

Andrea Rose presented the Administrator's Report dated March 23, 2018.

Financial Disclosure Statements were sent via email to all trustees with directions for submitting to the M-NCPPC Executive Director's Office and a copy to the ERS. Statements are due by April 30, 2018.

MS. MILLAR arrived at 10:10 a.m.

The Prince George's County Open Trustee seat expires June 30, 2018. A Call for Nominations will be announced in early April. An election will be held to determine the candidate. Merit System employees working in the Prince George's County offices are invited to apply for the vacancy. Employees represented by MCGEO and the FOP are not eligible for this position. The Board of Trustees and Commission will acknowledge the candidate receiving the highest number of votes cast for appointment to the Board.

In early February 2018, the ERS issued a Request for Proposal seeking qualified firms to provide a comprehensive pension administration system, document imaging solution and employee self-service portal. The ERS received 8 responses that are currently being reviewed. The evaluation process includes a thorough review of responses, demonstrations from the semi-finalists, and site visits to the firm and/or firm's client(s), as needed.

5. CLOSED SESSION

The Board will meet in Closed Session, pursuant to the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(5) and 3-305(b)(7), for investment of public funds and to consult with legal counsel

At 10:14 a.m. CHAIRMAN HEWLETT requested a motion to go into Closed Session under authority of the General Provisions Article of the Annotated Code of Maryland Section 3-305(b)(5) and 3-305(b)(7) for discussion of the investment of public funds and to consult with legal counsel regarding the Side Letter and Limited Partnership Agreement for the Golub Capital Partners 11, L.P., the Actuarial Equivalence Factors, and a proposed Side Letter Amendment for Neuberger Berman with presentations by Groom Law Group - Alexander P. Ryan, Counsel (via conference call) and M-NCPPC Legal Department - LaTonya Reynolds, Senior Counsel.

ACTION: VICE CHAIRMAN CICHY made the motion, seconded by MS. MILLAR to go into Closed Session.
The motion PASSED unanimously (9-0). (Motion #18-17)

At 10:32 a.m. CHAIRMAN HEWLETT requested a motion to leave Closed Session.

ACTION: VICE CHAIRMAN CICHY made the motion, seconded by MS. GOGOL to leave Closed Session.
The motion PASSED unanimously (9-0). (Motion #18-20)

Mr. Ryan left the meeting.

ACTION: VICE CHAIRMAN CICHY made the motion, seconded by MS. GOGOL to ratify the actions taken in Closed Session.
The motion PASSED unanimously (9-0). (Motion #18-21)

The Board of Trustees meeting of April 3, 2018 adjourned at 10:34 a.m.

Respectfully,


Heather D. Brown
Senior Administrative Specialist


Andrea L. Rose
Administrator



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

May 8, 2018

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission

FROM: Casey Anderson, Chair, Montgomery County Planning Board 

RE: FDA Campus Mandatory Referral (MR2018023)

On March 14, 2018, the U.S. General Services Administration (GSA), in cooperation with the Food and Drug Administration (FDA), filed a Mandatory Referral with the Montgomery County Planning Department for the 2018 FDA Federal Research Center Master Plan and the 2018 Federal Research Center Master Plan, Draft Environmental Impact Statement. The FDA plans to expand their headquarters campus in White Oak and increase the total number of employees to 18,000, in the time frame between 2025 to 2035. The 130-acre FDA campus is located within the 662-acre Federal Research Center (FRC), of which 622 acres are in Montgomery County and 40 acres are in Prince George's County. The FDA and 622 acres of the FRC are within Montgomery County's 2014 *White Oak Science Gateway Master Plan*.

At its regular meeting on May 3, 2018, the Montgomery County Planning Board reviewed the Mandatory Referral, including a presentation from staff, which highlighted the issues covered in the staff report (see enclosure). The Planning Board generally agreed with the points covered in the staff report, with a few modifications and comments that are reflected in this letter.

During the meeting, the Board asked for clarification regarding the significance of the "historic golf course buffer," the linear green area in front of FDA along New Hampshire Avenue. Based on the explanation we received from our historic preservation staff, the Planning Board understands there is a review process (Section 106) for any possible use of this green buffer, but the Board does not want to limit potential options for recreational opportunities within the buffer. The Board is also aware that a stream runs through the green buffer area. The Board members agreed to modify the following paragraph (from page 9 of the enclosed staff report) to reflect their position regarding the buffer.

Historic Golf Course Buffer

There has been some discussion of, and desire for, creating an amenity space in the green buffer area along New Hampshire Avenue, which is the former

Memorandum to M-NCPPC
May 8, 2018
Page Two

golf course associated with the Naval Ordnance Laboratory. ~~A thoughtfully designed, low impact, publicly accessible feature could be considered, such as a walking trail and benches, which preserves the historic setting and character of the original golf course, but also allows access and enjoyment of the amenity.~~ The design of this amenity and desire for amenity space should be coordinated with the Montgomery County Department of Parks (part of the M-NCPPC). Any such alteration would require consultation and approval through the Section 106 process, and further review under the National Environmental Policy Act (NEPA).

The Board would also like to emphasize that, if the Memorandum of Agreement for the site (among the FDA, GSA, the Advisory Council for Historic Preservation, and the Maryland Historical Trust) is revised, we do not want to constrain the Parks Department from asking for something more ambitious in the buffer area, or adjacent to Hillandale Local Park, that would allow for increased recreational opportunities (as noted on page 11 of the staff report). The Planning Board supports maximizing access of this space if, at some future point, GSA/FDA will accommodate recreational use of this area.

The Planning Board also discussed the issue of connectivity in the White Oak area, which is constrained by the Paint Branch and the lack of public access through the FRC. The Planning Board is interested in GSA/FDA exploring options for additional connections that would disperse traffic, reduce pressure on the road network, and provide additional options for access to and from the site. In their letter to GSA dated April 16, 2018, the Montgomery County Department of Transportation (MCDOT) also requested that additional connectivity options be explored. The Board and MCDOT also agree that federal participation, particularly funding for Bus Rapid Transit on New Hampshire Avenue, is essential to ensure that FDA's growth does not outpace and overwhelm the area's transportation network.

After a thorough discussion, on a motion by Commissioner Gerald R. Cichy, the Planning Board voted 5 to 0 to transmit the enclosed staff report, with this transmittal letter, which reflects the Board's specific comments on this Mandatory Referral. The Planning Board looks forward to discussing these issues at the full Commission meeting on May 16, 2018. The Board also looks forward to reviewing the Final Environmental Impact Statement and FDA Campus Master Plan later this year.

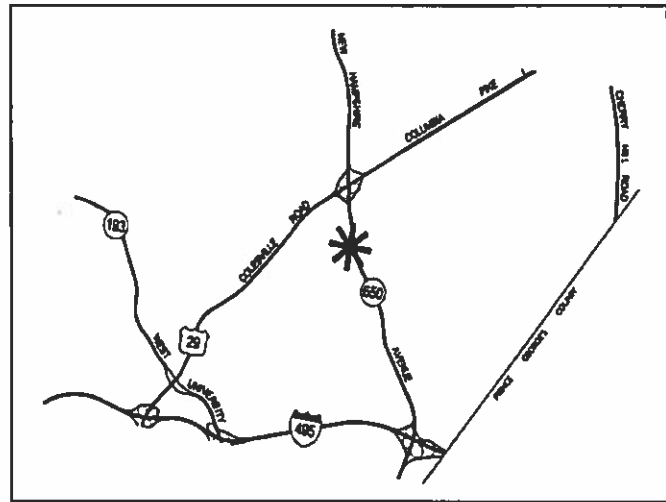
FDA Campus Mandatory Referral (MR2018023)

- TL** Troy Leftwich, Senior Planner, Area 2 Division, troy.leftwich@montgomeryplanning.org, 301-495-4553
- NS** Nancy Sturgeon, Supervisor, Area 2 Division, nancy.sturgeon@montgomeryplanning.org, 301-495-1308
- PB** Patrick Butler, Supervisor, Area 2 Division, patrick.butler@montgomeryplanning.org, 301-495-4561
- CS** Carrie Sanders, Chief, Area 2 Division, carrie.sanders@montgomeryplanning.org, 301-495-4653

Description

Staff Report Completed: 4/26/18

The U.S. General Services Administration (GSA), in cooperation with the Food and Drug Administration (FDA), filed a Mandatory Referral on March 14, 2018 for the 2018 FDA Federal Research Center Master Plan and the 2018 Federal Research Center Master Plan, Draft Environmental Impact Statement. FDA plans to expand their campus in White Oak and increase the total number of employees to 18,000, from 2025 to 2035. The 130-acre FDA campus is located within the 662-acre Federal Research Center, of which 622 acres are in Montgomery County and 40 acres are in Prince George's County. This staff report provides comments regarding potential mitigation for the impacts resulting from the addition of 9,000 employees to the facility. The project is within the 2014 White Oak Science Gateway Master Plan.



Summary

- FDA is planning to accommodate up to 18,000 employees on the FDA campus, from 2025 to 2035.
- The Montgomery County Planning Board was briefed on the FDA Master Plan on February 22, 2018.
- The Planning Department provided written comments on the draft Environmental Impact Statement (EIS) to GSA on April 13, 2018, per GSA's deadline (see Attachment 2).
- The Montgomery County Planning Board will provide comments on this Mandatory Referral to the full Maryland-National Capital Park and Planning Commission (M-NCPPC) prior to the full Commission meeting on May 16, 2018.
- The Prince George's County Planning Board will review this Mandatory Referral on April 26, 2018.
- The full Commission of the M-NCPPC will review this Mandatory Referral on May 16, 2018 and will provide comments to the National Capital Planning Commission (NCPC).
- There will be a final EIS and FDA Master Plan review in late summer or early fall 2018.

SECTION 1: SITE DESCRIPTION AND BACKGROUND

Site Description

The U.S. Food and Drug Administration (FDA) is located within the Federal Research Center (FRC), formerly the Naval Surface Warfare Center, which was closed in 1995. The FRC includes 662 acres, of which 622 acres are in Montgomery County and 40 acres are in Prince George's County. In 1996, 130 acres of the western portion of the FRC was mandated by the federal government for construction of the FDA's consolidated headquarters. Construction of FDA's headquarters began in 2001 and the Planning Department reviewed FDA's campus Master Plans in 2006 and 2009. The main entrance of the FDA campus is 10903 New Hampshire Avenue and the entire headquarters facility is within Montgomery County and within the boundaries of the 2014 *White Oak Science Gateway Master Plan*.

Background

In 2014, Montgomery County completed a lengthy visioning process for the White Oak area, culminating in the approved and adopted *White Oak Science Gateway Master Plan (WOSG)*. The Master Plan's vision is aspirational, anticipating that the broader area will benefit from the location of FDA's headquarters in White Oak. In anticipation of FDA being a catalyst for redevelopment and reinvestment



Figure 1- FDA campus on the FRC

in the greater White Oak area, the Master Plan allows for significant amounts of new development, including the 300-acre “Viva White Oak” project, located adjacent to the FRC’s eastern boundary. The long-awaited relocation of Washington Adventist Hospital, from Takoma Park to White Oak, is underway; the hospital is under construction on a 48-acre site adjacent to the “Viva” property.

One of the most challenging aspects of turning the WOSG Master Plan’s vision into reality is ensuring that the necessary transportation infrastructure is in place to support the planned development. As noted on page 53 of the WOSG Master Plan: *The transportation network serving this area will require high quality transit improvements as well as additional road infrastructure to support the potential development envisioned by this Plan.* The development envisioned by the 2014 WOSG Master Plan included approximately 9,000 jobs at the FDA, based on the FDA’s 2009 campus master plan update, which limited the number of employees at the facility to 8,889. The growth and expansion of the campus that is described in the 2018 FDA Master Plan, and analyzed in the draft EIS, is a significant increase that requires careful planning for transportation in the White Oak area. It is important that the site’s growth does not outpace the development of the area’s transportation network.

The White Oak area has limited options for new vehicular connections and is particularly constrained by existing development, ownership patterns, environmental resources, and the FRC, where public access is not permitted through the campus. Because these constraints limit opportunities to provide circulation and connectivity, the WOSG Master Plan relies on a robust bus rapid transit (BRT) network, including BRT on US 29, New Hampshire Avenue, and Randolph Road, to relieve congestion and reduce single occupancy vehicle travel.

After the WOSG Master Plan was approved and adopted in July 2014, the County initiated an intensive review of options to address the traffic congestion problems. While we support the transportation mitigation strategies FDA has implemented for the current number of employees, more substantial transportation mitigation strategies will be needed if the campus and the number of employees is going to double in size.

SECTION 2: PROPOSED PROJECT

The following is a description of GSA’s three alternatives; the fourth alternative is a no-build option. Under each of the action alternatives, a distribution center would be constructed under the new plaza and a truck-screening facility would be constructed at the entrance to the FDA campus on Michelson Road. Attachment 4 of this report provides more detail for the three alternatives.

Alternative A: Mid-Rise Buildings: Under this alternative, proposed building heights are comparable to existing building heights. New buildings would be placed at the eastern end of the commons and the plaza would be extended to facilitate a walkable campus. There would be five new office buildings, four new parking garages, a Communications Center, and a Conference Center.



Figure 2- Alternative A

Alternative B: One High-Rise Office Building: Under Alternative B, a 20-story office building would be placed on the eastern end of the FDA campus. Additional mid-rise buildings would also be placed at the eastern end of the commons and the plaza would be extended to facilitate a walkable campus. Proposed building heights would be up to 20 stories. There would be four new office buildings, three to four new parking garages, a Communications Center, and a Conference Center.



Figure 3- Alternative B

Alternative C: Two High-Rise Office Buildings: With Alternative C, two 14-story office buildings would be placed on the eastern end of the FDA campus. Additional mid-rise buildings would also be placed at the eastern end of the commons and the plaza would be extended to facilitate a walkable campus. Buildings would range from 2 to 14 stories. There would be four new office buildings, three to four new parking garages, a Communications Center, a Conference Center, and a free-standing dining facility on the plaza.

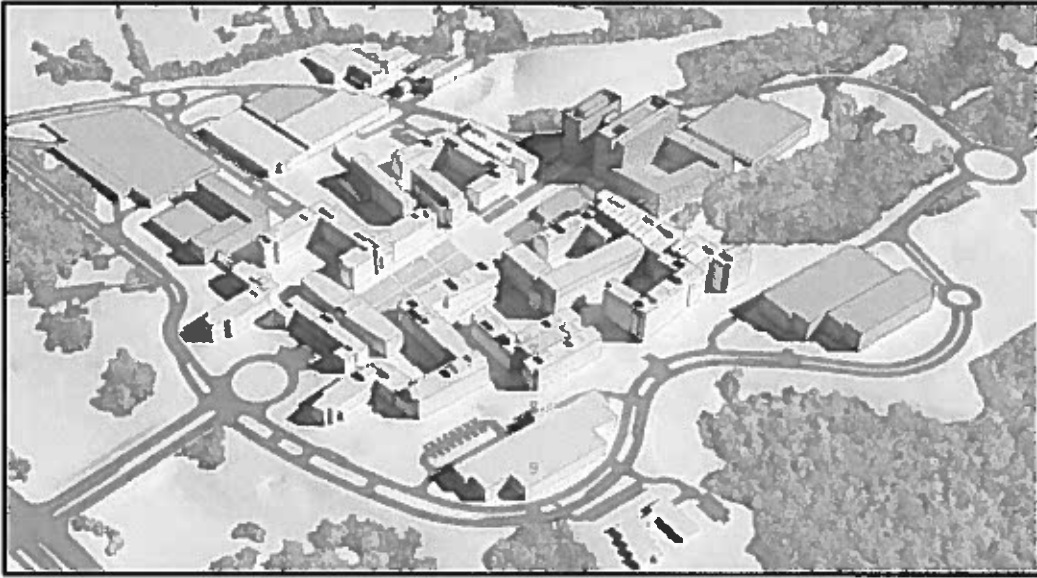


Figure 4- Alternative C

SECTION 3: RECOMMENDATIONS

The Montgomery County Planning Department has reviewed the FDA Master Plan and prepared the following comments, organized by the topic areas of environment, transportation, historic preservation, and parks and open space. In addition, comments from other public agencies are attached, including the Prince George's County Planning Department, the Montgomery County Department of Transportation (MCDOT), the Maryland Department of Transportation State Highway Administration (MDOT SHA), and the Hillandale Volunteer Fire Department (see Attachment 1).

Environment

The FRC is located in the Paint Branch sub-watershed and has numerous streams and wetlands draining to the main stem of the Paint Branch. The stream valleys associated with the tributaries of the Paint Branch have steep slopes and highly erodible soils. These characteristics increase the importance of preventing grading and development and preserving and planting forest within the stream valley buffer. The current development on the FDA campus is constrained by the presence of streams and stream valleys, with their associated buffers. While all three development options focus on redeveloping the existing surface parking lots, all three impact the streams and stream valley buffers with new buildings and the associated circulation. The following comments address sewer capacity, stormwater management, forest loss, and mitigation techniques.

Sewer Capacity

WSSC has determined through its sewer modeling that 17,000 feet of sewer in the Paint Branch basin within Montgomery County, and running adjacent to the FRC, will have capacity constraints under projected future wet weather flow conditions. The additional development associated with the planned expansion of the FDA campus has the potential to create sewer overflows. Mitigation has been suggested in the draft EIS, however, GSA should coordinate with developers of neighboring properties and the County to be a part of any solution for the sewer expansion necessary for development so that no overflows occur.

Stormwater Management

Discharge from stormwater management facilities should be minimized and delayed. Due to the presence of steep slopes and highly-erodible soils, the stormwater discharge should be conveyed to the base of the slopes and not released at the top. Stormwater facilities should be located toward the interior of the campus and not in stream-valley buffers. Stormwater Management Area 3, included in all alternatives, should not be located within the stream-valley buffer.

Forest Loss

There will be a loss of forest, but no diagrams are provided to show the areas proposed for clearing. The amount of fragmentation must also be considered. When fragmentation is taken into consideration, it becomes clear that Alternative A will cause more damage to the forest than the clearing of acres indicates.

Mitigation

Staff has determined that, given the location of the development, the first preference for mitigation would be planting forest on steep slopes in stream valley buffers.

Transportation

The increase of employees described in the FDA Master Plan necessitates careful planning for transportation in the White Oak area. Following approval of the WOSG Master Plan in 2014, the County Council directed MCDOT to undertake a comprehensive traffic study for the White Oak Policy Area. The purpose of the study was to identify the transportation network improvements necessary to accommodate build-out of the Master Plan's proposed density and recommend an equitable way to fund these enhancements. The study analyzed 61 intersections and included the proposed BRT routes within the policy area as well as the reconstruction of the Old Columbia Pike bridge. In February 2017, based on MCDOT's comprehensive study, the County Council created the White Oak Local Area Transportation Improvement Program, which establishes a pro-rata mitigation payment that is based on peak-hour vehicle trips and will be collected from development applicants to fund the specific intersection, transit, and bikeway improvements itemized in the Council's resolution.

Staff has provided this detailed background to illustrate the great length the County has gone to address the traffic congestion problems in the White Oak area. The draft EIS includes a Transportation Management Plan (TMP), which states that fifteen of the 27 study area intersections would operate at an overall LOS of E or F in one or more peak hours. In addition to the external intersections, internal intersections adjacent to the primary entry points on Mahan Road and Michelson Road would operate at LOS F in both peak hours. As a result, to mitigate traffic congestion, FDA should include significant contributions for the following major transportation projects:

- Bus Rapid Transit (BRT) on New Hampshire Avenue,
- Future BRT Transit Station in the White Oak Center,
- Connection from FDA's campus to the White Oak Center, and
- MCDOT bike sharing efforts with stations on the FDA Campus.

In addition to this request for mitigation, the following comments provide more detail about the planned connection between the White Oak Center and the FDA Campus, bicycle and pedestrian connections, and parking.

Planned Connection between FDA and the White Oak Center

The WOSG Master Plan recommends a “Connection to FDA” between the White Oak Center and FDA’s campus, in the vicinity of New Hampshire Avenue and Lockwood Drive, as shown on a graphic from the Master Plan (see Figure 5 below). In the Master Plan, this connection was intended to be primarily a pedestrian and bicycle link for FDA employees, between FDA and the White Oak Center’s existing and future amenities.

Staff supports a vehicular connection in this location to improve transportation access in the White Oak Center, as suggested by MCDOT in their letter to GSA on the draft EIS (see Attachment 1). This would be a major improvement to connectivity in the area, enhancing access to the White Oak Transit Center. FDA should coordinate with MCDOT to facilitate the creation of this connection.

Bicycle and Pedestrian Connections

The TMP in the draft EIS discusses implementation of a “multi-use path” for people that walk and bike on the FDA campus, as well as providing potential connections to Montgomery County’s bikeway systems. FDA should coordinate the design and future connections with the Planning Department. The Planning Board Draft of the Bicycle Master Plan should be available this spring and the plan is expected to be approved by the County Council in fall of 2018. The final EIS should identify the proposed location of the “multi-use path” and should align with the final approved and adopted Bicycle Master Plan.

Other improvements should include, but not be limited to, the following:

- Ensure all sidewalks are upgraded to at least five feet in width;
- Create a five-foot-wide minimum buffer between shared-use paths and the street;
- Upgrade the bikeway on the FDA side of New Hampshire Avenue to a ten-foot-wide shared-use path with a minimum five-foot-wide buffer.

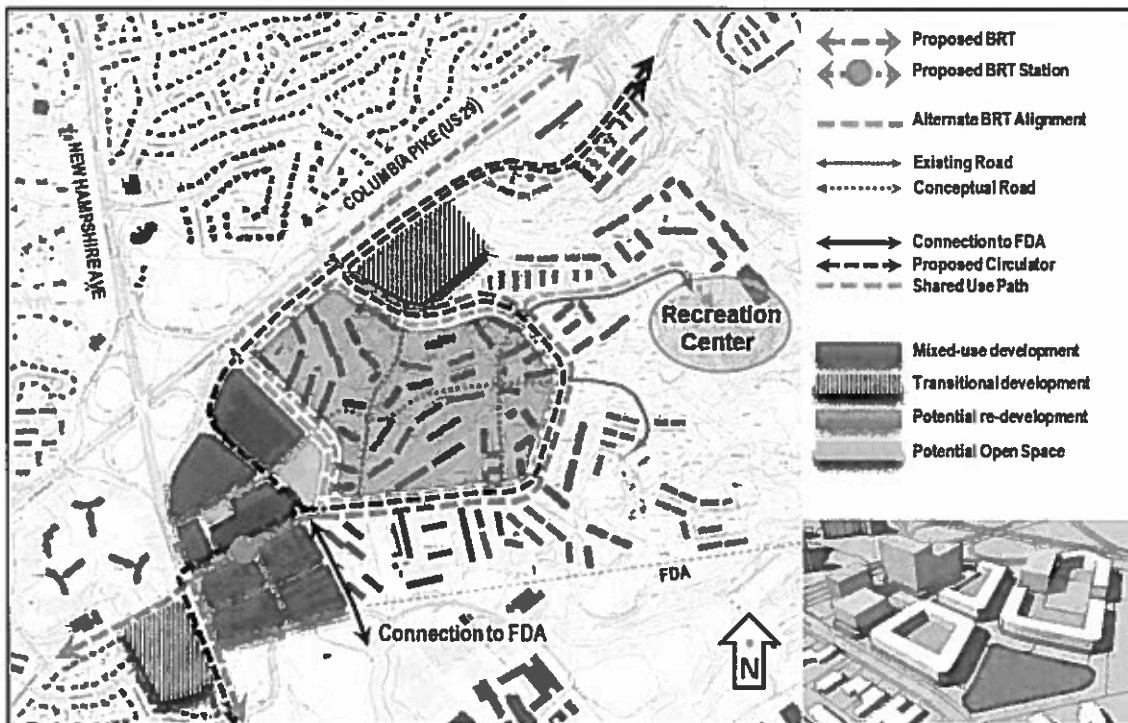


Figure 5- Connection to FDA

Parking

Currently, there are 6,817 parking spaces for 10,987 employees on the FDA campus. However, due to teleworking programs and other employee options, the average number of employees present at the FDA campus on a weekday is 7,793 employees. Therefore, the average parking ratio on the site is 1 space per 1.14 employees, not 1 space per 1.6 employees, as stated in the draft EIS.

The proposed parking in the draft EIS should follow the federal facility parking ratio policies established in the NCPC's Comprehensive Plan, which recommends a range of 1 space for 1.5-2 employees. Consistent with the NCPC Comprehensive Plan, as teleworking trends continue to increase regionally, and to support the goals of reducing single occupancy vehicle trips and support transit ridership, the final EIS should include 1 parking space per 2 employees.

In all the alternatives, with the exception of the no-build alternative, impacts to traffic are increased by the inclusion of the East Parking Garage. In Alternative A, the location of the proposed Southeast Parking Garage causes increased impacts to congestion due to its location.

Historic Preservation and Urban Design

FDA is located within the Federal Research Center, which was formerly the Naval Ordnance Laboratory (NOL) campus. In 1979, the County Council adopted the *Master Plan for Historic Preservation* and the Historic Preservation Ordinance (Chapter 24A). The Master Plan includes the list of all officially-designated historic sites and districts. Sites and districts that have been added to the Master Plan have

been found to be of special historic or architectural significance and merit protection under the Historic Preservation Ordinance. A 10.5-acre environmental setting was designated on the County's *Master Plan for Historic Preservation* for the NOL site. In 2002, a Memorandum of Agreement (MOA) between FDA, GSA, the Advisory Council for Historic Preservation, and the Maryland Historical Trust was created for the historic NOL site. As part of the final EIS, a revised MOA should be created to address contributing resources to the NOL site, the view shed from New Hampshire Avenue, and the amenity space within the historic golf course green buffer.

View shed from New Hampshire Avenue

The view shed from New Hampshire Avenue to the main building was not identified as a defining feature of the campus in the 2002 MOA. The County's Locational Atlas and *Master Plan for Historic Preservation* encouraged the protection of this vista by designating the areas adjacent to Mahan Road, but did so without specifically identifying this area. The visual connection between New Hampshire Avenue and the traffic circle and main building is important to the character of the site. However, as the rows of oak trees planted on both sides and in the median of Mahan Road grow, the view of the main building from New Hampshire Avenue will become largely obscured. We do not encourage any remedial action related to these trees and the encroachment of the historic vista.

Historic Golf Course Buffer

There has been some discussion of, and desire for, creating an amenity space in the green buffer area along New Hampshire Avenue, which is the former golf course associated with the Naval Ordnance Laboratory. A thoughtfully-designed, low-impact, publicly-accessible feature could be considered, such as a walking trail and benches, which preserves the historic setting and character of the original golf course, but also allows access and enjoyment of the amenity. The design of this amenity and desire for amenity space should be coordinated with the Montgomery County Department of Parks (part of the M-NCPPC). Any such alteration would require consultation and approval through the Section 106 process, and further review under the National Environmental Policy Act (NEPA).



Figure 6- Historic view shed from New Hampshire Avenue and golf course green buffer

Any proposed alterations within the 10.5-acre environmental setting designated on the County's *Master Plan for Historic Preservation* should undergo review, consultation, and comment by the County's Historic Preservation Commission, as the designated Certified Local Government entity.

Parks and Open Space

The Montgomery County Department of Parks (part of the M-NCPPC) would like to work with GSA and FDA to explore the possibilities of expanding recreational amenities in order to provide convenient opportunities for federal employees. The Montgomery County Department of Parks also requests that, during construction of the expanded FDA facility, the limits of disturbance be minimized and limited to the existing developed area in order to protect and maximize the retention of the site's natural resources.

Environmental Restoration

Mitigation, including stream restoration and afforestation/reforestation, should be focused within environmentally-sensitive areas proximate to the main stem of the Paint Branch and its tributaries. The following mitigations are identified in the draft EIS: erosion sediment control plan, subsurface engineering studies, stormwater management plans submitted to the Maryland Department of the

Environment (MDE) prior to construction, and forest management/tree conservation management plans.

There is a collapsed bridge and roadway lying within the floodplain and across the main stem of the Paint Branch on the FRC property. The collapsed bridge concrete and debris should be removed to prevent sediment release and streambank destabilization. This infrastructure appears to have been part of an old perimeter security road for the former Naval Ordnance Laboratory facility.

Open Space/Amenities

Hillandale Local Park is located along the southern boundary of the FRC, fronting on New Hampshire Avenue. The Parks chapter of the WOSG Master Plan recommends the following: *Consider acquiring land or an easement from the Federal Research Center (FRC) property adjacent to Hillandale Local Park to allow needed facilities such as an adult rectangular field.* The Parks Department would like to work with GSA to explore opportunities to expand recreation amenities at the park, without impacting the historic green buffer along New Hampshire Avenue.

With regard to connectivity beyond the FDA campus, the WOSG Master Plan identified a potential link between FDA and the White Oak Center, as mentioned above. In addition, proposed development of the Viva White Oak project has the potential to provide many synergies between the FDA campus and this new community. Layouts should further reflect pedestrian connections, open space design, building placement, and roadway improvements between the campus, the White Oak Center, and the Viva White Oak development.

Memorandum of Understanding

The Planning Department would like to discuss the potential for a Memorandum of Understanding (MOU) to include the mitigation recommendations outlined in this report as well as the potential strategies going forward. Staff recommends that a MOU be created after the final EIS.

SECTION 4: COMMUNITY CORRESPONDENCE

The following is a list of community meetings held by GSA for the FDA Master Plan and draft EIS:

- September 12, 2017: Scoping meeting on the FDA Master Plan and EIS.
- October 11, 2017: Preliminary Overview of the Master Plan for FDA's Campus.
- November 14, 2017: Consulting Parties meeting for evaluation and compliance with Section 106 and Section 110 of the National Historic Preservation Act (NHPA).
- February 22, 2018: FDA briefing for the Montgomery County Planning Board.
- March 22, 2018: GSA's Public Hearing for the Draft Environmental Impact Statement.
- April 4, 2018: Consulting Parties meeting for evaluation and compliance with Section 106 and Section 110 of the National Historic Preservation Act (NHPA).

Attachment 3 provides comments staff has received from the community during the review of this Mandatory Referral for the FDA Master Plan and the draft EIS.

SECTION 5: CONCLUSION

Staff recommends approval to transmit comments and recommendations on behalf of the Montgomery County Planning Board to the full Commission of the M-NCPPC. The full Commission will review this Mandatory Referral on May 16, 2018 and will be requested to transmit comments on this item to the National Capital Planning Commission.

ATTACHMENTS

1. Agency Letters
2. Planning Department's letter to GSA on the EIS
3. Community Correspondence
4. FDA Campus Master Plan Alternatives

Attachment 1



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Al R. Roshdiah
Director

MEMORANDUM

April 16, 2018

TO: Paul Gyamfi, NEPA Compliance Specialist
United States General Services Administration

FROM: Christopher Conklin, P.E., Deputy Director for Policy
Department of Transportation

SUBJECT: 2018 Federal Research Center Master Plan
MCDOT Draft Environmental Impact Statement Comments

Thank you for the opportunity to review the February 2018 Draft Environmental Impact Statement (EIS) for the 2018 Federal Research Center Master Plan, a part of a proposed further consolidation and expansion of the Food and Drug Administration (FDA) Headquarters in White Oak. Attached are our detailed technical comments, of which a few of the more critical items include:

1) Funding & Implementation

It will be critical to estimate the costs for the identified needs, proposed infrastructure, programs, and facilities identified in this plan, and to identify how they will be funded and implemented.

This also applies to infrastructure assumed in the Background condition. The White Oak LATR/LATIP is anticipated to be fully built over the 2040 lifetime of the program. However, the FDA consolidation and expansion is not subject to the LATIP fees and the program is not capable of providing the necessary infrastructure on a schedule commensurate with the growth of the FDA site. In these circumstances, federal funding and a continuous commitment from GSA / FDA / HHS will be critical toward ensuring that capital needs are met, and that programs and services can operate effectively.

The phasing of the FDA's growth will be important and is not well-detailed in this draft. Staging triggers should be considered to ensure that parking does not outpace the site's growth, and that the site's growth does not outpace the development of the area's transportation network.

Office of the Director

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Attachment 1

2) Major Capital Projects

It is not immediately clear whether the proposed roadway infrastructure – particularly at the identified intersections – fully mitigates FDA traffic, or how FDA traffic would be able to effectively access the site via the 11 intersections where conditions are still found to be failing even after mitigation is implemented.

In addition to the intersection treatments, buses/shuttles, and TMP services identified, it remains that the US 29 interchanges and Bus Rapid Transit (BRT) are among our top priorities for the area, and are important to serve the forecast growth at the FDA site. As the analysis in Appendix G continues to find intersections operating at Level of Service E and F, we feel the EIS traffic analysis only reinforces the urgent need for the interchanges and BRT to advance promptly toward implementation. Federal participation will be important toward seeing these major capital projects completed in time to serve FDA's growth.

3) Parking Ratio

The ratio of 1 parking space per 1.8 employees appears to be based on the total employee capacity, and not on the actual number of employees expected to be on campus on a typical day. With this in mind, the ratio appears to be nearer to 1 space per 1.6 employees. We urge that parking needs be revised to reflect the anticipated number of employees traveling to the site on a typical day.

NCPC recommended a parking ratio of 1 space per between 1.5 to 2.0 employees. While a ratio of 1 : 1.8 is reasonable early on, we feel that as non-auto facilities and programs are implemented this ratio should be designed to approach 1 : 2.0 toward the later stages of the site's development.

Development of the site and associated parking should be properly phased as to ensure that at no point does parking supply exceed the ratios set forth for the project.

4) Survey Data

There are inconsistencies between the 2017 Commuter Survey and this survey that should be addressed and reconciled. Our survey shows a significantly lower share of Drive Alone trips, and increased rates of non-auto commutes (including teleworking). A copy of our survey is attached.

Attachment 1

5) Telework

There have been indications that rates of teleworking within the federal government may be reduced into the foreseeable future. If this is accurate, reduced telecommuting rates should be accounted for and the traffic analysis updated accordingly to identify additional impacts, treatments, and costs.

6) Trip Distribution

The trip distribution appears to reflect the assumption that trip distribution will not significantly change from the home destinations of existing off-site employees. Given the survey results this is not an unreasonable assumption in the shorter-term.

However, it is likely that over the long-term (noting this analysis is for 2040): turnover in employee positions & changes in workers' residences will cause off-site home locations to shift to resemble the on-site home locations. Trip Distribution should reflect a mixture of these two patterns, weighted more toward the on-site pattern.

7) Publicly Accessible Streets

As the Paint Branch limits connectivity through this area, a publicly-accessible east-west connection could help disperse traffic loads within the area and reduce pressure on the transportation network. A connection between New Hampshire Avenue and either the VIVA site or Cherry Hill Road could reduce overall impacts of FDA's expansion by providing better public road infrastructure and provide a significant community benefit. Please evaluate whether any such connections are feasible.

8) Non-Auto Analysis

While there was significant analysis of vehicular conditions, there was minimal analysis of pedestrian, bicycle, and/or transit conditions as per the County's Subdivision Staging Policy (SSP).

There is limited consideration of the transit network, in particular, to identify what additional facilities and services may be necessary to serve the FDA, including shuttles, WMATA and Ride-On buses, MTA Commuter Buses, and any other related services.

There may be need for additional frequency and capacity, or for increased direct one-seat coverage, increased operating hours, etc. New vehicles or increased demands for service may necessitate additional or more effectively situated depot space, layover areas, and operator facilities.

