



STAFF REPORT

July 18, 2011

TO: Montgomery County Planning Board

VIA: John Carter, Chief *JAC*
Richard Weaver, Supervisor
Area 3

FROM: Molline Smith, Senior Planner Area 3
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**SUBJECT: Limited Site Plan Amendment 82001012C: Human Genome Sciences
(Traville Parcels M and N)**

The project is located on the south side of Darnestown Road opposite the intersection with Great Seneca Highway, approximately 46.26 acres of land, MXN Zone, Great Seneca Science Corridor Master Plan

- Construct Building D (125,000 square feet) in accordance with Phase 1A of the certified site plan
- Revise the approved Forest Conservation Plan
- Revise the approved Water Quality Plan
- Revise the SWM facilities and utilities
- Delete the temporary surface parking lot
- Add a surface parking facility (327 spaces) in close proximity to the proposed Building D
- Modify the existing lighting and landscape plans.

APPLICANT: Biomed Realty Trust, LSA Inc. (Human Genome Sciences)

FILING DATE: September 10, 2010

SUMMARY

The proposed Building D is designed for the development of a new drug for the treatment of Lupus. This drug is the first new treatment for Lupus, a chronic, inflammatory, multisystem disorder of the immune system. The construction of Building D and the associated parking facility will increase the amount of impervious surfaces, and require minor amendments to the previously approved plans (i.e. Final Water Quality Plan, the Forest Conservation Plan (FCP), and the Site Plan). Therefore, the Planning Board will need to review and approve the information presented in all three plans.

The original Site Plan (820010120) was approved on March 22, 2001 for 1,030,000 square feet of Research and Development (R&D) and office use on 49.98 acres of land in the MXN Zone. The Final Water Quality Plan and the Final Forest Conservation Plan were also approved consecutively with the Site Plan; per the requirements of the Special Protection Area (SPA) and the Master Plan. This amendment proposes to construct Building D; while also providing a transitional parking facility that will temporarily serve the parking demand in anticipation of the next phase(s) of development. The existing SWM facilities, utilities, environmental buffers, landscape and lighting will also be updated to meet the current requirements and the conditions of the previous approvals.

RECOMMENDATIONS

The staff recommends approval of the Revised Water Quality Plan, the Revised Forest Conservation Plan, and the Amendments to the Site Plan with conditions as described in the following.

REVISED WATER QUALITY PLAN:

Staff recommends **APPROVAL** of the Water Quality Plan subject to the following condition:

1. Conformance to the conditions as stated in the Montgomery County Department of Permitting Services (DPS) Revised Final Water Quality Plan approval letter dated April 14, 2011 (Appendix B).

REVISED FOREST CONSERVATION PLAN:

Staff recommends **APPROVAL** of the Forest Conservation Plan amendment subject to the following condition:

1. Applicant must record a new record plat within nine (9) months of the mailing of the Planning Board Resolution.

AMENDED SITE PLAN:

Staff recommends **APPROVAL** of the Limited Site Plan 82001012C, Human Genome Sciences (Traville Parcel M and N). All site development elements shown on the site and landscape plans stamped "Received" by the M-NCPPC on January 10, 2011, are required except as modified by the following conditions:

Conformance with Previous Approvals

1. **Development Plan Conformance**
The development must comply with the binding elements of the Amended Development Plan (DPA 01-3) adopted July 31, 2001.
2. **Preliminary Plan Conformance**
The development must comply with the conditions of approval for the amended preliminary plan 11997022R, approve in September 2001. This includes but is not limited to all

references to density, rights-of-way, dedications, easements, transportation conditions, DPWT & DOT conditions, and DPS stormwater conditions.

3. Site Plan Conformance

The proposed development must comply with the conditions of approval for the original Site Plan 820010120, as listed in the Planning Board Resolution dated May 31, 2001, and any amendments thereafter.

4. LEED Certification

- a. The Applicant commits to achieving, at a minimum, a Leadership in Energy and Environmental Design (LEED) “Certified/Silver/Gold/Platinum” Rating Certification, as defined by the U.S. Green Building Council (USGBC) under the LEED Standard for New Construction and Major Renovation (LEED-MC).
- b. Prior to the submission for certification, the Applicant must complete project registration with USGBC for LEED Certification.
- c. Before any Use and Occupancy Permit is issued, the Applicant must:
 - i. Complete the LEED Certification process and achieve a “Certified/Silver/Gold/Platinum” Rating Certification with USGBC;
 - ii. Provide the M-NCPPC Staff with a copy of the final certification.

Transportation and Circulation

5. Transportation

- a. Prior to submitting a certified site plan, the applicant must enter into a traffic mitigation agreement (TMAg) with the Montgomery County Department of Transportation (MCDOT) and the M-NCPPC in order to achieve a desirable overall performance goal of a 25 percent reduction in the total peak hour traffic generated by the Traville Property.
- b. Total number of parking spaces for the proposed Phase 1A development must not exceed 327 spaces as shown on the submitted January 10, 2011.

Site Plan

6. Site Design

- a. The building elevations must be included in the certified Site Plan set.
- b. The design of the building façade(s) for Building D should be consistent with the existing facades of Buildings IA, IB and IC.

7. Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for office/commercial development.
- b. All onsite light fixtures must be full cut-off fixtures.
- c. Deflectors must be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels must not exceed 0.5 footcandles at any property line abutting

- residential properties.
- e. The height of the light poles must not exceed 20 feet including the mounting base.

8. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- a. On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities must be installed prior to release of any building occupancy permit.
- b. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and the M-NCPPC inspection and approval of all tree-save areas and protection devices.
- c. The development program must provide phasing for installation of on-site landscaping and lighting.
- d. Landscaping associated with each parking lot and building must be completed as construction of each facility is completed.
- e. The development program must provide phasing of stormwater management, sediment and erosion control, afforestation improvements, and other features.

9. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and information provided subject to staff review and approval:

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Add a note to the site plan stating that “M-NCPPC Staff must inspect all tree-save areas and protection devices prior to clearing and grading”.
- c. Modify the data table to reflect development standards enumerated in the staff report.
- d. Ensure consistency of all details and layout between site plan and landscape plan.
- e. The Applicant should coordinate with M-NCPPC regarding the revisions to the Site Plan Enforcement Agreement at the time of site plan certification.
- f. The Revised Site Plan Enforcement Agreement must be finalized prior to the certification of the site plan.

SITE DESCRIPTION

Vicinity

The Human Genome Sciences (HGS) campus is within walking distance of the Universities at Shady Grove (to the east), Life Sciences Center (to the north), the Shady Grove Adventist Hospital (to the northeast), and the Montgomery County Public Services Academy (PSA) to the northwest. Located towards the east and southeast of the site are residential neighborhoods under the MXN Zone, PD-3 (Planned Development) Zone, the R200/TDR and RT-10 Zones. The Travilah Road corridor contains several small commercial areas developed under C-1, C-2 and C-4 Zones and some special exception uses.



Vicinity Map

The property currently consists of three office buildings, one structured parking facility, three surface parking facilities, a loop road, associated SWM facilities, and environmental buffers. Buildings 1C and 1B of Phase I on Parcel M are located near the southern boundary, northeast of the Shady Grove Road entrance. Building 1A is centrally located parallel to the structured parking facility.

The Parking Garage 1 and the associated surface parking lot are located south of Building 1C along Traville Gateway Drive. Although these parking facilities currently meet the parking demand of all three office buildings; the associated surface parking lot is intended to be transformed into Parking Garage 2 in the final phase of development. A second surface parking lot is located northeast of the existing office buildings along Darnestown Road. This parking lot is scheduled to be removed with

this amendment (per the conditions of the certified site plan). The third surface parking lot located to the southeast of the main entrance cul-de-sac north of Shady Grove Road and the SWM facilities is intended to permanently service the parking demand for Building 1B.

