

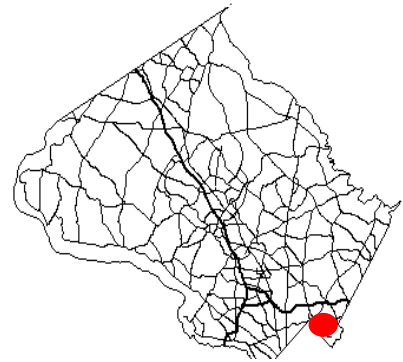


MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item #
MCPB 7-19-07

MEMORANDUM

DATE: July 5, 2007
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief
Development Review Division
FROM: Robert A. Kronenberg, Acting
Supervisor
Development Review Division
(301) 495-2187



PROJECT NAME: **United Therapeutics Corporation
Silver Spring Campus**

CASE #: 820070200

REVIEW TYPE: Site Plan

ZONE: CBD-1

APPLYING FOR: Approval of 194,589 gross square feet of development, including 12,947 gsf of retail, 108,218 gsf of office and 73,424 gsf of laboratory, of which 12,020 sf is cellar space, on approximately 1.44 acres

LOCATION: Southwest and southeast of the intersection of Cameron Street and Spring Street in Downtown Silver Spring

MASTER PLAN: Silver Spring Central Business District

REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance

APPLICANT: United Therapeutics Corporation

FILING DATE: April 2, 2007

HEARING DATE: July 19, 2007

Summary

Proposal

The new headquarters and related retail and laboratory uses for United Therapeutics are to be built on two lots, separated by Cameron Street. The Site Plan proposes a total gross floor area of 194,589 square feet which is a reduction in total square footage from the 213, 032 that was originally approved with the project and preliminary plans. These reductions are primarily in the retail and office segments; the laboratory space has increased. Both the Project Plan (#92004007A) and Preliminary Plan (#12004087A) are being amended concurrently to change the square footage allocated for each use. The Board will hear all three cases on the same day.

The project will be developed in three phases and will consist of a total of three buildings, one of which has already been completed using the standard method of development and is only 3 stories high. The remaining two buildings are both proposed to be eight stories tall. The applicant plans to link these two buildings via a pedestrian connection at the 7-story level. The connector, which will span Cameron Street, provides circulation between the laboratories and the offices while meeting the security concerns of the applicant. The 8-story buildings will be 90 feet in height.

Public Amenity

The proposal will improve the full streetscape frontage along Spring Street and Cameron Street with brick sidewalks, street trees and streetlights. The public amenity space will include the outdoor plaza areas centered between the 8-story and 3-story buildings on Lot 1 and an additional public use space on Lot 11, adjacent to the retail. These plazas will also contain public art elements, a special paving treatment to accentuate the street and building, and specialty landscaping.

Community Outreach

The Applicant had previously met with representatives and members of the design team from Cameron House (adjacent property owner) and presented the project to the Silver Spring Citizens Advisory Board and Silver Spring Urban District Advisory Board. Staff also requested that the Applicant send letters to affected owners regarding off-site improvements, copies of which were provided to staff. Staff has not received any written comments from any of these entities.

Public Art Review

The Applicant presented their art program to the Art Review Panel on May 26, 2006. The proposed art element will be located within the public use space at the forefront of the building and include a biowall and seating elements.