Attachment 1

9) Transit Center

Locate the transit center as near to the monumental entrance near Mahan Road as feasible, as to reduce walking/biking distance to other points on campus. The facility should be designed to encompass a BRT station (and potentially local bus stop) located on-street along the perimeter road.

We anticipate that the routing of BRT buses will continue from the perimeter road northward across Michelson Road to Lockwood Drive, along the east property line of the existing self-storage site. It is imperative to serving FDA with BRT that the NW Loop be aligned for such a future publicly-accessible connection to Lockwood Drive, as this would provide for a bus connection directly from the FDA site to the White Oak Transit Center.

GSA may wish to also consider whether a future reconstruction of the White Oak Transit Center along Lockwood Drive would be a more ideal use of federal resources, allowing both federal and county needs to be met in a single facility rather than split across two separate facilities. While it would be more distant, last-mile connectivity could be provided through frequent campus shuttles as well as bikeshare and high-quality ped/bike paths.

At the eastern access point into the VIVA White Oak property: consider whether a transit facility may be feasible on FDA property before entering into the secured area. We currently expect this could be an end-of-the-line stop for the Randolph Road BRT, and such a facility could allow buses to turn-around and layover. This site could also provide for internal FDA circulators to ferry passengers to/from the eastern side of the property, linking FDA not only with bus connections but with the VIVA development (expected to be a prominent source of both dining and housing options).

10) Bikeshare

Consider the role of bikeshare within the campus, particularly whether docked/dockless bikes will be permitted on campus, and how they would access the campus. Would bikeshare users be able to use ped-only access points retrofitted to also accommodate bicycle access? Or would bicyclists have to use street access points, in which case how might changes to the design of security gates be made to allow bicyclists to remain separated from traffic, and to avoid queues for motor vehicle inspections?

In the case that policies are highly restrictive toward Bikeshare: consider how any policies toward bikeshare differ from policies toward any other user arriving by their own bicycle, and how policies and procedures might be modified to improve the capability to provide bikesharing options.

Attachment 1

Specifically, also consider whether Bikeshare docks would be permitted on campus, and whether they would be serviceable from both rebalancing and maintenance perspectives. Note that there has been precedent in the region for Bikeshare docks within secured federal facilities.

Should it be infeasible to accommodate existing Bikeshare programs/services on-campus, consider a separate docked or dockless system internally within the campus.

11) TMP

Our detailed comments include a multitude of suggested additions to the draft Transportation Management Plan (TMP). These include a number of suggestions toward each mode, including a suggestion to include parking treatments as a component of the TMP.

Working with area parking operators (both public and private) as well as residential developers (existing and upcoming) could be helpful for implementing new Park & Ride facilities and accompanying shuttle routes, as well as for reducing vehicle miles traveled through workers living nearer to their employment site.

It will be important to ensure that non-auto subsidies match or exceed auto-based subsidies such as those toward parking, and that workers have opt-out options from auto-based subsidies that they can reapply toward non-auto benefits. While subsidies toward transit fares are among the most typical of non-auto benefits, subsidies toward bicycles and shoes can help bolster walking/biking commutes, which place the least demand upon the transportation network.

On-site childcare services and improved Guaranteed Ride Home programs can address some of the most significant concerns in the survey for workers choosing to drive instead of utilize non-auto modes.

Consider how existing and future technologies may integrate into the secured facility, particularly if those using ride-hailing or ride-sharing services (or those seeking to meet Automated Vehicles) must congregate at specified locations.

There is strong opportunity for continuous coordination between GSA, FDA, and HHS with local authorities, particularly through partnering on annual commuter surveys as well as participation in the White Oak Transportation Management District.

Attachment 1

The attached detailed comments include many more items beyond those highlighted above. Should you have any questions regarding our comments on the plan, please feel free to contact me or Mr. Andrew Bossi, Senior Engineer, at 240-777-7200 or andrew.bossi@montgomerycountymd.gov. Our detailed comments can be made available in an Excel spreadsheet, if it would assist with action and response to our comments.

CC:AB

Attachments: Detailed technical comments
2017 Commuter Services Survey

cc: Al Roshdich, MCDOT
Gary Erenrich, MCDOT
Andrew Bossi, MCDOT
Peter Fosselman, MCEO
Jewru Bandeh, ECRSC
Amy Donin, MCDGS
Nancy Sturgeon, MNCPPC
Troy Leftwich, MNCPPC
Ed Axler, MNCPPC
Matt Baker, SHA

April 16, 2018

Mr. Paul Gyamfi
NEPA Compliance Specialist
Office of Planning and Design Quality
Public Buildings Service
National Capital Region
United States General Services Administration
301 7th Street, SW, Room 4004
Washington DC 20407

Dear Mr. Gyamfi:

Thank you for providing the Maryland Department of Transportation State Highway Administration (MDOT SHA) the opportunity to comment on the 2018 Federal Research Center Master Plan draft environmental impact statement (DEIS). The MDOT SHA looks forward to continuing to work with the United States General Services Administration (GSA), the United States Food and Drug Administration (FDA), Montgomery and Prince George's counties, and the Maryland-National Capital Park and Planning Commission to develop and implement transportation infrastructure to support the Federal Research Center (FRC) at White Oak. The MDOT SHA submits the following comments, addressing the DEIS and appendices G, the transportation technical report, and H, the draft transportation management plan:

General Comments

- Any mention of the "State Highway Administration," "Maryland State Highway Administration," "SHA," "MSHA," "MDSHA" or the like should be replaced with "the Maryland Department of Transportation State Highway Administration (MDOT SHA)" on first mention and "MDOT SHA," subsequently. Similarly, any mention of "MTA" or the like should be replaced with "the Maryland Department of Transportation Maryland Transit Administration (MDOT MTA)" on first mention and "MDOT MTA," subsequently.
- Any road included in the National Highway System (NHS), of which MDOT SHA owned and maintained I-95, I-495 (Capital Beltway), US 29 (Columbia Pike), and MD 650 (New Hampshire Avenue) in and near White Oak are component facilities, must remain compliant with the transportation performance measure processes, goals, and targets called for in MAP-21 and the FAST Act. Many of these goals are related to traffic operations, capacity, and throughput. While MDOT SHA encourages GSA to study ways to emphasize non-auto modes, improvements at the "expense" of vehicular mobility may lead to a situation where NHS compliance is called into question by the Federal Highway Administration.

Attachment 1

Mr. Paul Gyamfi
Page Two

- This DEIS does not appear to note MDOT SHA's in-planning I-495 and I-270 Public-Private Partnership (P3) Project announced by Governor Larry Hogan in September 2017. This \$7.6 billion investment will implement express toll lanes on I-270 and I-495 in Maryland. Planning funding for these improvements is included in MDOT's FY 2018-2023 Consolidated Transportation Program (CTP). These improvements are included in the National Capital Region Transportation Planning Board's (TPB) in-draft long-range transportation plan (LRTP), *Visualize 2045*, and accompanying regional transportation modeling efforts. As this DEIS analyzes a 2040 scenario, these improvements should be assumed in any modelling that informs this DEIS. The MDOT SHA anticipates completing planning and selecting a concessionaire in 2020. The MDOT SHA requests that this DEIS consider including mention of this project as well as the transportation benefits that will result from implementation of this project.
- In general, intersection design is beyond the scope of a master plan. Nonetheless, future modifications to intersections should not result in failing levels of service on MDOT SHA roadways and will need to be supported by appropriate traffic operations studies at the time improvements are proposed to advance.
- In the development of this DEIS (and the accompanying master plan), did GSA consider implementing campus build-out thresholds whereby specific campus employment populations are accommodated only after previous thresholds' commute/parking needs are accommodated. Such a consideration may prevent undue stress on the local roadway network and on-campus parking facilities should anticipated non-auto mode shares not be reached.
- The effectiveness of transportation demand management strategies and policy initiatives referenced in this DEIS and appendices should be evaluated comprehensively during the five-year planning phase.

2018 FRC Master Plan DEIS

- p. 43 – Under “Traffic and Transportation,” it is reported that the No-Action Alternative would have negative impacts due to traffic from current development. As the current development is there already, MDOT SHA is not sure why there would be a further negative impact from the site.
- p. 48 – The proposed transportation mitigation measures mention US 29 ITS improvements. It should be noted in this text that such measures will need to be coordinated with MDOT SHA and the Montgomery County Department of Transportation (MCDOT) as is noted for other mitigation measures on the list.

Attachment 1

Mr. Paul Gyamfi
Page Three

- p. 65 – The report notes in subsection 3.1.7 that few home relocations are expected with the addition of almost 7,000 employees to the site. It is not noted where these people currently work to support this.
- p. 165 – In the first paragraph, it appears that the descriptions of the eastern and western study area limits are switched.
- p. 173 – The description of Michelson Road intersection mitigation describes Mahan Road left-turns.
- p. 174 – The description for US 29 mitigation at Industrial Parkway mentions changes to Old Columbia Pike in the fourth item instead of to Columbia Pike.

DEIS Appendix G – Transportation Technical Report – Project Summary

- p. ii, Conclusions and Mitigation, Transportation Demand Management – The MDOT SHA encourages GSA to work with MDOT SHA, MCDOT, and the Prince George’s County Department of Public Works and Transportation (PGDPW&T) to identify ways to optimize the current network of MDOT SHA and MCDOT park-and-ride facilities, especially by linking potential employee shuttle operations to nearby park-and-ride facilities, and to identify potential sites for network expansion.
- pp. iii-v, Conclusions and Mitigation, Additional Roadway Capacity – The MDOT SHA notes that while funding for design, right-of-way acquisition, and construction remains to be identified (MDOT SHA completed a US 29 corridor FEIS in 1995), US 29 interchanges at Stewart Lane, Tech Road/Industrial Parkway, Musgrove Road/Fairland Road, Greencastle Road, and Blackburn Road remain in MDOT’s CTP, the State’s Highway Needs Inventory, TPB’s regional transportation model, and Montgomery County’s White Oak Local Area Transportation Improvement Program. Therefore, MDOT SHA recommends these interchanges be included in any modelling that informs this DEIS. (The MDOT SHA notes that p. 61 of Appendix G states, “the Action with Mitigation [alternative] evaluates the short-term enhancements only” and not the interchanges.) The MDOT SHA anticipates these five interchanges, collectively, cost approximately \$400 million-\$600 million. Local transportation priorities are a key driver of MDOT’s project funding decisions. In its 2017 transportation priorities letter, Montgomery County noted that “interchanges have been identified as solution at [some US 29 locations], including Fairland/Musgrove Road and Tech Road/Industrial Parkway, but funding for design and construction has not been identified in the current CTP.” The MDOT SHA requests that GSA consider the benefit of a US 29 interchange at Industrial Parkway (and Tech Road) and consider options to partner with MDOT and Montgomery County to identify funding opportunities for this project.

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- p. vi, Conclusions and Mitigation, Transit, Pedestrian, and Bicycle Facilities – The MDOT SHA encourages GSA to work with MDOT SHA, MCDOT, and PGDPW&T to identify ways to best accommodate bicyclists and pedestrians in areas adjacent to the FRC. The MDOT SHA maintains various funding mechanisms by which the State, solely, or in partnership with local jurisdictions can develop and implement new or upgrade existing bicycle and pedestrian infrastructure.

DEIS Appendix H – Draft Transportation Management Plan – Section 1 Introduction

- No comments.

DEIS Appendix H – Draft Transportation Management Plan – Section 2 Employee Transportation Survey

- No comments.

DEIS Appendix G – Transportation Technical Report – Section 3 Transportation System

- p. 32, Existing Roadway Network, Vehicle Study Area – In the first paragraph, it appears that the descriptions of the eastern and western study area limits are switched.
- pp. 32-36, Existing Roadway Network – Operations analyses should discuss how the Synchro models used were validated to current conditions.
- p. 36, table 5 (and other tables showing intersection LOS) – The average delays and 95th percentile queues should be reported to better differentiate between operations in separate scenarios when the LOS is the same letter grade.
- p. 44, table 12 – The intersection LOS improves for the US 29 intersection at Cherry Hill Road/Randolph Road when going from Existing Condition to the No Action Alternative. Please explain this and why the LOS remains acceptable in the Build Alternative, as well.
- p. 50 - The proposed transportation mitigation measures mention US 29 ITS improvements. It should be noted in this text that such measures will need to be coordinated with MDOT SHA and MCDOT as is noted for other mitigation measures on the list.
- pp. 50-58, Additional Capacity - See previous comment regarding US 29 interchange project development status, pp. 2-3. In addition, it remains unclear how much short-term improvements such as signal timing and additional lanes would mitigate traffic versus long-term interchange options.

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- p. 51, New Hampshire Avenue (MD 650) and Powder Mill Road – Thought regarding significant modification requiring right-of-way may be needed for full mitigation, the improvement needed to meet the mitigation requirements should be discussed. Also, based on the results of the Synchro analysis in Exhibit 3, the proposed optimization of signal phase lengths does not appear significantly to improve operations.
- p. 53, New Hampshire Avenue (MD 650) and Northwest Drive/Michelson Road – The description of Michelson Road intersection mitigation describes Mahan Road left turns.
- p. 53, New Hampshire Avenue (MD 650) and Northwest Drive/Michelson Road – The MDOT SHA currently is reviewing local resident concerns regarding cut-through traffic from the FRC via Northwest Drive. Anticipated MD 650 traffic conditions may exacerbate future diversion to the local/residential network without proper mitigation, e.g., signage and restrictions.
- p. 53, New Hampshire Avenue (MD 650) and Lockwood Drive – The suggestion to restrict eastbound Lockwood Drive left-turn movements to northbound MD 650 seems to require difficult wayfinding for US 29 motorists.
- p. 59, Transit, Pedestrian, and Bicycle Facilities – See previous comment regarding bicycle and pedestrian infrastructure development, p. 4.
- p. 60, table 18 – The proposed mitigation is shown to keep US 29 intersection operations at Lockwood Drive at LOS F. Yet, in Exhibit 4, the evening peak-period LOS degrades from LOS E to LOS F with the addition of mitigation. Please check and revise mitigation if it will, in fact, make the intersection operate at a lesser LOS.
- General – It is unclear why these analyses did not include an analysis of the US 29 interchange at MD 650, especially the effect of increased traffic on merges and weaves.

DEIS Appendix G – Transportation Technical Report – Section 4 Conclusions

- pp. 61-65, Additional Roadway Capacity - See previous comment regarding US 29 interchange project development status, pp. 2-3.
- p. 65 - Transit, Pedestrian, and Bicycle Facilities – See previous comment regarding bicycle and pedestrian infrastructure development, p. 4.

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DEIS Appendix G – Exhibits 1-2

- It appears that northbound US 29 morning peak-period turning volumes at Tech Road were repeated from the interchange at Randolph Road and are lower than MDOT SHA's actual counts.
- Northbound US 29 through movements in the evening peak period appear to be much higher than MDOT SHA's actual counts between MD 650 and Musgrove Road.
- The MD 650 intersection at Powder Mill Road has a relatively significant U-turn movement volume that is not shown in these counts.

DEIS Appendix II – Draft Transportation Management Plan – Executive Summary

- p. ii, Goals – The MDOT SHA supports goals and strategies that seek to lessen the single-occupant vehicles (SOV) on the roadway network and commends GSA for seeking to cut SOV mode share to 54 percent. Nonetheless, this plan does not appear to address what happens on an atypical day. Is a parking “cushion” included in this analysis for those days when the SOV target is not reached?
- p. iii, Strategies, Transit, and Shuttles – This plan, in this and other sections, speaks about increasing the use of commuter bus as a commute mode. While this plan notes that MDOT MTA Commuter Bus 204 currently stops at the FRC, the plan does not appear to note that MDTA MTA Commuter Bus routes 305 (Columbia-Washington via US 29), 315 (Columbia-Washington via US 29), and 325 (Columbia-Washington via US 29) all pass near to the FRC and that it may be a viable option to work with MDOT MTA to amend these routes also to stop at the FRC.
- p. iv, Strategies, Bike/Walk to Work – This plan should note (and does in other locations) that many roadways in the area are owned and maintained by MDOT SHA. Bicycle and pedestrian accommodations upgrades along such roads (I-95, I-495 (Capital Beltway), US 29 (Columbia Pike), and MD 650 (New Hampshire Avenue)) should be coordinated with both MDOT SHA and the applicable local jurisdiction.

DEIS Appendix H – Draft Transportation Management Plan – Section 1 Introduction

- p. 4, section 1.1.1.3 Transportation Planning Board (TPB) – Currently, Metropolitan Washington Council of Governments staff is drafting and conducting modeling activities for *Visualize 2045*, which TPB anticipates adopting in the Fall of 2018. This new LRTP will include TPB's policy framework to guide future regional transportation investments and a fiscally-constrained list of projects planned for implementation between 2018 and 2045.

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- US 29 interchanges at Stewart Lane, Tech Road/Industrial Parkway, Musgrove Road/Fairland Road, Greencastle Road, and Blackburn Road are included in this draft document. This new LRTP will replace the existing *Constrained Long-Range Plan* (adopted 2016). This DEIS should reflect TPB's regional transportation model.
- p. 5, section 1.1.3 Local – Currently, Montgomery County Planning Department staff is drafting a comprehensive update to the *Master Plan of Highways and Transitways*, the first comprehensive update to the plan since 1955. This plan is to be adopted in late 2018 or early 2019.

DEIS Appendix H – Draft Transportation Management Plan – Section 2 Transportation System

- p. 8, section 2.1 Local Roadway Network – This plan should note that I-95, I-495, US 29, and MD 650 are components of the NHS. In addition, this plan should note that these roadways are owned and maintained by MDOT SHA. Cherry Hill Road is owned and maintained by Montgomery and Prince George's counties in their respective jurisdictions.
- p. 8, section 2.1 Local Roadway Network – This plan states that the posted speed limit on I-95 is 55 mph. North of I-495, the posted speed limit is 65 mph.
- p. 11, section 2.3.2.1 Bus Rapid Transit (BRT) – The MDOT SHA recommends this plan clarify the extent of US 29 BRT improvements. The popular conception of BRT is a bus running in a fixed, dedicated lane or lanes. Montgomery County's planned US 29 BRT does not include all elements of full BRT.
- p. 18, section 2.5.1 White Oak Master Plan – This plan states that improvements identified in the White Oak Master Plan are assumed already to be constructed in the No Action condition. Is there any assurance that these will be completed prior to FRC build-out?

DEIS Appendix H – Draft Transportation Management Plan – Section 3 Existing Employee Behavior

- No comments.

DEIS Appendix H – Draft Transportation Management Plan – Section 4 Traffic Impact Analysis

- p. 45, section 4.0 Traffic Impact Analysis – In paragraph one, clarify that the “FDA Master Plan Traffic Technical Report (TTR)” and Appendix G are one in the same, or that one is an update to the other.
- p. 45, section 4.0 Traffic Impact Analysis, Transportation Demand Management – See previous comment regarding park-and-ride network development, p. 3.

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- p. 46, section 4.0 Traffic Impact Analysis, Additional Capacity – See previous comment regarding US 29 interchange project development status, pp. 3.

Thank you again for the opportunity to comment on the 2018 FRC Master Plan DEIS. If you have questions, please contact Mr. Matt Baker, MDOT SHA Regional Planner, at 410-545-5668, toll free 1-888-204-4828, or via email at mbaker4@sha.state.md.us.

Sincerely,



Samantha Biddle
Chief
Regional and Intermodal Planning Division

cc: Ms. Mary Gibert, Public Buildings Service Regional Commissioner, National Capital Region, GSA
Ms. Stephanie Hamlett, AICP, Chief, Planning Branch, National Capital Region, GSA
Shelly Jones, AIA, Community Planner, National Capital Region, GSA
Mr. Matt Baker, Regional Planner, MDOT SHA

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Hillandale



VOLUNTEER FIRE DEPARTMENT, INC.

10617 NEW HAMPSHIRE AVENUE, SILVER SPRING, MARYLAND 20903-1195

(301) 434-2400 • FAX (301) 434-7886

February 21, 2018

TO: S. Jones, GSA
FROM: R. Hartung, HVFD
RE: Hillandale Fire Station 12 Expansion

Hillandale Fire Station 12, located at 10617 New Hampshire Avenue, Silver Spring, MD 20903, is a 3-apparatus bay facility that also houses the Hillandale Volunteer Fire Department (HVFD) administrative offices, meeting room and vehicle maintenance shop.

The HVFD purchased and was granted the property upon which the fire station was built in 1941. GSA provides detailed information on the history of the property, the site acquisition by the HVFD and a the site layout.

In 1988 the Department of the Navy designated the HVFD as the primary fire, rescue and emergency medical services provider to Federal Government's White Oak campus, 10903 New Hampshire Avenue, Silver Spring, MD 20993.

Since that time much change and growth has occurred in the HVFD primary response area. Most recent activity includes: the proposed White Oak Campus expansion of @ 9,000 individuals; the anticipated redevelopment of the "George Meany Center; the development of the Duffy Property at Powder Mill Road and New Hampshire Avenue; the creation of a "Science Park" on Cherryhill Road; and the configuration of the M-NCPPC parkland on New Hampshire Avenue.

While the HVFD will continue to provide fire, rescue and emergency medical services to the community during and after this area expansion, the existing Fire Station 12 facility is rapidly becoming longer sufficient in size and configuration to adequately meet the expanded service area s demands.

The HVFD is in the early stages of a Fire Station 12 renovation/expansion project. Funds have been earmarked to conduct a facility assessment of the current fire station in the Spring of 2018. Once the Fire Station 12 facility assessment is completed, the HVFD will have a good understanding of what components of the existing structure can be retained and renovated.

However, a renovation alone will not allow the HVFD to continue to meet its service delivery needs.

The current 3-bay apparatus room sits above grade and does not allow for the "drive-through of the emergency response vehicle. This requires the vehicles to stop traffic on New Hampshire Avenue, while they are backed into the fire station. The apparatus bays are of limited size and depth in relation to the size of modern fire, rescue and emergency medical services vehicles.

Critical to any upgrade and expansion to Fire Station 12 would be the inclusion of 4 additional apparatus bays of sufficient size to house modern emergency services vehicle. Therefore, the HVFD would like to engage in discussion with the GSA towards the acquisition of a 10 acre parcel on the White Oak Campus adjacent to the existing Fire Station 12 property. The acquisition of a parcel of this size will allow the HVFD to construction the additional 4 apparatus bays, provide for sufficient fire department personnel

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and public parking and meet any land development requirements (storm water management, building setbacks, etc.).

Such an expansion along with the renovation of the existing Fire Station 12 building, will allow the HVFD to continue to serve the needs of the community - including the White Oak Campus expansion, the M-NCPPC park reconfiguration, the New "Science Park" and the redeveloped "George Meany" Center.

The HVFD looks forward to your comments and assistance on this project, as the HVFD continues to work with community it serves, the County, State and Federal elected officials and agencies.

Please do not hesitate to contact me, should you have any follow up questions to this email. I can be contacted at the email address and phone number listed below.

Russell Hartung, President 
Hillandale Volunteer Fire Department

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NAVMATINST 11320.10A

MUTUAL AID FIRE FIGHTING ASSISTANCE AGREEMENT

THIS AGREEMENT, made and entered into this 12th day of Sep
1988 by and between Hillandale Volunteer Fire Department,
and the Commanding Officer, Naval Surface Warfare Center
White Oak, Maryland.

WITNESSETH:

WHEREAS, each of the parties hereto maintains equipment and personnel for the suppression of fires within its own areas, and

WHEREAS, the parties hereto desire to augment the fire protection available in their respective areas, and

WHEREAS, the lands or districts of the parties hereto are adjacent or contiguous so that mutual assistance in a fire emergency is deemed feasible, and

WHEREAS, it is the policy of the Navy Department and NSWC to conclude such agreements wherever practicable, and

WHEREAS, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to this agreement to render assistance to one another in accordance with these terms;

THEREFORE BE IT AGREED THAT:

1. The rendering of assistance under the terms of this agreement shall be accomplished in accordance with detailed plans and procedures of operation drawn and agreed to by the technical heads of the Fire Departments involved.

2. Whenever it is deemed advisable by the senior officer of a fire department belonging to a party to this agreement, or by the senior officer of such fire department actually present at a fire, to request fire fighting assistance under the terms of this agreement, he/she is authorized to do so, and the senior officer on duty of the fire department receiving the request shall forthwith take the following action:

a. Immediately determine if the requested apparatus and personnel are available to respond to the call.

b. In accordance with the terms of this agreement, forthwith dispatch such apparatus and personnel, as in the judgment of the senior officer receiving the call should be sent, with instructions as to their mission.

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3. The rendering of assistance under the terms of this agreement shall not be mandatory, but the party receiving the request for assistance shall immediately inform the requesting service if assistance cannot be rendered.

4. The parties hereto waive all claims against every other party for compensation of any loss, damage, personal injury, or death occurring in consequence of the performance of this agreement.

5. All services performed under this agreement shall be rendered without reimbursement of either party or parties, except that the Hillandale VFD, Co's #12 & #24 shall be entitled to seek reimbursement pursuant to the section 11 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2210) and Federal regulations issued thereunder (Title 45 of the Code of Federal Regulations 2010) for all or any part of direct expenses and losses (additional fire fighting cost over and above normal operating cost) incurred in fighting fires on property under the jurisdiction of the United States.

6. The senior officer of the fire department of the requesting service shall assume full charge of the operations. However, under procedures agreed to by the technical heads of the fire departments involved, a senior officer of the department furnishing the assistance may assume responsibility for the coordination of the overall operation.

7. The various officers and personnel of the fire departments of the parties to this agreement are invited and encouraged, on a reciprocal basis, to frequently visit each other's activities for guided familiarization tours consistent with local security requirements and, as feasible, to jointly conduct pre-fire planning inspections, drills and training.

8. This agreement shall become effective upon the date hereof and shall remain in full force and effect until cancelled by mutual agreement of the parties hereto or by written notice by one party to the other party with sixty (60) days notice of said cancellation.

IN WITNESS WHEREOF, the parties hereto have executed this agreement at NSWC White Oak, MD on the day and year first above written.

FOR THE HILLANDALE VOLUNTEER FIRE DEPARTMENT, CO.S #12 & #24

[Signature] FIRE CHIEF 9-12-88

FOR THE NAVAL SURFACE WARFARE CENTER-WHITE OAK, MD FIRE DEPARTMENT

Ralph Santolucito FIRE CHIEF 9-12-88

[Signature] CAPT.USN COMMANDING OFFICER 9/12/88

Attachment 2



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

April 13, 2018

Mr. Paul Gyamfi
Office of Planning and Design Quality
Public Buildings Service
National Capital Region
U.S. General Services Administration
301 7th Street, SW, Room 4004
Washington, DC 20407

**SUBJECT: 2018 FEDERAL RESEARCH CENTER MASTER PLAN
Draft Environmental Impact Statement**

Dear Mr. Gyamfi:

The Montgomery County Planning Department appreciates the opportunity to review the Draft Environmental Impact Statement (EIS) for the federal Food and Drug Administration's (FDA) headquarters, located in the White Oak community. FDA is located within the Federal Research Center (FRC), formerly the Naval Surface Warfare Center, which was closed in 1995. The FRC includes 662 acres, of which 622 acres are in Montgomery County and 40 acres are in Prince George's County. In 1996, 130 acres of the western portion of the FRC was mandated by the federal government for construction of the FDA's consolidated headquarters. The main entrance of the campus is at 10903 New Hampshire Avenue and the FDA site is entirely within Montgomery County. Construction of FDA's headquarters began in 2001 and the Planning Department reviewed FDA's campus master plans in 2006 and 2009.

The Draft EIS states that the FDA intends to substantially expand the campus to increase the total number of employees to 18,000 over the next seven to seventeen years, from 2025 to 2035. This letter provides comments regarding potential mitigation for the environmental, historical, and transportation impacts resulting from the addition of 9,000 employees to the facility.

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Background

In 2014, Montgomery County completed a lengthy visioning process for the White Oak area, culminating in the approval of the 2014 *White Oak Science Gateway Master Plan*. The FDA, and most of the FRC property, is within the boundaries of the *White Oak Science Gateway Master Plan* (WOSG). The Master Plan's vision is aspirational, anticipating that the entire area will benefit from the FDA location in White Oak. In anticipation of FDA being a catalyst for redevelopment and reinvestment in the greater White Oak area, the Master Plan allows for significant amounts of new development, including the 300-acre "Viva White Oak" project, located adjacent to the FRC's eastern boundary.

One of the most challenging aspects of turning the WOSG Master Plan's vision into reality is ensuring that the necessary transportation infrastructure is in place to support the planned development. As noted on page 53 of the WOSG Master Plan: *The transportation network serving this area will require high quality transit improvements as well as additional road infrastructure to support the potential development envisioned by this Plan*. The development envisioned by the 2014 WOSG Master Plan included approximately 9,000 jobs at the FDA, based on the FDA's 2009 campus master plan update, which limited the number of employees at the facility to 8,889. The increase of employees described in the Draft EIS is a significant increase to the campus and requires careful planning for transportation in the White Oak area.

The White Oak area has limited options for new vehicular connections and is particularly constrained by existing development, ownership patterns, environmental resources, and the FRC, where public access is not permitted through the campus. Because these constraints limit opportunities to provide circulation and connectivity, the WOSG Master Plan relies on a robust bus rapid transit (BRT) network, including BRT on US 29, New Hampshire Avenue, and Randolph Road to relieve congestion and reduce single occupancy vehicle travel.

After the WOSG Master Plan was approved and adopted in July 2014, the County initiated an intensive review of options to address the traffic congestion problems. While we support the transportation mitigation strategies FDA has implemented for the current number of employees, more substantial transportation mitigation strategies will be needed if the campus and the number of employees is going to double in size.

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After reviewing the Draft EIS, which includes a total of four alternatives, one of which is a no-build alternative, the Montgomery County Planning Department staff has the following comments organized by the topic areas of environment, historic preservation and urban design, and transportation.

Environment

There are sensitive environmental features that limit development on the FRC site. The following comments address sewer capacity, stormwater management, forest loss, and mitigation techniques.

Sewer Capacity

The Draft EIS acknowledges that the additional development associated with the planned expansion of the FDA campus has the potential to create sewer overflows. Some potential mitigation strategies are suggested in the Draft EIS, however, GSA should coordinate with developers of neighboring properties to be a part of any solution for the sewer expansion necessary for development.

Stormwater Management

Discharge from stormwater management facilities should be minimized and delayed. Due to the presence of steep slopes and highly erodible soils, the stormwater discharge should be conveyed to the base of the slopes and not released at the top. Stormwater facilities should be located toward the interior of the campus and not in stream valley buffers. Stormwater Management Area 3, included in all alternatives, should not be located within the stream valley buffer.

Forest Loss

The Draft EIS discusses the loss of vegetation, but no diagrams are provided to show the areas proposed for clearing. While the detailed numbers of acres being cleared is important, the amount of fragmentation is also important and should be considered. Alternative A will cause more damage to the forest than the clearing of acres indicates.

Mitigation

The Draft EIS does not include any specific areas of mitigation or types of mitigation and only includes a list of techniques in the Environmental Guidelines. Given the location of the

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development, the first preference for mitigation would be planting forest on steep slopes in stream valley buffers.

Historic Preservation and Urban Design

FDA is located within the Federal Research Center, which was formerly the Naval Ordnance Laboratory (NOL) campus. In 1979, the County Council adopted the *Master Plan for Historic Preservation* and the Historic Preservation Ordinance (Chapter 24A). The Master Plan includes the list of all officially designated historic sites and districts. Sites and districts which have been added to the Master Plan have been found to be of special historic or architectural significance and merit protection under the Historic Preservation Ordinance. The NOL's 10.5-acre environmental setting was designated on the County's *Master Plan for Historic Preservation*. In 2002, a Memorandum of Agreement (MOA) between FDA, GSA, the Advisory Council for Historic Preservation, and the Maryland Historical Trust was created for the historic NOL site. As part of the Final EIS, a revised MOA should be created to address contributing resources to the NOL site, the viewshed from New Hampshire Avenue, and the amenity space within the historic golf course green buffer.

Contributing Resources

In the 2002 MOA, there was a determination that the main building, the firehouse portion of Building 100, the traffic circle with the flagpole, and the green buffer historic golf course are all contributing resources to the original Naval Ordnance Laboratory campus. The Planning Department concurs with this determination. The four alternatives in the Draft EIS will avoid any impact on the identified contributing resources.

To reinforce the MOA determination, the following language and map should be included in the EIS National Environmental Policy Act (NEPA) documentation, the Section 106 review, and the consultation portions of the document as well as the revised MOA:

“The 2014 *White Oak Science Gateway Master Plan* established a 10.5-acre environmental setting for the Naval Ordnance Laboratory (NOL) as identified in red on Figure 1, below, which includes the Administration Building, the traffic circle and axial entrance drive, open spaces on both sides of the drive, and a commemorative installation along the southeast façade.”

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Figure 1: Environmental setting for the NOL identified for the county Locational Atlas.

Viewshed from New Hampshire Avenue

The viewshed from New Hampshire Avenue to the main building was not identified as a defining feature of the campus in the 2002 MOA. The County's Locational Atlas and *Master Plan for Historic Preservation* encouraged the protection of this vista by designating the areas adjacent to Mahan Road, but did so without specifically identifying this area. The visual connection between New Hampshire Avenue and the traffic circle and main building is important to the character of the site. However, as the rows of oak trees planted on both sides and in the median of Mahan Road grow, the view of the main building from New Hampshire Avenue will become largely obscured. We do not encourage any remedial action related to these trees and the encroachment of the historic vista.

Historic Golf Course Buffer

There has been some discussion of, and desire for, creating an amenity space in the green buffer area along New Hampshire Avenue, which is the former golf course associated with the Naval Ordnance Laboratory. A thoughtfully designed, low impact, publicly-accessible feature could be considered, such as a walking trail and benches, which preserves the historic setting and character of the original golf course, but also allows access and enjoyment of the amenity. Any such alteration would require consultation and approval through the Section 106 process, and further review under NEPA. Any proposed alterations within the 10.5-acre environmental setting designated on the County's *Master Plan for Historic Preservation* should undergo review, consultation, and comment by the County's Historic Preservation Program, as the designated Certified Local Government entity.

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Transportation

The increase of employees described in the Draft EIS necessitates careful planning for transportation in the White Oak. Following approval of the WOSG Master Plan in 2014, the County Council directed the Montgomery County Department of Transportation (MCDOT) to undertake a comprehensive traffic study for the White Oak Policy Area. The purpose of the study was to identify the transportation network improvements necessary to accommodate build-out of the Master Plan's proposed density and recommend an equitable way to fund these enhancements. The study analyzed 61 intersections and included the proposed BRT routes within the policy area as well as the reconstruction of the Old Columbia Pike bridge. In February 2017, based on MCDOT's comprehensive study, the County Council created the White Oak Local Area Transportation Improvement Program, which establishes a pro-rata mitigation payment, based on peak-hour vehicle trips, that will be collected from development applicants to fund the specific intersection, transit, and bikeway improvements itemized in the Council's resolution.

We provide this detailed background to illustrate the great length the County has gone to address the traffic congestion problems in the White Oak area. The Draft EIS states that fifteen of the 27 study area intersections would operate at an overall LOS of E or F in one or more peak hours. In addition to the external intersections, internal intersections adjacent to the primary entry points on Mahan Road and Michelson Road would operate at LOS F in both peak hours. As a result, to mitigate traffic congestion, the EIS should include significant contributions for the following major transportation projects:

- Bus Rapid Transit (BRT) on New Hampshire Avenue,
- Future BRT Transit Station in the White Oak Center,
- Connection from FDA's campus to the White Oak Center, and
- MCDOT bike sharing efforts with stations on the FDA Campus.