The existing loop road encircles the existing uses and connects into the surrounding street network at three different access points. The main entrance of the site was designed to front onto Shady Grove Road with a cul-de-sac directly connecting into the loop road. Garden and plaza areas are centrally located between Building 1A and Parking Garage 1, and on the east side of Building 1A. The remaining site features consist of open space areas, SWM facilities and environmental landscape buffers.

PROJECT DESCRIPTION

Previous Approvals

The Local Map Amendment (G-718) was approved by the District Council on July 2, 1996 for the change in zoning from R-200 and R-200/TDR zones to the MXN Zone. A Development Plan accompanied the approval. The original Diagrammatic Plan proposed a village center, a community park, a day care center, a health club, community center, office and research uses, and a variety of housing types. An overall maximum amount of 1.5 million square feet for non-residential uses and a maximum of 750 dwelling units were also established for the entire Traville property.

The Preliminary Plan 119970220 was approved on September 11, 1997 for 6 lots consisting of 750 multi-family dwelling units and 750,000 square feet of mixed commercial/employment on approximately 192 acres.

Amendment A of the Preliminary Plan was approved January 21, 1999; which included a phasing plan for the phased recordation of the lots associated with the Traville property. The amount of non-residential square footage was limited to 750,000 square feet per the conditions of the original Preliminary Plan.

The amended Development Plan (DPA 01-3) was approved and adopted on July 31, 2001 to include revisions to 1) delete the conference center; 2) reduce the non-residential development from 1.5 million square feet to 1.3 square feet; 3) reduce the minimum amount of imperviousness from 35 % to 33%; 4) change the location of the approved housing, local park, and portions of the research and development uses; and 5) conform to the Shady Grove Study Area Master Plan Guidelines (adopted in 1990).

Amendment B of the Preliminary Plan was approved in 2001, specifically addressing the changes within the amended Development Plan; in which three different Site Plans (820010120, 81999040A, and 81999047A) were coordinated with the review of this application.

Site Plan 820010120 was approved on March 22, 2001 for 1,030,000 square feet of Research and Development (R&D) land use on 49.98 acres of land zoned MXN. The impervious limitation was restricted to 18.6 acres within the Final Water Quality Plan.

Amendment A of the Site Plan was submitted on May 22, 2003. It included the construction of the temporary parking facility. The parking facility was to remain a temporary facility for 2-3 years with the future needs of Human Genome Science.

Amendment B of the Site Plan was filed on January 18, 2006, and it was approved by the Planning Board on September 28, 2006 for modifications to the Site Plan Enforcement Agreement to extend the use of the temporary parking facility until November 2008 for the Universities of Maryland students. A note was specifically added to the Site Plan to restrict any further development of the site until the Final Water Quality Plan was amended and approved by DPS.

Proposal



Illustrative Concept Plan

The Applicant requests the following modifications:

- Construct Building D (125,000 square feet) in accordance with phase 1A of the certified site plan
- Revise the approved Forest Conservation Plan
- Revise the approved Water Quality Control Plan
- Revise the SWM facilities and utilities
- Delete the temporary surface parking lot located south of Darnestown Road
- Add a surface parking facility with 327 spaces in close proximity to the proposed Building D;
- Modify the existing lighting and landscape plans
- Modify the Site Enforcement Agreement with regard to the development phasing of Parcels M & N

ANALYSIS AND FINDINGS

WATER QUALITY PLAN

The staff finds that the Water Quality Plan with the condition meets the requirements in the Piney Branch Special Protection Area (SPA) as described in the following paragraphs. This project is required to amend the Site Plan and obtain approval of a Water Quality Plan under Section 19.67.01.03 A 2 (ii) of the Montgomery County Code. This section of the code states:

Except as exempted under Section 4, all persons proposing to disturb land within a SPA must also submit a preliminary water quality plan and a final water quality plan if they are seeking approval of an amendment to an approved development plan, diagrammatic plan, schematic development plan, project plan, special exception, preliminary plan of subdivision, or site plan

Review for Conformance to the Special Protection Area Requirements

As part of the requirements of the Special Protection Area law, a SPA Water Quality Plan should be reviewed in conjunction with the limited site plan amendment. The Montgomery County Department of Permitting Services (DPS) and the Planning Board have different responsibilities in the review of a Water Quality Plan. DPS has reviewed and conditionally approved the elements of the Revised Final Water Quality Plan under its purview. The Planning Board responsibility is to determine if environmental buffer protection, forest conservation in a SPA, and planting requirements have been satisfied.

County DPS Special Protection Area Review Elements

DPS has reviewed and conditionally approved the elements of the SPA revised final water quality plan with a synopsis provided below (see Appendix B).

- **Stormwater Management Concept** - Stormwater management will be provided on site by a combination of methods and structures. The building rooftop will drain to a triple cell infiltration structure as was originally designed and approved under the previous final water quality plan. The surface parking lot, access drive, and other impervious areas will be treated with upland ESD measures that will include grass swales, bio swales, biofilters, and porous pavers prior to draining to a dual cell surface sand filter that was designed to treat this area and ultimately to Shady Grove pond #3 that provides one year quantity control.
- **Sediment and Erosion Control** - Extra care must be taken during the sediment control phase to protect the existing stormwater management structures. Since the site has already been graded and stabilized from the initial phase of development and minimal additional grading will be required, the sediment control requirements will be determined at the detailed plan review stage. The use of super silt fence will be the minimum requirement for sediment control.
- **Monitoring of Best Management Practices** - The original monitoring requirements still apply. No additional monitoring will be required at this time; however, additional monitoring may be required with future revisions or expansions.

Planning Board Special Protection Area Review Elements

Staff has reviewed and recommends Planning Board approval with conditions of the elements of the SPA water quality plan under its purview:

REVISED FOREST CONSERVATION PLAN

As part of the site plan amendment #82001012C, the applicant has also submitted a revised final forest conservation plan. The forest conservation plan updates the final grading and site design as shown on the site plan amendment. The staff finds that the Forest Conservation Plan with the condition meets the requirements of the Forest Conservation law as described in the following paragraphs.

The revised final forest conservation plan proposes to remove a small section, approximately 4,200 square feet (0.10 acres), of the existing category I conservation easement to allow for future maintenance and avoid any possible sewer easement overlap. The applicant has proposed to mitigate for the change to the easement at a 2:1 ratio creating 0.20 acres of new planted conservation easement on-site adjacent to the existing environmental buffers.

The applicant proposes to remove 4,200 square feet of category I easement. Approximately 200 square feet of area will be disturbed. The 200 square feet of disturbance is approximately a 10 foot by 20 foot area around the existing sewer manhole (already within the existing environmental buffer) to allow for a work area for the equipment to perform the tunneling and boring for the proposed sewer line.

No trees subject to section 22A-12(b)(3) of the County code are being removed or impacted by this project, therefore no variance is required as part of this plan.