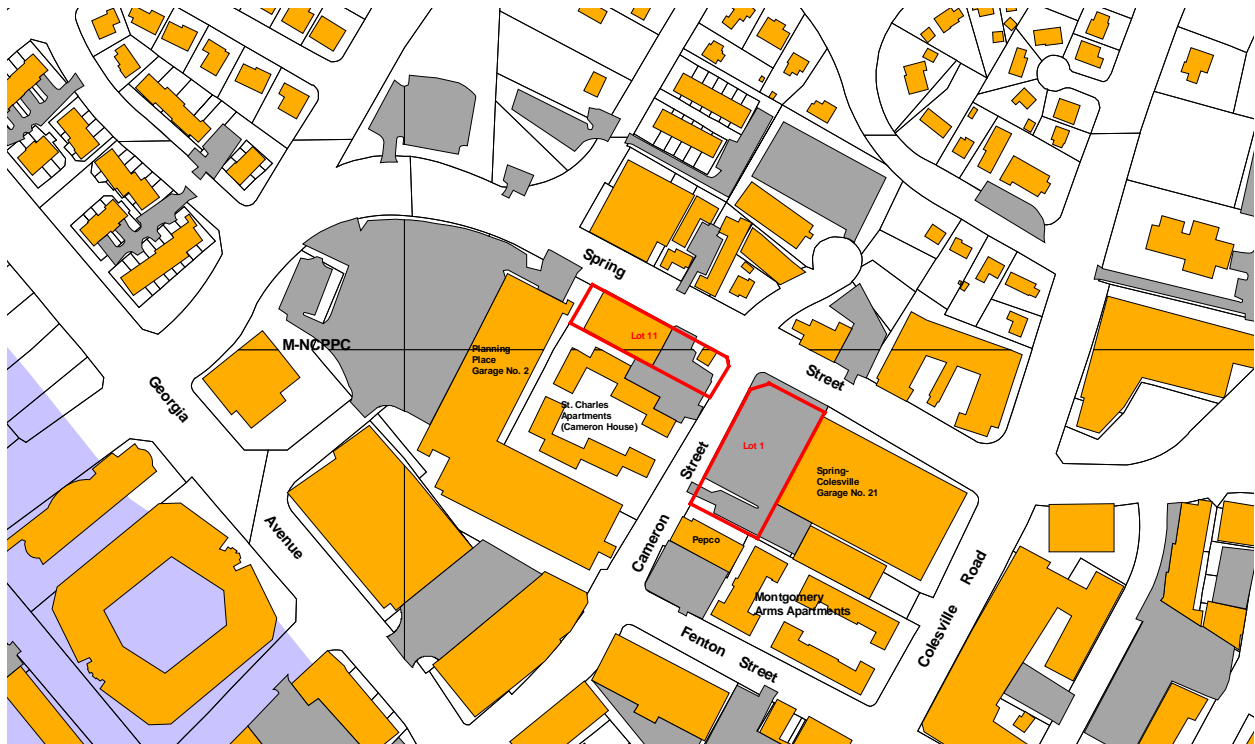
STAFF RECOMMENDATION FOR SITE PLAN 82007020: Approval of a maximum of 194,589 square feet of gross floor area, including 12,947 square feet of retail, 108, 218 square feet of office and 73,424 square feet of laboratory space, of which 12,020 square feet is cellar space, on approximately 1.44 acres. All site development elements as shown on United Therapeutics plans stamped by the M-NCPPC on April 13, 2007 and June 14, 2007, shall be required except as modified by the following conditions:

1. Project Plan Conformance
The proposed development shall comply with the conditions of approval for Project Plan #920040070 as listed in the Planning Board resolution dated November 30, 2004 [Attachment A], or as amended.
2. Preliminary Plan Conformance
The proposed development shall comply with the amended conditions of approval for Preliminary Plan #120040870 as listed in the Planning Board resolution dated November 30, 2004 [Attachment B], or as amended.
3. Lighting
 - a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential development.
 - b. All on-site light fixtures shall be full cut-off fixtures or equipped with shields, refractors or reflectors to negate glare, with the exception of the uplights or accent lights.
 - c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent residential properties.
 - d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads.
 - e. The up-lighting for the art component within the public use area of the site shall be allowed lateral flexibility within a foot of the approved site plans to permit final movement, location and design of the art element.
4. Fire and Rescue
The Applicant shall comply with the following condition of approval from the Fire Marshall in the memorandum dated June 26, 2007 [Appendix C]:
5. Stormwater Management
The proposed development is subject to Stormwater Management Concept approval conditions dated October 14, 2005 [Appendix C].
6. Public Art
The public art component shall consist of activated seating elements within the public use space of varying size and structure and shall be accessible to the public.
7. Maintenance Responsibility
The applicant shall become a member of and may enter into an agreement with the Silver Spring Urban District for the purpose of maintaining the on-site public open spaces, including the public art, seating areas, landscaping and lighting and participating in community events.
8. Development Program
Applicant shall construct the proposed development in accordance with the Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the certified site plan. The Development Program shall include a phasing schedule as follows:
 - a. All site features, including the public art, as defined by the certified site plan, shall be installed prior to issuance of the use and occupancy permit for each building.
 - b. Street tree planting and on-site landscaping shall progress as construction of the building is completed, but no later than six months after issuance of the use and occupancy permit for each building.
 - c. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.