In addition to this request for mitigation, the following are more specific comments about the planned connection between the White Oak Center and the FDA Campus, bicycle and pedestrian connections, and parking.

Planned Connection between FDA and the White Oak Center

The WOSG Master Plan recommends a "Connection to FDA" between White Oak Center at the corner of New Hampshire Avenue and Lockwood Drive and FDA's campus. In the

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Master Plan, this connection was intended to be primarily a pedestrian and bicycle link for FDA employees, between FDA and the White Oak Center's existing and future amenities.

The Planning Department supports a vehicular connection in addition to a pedestrian and bicycle link in this location to improve transportation access in the White Oak area, as recently suggested by MCDOT in their review of the EIS. This would be a major improvement to connectivity in the area. FDA should coordinate with MCDOT to facilitate the creation of this connection.

Bicycle and Pedestrian Connections

The EIS Transportation Management Plan discusses implementing a multi-use path for people that walk and bike on the FDA campus and to provide potential connections to Montgomery County's bikeway systems. FDA should coordinate the design and future connections with the Planning Department. The Planning Board Draft of the Bicycle Master Plan should be available by early May 2018 and the plan is expected to be approved by the Council in the fall of 2018. The Final EIS should identify the proposed location of the multi-use path and should align with the final approved and adopted Bicycle Master Plan.

Other improvements should include, but not be limited to, the following:

- Ensure all sidewalks are upgraded to at least five feet in width;
- Create a five-foot-wide minimum buffer between shared use paths and the street;
- Upgrade the bikeway on the FDA side of New Hampshire Avenue to a ten-foot-wide shared use path with a minimum five-foot-wide buffer.

Parking

Currently on the FDA campus there are 6,817 parking spaces for 10,987 employees. However, due to teleworking programs and other working options, the average number of employees present at the office on a weekday is 7,793 employees. Therefore, the average parking ratio on the site is 1 space per 1.14 employees, not 1 space per 1.6 employees, as stated in the EIS.

The proposed parking in the EIS should follow the federal facility parking ratio policies established in the National Capital Planning Commission's (NCPC) Comprehensive Plan which recommends a range of 1 space for 1.5-2 employees. Consistent with the NCPC Comprehensive Plan, as teleworking trends continue to increase regionally, and to support the

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goals of reducing single occupancy vehicle trips and support transit ridership, the Final EIS should include 1 parking space per 2 employees.

In all alternatives, with exception to the no-build alternative, impacts to the traffic are increased by the inclusion of the East Parking Garage. In Alternative A, the location of the proposed Southeast Parking Garage causes increased impacts to congestion due to its location and the associated circulation.

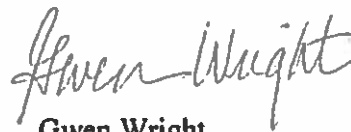
Memorandum of Understanding

The Planning Department would like to discuss the potential for a Memorandum of Understanding (MOU) to include the recommendations for mitigation and potential strategies going forward. We recommend that a MOU be created after the final EIS.

Conclusion

The Montgomery County Planning Department will continue to discuss strategies for mitigation with GSA through the final stages of the EIS. Thank you for the opportunity to review and comment on this draft. If you have any questions, please contact Troy Leftwich of the Area 2 Planning Division at 301-495-4553, or by email at troy.leftwich@montgomeryplanning.org.

Sincerely,



Gwen Wright
Director

Attachment 3

From: Eileen Finnegan
To: [Leftwich, Troy](#)
Subject: Re: Comments on Draft 2018 FDA Federal Research Center Master Plan
Date: Monday, April 16, 2018 8:59:52 PM
Attachments: [connectiontoFDA.JPG](#)

FYI

----- Forwarded Message -----

From: Eileen Finnegan <finnegan20903@yahoo.com>
To: Paul Gyamfi - WPDBA <paul.gyamfi@gsa.gov>
Cc: Dawud Abdur-Rahman - WPDB <dawud.abdur-rahman@gsa.gov>; Shelly Jones - WPDBA <shelly.jones@gsa.gov>; Stephanie Hamlett - Wpdba <stephanie.hamlett@gsa.gov>
Sent: Monday, April 16, 2018, 8:58:02 PM EDT
Subject: Re: Comments on Draft 2018 FDA Federal Research Center Master Plan

Hello Mr. Gyamfi,

Thank you for the opportunity to comment on the Draft Master Plan and EIS for the further consolidation of the FDA at White Oak. I also extend my thanks to GSA staff and their consultants who have reached out to the public by holding local meetings and engaging in Q&A.

Planning for the ultimate consolidation of the FDA on the agency's existing campus at White Oak is a very desirable goal with efficiencies for the FDA and significant cost savings over leased facilities. While in strong support of this plan, I offer a few comments to strengthen several details.

1. Acknowledging that FDA and GSA are preparing an "FDA HQ Housing Strategy/Mitigation Plan" for the near-term, I request that the rationale and need for this secondary plan be explained within the Final FDA Master Plan at the Federal Research Center. If, as anticipated in the Draft Plan, further consolidation on campus will begin in ten years and be completed in fifteen, the interim short-term housing strategy is key to understanding the implementation the Final Master Plan.

2. The on-campus transit center proposed in all three alternatives is a valuable improvement for FDA employees. A further transit improvement would be for GSA/FDA to work with the Montgomery County Department of Transportation to realize the connection directly to the White Oak Transit Center on Lockwood Drive, as detailed in the White Oak Science Gateway Master Plan (detail attached). Having pedestrian and BRT/Bus passage from the existing campus to the commercial section of White Oak would improve transit times, and facilitate employee and FDA-visitor access to the campus. This would further encourage community connections.

3. The Traffic Analysis, Appendix G, reveals the stark reality of future traffic congestion on New Hampshire Avenue, with or without additional consolidation. Thank you for providing these studies. It is clear that Montgomery County and the State of Maryland need to collaborate on infrastructure plans to address the bottlenecks and assure a high quality of transportation services in the corridor. A commitment from GSA to work with the state and local agencies to address the deficiencies on New Hampshire Avenue is critical for the existing FDA facility and the ultimate FDA campus.

4. Stantec's Traffic Analysis used the 2015 Sabra Wang Study (for the Local Area Transportation Improvement Plan), but then, at the direction of the Montgomery County Department of Transportation, added several specific development projects (Adventist Hospital, DAR Cars, White Oak Town Center, Hillandale Gateway; see: Appendix G, page 40). Please confirm that this has not resulted in double counting for some or all of these developments, especially Hillandale Gateway.

5. Although the near-term FDA HQ Housing Strategy/Mitigation Plan undoubtedly assumes that all traffic impacts will be the responsibility of the private property owner, there is one aspect which GSA/FDA should evaluate: employees using the internal FRC roadway as a cut-through for travel to and from work.

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For example, consider any FDA employees at a leased facility on FDA Boulevard using the New Hampshire Avenue Beltway exit by traveling through the campus to/from work. This would certainly cut their travel time. This real world work-around is not considered in any travel model for the area.

I look forward to the release of the Final FDA Master Plan in the coming months.

Regards,
Eileen Finnegan
10404 Sweetbriar Parkway
Silver Spring, MD 20903

Attachment 3

Greater Colesville Citizens Association
PO Box 4087
Colesville, MD 20914
March 22, 2018

General Services Administration
National Capital Region
Office of Planning and Design Quality
Public Buildings Service
Attn: Paul Gyamfi
301 7th Street. SW, Room 4004
Washington DC 20407

Dear Mr. Gyamfi

I am Dan Wilhelm, President of the Greater Colesville Citizens Association (GCCA) and this testimony reflects the Association's view. I am also a member of LABQUEST focusing on transportation and therefore the transportation part of this testimony also reflects the Labquest view. I have been in the middle of all the efforts described below including the November 2013 Countywide Transit Corridors Functional Master Plan, July 2014 White Oak Science Gateway (WOSG) Master Plan (MP), November 2016 Subdivision Staging Policy (SSP), February 2017 White Oak Local Area Transportation Improvement Program (LATIP), and related county Capital Improvement Program (CIP) budget actions taken by the County Council and currently before the Council. Therefore, I have detailed knowledge on these subjects. Note that the draft Environment Impact Statement (EIS) calls the LATIP by the name Local Area Transportation Review (LATR), which is different but related.

I have organized the comments into three sections: EIS Alternatives, transportation external to the Federal Research Center (FRC) and external transportation integration with the FRC.

EIS Alternative

GCCA strongly supports expanding the FRC to accommodate the projected 18,000 workers, mostly from the FDA. We want more economic development in the eastern part of Montgomery County to provide jobs in our area to minimize the need to drive to I-270, Washington DC, Columbia or other job centers more than a half hour away. The jobs will allow a wide range of additional benefits, including restaurants and entertainment.

Until the Master Plan is approved, development allowed under the prior master plan should continue. We understand that funds may not be available at this time and as such we suggest leasing nearby facilities until then.

Our main comment on alternatives deals with visual appearance. We don't support the 20 level tower height in Alternative B because it will be highly visible above the buildings closest to New Hampshire Ave. From this aspect, we prefer Alternative A. We also prefer a compact campus to minimize the distance between facilities to foster collaboration and to be close to the transit center to encourage use of public transit. To achieve those objectives, we like the office building around the conference center near New Hampshire Ave and not having the 8 level office building near the southeast parking garage, as shown in Alternatives B and C. We also would want to avoid the pedestrian bridge shown in Alternative A so people can walk between buildings without the need to go outside. Overall, Alternative C is the

Attachment 3

best alternative. Ideally, the height of the two 14 level buildings should be lowered to 10-12 levels and the needed space shifted to the nearby 7 level building.

External Transportation

The draft EIS predicts that congestion will be substantially worse even under the no-action alternative compared with the existing condition (Table 20 on page 171). It predicts that the congestion level under any of the build alternatives will be only somewhat worse than the no-action alternative. It then proposes improvements be added to the LATIP and that the implementation needs to be coordinated with the Montgomery County and/or State Highway Administration (SHA). Congestion data for the three action alternatives is shown on pages 172 and 173 and Appendix G, Part 3.

Congestion Known

According to the WOSG MP, Montgomery County realizes that the area is currently congested and that the development proposed by that plan would only make the situation worse. To address that possible congestion, the county is implementing Bus Rapid Transit (BRT) and has put the LATIP process in place.

Draft EIS Overstates Congestion

The Draft EIS assumes no transportation improvements will be made. With the implementation of the BRT, LATIP and other improvements, the no-action congestion would be much less. It is unlikely that congestion will be completely eliminated. As explained below, the implementation of transportation improvements are expected to be made before the FRC expansion can occur and therefore the draft EIS overstates the future congestion.

The report indicates that the no-action alternative used data provided by Sabra Wang & Associates that was prepared as part of the LATIP. We support use of that data. However, StanTec, the GSA Traffic consultant for transportation, apparently was unaware that the Sabra Wang traffic data already included 1,483,936 square foot of additional bioscience development on the FRC. Thus the no-action alternative congestion predictions are essentially the action alternative predictions. The no-action alternative prediction would be lower, but the area would still be congested if the WOSG MP development occurred but the implementation of the improvements didn't occur. Nevertheless, the Draft EIS recommended approach to coordinate with Montgomery County and SHA is still valid. The detailed EIS solutions might change, but the LATIP solutions are not final anyway.

The traffic data provided by Sabra Wang probably over states the projected vehicle traffic volume. The data was developed by the Montgomery County Planning Department. They had to split the trips between vehicle, transit, walking and bicycling. The Planning Department didn't have data about how the local bus routes would be changed and expanded as part of the Bus Rapid Transit (BRT) projects and just used existing local routes. Thus the number of transit trips is surely understated and vehicle trip overstated.

At this time, reliable transit data is not available. Montgomery County Department of Transportation presented initial concepts for changing the local bus routes related to the US29 BRT at a meeting on February 26, 2018. Actual local bus route changes related to the US29 BRT will not be firmly known until 2019. Once BRT becomes operational on New Hampshire Ave and Randolph Road, the number of vehicle trips will be further reduced. Even if the routes were known, there is no agreement on how

Attachment 3

many trips would shift from vehicle to transit. The design of LATIP solutions will need to take that into account as they are developed and implemented over the next decade.

In addition, the road classifications for some of the roads and their speed limits are incorrectly stated as identified in the attachment 1. These errors will result in slightly higher congestion levels, but the difference is minor.

Montgomery County Processes to Avoid Congestion Getting Worse

There are five methods by which transportation improvements will be made in Eastern Montgomery County, as follows:

Approved Subdivision Approvals before January 2017. Before the latest version of the SSP was approved in late 2016, developers who received a subdivision approval had to make road improvements under the Local Area Transportation Review (LATR). As a result, White Oak Hospital Center will be making some improvements in the Cherry Hill Rd, Plum Orchard Dr and Broadbirch Dr area. Another development, known as White Oak Town Center, is planned at the intersection of Industrial Parkway and Old Columbia Pike and is expected to make some improvements on Industrial Pkwy near that intersection.

Viva White Oak. The County owns Site II, 115 acres at the current end of Industrial Pkwy. The County formed a partnership with the Global LifeSci Development Corporation (GLDC) to develop that land and the 165 adjacent acres that GLDC owns. After GLDC obtains Planning Board approval of the subdivision plan for the combined 280 acres and the county demolishes the existing buildings on Site II, title to the county land will be transferred to GLDC. The county has already appropriated \$40M as its contribution to improve FDA Blvd, extend Industrial Pkwy to FDA Blvd, and build road B5 from FDA Blvd to the property line. White Oak Medical Center will complete B5 to Plum Orchard Dr. The Council also appropriated funds to demolish the old Site II buildings and undertake any required environmental clean-up.

Bus Rapid Transit (BRT). The county Department of Transportation (DOT) will complete the US29 BRT design in June 2018 and the Council on March 20, 2018 tentatively approved the FY19-24 Capital Improvement Program (CIP) funding for its construction, which would start in July 2018. Most of the cost will pay for platforms and vehicles. It is projected to be operational in 2020. In addition, the Council approved on March 6, 2018 a change in scope and funding to explore a BRT dedicated lane on US29 south of Tech Road (it is already in the design north to MD198). Furthermore the Council tentatively approved on March 20 the CIP funding for planning to select the preferred alternative to add BRT on New Hampshire Ave for the FY22-24 period and for the North Bethesda Transitway BRT for the FY23-24 period. The New Hampshire Ave BRT would directly provide service to FDA. Lastly, the council approved designing the Veirs Mill BRT for the FY 23-25 period. We have asked the council to also fund a study to add BRT on Randolph Road, but there doesn't appear to be sufficient funds available this year to approve it. The Randolph Road BRT is expected to provide service from White Flint Metro Station (maybe Glenmont Metro Station initially) to Industrial Pkwy and FDA Blvd. A platform near that intersection will provide a second BRT service point for the FRC/FDA. The final FY19-24 CIP decisions will be made in May 2018.

LATIP. Montgomery County updated the Subdivision Staging Policy on November 2016 to make many major changes including adding the LATIP process for White Oak, the first such policy area where it is effective. DOT undertook a study of the WOSG MP area plus a mile or so outside of it to identify where road congestion would be expected once 100% of the development allowed under the WOSG master plan is developed. The DOT study and the traffic study undertaken for the Draft EIS were essentially the

Attachment 3

same except the EIS study provides more detail as it relates to the FRC. The DOT study identified a number of road improvements. To that, transit and bikeway projects were added. DOT also developed a budgetary cost to build each project. The Council then decided which projects to include in the LATIP and the budgetary cost for each. Next the Council took the \$101M total cost of all the LATIP projects and divided it by the number of vehicle trips. The resulting \$5010 is the amount developers must pay for each vehicle trip as part of their approved development, typically payable 12 months after a building permit has been issued.

The default approach for using the LATIP funds is for the council to approve projects as part of the CIP process. On March 20, the council tentatively approved a CIP project to start using the funds they expect to collect over the next six years.

As an alternative, the county process allows developers to make the improvements and receive a credit against the LATIP fee and/or transportation impact tax as appropriate. The three major developers other than GSA within the WOSG MP wish to make those improvements. County DOT must approve the improvements and where state roads are affected, State Highway Administration (SHA) must also approve.

Commercial projects are working through the county approval process that would create LATIP funds – a small amount in 2018 and more starting in 2020/2021. The Hilton Hotel in Hillandale is under construction. Both the Hillandale Gateway and Viva White Oak projects have completed the sketch plan, the first of the three steps before they can apply for a building permit. The second step is the subdivision plan and third step is a site plan. GLDC will be submitting the Viva White Oak preliminary plan in either March or April 2018 and expects approval this summer. Duffie Companies expects it will submit its preliminary plan for Hillandale Gateway in early summer 2018. Duffie has already developed a solution for the New Hampshire Ave at Powder Mill area. MCDOT supports that plan and has submitted it to SHA for approval.

Transportation Impact Tax. In addition to the LATIP fee, developers must also pay a Transportation Impact Tax. The credit process created by the Council for the LATIP also allows developers to build non LATIP transportation projects in the area and receive a credit against the impact tax. Most of the Draft EIS identified needed improvements are within the LATIP but some are not. BRT is not directly included in the LATIP. The transportation impact tax could be used to pay for some of these other improvements. Developers would only want to make transportation improvements at that point in time when they would need to pay the county, as if they were not going to build them. Thus the improvements will be phased in over time to match the build phasing, which will be driven by market demands.

External Integration with the FRC

BRT Platform on NH. We agree with the Draft EIS (Main EIS page 174 and Appendix G, Part 3, Page 6) that the GSA/FDA should work with Montgomery County to provide a connection to the New Hampshire Ave BRT. The thinking has been that a BRT platform will be included on the FRC either in the circle in front of Building 1 or at the proposed transit center. The BRT platform would be only slightly different than the existing bus platform in front of Building 1 – platform raised by about 6 inches and a small off-board fare collection machine added. In our discussions with the County, they support that idea. We envision that the New Hampshire BRT corridor could be operational in 2025-2026 time-frame. We expect that GSA/FDA will need use a phased implementation – before the transit center is built and after it is built.

Attachment 3

BRT on Industrial Pkwy near FDA Blvd. As indicated above, the Randolph Road BRT would include a platform in the area of the Industrial Parkway Extended/FDA Blvd Intersection. FDA should provide shuttles to that platform.

Shuttles. GSA/FDA should provide shuttles to the White Oak BRT platform on Lockwood Dr when the US29 corridor opens in 2020 as recommended in the Draft EIS. Since a number of FDA doctors are expected to practice medicine at the White Oak Medical Center, we recommend that FDA also provide a shuttle to it, which opens in mid-2019. Once the Randolph Road BRT corridor is built, we expect there will be a BRT platform at the hospital. Once GLDC extends Industrial Parkway, we recommend the hospital/BRT shuttle also stop at the Tech Road platform (on the US29 BRT). It is expected that over time, a number of FDA employees will live in Viva White Oak and that a number of companies that FDA regulates will have offices in Viva White Oak and travel from there to FDA from time to time for meetings. The hospital/Viva White Oak shuttle should provide service to the three BRT platforms (Tech Road, Viva White Oak and Hospital). These shuttles will reduce the number of vehicles driving onto the FRC and thus reduce the need for parking spaces.

Bikeways. The LATIP includes a number of bikeways in the area, especially within Viva White Oak and existing commercial area between it and US29. We encourage GSA to provide bikeways and secure bicycle parking on the FRC as recommended in the Draft EIS (Main EIS page 174 and Appendix G, Part 3, Page 6)

In summary:

- Don't select the no-alternative because of the apparent impact on traffic. We recommend Alternative C with maximum building height of 10-12 levels.
- It is not correct to assume that no transportation improvements will be implemented. The county has already approved several key improvements (BRT and roads in Viva White Oak). They have put the LATIP process in place to implement other improvements over time as development other than FRC proceeds.
- GSA/FDA should coordinate with the county as the EIS indicates concerning improvements
- GSA/FDA should provide shuttles to nearby key off sight destinations that would benefit their employees and reduce the need for parking.

Sincerely

Daniel L. Wilhelm, President GCCA

Attachment 3

Attachment 1.

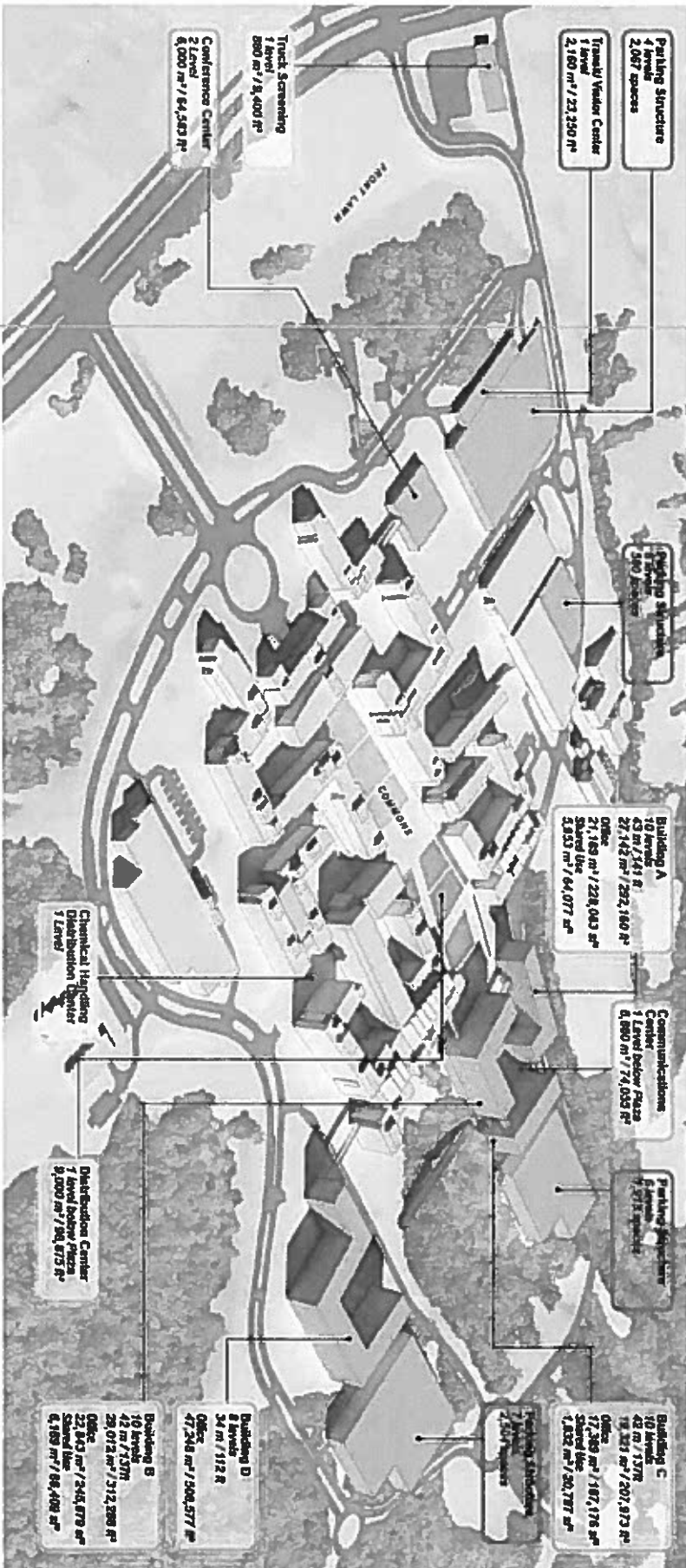
The functional class of some of the roads listed in EIS Table 18, Page 168, don't match what Montgomery County calls them. Local county roads are secondary or tertiary residential streets and traffic congestion is not addressed on these streets by the county. The following road category changes were taken from the White Oak Science Gateway Master Plan and Montgomery County Draft Master Plan of Highways and Transitways:

- Principal arterial to major road: New Hampshire Ave and Columbia Pike (US29)
- Minor Arterial to Arterial: Randolph and Cherry Hill Rd, Fairland Road, Powder Mill
- Local Road to Business Street: FDA Blvd, Broadbirch Dr, Plum Orchard Dr,
- Local Road to Arterial: Old Columbia Pike (west of US29), Prosperity Dr, Tech Rd, Industrial Pkwy
- Local Road to Minor Arterial: Calverton Blvd, Old Columbia Pike (east of US29)
- Major Collector to Arterial: Musgrove Road
- Other Local Roads to secondary or tertiary residential

In addition some of the posted speed limits are higher than shown in Table 18. Since capacity is a function of speed, the result will be a higher capacity and thus less congestion.

- Fairland Road: 40 mph west of US29 and 30 east of US29
- Randolph Road: 40 mph
- Cherry Hill Road: 40 mph in Montgomery County and 30 mph in Prince George's County
- Broadbirch Dr: 30 mph

Alternative A: Mid-Rise Buildings



Attachment 4

Alternative C: Two High-Rise Office Buildings

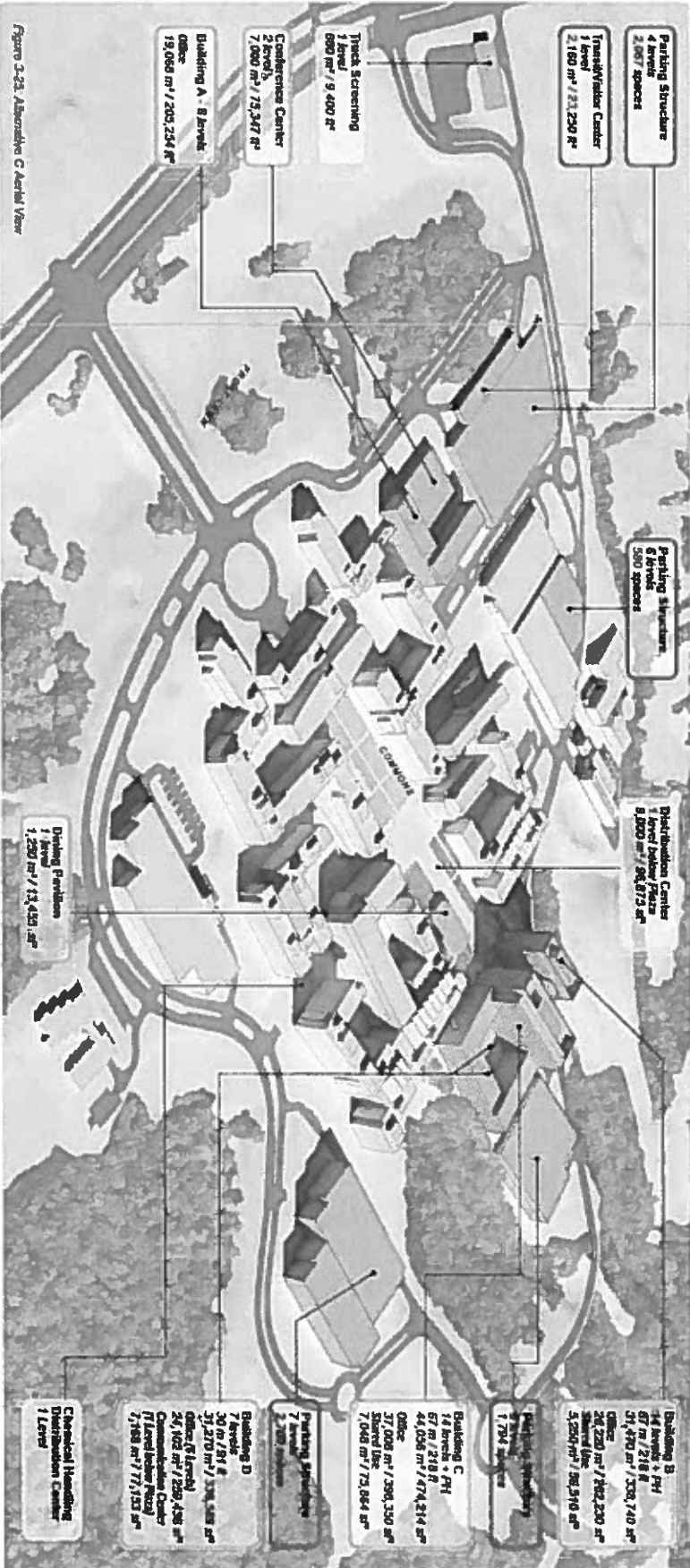


Figure 3-23: Alternative C Aerial View



14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.mncppc.org/pgco

301-952-3650

April 26, 2018

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission

VIA: Andree Green Checkley, Planning Director *ABC*
Debra Borden, Principal Counsel, Legal Office, M-NCPPC *DB*
Derick Berlage, Chief, Countywide Planning Division *DB*

FROM: Maria Ann Martin, Master Planner, Special Projects Section, Countywide Planning Division *MAM*

SUBJECT: MR-1809F United States Food and Drug Administration (FDA) Federal Research Center (FRC) Draft Master Plan and Environmental Assessment

Attached for your review and approval is the Prince George's County Planning Department staff comments on the United States Food and Drug Administration (FDA) Federal Research Center (FRC) draft Master Plan and Environmental Assessment.

Mandatory Referral case number MR-1809F was presented to the Prince George's County Planning Board at its regularly scheduled Planning Board meeting on April 26, 2018. A copy of the staff report with staff recommendations is attached.

RECOMMENDATION

Staff recommends that the Full Commission approve the transmittal of the staff report.

Attachments:

Attachment 1 – Transmittal letter to U.S. General Services Administration

Attachment 2 – MR-1809F staff report

The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Countywide Planning Division
301-952-3065



Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

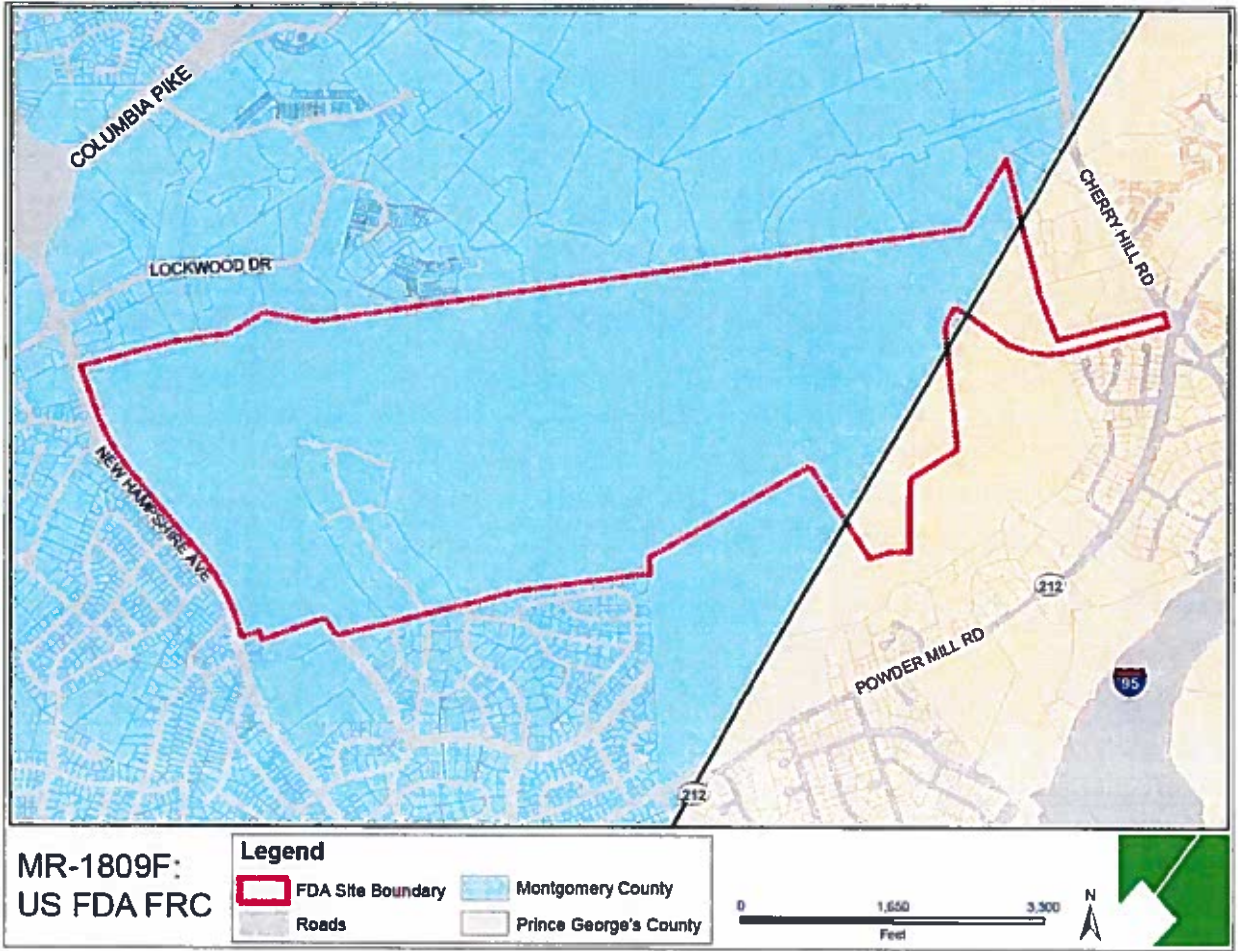
Mandatory Referral

MR-1809F

Application	General Data	
Project Name: United States Food and Drug Administration (FDA) Federal Research Center (FRC) Master Plan and Environmental Assessment Location: 40 acres in Hillandale area off Powder Mill Road of the Federal Research Center, 10903 New Hampshire Avenue, Silver Spring, Maryland Applicant/Address: United States General Services Administration 301 7th Street, SW, Suite 4004 Washington, DC 20407 Property Owner: United States of America	Planning Board Hearing Date:	04/26/2018
	Date Accepted:	03/12/2018
	Mandatory Action Timeframe:	60 Days
	Acreage:	40 acres
	Zone:	R-O-S
	Planning Area:	61
	General Plan Designation:	Established Communities
	Council District:	1
	Municipality:	N/A
	200-Scale Base Map:	214NE03

Purpose of Application	Notice Dates	
The Food and Drug Administration (FDA) is planning to accommodate up to 18,000 total employees on the Federal Research Center (FRC) site in the White Oak community, with approximately 9,000 new employees moving to the campus between 2025 to 2035.	Acceptance Mailing:	

Staff Recommendation	Staff Reviewer: Maria Martin, Master Planner	
Approval to transmit staff comments to the Full Commission	Phone Number: 301-952-3472	
	E-mail: maria.martin@ppd.mncppc.org	



MR-1809F Staff Report – United States Food and Drug Administration Federal Research Center Master Plan and Environmental Assessment

PROJECT BACKGROUND

The Land Use Article §§20-301 through 305 of the Maryland Annotated Code requires the Planning Board to review public construction projects for all federal, state, county and municipal governments, and publicly and privately-owned utilities through the Mandatory Referral (MR) review process. This project is being reviewed as part of the MR review process pursuant to the Maryland Annotated Code, and Section 27-294 of the Prince George's County Zoning Ordinance.