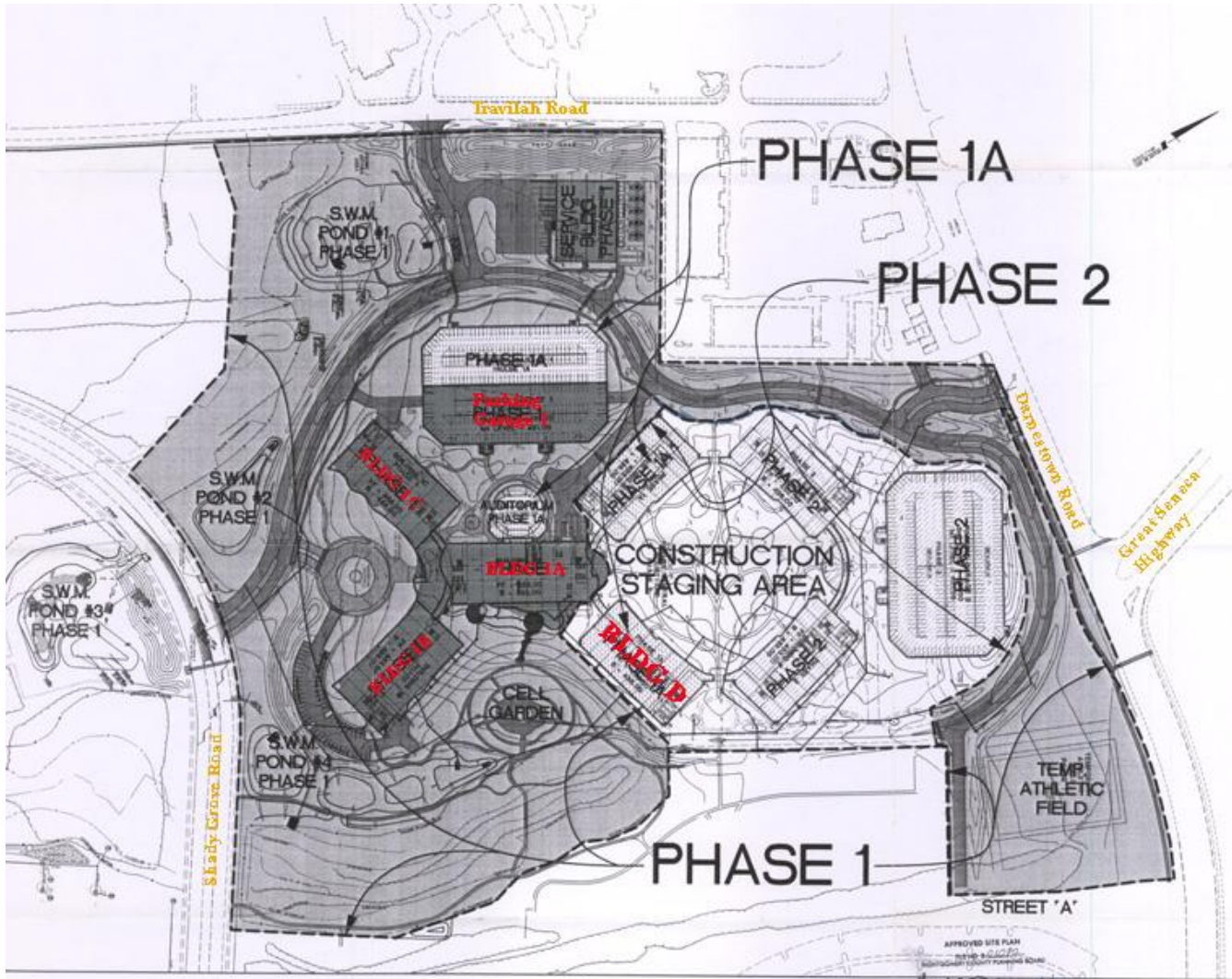
Imperviousness

Within this section of the Piney Branch SPA there is no impervious surface cap or limit. A main goal of all SPA's is to reduce the overall impervious footprint of new development within SPA boundaries (the impervious footprint includes roads, paved surfaces such as driveways, houses, buildings, and parking lots).

The approval of original site plan #820010120, Human Genome Sciences, established an impervious surface limit of 18.6 acres on 49.98 acres. This impervious surface limit was a condition of approval of the original final water quality plan and is recorded in the May 31, 2001, Opinion for Human Genome Sciences.

The site currently has 11.4 acres of impervious surface which includes a 1.2 acre temporary parking lot. The proposed amendment adds 4.6 acres of impervious surface for a total of 16.0 acres on 49.98 acres of land. The total amount of impervious surface is below the overall impervious surface limit. The 1.2 acres of impervious surface from the temporary parking lot will be available once it has been certified as removed. Until it has been certified and documented as removed, it will continue to count against the impervious surface limit for the site.

LIMITED SITE PLAN AMENDMENT

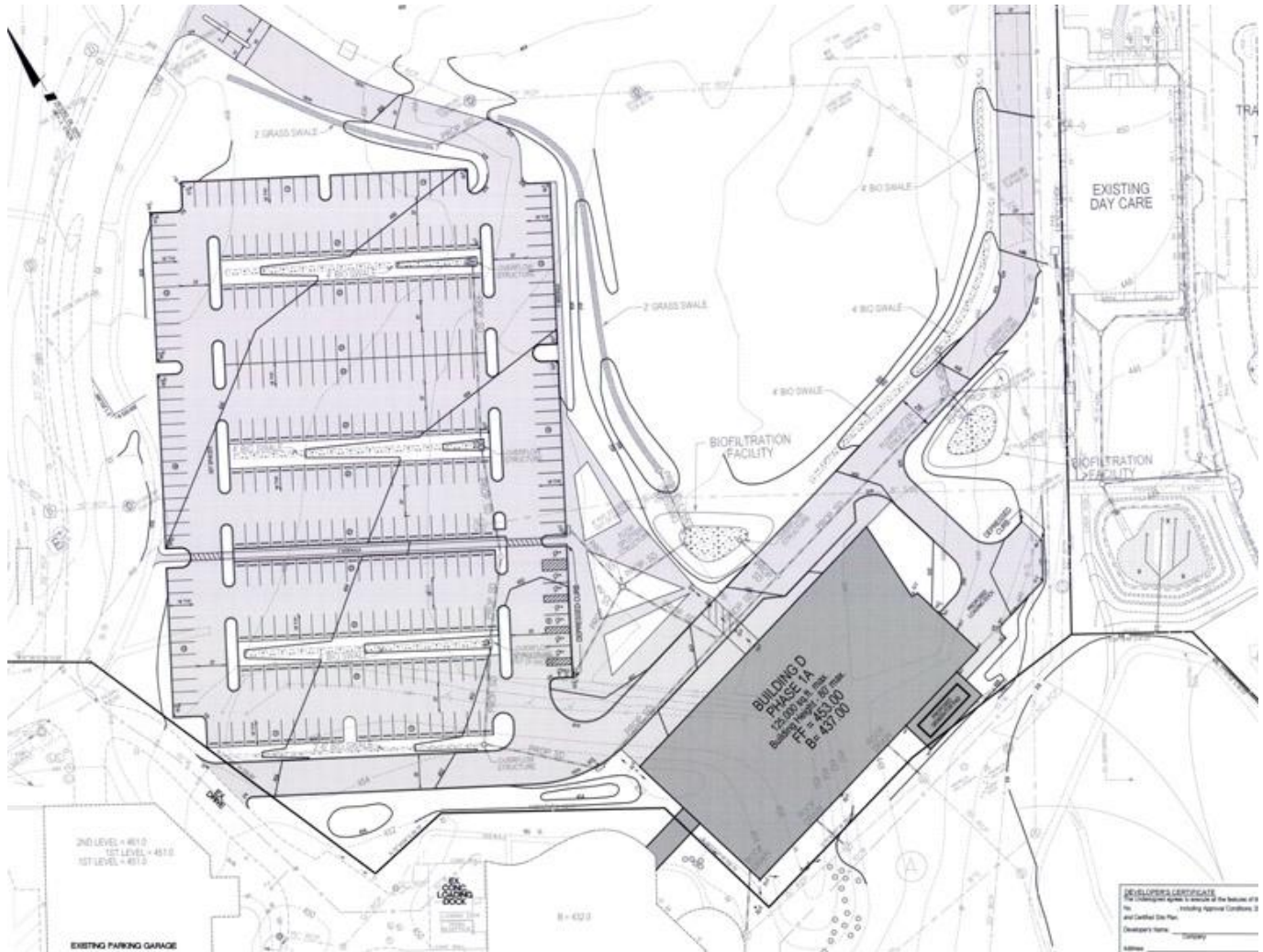


Original Development Phasing Plan

The certified Site Plan and Site Plan Enforcement Agreement require three development phasing schedules for the Human Genome Sciences - Traville project. Phase I constructed 500,000 square feet of Research and Development (R&D) office space (approximately 49 percent of the entire project) in 2001. Phase IA and Phase II are both intended to construct 265,000 square feet of R&D and office space within each phase of development. This amendment proposes to construct 125,000 square feet of R&D and office space for Phase IA; thereby increasing the total amount of allowable building square footage for Phase II to approximately ¹405,000 square feet. Based on the original approvals, Phases I and IA combined consist of approximately 74 percent of the total development for Parcels M&N (²765,000 sf. of R&D and office space). The combined total building square footage proposed for Building D and the existing conditions is approximately 61 percent of the total density permitted on-site.

