

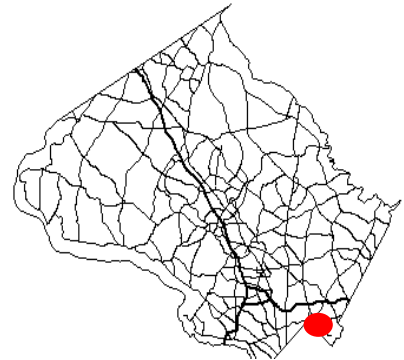


MONTGOMERY COUNTY PLANNING DEPARTMENT
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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
 Richard Weaver, Subdivision
 Coordinator
 Development Review Division
 (301) 495-2187 and 301 495-4544



PROJECT NAME: **United Therapeutics Corporation
 Silver Spring Campus**
CASE #: 92004007A and 12004087A
REVIEW TYPE: Project Plan and Preliminary Plan
 Amendment
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 intersection of Cameron Street and Spring Street
 in Downtown Silver Spring
MASTER PLAN: Silver Spring Central Business District
REVIEW BASIS: Division 59-D-2.11 of the Zoning Ordinance requires submission of a
 Project Plan as part of the application for the use of optional method of
 development for a CBD zoned property.
 Chapter 50 and 59 of the Montgomery County Subdivision Regulations
APPLICANT: United Therapeutics Corporation
FILING DATE: April 2, 2007
HEARING DATE: July 19, 2007

Attached is the Project Plan and Preliminary Plan staff report for the proposed United Therapeutics Corporation Silver Spring Campus. The Planning Board public hearing for this application is scheduled for July 19, 2007. The staff recommends Approval with conditions as delineated in the staff report.

TABLE OF CONTENTS

Summary	3
Staff Recommendations.....	4
• Project Plan	
• Preliminary Plan	
Project Description	
• Surrounding Vicinity.....	7
• Site Description.....	8
• Project Description-Proposal.....	9
• Prior Approvals.....	12
Basis for Consideration of Issues.....	13
Required Findings	
• Compliance with the intent and requirements of the zone.....	14
• Compliance with the Sector Plan.....	20
• Compatibility with the general neighborhood.....	22
• Adequacy of the existing or programmed public services.....	23
• More desirable than the standard method of development.....	24
• Provision of moderately priced dwellings units (MPDUs).....	24
• Development involved in more than one lot or one CBD zone.....	25
• Requirements for forest conservation.....	25
• Requirements for water quality resource protection.....	25
Attachments	
• A-Project/Preliminary Plan Resolution	
• B- Memoranda from Staff	

Summary

Proposal

United Therapeutics, a drug manufacturing company, maintains its corporate headquarters in downtown Silver Spring and has an approved Project Plan that calls for expanding their presence in their current location through the construction of a total of three buildings and associated public amenities. This amendment to the Project Plan actually seeks to decrease the total proposed gross floor area by a little less than 9 percent, from 213,032 square feet to 194,589 square feet. The reductions to the total square footage are primarily in the retail and office segments, while the laboratory space has increased. The Preliminary Plan changes the square footage numbers for each use to be consistent with the Project Plan; however, it continues to acknowledge that the overall square footage for the development could be as high as the maximum 213,032 square feet permitted by the Adequate Public Facilities (APF) approval. The project will be developed in three phases and will consist of a total of three buildings, one of which has already been completed under the standard method of development and will remain. The applicant is also proposing to link the two buildings in Phase II and III (shown on the site plan as Phases II a and II b) via a pedestrian connection at the 7-story level. The connector provides circulation between the laboratories and the offices, spanning Cameron Street, while maintaining the security concerns of the applicant. The development will be located on two lots separated by Cameron Street. The 8-story buildings will be 90 feet in height.

Public Amenity

The proposal will improve full streetscape frontage along Spring Street and Cameron Street with brick sidewalks, street trees and streetlights. There will be an outdoor plaza area centered between the 8-story and 3-story buildings on Lot 1 and a second large public use space on Spring Street on the western lot (lot 11). The public plazas will contain public art elements, a special paving treatment to accentuate the street and buildings, 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 (9/21/05) and Silver Spring Urban District Advisory Board (10/20/05). 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 the organizations.