- d. Phasing of dedications, stormwater management, sediment/erosion control, public use space, streetscape, public art, or other features.
9. Clearing and Grading
No clearing or grading prior to M-NCPPC approval of certified site plan.
10. Certified Site Plan
Prior to approval of the certified site plan the following revisions shall be included and/or information provided, subject to staff review and approval:
- a. Revised data table to match the data table in the staff report.
 - b. Development program, inspection schedule, and Site Plan Resolution.
 - c. All of the items specified in the site design, landscape, and lighting conditions of approval.
 - d. Provide documentation of a maintenance agreement with the Silver Spring Urban District for the non-standard elements with the public rights-of-way.

PROJECT DESCRIPTION: Surrounding Vicinity

The United Therapeutics Corporation development is within the CBD-1 Zone at the northern edge of the CBD district boundary for Silver Spring. The site consists of two lots that are separated by Cameron Street and front onto Spring Street. Lot 11 at the southwestern intersection of Cameron and Spring Street is surrounded by CBD-2 property to the west and south, while lot 1 is adjacent to CBD-1 property to the south and east. The mix of properties directly across Spring Street from Lot 11 are zoned CO (Commercial Office) and consist of a 3-story brick medical center and an 8-story office building with commercial and retail uses directly to the east. The 8-story building houses our Park Planning and Development Division, as well as our Historic Preservation Group, among other tenants. South of lot 11 is zoned CBD-2 and consists of a 3-story apartment complex known as St. Charles apartment house (now known as Cameron House-820060370 and approved for a 15-story mixed-use development). Surrounding the apartment complex is public parking garage No. 2 (Planning Place Garage) with access points on Cameron and Spring Streets. Directly across Spring Street from Lot 1 are 2 and 3-story residential houses that have been converted into medical and commercial offices. Lot 1 is an existing public surface parking lot associated with the public parking garage No. 21 (Spring-Colesville Garage) with access from Spring and Cameron Streets as well.



PROJECT DESCRIPTION: Site Description

The site consists of two recorded lots, Lot 11 (Plat Book 620, page 99-Block A, JC Wilson Estate) and Lot 1 (United Therapeutics Addition to Silver Spring). The original property for Lot 11 consisted of five lots in Plat Book M, page 24 of the same tract. Lot 11 is situated at the southwest intersection of Cameron and Spring Street while Lot 1 is located at the southeast intersection of the same streets. Lot 11 currently consists of a 2-story brick house at the intersection with a 3-story medical office building located to the west and separated by a small parking lot, specifically used by patrons of the medical practice. The original building is located at the western boundary adjacent to the entrance to Planning Place Parking Garage No. 2. A 3-foot wood fence separates the existing buildings from the adjacent apartment complex. Lot 1 currently houses the 3-story laboratory for United Therapeutics and surface parking. Metered parking exists all along Cameron Street and on both sides of Spring Street west of the intersection with Cameron Street.