PROJECT SUMMARY

The U.S. General Services Administration (GSA) is currently consolidating the U.S. Food and Drug Administration (FDA) headquarters facilities at the Federal Research Center at White Oak (FRC) in Silver Spring, Maryland. The FDA headquarters currently encompasses a 130-acre piece of the FRC, also known as the FDA Campus, located at the west end of the FRC. Due to new Congressional mandates, FDA is projecting an increase in employees and campus support staff at the FDA Campus. The overall proposed draft master plan for the 130-acre FDA Campus is intended to:

- Consolidate the FDA headquarters;
- Develop an additional 1,100,000 to 1,200,000 GSF of office space and 300,000 to 400,000 GSF of special use space;
- Increase visitor parking by 615 parking spaces to a total of 1,615 spaces;
- Reconfigure the East Loop Road; and
- Implement a bus-rapid transit system.

Currently the FDA has 10,987 assigned personnel to the FDA Campus with a peak daily population of 7,793. The current projected growth for FDA at FRC is approximately 7,018 additional employees and support staff, which includes funded staff vacancies, existing employees currently in leased space in Montgomery and Prince George's counties, FDA support staff, and future growth projected by 2022.

Approximately 40 acres of the FRC lies within Prince George's County. The proposed development will occur around the existing development in Montgomery County.

STAFF RECOMMENDATIONS

After reviewing the environmental assessment and the draft master plan, the Prince George's County Planning Department staff has the following comments:

- Within Prince George's County, the FRC includes a piece of land that is best described as a pipestem connecting the intersection of MD 212 and Cherry Hill Road to the main part of the FRC. That pipestem contains a roadway known as Coffman Road. Given that this roadway connection would introduce complexity to the MD 212/Cherry Hill intersection and pass next to developed residential properties, it has been understood that access by means of Coffman Road is very restricted. However, several maps in the master plan appear to display Coffman Road with the same degree of importance as FDA Boulevard, which is a newer connection to Cherry Hill Road wholly within Montgomery County. See the attached transportation memorandum for the

graphic that shows a portion of Figure 1-17 from the master plan, and with Coffman Road highlighted. It is requested that Figures 1-17 and 1-19 in the master plan be revised to show Coffman Road within Prince George's County as a dashed line or some similar convention to convey the restricted use nature of the roadway.

- Nearly every plan within the master plan shows a "potential access road" starting at a traffic circle along the Southwest Loop Road in the vicinity of what is now known as Bowditch Road. The plan needs to indicate where this access road will go, and what the potential alignment of this road would be.
- If new construction is proposed in the eastern portion of the FDA Campus, historic resource PG:61-045, Aurora Pulsed Radiation Simulator and M:33-025, Naval Ordnance Laboratory Survey District could be impacted. Any new construction should consider visual impacts on the Naval Ordnance Laboratory Survey District (M:33-025).
- If new construction is proposed in the eastern portion of the FDA Campus, impacts to archeological site 18PR466, the Shadrack Beall Farmstead, should be considered. Archeological site 18PR466 meets the criteria for listing in the National Register of Historic Places. The site should be preserved in place and avoided by new construction. If the archeological site cannot be avoided, Phase III archeological mitigation is recommended.
- **Building massing and spatial pattern-** The existing FDA campus has been developed under four different master plans and established a unique site layout that features a central green open space surrounded by a series of human-scaled open courtyard spaces enclosed by midrise buildings. The open courtyards further complement the central green. Various buildings of different building techniques and finish materials from different time periods provide visual interest surrounding the open courtyards. This unique open space/courtyard pattern should be preserved in the new master plan for future expansion to maintain the integrity, continuity and strong spatial eligibility of the FDA campus
- **Viewshed-** The existing FDA campus is part of the historic resources of the White Oak Naval Ordnance Laboratory Historic District. The prominent features of the primary viewshed from New Hampshire Avenue to the campus are the existing Main Administration Building and the flagpole. The development alternative that continues the building massing and clustering of the existing campus will not only preserve the organic pattern of the FDA campus, but also preserve this historic vista from New Hampshire Avenue.
- **On-site circulation-** Pedestrian circulation needs to be strengthened within the proposed master plan by eliminating gaps in the existing network and by providing wider sidewalks that can accommodate bicycling. The master plan proposes 10-foot wide sidewalks only for the new loop streets. Ten-foot-wide sidewalks should be implemented in phases throughout the entire campus. Vehicular circulation is building on the existing roadways and oriented toward New Hampshire Avenue. An additional access road- FDA Boulevard off Cherry Hill Road is a good addition to improve the accessibility of the FRC campus. The master plan also includes construction of a new distribution center and truck screening facility and shows two possible locations-one is located along New Hampshire Avenue and the other is located in the northeast section of the site off FDA Boulevard. The Urban Design Section supports the location off FDA Boulevard because this location will separate truck traffic from the employee traffic and help evenly distribute trips to the larger campus. In addition, this location is very close to the Interstate Highway System, where the intersection of I-95 and Beltway I-495 is located.

- **Native Species**-The Federal Government is a leader in sustainable development. The additional buildings on the campus will achieve LEED Gold certification. The master plan also provides some general design guidelines for future landscaping on the campus. The Urban Design Section suggests that in addition to the proposed landscaping design guidelines, all landscaping materials should be native species and all herbaceous planting materials should be pollinator friendly species.

PROJECT LOCATION, DESCRIPTION, AND SCHEDULE

Location/Description:

The Federal Research Center (FRC) at White Oak is located at 10903 New Hampshire Avenue, Silver Spring, Maryland. The FRC is located east of New Hampshire Avenue (MD 650) and west of Cherry Hill Road in Montgomery and Prince George's counties. The site is bounded to the north by commercial and residential properties, the Paint Branch Stream Valley Park, and the Percontee Quarry.

To the south of the FRC lie the U.S. Army's Adelphi Laboratory, residential properties, and the Powder Mill Community Park.

Approximately 40 acres of the FRC lies within Prince George's County and is zoned R-O-S (Reserved Open Space).



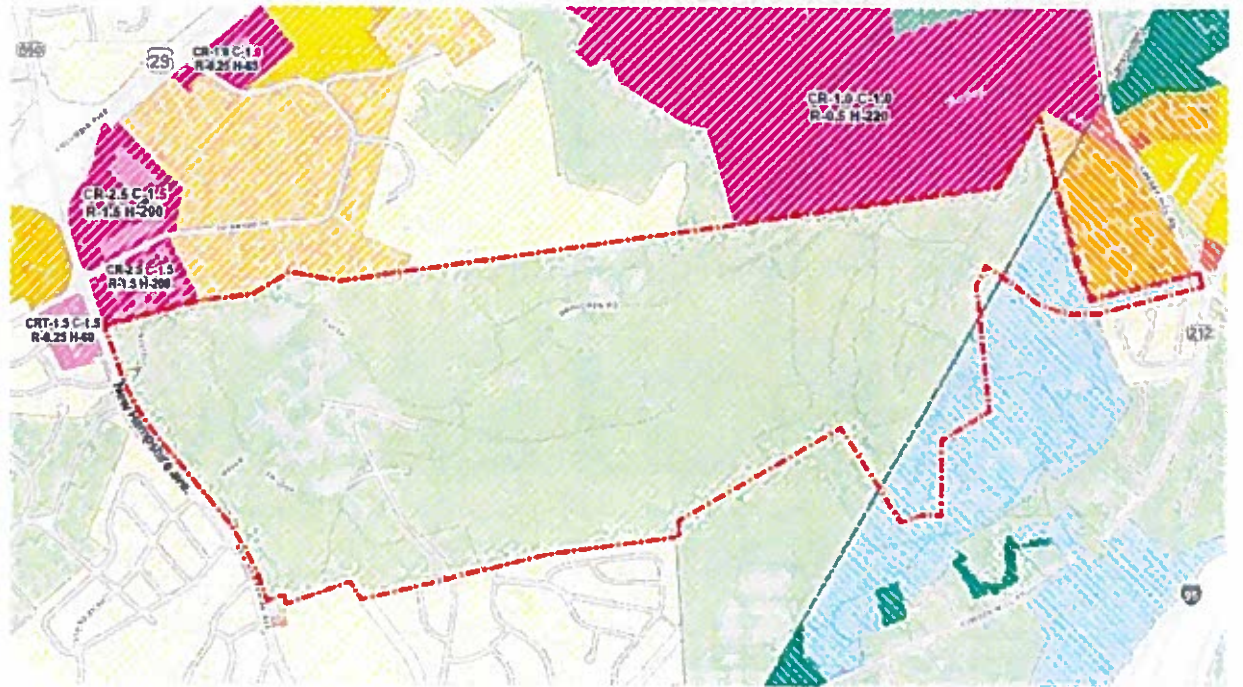
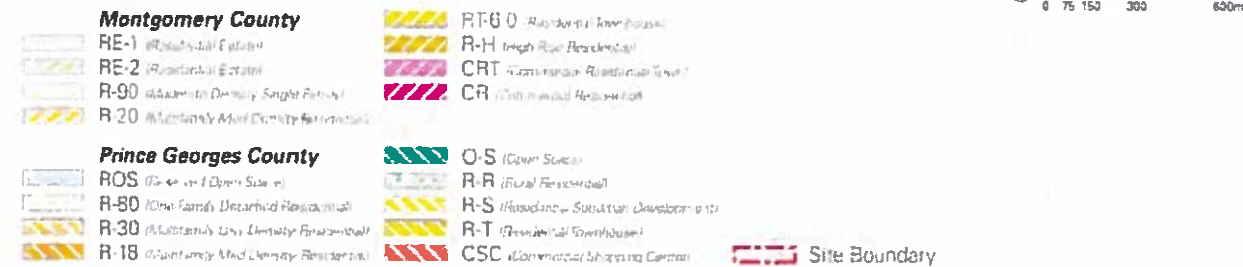


Figure 7 Zoning



Project Schedule Overview:

The development of the draft master plan was supported by three major project components:

- The **Land Use Feasibility Study (LUFS)** was completed in the Spring of 2017 and put forward a series of development options and identified related costs for the FRC site to accommodate additional FDA staff.
- The **National Environmental Policy Act (NEPA)** compliance Public Scoping Period occurred in the Summer and Fall of 2017. At this same time, technical studies were conducted that informed a Draft Environmental Impact Statement (EIS) issued in March 2018.
- The **National Historic Preservation Act (NHPA)** compliance process has been tracking concurrently with the NEPA compliance process to identify, assess and resolve adverse effects to historic structures or landscapes. A Programmatic Agreement (PA) with appropriate state entities and other Consulting Parties will be completed in advance of the Final Master Plan.

Below is the work schedule that the GSA staff has developed for the project approval.

Date	Activity Events
May 11, 2018	Referral comments due for the Draft Master Plan & Draft Transportation Management Plan (TMP)
May 16, 2018	MNCPPC Full Commission Meeting on the Draft Master Plan & Draft TMP

May 22, 2018	Montgomery and Prince George's Counties' referral letters due to U.S. GSA
May 23, 2018	Montgomery and Prince George's Counties' referral letters due to National Capital Planning Commission (NCPC)
June 7, 2018	NCPC Commission meeting on the Draft Master Plan & Draft TMP
July 20 through August 19, 2018	Public comment period for the Final Environmental Impact Statement (FEIS) Counties may provide comments.
TBD	Montgomery and Prince George's Counties' referral letters due on Final Master Plan & Draft TMP
September 28, 2018	Final Master Plan submitted to NCPC
TBD	Montgomery and Prince George's Counties Planning Board meeting on Final Master Plan & Draft TMP
November 1, 2018	NCPC Commission meeting on the Final Master Plan & Draft TMP

ANALYSIS OF PROJECT IMPACT AREAS

The Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department, staff has reviewed the proposed project and provided the following comments:

1. ENVIRONMENTAL ASSESSMENT

After an evaluation of the site plan submitted by the applicant, the Environmental Planning Section has determined that because this is a federally owned and operated property, the project is not subject to the Prince George's County's Woodland and Wildlife Habitat Conservation Ordinance or local building and grading regulations. Nor does M-NCPPC have regulatory jurisdiction over activities, development or otherwise. The following information is provided for the benefit of the applicant.

The narrative indicates that adverse impacts to the regulated environmental features on-site and off-site during clearing, grading, and road and building construction, will be minimized by utilizing Best Management Practices (BMP) such as silt fence, erosion matting, inlet protection, sediment traps, sediment basins and revegetation of exposed sediment. The statement also indicates that stormwater management plans and erosion and sediment control plans will be prepared and submitted to the Maryland Department of the Environment (MDE) for review and approval prior to construction. Temporary impacts to streams and wetlands will be restored to pre-construction conditions to the maximum extent practicable, following construction. Additionally, GSA will obtain authorization under the Maryland State Programmatic General Permit 5 (MDSPGP-5), by the US Army Corps of Engineers and provide compensatory mitigation at a minimum of 1:1 ratio for stream impacts exceeding 200 linear feet.

Long term impacts are proposed to be minimized by implementing mitigation, reduction, and elimination, as necessary. The plan states that M-NCPPC will be consulted prior to final design to determine appropriate compensatory mitigation for impacts to the stream valley buffers. Increases in impervious coverage will be mitigated through the implementation of environmental site design/low impact design (ESD/LID) strategies including bioretention, bioswales along roadsides, rooftop rainwater harvesting, green roofs, pervious pavement, tree planting and stream restoration efforts. All remaining stormwater volume is proposed to be directed to structural BMPs such as stormwater management ponds.

2. TRANSPORTATION ASSESSMENT

1. Within Prince George's County, the FRC includes a piece of land that is best described as a pipestem connecting the intersection of MD 212 and Cherry Hill Road to the main part of the FRC. That pipestem contains a roadway known as Coffman Road. Given that this roadway

connection would introduce complexity to the MD 212/Cherry Hill intersection and pass next to developed residential properties, it has been understood that access by means of Coffman Road is very restricted. However, several maps in the master plan appear to display Coffman Road with the same degree of importance as FDA Boulevard, which is a newer connection to Cherry Hill Road wholly within Montgomery County. See the attached transportation memorandum for the graphic that shows a portion of Figure 1-17 from the master plan, and with Coffman Road highlighted. It is requested that Figures 1-17 and 1-19 in the master plan be revised to show Coffman Road within Prince George's County as a dashed line or some similar convention to convey the restricted use nature of the roadway.

2. Nearly every plan within the master plan shows a "potential access road" starting at a traffic circle along the Southwest Loop Road in the vicinity of what is now known as Bowditch Road. The plan needs to indicate where this access road will go, and what the potential alignment of this road would be.

3. HISTORIC PRESERVATION/ARCHEOLOGY

Historic Preservation

Findings: The eastern portions of the FRC campus (areas 300, 500, 600, and 700) are characterized by the former explosives research area of the Naval Ordnance Laboratory. Most of the facilities have been removed or demolished since the closure of the Laboratory in 1997. Some facilities continue to exist in a decaying state.

Recorded historic resources within the Prince George's County section of the FDA campus include PG:61-045, Aurora Pulsed Radiation Simulator and M:33-025, Naval Ordnance Laboratory Survey District, the eastern portion of which lies in Prince George's County.

Conclusions: If new construction is proposed in the eastern portion of the FDA Campus, PG:61-045, Aurora Pulsed Radiation Simulator and M:33-025, Naval Ordnance Laboratory Survey District could be impacted. Any new construction should consider visual impacts on the Naval Ordnance Laboratory Survey District (M:33-025).

Archeology

Findings: The property is located within the Atlantic Coastal Plain, a relatively flat topographical region. The Paint Branch and West Branch stream valleys are in the eastern part of the property. The FDA campus has been surveyed for archeological resources.

Five archeological sites have been recorded in the Prince George's County portion of the FDA Campus. Site 18PR436 is an early twentieth century house foundation. Site 18PR437 is also an early twentieth century house foundation. Site 18PR438 is a prehistoric lithic scatter. Site 18PR465 is Late Archaic short-term camp or base camp and lithic quarry/extraction site. Site 18PR466 was identified as the Shadrack Beall Farmstead, an eighteenth- to twentieth-century farm site. Site 18PR466 was the only site that was determined to be eligible for listing in the National Register of Historic Places.

Conclusions: If new construction is proposed in the eastern portion of the FDA Campus, impacts to archeological site 18PR466, the Shadrack Beall Farmstead, should be considered. Archeological site 18PR466 meets the criteria for listing in the National Register of Historic Places. The site should be preserved in place and avoided by new construction. If the archeological site cannot be avoided, Phase III archeological mitigation is recommended.

4. CONSISTENCY WITH DEVELOPMENT/REGULATORY STANDARDS

The Urban Design Section offers the following observations relating to the Master Plan as proposed within Montgomery County. The Master Plan proposes three development alternatives, adjacent to the existing FDA campus with a combination of various types of architecture. The general proposed campus layout is compact development that grows organically out of the existing FDA campus. Given the size of the existing FRC campus of 660 acres, integration with the surrounding community is not occurring because the site is isolated. In addition, the Urban Design Section has suggestions regarding building massing, viewshed, on-site circulation, and planting materials.

- **Buildings and spatial pattern-** The existing FDA campus has been developed under four different master plans and established a unique site layout that features a central green open space surrounded by a series of human-scaled open courtyard spaces enclosed by midrise buildings. The open courtyards further complement the central green. Various buildings of different building techniques and finish materials from different time periods provide visual interest surrounding the open courtyards. This unique open space/courtyard pattern should be preserved in the new master plan for future expansion to maintain the integrity, continuity and strong spatial eligibility of the FDA campus
- **Viewshed-** The existing FDA campus is part of the historic resources of the White Oak Naval Ordnance Laboratory Historic District. The prominent features of the primary viewshed from New Hampshire Avenue to the campus are the existing Main Administration Building and the flagpole. The development alternative that continues the building massing and clustering of the existing campus will not only preserve the organic pattern of the FDA campus, but also preserve this historic vista from New Hampshire Avenue.
- **On-site circulation-** Pedestrian circulation needs to be strengthened within the proposed master plan by eliminating gaps in the existing network and by providing wider sidewalks that can accommodate bicycling. The master plan proposes 10-foot wide sidewalks only for the new loop streets. Ten-foot-wide sidewalks should be implemented in phases throughout the entire campus. Vehicular circulation is building on the existing roadways and oriented toward New Hampshire Avenue. An additional access road- FDA Boulevard off Cherry Hill Road is a good addition to improve the accessibility of the FRC campus. The master plan also includes construction of a new distribution center and truck screening facility and shows two possible locations-one is located along New Hampshire Avenue and the other is located in the northeast section of the site off FDA Boulevard. The Urban Design Section supports the location off FDA Boulevard because this location will separate truck traffic from the employee traffic and help evenly distribute trips to the larger campus. In addition, this location is very close to the Interstate Highway System, where the intersection of I-95 and Beltway I-495 is located.
- **Native Species-**The Federal Government is a leader in sustainable development. The additional buildings on the campus will achieve LEED Gold certification. The master plan also provides some general design guidelines for future landscaping on the campus. The Urban Design Section suggests that in addition to the proposed landscaping design guidelines, all landscaping materials should be native species and all herbaceous planting materials should be pollinator friendly species.

5. CONSISTENCY WITH APPROVED PLANS

In the 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment*, the subject property is designated as an Institutional land use.

In the 2014 *Plan Prince George's 2035 Approved General Plan*, the subject property is located inside the boundaries of the Established Communities.

6. EXISTING PUBLIC FACILITIES

The proposed project is in Police District VI station, which is located at 6707 Groveton Drive in Clinton.

The property is served by Beltsville Fire/EMS Station 841 which is located at 4321 Sellman Road, Beltsville.

The 2008 *Approved Water and Sewer Plan*, places this property in Water and Sewer Categories 5, Future Community System.

7. COMMUNITY OUTREACH

Planning Department: On April 17, 2018, notification letters were mailed to adjoining property owners and area civic association.

The Applicant: GSA issued a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) on August 18, 2017. The letters included information on the public scoping meeting and asked for the public's comments on the proposed FDA Master Plan. The NOI was published in the Federal Register, as well as The Washington Post, the Montgomery Sentinel, and the Prince George's Sentinel. NOI letters were mailed to approximately 125 federal, state, and local agencies, public officials, community groups, special interest groups, and area residents.

GSA held a public scoping period on the EIS/ Master Plan from August 21, 2017 through September 25, 2017. GSA also held an Open House for the public on September 12, 2017 from 6:30 to 8:30 pm. Approximately 50 people attended the public meeting, including FDA employees and staff from the following offices:

- Senator Van Hollen and Congressman Sarbanes' offices,
- Montgomery and Prince George's County Councils,
- Maryland Department of Commerce,
- Montgomery and Prince George's County governments,
- Prince George's County Police Department, and,
- Maryland Park Police.

In addition, several organizations (Strengthen FDA, LabQuest, North White Oak Civic Association, Percontee, Inc., Eyes of Paint Branch, Greater Colesville Civic Association, Whitehall Square Homeowner's Association, and the Alliance for a Stronger FDA) and members of the local communities were in attendance.

Poster boards were displayed showing the site plan; a history of the FDA consolidation; the Environmental Impact Statement (EIS) and National Historic Preservation Act (NHPA) processes; the Area of Potential Effect (APE); preliminary Master Plan alternatives; and environmental features. In addition, a continuously running slide presentation was shown. The public was invited to comment on the proposed project and twenty-four comments were received from organizations, government agencies, and individuals.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION


Prince George's County Planning Department
Countywide Planning Division, Transportation Planning Section

(301) 952-3680
www.mncppc.org

March 30, 2018

MEMORANDUM

TO: Maria Martin, Special Projects Section, Countywide Planning Division

FROM:  Tom Masog, Transportation Planning Section, Countywide Planning Division

SUBJECT: 2018 FDA Federal Research Center Master Plan and Draft Environmental Impact Statement

The Transportation Planning Section has reviewed the items referenced above. The U.S. General Services Administration (GSA) is currently consolidating the US Food and Drug Administration (FDA) headquarters facilities at the Federal Research Center at White Oak (FRC) in Silver Spring, Maryland. The FDA headquarters currently encompass a 130-acre piece of the FRC, now known as the FDA Campus. The Master Plan's purpose is to plan for future growth to further consolidate FDA operations. The Master Plan will provide a framework for development at the FRC to accommodate another 7,018 FDA employees and support staff on site for a total population of 18,000 FDA employees and support staff.

Review Comments

The overall FRC is 662 acres, with the majority of the site within Montgomery County and about 40 acres within Prince George's County. The proposed master plan affects the 130-acre site of the FDA Headquarters which is entirely within Montgomery County. As such, our comments are very limited, and highlight a couple of key items:

1. Within Prince George's County, the FRC includes a piece of land that is best described as a pipestem connecting the intersection of MD 212 and Cherry Hill Road to the main part of the FRC. That pipestem contains a roadway known as Coffman Road. Given that this roadway connection would introduce complexity to the MD 212/Cherry Hill intersection and pass next to developed residential properties, it has been understood that access by means of Coffman Road is very restricted. However, several maps in the master plan appear to display Coffman Road with the same degree of importance as FDA Boulevard, which is a newer connection to Cherry Hill Road wholly within Montgomery County. See below, which is a portion of Figure 1-17 from the



master plan, and with Coffman Road highlighted. It is requested that Figures 1-17 and 1-19 in the master plan be revised to show Coffman Road within Prince George's County as a dashed line or some similar convention to convey the restricted use nature of the roadway.

2. Nearly every plan within the master plan shows a "potential access road" starting at a traffic circle along the Southwest Loop Road in the vicinity of what is now known as Bowditch Road. The plan needs to indicate where this access road will go, and what the potential alignment of this road would be.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Department
Historic Preservation Section

(301) 952-3680
www.mncppc.org

April 2, 2018

MEMORANDUM

TO: Maria Martin, Supervisor
Special Projects Section
Countywide Planning Division

FROM: Howard Berger, Supervisor *KB*
Jennifer Stabler, Archeology Planner Coordinator *JMS*
Historic Preservation Section
Countywide Planning Division

SUBJECT: 2018 FDA Federal Research Center Master Plan

Background

The Federal Research Center (FRC) at White Oak is located at 10903 New Hampshire Avenue in Silver Spring, Maryland. The campus is located east of New Hampshire Avenue (MD 650) and west of Cherry Hill Road in Montgomery and Prince George's counties. Approximately 40 acres of the FRC lies within Prince George's County Planning Area 61. The portion of the FRC that is located within Prince George's County is surrounded by residential development. The portion of the campus located within Prince George's County is zoned R-O-S (Reserved Open Space).

The U.S. General Services Administration (GSA) is currently consolidating the U.S. Food and Drug Administration (FDA) headquarters facilities at the Federal Research Center at White Oak in Silver Spring, Maryland. Due to new Congressional mandates, FDA is projecting an increase in employees and campus support staff at the FDA Campus. The master plan will provide a framework for development at the FRC to accommodate another 7,018 FDA employees and support staff for a total population of 18,000 FDA employees and support staff.

The implementation of the Master Plan for FDA is to include the following:

- Development of an additional 1,100,000 to 1,200,000 GSF of office space and 300,000 to 400,000 GSF of special use space to support FDA's mission;
- A total of 11,709 parking spaces for FDA employees and campus support staff;
- Increasing visitor parking from 1,000 to 1,615 parking spaces;
- Reconfiguring the East Loop Road to allow for ease of access into and out of the FDA Campus.

Findings

Historic Preservation

The eastern portions of the FRC campus (areas 300, 500, 600, and 700) are characterized by the former explosives research area of the Naval Ordnance Laboratory. Most of the facilities have been removed or demolished since the closure of the Laboratory in 1997. Some facilities continued to exist in a decaying state.

Recorded resources within the Prince George's County section of the FDA campus include PG:61-045, Aurora Pulsed Radiation Simulator and M:33-025, Naval Ordnance Laboratory Survey District, the eastern portion of which lies in Prince George's County.

Archeology

The property is located within the Atlantic Coastal Plain, a relatively flat topographical region. The Paint Branch and West Branch stream valleys are in the eastern part of the property. The FDA campus has been surveyed for archeological resources.

Five archeological sites have been recorded in the Prince George's County portion of the FDA Campus. Site 18PR436 is an early twentieth century house foundation. Site 18PR437 is also an early twentieth century house foundation. Site 18PR438 is a prehistoric lithic scatter. Site 18PR465 is Late Archaic short-term camp or base camp and lithic quarry/extraction site. Site 18PR466 was identified as the Shadrack Beall Farmstead, an eighteenth- to twentieth-century farm site. Site 18PR466 was the only site that was determined to be eligible for listing in the National Register of Historic Places.

Conclusions

Historic Preservation

If new construction is proposed in the eastern portion of the FDA Campus, PG:61-045, Aurora Pulsed Radiation Simulator and M:33-025, Naval Ordnance Laboratory Survey District could be impacted. Any new construction should consider visual impacts on the Naval Ordnance Laboratory Survey District (M:33-025).

Archeology

If new construction is proposed in the eastern portion of the FDA Campus, impacts to archeological site 18PR466, the Shadrack Beall Farmstead, should be considered. Archeological site 18PR466 meets the criteria for listing in the National Register of Historic Places. The site should be preserved in place and avoided by new construction. If the archeological site cannot be avoided, Phase III archeological mitigation is recommended.



14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

April 2, 2018

MEMORANDUM

TO: Maria Martin, Supervisor, Special Project Section

VIA: Susan Lareuse, Master Planner, Urban Design Section *SL*

FROM: *HZ* Henry Zhang, Master Planner, Urban Design Section

SUBJECT: 2018 FDA Federal Research Center Master Plan

The Urban Design Section has reviewed the U.S. Food and Drug Administration (FDA) Federal Research Center (FRC) Master Plan. This Master Plan provides for the consolidation of the FDA headquarters campus at the Federal Research Center at White Oak to accommodate the anticipated workforce of 18,000 employees and support staff. The FRC campus covers approximately 660 acres of land (previously used as Naval Ordnance Laboratory) and is generally rectangular in shape. Its address is 10903 New Hampshire Avenue, on the east side of New Hampshire Avenue and west of Cherry Hill Road, and spans both Montgomery and Prince George's County. The 130-acre portion of FRC fronting Hampshire is developed with FDA headquarters facilities. The 2018 Master Plan proposes a number of alternatives that are adjacent to the existing FDA campus and west of both the Paint Branch and the West Branch, streams that bisect the middle of the site. The most recent improvement for the development is the roadway of FDA Boulevard, located within Montgomery County. The existing Coffman Road, located off of Cherry Hill Road within Prince George's County, is closed and will remain so in the Master Plan. There are 40 acres of the FRC in Prince George's County that is located within a broader triangular area created by the County Line, Cherry Hill Road (C-201) and Powder Mill Road (C-112). Both roadways are designated as "Collector" roadways in the County's *2009 Approved Master Plan of Transportation*. The portion of the campus in Prince George's County is surrounded by properties in the R-18 Zone with multifamily development, in the R-80, R-R Zones with single-family detached homes, and in the R-O-S Zone as open space. The *2010 Approved Subregion 1 Master Plan and Sectional Map Amendment* identified four focus areas, none of which includes the FRC campus. The proposed 2018 FDA Master Plan focuses on the existing site of the FDA campus, fronting New Hampshire Avenue. No new improvements are proposed on the 40-acre portion of the FRC, therefore the 2018 Master Plan will have little to no impact in Prince George's County,

The Urban Design Section offers the following observations relating to the Master Plan as proposed within Montgomery County. The Master Plan proposes three development alternatives, adjacent to the existing FDA campus with a combination of various of types of architecture. The general proposed

campus layout is compact development that grows organically out of the existing FDA campus. Given the size of the existing FRC campus of 660 acres, integration with the surrounding community is not occurring because the site is isolated. In addition, the Urban Design Section has suggestions regarding building massing, viewshed, on-site circulation, and planting materials.

- **Buildings and spatial pattern-** The existing FDA campus has been developed under four different master plans and established a unique site layout that features a central green open space surrounded by a series of human-scaled open courtyard spaces enclosed by midrise buildings. The open courtyards further complement the central green. Various buildings of different building techniques and finish materials from different time periods provide visual interest surrounding the open courtyards. This unique open space/courtyard pattern should be preserved in the new master plan for future expansion to maintain the integrity, continuity and strong spatial eligibility of the FDA campus
 - **Viewshed-** The existing FDA campus is part of the historic resources of the White Oak Naval Ordnance Laboratory Historic District. The prominent features of the primary viewshed from New Hampshire Avenue to the campus are the existing Main Administration Building and the flagpole. The development alternative that continues the building massing and clustering of the existing campus will not only preserve the organic pattern of the FDA campus, but also preserve this historic vista from New Hampshire Avenue.
 - **On-site circulation-** Pedestrian circulation needs to be strengthened within the proposed master plan by eliminating gaps in the existing network and by providing wider sidewalks that can accommodate bicycling. The master plan proposes 10-foot wide sidewalks only for the new loop streets. Ten-foot-wide sidewalks should be implemented in phases throughout the entire campus. Vehicular circulation is building on the existing roadways and oriented toward New Hampshire Avenue. An additional access road- FDA Boulevard off Cherry Hill Road is a good addition to improve the accessibility of the FRC campus. The master plan also includes construction of a new distribution center and truck screening facility and shows two possible locations-one is located along New Hampshire Avenue and the other is located in the northeast section of the site off FDA Boulevard. The Urban Design Section supports the location off FDA Boulevard because this location will separate truck traffic from the employee traffic and help evenly distribute trips to the larger campus. In addition, this location is very close to the Interstate Highway System, where the intersection of I-95 and Beltway I-495 is located.
-
- **Native Species-**The Federal Government is the leader of the sustainable development. The additional buildings on the campus will achieve LEED Gold certification. The master plan also provides some general design guidelines for future landscaping on the campus. The Urban Design Section suggests that in addition to the proposed landscaping design guidelines, all landscaping materials should be native species and all herbaceous planting materials should be pollinator friendly species.




THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Countywide Planning Division
Environmental Planning Section

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgcc

April 2, 2018

TO: Maria Martin, Special Projects Section, Countywide Planning Division

FROM: Thomas Burke, Senior Planner, Environmental Planning Section 

SUBJECT: 2018 FDA Federal Research Center Master Plan and Draft Environmental Impact Statement

The Environmental Planning Section has completed the review of the subject master plan and environmental impact statement. The site, known as the US Food and Drug Administration (FDA) headquarters at the Federal Research Center at White Oak (FRC), in Silver Spring. The 130-acre section known as the FDA Campus resides within the 662-acre FRC Property. The majority of the property is located within Montgomery County with approximately 40 acres within Prince George's County. Although each of the alternatives discussed in the master plan are located outside of Prince George's County, the entire site is located within the Paint Branch watershed, ultimately flowing to the Anacostia River. Therefore, all drainage from this site ultimately flows through Prince George's County.

After an evaluation of the site plan submitted by the applicant, the Environmental Planning Section has determined that because this is a federally owned and operated property, the project is not subject to Prince George's County's Woodland and Wildlife Habitat Conservation Ordinance or local building and grading regulations. Nor does M-NCPPC have regulatory jurisdiction over activities, development or otherwise. The following information is provided for the benefit of the applicant.

The narrative indicates that adverse impacts to the regulated environmental features on-site and off-site during clearing, grading, and road and building construction, will be minimized by utilizing Best Management Practices (BMP) such as silt fence, erosion matting, inlet protection, sediment traps, sediment basins and revegetation of exposed sediment. The statement also indicates that stormwater management plans and erosion and sediment control plans will be prepared and submitted to the Maryland Department of the Environment (MDE) for review and approval prior to construction. Temporary impacts to streams and wetlands will be restored to pre-construction conditions to the maximum extent practicable, following construction. Additionally, GSA will obtain authorization under the Maryland State Programmatic General Permit 5 (MDSPGP-5), by the US Army Corps of Engineers and provide compensatory mitigation at a minimum of 1:1 ratio for stream impacts exceeding 200 linear feet.

Long term impacts are proposed to be minimized by implementing mitigation, reduction, and elimination, as necessary. The plan states that M-NCPPC will be consulted prior to final design to determine appropriate compensatory mitigation for impacts to the stream valley buffers. Increases in impervious coverage will be mitigated through the implementation of environmental site design/low impact design (ESD/LID) strategies including bioretention, bioswales along roadsides, rooftop rainwater harvesting, green roofs, pervious pavement, tree planting and stream restoration efforts. All remaining stormwater volume is proposed to be directed to structural BMPs such as stormwater management ponds.

Thank you for the opportunity to review this project. If you have questions regarding the information presented, please contact the Environmental Planning Section at 301-952-3650.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Department
Countywide Planning Division

(301) 952-3650
www.mncppc.org

April 13, 2018

MEMORANDUM

TO: Maria Martin, Supervisor, Countywide Planning Division

FROM: Jay Mangalvedhe, Senior Planner, Countywide Planning Division

SUBJECT: **MR-1809F: United States Federal Drug Administration (FDA) Federal Research Center**

Project Description

The Federal Drug Administration (FDA) is planning to accommodate up to 18,000 total employees on the Federal Research Center (FRC) site in the White Oak community, with approximately 9,000 new employees moving to the campus between 2025 to 2035. Currently the site has 7,793 employees. 300 acres of the Federal Research Center (FRC) is in Montgomery County and approximately 40 acres are in Prince George's County.

The proposed site is in Council District 1 and is inside the Established Communities boundary as classified in the 2014 *Plan Prince George's 2035 Approved General Plan*.

Evaluation of Existing Public Facilities

The proposed project is in Police District VI station, which is located at 6707 Groveton Drive in Clinton.

The property is served by Beltsville Fire/EMS Station 841 which is located at 4321 Sellman Road, Beltsville.

The 2008 *Approved Water and Sewer Plan*, places this property in Water and Sewer Categories 5, Future Community System.