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.

Concurrent Review

The Applicant has filed an amendment to the Preliminary Plan application #12004087A and a new site plan #820070200, which is being processed concurrently with the Project and Preliminary Plan amendment, and will be heard by the Planning Board on the same day.

STAFF RECOMMENDATION FOR PROJECT PLAN AMENDMENT 92004007A:

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 June 14, 2006, shall be required except as modified by the following conditions:

1. Prior Approvals

The Applicant shall comply with the previous conditions of approval for Project Plan 920040070 dated November 30, 2004 [Appendix A], except as modified by the subject amendment.

2. Development Ceiling

The proposed development shall be limited to 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. The total square footage for FAR is 182,569 square feet.

3. Building Height/Mass

The height of the proposed buildings shall not exceed 90 feet as measured from Cameron Street.

STAFF RECOMMENDATION FOR PRELIMINARY PLAN AMENDMENT 12004087A:

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.

1. a. Record plat must reflect 5 feet of right-of-way dedication to provide 40 feet from the centerline of Spring Street along the frontage of Lot 12¹.
- b. Phase I: On Lot 1, replace the existing public surface Parking Lot 21 with up to 48,434 gross square feet of laboratory use that includes 12,020 gross square feet of usable cellar space.
- c. Phase II: On Lots 1 & proposed Lot 12, the proposed land uses are as follows:
 - 1) On Lot 1 (Phase IIA); up to 70,486 gross square feet (including general office use, laboratory, and general ground floor retail uses) and including underground parking.

¹ Once the land has been dedicated for public use, lot 11 will be replatted and become lot 12.

- 2) On proposed Lot 12 (originally lot 11 and not shown in Phase IIB), replace the existing three-story headquarters building, three-story medical building, two-story medical building and dental office in the detached residential structure with up to 75,669 gross square feet (including general office use and general ground floor retail uses) and including underground parking.
2. All previous conditions of Planning Board Opinion dated November 30, 2004 remain in full force and affect.

Preliminary Plan Review

The application was brought to the Development Review Committee where comments from all appropriate review agencies were received. As part of the submittal, the applicant provided a traffic statement that indicated that the vehicular trips generated by the amended square footage would result in a decrease of traffic; below the traffic generated by the 213,032 square feet previously approved. The application has received approvals from all agencies involved with the review of preliminary plans, including Montgomery County Department of Permitting Services (MCDPS), Montgomery County Department of Public Works and Transportation (MCDPWT) and the Montgomery County Fire and Rescue Services (MCFRS). The revision to condition No. 1 of the original Planning Board Opinion and as recommended by Planning Staff in this report reflects a change to the uses and square feet previously approved. The amendment is recommended for approval.

MCDPS re-affirmed their stormwater management concept approval in a letter dated April 5, 2007. The MCFRS approved a fire access plan on _____. MCDPWT approved the road improvements by letter dated June 28, 2007.

Preliminary Plan Findings

Subdivision Regulations and Adequate Public Facilities

The application was reviewed for adequacy of public facilities and was found to comply with all requirements for access, water and sewer, stormwater management, schools and fire and rescue. All relevant agencies required to review the adequacy of these facilities have provided the necessary approvals. Additionally, the proposed lot size, width, shape and orientation are appropriate for the location of the subdivision. The Plan complies with all applicable section of the Montgomery County Subdivision Regulations.

Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 59, and the Zoning Ordinance. The lots were reviewed for compliance with the dimensional requirements specified in the Zoning Ordinance for the CBD-1 zone using the optional method of development. The lots as proposed will meet all applicable dimensional requirements for area, frontage, width, and setbacks in that zone.

Master Plan

The Silver Spring Central Business District and Vicinity Master Plan placed the property in the CBD-1 zone by sectional map amendment on July 18, 2000. The Master Plan outlined six themes, which articulated the shared goals and themes for a revitalized Silver Spring. Staff reviewed this plan for conformance to the Master plan. The project provides office/laboratory space as well as retail and other business opportunities all of which support the Master Plan vision. Staff finds the preliminary plan amendment to conform to the Master Plan recommendations.