¹ The Phase 1A and Phase II are both permitted a maximum building square footage of 265,000 sf. for each phase. By reducing the amount to building square footage proposed for Phase 1A to 125,000 sf., Phase II may consist of 140,000 sf. + 265,000 sf. = 405,000 sf.

² 265,000 sf. (Phase IA) + 500,000 sf. (Phase I) = 765,000 sf.; 765,000 sf./1,030,000 sf. = 74%.



Proposed Site Plan

The location of Building D - Phase IA is consistent with the previously approved Site Plan. Considering the conditions of the previous approvals, the temporary parking facility (located south of Darnestown Road) will be removed and a new temporary surface parking facility (maximum 327 spaces) will be added in close proximity to Building D. Although SWM facilities are proposed within the green space areas to specifically address the additional impervious surface runoff, this surface parking facility will serve as a place-holder until the final construction of Phase II. The proposed circulation systems, SWM facilities, landscape and lighting plans meet the required development standards while still maintaining the flexibility to fully expand in the future.

The proposed modifications to the site plan do not alter the overall design character of the development in relation to the original approval and the site remains compatible with existing and proposed development adjacent to the site. These modifications do not impact the efficiency, adequacy, or safety of the site with respect to vehicular and pedestrian circulation, open space, landscaping, or lighting.

ANALYSIS AND FINDINGS FOR THE SITE PLAN

1. ***Development/ Diagrammatic Plan*** - *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.*

The limited site plan amendment conforms with the requirements of the Amended Development/Diagrammatic Plan (DPA 01-3) including the binding elements. The original Development Plan (G-718) was approved on July 2, 1996. The Development Plan accompanied with this approval proposed a conference center, a village center, a community park, a day care center, a health club, community center, office and research uses, and a variety of housing types. An overall maximum amount of 1.5 million square feet for non-residential uses and a maximum of 750 dwelling units were also established for the entire Traville property. The Amended Development/Diagrammatic Plan was approved on July 31, 2001 to delete the conference center, reduce the non-residential development from 1.5 million square feet to 1.3 million square feet, reduce the amount of imperviousness from 35% to 33%, and change the locations of the approved uses. Following the revisions to the original Site Plan was approved March 22, 2001.

2. ***Conformance with the MXN Zone*** - *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

Purpose - The subject site is in the MXN Zone (Mixed Use Planned Development). Per the requirements of Section 59C-7.5, the limited site plan amendment meets the purpose on the MXN Zone as summarized in the following paragraphs:

- a) *Establish standard and procedures through which the land use objectives and guidelines of approved and adopted master or sector plans can serve as the basis for evaluating an individual multi-use center development proposal.*

The 2010 Great Seneca Science Corridor Master Plan specifically identifies the Traville Property (192 acres) within the Life Sciences Center (LSC) south district. The Development Plan Amendment was adopted on July 31, 2001 in order to delete the conference center (previously required within the original Development Plan); reduce the maximum amount of non-residential development; relocate a 13-acre park to a more central location; and relocate some R&D uses to the former park area; relocate housing.

- b) *Encourage orderly, staged development of large-scale, comprehensively planned, multi-use centers by providing procedures for the submission of a concept plan for an entire site and subsequent development plans for each stage of development, as identified on the concept plan.*

The Traville Property was divided into several parcels; which were than broken up

into several different site plans. Parcels M & N were subdivided in three different phases of development per the conditions of approval for Site Plan No. 820010120. Phase I, Phase IA, and Phase II mainly consists of 1,030,000 sf. of R&D office space. This amendment will specifically modify the amount of R&D office space permitted for Phase IA.

- c) *Provide higher density residential uses integrated into the overall multi-use center.*

No residential uses were proposed for Parcels M & N – Phase IA.

- d) *Ensure internal compatibility of residential and nonresidential use by providing a suitable residential environment that is enhanced by the commercial, recreational employment and institutional amenities within commercial and industrial components of the multi-use center.*

The existing conditions of the site are such that 500,000 sf. of R&D have been constructed; which is approximately 49 percent of the total density permitted for Parcels M & N. Directly adjacent to the north of the subject site are institutional and commercial uses, and towards the south are residential uses. The height (± 64 feet) and location of the proposed Building D is consistent with the originally approved site plan and the existing building. The temporary surface lot (near Darnestown Road) will be removed per the amended Site Plan, and due to the fact that a structured parking facility currently exists and the demand for student parking within this parking facility has been drastically reduced. A new temporary surface parking lot will be constructed in closer proximity to the commercial uses (on the western side of the property) in order to mainly serve the parking demand for the proposed Building D.

- e) *Assure compatibility of the proposed land uses with surrounding uses by incorporating higher standards of land planning site design than could be accomplished under conventional zoning categories.*

The proposed Building D will meet the development standards for the Green Building Ordinance. The construction of the SWM facilities have been approved and updated to meet the current requirements. The development impacts to the environmental buffers have been thoughtfully reduced by the implementation of directional boring to avoid disturbance to the stream, wetlands, floodplain, and most of the environmental buffer.

- f) *Encourage and provide for open space not only for use as setback and yards surrounding structures and related walkways, but also conveniently located with respect to points of residential and commercial/industrial concentration so as to function for the general benefit of the community and public at large as places for relaxation, recreation, and social activity. It is also intended that open space and amenities be located so as to achieve the physical and aesthetic integration of the uses and activities within each development. In addition, structured parking within mixed-use planned development is encouraged to help achieve the open space and amenities objectives of the zone. Where surface parking is necessary, the purposes of*

this zone may be achieved by the provision of additional landscaping.

A large portion of the site (south of Darnestown Road) will still be considered open green space. The Site Plan Enforcement Agreement will modify the development program for Phases IA and II; however the specific site details regarding the future development phasing (i.e. design, building location, etc.) will be thoroughly reviewed within the next phase(s) of development.

- g) *Encourage and provide for the development of comprehensive non-vehicular circulation networks, separated from vehicular roadways, which constitute a system of industrial areas and public facilities.*

The proposed vehicular connections will provide adequate access to Building D and the proposed surface parking lot. The pedestrian connections are tied into existing sidewalks along Darnestown Road and Traville Gateway Drive. Internal connections are also linked into existing pathways on adjoining properties (*see the Illustrative Concept Plan, page 7*).

- h) *Encourage and provide for efficient use of energy resources through shared facilities or other economies of scale or technology, including innovative fuels and district heating, etc.*

As stated above, the proposed Building D will meet the development standards for the Green Building Ordinance; thereby increasing the level of efficiency.

- i) *Preserve and take the greatest possible aesthetic advantage of existing trees and to minimize the amount of grading necessary for construction of a development.*

The subject property contains a number of environmentally sensitive features, and due to the fact that it is also located within an SPA special precautions have been implemented to protect Piney Branch Creek watershed. As stated above, the development impacts to the environmental buffers have been thoughtfully reduced by the implementation of directional boring to avoid disturbance to the stream, wetlands, floodplain, and most of the environmental buffer.

As the project data table on page 14 indicates, the site plan meets all of the development standards of the zone. With respect to building height, setbacks, and density the proposed development is under all the maximum standards allowed. With respect to the amount of green space provided (60%) and the impervious surfaces provided (38%); this amendment meets the conditions of the previous approvals.

Development Standards - *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The limited site plan amendment meets the development standards in the MXN Zone as shown on the following table. Only the standards that are affected by the proposed amendment are listed. A comprehensive modified data table is included on the certified site plan.