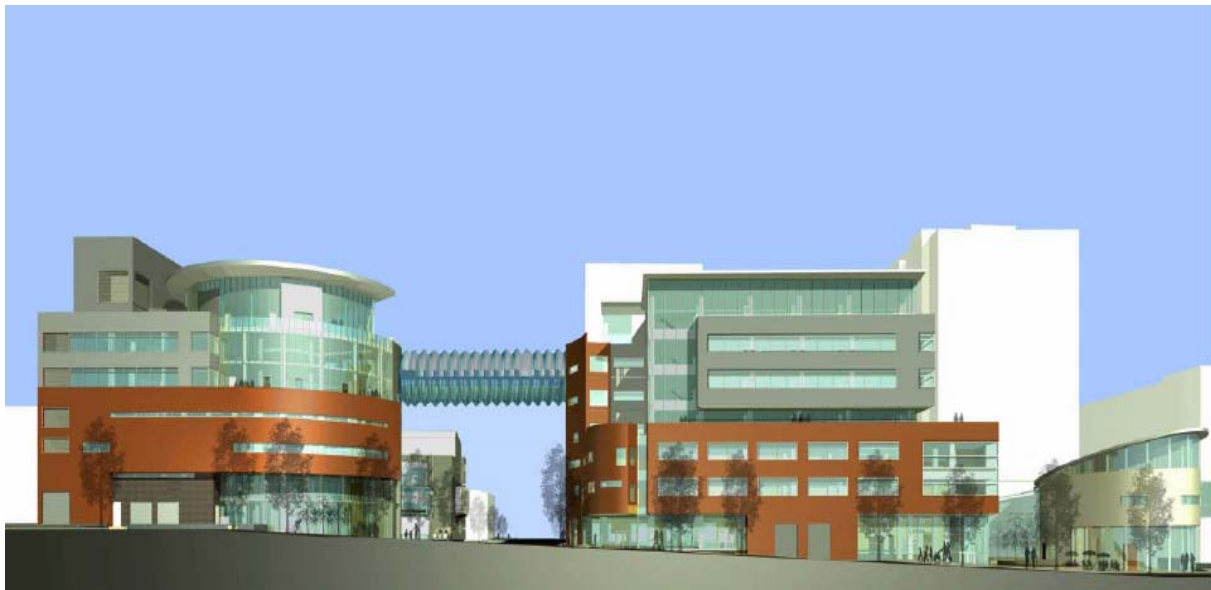
The topography on Lot 1 slopes from north to south by approximately 9 feet and Lot 11 by approximately 4 feet. The high point of the site is at the northeast corner adjacent to the entrance to Parking Garage No. 21 on Spring Street. There is no significant vegetation on the property with the exception of some shade trees at the southern boundary of both lots.



PROJECT DESCRIPTION: Proposal

The United Therapeutics development proposes a total of three buildings accommodating 194,589 gross floor area (gsf), one of which has already been constructed under the standard method of development. The total uses include 12,947 gsf of retail, 108,218 gsf of office and 73,424 gsf of laboratory, of which 12,020 gsf is cellar space on 1.44 acres. The total proposed FAR (Floor Area Ratio) is 1.91 for the proposed buildings, which is below the 2.0 FAR permitted in the CBD-1 Zone for projects utilizing the optional method of development.

The project consists of three phases. Phase I contains an existing 3-story laboratory in the southeast portion of lot 1, which was built under the standard method of development, and will remain. The 3-story building contains the research and development laboratories and related office, administrative and storage spaces. It will connect with the adjacent 8-story building directly north on Lot 1, which will contain retail space on the first floor and laboratory and office space on the remaining floors. This adjacent building is part of Phase II of the overall site (shown as Phase IIa on the site plan).



Phase III (shown as Phase IIb on the site plan) of the project will be the corporate headquarters expansion with an 8-story building on the eastern edge of the lot with an integrated public use space and stand alone circular retail building on the westernmost boundary. The connection between the two buildings will be via a pedestrian connector on the seventh floors of the two buildings, spanning Cameron Street. The first level of the 8-story buildings will be comprised of retail space accessed from a promenade along Spring Street. The remaining seven stories will consist of office and laboratory space associated with the biotechnology company.

The architectural design for the Project envisions a variety of innovative features including curving glass forms, a seventh floor pedestrian connector, roof gardens connected by a circular stair, arched covered walkways adjacent to street level retail shops, geometric roof forms with photovoltaic panels at the proper angular pitch toward the sun to generate power and artistically designed public spaces.



Vehicular Access/Parking

Vehicular access for the office and laboratory employees will consist of a below-grade parking facility containing 26 spaces for the building on lot 1 (eastern lot) and 23 spaces for the building on lot 11 (western lot). Access to the total 49 spaces will be from Spring Street on both lots. Pedestrian access is along the Cameron and Spring Street frontage and activated by the presence of the retail component. The main pedestrian access into the building on lot 1 (east side) is through the public use plaza, which integrates with the existing 3-story building. Pedestrian access to the building on lot 11 (west side) is from both Spring and Cameron Street.