Transportation

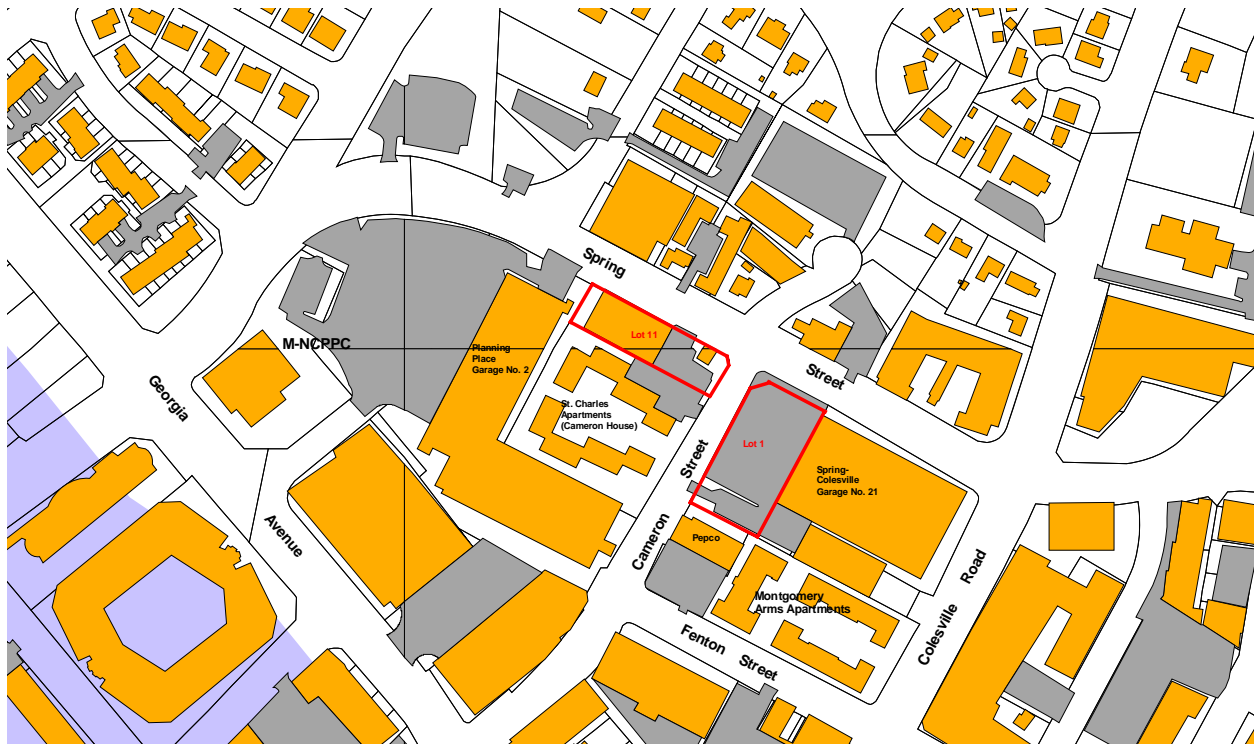
As discussed above the applicant was required to revise the traffic study as a traffic statement. Staff has reviewed the revised statement and finds that no additional traffic improvements are required to meet the Local Area Transportation Review (LATR) standards. Vehicular and pedestrian safety is adequately served by the plan. The plan has been reviewed and approved by the Montgomery County Department of Public Works and Transportation in a letter dated June 28 2007. This Plan is found to comply with the LATR guidelines.

Environmental

The Preliminary Plan was found to comply with the Montgomery County Forest Conservation Law (Chapter 22A) of the Montgomery County Code.