Attachment 1



14741 Governor Oden Bowie Drive
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www.mncppc.org/pgco

301-952-3595

April 4, 2018

Mr. Troy Leftwich
Senior Planner, Area 2 Planning Division
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, MD 20910

**RE: U.S. Food and Drug Administration
Environmental Impact Statement**

Dear Mr. Leftwich:

The Prince George's County Planning Department appreciates the opportunity to review and provide comments to the Montgomery County Planning Department for their mandatory referral review of the Environmental Impact Statement for the proposed 2018 U.S. Food and Drug Administration (FDA) Federal Research Center (FRC) master plan on the White Oak campus in Silver Spring, Maryland. A small portion of the site is located in Prince George's County off Powder Mill Road. The overall master plan for the 130-acre FDA is intended to:

- Consolidate the FDA headquarters;
- Develop an additional 1,100,000 to 1,200,000 GSF of office space and 300,000 to 400,000 GSF of special use space;
- Increase visitor parking by 615 parking spaces to a total of 1,615 spaces;
- Reconfigure the East Loop Road; and
- Implement a bus-rapid transit system.

After reviewing the EIS and the master plan, the Prince George's County Planning Department staff has the following comments:

- Within Prince George's County, the FRC includes a piece of land that is best described as a pipestem connecting the intersection of MD 212 and Cherry Hill Road to the main part of the FRC. That pipestem contains a roadway known as Coffman Road. Given that this roadway connection would introduce complexity to the MD 212/Cherry Hill intersection and pass next to developed residential properties, it has been understood that access by means of Coffman Road is very restricted. However, several maps in the master plan appear to display Coffman Road with the same degree of importance as FDA Boulevard, which is a newer connection to Cherry Hill Road wholly within Montgomery County. See the attached transportation memorandum for the graphic that shows a portion of Figure 1-17 from the master plan, and with Coffman Road highlighted. It is requested that Figures 1-17 and 1-19 in the master plan be revised to show Coffman Road within Prince George's County as a dashed line or some similar convention to convey the restricted use nature of the roadway.
- Nearly every plan within the master plan shows a "potential access road" starting at a traffic circle along the Southwest Loop Road in the vicinity of what is now known as Bowditch Road. The plan needs to indicate where this access road will go, and what the potential alignment of this road would be.

Attachment 1

Mr. Troy Leftwich
Page 2
April 4, 2018

The Historic Preservation Section has the following comments regarding historic preservation and archeology for the site:

- **Historic Preservation Findings** - The eastern portions of the FRC campus (areas 300, 500, 600, and 700) are characterized by the former explosives research area of the Naval Ordnance Laboratory. Most of the facilities have been removed or demolished since the closure of the Laboratory in 1997. Some facilities continued to exist in a decaying state.

Recorded resources within the Prince George's County section of the FDA campus include PG:61-045, Aurora Pulsed Radiation Simulator and M:33-025, Naval Ordnance Laboratory Survey District, the eastern portion of which lies in Prince George's County.

- **Historic Preservation Conclusions** - If new construction is proposed in the eastern portion of the FDA Campus, PG:61-045, Aurora Pulsed Radiation Simulator and M:33-025, Naval Ordnance Laboratory Survey District could be impacted. Any new construction should consider visual impacts on the Naval Ordnance Laboratory Survey District (M:33-025).
- **Archeology Findings** - The property is located within the Atlantic Coastal Plain, a relatively flat topographical region. The Paint Branch and West Branch stream valleys are in the eastern part of the property. The FDA campus has been surveyed for archeological resources.

Five archeological sites have been recorded in the Prince George's County portion of the FDA Campus. Site 18PR436 is an early twentieth century house foundation. Site 18PR437 is also an early twentieth century house foundation. Site 18PR438 is a prehistoric lithic scatter. Site 18PR465 is Late Archaic short-term camp or base camp and lithic quarry/extraction site. Site 18PR466 was identified as the Shadrack Beall Farmstead, an eighteenth- to twentieth-century farm site. Site 18PR466 was the only site that was determined to be eligible for listing in the National Register of Historic Places.

- **Archeology Conclusions** – If new construction is proposed in the eastern portion of the FDA Campus, impacts to archeological site 18PR466, the Shadrack Beall Farmstead, should be considered. Archeological site 18PR466 meets the criteria for listing in the National Register of Historic Places. The site should be preserved in place and avoided by new construction. If the archeological site cannot be avoided, Phase III archeological mitigation is recommended.

In addition, the Urban Design Section has the following suggestions regarding building massing, viewshed, on-site circulation, and planning materials:

- **Building massing and spatial pattern**- The existing FDA campus has been developed under four different master plans and established a unique site layout that features a central green open space surrounded by a series of human-scaled open courtyard spaces enclosed by midrise buildings. The open courtyards further complement the central green. Various buildings of different building techniques and finish materials from different time periods provide visual interest surrounding the open courtyards. This unique open space/courtyard pattern should be preserved in the new master plan for future expansion to maintain the integrity, continuity and strong spatial eligibility of the FDA campus
- **Viewshed**- The existing FDA campus is part of the historic resources of the White Oak Naval Ordnance Laboratory Historic District. The prominent features of the primary viewshed from

Attachment 1

Mr. Troy Leftwich

Page 3

April 4, 2018

New Hampshire Avenue to the campus are the existing Main Administration Building and the flagpole. The development alternative that continues the building massing and clustering of the

existing campus will not only preserve the organic pattern of the FDA campus, but also preserve this historic vista from New Hampshire Avenue.

- **On-site circulation-** Pedestrian circulation needs to be strengthened within the proposed master plan by eliminating gaps in the existing network and by providing wider sidewalks that can accommodate bicycling. The master plan proposes 10-foot wide sidewalks only for the new loop streets. Ten-foot-wide sidewalks should be implemented in phases throughout the entire campus. Vehicular circulation is building on the existing roadways and oriented toward New Hampshire Avenue. An additional access road- FDA Boulevard off Cherry Hill Road is a good addition to improve the accessibility of the FRC campus. The master plan also includes construction of a new distribution center and truck screening facility and shows two possible locations-one is located along New Hampshire Avenue and the other is located in the northeast section of the site off FDA Boulevard. The Urban Design Section supports the location off FDA Boulevard because this location will separate truck traffic from the employee traffic and help evenly distribute trips to the larger campus. In addition, this location is very close to the Interstate Highway System, where the intersection of I-95 and Beltway I-495 is located.
- **Native Species-**The Federal Government is a leader in the sustainable development. The additional buildings on the campus will achieve LEED Gold certification. The master plan also provides some general design guidelines for future landscaping on the campus. The Urban Design Section suggests that in addition to the proposed landscaping design guidelines, all landscaping materials should be native species and all herbaceous planting materials should be pollinator friendly species.

Thank you for allowing us the opportunity to review this proposed project. The memoranda from the Planning Department staff are attached. If you have any questions or need additional information, please contact Maria Ann Martin, Special Projects Section, Countywide Planning Division, at 301-952-3472 or via email at Maria.Martin@ppd.mncppc.org.

Sincerely,



Andree Green Checkley
Planning Director

Enclosures

- c: Redis C. Floyd, Clerk of the Council, Prince George's County Council
- Gwen Wright, Planning Director, Montgomery County Planning Department
- Debra Borden, Principal Counsel, Legal Office
- Matthew Mills, Acting Principal Counsel, Legal Office
- Derick Berlage, Chief, Countywide Planning Division
- Carrie Sanders, Chief, Planning Area 2
- Patrick Butler, Acting Supervisor, Regulatory Review, Planning Area 2
- Maria Ann Martin, Planning Supervisor, Special Projects Section, Countywide Planning Division



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

May 11, 2018

To: Commissioners

From: Patricia C. Barney, Executive Director

SUBJECT: Memorandum on Fiscal Year 2019 Compensation and Benefits and Related Resolutions

Recommendation: Approve the attached Commission resolutions authorizing Fiscal Year 2019 compensation and benefit adjustments. All wage and benefit adjustments fit within the Fiscal Year 2019 Budget. The resolutions also reflect the compensation changes in the collective bargaining agreements with MCGEO and the FOP Lodge #30 and pass through the MCGEO compensation changes to non-represented Merit System employees and certain contract employees, except the Park Police Command staff and candidates for which the FOP Lodge #30 compensation changes are passed through.

Resolution No. 18-09 Fiscal Year 2019 Anniversary (Merit) Pay Increment Adjustment for Certain Non-Represented Merit System Employees – Provides a 3.5% merit increase for non-represented merit system employees (excludes Park Police Command Staff and Candidates) and a .5% lump sum for those same employees that are at top of grade, and prorated for part-time employees at 75% of the full-time equivalent. The lump sum will be effective July 1, 2018 and paid the first full pay period following 7/1/18.

Resolution No. 18-10 Fiscal Year 2019 Cost of Living Adjustments for Certain Non-Represented Merit System Employees and Certain Contract Employees – Provides a 1.5% COLA adjustment for certain non-represented merit system employees and certain contract employees (excludes Park Police Command Staff and Candidates) payable the first full pay period after October 1, 2018.

Resolution No. 18-11 Fiscal Year 2019 Pay Increment Adjustments for Seasonal/Intermittent and Term Contract Employees – Provides a maximum 3.5% for Seasonal/Intermittent and Term Contract employees assigned to the General Service, Seasonal/Intermittent, Tennis Instructor and/or Specialty Services Pay Plans.

Resolution No. 18-12 Fiscal Year 2019 Merit Increase and Cost of Living Adjustments for Park Police Command Staff and Candidates – Provides a 3.5% merit pay increase and the first full pay period after July 1, 2018 a 1.5% COLA for Park Police command staff and candidates.

Resolution No. 18-13 Fiscal Year 2019 Merit Increase and Cost of Living Adjustments for the Park Police Bargaining Unit – Provides a 3.5% merit pay increase and the first full pay period after July 1, 2018 a 1.5% COLA.

Resolution No. 18-15 Fiscal Year 2019 Group Insurance Plan Premium Holidays – Provides that the MCGEO Collective Bargaining Agreement allows for the Commission to authorize premium holidays when the Reserve Level exceeds 10% and other conditions are met. The resolution further authorizes the implementation of two holiday premiums for the medical plans and the prescription drug plan which is estimated to utilize approximately \$2.0 million of the reserve while leaving a 10% reserve in place.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC RESOLUTION NO. 18-09

FISCAL YEAR 2019 ANNIVERSARY (MERIT) PAY INCREMENT ADJUSTMENT
FOR CERTAIN NON-REPRESENTED MERIT SYSTEM EMPLOYEES

WHEREAS, the Maryland-National Capital Park and Planning Commission submitted its proposed Fiscal Year 2019 operating and capital budget to the Montgomery and Prince George's County Councils in compliance with §18-105 of the Land Use Article of the Annotated Code of Maryland; and

WHEREAS, the respective County Councils on May 10, 2018 reviewed and together acted to approve the Bi-County budget items allocable to both counties, which with regard to compensation and benefit adjustments authorized compensation adjustments within the total dollars proposed by the Maryland-National Capital Park and Planning Commission ("Commission"); and

WHEREAS, the Commission's Merit System Rules and Regulations, Chapter 1200, Employee Compensation, awards an Anniversary (merit) Pay Increment, not to exceed a 3.5% increase in base pay, for successful job performance to Merit System employees.

NOW THEREFORE, BE IT RESOLVED that the Maryland-National Capital Park and Planning Commission hereby adopts a Fiscal Year 2019 maximum anniversary (merit) pay increment of 3.5% for all non-represented Merit System employees, except for Park Police Command Staff and Candidates; and

BE IT FURTHER RESOLVED that the Maryland-National Capital Park and Planning Commission hereby adopts a FY 2019 lump sum payment of .5% to all full-time non-represented Merit System employees, except for Park Police Command Staff and Candidates, who have reached top-of-grade and are therefore, not eligible for an anniversary (merit) pay increment. The lump sum amount for part-time employees shall be prorated as 75% of the full-time equivalent. The lump sum will be effective July 1, 2018 and paid the first full pay period following July 1, 2018; and

BE IT FURTHER RESOLVED that the Commission does hereby authorize the Executive Director to take action as may be necessary to implement this resolution.

APPROVED AS TO LEGAL SUFFICIENCY

J. Reynolds
M-NCPPC Legal Department

Date 5/11/2018



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC RESOLUTION NO. 18-10

FISCAL YEAR 2019 COST OF LIVING ADJUSTMENTS FOR CERTAIN NON-REPRESENTED MERIT SYSTEM AND CERTAIN CONTRACT EMPLOYEES

WHEREAS, the Maryland-National Capital Park and Planning Commission submitted its proposed Fiscal Year 2019 operating and capital budget to the Montgomery and Prince George's County Councils in compliance with §18-105 of the Land Use Article of the Annotated Code of Maryland; and

WHEREAS, the respective County Councils on May 10, 2018 reviewed and together acted to approve the Bi-County budget items allocable to both counties, which with regard to compensation and benefit adjustments authorized compensation adjustments within the total dollars proposed by the Maryland-National Capital Park and Planning Commission ("Commission").

NOW THEREFORE, BE IT RESOLVED that the Commission hereby adopts a 1.5% Cost of Living Adjustment ("COLA") for non-represented Merit System employees and Term Contract employees that are assigned to the General Service Pay Scale; and

BE IT FURTHER RESOLVED that effective on the first day of the first pay period following October 1, 2018, the General Service and Select Career IT Pay Schedules shall be revised to reflect the increase in compensation due to the COLA; and

BE IT FURTHER RESOLVED that upon the effectiveness of the changes all previous versions of these pay schedules shall be rescinded; and

BE IT FURTHER RESOLVED that the Commission does hereby authorize the Executive Director to take action as may be necessary to implement this resolution.

APPROVED AS TO LEGAL SUFFICIENCY

J. Reynolds
M-NCPPC Legal Department

Date 5/11/2018



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC RESOLUTION NO. 18-11

FISCAL YEAR 2019 PAY INCREMENT ADJUSTMENTS FOR
SEASONAL/INTERMITTENT AND TERM CONTRACT EMPLOYEES

WHEREAS, the Maryland-National Capital Park and Planning Commission submitted its proposed Fiscal Year 2019 operating and capital budget to the Montgomery and Prince George's County Councils in compliance with §18-105 of the Land Use Article of the Annotated Code of Maryland; and

WHEREAS, the respective County Councils on May 10, 2018 reviewed and together acted to approve the Bi-County budget items allocable to both counties, which with regard to compensation and benefit adjustments authorized compensation adjustments within the total dollars proposed by the Maryland-National Capital Park and Planning Commission ("Commission"); and

WHEREAS, Commission Practice 2-16 (Contract Employment) allows for the award of anniversary pay increments to Seasonal/Intermittent and Term Contract employees assigned to the General Service, Seasonal/Intermittent, Tennis Instructor and Specialty Services Pay Plans in accordance with the Performance Evaluation System for Contract Employees;

WHEREAS, Commission Practice 2-16 provides that Seasonal/Intermittent employees who are assigned to the Seasonal/Intermittent Aquatic Pay Plan or the "Base Rate of the Lowest Wage Adopted by the Commission Plus 50% of Class Revenue Structure" shall not receive anniversary pay increments or promotion pay increments; and

WHEREAS, Commission Administrative Procedures 00-02 sets the anniversary pay increment at 3.5% for Seasonal/Intermittent and Term Contract employees assigned to the General Service, Seasonal/Intermittent, Tennis Instructor or Specialty Services Pay Plans.

NOW THEREFORE, BE IT RESOLVED that the Commission hereby adopts a maximum anniversary pay increment of 3.5% for FY 2019 for all Seasonal/Intermittent and Term Contract employees assigned to the General Service, Seasonal/Intermittent, Tennis Instructor or Specialty Services Pay Plans; and

BE IT FURTHER RESOLVED that the Commission does hereby authorize the Executive Director to take action as may be necessary to implement this resolution.

APPROVED AS TO LEGAL SUFFICIENCY

J. Reynolds
M-NCPPC Legal Department

Date 5/11/2018



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC RESOLUTION NO. 18-12

FISCAL YEAR 2019 MERIT INCREASE AND COST OF LIVING ADJUSTMENTS FOR
PARK POLICE COMMAND STAFF AND CANDIDATES

WHEREAS, the Maryland-National Capital Park and Planning Commission submitted its proposed Fiscal Year 2019 (“FY 19”) operating and capital budget to the Montgomery and Prince George’s County Councils in compliance with §18-105 of the Land Use Article of the Annotated Code of Maryland;

WHEREAS, the respective County Councils on May 10, 2018 reviewed and together acted to approve the Bi-County budget items allocable to both counties, which with regard to compensation and benefit adjustments authorized compensation adjustments within the total dollars proposed by the Maryland-National Capital Park and Planning Commission (“Commission”);

WHEREAS, §16-302 of the Land Use Article of the Annotated Code of Maryland requires the Maryland-National Capital Park and Planning Commission (the “Commission”) to engage in collective bargaining for certain employees and under specified circumstances;

WHEREAS, eligible Commission employees are organized into the Park Police Bargaining Unit and have elected the Fraternal Order of Police Lodge No. 30 (“FOP”) to be their exclusive representative for the purpose of collective bargaining with the Commission;

WHEREAS, the FOP has a Collective Bargaining Agreement with the Commission, adopted by Resolution 17-14 on April 27, 2017, *Adoption of the Collective Bargaining Agreement with the Fraternal Order of Police Lodge No. 30*, which is effective February 1, 2017 through January 31, 2020 (“Agreement”) that includes certain adjustments to FY 19 compensation for its represented Park Police Officers and authorizes the Executive Director to take actions to effectuate its decision to approve and ratify the Agreement which includes revising the pay schedule;

WHEREAS, Park Police Command Staff and Park Police Candidates are non-represented Merit System employees, not subject to the Agreement;

WHEREAS, the Commission’s Merit System Rules and Regulations, Chapter 1200, Employee Compensation, awards an anniversary (merit) pay increment, not to exceed a 3.5% increase in base pay, for successful job performance to non-represented, Merit System employees; and

WHEREAS, the Commission desires to maintain the percentage wage differential between its Park Police Officers and Park Police Command Staff and between its Park Police Candidates and Park Police Officers.

NOW THEREFORE, BE IT RESOLVED that the Commission hereby adopts FY 19 compensation adjustments for Park Police Command Staff and Park Police Candidates as follows:

- 1) Maintain regularly scheduled 3.5% anniversary (merit) pay increments to be effective the first pay period after an employee's anniversary date; and
- 2) Adopt a 1.5% Cost of Living Adjustment ("COLA") to be effective the first full pay period after July 1, 2018; and

BE IT FURTHER RESOLVED that effective on the first day of the first pay period following July 1, 2018, the Park Police Command / Candidate Pay Schedule shall be revised to reflect the increase in compensation due to the COLA; and

BE IT FURTHER RESOLVED that Park Police Candidates are only eligible for an anniversary (merit) pay increment after meeting the requirements for graduation from the academy in accordance with revised section 3.9 of the Agreement; and

BE IT FURTHER RESOLVED that upon the effectiveness of the changes all previous versions of these pay schedules shall be rescinded; and

BE IT FURTHER RESOLVED that the Commission does hereby authorize the Executive Director to take action as may be necessary to implement this resolution.

APPROVED AS TO LEGAL SUFFICIENCY


M-NOPPC Legal Department

Date 5/11/2018



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC Resolution Number 18-13

FISCAL YEAR 2019 MERIT INCREASE AND COST OF LIVING ADJUSTMENTS FOR
THE PARK POLICE BARGAINING UNIT

WHEREAS, the Maryland-National Capital Park and Planning Commission submitted its proposed Fiscal Year 2019 (“FY 19”) operating and capital budget to the Montgomery and Prince George’s County Councils in compliance with §18-105 of the Land Use Article of the Annotated Code of Maryland;

WHEREAS, the respective County Councils on May 10, 2018 reviewed and together acted to approve the Bi-County budget items allocable to both counties, which with regard to compensation and benefit adjustments authorized compensation adjustments within the total dollars proposed by the Maryland-National Capital Park and Planning Commission (“Commission”);

WHEREAS, §16-302 of the Land Use Article of the Annotated Code of Maryland requires the Maryland-National Capital Park and Planning Commission (the “Commission”) to engage in collective bargaining for certain employees and under specified circumstances;

WHEREAS, eligible Commission employees are organized into the Park Police Bargaining Unit and have elected the Fraternal Order of Police Lodge No. 30 (“FOP”) to be their exclusive representative for the purpose of collective bargaining with the Commission;

WHEREAS, the FOP has a Collective Bargaining Agreement with the Commission, adopted by Resolution 17-14 on April 27, 2017, *Adoption of the Collective Bargaining Agreement with the Fraternal Order of Police Lodge No. 30*, which is effective February 1, 2017 through January 31, 2020 (“Agreement”) that includes certain adjustments to FY 19 compensation for its represented Park Police Officers and authorizes the Executive Director to take actions to effectuate its decision to approve and ratify the Agreement which includes revising the pay schedule;

NOW THEREFORE, BE IT RESOLVED that the Commission hereby adopts FY 19 compensation adjustments for Park Police Officers serving in the Park Police Bargaining Unit:

- 1) Adopt the 3.5% anniversary (merit) pay increments in the Agreement to be effective the first full pay period after an employee’s anniversary date; and

- 2) Adopt the 1.5% Cost of Living Adjustment (“COLA”) in the Agreement to be effective the first full pay period after July 1, 2018; and

BE IT FURTHER RESOLVED that effective on the first day of the first pay period following July 1, 2018, the Park Police Bargaining Unit Pay Schedule shall be revised to reflect the increase in compensation due to the COLA; and

BE IT FURTHER RESOLVED that upon the effectiveness of the changes all previous versions of the pay schedule shall be rescinded; and

BE IT FURTHER RESOLVED that the Commission does hereby authorize the Executive Director to take action as may be necessary to implement this resolution.

APPROVED AS TO LEGAL SUFFICIENCY

A. Reynolds

M-NCPPC Legal Department

Date 5/11/2019



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC RESOLUTION NO. 18-15

FISCAL YEAR 2019 M-NCPPC
GROUP INSURANCE PLAN PREMIUM HOLIDAYS

WHEREAS, the Maryland-National Capital Park and Planning Commission (the “Commission”) provides a Group Insurance Plan (“Plan”) to its employees as a benefit of employment;

WHEREAS, the Commission expects to continue the Plan, but it is the Commission’s position that there is no implied contract between employees and the Commission to do so, and reserves the right at any time and for any reason to amend or terminate the Plan, subject to the Commission’s collective bargaining agreement(s);

WHEREAS, the Commission and each employee who participates in the Plan pay a share of the premiums, which varies by the classification and/or bargaining unit of the employee, for enrollment in the various benefits included in the Health Plan on a bi-weekly pay period basis and such payments are accounted for in the M-NCPPC Group Insurance Fund (“Fund”);

WHEREAS, the Commission approved Resolution 18-08, *Adoption Of The Collective Bargaining Agreement For Service/Labor, Office And Trade Units*, which includes a provision that allows the Commission to implement a pay period premium payment holiday (“Holiday”) in the event that the Fund’s reserve balance exceeds a threshold of ten (10) percent (the “Threshold”) and certain other conditions are met;

WHEREAS, the Fund’s reserve balance, as determined by the Commission’s review of the reserves in June 2017, currently exceeds the Threshold and is expected to exceed the Threshold at the time of the Commission’s June 2018 review of the Fund reserves;

WHEREAS, the Commission finds it prudent and appropriate to implement two (2) Holidays in Fiscal Year 2019, during which the premiums for the medical plans and the prescription drug plan will not be deducted from employees’ pay checks or require the payment of the employer portion of the premiums to be transferred into the Group Insurance Fund;

WHEREAS, the Secretary-Treasurer has projected that implementation of the two (2) Holidays would result in the use of approximately \$2 million of the Fund’s excess reserves;

WHEREAS, the Secretary-Treasurer has projected that the Fund’s reserve balance after the implementation of the two (2) Holidays will remain above the Threshold;

WHEREAS, the Commission acknowledges that Commission and M-NCPPC Employees' Retirement System ("ERS") employees who participate in the Plan but are not in the Service/Labor, Office and Trade Bargaining Units have also contributed to the excess reserves in the Fund and desires to treat such employees equitably by implementing the two (2) Holidays for all M-NCPPC and ERS employees that are enrolled in the medical and prescription plans and that are employed at the time the Holiday takes effect; and

WHEREAS, the exact date of the Holiday(s) and applicable pay periods shall be determined at a later date by the Executive Director and, employees shall be notified of such at least thirty (30) calendar days prior to the pay date(s) of the Holiday(s).

NOW, THEREFORE BE IT RESOLVED that the Maryland-National Capital Park and Planning Commission hereby approves the implementation of two (2) Group Insurance Plan Premium Holidays for the medical and prescription plans in Fiscal Year 2019 for the employees' identified above; and

BE IT FURTHER RESOLVED that the Maryland-National Capital Park and Planning Commission does hereby authorize the Executive Director and other Officers to take action as may be necessary to implement this resolution.

APPROVED AS TO LEGAL SUFFICIENCY

A. Reynolds
M-NCPPC Legal Department

Date 5/11/2018



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC RESOLUTION NO. 18-14

REFUNDS TO M-NCPPC'S APPROPRIATE NON-DEPARTMENTAL
ACCOUNTS FOR FISCAL YEAR 2018 OVERPAYMENTS
TO M-NCPPC'S GROUP INSURANCE FUND

WHEREAS, the Maryland-National Capital Park and Planning Commission (the "Commission") each fiscal year transfers amounts to the M-NCPPC Group Insurance Fund (the "Fund") to pay the employer's share of the cost of providing retiree medical insurance and benefits ("Retiree Coverage") for each fiscal year based on an actuarial projection; and

WHEREAS, the use of the actuarial projections in this regard for providing the Retiree Coverage with respect to M-NCPPC's Adopted Budget for Fiscal Year 2018 ("FY 18") has resulted in an overpayment to the Fund;

WHEREAS, the amount transferred to the Fund ultimately overfunded the obligation by \$2,000,626 for FY 18;

WHEREAS, the Commission finds it prudent and appropriate that the amount of the FY 18 overpayments should be divested from the Group Insurance Fund and returned accordingly to the respective M-NCPPC Non-Departmental Accounts maintained by M-NCPPC for Retiree Coverage to the extent each account contributed to the overpayments; and

NOW, THEREFORE BE IT RESOLVED that the Commission's Secretary-Treasurer and other Officers are authorized to make the necessary accounting entries to record the return of funds from the Fund to the accounts as described above.

APPROVED AS TO LEGAL SUFFICIENCY

J. Reynolds
M-NCPPC Legal Department

Date 5/11/2018



MEMO

THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION
Department of Finance, Office of Secretary-Treasurer

TO: Maryland-National Capital Park and Planning Commission

FROM: Joseph C. Zimmerman, CPA, Secretary-Treasurer

SUBJECT: Request to spend FY 2018 Personnel Services savings.

DATE: May 9, 2018

ACTION REQUESTED: Board approval to spend salary lapse

The Department of Finance (Including the former IT Division) expects to realize savings of approximately \$310,000 in its Personnel Services budget due to delay in filling critical positions. Approval is requested to allocate savings in this budget category to fund needed IT infrastructure and professional service needs in support Enterprise Wide efforts.

Thank you for your consideration of this proposal. I look forward to discussing this with you next week.

CC: Mazen Chilet





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

PCB18-08

May 10, 2018

To: The Commission

Via: Patricia C. Barney, Executive Director From: Anju Bennett, Corporate Policy and Management Operations Division Chief 
Katie Knaupe, Budget & Administrative Services Manager 

Re: Use of Salary Lapse for the Department of Human Resources and Management

Action

For FY18, the Administration Fund for the Department of Human Resources and Management (DHRM) is projected to have approximately \$219,000 in salary savings. This is due to \$206,000 from unanticipated salary lapse and benefits savings due to position turnover, and a \$13,000 rebate in OPEB expenses as calculated by the Corporate Budget Office. We are requesting approval of a budget transfer in the amount of \$135,000 to enable us to address critical needs as indicated below. DHRM will still meet our 2% savings plan for FY18.

Proposed Use of Lapse/Savings

- Consulting Services \$125,000
Funds will be used for consulting services to:
 - Continue the agency-wide classification and compensation review.
 - Address collective bargaining matters including wage reopeners for MGCEO, anticipated increase in appeals stemming from classification study results, and other collective bargaining matters.
 - ERP/HRIS support.
- Continuity of Operations and Emergency Planning Training \$10,000
The agency's plans were last updated in 2008 to address continued operations and service delivery for critical functions delivered by bi-county operations in the event of disasters or other long-term emergency shut downs. These plans must be updated to recognize significant changes in technology platforms and alternate service delivery models. Furthermore, Montgomery County government has inquired about each agency's current plans. The team assigned to developing these updates would benefit from attending instructional workshop on best practices, emergency response strategies, and effective use of resources.

Thank you for your consideration.

MEMORANDUM



EMPLOYEES' RETIREMENT SYSTEM
 The Maryland-National Capital Park and Planning Commission
 6611 Kenilworth Avenue, Suite 100
 Riverdale, Maryland 20737

(301) 454-1415 - Telephone
 (301) 454-1413 - Facsimile
<http://ers.mnccppc.org>

Andrea L. Rose
 Administrator

BOARD OF TRUSTEES

Chairman Elizabeth M. Hewlett
 Vice Chairman Gerald R. Cichy

Patricia Colihan Barney, CPA
 Pamela F. Gogol
 Rick Liu
 Sheila Morgan-Johnson
 Joseph C. Zimmerman, CPA

Howard Brown
 Dr. Alicia J. Hart
 Amy Millar
 Barbara Walsh

DATE: May 2, 2018

TO: The Commission

VIA: Elizabeth M. Hewlett
 Chairman, ERS Board of Trustees

FROM: Andrea L. Rose, Administrator

SUBJECT: Acknowledge Dr. Alicia Hart as the Prince George's County Open Trustee to the Board of Trustees for the term ending June 30, 2021

RECOMMENDATION

On behalf of the Board of Trustees ("Board") of the Maryland-National Capital Park and Planning Commission ("Commission") Employees' Retirement System ("ERS"), I respectfully request the Commission acknowledge Dr. Alicia Hart as the Prince George's County Open Trustee for the term ending June 30, 2021.

BACKGROUND

The term for the Prince George's County Open Trustee serving on the Board of Trustees expires June 30, 2018. In accordance with election procedures, a Notice of Election was placed in Update, on the ERS' and the Commission's websites in April 2018. Dr. Alicia Hart submitted an application for reappointment for the Prince George's County Open Trustee seat. No other applications were received. Dr. Hart is determined to have won by acclamation. At its May 1, 2018 meeting, the Board Acknowledged Dr. Alicia Hart as the Prince George's County Open Trustee.

Dr. Hart has been the Administrative Manager (Budget Manager) for Prince George's County Department of Parks & Recreation since 2015. Dr. Hart has been actively involved as the Prince George's County employee representative on the Board of Trustees since April 2016. Dr. Hart serves as a member on the Administration & Personnel Oversight Committee.

Thank you for your action.

MEMORANDUM



EMPLOYEES' RETIREMENT SYSTEM
 The Maryland-National Capital Park and Planning Commission
 6611 Kenilworth Avenue, Suite 100
 Riverdale, Maryland 20737

(301) 454-1415 - Telephone
 (301) 454-1413 - Facsimile
<http://ers.mnccppc.org>

BOARD OF TRUSTEES

Chairman Elizabeth M. Hewlett
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 Administrator

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 Sheila Morgan-Johnson
 Joseph C. Zimmerman, CPA

Howard Brown
 Dr. Alicia Hart
 Amy Millar
 Barbara Walsh

TO: The Commission Date: May 2, 2018

VIA: Elizabeth M. Hewlett
 Chairman, Board of Trustees

FROM: Andrea L. Rose, Administrator
 Sheila S. Joynes, Accounting Manager

SUBJECT: FY2019 Operating Budget for the Employees' Retirement System

RECOMMENDATION

The Board of Trustees ("Board") of the Maryland-National Capital Park and Planning Commission ("Commission") Employees' Retirement System ("ERS") respectfully submits the FY2019 Operating Budget for approval. The budget totals \$2,039,859 which is an 1.9% increase from FY2018.

BACKGROUND

The Commission established the ERS effective July 1, 1972, in accordance with the Trust Agreement between the Commission and the ERS' Board. The Board's primary responsibility is to administer the ERS for the sole benefit of the members to pay the promised benefits.

Annually, the Board prepares and presents an operating budget setting forth projected expenditures for the operation of the ERS for the Commission's review and approval. The Board also prepares certain projected expenses, including banking, investment consulting and investment manager fees for the Commission's information. The Board monitors closely the fees and expenses from consultants and professional advisors.

Although there is no formal restriction or budget guideline imposed by parties outside the Board, the Board is sensitive to the limitations imposed on the Commission by the two counties. Annually, the Board approves an operating budget based on effectively managing the ERS' fiscal work program requirements which is consistent with other local retirement systems.

ANALYSIS

The Board examined each expenditure category and its funding. Attachment 1, the FY2019 Operating Budget, proposes overall spending at \$2,039,859 based on the work program requirements reflected below. The FY2019 Operating Budget is an increase of 1.9% in spending from FY2018.

Personnel Services

The ERS staff consists of nine full-time employees. The attached FY2019 Operating Budget includes a placeholder for salary adjustments and potential position reclassifications because of the Commission's Classification and Compensation Study. The employer pension contribution decreased from 16.06% in FY2018 to 15.22% in FY2019 for the defined benefit plan. Health insurance is projected to decrease by 8.0% due to expiration of health insurance and long-term disability for a former employee. OPEB costs are projected to increase by 45.3% from FY2018.

Other Services & Charges

This category nets to an overall increase of 7.9% and includes actuarial, auditing and tax consulting, legal, and education and training as detailed below.

Actuarial Services

Actuarial services are estimated at \$80,450 (an increase of 81.0% from FY2018) and includes funding for the annual actuarial valuation, actuarial deficiency calculations for transfers, training, annual review of the investment and salary assumption, and additional work required for GASB Statement No. 67 and 68. The increase in fees is primarily due to funding for an actuarial audit. In early 2018, the Board adopted a best practice of conducting an actuarial audit every 5 years unless the consulting actuary has changed during that time and replicated the prior valuation at the time of engagement.

Auditing & Tax Consulting Services

Auditing & Tax Consulting Services is projected at \$26,700 (an increase of 15.0% from FY2018) and includes funding for the annual audit, tax advice related to the ERS' alternative investments, review of all K-1s, and assistance in navigating the filing and disclosure requirements for the ERS' international investments.

Legal Services

Legal services for outside pension counsel are projected at \$145,000 (the same amount proposed in FY2018) and includes issues related to the new and existing alternative investment structures, plan member issues, and maintenance of the ERS' tax qualified status. The robust funding for outside counsel affords the Administrator the flexibility to use outside counsel for specialized or high priority matters.

Education & Training

Education & Training for the Board and Staff is important to maintain the highest standards of fiduciary responsibility. Training is budgeted at \$34,350 which is an 8.0% decrease from FY2018.

Rent

The ERS reimburses the Commission for rent with no change from FY2018 to FY2019.

Chargebacks, Capital Outlay & Additional Information

The chargeback to the Commission for technology services is \$47,200. The Board continues to maintain Commission standards for hardware, software, security and access control provided funds are available.

The Commission's General Counsel's office provides legal services to the ERS in the areas of contract review and negotiation, litigation oversight, employee appeals and general plan advice. The ERS reimburses the General Counsel's Office through a chargeback of \$64,200 for these services.