Project Data Table for the MXN Zone

Development Standard	Permitted/Required	Proposed for Approval
Building Height (feet)	80 feet	± 64 feet
Building Setbacks (feet)		
From Darnestown Road	+ 64 feet	785 feet
From Shady Grove Road	+ 64 feet	700 feet
From the Adjoining Residential Property (east of the site)	+ 64 feet	170 feet ³
Parking Setbacks (feet)		
From Darnestown Road	10 feet	330 feet
From Shady Grove Road	10 feet	845 feet
From the Adjoining Residential Property (east of the site)	10 feet	360 feet
Min. Green Area (% of Parcels M&N)	60%	60%
Impervious Area (% of Parcels M&N)	33%	38%
Max. Building Area (square feet)	1,030,000 sf.	625,000 sf.
Internal Landscaping (%)	5%	13%
Max. Parking Spaces on Parcel M&N	3,605 spaces	⁴ 1,263 spaces

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

The buildings and structures of the proposed development are consistent with the certified Site Plan, which is appropriate for the character envisioned by the Great Seneca Science Corridor Master Plan. These locations provide easy access to the building from adjoining sidewalks and parking. Staff finds the locations of the buildings and structures to be adequate and efficient, while meeting the concerns of the area, and do not pose any safety concerns on the site.

The open space areas are located south of Darnestown Road and serve as a transitional use until the development of future phases. Proposed landscaping provides a screen for the surface parking lot, SWM facilities, and as traditional foundation plantings for the proposed

³ The building setback was measured from the boundary tract area per the MXN zoning requirements.

⁴ Phase I was permitted to construct 1,425 spaces; however only 936 total spaces currently exist onsite. Phase IA is permitted to construct 694 total spaces (based on 265,000 sf.); however only 327 total spaces (based on 125,000 sf.) are proposed. Therefore the maximum number of proposed parking spaces is 1,263 (936+327).

office building. Street trees and lighting are provided along the street to enhance the pedestrian environment. Interior lighting will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties. There are no recreational facilities required for this site plan, but the open space areas may serve as recreational open play areas for the local community. The open spaces, landscaping, and site details adequately and efficiently address the needs of the proposed use and the recommendations of the Master Plan, while providing a safe and comfortable environment.

Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area. The vehicular circulation design efficiently directs traffic into and through the site with minimal impacts to pedestrian circulation. The pedestrian connections are tied into existing sidewalks along Darnestown Road and Traville Gateway Drive. Internal connections are also linked into existing pathways on adjoining properties (*see the Illustrative Concept Plan, page 7*).

There are two remaining transportation-related issues that the applicant has to address to confirm the approved preliminary plan and site plan conditions.

Traffic Mitigation Agreement - According to Condition (2) of the Planning Board's Opinion dated April 23, 2001 for Preliminary Plan 1-97022R, the applicant of the Traville development must enter into a traffic mitigation agreement (TMAg) with the Montgomery County Department of Transportation (MCDOT) and the M-NCPPC. The TMAg has not been executed and the "DRAFT TMAGs" has been under review between the applicant and MCDOT. Staff recommends that the applicant has to meet this TMAGs requirement prior to submitting the certified site plan.

Overall Trip Reduction Requirement - Condition (2) of the Planning Board's April 23, 2001 Opinion also requires the applicant to achieve a desirable overall performance goal of a 25% reduction in the total peak hour traffic generated by the Traville property. In order to meet this requirement, the applicant must limit the number of parking spaces for the proposed Phase 1A development up to 327 spaces; which equates to only 2.02 spaces per 1,000 GSF including the existing parking spaces of the Phase 1. This is over 40% less than the maximum parking allowed; therefore, Staff finds that the applicant is reducing peak hour trips by greater than 25%, the circulation systems are consistent with the previous approvals, and based on the conditions of approval traffic will be adequately managed through the certification of the TMAg. *See Appendix C regarding further traffic analysis.* This amendment meets the requirements established within the certified Site Plan.

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

The proposed Building D is compatible with the adjacent and confronting uses as well as pending development phasing. The design of the building facade for the proposed building will be consistent with the existing character.

The structure is in scale with the nearby buildings and is located such that it will not adversely impact existing or proposed adjacent uses. The proposed structure was shown on the original development plan and site plan

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 limited site plan amendment meets the requirements for water resource protection. The stormwater management concept consists of a combination of methods and structures. The building rooftop will drain to a triple cell infiltration structure as originally designed and approved. The surface parking lot, access drive and other impervious surfaces will be treated with upland ESD measures that include grass swales, bio swales, bio-filters and porous pavers prior to draining to a dual cell surface sand filter that was designed to treat the area and ultimately to Shady Grove Road Pond #3 that provides one year quantity control.

All conditions of from the original approval still apply. The Special Protection Area letter (dated April 14, 2011) the conditions of approval must be addressed in the initial submission of the detailed sediment control/stormwater management plan. The conditions are subject to change based on available information at the time of review. *See Appendix B*

The subject property contains a number of environmentally sensitive features. A 50-acre stream valley area contains steep slopes, wetlands and floodplains. The site is located within the headwaters of the Piney Branch Creek; which is a tributary to the Watts Branch Creek that flows directly into the Potomac River.

Environmental Guidelines - The overall site plan amendment to reconfigure the building and parking layout for the project is in compliance with the Environmental Guidelines, except for a WSSC condition that a new sewer line is constructed to replace the temporary sewer currently in place which services Buildings A and B. The new sewer line, which will service buildings A, B, C, D, E, F, and G, needs to connect into the larger 10” sewer line which runs under Traville Gateway Drive. There is an afforested Category I conservation easement which contains a stream, wetlands, floodplain, and Environmental Buffers between the building sites and Traville Gateway Drive.

The applicant has reduced the environmental impacts by implementing directional boring of the proposed sewer avoiding the stream, wetlands, floodplain, and most of the environmental buffer. There is an existing sewer manhole already in the environmental buffer which the sewer needs to tie into, which will create about 200 square feet of temporary disturbance within the environmental buffer. The applicant’s proposal is consistent with the environmental guidelines to either avoid the environmental impacts and when that is not possible to minimize the impacts.

COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and submission meeting requirements. Notice of the subject amendment was sent to all parties of record on August 18, 2010 giving 15 days for comments. Staff has not received correspondence on this matter.

CONCLUSION

The staff recommends approval of the Water Quality Plan, Forest Conservation Plan, and the Limited Site Plan Amendment with the conditions shown at the front of this Staff Report.

APPENDICES

- A. Prior Resolution(s)
- B. Approval Memos/Letters
- C. Correspondence

APPENDIX A (Prior Resolutions)



MONTGOMERY COUNTY PLANNING DEPARTMENT
OF MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
ITEM #
5/8/08

DATE: April 25, 2008

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief
Catherine Conlon, Subdivision Supervisor *CAC*
Development Review Division

FROM: ^{MB} Neil Braunstein, Planner Coordinator (301) 495-4532
Development Review Division

SUBJECT: Request for an extension to the validity period of the Adequate Public Facilities approval – Preliminary Plan No. 119970220 – Traville

Recommendation: Extend Adequate Public Facilities validity period to October 12, 2015

Discussion:

The subject preliminary plan was approved by the Planning Board on September 11, 1997, for six lots to contain a total of 750 multiple-family dwelling units and 750,000 square feet of mixed retail, office, and research and development uses, on 192.1 acres of land located in the southeast quadrant of the intersection of Darnestown Road (MD 28) and Travillah Road. The resolution reflecting the Planning Board's action was mailed on September 12, 1997. The applicant submitted an application to amend the plan in 2000. The amended preliminary plan was approved by the Planning Board on March 8, 2001, for ten lots to contain a total of 750 multiple-family dwelling units and 1,322,500 square feet of retail, office, and research and development uses. The Adequate Public Facilities (APF) finding was made as part of the original approval and remains valid until October 12, 2009. Attached, please find the applicant's timely request dated January 24, 2008 and March 20, 2008 (Attachment 1) to extend the APF validity period for Preliminary Plan 119970220, (formerly 1-97022), Traville, for 72 months, until October 12, 2015.