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 include a 3-story brick medical center with a larger, eight story building with commercial and retail offices directly to the east. The 8-story building houses our Park Planning and Resource Division, as well as our Historic Preservation Staff. South of lot 11 is zoned CBD-2 and consist 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. The properties directly across Spring Street consist of 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 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 the 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 to amend the approved project plan and preliminary plan to reduce the gross floor area from 213,032 gross floor area (gsf) to 194,589 gsf. The totals include 12,947 gsf of retail, 108,218 gsf of office and 73,424 gsf of laboratory, of which 12,020 gsf will be cellar space, on 1.44 acres. The total FAR (Floor Area Ratio) will be 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.

Building Design

The project consists of three buildings constructed in 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. This building was constructed in advance of the project and site plan approval but is shown for purposes of context, design and total permitted FAR on the site. 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.



Phase II of the project will be the corporate headquarters expansion with an 8-story building on the western lot and an 8-story building on the eastern lot. 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 two 8-story buildings will be comprised of retail space accessed from a sidewalk arcade from 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 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. The building design did change, specifically on lot 11 to the west of the site. The primary change was the elimination of the existing headquarters and modification of the design to incorporate new building features. The design embraces the site's role as an urban gateway to Silver Spring.

Vehicular Access/Parking

Vehicular access for the office and laboratory employees will consist of 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 49 spaces will be from Spring Street on both lots. Lot 1 directly abuts County Parking Garage No. 21, a 4-story parking facility, on the east side of Cameron Street. Lot 11 on the west side of Cameron Street is adjacent to Parking Garage No. 2 (Planning Place Garage), a 4-story parking facility. Metered on street parking currently exists on both Cameron and Spring Streets.

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. This 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. The primary public use area on Cameron Street has not changed significantly, although an enhanced area has been modified on the western end of lot 11. The total on-site public use space being provided has been reduced very slightly from 14,904 square feet or 24.4% to 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 being provided has been reduced from 12,112 square feet or 19.8% of the net lot area to 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. The minor changes to the public use space are a result of the building design and access.

PLANNING AND REGULATORY FRAMWORK:

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 20 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).

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.

BASIS FOR CONSIDERATION OF ISSUES

Per Sec. 59-D-2.43, in making its decision on an application for an optional method development in making the required findings, the Planning Board must consider the following:

- (a) *The nature of the proposed site and development, including its size and shape, and the proposed size, shape, height, arrangement and design of structures, and its consistency with an urban renewal plan approved under Chapter 56.*
- (b) *Whether the open spaces, including developed open space, would serve as convenient areas for recreation, relaxation and social activities for the residents and patrons of the development and are planned, designed and situated to function as necessary physical and aesthetic open areas among and between individuals structures and groups of structures, and whether the setbacks, yards and related walkways are located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation and necessary vehicular access.*
- (c) *Whether the vehicular circulation system, including access and off-street and loading, is designed to provide an efficient, safe and convenient transportation system.*
- (d) *Whether the pedestrian circulation system is located, designed and of sufficient size to conveniently handle pedestrian traffic efficiently and without congestion; the extent to which the pedestrian circulation system is separated from vehicular roadways so as to be safe, pleasing and efficient for movement of pedestrians; and whether the pedestrian circulation system provides efficient, convenient and adequate linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities.*
- (e) *The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type of use and neighborhood.*
- (f) *The adequacy of provisions for construction of moderately priced dwelling units in accordance with Chapter 25A if that Chapter applies.*
- (g) *The staging program and schedule of development.*
- (h) *The adequacy of forest conservation measures proposed to meet any requirements under Chapter 22A.*
- (i) *The adequacy of water resource protection measures proposed to meet any requirements under Chapter 19.*

FINDINGS for Project Plan Review:

Section 59-D-2.42 of the Zoning Ordinance establishes the findings, which must be made by the Planning Board and forms the basis for the Board's consideration of approval. In accordance herewith, the staff makes the following findings:

- (a) *It would comply with all of the intents and requirements of the zone.*

Purpose Clause Section 59-C-6.212

The Montgomery County Zoning Ordinance states the purposes, which the CBD zones are designed to accomplish. The following statements analyze how the proposed Project Plan conforms to these purposes:

- (1) *“to encourage development in accordance with an adopted and approved master or sector plan, or an urban renewal plan approved under Chapter 56 by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan or urban renewal plan and the site plan or combined urban renewal project plan is approved on review by the Planning Board.”*

The Project Plan amendment continues to utilize the optional method of development and is in conformance with the Silver Spring Central Business District and Vicinity Sector Plan. Using this more intense method of development conforms to the goals of the Sector Plan. The proposed development comes close to maximizing its permitted gross floor area and Floor Area Ratio (“FAR”), under the Optional Method of Development by providing 194,589 gsf, but this is 18,443 square less than the originally permitted 213,032 gsf. The 194,589 gsf also includes 12,020 gsf of cellar space for the laboratory, which is not calculated as part of the FAR. The amendment reduces the amount of retail from 16,000 square feet to 12,947 square feet and the office from 148,598 square feet to 108,218 square feet. The proposal does increase the laboratory space from 48,434 square feet to 73,424 square feet. Total buildable area for the amendment changes from 2.0 FAR to 1.91 FAR.

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 height of the proposed buildings shall not exceed 90 feet. This application is consistent with the previous approval, which permitted the 90-foot height.

The Project Plan amendment will further accomplish important Sector Plan objectives by providing retail, office and laboratory space in the CBD, while improving the public realm and providing public use space.

- (2) *“permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central*

business districts to meet the needs and requirements of workers, shoppers and residents.”

The project plan amendment continues to respond to the need for employment in downtown Silver Spring and addresses the need for smart growth policies by locating buildings where infrastructure, community facilities and elements of an urban district already exist. Using the optional method, this project encourages the development of active urban streets by providing public spaces along the Cameron and Spring Street edges and improves the quality of the pedestrian environment within the improved streetscapes. The proposed streetscape and public amenities will promote public interaction in the downtown Silver Spring area. The amendment continues to support the economic base in the downtown area by making it more convenient for employees in Silver Spring to live near their work, even with the reduction in retail and office. However, the increase in laboratory space provides for a different economic base at the edge of the CBD. This project will also increase the vitality of downtown Silver Spring and add an economic infrastructure for commercial and retail businesses in the core area.

- (3) *“To encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas.”*

The proposed project amendment continues to strengthen the northern boundary of the CBD by complementing the scale and mix of existing design elements along Cameron Street and Spring Street while respecting the height limitations and providing a compatible and desirable relationship with adjacent and surrounding uses. The proposed project creates a gateway into the core area of downtown Silver Spring by complementing the scale and mix of existing architecture. The proposed design, building façade, streetscape improvements, public use space and amenities integrate this project with the existing framework of downtown Silver Spring. The proposed 8-story and 3-story buildings will blend well with the mix of mid-rise buildings along the north side of Spring Street. The proposal does not change the previously approved height of 90 feet along the street frontage for both Cameron and Spring Streets, and is compatible with the adjacent zones and uses.

The compatibility of the building is enhanced by the existing mix of 2-8-story residential and commercial buildings to the north and south of the property. The improved streetscape will begin the gateway into Silver Spring and improve the pedestrian link on the south side of Spring Street and the frontage along the east and west sides of Cameron Street. The design provides an effective relationship with adjacent uses and amenities and allows for a more interactive pedestrian and vehicular pattern. This development will help promote redevelopment of the existing uses surrounding the site and creates a framework for an actual gateway into the core area of downtown Silver Spring, as well as the Silver Spring Metro Station.

- (4) *“To promote the effective use of transit facilities in the central business district and pedestrian access thereto.”*

The proposed development is located less than a half mile (10 minute walking distance) from the Silver Spring Metro Station. The proximity to transit facilities and the availability of other services in the downtown core will reduce the dependency on the automobile for the employees of the development. The streetscape improvements along Cameron Street and Spring Street also facilitate pedestrian connectivity to the bus and metro station at Colesville Road and 2nd Street.

Additionally, proximity to the adjacent parking garages will facilitate pedestrian circulation for the employees of the office, laboratory and retail components of the buildings. The design of the buildings incorporates a pedestrian covered arcade along the façade on Spring Street to the parking garage to encourage use of the parking garage and provide pedestrian interaction on the street.