Public Use Space

The on-site public use space consists of a plaza located directly in front of the 3-story and 8-story buildings on Lot 1, incorporating a variety of public art elements. The plaza will be interactive for pedestrians and employees of the building, as well as the patrons of the retail space. The proposed plaza will consist of specialty paving, water elements, lighting, landscaping and other design elements such as sculptural glass seating elements to invite the public into the space and blend architectural features relating to the building design. There is a second plaza adjacent to

the retail on Lot 11. The onsite public use space provided is 14,832 square feet or 24.3% of the net lot area.

Off-site improvements will include streetscape improvements along the south side of Spring Street and on both sides of Cameron Street, directly along the frontage of the property. All of the on and off-site improvements will consist of street trees, specialty pavers and specialty lighting as outlined in the *Silver Spring Streetscape (April 1992) Technical Manual*, as approved by the Montgomery County Department of Public Works and Transportation (DPWT). Overhead utilities will be relocated underground within the Spring Street and Cameron Street rights-of-way, consistent with the procedures for Optional Method Projects within the CBD. The total off-site improvement provided is 11,634 square feet or 19.1%. The combined totals for on and off-site improvements equal 43.5%, which exceeds the requirement of 20% in the CBD for optional method developments and complements the combined totals for other projects in the CBD with similar requirements.

PLANNING AND REGULATORY FRAMEWORK:

Master Plan

The Project Plan is in conformance with the Silver Spring Central Business District and Vicinity Sector Plan (February 2000). A description of the themes and goals for Silver Spring are outlined within the Sector Plan Conformance standards on page 17 of this report.

Prior Approvals

The proposed development is zoned CBD-1 (Central Business District-1). The applicant purchased Parking Lot 21 through the Mandatory Approval process (No. 03105-DED-1) to incorporate Lot 1 into the project plan application.

Project Plan

The Project Plan (920040070) was approved by the Planning Board on July 15, 2004 (Resolution dated November 30, 2004). An amendment to the Project Plan is being presented to the Planning Board concurrently with the Site Plan application to lower the total square footage, reallocate the square footage among the uses and modify the building design.

Preliminary Plan

A Preliminary Plan of subdivision (120040870) was approved by the Planning Board on July 15, 2004 (Resolution dated November 30, 2004), concurrently with the Project Plan. An amendment to the Preliminary Plan is being presented to the Planning Board concurrently with the Site Plan application to lower the total square footage, reallocate the square footage among the uses and provide for additional right-of-way dedication.

ANALYSIS: Conformance to Development Standards

PROJECT DATA TABLE FOR CBD-2 ZONE

Site Data

Subject Property: Lot 1 (United Therapeutics)
 Lot 11 (Block A, J.C. Wilson Estate-Silver Spring)
 Existing Zoning: CBD-1

<u>Zoning Ordinance Development Standard</u>	<u>Permitted/ Required</u>	Approved with Project Plan Amendment <u>9-04007A</u>	Proposed with Site Plan <u>82007020</u>
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Gross Tract Area: 22,000 sf

Lot 11	39,080 sf	No Change
Lot 1	<u>56,738 sf</u>	No Change
Total	95,818 sf	No Change

Net Site Area (after dedication) N/A

Lot 11 (39,080 – 14,125 sf [prior dedication]) =	24,955 sf	No Change
Lot 1 (56,738 – 19,203 sf [prior dedication]) =	<u>37,535 sf</u>	No Change
Total	62,490 sf	No Change

Permitted Building Area: 194,589 sf

Retail	16,000 sf	12,947 sf.
Office	148,598 sf	108,218 sf
Laboratory	<u>48,434 sf*</u>	<u>73,424 sf.*</u>
Total	213,032 sf*	194,589 sf.