In February 2018, the ERS issued a Pension Administration Software Request for Proposal (RFP) seeking proposals from qualified firms to provide a comprehensive pension administration system, document imaging solution and employee self-service web portal. The Pension Administration Committee ("Committee") is conducting a thorough, fair and impartial evaluation of the RFP responses which include both on-premise and hosted solutions. The Committee expects to make a recommendation to the Board in the early half of fiscal year 2019. While fee proposals are available, it is too early in the evaluation process to include a recommended budget amount for the project as fees vary widely based on the proposed solution and the firm. Staff will request a budget amendment following approval of the successful firm.

FY2019 Investment Services

Attachment 2 estimates fees for bank custodial services provided by The Northern Trust Company of Chicago, Illinois; investment consulting services provided by Wilshire Associates of Pittsburgh, Pennsylvania; and investment management services provided by investment managers. Investment manager fees fluctuate based on the market value of the portfolio.

Attachments

1. FY2019 Operating Budget
2. FY2019 Investment Services

**The Maryland-National Capital Park and Planning Commission
Employees' Retirement System**

FY 2019 Operating Budget

	FY2016	FY2017	FY 2018		FY 2019 Proposed	Variance		
	Actual as of 30-Jun-16	Actual as of 30-Jun-17	Budget	Actual as of 31-Jan-18 Projected as of 6/30/18		Amount	%	
PERSONNEL SERVICES:								
SALARIES-FULL TIME	825,467	884,097	952,200	491,603	907,538	982,026	29,826	3.1%
SALARIES-PART TIME	19,152	0	0	0	0	0	0	0.0%
NON CAREER	0	493	0	0	0	0	0	0.0%
TOTAL SALARIES	844,619	884,590	952,200	491,603	907,538	982,026	29,826	3.1%
EMPLOYEE BENEFITS	292,874	298,726	402,099	265,483	398,683	369,916	(32,183)	-8.0%
OPEB BENEFITS	11,934	13,749	15,315	15,312	15,312	22,257	6,942	45.3%
RETIREE BENEFITS	7,176	7,653	8,132	14,902	23,034	8,043	(89)	-1.1%
TOTAL BENEFITS	311,984	320,128	425,546	295,697	437,029	400,216	(25,330)	-6.0%
ACCRUED LEAVE	12,398	2,785	18,218	0	18,218	12,767	(5,451)	-29.9%
TOTAL PERSONNEL SERVICES	1,169,001	1,207,503	1,395,964	787,300	1,362,785	1,395,009	(955)	-0.1%
SUPPLIES & MATERIALS:								
OFFICE SUPPLIES & FURNITURE	6,563	3,880	6,500	975	6,500	6,500	0	0.0%
COMPUTER SUPPLIES	5,631	3,131	10,500	96	10,500	11,825	1,325	12.6%
TOTAL SUPPLIES & MATERIALS	12,194	7,011	17,000	1,071	17,000	18,325	1,325	7.8%
OTHER SERVICES & CHARGES:								
PROFESSIONAL SERVICES:								
Actuarial	71,160	40,750	44,450	28,680	44,450	80,450	36,000	81.0%
Auditing & Tax Consulting	31,523	21,295	23,210	10,805	23,210	26,700	3,490	15.0%
Legal	108,992	59,050	145,000	5,947	100,000	145,000	0	0.0%
Computer Consulting	2,145	13,050	22,500	3,600	22,500	22,500	0	0.0%
EDUCATION AND TRAINING								
MEMBERS	0	0	500	0	500	500	0	0.0%
STAFF	6,009	11,722	15,850	2,546	15,850	15,850	0	0.0%
TRUSTEES	4,915	13,417	21,000	3,077	21,000	18,000	(3,000)	-14.3%
SUBTOTAL EDUCATION AND TRAINING	10,924	25,139	37,350	5,623	37,350	34,350	(3,000)	-8.0%
ADVERTISING	239	760	1,000	0	1,000	1,000	0	0.0%
COMMUNICATIONS	1,249	1,151	1,500	0	1,500	1,500	0	0.0%
POSTAGE	4,079	4,103	5,000	70	5,000	5,000	0	0.0%
INSURANCE	37,590	43,945	44,160	41,506	44,813	47,070	2,910	6.6%
MEMBERSHIPS AND SUBSCRIPTIONS	2,520	1,965	2,739	1,265	2,739	2,485	(254)	-9.3%
MISCELLANEOUS SERVICES:								
Payroll Services	3,423	3,669	4,680	2,113	4,680	4,280	(400)	-8.5%
PRINTING & BINDING	465	0	1,000	0	0	0	(1,000)	-100.0%
RENT:								
Office	96,015	96,015	108,680	54,340	108,680	108,680	0	0.0%
Copier	4,375	3,588	5,000	784	5,000	5,000	0	0.0%
MAINTENANCE/LICENSING	25,450	31,604	26,800	1,731	26,800	26,800	0	0.0%
OTHER	3,588	2,655	4,535	2,115	4,535	4,310	(225)	-5.0%
TOTAL OTHER SERVICES & CHARGES	403,739	348,739	477,604	158,579	432,257	515,125	37,521	7.9%
CHARGEBACKS-M-NCPPC:								
CHARGEBACKS-FINANCE	47,200	47,200	47,200	47,200	47,200	47,200	0	0.0%
CHARGEBACKS-LEGAL	64,200	64,200	64,200	64,200	64,200	64,200	0	0.0%
TOTAL CHARGEBACKS	111,400	111,400	111,400	111,400	111,400	111,400	0	0.0%
CAPITAL OUTLAY:								
TOTAL CAPITAL OUTLAY	0	0	0	0	0	0	0	0.0%
TOTAL	1,696,334	1,674,654	2,001,968	1,058,350	1,923,442	2,039,859	37,891	1.9%

The Maryland-National Capital Park and Planning Commission
Employees' Retirement System

FY2019 Investment Services

	Actual FY 2015	Actual FY 2016	Actual FY 2017	Estimated FY 2018	Estimated FY 2019	% Increase
Bank Custodial Services	\$ 286,571	\$ 277,832	\$ 296,599	\$ 305,497	\$ 314,662	3.00%
Investment Consulting Services	\$ 196,700	\$ 196,900	\$ 198,900	\$ 193,000	\$ 193,000	(2)
Investment Management Services	\$ 2,371,074	\$ 2,869,721	\$ 3,180,042	\$ 4,397,980	\$ 4,703,639	(1)
Total	\$ 2,854,345	\$ 3,344,453	\$ 3,675,541	\$ 4,896,477	\$ 5,211,301	

(1) Investment manager fees fluctuate based on the market value of the portfolio. The market value per Wilshires' report as of December 31, 2017 was \$934,587,000. Estimated fees of 44.0 basis points are based on a 7.0% return assumption for 2017 and a 6.95% return for 2018 with no further assumption rate change for 2019.

(2) Investment Consulting services include fees for the primary investment consultant, Wilshire Associates' - Agreed upon new 2018 Fees.

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
BY DEPARTMENT AS OF APRIL 2018**

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	Mar-18	Apr-18	Mar-18	Apr-18	Mar-18	Apr-18	Mar-18	Apr-18
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0
CHARIMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	0	0	0	1	1	1	1
OFFICE OF INSPECTOR GENERAL	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	1	0	0	0	0	0	1	0
LEGAL DEPARTMENT	1	1	1	1	1	0	3	2
FINANCE DEPARTMENT	3	2	2	1	0	0	5	3
PRINCE GEORGE'S PLANNING	2	1	2	1	0	0	4	2
PRINCE GEORGE'S PARKS & RECREATION	13	10	2	3	2	1	17	14
MONTGOMERY COUNTY PARKS	5	7	4	2	0	1	9	10
MONTGOMERY COUNTY PLANNING	3	4	3	2	1	2	7	8
DEPARTMENT TOTAL BY DAYS LATE	28	25	14	10	5	5		
COMMISSION-WIDE TOTAL							47	40

**DEPARTMENTS WITH RATINGS MORE THAN 60 DAYS LATE HAVE BEEN CONTACTED.



The Maryland-National Capital Park & Planning Commission
Department of Finance - Purchasing Division

6611 Kenilworth Avenue, Suite 300 • Riverdale, Maryland 20737 • 301-454-1600 Fax: 301-454-1606

May 4, 2018

TO: Commissioners

VIA: Patricia C. Barney, Executive Director

FROM: Joseph C. Zimmerman, Secretary/Treasurer

SUBJECT: MFD Purchasing Statistics— First Quarter FY18

The Commission's procurement policy (Practice 4-10, Purchasing) includes an anti-discrimination component which assures that fair and equitable vendor opportunities are made available to minority, female or disabled owned firms (MFDs). This program is administered jointly by the Office of the Executive Director and the Purchasing Division and includes a price preference program and an MFD subcontracting component based on the Commission procurement practices and the available MFD vendors in the marketplace. The price preference program has been suspended until a MFD study is conducted to provide evidence that the price preference is/is not needed. This report is provided for your information and may be found on the Commission's intranet.

Some of the observations of this FY18 report include:

- Attachment A indicates that through the first quarter of FY18, the Commission procured approximately \$70 million in goods, professional services, construction and miscellaneous services. Approximately 16.8% or \$11.6 million was spent with minority, female and disabled (MFD) owned firms.
- Attachment B indicates that in the first quarter MFD utilization was 16.8%.
- Attachment C represents the MFD participation by type of procurement. The MFD participation for construction through the first quarter of FY18 was 19.0%. Attachment C also indicates that the largest consumers of goods and services in the Commission are the Prince George's County Department of Parks and Recreation and the Montgomery County Department of Parks. These programs significantly impact the Commission's utilization of MFD firms. The MFD cumulative utilization numbers for these departments through the first quarter are 18.6% and 7.8%, respectively.
- Attachment D presents the FY18 activity for the Purchase Card program totaling approximately \$3.7 million of which 3.6% was spent with minority, female and disabled (MFD) firms. The amount of procurement card activity represents approximately 5.3% of the Commission's total procurement dollars. One reason for lower MFD participation on the purchase card is that the cards are used with national retail corporations when a

quick purchase for a maintenance job is needed. The purchase cards are also used for training registration in order to guarantee attendance.

- Attachment E portrays the historic MFD participation rates, and the total procurement from FY 1991 to Second quarter FY18.
- Attachments F & G shows the MFD participation in procurements at various bid levels to determine if MFD vendors are successful in obtaining opportunities in procurements that require informal bidding and formal bidding. Based on the department analysis, MFD vendors do appear to be participating, at an overall rate of 12.9% in informal (under \$30,000) and 15.9% in the formal (over \$30,000) procurements. For transactions under \$10k, MFD participation is 10.6%. MFD vendors are participating at an overall rate of 16.0% in transactions over \$250,000.
- Attachment H presents the total amount of procurements and the number of vendors by location. Of the \$91 million in total procurement, \$72 million was procured from Maryland vendors. Of the \$14 million in procurement from MFD vendors, \$13 million was procured from MFD vendors located in Maryland.
- Attachment I compares the utilization of MFD vendors by the Commission with the availability of MFD vendors. The results show under-utilization in the following categories: African American, Asian, Hispanic, Native American and Females. The amount and percentage of procurement from MFD vendors is broken out by categories as defined by the Commission's Anti-Discrimination Policy. The availability percentages are taken from the most recent State of Maryland disparity study dated July 5, 2013.
- Attachments J and K are prepared by the Department of Human Resources and Management and show the amount and number of waivers of the procurement policy by department and by reason for waiver. Total waivers were approximately 1.8% of total procurement.

For further information on the MFD report, please contact the Office of Executive Director at (301) 454-1740.

Attachments

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
FY 2018
FOR THREE MONTHS ENDED SEPTEMBER 30, 2017

Attachment A

	<u>Procurement</u>		<u>Waivers</u>		<u>Procurement</u>	
	<u>Total \$</u>		<u>Total \$</u>	<u>Total #</u>	<u>MFD \$</u>	<u>%</u>
<u>Prince George's County</u>						
Commissioners' Office	\$ 10,848	\$ -	-	-	\$ 1,877	17.3%
Planning Department	282,310	-	-	-	11,985	4.2%
Parks and Recreation Department	57,852,014	349,270	3		10,782,187	18.6%
Total	58,145,172	349,270	3		10,796,049	18.6%
<u>Montgomery County</u>						
Commissioners' Office	5,853	-	-	-	1,300	22.2%
Planning Department	473,661	-	-	-	54,012	11.4%
Parks Department	9,429,991	370,800	2		738,017	7.8%
Total	9,909,505	370,800	2		793,329	8.0%
<u>Central Administrative Services</u>						
Dept. of Human Resources and Mgt.	298,472	-	-	-	20,702	6.9%
Finance Department	548,299	-	-	-	64,501	11.8%
Legal Department	31,416	-	-	-	11,288	35.9%
Merit Board	-	-	-	-	-	0.0%
Office of Chief Information Officer	646,948	-	-	-	1,406	0.2%
Office of Inspector General	1,826	-	-	-	329	18.0%
Total	1,526,961	-	-		98,226	6.4%
Grand Total	\$ 69,581,638	\$ 720,070	5		\$ 11,687,604	16.8%

Note: The "Waivers" columns report the amount and number of purchases approved to be exempt from the competitive procurement process, including sole source procurements.

Prepared by Finance Department
February 22, 2018

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT STATISTICS

FY 2018

MFD STATISTICS - CUMULATIVE AND ACTIVITY BY QUARTER

Attachment B

CUMULATIVE BY QUARTER

	SEPTEMBER	DECEMBER	MARCH	JUNE
<u>Prince George's County</u>				
Commissioners' Office	17.3%			
Planning Department	4.2%			
Parks and Recreation Department	18.6%			
Total	18.6%			
<u>Montgomery County</u>				
Commissioners' Office	22.2%			
Planning Department	11.4%			
Parks Department	7.8%			
Total	8.0%			
<u>Central Administrative Services</u>				
Dept. of Human Resources and Mgt.	6.9%			
Finance Department	11.8%			
Legal Department	35.9%			
Merit Board	0.0%			
Office of Chief Information Officer	0.2%			
Office of Inspector General	18.0%			
Total	6.4%			
Grand Total	16.8%			

ACTIVITY BY QUARTER

	FIRST QUARTER	SECOND QUARTER	THIRD QUARTER	FOURTH QUARTER	TOTAL
<u>Prince George's County</u>					
Commissioners' Office	17.3%				17.3%
Planning Department	4.2%				4.2%
Parks and Recreation Department	18.6%				18.6%
Total	18.6%				18.6%
<u>Montgomery County</u>					
Commissioners' Office	22.2%				22.2%
Planning Department	11.4%				11.4%
Parks Department	7.8%				7.8%
Total	8.0%				8.0%
<u>Central Administrative Services</u>					
Dept. of Human Resources and Mgt.	6.9%				6.9%
Finance Department	11.8%				11.8%
Legal Department	35.9%				35.9%
Merit Board	0.0%				0.0%
Office of Chief Information Officer	0.2%				0.2%
Office of Inspector General	18.0%				18.0%
Total	6.4%				6.4%
Grand Total	16.8%				16.8%

Prepared by Finance Department
February 22, 2018

MFD PROCUREMENT STATISTICS
 BY MAJOR PROCUREMENT CATEGORY
 FY 2018
 FOR THREE MONTHS ENDED SEPTEMBER 30, 2017

ATTACHMENT C

	Grand Total	Montgomery Planning	Montgomery Parks	Pr. Geo. Parks & Recreation	Pr. Geo. Planning	Dept. of Human Res. & Mgt.	Legal Department	Finance Department
Goods:								
Total \$	\$ 9,432,864	\$ 135,576	\$ 4,432,365	\$ 4,489,587	\$ 53,329	\$ 42,830	\$ 8,192	\$ 270,985
MFD \$	\$ 638,257	\$ 0	\$ 147,694	\$ 416,589	\$ 0	\$ 16,102	\$ 0	\$ 57,872
Percentage	6.8%	0.0%	3.3%	9.3%	0.0%	37.6%	0.0%	21.4%
Miscellaneous Services:								
Total \$	\$ 3,948,362	\$ 284,416	\$ 739,289	\$ 2,263,457	\$ 224,941	\$ 136,032	\$ 22,913	\$ 277,314
MFD \$	\$ 711,874	\$ 49,112	\$ 228,612	\$ 404,248	\$ 11,985	\$ 0	\$ 11,288	\$ 6,629
Percentage	18.0%	17.3%	30.9%	17.9%	5.3%	0.0%	49.3%	2.4%
Professional Services:								
Total \$	\$ 1,608,870	\$ 42,611	\$ 571,014	\$ 921,077	\$ 0	\$ 73,857	\$ 311	\$ 0
MFD \$	\$ 60,609	\$ 0	\$ 20,679	\$ 35,330	\$ 0	\$ 4,600	\$ 0	\$ 0
Percentage	3.8%	0.0%	3.6%	3.8%	0.0%	6.2%	0.0%	0.0%
Construction:								
Total \$	\$ 53,926,067	\$ 11,058	\$ 3,687,323	\$ 50,177,893	\$ 4,040	\$ 45,753	\$ 0	\$ 0
MFD \$	\$ 10,271,952	\$ 4,900	\$ 341,032	\$ 9,926,020	\$ 0	\$ 0	\$ 0	\$ 0
Percentage	19.0%	44.3%	9.2%	19.8%	0.0%	0.0%	0.0%	0.0%
SUBTOTAL								
Total \$	\$ 68,916,163	\$ 473,661	\$ 9,429,991	\$ 57,852,014	\$ 282,310	\$ 298,472	\$ 31,416	\$ 548,299
MFD \$	\$ 11,682,692	\$ 54,012	\$ 738,017	\$ 10,782,187	\$ 11,985	\$ 20,702	\$ 11,288	\$ 64,501
Percentage	17.0%	11.4%	7.8%	18.6%	4.2%	6.9%	35.9%	11.8%
Pr. Geo. Commissioners' Office								
Total \$	\$ 10,848							
MFD \$	\$ 1,877							
Percentage	17.3%							
Mont. Commissioners' Office								
Total \$	\$ 5,853							
MFD \$	\$ 1,300							
Percentage	22.2%							
Merit Board								
Total \$	\$ 0							
MFD \$	\$ 0							
Percentage	0.0%							
Office of Chief Information Officer								
Total \$	\$ 646,948							
MFD \$	\$ 1,406							
Percentage	0.2%							
Office of Inspector General								
Total \$	\$ 1,826							
MFD \$	\$ 329							
Percentage	18.0%							
GRAND TOTAL \$	\$ 69,581,638							
MFD \$	\$ 11,687,604							
Percentage	16.8%							

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
Comparison of MFD % for Total Procurement and Purchase Card Procurement
FY 2018
FOR THREE MONTHS ENDED SEPTEMBER 30, 2017

Attachment D

	Total Procurement		Purchase Card Procurement	
	Total \$	MFD %	Total \$	MFD %
<u>Prince George's County</u>				
Commissioners' Office	\$ 10,848	17.3%	\$ 6,442	29.1%
Planning Department	282,310	4.2%	34,151	0.0%
Parks and Recreation Department	57,852,014	18.6%	1,939,734	3.7%
Total	<u>58,145,172</u>	<u>18.6%</u>	<u>1,980,327</u>	<u>3.7%</u>
<u>Montgomery County</u>				
Commissioners' Office	5,853	22.2%	3,638	0.0%
Planning Department	473,661	11.4%	56,026	0.0%
Parks Department	9,429,991	7.8%	1,562,750	3.3%
Total	<u>9,909,505</u>	<u>8.0%</u>	<u>1,622,414</u>	<u>3.2%</u>
<u>Central Administrative Services</u>				
Dept. of Human Resources and Mgt.	298,472	6.9%	23,026	4.8%
Finance Department	548,299	11.8%	24,480	13.4%
Legal Department	31,416	35.9%	6,084	0.0%
Merit Board	-	0.0%	-	0.0%
Office of Chief Information Officer	646,948	0.2%	5,117	10.9%
Office of Inspector General	1,826	18.0%	1,826	18.0%
Total	<u>1,526,961</u>	<u>6.4%</u>	<u>60,533</u>	<u>8.7%</u>
Grand Total	<u>\$ 69,581,638</u>	<u>16.8%</u>	<u>\$ 3,663,274</u>	<u>3.6%</u>

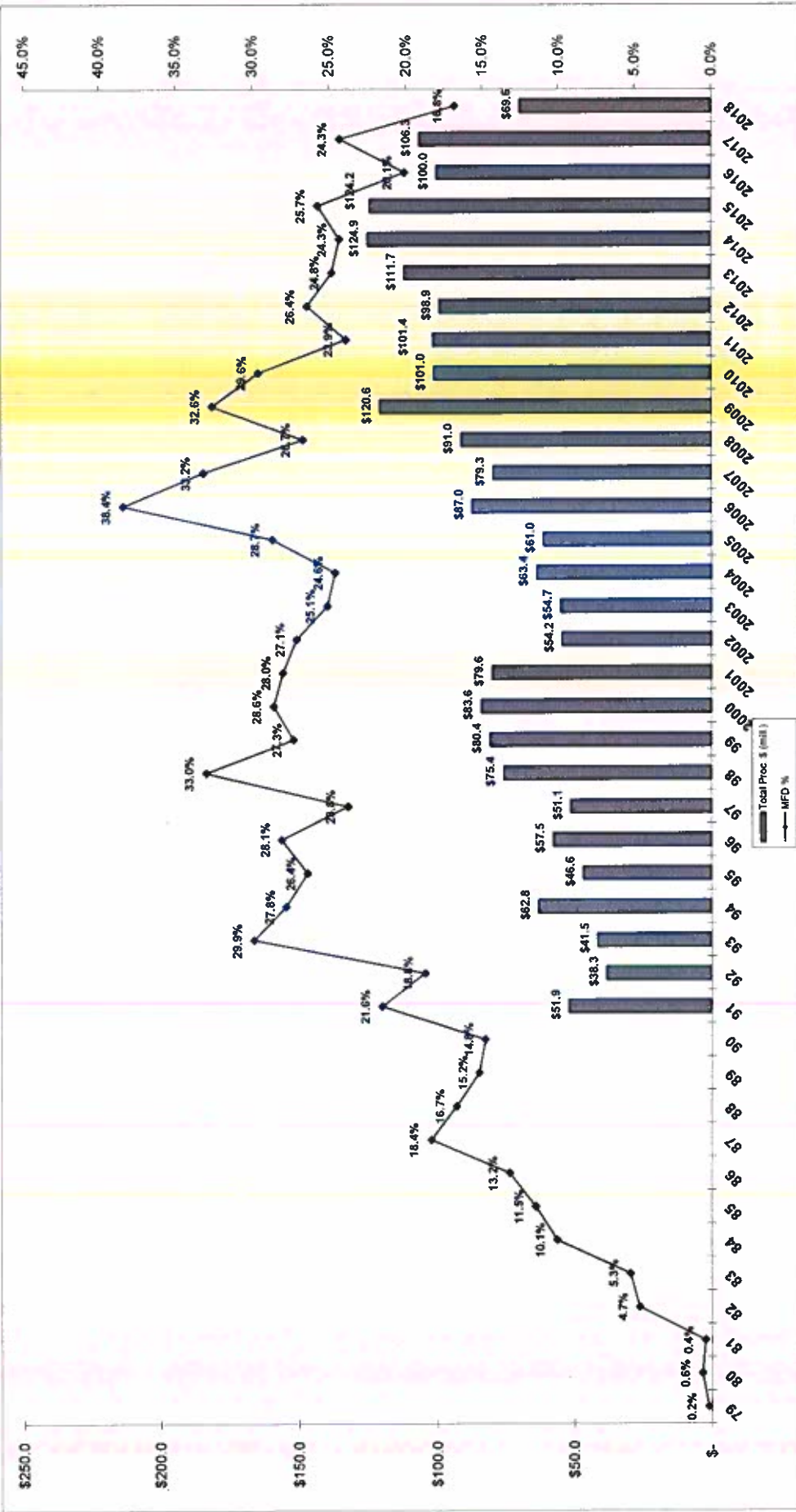
Percentage of Purchase Card Procurement to Total Procurement **5.3%**

Prepared by Finance Department
February 22, 2018

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT RESULTS and TOTAL PROCUREMENT (millions)

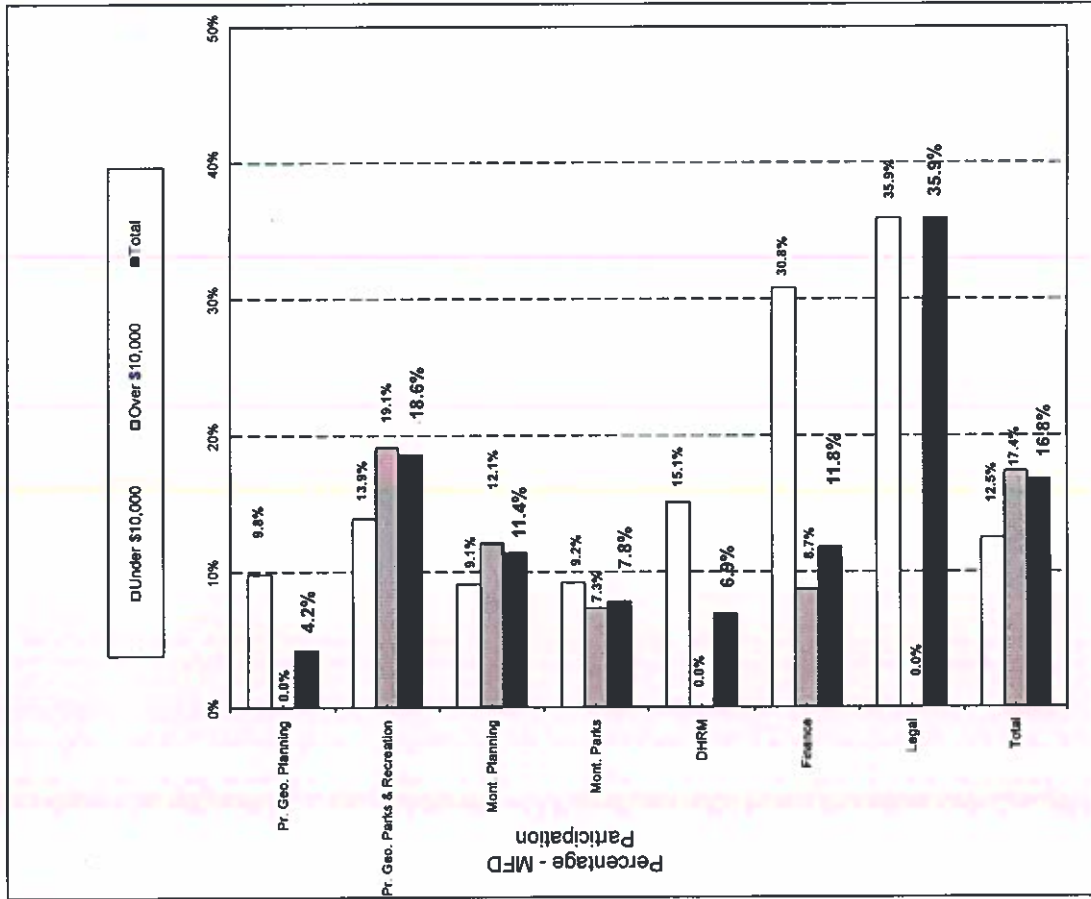
Attachment E



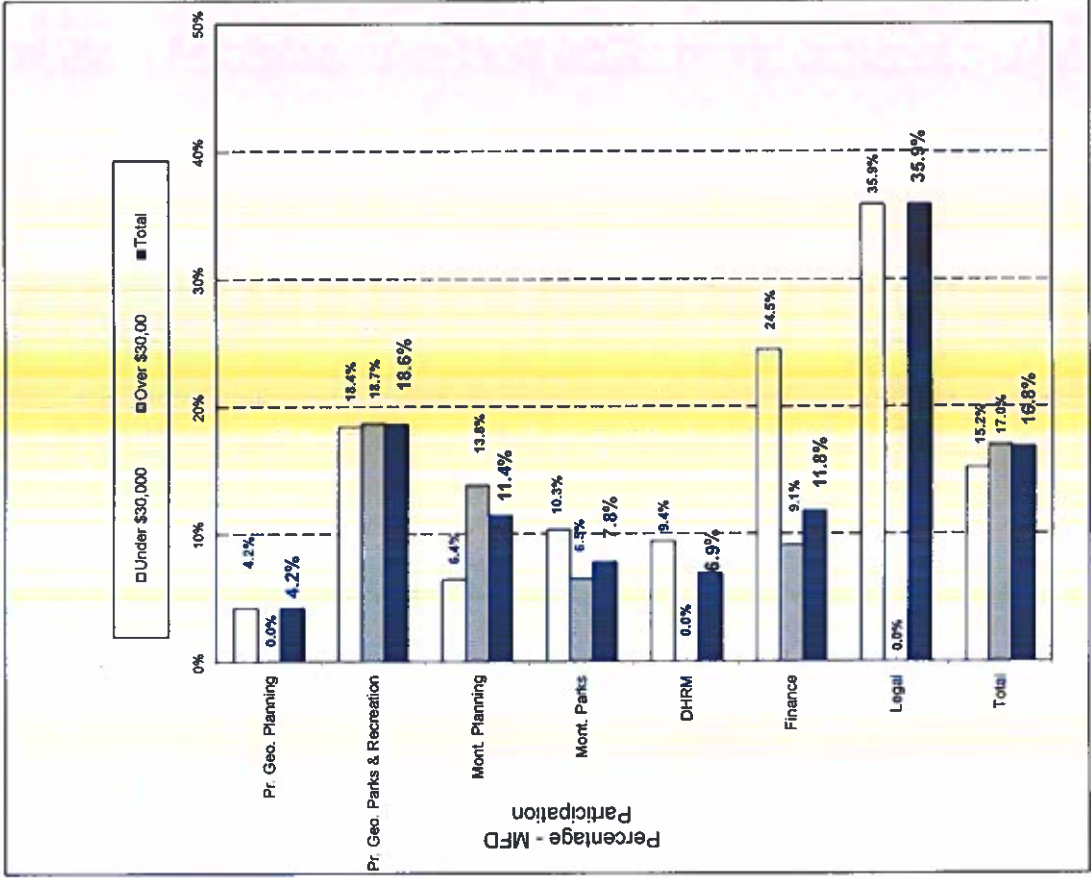
Prepared by Finance Department
February 22, 2018

The Maryland-National Capital Park and Planning Commission
 MFD Procurement Statistics - Transactions Under/Over \$10,000 & \$30,000 plus Total %
 FY 2018 1Q

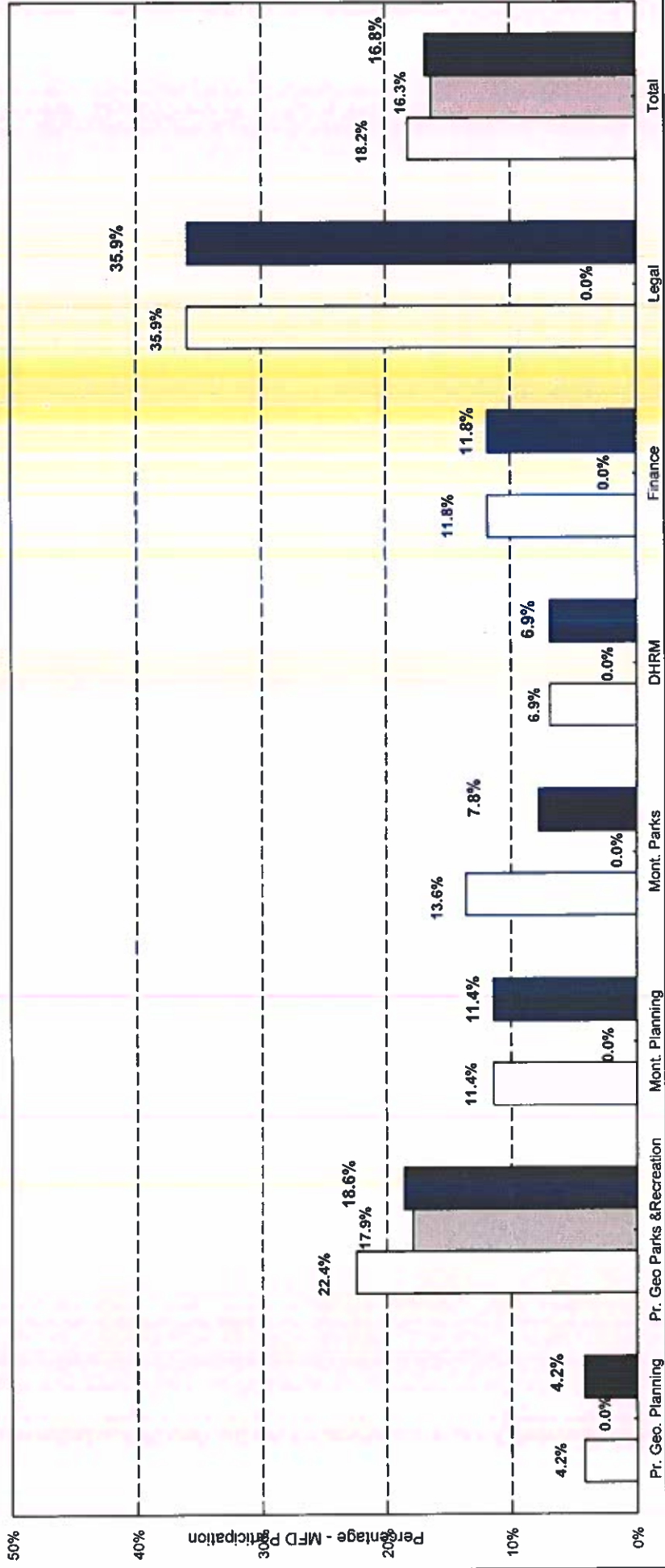
Under/Over \$10,000



Under/Over \$30,000



The Maryland-National Capital Park and Planning Commission
 MFD Procurement Statistics - Transactions Under /Over \$250,000 and Total %
 FY 2018 1Q



Prepared by Finance Department
 February 22, 2018

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Amount of Procurement and Number of Vendors by Location
FY 2018
FOR THREE MONTHS ENDED SEPTEMBER 30, 2017

Attachment H

TOTAL of ALL VENDORS

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Montgomery County	\$ 42,003,138	60.4%	140	16.5%
Prince George's County	11,269,690	16.2%	223	26.3%
Subtotal	53,272,828	76.6%	363	42.8%
Maryland - other locations	5,610,118	8.1%	167	19.6%
Total Maryland	58,882,946	84.7%	530	62.4%
District of Columbia	371,225	0.5%	38	4.5%
Virginia	1,606,298	2.3%	82	9.6%
Other Locations	8,721,169	12.5%	200	23.5%
Total	\$ 69,581,638	100.0%	850	100.0%

TOTAL of Non-MFD Vendors

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Montgomery County	\$ 35,381,855	61.1%	106	15.8%
Prince George's County	8,386,032	14.5%	158	23.6%
Subtotal	43,767,887	75.6%	264	39.4%
Maryland - other locations	4,210,479	7.3%	135	20.2%
Total Maryland	47,978,366	82.9%	399	59.6%
District of Columbia	290,559	0.5%	27	4.0%
Virginia	1,300,709	2.2%	64	9.6%
Other Locations	8,324,400	14.4%	179	26.8%
Total	\$ 57,894,034	100.0%	669	100.0%

TOTAL of MFD Vendors

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Montgomery County	\$ 6,621,283	56.7%	34	18.8%
Prince George's County	2,883,658	24.7%	65	35.9%
Subtotal	9,504,941	81.4%	99	54.7%
Maryland - other locations	1,399,639	12.0%	32	17.7%
Total Maryland	10,904,580	93.4%	131	72.4%
District of Columbia	80,666	0.7%	11	6.1%
Virginia	305,589	2.6%	18	9.9%
Other Locations	396,769	3.3%	21	11.6%
Total	\$ 11,687,604	100.0%	181	100.0%

Note: The following shows the amounts and percentages of procurement by the location of the department. The bi-county departments' activity is divided equally between the two Counties.