- (5) *“To improve pedestrian and vehicular circulation.”*

This project plan encourages the development of active urban streets and improves the quality of the pedestrian environment by providing enhancements to the streetscape as prescribed in the *Silver Spring Streetscape (April 1192) Technical Manual, as amended*. The streetscape will include street trees, streetlights and specialty paving to integrate the site amenities with pedestrian movement on the streets.

Vehicular circulation is enhanced with improved right-of-way along the south side of Spring Street and on both sides of Cameron Street along the property frontage. Parking is provided on Lot 1 (east side) with access from Spring Street adjacent to the present access into Parking Garage No. 21. The access to the loading space has been modified from its original location south of the 3-story building and directly adjacent to the proposed vehicular access on Cameron Street. The loading space does not interfere with vehicular traffic in the garage and provides a separate area for the retail space and infrequent deliveries. The parking structure has been modified to provide for 26 spaces, including 1 handicapped accessible van space and 1 handicapped accessible car space. DPWT and DPW have approved the location and increase in multiple access points on Spring Street. Signs indicating traffic circulation in and out of the garage will promote safety for pedestrian activity in the public use space.

The loading space originally approved on lot 11 (west side) has been modified to provide for an additional 23 spaces for the Phase II segment.

- (6) *“To assist in the development of adequate residential areas for people with a range of different incomes.”*

There is no housing as part of this project therefore this section does not apply.

(7) “To encourage land assembly and most desirable use of land in accordance with a sector plan.”

This project expands the employment base within the CBD by providing a new sector (bio-tech) to a Central Business District by providing new retail opportunities. The project encourages active urban streets by providing street-facing retail and easily accessible and highly visible public spaces.

Requirements of the CBD-1 Zone

The following table demonstrates the conformance of the Project Plan with the development standards under the Optional Method of Development.

PROJECT DATA TABLE FOR CBD-1 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 <u>Plan 9-04007</u>	Proposed with Project Plan Amendment <u>9-04007A</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:	191,636 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>

<u>Zoning Ordinance Development Standard</u>	<u>Permitted/ Required</u>	<u>Approved with Project Plan 9-04007</u>	<u>Proposed with Project Plan Amendment 9-04007A</u>
Total		213,032 sf*	194,589 sf.
Floor Area Ratio (FAR): Optional Method	2	2	1.91
Building Height (ft.):	90	90	90 (as measured From Cameron St. And shown on the Project Plan)
Parking:			
<u>Originally approved parking (920040070)</u>			
Retail (16,000 sf @ 5/1000)	80		
Office (148,598 sf @ 2.4/1000)	357		
Laboratory (36,414 sf @ 1.5/1000)	<u>55</u>		
Total	492	23**	
<u>Proposed parking (92004007A)</u>			
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**
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 as long as they are paying the Parking District Tax.

Amenities and Facilities Summary

On-Site Improvements

Public Plazas

- Paved public plaza areas along majority of site frontage to compliment streetscape improvements
- Public Art to highlight public’s interest in the revitalization efforts of downtown Silver Spring and its design concept. Art to be designed in more detail at site plan will help engage pedestrian activity. Art work may include sculptural seating “blocks”, paving elements, including the lighted paving elements that will be inscribed with the names of inductees for the Bio-Walk of Fame, water jets and special pavement including radial arcs.
- Specialty lighting in the plaza and for the art elements to accentuate and visually activate the plaza at night.
- Raised planters of masonry material to compliment public art and amenities and social gatherings for pedestrians.
- Landscape beds and planters with irrigation and plant material for seasonal accent and color. Plaza trees to be complimentary to Spring Street and Cameron Street streetscape as well as providing a canopy for shade within the seating areas.
- Plaza areas to be effectively integrated with indoor/outdoor retail space
- Loading access area to provide brick paving complimentary of the streetscape improvements
- Existing overhead utilities to be installed underground consistent with the Silver Spring Master Plan
- Will provide space for public outdoor interaction
- Two feet of additional paving on lot 11 outside of the public right-of-way, consistent with the streetscape improvements on the west side of Cameron Street, extending the paving within the public right-of-way
- Will make available a space for entertainment as needed in conjunction with the Silver Spring Urban District (SSUD), and accommodations for outdoor entertainment