Floor Area Ratio (FAR):

Optional Method	2	2	1.91
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Building Height (ft.):

Building 1 (east side)	90	90	90 (as measured from Cameron St. and shown on the Site Plan)
Building 2 (west side)	90	90	90 (as measured from Cameron St. and shown on the Site Plan)

Min. Building Setbacks (ft.):

Building 1 (east side)

Front Yard (Cameron Street)	Not specified	2	2
Rear yard	Not specified	0	0
Side Yard (north)	Not specified	10	10
Side Yard (south)	Not specified	0	0

Building 2 (west side)

Front Yard (Cameron Street)	Not specified	2	2
Rear yard	Not specified	0	0
Side Yard (north)	Not specified	10	10
Side Yard (south)	Not specified	0	0

Parking (number of space)**:

Retail (12,947 sf @ 5/1000)	65		
Office (108,218 sf @ 2.4/1000)	260		
Laboratory (73,424_sf @ 1.5/1000)	<u>111</u>		
Total	436	49**	49**

Public Use Space (% of net lot area):

On-Site	20%	24.4%	24.3%
	12,498 sf	14,904 sf	14,832
Off-Site		19.8%	19.1%
		12,112 sf	11,634 sf.

Total On and Off-Site

Public Use Space		44.2%	43.5%
		27,016 sf	26,466 sf.

* Laboratory space includes 21,396 s.f. of cellar space in the original approval (Project Plan 920040070) and 12,020 square feet with the amendment (92004007A), which is not included in the total FAR of the proposed development

** The proposed development is within the Silver Spring Parking District and is not required to provide any parking on site if they are subject to the Parking District Tax.

FINDINGS: For Site Plan Review

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan;*

If the Project Plan is amended in accordance with recommended conditions, the proposed development is consistent with the Project Plan amendment (#92004007A) in land use, density, location, and building height and development guidelines.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The Site Plan meets all of the requirements of the CBD-1 Zone as demonstrated in the project Data Table on page 9.

3. *The location of the building and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

- a. Buildings and Structures

The two proposed buildings are situated on the lots so as to frame Spring Street. The architectural design for the Project envisions a variety of innovative features including curving glass forms, a seventh floor pedestrian connector, roof gardens connected by a circular stair, arched covered walkways along street level retail shops, geometric roof forms with photovoltaic panels at the proper angular pitch toward the sun to generate power, as well as artistically designed public spaces.

- b. Open Spaces

The on-site public use space consists of a plaza located directly in front of the 3-story and 8-story buildings on Lot 1, incorporating a variety of public art elements. The plaza will be interactive for pedestrians and employees of the building and for patrons of the retail space. The proposed plazas will consist of specialty paving, water elements, lighting, landscaping and other design elements such as sculptural glass seating elements to invite the public into the space and blend architectural features relating to the building design. The public space will also include seating areas, blended with landscaping and specialty lighting, for pedestrians and patrons of the retail space on Lot 11. The total on-site public use space provided is 14,832 square feet or 24.3% of the net lot area.

Off-site improvements will include streetscape improvements along the south side of Spring Street and on both sides of Cameron Street, directly along the frontage

of the property. All of the on and off-site improvements will consist of street trees, specialty pavers and specialty lighting as outlined in the *Silver Spring Streetscape (April 1992) Technical Manual*, as approved by the Montgomery County Department of Public Works and Transportation (DPWT). Overhead utilities will be relocated underground within the Spring Street and Cameron Street rights-of-way, consistent with the procedures for Optional Method Projects within the CBD. The total off-site improvement provided is 11,634 square feet or 19.1%. The combined totals for on and off-site improvements equal 43.5%, which exceeds the requirement of 20% in the CBD for optional method developments and complements the combined totals for other projects in the CBD with similar requirements.

c. Landscaping and Lighting

The applicant proposes to improve the Spring Street streetscape using the Type B treatment as specified in the Silver Spring Streetscape Plan Technical Manual. The applicant is proposing Red Oaks within the amended soil panels, brick pavers and streetlights (Washington Globe) along the Spring Street frontage. Cameron Street will be improved as specified in the Silver Spring Streetscape Plan Technical Manual with the recommended species of Shademaster Honeylocust within the amended soil panels, brick pavers and streetlights (Washington Globe). Undergrounding of utilities is proposed with the streetscape improvements along the entire frontage of the property on Cameron and Spring Streets.