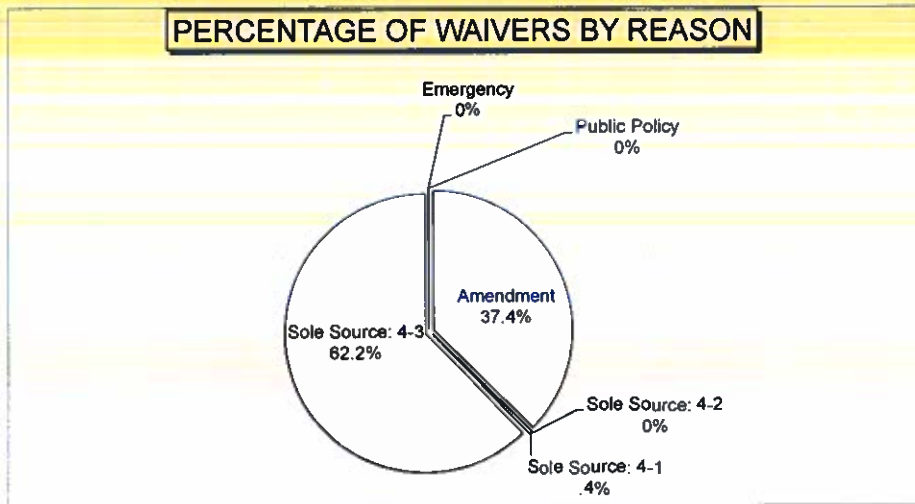
	<u>Total Procurement</u>		<u>MFD Procurement</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Amount</u>	<u>Percentage</u>
Prince George's County	\$ 58,908,652	84.7%	\$ 10,845,162	92.8%
Montgomery County	10,672,986	15.3%	842,442	7.2%
Total	\$ 69,581,638	100.0%	\$ 11,687,604	100.0%

Prepared by Finance Department
February 22, 2018

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
REASONS FOR WAIVERS
CUMULATIVE DOLLAR AMOUNT & NUMBER OF WAIVERS
FY 2018
FOR THREE MONTHS ENDED SEPTEMBER 30, 2017**

Attachment J

	NUMBER	AMOUNT	PERCENTAGE
Emergency	3	\$ -	0.0%
Public Policy	0	\$ -	0.0%
Amendment	2	\$ 268,990	37.4%
Sole Source: 4-1	2	\$ 3,000	0.4%
Sole Source: 4-2	0	\$ -	0.0%
Sole Source: 4-3	1	\$ 448,080	62.2%
Total	8	\$ 720,070	100.0%



Waiver Reason Definitions:

Emergency:

Sudden and unforeseeable circumstance have arisen which actually or imminently threaten the continuance of an essential operation of the Commission or which threaten public health, welfare or safety such that there is not enough time to conduct the competitive bidding.

Required by Law or Grant:

Public law or the terms of a donation/grant require that the above noted vendor be chosen.

Amendment:

A contract is already in place and it is appropriate for the above noted vendor to provide additional services and/or goods not within the original scope of the contract because the interested service and/or goods are uniquely compatible with the Commission's existing systems and patently superior in quality and/or capability than what can be gained through an open bidding process.

Sole Source 4:

It has been determined that:

- #1: The vendor's knowledge and experience with the Commission's existing equipment and/or systems offer a greater advantage in quality and/or cost to the Commission than the cost savings possible through competitive bidding, or
- #2: The interested services or goods need to remain confidential to protect the Commission's security, court proceedings and/or contractual commitments, or
- #3: The services or goods have no comparable and the above noted vendor is the only distributor for the interested manufacturer or there is otherwise only one source available for the sought after services or goods, e.g. software maintenance, copyrighted materials, or otherwise legally protected goods or services.

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
TOTAL WAIVERS, MFD WAIVERS, AND SOLE SOURCE WAIVERS BY DEPARTMENT
PROCESSED FY 2018
FOR THE THREE MONTHS ENDED SEPTEMBER 30, 2017**

Attachment K

	Total Waivers		MFD Waivers		% of MFD		Sole Source 4-1 Waivers		Sole Source 4-2 Waivers		Sole Source 4-3 Waivers		% Sole Source	
	\$	Number	\$	Number	%	\$	Number	\$	Number	\$	Number	\$	Number	%
Prince George's County														
Commissioners' Office	0	0	0	0	0.0%	0	0	0	0	0	0	0	0	0.0%
Planning Department	0	0	-	0	0.0%	-	0	-	0	-	0	-	0	0.0%
Parks and Recreation Department	349,270	3	188,990	1	54.1%	3,000	1	-	-	-	-	157,280	1	45.9%
Total	349,270	3	188,990	1	54.1%	3,000	1	-	0	-	0	157,280	1	45.9%
Montgomery County														
Commissioners' Office	0	0	-	0	0.0%	-	0	-	0	-	0	-	0	0.0%
Planning Department	-	0	-	0	0.0%	-	0	-	0	-	0	-	0	0.0%
Parks Department	370,800	2	80,000	1	21.6%	-	0	-	-	-	-	290,800	1	78.4%
Total	370,800	2	80,000	1	21.6%	-	0	-	0	-	0	290,800	1	78.4%
Central Administrative Services														
Dept. of Human Resources and Mgt.	0	0	-	0	0.0%	-	0	-	0	-	0	-	0	0.0%
Finance Department	0	0	-	0	0.0%	-	0	-	0	-	0	-	0	0.0%
Legal Department	0	0	-	0	0.0%	-	0	-	0	-	0	-	0	0.0%
Merit Board	0	0	-	0	0.0%	-	0	-	0	-	0	-	0	0.0%
Total	0	0	-	0	0.0%	-	0	-	0	-	0	-	0	0.0%
Grand Total	\$ 720,070	5	\$ 268,990	2	37.4%	\$ 3,000	1	\$ -	0	\$ 448,080	2	\$ 448,080	2	62.6%

Purpose of Summary of Waiver Report:

- (1) To monitor the amount, number, reasons for waivers in order to ensure the Commission is encouraging and maintaining good community, public, vendor, and interdepartmental relations.
To ensure fair and equitable treatment of all persons who deal in purchasing matters; to promote economy in Commission purchasing; and to ensure that minority owned firms receive a fair share of Commission awards (source: Practice 4-10); and
- (2) To comply with the Prince George's Planning Board directive of January 29, 1991 to report waiver activity to the Department Heads and the Planning Boards on a quarterly basis.

Sole Source: 4

It has been determined that:

- 4-1: The vendor's knowledge and experience with the Commission's existing equipment and/or systems offer a greater advantage in quality and/or cost to the Commission than the cost savings possible through competitive bidding, or
- 4-2: The interested services or goods need to remain confidential to protect the Commission's security, court proceedings and/or contractual commitments, or
- 4-3: The services or goods have no comparable and the above noted vendor is the only distributor for the interested manufacturer or there is otherwise only one source available for the sought after services or goods, e.g. software maintenance, copyrighted materials, or otherwise legally protected goods or services.

Prepared by Department of Human Resources and Management
October 1, 2017



The Maryland-National Capital Park & Planning Commission
Department of Finance - Purchasing Division

6611 Kenilworth Avenue, Suite 300 • Riverdale, Maryland 20737 • 301-454-1600 Fax: 301-454-1606

May 4, 2018

TO: Commissioners

VIA: Patricia C. Barney, Executive Director

FROM: Joseph C. Zimmerman, Secretary/Treasurer

SUBJECT: MFD Purchasing Statistics— Second Quarter FY18

The Commission's procurement policy (Practice 4-10, Purchasing) includes an anti-discrimination component which assures that fair and equitable vendor opportunities are made available to minority, female or disabled owned firms (MFDs). This program is administered jointly by the Office of the Executive Director and the Purchasing Division and includes a price preference program and an MFD subcontracting component based on the Commission procurement practices and the available MFD vendors in the marketplace. The price preference program has been suspended until a MFD study is conducted to provide evidence that the price preference is/is not needed. This report is provided for your information and may be found on the Commission's intranet.

Some of the observations of this FY18 report include:

- Attachment A indicates that through the Second quarter of FY18, the Commission procured approximately \$91 million in goods, professional services, construction and miscellaneous services. Approximately 15.3% or \$14 million was spent with minority, female and disabled (MFD) owned firms.
- Attachment B indicates that in the Second quarter MFD utilization was 10.4%.
- Attachment C represents the MFD participation by type of procurement. The MFD participation for construction through the Second quarter of FY18 was 19.1%. Attachment C also indicates that the largest consumers of goods and services in the Commission are the Prince George's County Department of Parks and Recreation and the Montgomery County Department of Parks. These Departments significantly impact the Commission's utilization of MFD firms. The MFD cumulative utilization numbers for these departments through the Second quarter are 17.7% and 9.4%, respectively.
- Attachment D presents the FY18 activity for the Purchase Card program totaling approximately \$6.7 million of which 2.9% was spent with minority, female and disabled (MFD) firms. The amount of procurement card activity represents approximately 7.3% of the Commission's total procurement dollars. One reason for lower MFD participation on the purchase card is that the cards are used with national retail corporations when a

quick purchase for a maintenance job is needed. The purchase cards are also used for training registration in order to guarantee attendance.

- Attachment E portrays the historic MFD participation rates, and the total procurement from FY 1991 to Second quarter FY18.
- Attachments F & G shows the MFD participation in procurements at various bid levels to determine if MFD vendors are successful in obtaining opportunities in procurements that require informal bidding and formal bidding. Based on the department analysis, MFD vendors do appear to be participating, at an overall rate of 12.9% in informal (under \$30,000) and 15.9% in the formal (over \$30,000) procurements. For transactions under \$10k, MFD participation is 10.6%. MFD vendors are participating at an overall rate of 16.0% in transactions over \$250,000.
- Attachment H presents the total amount of procurements and the number of vendors by location. Of the \$91 million in total procurement, \$72 million was procured from Maryland vendors. Of the \$14 million in procurement from MFD vendors, \$13 million was procured from MFD vendors located in Maryland.
- Attachment I compares the utilization of MFD vendors by the Commission with the availability of MFD vendors. The results show under-utilization in the following categories: African American, Asian, Hispanic, Native American and Females. The amount and percentage of procurement from MFD vendors is broken out by categories as defined by the Commission's Anti-Discrimination Policy. The availability percentages are taken from the most recent State of Maryland disparity study dated July 5, 2013.
- Attachments J and K are prepared by the Department of Human Resources and Management and show the amount and number of waivers of the procurement policy by department and by reason for waiver. Total waivers were approximately 1.8% of total procurement.

For further information on the MFD report, please contact the Office of Executive Director at (301) 454-1740.

Attachments

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
FY 2018
FOR SIX MONTHS ENDED DECEMBER 31, 2017

Attachment A

	<u>Procurement</u>		<u>Waivers</u>		<u>Procurement</u>	
	<u>Total \$</u>		<u>Total \$</u>	<u>Total #</u>	<u>MFD \$</u>	<u>%</u>
<u>Prince George's County</u>						
Commissioners' Office	\$ 48,932	\$	-	-	\$ 2,595	5.3%
Planning Department	590,361		61,417	1	17,802	3.0%
Parks and Recreation Department	67,202,473		707,960	5	11,902,161	17.7%
Total	67,841,766		769,377	6	11,922,558	17.6%
<u>Montgomery County</u>						
Commissioners' Office	16,451		-	-	1,300	7.9%
Planning Department	687,026		48,000	1	57,220	8.3%
Parks Department	18,530,231		570,081	4	1,746,080	9.4%
Total	19,233,708		618,081	5	1,804,600	9.4%
<u>Central Administrative Services</u>						
Dept. of Human Resources and Mgt.	577,026		-	-	34,432	6.0%
Finance Department	859,720		105,000	1	150,558	17.5%
Legal Department	39,711		-	-	11,288	28.4%
Merit Board	-		66,000	1	-	0.0%
Office of Chief Information Officer	2,564,858		137,956	2	1,406	0.1%
Office of Inspector General	5,219		-	-	329	6.3%
Total	4,046,534		308,956	4	198,013	4.9%
Grand Total	\$ 91,122,008	\$	1,696,414	15	\$ 13,925,171	15.3%

Note: The "Waivers" columns report the amount and number of purchases approved to be exempt from the competitive procurement process, including sole source procurements.

Prepared by Finance Department
 March 22, 2018

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
FY 2018

MFD STATISTICS - CUMULATIVE AND ACTIVITY BY QUARTER

Attachment B

CUMULATIVE BY QUARTER

	SEPTEMBER	DECEMBER	MARCH	JUNE
<u>Prince George's County</u>				
Commissioners' Office	17.3%	5.3%		
Planning Department	4.2%	3.0%		
Parks and Recreation Department	18.6%	17.7%		
Total	18.6%	17.6%		
<u>Montgomery County</u>				
Commissioners' Office	22.2%	7.9%		
Planning Department	11.4%	8.3%		
Parks Department	7.8%	9.4%		
Total	8.0%	9.4%		
<u>Central Administrative Services</u>				
Dept. of Human Resources and Mgt	6.9%	6.0%		
Finance Department	11.8%	17.5%		
Legal Department	35.9%	28.4%		
Merit Board	0.0%	0.0%		
Office of Chief Information Officer	0.2%	0.1%		
Office of Inspector General	18.0%	6.3%		
Total	6.4%	4.9%		
Grand Total	16.8%	15.3%		

ACTIVITY BY QUARTER

	FIRST QUARTER	SECOND QUARTER	THIRD QUARTER	FOURTH QUARTER	TOTAL
<u>Prince George's County</u>					
Commissioners' Office	17.3%	1.9%			5.3%
Planning Department	4.2%	1.7%			3.0%
Parks and Recreation Department	18.6%	12.0%			17.7%
Total	18.6%	11.6%			17.6%
<u>Montgomery County</u>					
Commissioners' Office	22.2%	0.0%			7.9%
Planning Department	11.4%	1.5%			8.3%
Parks Department	7.8%	11.1%			9.4%
Total	8.0%	10.8%			9.4%
<u>Central Administrative Services</u>					
Dept. of Human Resources and Mgt	6.9%	4.9%			6.0%
Finance Department	11.8%	27.6%			17.5%
Legal Department	35.9%	0.0%			28.4%
Merit Board	0.0%	0.0%			0.0%
Office of Chief Information Officer	0.2%	0.0%			0.1%
Office of Inspector General	18.0%	0.0%			6.3%
Total	6.4%	4.0%			4.9%
Grand Total	16.8%	10.4%			15.3%

ATTACHMENT C

MFD PROCUREMENT STATISTICS
 BY MAJOR PROCUREMENT CATEGORY
 FY 2018
 FOR SIX MONTHS ENDED DECEMBER 31, 2017

	Grand Total	Montgomery Planning	Montgomery Parks	Pr. Geo. Parks & Recreation	Pr. Geo. Planning	Dept. of Human Res. & Mgt.	Legal Department	Finance Department
Goods:								
Total \$	\$ 17,312,348	\$ 178,193	\$ 9,450,226	\$ 7,161,021	\$ 77,101	\$ 77,005	\$ 10,055	\$ 358,747
MFD \$	\$ 924,347	\$ 2,029	\$ 184,635	\$ 600,719	\$ 5,817	\$ 28,530	\$ 0	\$ 102,617
Percentage	5.3%	1.1%	2.0%	8.4%	7.5%	37.0%	0.0%	28.6%
Miscellaneous Services:								
Total \$	\$ 7,175,925	\$ 445,564	\$ 1,653,671	\$ 3,900,705	\$ 499,295	\$ 159,322	\$ 27,840	\$ 489,528
MFD \$	\$ 1,100,159	\$ 50,291	\$ 345,080	\$ 633,518	\$ 11,985	\$ 1,302	\$ 11,288	\$ 46,695
Percentage	15.3%	11.3%	20.9%	16.2%	2.4%	0.8%	40.5%	9.5%
Professional Services:								
Total \$	\$ 3,305,286	\$ 52,211	\$ 1,600,005	\$ 1,362,173	\$ 0	\$ 287,835	\$ 1,816	\$ 1,246
MFD \$	\$ 283,154	\$ 0	\$ 205,082	\$ 72,226	\$ 0	\$ 4,600	\$ 0	\$ 1,246
Percentage	8.6%	0.0%	12.8%	5.3%	0.0%	1.6%	0.0%	100.0%
Construction:								
Total \$	\$ 60,692,989	\$ 11,058	\$ 5,826,329	\$ 54,778,574	\$ 13,965	\$ 52,864	\$ 0	\$ 10,199
MFD \$	\$ 11,611,881	\$ 4,900	\$ 1,011,283	\$ 10,595,698	\$ 0	\$ 0	\$ 0	\$ 0
Percentage	19.1%	44.3%	17.4%	19.3%	0.0%	0.0%	0.0%	0.0%
SUBTOTAL								
Total \$	\$ 88,486,548	\$ 687,026	\$ 18,530,231	\$ 67,202,473	\$ 590,361	\$ 577,026	\$ 39,711	\$ 859,720
MFD \$	\$ 13,919,541	\$ 57,220	\$ 1,746,080	\$ 11,902,161	\$ 17,802	\$ 34,432	\$ 11,288	\$ 150,558
Percentage	15.7%	8.3%	9.4%	17.7%	3.0%	6.0%	28.4%	17.5%
Pr. Geo. Commissioners' Office								
Total \$	\$ 48,932							
MFD \$	\$ 2,595							
Percentage	5.3%							
Mont. Commissioners' Office								
Total \$	\$ 16,451							
MFD \$	\$ 1,300							
Percentage	7.9%							
Merit Board								
Total \$	\$ 0							
MFD \$	\$ 0							
Percentage	0.0%							
Office of Chief Information Officer								
Total \$	\$ 2,564,858							
MFD \$	\$ 1,406							
Percentage	0.1%							
Office of Inspector General								
Total \$	\$ 5,219							
MFD \$	\$ 329							
Percentage	6.3%							
GRAND TOTAL \$	\$ 91,122,008							
MFD \$	\$ 13,925,171							
Percentage	15.3%							

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
Comparison of MFD % for Total Procurement and Purchase Card Procurement
FY 2018
FOR SIX MONTHS ENDED DECEMBER 31, 2017

Attachment D

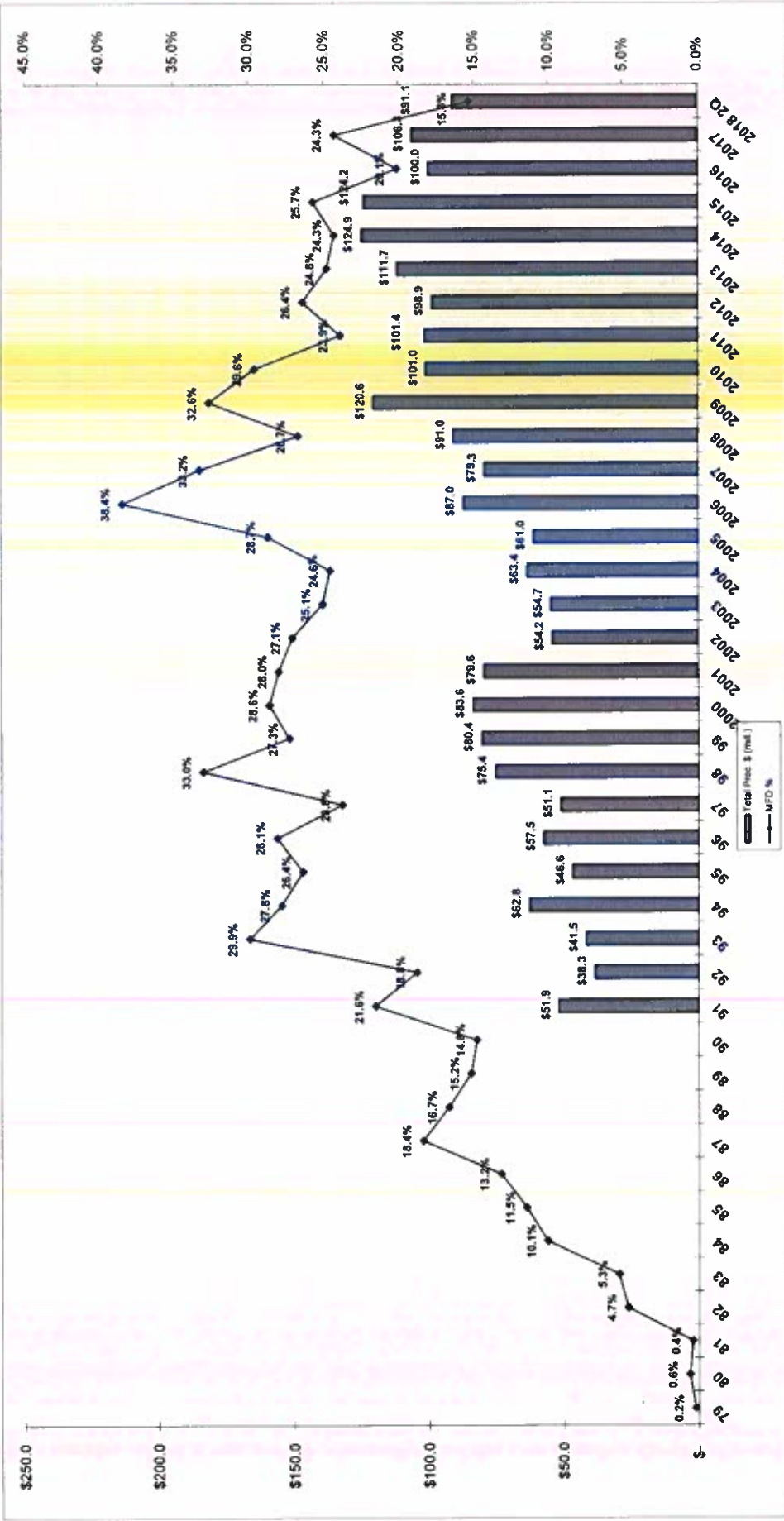
	Total Procurement		Purchase Card Procurement	
	Total \$	MFD %	Total \$	MFD %
<u>Prince George's County</u>				
Commissioners' Office	\$ 48,932	5.3%	\$ 27,505	7.4%
Planning Department	590,361	3.0%	53,026	0.0%
Parks and Recreation Department	67,202,473	17.7%	3,259,189	2.9%
Total	<u>67,841,766</u>	<u>17.6%</u>	<u>3,339,720</u>	<u>2.9%</u>
<u>Montgomery County</u>				
Commissioners' Office	16,451	7.9%	10,174	0.0%
Planning Department	687,026	8.3%	96,075	2.1%
Parks Department	18,530,231	9.4%	3,126,408	2.8%
Total	<u>19,233,708</u>	<u>9.4%</u>	<u>3,232,657</u>	<u>2.7%</u>
<u>Central Administrative Services</u>				
Dept. of Human Resources and Mgt.	577,026	6.0%	45,783	2.4%
Finance Department	859,720	17.5%	44,771	7.3%
Legal Department	39,711	28.4%	7,697	0.0%
Merit Board	-	0.0%	-	0.0%
Office of Chief Information Officer	2,564,858	0.1%	8,187	6.8%
Office of Inspector General	5,219	6.3%	5,219	6.3%
Total	<u>4,046,534</u>	<u>4.9%</u>	<u>111,657</u>	<u>4.7%</u>
Grand Total	<u>\$ 91,122,008</u>	<u>15.3%</u>	<u>\$ 6,684,034</u>	<u>2.9%</u>

Percentage of Purchase Card Procurement to Total Procurement **7.3%**

Prepared by Finance Department
March 22, 2018

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT RESULTS and TOTAL PROCUREMENT (millions)

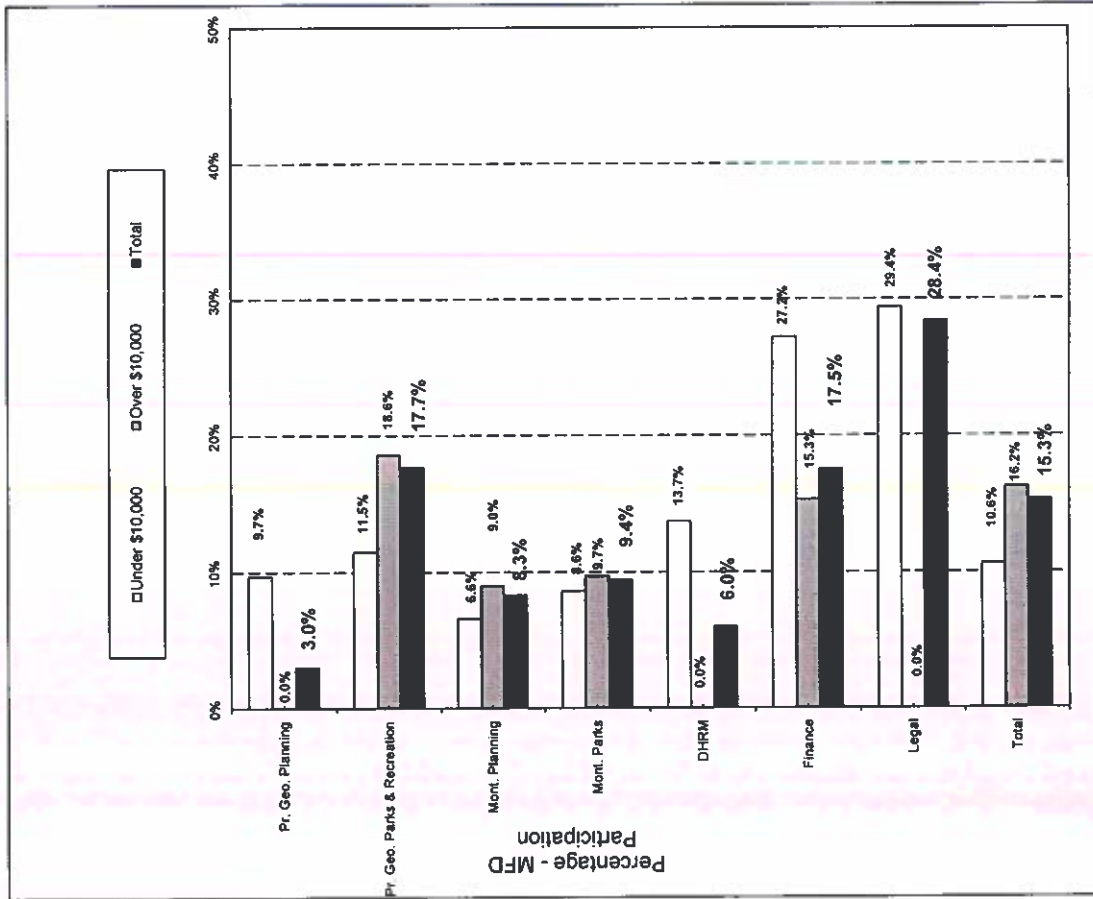
Attachment E



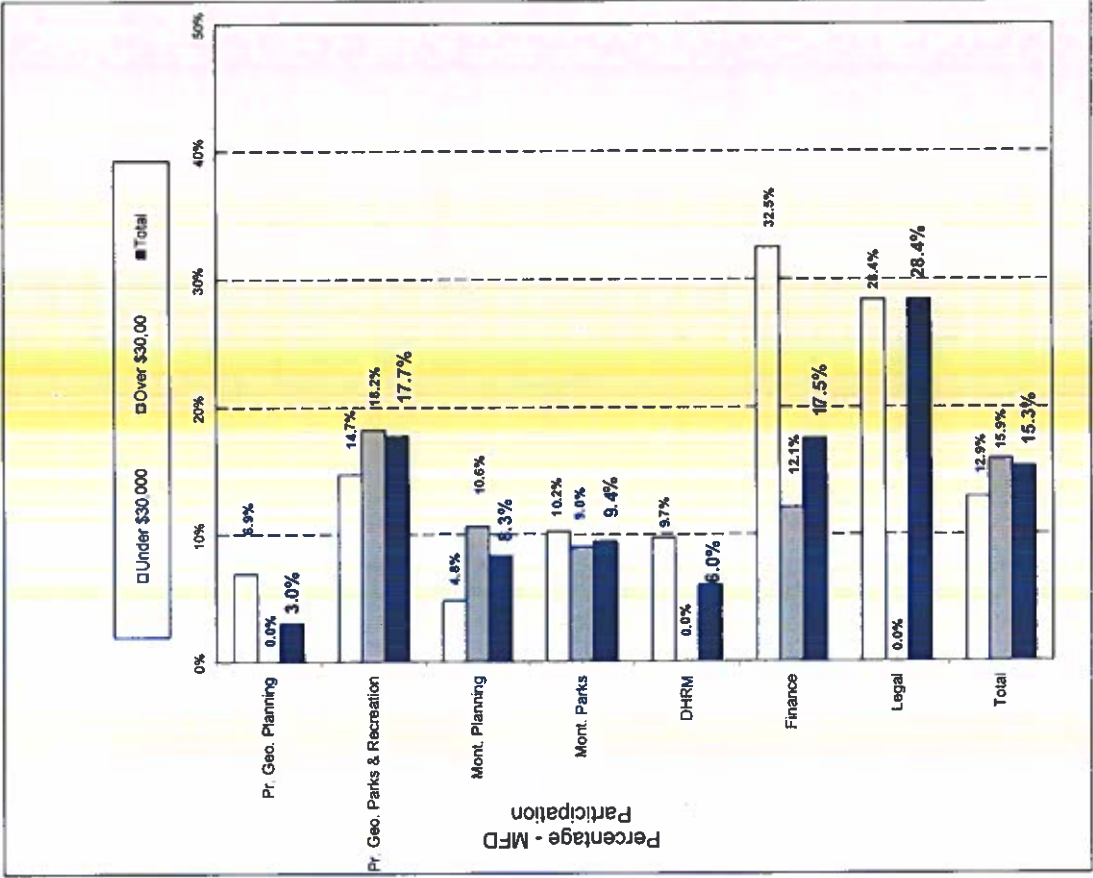
Prepared by Finance Department
 March 22, 2018

The Maryland-National Capital Park and Planning Commission
 MFD Procurement Statistics - Transactions Under/Over \$10,000 & \$30,000 plus Total %
 FY 2018 2Q

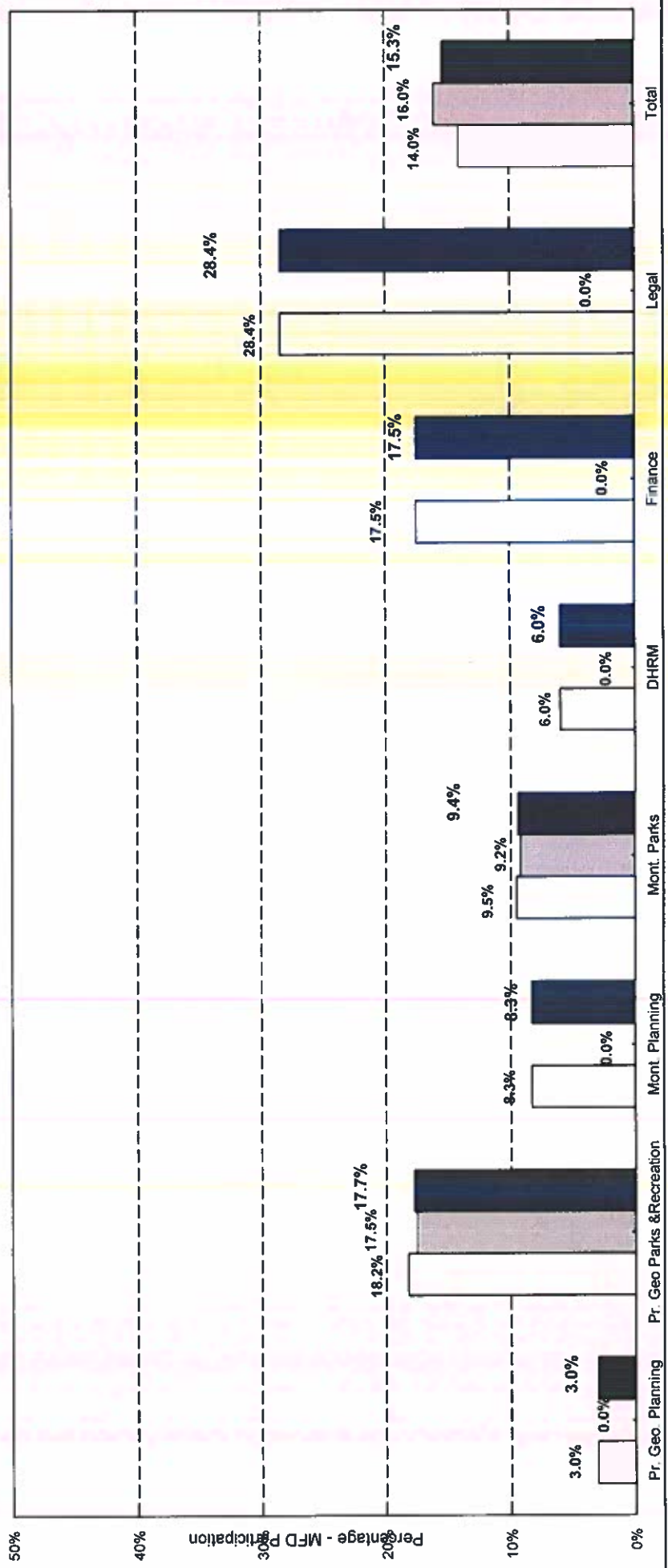
Under/Over \$10,000



Under/Over \$30,000



The Maryland-National Capital Park and Planning Commission
 MFD Procurement Statistics - Transactions Under /Over \$250,000 and Total %
 FY 2018 2Q



Prepared by Finance Department
 March 22, 2018

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Amount of Procurement and Number of Vendors by Location

FY 2018

FOR SIX MONTHS ENDED DECEMBER 31, 2017

Attachment H

TOTAL of ALL VENDORS

Location	Procurement		Number of Vendors	
	Amount	Percentage	Number	Percentage
Montgomery County	\$ 44,722,458	49.2%	193	15.5%
Prince George's County	14,606,767	16.0%	325	26.0%
Subtotal	59,329,225	65.2%	518	41.5%
Maryland - other locations	12,892,920	14.1%	247	19.8%
Total Maryland	72,222,145	79.3%	765	61.3%
District of Columbia	1,027,018	1.1%	58	4.6%
Virginia	3,360,277	3.7%	114	9.1%
Other Locations	14,512,568	15.9%	312	25.0%
Total	\$ 91,122,008	100.0%	1,249	100.0%

TOTAL of Non-MFD Vendors

Location	Procurement		Number of Vendors	
	Amount	Percentage	Number	Percentage
Montgomery County	\$ 37,616,654	48.8%	150	14.7%
Prince George's County	11,066,375	14.3%	245	23.9%
Subtotal	48,683,029	63.1%	395	38.6%
Maryland - other locations	10,613,568	13.7%	205	20.0%
Total Maryland	59,296,597	76.8%	600	58.6%
District of Columbia	922,641	1.2%	42	4.1%
Virginia	3,043,245	3.9%	93	9.1%
Other Locations	13,934,354	18.1%	288	28.2%
Total	\$ 77,196,837	100.0%	1,023	100.0%

TOTAL of MFD Vendors

Location	Procurement		Number of Vendors	
	Amount	Percentage	Number	Percentage
Montgomery County	\$ 7,105,804	51.1%	43	19.0%
Prince George's County	3,540,392	25.4%	80	35.4%
Subtotal	10,646,196	76.5%	123	54.4%
Maryland - other locations	2,279,352	16.4%	42	18.6%
Total Maryland	12,925,548	92.9%	165	73.0%
District of Columbia	104,377	0.7%	16	7.1%
Virginia	317,032	2.3%	21	9.3%
Other Locations	578,214	4.1%	24	10.6%
Total	\$ 13,925,171	100.0%	226	100.0%

Note: The following shows the amounts and percentages of procurement by the location of the department. The bi-county departments' activity is divided equally between the two Counties.