Off-Site Improvements

Spring Street and Cameron Street Right-of-Way

- Streetscape on the south side of Spring Street along the entire property frontage, to include Street trees (Red Oaks), Brick Pavers and Street Lights (Washington Globe) consistent with Silver Spring Streetscape Technical Manual
- Streetscape on the east and west side of Cameron Street along the entire property frontage to include Street trees (Shademaster Honeylocust), Brick Pavers and Street Lights (Washington Globe) consistent with Silver Spring Streetscape Technical Manual
- Brick driveway apron consistent with patterns proposed in the plaza, entrance to parking garage from Spring Street and to parking garage south of Lot 1
- Existing overhead utilities to be installed underground consistent with the Silver Spring Master Plan

(b) *The proposal conforms to the approved and adopted Master or Sector Plan or an Urban Renewal Plan approved under Chapter 56.*

1) Zoning and Land Use:

The approved CBD Sector Plan recommended CBD-1 (Central Business District, 1.0) zoning for this site. This zoning was enacted through the Sectional Map Amendment (SMA) adopted July 18, 2000, per County Council Resolution 14-600.

The proposed commercial development will be the new corporate headquarters and laboratory for United Therapeutics, a bio-tech company currently headquartered at 1110 Spring Street. The proposed development is utilizing the optional method of development in the CBD-1 zone.

The proposed project plan conforms to the uses permitted in the existing CBD-1 Zone for the site. The proposed development maximizes its permitted gross floor area and Floor Area Ratio "FAR", under the Optional Method of Development by providing 194,589 gsf, which is 18,443 square less than the permitted 213,032 gsf and 2.0 FAR. The project also proposes 12,020 gsf of cellar space for the laboratory, which is not calculated as part of the FAR. The amendment reduces the amount of retail from 16,000 square feet to 12,947 square feet and the office from 148,598 square feet to 108,218 square feet, while increasing the laboratory space from 48,434 square feet to 73,424 square feet.

The minimum required public use space for this project is 12,225 sf (20% of the net lot area or 61,124). The project plan amendment proposes 14,832 sf or 24.3% of the net lot area on site, dedicated to public use space, in addition to the 11,634 sf or 19.1% proposed for off-site streetscape improvements within the right-of-way of Spring Street and Cameron Street. The total public use and amenity space

provided by the applicant for this development is 26,466 sf or 43.5% of the net lot area. The amendment decreases the total public use and amenity space by 550 square feet or 0.7% of the net lot area due to building design modifications.

2) Sector Plan Conformance:

The Silver Spring Central Business District and Vicinity Sector Plan, approved by the County Council on February 1, 2000 outlines six themes, which articulate the shared goals and vision for a revitalized Silver Spring (See Appendix A-Community-Based Planning Memorandum dated June 28, 2004). Three of these six themes (i.e. a commercial downtown, a green downtown and a pedestrian-friendly downtown) directly apply to this proposed development. This project expands the employment base within the CBD by providing a new sector (bio-tech) to a Central Business District as well as providing new retail opportunities. This project is being developed under the optional method of development and proposes new public open spaces and an engaging streetscape design. This project plan amendment continues to encourage the development of active urban streets by providing street-facing retail and easily accessible and highly visible public spaces as activity generators. This proposal improves the quality of the pedestrian environment by providing high-quality streetscape.

- a) Compatibility:** The Sector Plan addresses issues relevant to compatibility by requiring special development standards with regard to building heights and setbacks. The height of the proposed buildings meets the intent of the zone and requirements within 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 two buildings were approved for 90 feet with the original approval. 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 buildings with the surrounding environment including employment and residential communities. The applicant has committed to enhancing public participation and enjoyment by proposing a series of public plazas with art, seating and landscaping.