Pursuant to Section 50-20(c)(5) of the Subdivision Regulations, the Planning Board may approve one or more additional extensions of a determination of adequate public facilities, up to six years, if:

(A) at least 40% of the approved development has been built, is under construction, or building permits have been issued;

(B) all of the infrastructure required by the conditions of the original preliminary plan approval has been constructed, or payments for its construction have been made; and

(C) occupancy permits have been issued for at least 5 percent of the project within the 4 years before an extension request is filed.

This application qualifies for approval of the extension because, as the attached Traville Development Status Summary (Attachment 2) shows, approximately 1,440,000 square feet (70%) of the total density approved pursuant to the preliminary plan (2,072,500 square feet), have been built, and use and occupancy permits for approximately 672,000 square feet (32%) of the total were issued in the last four years. Finally, as shown in the attached Traville Infrastructure Improvements memorandum (Attachment 3) and verified by staff, all of the infrastructure requirements of the preliminary plan have been satisfied.

The applicant proposes the following phasing schedule, in compliance with Section 50-20(c)(7)(A) of the Subdivision Regulations:

- Phase I – building permits for 100,000 square feet of the remaining density to be issued on or before October 13, 2011.
- Phase II – building permits for the next 200,000 square feet of the remaining density to be issued on or before October 12, 2013.
- Phase III – building permits for the balance (230,000 square feet) of the remaining density to be issued on or before October 12, 2015.

Applicant's Position

The applicant is seeking the extension of the APF validity period to allow for the thoughtful and well-planned development of this important site in the I-270 Corridor. The property is part of the Gaithersburg West Master Plan update, which is currently being prepared by staff. It is expected that the master plan update will consider the entire planning area for development of a large scale, comprehensively planned applied technology/life sciences community. The implementation of such a recommendation in the master plan would likely require significant changes to existing land uses and infrastructure improvements for many properties in the planning area, including the subject property. In the event that significant land use changes are recommended for the subject property, the applicant would likely not be able to develop the property

accordingly before the current APF validity period expires. The APF validity extension requested by the applicant will allow the applicant to more fully participate in the long-term goals of the master plan update without the short-term concern of the expiration of its APF validity. Participation by the applicant will advance both the County's planning and economic objectives and the applicant's ability to successfully develop the property as a significant component of the County's life sciences industry.

Staff Position

The approval of this preliminary plan by the Planning Board was subject to several conditions requiring traffic improvements, which are outlined in Attachment 3. Each of the improvements required by the conditions of the 1997 Planning Board approval has been completed or has received the developer's share of funding. As such, the developer's obligations have been met, and no additional improvements are required to construct the remaining buildings on the site. As noted above, the completed development represents 70% of the total development of the site, 32% of which was completed within the past four years, and the extension, therefore, is permitted by Section 50-20(c)(5) of the Subdivision Regulations. For these reasons, staff recommends that the Planning Board extend the Adequate Public Facilities validity period for 72 months, until October 12, 2015.

Conclusion

Staff recommends that the Planning Board approve the requested six-year APF validity period extension, to October 12, 2015.

Attachments:

1. Extension Request Letters dated January 24, 2008 and March 20, 2008 (without attachments)
2. Traville Development Status Summary
3. Traville Infrastructure Improvements memo

Maryland-National Capital Park and Planning Commission
 Routing Sheet for Agreements in Accordance with Preliminary Plan Opinion

1-97022R

Preliminary Plan No: 1-97022R

Preliminary Plan Name: Traville

SEP 24 2001

Attorney/Engineer Phone: Martin J. Hutt / 301-986-1300

Type of Document (circle one): APFO

DAP

186.0332

Number

COMPLIANCE

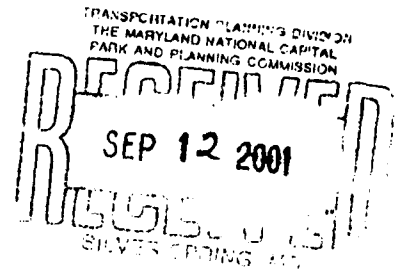
SITE PLAN ENFORCEMENT

Original

Draft

All Attachments Appended to each copy of Agreement: Yes

No



Reviewed By:

Initials

Date

Development Review Division

Agreement is in accordance with Preliminary Plan Opinion

TBA 9/12/01

Transportation Division

Agreement satisfied condition(s) of Preliminary Plan

EA 9/23/01

Environmental Planning Division

Agreement satisfied condition(s) of Preliminary Plan

TAB 10/11/01

Legal Department

Agreement has been reviewed for legal sufficiency

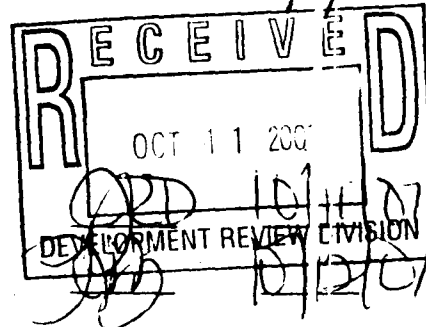
Agreement must be recorded:

Bond Attached, satisfactory:

Director's Office

1. Signed by Director or Designee

2. Forwarded to Development Review Division



on p. 1,
 Do we need to
 say approval
 were to
 9/23/01

Development Review Division

1. If recording required, original sent to Applicant

TBA 10/23/01

2. Copy of agreement sent to Applicant

3. Original agreement sent to Legal Office

4. Development Review Procedures Complete

September 7, 2001

Michele Rosenfeld, Esq.
Office of the General Counsel
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

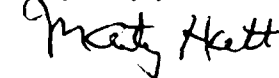
SEP 10 2001

Re: Travilah Park Development Corporation
Preliminary Plan 1-97022R
Amended Adequate Public Facilities Agreement

Dear Michele:

In accordance with the condition #1 of the Planning Board's written opinion of April 23, 2001, enclosed are two (2) original Amended Adequate Public Facilities Agreement for the above referenced Preliminary Plan of Subdivision signed by the applicant. We would appreciate staff's prompt review, execution and return to this office of one (1) copy of the Amended Agreement.

Very truly yours,



Martin J. Hutt

MJH:kls

cc: Stephen Elmendorf, Esq.

G:\Dept\RE\MJH\Travilah Amended APFO Letter.doc

Property:

Montgomery County, Maryland

Parcel Identification Number:

Title Insurer: None.

AMENDED ADEQUATE PUBLIC FACILITIES AGREEMENT

THIS AMENDED ADEQUATE PUBLIC FACILITIES AGREEMENT is made as of September 5, 2001, by and between **TRAVILAH PARK DEVELOPMENT CORPORATION**, (hereinafter referred to as "Applicant"), having a mailing address of 11900 Tech Road, Silver Spring, Maryland 20904, and the **MONTGOMERY COUNTY PLANNING BOARD of the MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION** (hereinafter the "Planning Board").