	Total Procurement		MFD Procurement	
	Amount	Percentage	Amount	Percentage
Prince George's County	\$ 69,865,033	76.7%	\$ 12,021,564	86.3%
Montgomery County	21,256,975	23.3%	1,903,607	13.7%
Total	\$ 91,122,008	100.0%	\$ 13,925,171	100.0%

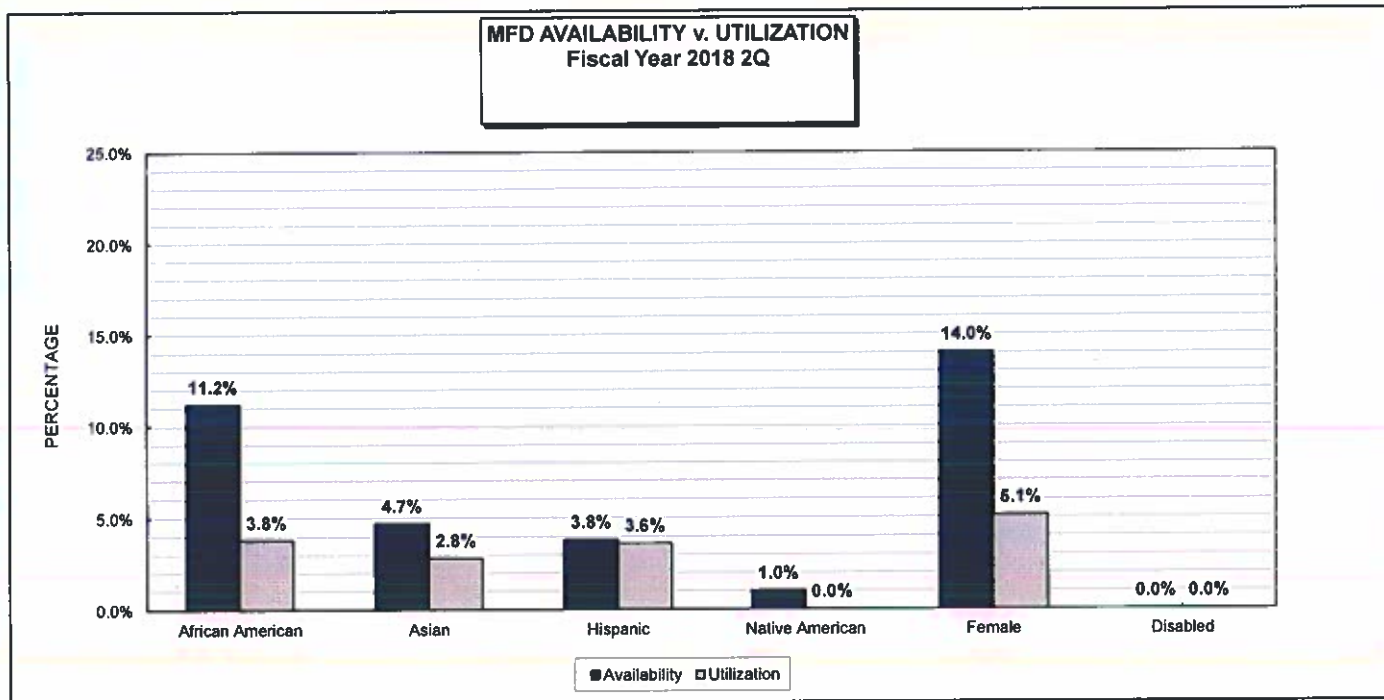
**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT RESULTS
FY 2018
FOR SIX MONTHS ENDED DECEMBER 31, 2017**

Attachment I

Total Amount of Procurement \$ 91,122,008

**Amount, Percentage of Procurement by Category, and
Percentage of Availability by Category:**

	Procurement		Availability
	Amount	%	%
Minority Owned Firms			
African American	\$ 3,463,980	3.8%	11.2%
Asian	2,596,115	2.8%	4.7%
Hispanic	3,302,287	3.6%	3.8%
Native American	27,257	0.0%	1.0%
Total Minority Owned Firms	9,389,639	10.2%	20.7%
Female Owned Firms	4,534,670	5.1%	14.0%
Disabled Owned Firms	862	0.0%	n/a
Total Minority, Female, and Disabled Owned Firms	\$ 13,925,171	15.3%	34.7%



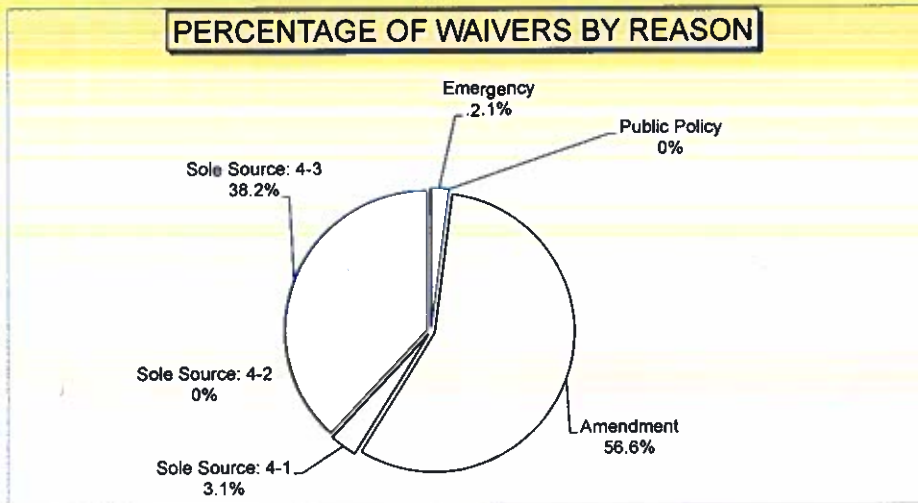
Note: (1) Availability percentages are taken from State of Maryland study titled "Business Disparities in the Maryland Market Area", dated February 8, 2017, page 13.
(2) n/a = not available

Prepared by Finance Department
March 22, 2018

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
REASONS FOR WAIVERS
CUMULATIVE DOLLAR AMOUNT & NUMBER OF WAIVERS
FY 2018
FOR SIX MONTHS ENDED DECEMBER 31, 2017

Attachment J

	NUMBER	AMOUNT	PERCENTAGE
Emergency	3	\$ 34,976	2.1%
Public Policy	0	-	0.0%
Amendment	2	\$ 961,121	56.6%
Sole Source: 4-1	2	\$ 52,956	3.1%
Sole Source: 4-2	0	-	0.0%
Sole Source: 4-3	1	\$ 647,361	38.2%
Total	8	\$ 1,696,414	100.0%



Waiver Reason Definitions:

Emergency:

Sudden and unforeseeable circumstance have arisen which actually or imminently threaten the continuance of an essential operation of the Commission or which threaten public health, welfare or safety such that there is not enough time to conduct the competitive bidding.

Required by Law or Grant:

Public law or the terms of a donation/grant require that the above noted vendor be chosen.

Amendment:

A contract is already in place and it is appropriate for the above noted vendor to provide additional services and/or goods not within the original scope of the contract because the interested service and/or goods are uniquely compatible with the Commission's existing systems and patently superior in quality and/or capability than what can be gained through an open bidding process.

Sole Source 4:

It has been determined that:

- #1: The vendor's knowledge and experience with the Commission's existing equipment and/or systems offer a greater advantage in quality and/or cost to the Commission than the cost savings possible through competitive bidding, or
- #2: The interested services or goods need to remain confidential to protect the Commission's security, court proceedings and/or contractual commitments, or
- #3: The services or goods have no comparable and the above noted vendor is the only distributor for the interested manufacturer or there is otherwise only one source available for the sought after services or goods, e.g. software maintenance, copyrighted materials, or otherwise legally protected goods or services.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 TOTAL WAIVERS, MFD WAIVERS, AND SOLE SOURCE WAIVERS BY DEPARTMENT
 PROCESSED FY 2018
 FOR THE SIX MONTHS ENDED DECEMBER 31, 2017

Attachment K

	Total Waivers		MFD/Waivers		% of MFD		Sole Source 4-1-1		Sole Source 4-2		Sole Source 4-3		% Sole Source	
	\$	Number	\$	Number	%	Number	\$	Number	\$	Number	\$	Number	%	Number
Prince George's County														
Commissioners' Office	0	0	-	0	0.0%	-	0	\$ -	-	0	\$ -	0	0.0%	0
Planning Department	61,417	1	-	0	0.0%	-	0	-	-	0	-	0	0.0%	0
Parks and Recreation Department	707,960	5	188,990	1	26.7%	3,000	1	-	-	0	157,280	1	22.6%	1
Total	769,377	6	188,990	1	24.6%	3,000	1	-	-	0	157,280	1	20.8%	1
Montgomery County														
Commissioners' Office	0	0	-	0	0.0%	-	0	-	-	0	-	0	0.0%	0
Planning Department	48,000	1	-	0	0.0%	-	0	-	-	0	-	0	0.0%	0
Parks Department	570,081	4	80,000	1	14.0%	-	0	-	-	0	490,081	3	86.0%	3
Total	618,081	5	80,000	1	12.9%	-	0	-	-	0	490,081	3	79.3%	3
Central Administrative Services														
Dept. of Human Resources and Mgt.	0	0	-	0	0.0%	-	0	-	-	0	-	0	0.0%	0
Finance Department	105,000	1	-	0	0.0%	-	0	-	-	0	-	0	0.0%	0
Legal Department	0	0	-	0	0.0%	-	0	-	-	0	-	0	0.0%	0
Office of Chief Information Officer	137,956	2	-	0	0.0%	49,956	1	-	-	0	-	0	36.2%	0
Merit Board	66,000	1	66,000	1	100.0%	-	0	-	-	0	-	0	0.0%	0
Total	308,956	4	66,000	1	21.4%	49,956	1	-	-	0	-	0	16.2%	0
Grand Total	\$ 1,696,414	15	\$ 334,990	3	19.7%	\$ 52,956	2	\$ -	\$ -	0	\$ 647,361	4	41.3%	4

Purpose of Summary of Waiver Report:

- (1) To monitor the amount, number, reasons for waivers in order to ensure the Commission is encouraging and maintaining good community, public, vendor, and interdepartmental relations;
 To ensure fair and equitable treatment of all persons who deal in purchasing matters; to promote economy in Commission purchasing; and to ensure that minority owned firms receive a fair share of Commission awards (source: Practice 4-10); and
- (2) To comply with the Prince George's Planning Board directive of January 29, 1991 to report waiver activity to the Department Heads and the Planning Boards on a quarterly basis.

Sole Source: 4

It has been determined that:

- 4-1: The vendor's knowledge and experience with the Commission's existing equipment and/or systems offer a greater advantage in quality and/or cost to the Commission than the cost savings possible through competitive bidding, or
- 4-2: The interested services or goods need to remain confidential to protect the Commission's security, court proceedings and/or contractual commitments, or
- 4-3: The services or goods have no comparable and the above noted vendor is the only distributor for the interested manufacturer or there is otherwise only one source available for the sought after services or goods, e.g. software maintenance, copyrighted materials, or otherwise legally protected goods or services.



Office of the General Counsel
Maryland-National Capital Park and Planning Commission

Reply To

May 2, 2018

Adrian R. Gardner
 General Counsel
 6611 Kenilworth Avenue, Suite 200
 Riverdale, Maryland 20737
 (301) 454-1670 • (301) 454-1674 fax

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission

FROM: Adrian R. Gardner
 General Counsel

RE: Litigation Report for April 2018

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, May 16, 2018. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

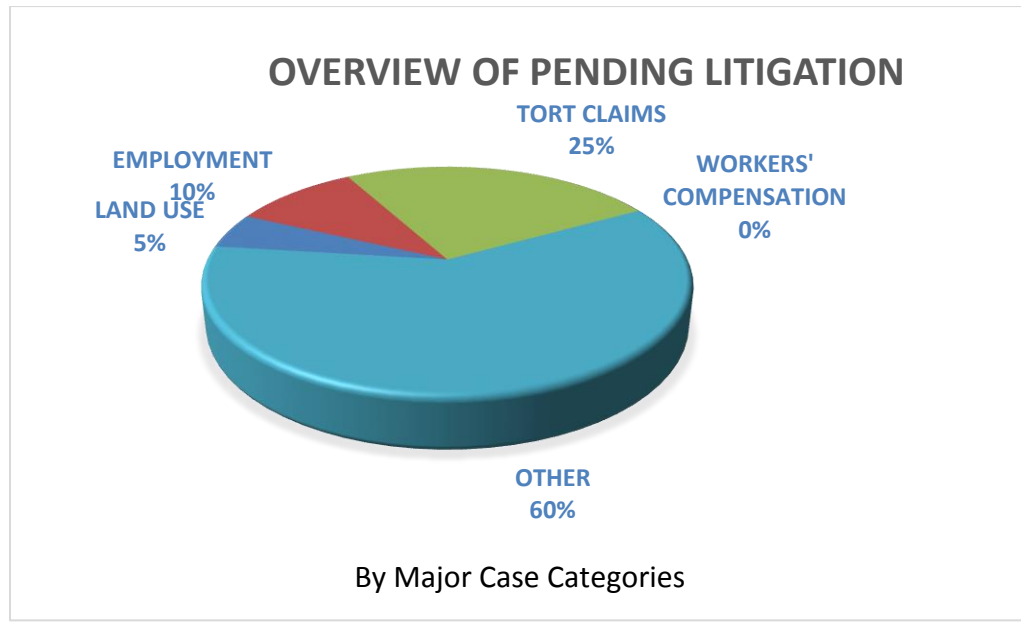
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April 2018 Composition of Pending Litigation

(Sorted By Subject Matter and Forum)

	State Trial Court	Federal Trial Court	Maryland COSA	Maryland Court of Appeals	Federal Appeals Court	U.S. Supreme Court	Subject Matter Totals
Admin Appeal: Land Use			2				2
Admin Appeal: Other							0
Land Use Dispute					1		1
Tort Claim	5						5
Employment Dispute	1		1				2
Contract Dispute	3		2				5
Property Dispute			2				2
Civil Enforcement							0
Workers' Compensation							0
Debt Collection							0
Bankruptcy							0
Miscellaneous			2		1		3
Per Forum Totals	9	0	9	0	2	0	20



April 2018 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2018			
	Pending In Mar 2018	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	2			4		2	2
Admin Appeal: Other (AAO)	0			0			0
Land Use Disputes (LD)	1			1	1	1	1
Tort Claims (T)	7		2	6	5	7	5
Employment Disputes (ED)	2			1	3	2	2
Contract Disputes (CD)	5			2	5	2	5
Property Disputes (PD)	2			1	2		2
Civil Enforcement (CE)	0			0			0
Workers' Compensation (WC)	1		1	2	1	3	0
Debt Collection (D)	0			0			0
Bankruptcy (B)	0			0			0
Miscellaneous (M)	3			5		2	3
Totals	23		3	22	16	19	20

**INDEX OF YTD NEW CASES
(7/1/2017 TO 6/30/18)**

<u>A. New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Moore v. Thompson, et al	PG	Tort	July 17
Evans v. Commission	MC	Tort	Aug 17
Gregg v. Commission	PG	ED	Sept 17
Commission v. McCoy	PG	CD	Oct 17
Commission v. Clean Air Mechanical, Inc., et al	MC	CD	Oct 17
Bundu v. Bowman	PG	Tort	Oct 17
Chick v. Commission	PG	ED	Dec 17
Adesakin v. Commission	PG	Tort	Jan 18
Diggs v. Robinson, et al	PG	Tort	Jan 18
Commission v. Clean Air Mechanical, Inc., et al	MC	CD	Jan 18
<u>B. New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
URS v. Commission	MC	CD	April 17
Rounds v. Commission	MC	PD	Sept 17
Rounds v. Commission	MC	PD	Oct 17
Fort Myers Construction Corp v. Commission	MC	CD	Nov 17
Pulte Home Corp. v. Montgomery County, et al	MC	LD	Nov 17
Burnette v. Commission	PG	ED	Jan 18
Pletsch v. Commission	PG	AALU	Feb 18
Price, et al. v. Commission	PG	M	Feb 18
The Town of Forest Heights	PG	M	Feb 18

**INDEX OF YTD RESOLVED CASES
(7/1/2017 TO 6/30/18)**

C. <u>Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Parker v. Commission	PG	WCC	July 2017
Commission v. Pollard	MC	WCC	Sept 2017
Pulte Home Corp., et al v. Mont. County, et al	MC	LD	Sept 2017
Green v. Commission	PG	Tort	Oct 2017
Swain v. Seay, et al	PG	Misc	Oct 2017
Shipe v. Louketis, et al	MC	Tort	Nov 2017
Tugwell v. Louketis, et al	MC	Tort	Nov 2017
Fort Myer Construction Corp v. Commission	MC	CD	Nov 2017
Rounds v. Commission, et al	MC	Tort	Nov 2017
Gregg v. Commission	PG	ED	Dec 2017
Moore v. Thompson, et al	PG	Tort	Dec 2017
Grier, et al v. Commission	PG	AALU	Dec 2017
Burnette v. Commission	PG	ED	Feb 2018
Commission v. Clean Air Mechanical, Inc. et al	MC	CD	Feb 2018
Pletsch v. Commission	PG	AALU	Feb 2018
Price, et al. v. Prince George's County, et al.	PG	Misc	Feb 2018
Commission v. The Town of Forest Heights	PG	Misc	Feb 2018
Adesakin v. Commission	PG	Tort	Mar 2018
Membrano v. Johns	PG	Tort	Mar 2018
Commission v. Carillo-Cruz	MC	WC	Mar 2018

D. Appellate Court Cases Resolved.

Cohn v. Commission	MC	Misc	Nov 2017
Friends of Croom Civic Assoc., et al v. Commission	PG	AALU	Nov 2017

Disposition of FY18 Closed Cases Sorted by Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department Price, et al. v. Commission	Plaintiffs file lawsuit for injunctive relief questioning validity of certain personal tax enactments involving the Commission and Prince George's County.	1/23/18 - Court grants Commission's Motion to Dismiss Amended Complaint and alternatively entered judgment in favor of the Commission
Department of Human Resources & Management		
Montgomery County Department of Planning		
Rounds v. Commission, et al	Defense of claim for alleged slander of title regarding Farm Road easement.	08/25/17- Court grants Commission's Motion to Dismiss
Montgomery County Department of Parks Cohhn v. Commission	Plaintiff appealed Circuit Court ruling granting the judgment in favor of the Commission and denying Plaintiff's request to restrain Commission's Archery Managed Deer Hunting Program in Montgomery County.	10/18/17- Court affirms decision of lower court that granted summary judgment in favor of Commission's authorization of bow hunting on its properties
Commission v. Carrillo-Cruz	Commission files petition for de novo review based on WCC's ruling that a compensable accident occurred on the grounds that driving a vehicle carries an increased risk of injury, without making a ruling on whether Claimant suffered an idiopathic condition.	03/02/18 – Appeal dismissed and remanded to WCC for approval of settlement agreement between parties.

Commission v. Clean Air Mechanical Inc., et al	Commission files complaint for breach of contract, fraud and misrepresentation arising out of purchase order for installation of three DDU units at Cabin John and Wheaton Ice rinks.	12/28/17-Court orders venue of case to be changed to Prince George's County
Fort Myer Construction Corporation v. Commission	Plaintiff filed complaint for alleged delays and damages associated with the erection of a steel girder pedestrian bridge in Montgomery County	10/10/17- Court grants Commissions' Motion to Dismiss, case dismissed with prejudice
Montgomery County Park Police		
Shipe v. Louketis, et al	Defense of claim for assault & battery, intentional infliction of emotional distress, negligence, negligent hiring.	10/06/17 Voluntary dismissal in entirety with prejudice
Tugwell v. Louketis, et al	Defense of claim for assault & battery, intentional infliction of emotional distress, negligence, negligent hiring.	10/06/17 Voluntary dismissal in entirety with prejudice
Montgomery County Planning Board		
Pulte Home Corporation, et al v. Montgomery County, et al	Plaintiff filed complaint for alleged delays and damages associated with the construction of a residential development in Clarksburg, Maryland.	08/25/17- Court grants Defendants' Motion for Judgment on Pleadings; case dismissed
Prince George's County Department of Parks and Recreation		
Adesakin v. Commission	Defense of claim for property damage involving vehicle owned by Commission.	03/19/18 – Case dismissed under Rule 3-506
Commission v. Pollard	Employer is seeking de novo judicial review of the WCC's decision that the Claimant had suffered a 39% worsening of condition regarding his right hip since the last permanency award and found no cause for apportionment to preexisting conditions.	07/28/17- Joint Motion to Remand to WCC

Commission v. Town of Forest Heights	Commission filed a declaratory judgment action against the Town of Forest Heights.	1/13/18 – Court denies Defendant’s Motion to Dismiss and/or in the alternative, Motion for Summary Judgment; declares Sixth and Seventh Annexations by Defendant null and void and Defendant may not exercise law enforcement powers on Commission property.
Green, et al v. Commission	Defense of claim for personal injury involving fall by minor child from playground equipment at Peppermill Recreation Center.	08/30/17-Case dismissed with prejudice
Membrano v. Johns	Defense of claim for personal injury involving vehicle drive by commission employee.	03/30/18 – Case dismissed under Rule 3-506
Moore v. Thompson, et al	Defense of claim for property damage involving vehicle owned by Commission.	10/26/17-Case dismissed under Rule 3-506
Parker v. Commission	Claimant/employee is seeking de novo judicial review of the WCC’s decision denying she has an occupational disease.	6/26/17-Case settled and remanded to WCC
Swain v. Seay, et al	Plaintiff files to foreclose a statutory attorney’s lien on property with a Historic Agriculture Resource Preservation Program Deed of Easement.	09/01/17-Case voluntarily dismissed
Prince George’s County Planning Department		
Prince George’s County Planning Board		
Friends of Croom Civic Association, et al v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-11004 in Stephen’s Crossing at Brandywine.	05/08/17-Court affirmed judgment of Circuit Court for Prince George’s County Planning Board
Grier, et al v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan of Subdivision 4-16032 in Laurelind-orinan Estate.	11/27/17-Court affirmed Planning Board’s decision
Pletsch, et al. v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan of Subdivision 4-16006 Melford Village.	01/18/18 – Court affirmed Planning Board’s decision

<p>Prince George's Park Police Burnette v. Commission</p>	<p>Former park police officer seeks judicial review of termination.</p>	<p>12/26/17-Order of Court affirming Administrative Hearing Board decision</p>
<p>Gregg v. Commission</p>	<p>Plaintiff filed complaint for alleged race and gender discrimination.</p>	<p>11/06/17-Case settled and dismissed</p>
<p>Office of Internal Audit</p>		

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DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Chick v. Commission

Case #0502-0036532-2017 (ED)

Lead Counsel: Adams
Other Counsel:

Abstract: Plaintiff filed complaint alleging breach of settlement agreement based on Plaintiff's disputed interpretation.

Status: Pending trial.

Docket:

12/06/17	Complaint filed
01/19/18	Notice of Intention to Defend filed; Counter Claim filed
03/23/18	Motion for Appropriate Relief filed

Commission v. McCoy

Case #0502-0025950-2017 (CD)

Lead Counsel: Adams
Other Counsel:

Abstract: Complaint for property damage to Commission's golf cart.

Status: Case stayed.

Docket:

08/31/17	Complaint filed
11/17/17	Case stayed pending settlement negotiations

Milam v. Doe and Commission
Case No. 0502-0034226-2016(Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for personal injury involving vehicle owned by Commission.

Status: Pending trial.

Docket:

12/27/16	Complaint filed
02/03/17	Subpoena served on Commission
03/22/17	Court issues notice of service on Commission
05/01/17	Commission requests re-issue for dormant service
05/19/17	Motion to Quash Service filed by Commission
06/05/17	Notice of Service stricken
09/28/17	Amended Complaint filed
10/16/17	Notice of Intention to Defend filed
04/05/18	Trial date

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Bundu v. Bowman
CAL17-28259 (Tort)

Lead Counsel: Adams
Other Counsel:

Abstract: Defense of claim for personal injury involving motor vehicle accident in Prince George's County.

Status: In discovery.

Docket:

10/12/17	Complaint filed
11/02/17	Service of complaint on Commission
11/17/17	Answer to Complaint filed by Commission
03/28/18	Pre-trial Conference continued
06/05/18	Pre-trial Conference

Commission v. Clean Air Mechanical Inc., et al

Case No. CAL18-00211 (CD)

Lead Counsel: Adams
Other Counsel:

Abstract: Commission files complaint for breach of contract, fraud and misrepresentation arising out of purchase order for installation of three DDU units at Cabin John and Wheaton Ice rinks.

Status: In discovery.

Docket:

01/03/18	Case transferred to Circuit Court Prince George's County from Montgomery County (438017-V)
01/16/18	Answer to complaint and Motion to Dismiss and/or Motion for Summary Judgment filed by Defendants
02/02/18	Voluntary dismissal of Hudgins and Hardesty; Opposition to Motion for Summary Judgment filed; Amended Complaint filed
03/06/18	Motion to Dismiss, or in the Alternative, for Summary Judgment and Request for Hearing denied as Moot; matter shall continue in due course
05/14/18	Pretrial conference

Diggs v. Robinson, et al
Case No. CAL17-40851(Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for personal injury following an automobile accident.

Status: In discovery.

Docket:

12/20/17	Complaint filed
01/08/18	Defendant Robinson served via certified mail
01/29/18	Plaintiff files Amended Complaint
02/02/18	Answer to Complaint filed
06/21/18	Pretrial Conference

O'Brien v. Sports & Learning Complex
CAL17-00241(Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for personal injury involving slip and fall at swimming pool.

Status: Pending trial.

Docket:

01/11/17	Complaint filed
03/03/17	Service of complaint on Commission
03/31/17	Amended Complaint filed
08/09/17	Pre-trial conference
02/27/18	ADR Conference - cancelled
04/10/18	Trial

Sauer, Inc. v. Commission
CAL17-05868 (CD)

Lead Counsel: Dickerson
Other Counsel: Adams

Abstract: Plaintiff filed complaint for alleged delays and damages associated with the renovation and expansion of the Palmer Park Community Center in Prince George's County.

Status: In discovery.
Docket:

02/28/17	Complaint filed but improperly served; awaiting proper re-service
06/20/17	Complaint properly served and accepted by Commission
08/21/17	Line filed extending responsive pleadings deadline
09/29/17	Defendant's Motion to Dismiss filed
11/03/17	Line filed extending Plaintiff's deadline to respond to Motion to Dismiss until November 22, 2017
11/17/17	Plaintiff files Opposition to Motion to Dismiss
12/22/17	Court denies Motion to Dismiss
01/02/18	Commission files Answer to Complaint
01/26/18	Counterclaim filed
03/05/18	Motion to Amend Scheduling Track filed
03/19/18	Consent Motion to Extend time to respond to Counterclaim and other schedule modifications
03/26/18	Court grants motion to extend time and sets new dates.
05/09/18	Pretrial conference

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Evans v. Commission, et al

Case No. 435465-V(Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for personal injury following an automobile accident.

Status: In discovery.

Docket:

08/11/17	Complaint filed
08/22/17	Service of complaint on Commission
09/19/17	Commission files Answer to Complaint
11/09/17	Plaintiff files Motion for Default against Defendant, Melara
11/28/17	Defendant Melara files Answer to Complaint
12/01/17	Plaintiff's Motion for Default denied as Defendant Melara filed Answer
05/24/18	Pre-trial/settlement conference

MARYLAND COURT OF SPECIAL APPEALS

Brooks v. Commission

September Term 2016, No. 02295 (AALU)
(Originally filed under CAE16-25941 in Prince George's County)

Lead Counsel: Mills
Other Counsel: Borden

Abstract: Plaintiff appealed Planning Board ruling granting the departure from design standards in Prince George's County.

Status: Awaiting decision.

Docket:

01/06/17	Notice of Appeal filed
06/30/17	Appellant's Brief and Joint Record Extract filed
02/18/18	Oral Argument held

Burnette v. Commission

September Term 2017, No.2258 (ED)
(Originally filed under CAL16-35180 in Prince George's County)

Lead Counsel: Adams
Other Counsel:

Abstract: Former park police officer appealed Circuit Court ruling affirming Administrative Hearing Board decision to terminate.

Status: Appeal filed.

Docket:

01/23/18	Notice of Appeal
05/29/18	Appellant's Brief Due

Fort Myer Construction Corporation v. Commission

September Term 2017, No. 1684 (CD)

(Originally filed under 399804-V in Montgomery County)

Lead Counsel: MarcusBonsib, LLC (Bruce L. Marcus)
Other Counsel: Dickerson

Abstract: Plaintiff appealed Circuit Court ruling granting dismissal of complaint for alleged delays and damages associated with the erection of a steel girder pedestrian bridge in Montgomery County.

Status: Appeal filed.
Docket:

10/26/17	Notice of Appeal
11/2018	Oral Argument

Pletsch, et al v. Commission

(AALU)

(Originally filed under CAL17-12150 in Prince George's County)

Lead Counsel: Mills
Other Counsel: Borden

Abstract: Two separate appeals filed. The Citizens filed an appeal of order affirming the underlying decision and resolution. The developer filed an appeal of the denial of the motion to dismiss for lack of standing. The Commission did not join in the appeal of the denial of the motion to dismiss.

Status: Appeals filed.

Docket:

02/16/18	Notice of Appeal filed by Pletsch, et al.
2/23/18	Notice of Appeal file by St. John Properties, Inc.

Price, et al v. Prince George's County, et al

No. 2489 September Term 2017 (M)

(Originally filed under CAE16-37806 in Prince George's County)

Lead Counsel: Gardner
Other Counsel: Dickerson

Abstract: Plaintiffs below filed a lawsuit for injunctive relief questioning validity of certain personal tax enactments involving the Commission and Prince George's County.

Status: Appeal filed.
Docket:

02/12/18	Notice of Appeal filed
03/01/18	Court issued show cause for inquiry as to why Pre-hearing Information Report not filed
03/08/18	Court accepts Pre-hearing Information Report for filing
03/13/18	Order entered to proceed without Pre-hearing Conference

Rounds v. Montgomery County, MD, et al

September Term, 2016, No. 02501(PD)

(Originally filed under #350954-V in Montgomery County)

Lead Counsel: Gardner
Other Counsel: Dickerson
Harvin

Abstract: Appeal from dismissal of claim for violations of the Maryland Constitution and declaratory relief concerning alleged Farm Road easement.

Status: Awaiting decision.

Docket:

02/03/17	Notice of Appeal filed
01/09/18	Oral Argument held

Rounds v. Montgomery County, MD, et al

September Term, 2017, No.1561 (PD)
(Originally filed under #430530-V in Montgomery County)

Lead Counsel: Gardner
Other Counsel: Dickerson
Harvin

Abstract: Appeal from dismissal of claim barred by res judicata concerning alleged Farm Road easement.

Status: Appeal filed.

Docket:

09/25/17	Notice of Appeal filed
10/19/17	Court issued show cause for inquiry as to why Pre-hearing Information Report not filed
11/15/17	Court accepts Pre-hearing Information Report for filing

The Town of Forest Heights v. Commission

No 2538, September Term 2017 (M)
(Originally filed under CAL 16-29110 in Prince George's County)

Lead Counsel: Mills
Other Counsel:

Abstract: Commission below filed a declaratory judgment against the Town of Forest Heights. Appeal from award of declaratory judgment

Status: Appeal filed.

Docket:

02/23/18	Notice of Appeal filed
03/16/18	Order to Proceed w/out Pre-hearing Conference

URS Corporation v. Commission

September Term, 2017, No. 00288 (CD)

Lead Counsel: MarcusBonsib, LLC (Bruce L. Marcus)
Other Counsel: Dickerson

Abstract: URS appeals the Circuit Court Decision entering judgment in favor of Commission as a result of URS breach of duty to defend.

Status: Awaiting Decision.

Docket:

04/21/17	Notice of Appeal
03/06/18	Oral Argument held

MARYLAND COURT OF APPEALS

No Pending Cases

U.S. DISTRICT COURT OF MARYLAND

No Pending Cases

U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT

American Humanist Association, et al v. Commission

No. 15-2597 Case #8:14-cv550-DKC (M)

Lead Counsel: Dickerson
Other Counsel: Gardner
Adams

Abstract: Defense of claim alleging violation of establishment clause of Constitution.

Status: Petition for Rehearing denied.

Docket:

12/30/15	Notice of Appeal filed
02/29/16	Appellant's brief filed
04/04/16	Response brief by Appellees filed
03/07/16	Brief Amici Curiae filed by Freedom from Religion Foundation and Center for Inquiry in Support of Appellants
04/11/16	Brief Amici Curiae of The Becket Fund for Religious Liberty in Support of Appellees
04/11/16	Brief Amici Curiae Senator Joe Machin and Representatives Doug Collins, Vicky Hartzler, Jody Hice, Evan Jenkins, Jim Jordan, Mark Meadows and Alex Mooney in Support of Appellees
04/11/16	Brief Amici Curiae State of West Virginia and 24 Other States supporting Appellees
04/18/16	Appellant's Reply brief filed
12/07/16	Oral Argument held
10/18/17	Court reverses and remands case back to the U. S. District Court of Maryland holding that the display and maintenance of the cross violates the Establishment Clause.
11/01/17	Commission filed Petition for Hearing En Banc
11/01/17	American Legion filed Petition for Hearing En Banc
11/09/17	Court directed Plaintiffs file responses to Petitions for Hearing En Banc
11/20/17	Plaintiffs file their Response to Petitions for Hearing En Banc
03/01/18	Petition for Rehearing En Banc denied by a vote of 8-6 with a concurring opinion and multiple dissenting opinions
03/02/18	Amended Order denying motion for rehearing.
03/12/18	Mandate issued.

Pulte Home Corporation, et al v. Montgomery County, et al

Case No. 17-2112 (LD)

(Originally filed under Case No 8:14-cv-03955)

Lead Counsel: Outside Counsel-Whiteford Taylor and Preston
Other Counsel: Gardner/Dickerson/Adams

Abstract: Plaintiff filed appeal following dismissal of complaint in U. S. District Court for alleged delays and damages associated with the construction of a residential development in Clarksburg, Maryland.

Status: Appeal filed.

Docket:

09/25/17	Notice of Removal and Complaint filed
10/10/17	Court files Briefing Order
11/20/17	Brief filed by Appellant Pulte Home Corporation
12/19/17	Response Brief filed by Commission
01/02/18	Reply brief filed by Pulte Home Corporation