- b) Streetscape:** This development proposes improvement to the south side of Spring Street and the east and west sides of Cameron Street along the frontage of the property, consistent with the design guidelines of the *Silver Spring Streetscape (Adopted April 1992) Technical Manual*.

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 of the non-standard streetscape elements has been submitted to the Silver Spring Urban District, for the non-standard elements within the public right-of-way.

- c) Public Art:** The Planning Commission has formed an Art Review Panel composed of representatives from the development, academic and arts community. The Panel provides input on the location, type and community context for all public art proposed for Optional Method Development projects in Silver Spring. The applicant met with the Silver Spring CBD Art Review Panel on May 26, 2006 for its review and guidance.

- (c) *Because of its location size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.***

The project is complementary to the range of commercial characteristics of the surrounding neighborhood. The amendment creates a complimentary design and scale for the site, enhanced pedestrian and vehicular circulation and improvements to the streetscape. The proposed development is compatible with the existing development occurring in downtown Silver Spring and encourages redevelopment of adjacent properties in the CBD.

- (d) ***As conditioned, the proposal would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under Chapter 42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.***

The property will not overburden existing public services by the improvements that are being made to the streetscape for pedestrian accessibility to the metro and taking advantage of existing vehicular traffic conditions.

The project proposes 194,589 square feet of office, retail and laboratory space within the Central Business District of downtown Silver Spring. Forty-nine parking spaces are proposed for the employees on-site, within a sub-surface parking garage. A total of 436 spaces are required by the zoning ordinance, but the property is within the Silver Spring Parking District, relieving the applicant from providing all of the parking on site. This 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 and help to achieve and maintain the District's traffic mitigation goal for new development that no more than 50% of all employees arriving and departing from work drive automobiles during the peak hours.

- (e) ***The proposal will be more efficient and desirable than could be accomplished by the use of the standard method of development.***

The Optional Method of Development permits a more efficient and desirable product than use of the standard method of development. This Project Plan uses the optional method of development and is in conformance with the goals and objectives of the Silver Spring Sector Plan. The proposed development provides 194,589 square feet of gross floor area, including cellar space, which would not have been permitted under the standard method of development. The laboratory portion of the site on lot 1 has been developed and constructed under the standard method of development due to time constraints associated with the applicant's current research and production. The 3-story laboratory building is shown as part of the overall development to show context of the site and design features and provide the permitted FAR on the two lots. The remainder of the site, including the 8-story buildings, streetscape improvements, pedestrian connector and public amenities are being provided under the current application using the optional method of development.

- (f) ***The proposal will include moderately priced dwelling units in accordance with Chapter 25A of this Code, if the requirements of that chapter apply.***

This section does not apply to the project plan application.

- (g) ***When a Project Plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from on lot to another or transfer densities, within a lot with two or more CBD zones, pursuant to the special standards of either section 59-C 6.2351 or 59-C 6.2352 (whichever is applicable), the Project Plan may be approved by the Planning Board based on the following findings:***

The application for the three buildings is proposed on two separate lots, separated by Cameron Street. Lot 11 is located on the west side of Cameron Street while Lot 1 is located on the east side of the street. Both lots have frontage on Cameron Street and Spring Street and each lot meets the minimum requirements for development using the optional method. The original headquarters of United Therapeutics is located at 1110 Spring Street, which is situated on Lot 11. Lot 1 was purchased by the applicant from Montgomery County to meet their need for expanded office and laboratory space in Silver Spring. The two lots will be linked on the seventh-story by a pedestrian connector crossing Cameron Street. The consolidation of the two lots by the pedestrian connection and streetscape improvements provide a campus-like effect, combining the land uses and activities into one site. In addition, many of the design elements are repeated throughout the site creating a blend of artistic, architectural and landscape architectural patterns.

- (h) ***As conditioned, the proposal satisfies any applicable requirements for forest conservation under Chapter 22A.***

The property is exempt from the forest conservation requirements.

- (i) ***As conditioned, the proposal satisfies any applicable requirements for water quality resources protection under Chapter 19.***

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.

ATTACHMENT A

ATTACHMENT B

ATTACHMENT C