WHEREAS, Applicant is the owner in fee simple and/or developer of 192.2 acres of land located in the 6th Election District, Montgomery County, Maryland, on the south side of Darnestown Road and the east side of Travilah Road ("Property"),

WHEREAS, the Property is MXN zoned property, which is the subject of a valid Preliminary Plan of subdivision (1-97022) (the "Preliminary Plan") approved by the Planning Board on September 11, 1997 for 750 multi-family dwelling units and 750,000 square feet, of 1,322,500 square feet, of Retail, Office and R&D development; and

WHEREAS, on November 2, 1998, an Adequate Public Facilities Agreement was entered into between the Applicant and the Planning Board to limit development to those uses and square foot restrictions as approved by the Planning Board on September 11, 1997; and

WHEREAS, in January 1999, the Planning Board approved a request to revise the previous conditions of approval for the Preliminary Plan to include a Phasing Schedule and Extension of the validity period for the Preliminary Plan; and

WHEREAS, on March 8, 2001 the Planning Board approved an amendment to the Preliminary Plan (designated as 1-97022R) approving the remaining amount of development under the original Preliminary Plan (572,500 square feet of Office and R&D), and required the Applicant to enter into an Amended Adequate Public Facilities Agreement. A copy of the Opinion is attached hereto and incorporated herein by reference as Exhibit A; and

WHEREAS, the APFO law requires that prior to release of any building permit for property subject to such law, the adequacy of public transportation facilities available to serve the property must be reviewed by the Planning Board; and

WHEREAS, the Planning Board reviewed the nature and size of the development proposed by the Applicant and determined that such use at such intensity would be adequately accommodated by public transportation facilities, subject to conditions, if any, of record; and

WHEREAS, in order to continue to pass the adequate public facilities review, the size, use and operation of improvements to the property must be restricted to a size and nature as reviewed by the Planning Board; and

WHEREAS, by the execution of this instrument, Applicant intends to create restrictions on the Property necessary to meet the conditions of subdivision approval. The purposes of these restrictions are to limit the construction of structures on the Property and to limit the use of the Property so that persons and properties will not be harmed by overburdened public facilities. Applicant intends that the restrictions created by this instrument shall be binding on itself, its successors, assigns, and lessors and on the land and improvements described herein in perpetuity or until released with the consent of the Planning Board.

NOW THEREFORE, in consideration of the mutual promises and stipulations set forth herein, and other good and valuable consideration, the receipt of which is hereby acknowledged, and in accordance with the approval of the subdivision of the Property and of the premises and the covenants contained herein, the parties, their successors, and assigns, hereby covenant and agree as follows:

1. The recitals set forth above are hereby incorporated herein by reference and made a part hereof.
2. Except as modified below, all other terms and conditions set forth in the November 2, 1998 Adequate Public Facilities Agreement shall remain in full force and effect.

3. Development on the Property, in accordance with Preliminary Plan 1-97022R is limited to not more than a maximum 750 multi-family dwelling units and 1,322,500 square feet of retail, office and R&D development. The Applicant is to pay to the Montgomery County Department of Finance the expedited development approval excise tax for the additional 572,500 square feet of office and R&D development.

4. Applicant must not violate the restrictions agreed to in paragraph 3 above, without the successful completion of an adequate public facilities review by the Planning Board pursuant to Section 50-35 (k) and 50-20 (c) of the Montgomery County Code.

5. Applicant must notify the Planning Board of an application for a building permit or a use and occupancy permit for the Property. Applicant must not seek a building permit or a use and occupancy permit for a structure or use on the Property that violates the restrictions created herein. In the event permits are sought which violate the restrictions created herein, neither the Planning Board nor the Maryland-National Capital Park and Planning Commission need recommend issuance of any such permit, and Montgomery County, Maryland may withhold issuance of any such permit.

6. Representatives or designees of the Planning Board may enter upon the Property from time to time for the purpose of inspection and enforcement of the terms, conditions, and restrictions created herein. Wherever possible, a representative of Applicant shall be present at an inspection. In the event that the representative or designee determines on the basis of the inspection that the restrictions created herein are being violated, the representative or designee must promptly advise Applicant concerning the problem.

7. The Planning Board, the Maryland-National Capital Park and Planning Commission, and Montgomery County, Maryland have the right to bring an action for any legal or equitable relief necessary to enforce the restrictions created herein.

8. Upon request of Applicant, the Planning Board shall release the Property from these restrictions if it finds that public facilities are adequate pursuant to Section 50-35 (k) of this Montgomery County Code for additional development of the Property. Such a review shall include the public facilities impact of any existing building or use to remain on the Property as well as that of the proposed additional development.

9. This Agreement shall bind and inure to Applicant, its successors and assigns. Wherever this Agreement refers to the Montgomery County Planning Board, it shall also refer to any successor agency, if any, who will administer the "Adequate Public Facilities" Ordinance (Section 50-35 (k) of the Montgomery County Code).

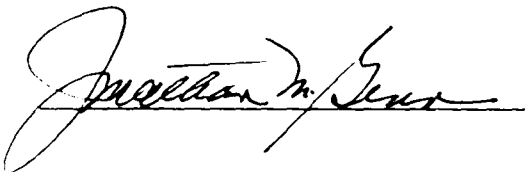
A copy of the Agreement shall be recorded among the County land records.

10. This Agreement may only be modified in a writing signed by the parties hereto, their heirs, successors or assigns.

IN WITNESS WHEREOF, this instrument has been executed by the parties hereto on the day and year herein-before written.

TRAVILAH PARK DEVELOPMENT CORPORATION,
a Maryland Corporation

WITNESS:



By:

Name: John Gudelsky

Title: President

APPROVED AS TO LEGAL SUFFICIENCY

TABOR EL BABA

M-NCPPC LEGAL DEPARTMENT

DATE 10/10/01

MONTGOMERY COUNTY PLANNING BOARD

By: Joseph R. Davis
Date: 10/12/01 Joseph R. Davis, Chief
Development Review Division

STATE OF MARYLAND :

COUNTY OF MONTGOMERY :

I HEREBY CERTIFY THAT on this 5th day of September 2001, before the undersigned, a Notary Public of the State and County aforesaid, personally appeared JOHN GUDELSKY, President of Traveler Park Development Corporation, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

GIVEN under my hand and official seal this 5th day of September, 2001.

Samuel Yordlin
Notary Public Samuel Yordlin

(SEAL)

MY COMMISSION EXPIRES: 01/01/02

STATE OF MARYLAND :

COUNTY OF MONTGOMERY :

I HEREBY CERTIFY THAT on this ___ day of ___, 2001, before the undersigned, a Notary Public of the State and County aforesaid, personally appeared _____, Montgomery County Planning Board, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she/he executed the same for the purposes therein contained.

GIVEN under my hand and official seal this ___ day of ___, 2001.

Notary Public

(SEAL)

MY COMMISSION EXPIRES: _____

I HEREBY CERTIFY that this instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

, Attorney

AFTER RECORDATION, PLEASE RETURN TO:

Stephen P. Elmendorf, Esquire
Linowes and Blocker LLP
1010 Wayne Avenue
Silver Spring, Maryland 20910-5600

G:\Dept\RE\MJH\Traville APFO.doc

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Date Mailed April 23, 2001

Action: Approved Staff Recommendation
 Motion of Comm. Bryant, seconded
 by Comm. Perdue with a vote of 4-0;
 Comms. Bryant, Hussmann Perdue and
 Wellington voting in favor
 Comms. Holmes absent

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-97022R
 NAME OF PLAN: TRAVILLE

On 11/30/00, TRAVILAH PARK DEVELOPMENT CORPORATION submitted an application for the approval of a preliminary plan of subdivision of property in the MXN zone. The application proposed number of lots (will be determined at Site Plan) on 192.2 acres of land. The application was designated Preliminary Plan 1-97022R. On 03/08/01, Preliminary Plan 1-97022R was brought before the Montgomery County Planning Board for a public hearing to request to revise the previous conditions of approval for Preliminary Plan no. 1-97022 to increase the amount of approved development and establish applicant's participation in a proposed Transportation Management Organization (TMO). At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-97022R to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-97022R.

Comments: On September 11, 1997 the preliminary plan was originally presented to the Planning Board for consideration. The Board, at that hearing, approved only a portion of the development due to the limited staging ceiling available in the R&D Policy Area. The amount of development approved by the Board at that hearing accounted for 750 Multi-Family Dwelling units and 750,000 square feet, of the 1.3 million square feet, of Retail, Office and R&D development. In January 1999 the Planning Board amended the approved preliminary plan to include a Phasing Schedule and Extension of the Validity Period for the plan. The applicant is requesting this revision to the preliminary plan to seek approval of the remaining development submitted under the original preliminary plan application. The remaining amount of development under this application is 572,500 square feet of Office and R&D. The applicant filed this request pursuant to the Annual Growth Policy Alternative Review Procedures for Expedited Development Approval ("Pay-and-Go"). This additional development is allocated to Phase I and Phase II of the revised conditions. The revised conditions also include a requirement for participation in the Transportation Management Organization.