The applicant is also proposing to implement some standard and non-standard elements within the street right-of-way such as sculptural glass seating, a Bio-Walk of Fame, granite or concrete pavers, planted tree pits and benches. The proposal does not maintain the quantity and spacing conventions for the street trees. The applicant has met with staff, the Department of Public Works and Transportation (DPWT) and the Department of Permitting Services (DPS) regarding the use of the non-standard streetscape elements. The non-standard elements will compliment the proposed public use spaces and encourage pedestrian circulation. A waiver for the non-standard elements within the public right-of-way has been submitted to the Silver Spring Urban District,

The lighting plan is comprised of pedestrian level bollards throughout the entire site, specifically surrounding the building frontage and circular drop-off for vehicular circulation. The streetscape is comprised of the standard Washington Globe fixture at 60 feet on center between the street trees.

d. Recreation

Recreation is not required for non-residential projects, however, the plan provides for outdoor seating areas and gathering spaces to facilitate active and passive recreational needs in the CBD.

e. Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation is safe, adequate and efficient.

Forty-nine parking spaces are proposed for the employees on-site, within a sub-surface parking garage. Twenty-six of the spaces will be beneath the building on the eastern lot. Service access to the building on the eastern lot is provided from Spring Street near the northeastern boundary and adjacent to the access for the county parking garage. The service access consists of two separate driveways, one for loading and the other for vehicle parking. The remaining twenty-three spaces are provided beneath the third building on the western lot, which is also accessed from Spring Street. Although a total of 436 spaces are required by the zoning ordinance, the property is within the Silver Spring Parking District, which relieves the applicant from providing all of the parking on site. The lack of parking on site encourages the use of the county parking facilities and provides incentive for employees to ride public transportation such as metro bus, ride-on and the metro.

The applicant is also required to enter into a Transportation management Agreement with the Planning Board and the Montgomery County Department of Public Works and Transportation (DPWT) to participate in the Silver Spring Transportation Management District in achieving and maintaining its traffic mitigation goal for new development of auto drivers being no more than 50% of all employees arriving and departing during peak hours. The TMA will outline possible transit alternatives, monitoring of the program and commuter display information. A draft agreement has been submitted for review by our transportation planning staff and will be finalized during the record plat phase.

The streetscape improvements along both sides of Cameron Street and along the south side of Spring Street facilitate the desire for pedestrian connectivity to the bus and metro station. The full streetscape improvements being provided along Cameron Street will be in context with the streetscape improvements proposed for the adjacent Cameron House project.

4. *Each structure and use is compatible with other uses and other Site Plans and with existing and proposed adjacent development.*

The project is complementary to the range of commercial characteristics of the surrounding neighborhood. The plan's design and scale, pedestrian and vehicular circulation and improvements to the streetscape provide an enhancing and interactive relationship, and creates a gateway into downtown Silver Spring. The proposed development is compatible with the existing development occurring in downtown Silver Spring and will encourage redevelopment of adjacent properties in the CBD.

The proposed 8-story buildings will be 90 feet in height from the street grade at Cameron and Spring Streets. The standard height in the CBD-1 Zone is 60 feet but may be increased in accordance with the conditions in the Montgomery County Zoning

Ordinance [Sect. 59-C-6.2]. For projects involving more than one lot, the Planning Board may approve a height over 90 feet, but not more than 143 feet. The surrounding office buildings, adjacent parking garages and apartment complex range in height from 2-8 stories. The buildings on Spring Street will be set back approximately 15 from the curb and approximately 15-20 feet from the Cameron Street right-of-way.

The applicant proposes to improve the streetscape with street trees, specialty pavers and lighting to assist in integrating the proposed building with the surrounding environment including both the employment and residential communities. The applicant has made a commitment to enhancing public participation and enjoyment by proposing a series of public plazas with art, seating and landscaping.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The property is exempt from the forest conservation requirements pursuant to the approval by Environmental Planning on September 23, 2004.

The Montgomery County Department of Permitting Services (DPS) has conditionally approved the stormwater management for this development. The stormwater management concept consists of on-site water quality control via a separator sand filter and a Stormfilter. Channel protection requirements have been waived. On-site recharge is not required since this site is considered as redevelopment.