Page 2 of 2
1-97022R

Staff Recommendation: Approval of an Additional 572,500 Square Feet of Office and R&D Development Pursuant to the FY2001 Annual Growth Policy Alternative Review Procedures for Expedited Development ("Pay-and-Go") and Establishment of the Applicant's Participation in the Transportation Management Organization (TMO), Subject to the Revised Conditions:

- (1) Submit an amended Adequate Public Facilities (APF) agreement with the Planning Board to limit development to a maximum of 750 multi-family dwelling units and 1,322,500 square feet of retail, office and R&D development. The applicant is to pay to the Montgomery County Department of Finance the expedited development approval excise tax for the additional 572,500 square feet of office and R&D development prior to receipt of building permits for that portion of the development
- (2) Applicant to enter into a traffic mitigation agreement with the Montgomery County Department of Public Works and Transportation and M-NCPPC to participate in the Transportation Management Organization (TMO) and abide by the goals set forth in Greater Shady Grove Transportation Management District and achieve a desirable overall performance goal in the order of a 25% reduction in the total peak hour traffic generated by the Traville property without a Transportation demand program, transit use, or ride share the requirements under the Diagrammatic Plan A amendment as stipulated in the Transportation Planning Division memorandum dated March 1, 2001 (revised March 5, 2001)
- (3) Applicant shall pay their pro-rata share of the developer's participation cost in the Montgomery County Department of Public Works and Transportation's (MCDPW&T) CIP Project, "Spur Road"
- (4) Record plats for this large scale residential and mixed commercial/employment development may be recorded in stages that allow for a nine year validity for the preliminary plan based on the following phases
 - Phase I: January 1, 1999 to January 1, 2003 plats must be recorded for the minimum of 250 multi-family dwelling units and a minimum of 536,250 square feet of mixed commercial/employment development
 - Phase II: January 1, 2003 to January 1, 2005 plats must be recorded for an additional 250 multi-family dwelling units and an additional 536,250 square feet of mixed commercial/employment development
 - Phase III: January 1, 2005 to January 1, 2008 record plats must be commercial/employment development recorded for the remaining 250 multi-family dwelling units and the remaining 250,000 square feet of
- (5) The applicant is to continue to coordinate with MCDPW&T in developing a roadway improvement project addressing the traffic safety issues currently existing along Darnestown Road (MD 28) in front of the Travilah Square Shopping Center
- (6) The validity of the preliminary plan is dependent upon the applicant abiding by and complying with the conditions of approval of the Diagrammatic Plan under Zoning Application G-718
- (7) This Preliminary Plan and the Adequate Public Facilities (APF) Review will remain valid as long as the applicant abides by the phasing schedule outlined in Condition #4 above
- (8) All applicable previous conditions of the approved preliminary plan as contained in the Planning Board's opinion dated November 11, 1997 remain in full force and effect

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

March 1, 2001

Revised: March 5, 2001

MEMORANDUM

TO: Malcolm Shaneman, Coordinator
Development Review Division

VIA: Ronald C. Welke, Coordinator *RW*
Transportation Planning

FROM: Tom Robertson, Coordinator *TR*
Ki H. Kim, Transportation Planner *KKK*
Transportation Planning

SUBJECT: Preliminary Plan No. 1-97022R
Transportation Management District (TMD)
Traville Property, R & D Policy Area

This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the proposed revision of the subject preliminary plan under the Alternative Review Procedure for Expedited Development Approval (EDA) since the site is located in a policy area, which is in a moratorium. This memorandum also includes staff's review and recommendations related to the creation of a Transportation Management District (TMD) to include Traville and a Traffic Mitigation Agreement (TMA) that reflects the transportation-related textual stipulations of the Diagrammatic Plan Amendment (DPA) associated with Traville's conditions of zoning.

The proposed development under this preliminary plan revision includes 572,500 square feet of mixed commercial/employment development. The subject site has an approved preliminary plan for 750 multi-family dwelling units and 750,000 square feet of non-residential mixed development to include office, R&D, retail, conference center and other community-related uses under the MXN zone.

RECOMMENDATIONS

Adequate Public Facilities (APF) Test

Transportation Planning staff recommends the following conditions as part of the APF test for transportation requirements related to approval of the proposed revision to the preliminary plan:

1. Limit the development density under the subject preliminary plan revision to 572,500 square feet of mixed commercial/employment development so that the total development

of the Traville property preliminary plan does not exceed 750 multi-family dwelling units and 1,322,500 square feet of non-residential mixed development.

2. Satisfy the APF test by paying the EDA (payment) excise tax under the Development Impact Tax-EDA Excise Tax (or "pay and go") legislation. The APF test includes:
 - a. Policy Area Review: Site-generated traffic does not have to be mitigated within the R & D Policy Area, which is in a moratorium. There is no capacity available for employment development (negative 142 jobs) as of December 31, 2000 in the R & D Policy Area. The applicant is satisfying policy area review by paying the EDA excise tax under the *FY 01 Annual Growth Policy* staging ceiling capacity.
 - b. Local Area Transportation Review: A traffic study (to analyze the traffic impact at nearby intersections) is required since the proposed land use generates more than 50 total peak-hour trips during the weekday morning peak period (7:00 to 9:00 a.m.) and the evening peak period (4:00 to 6:00 p.m.).

Traffic Mitigation Agreement

The Applicant shall enter into a traffic mitigation agreement that provides for effective transportation demand management and a funding commitment for public transit with the Planning Board and the Department of Public Works and Transportation (DPWT):

- to achieve and maintain the commuting mode share goals of the Greater Shady Grove Transportation Management District of 12 percent non-auto drivers for workers and 25 percent non-auto drivers for residents in the peak hours
- to achieve a desirable overall performance goal in the order of a 25% reduction in the total peak-hour trips generated by the Traville property ~~without a transportation demand management program, transit use, or ride share.~~

The traffic mitigation plan shall substantially reflect the applicant's traffic mitigation plan as amended by staff review in this memorandum. A traffic-monitoring program is included to measure the success of the plan on a periodic basis. If the proposed traffic mitigation plan does not achieve and maintain the goals, a revised plan will have to be ~~considered for effectiveness~~ and implemented.

DISCUSSION

Local Area Transportation Review (LATR)

The critical lane volume (CLV) impacts of the proposed development on critical intersections in the vicinity of the site are presented in Table I (page 3). The following summarizes the Local Area Transportation Review.

1. Under existing traffic conditions, all intersections analyzed are operating at acceptable CLVs (below 1,525). (Column 1 of Table I)

2. Under background traffic conditions, unacceptable CLVs are projected at most of the intersections analyzed. (Column 2 of Table I)
3. Under total traffic conditions (background development traffic plus the site traffic), unacceptable traffic conditions are projected at most of the intersections analyzed without any roadway improvements. (Column 3 of Table I)
4. With inclusion of intersection improvements identified by the applicant's traffic consultant, all intersections are anticipated to operate at acceptable CLVs or better than the background conditions. (Column 4 of Table I) The intersection improvements described in Table I could be constructed with the EDA excise tax funds.

Staff concludes that the subject preliminary plan satisfies the A/F/O requirements since all nearby intersections are anticipated to operate either within an acceptable CLV or better than the CLVs assuming background development, with the identified improvements.

Policy Area Review

The applicant is satisfying policy area review by paying the EDA excise tax under the FY 01 Annual Growth Policy staging ceiling capacity.

**Table 1: Intersection Capacity Analysis
With Critical Lane Volumes Under
Various Development Schemes
During the Peak Hour**

	Existing		Background		Total		Total Improved	
	AM	PM	AM	PM	AM	PM	AM	PM
Darnestown Rd/Travilah Rd	1335	860	1420	936	1451	981	---	---
Darnestown Rd/Great Seneca Hgwy with 3 rd SB left-turn lane	1174	987	1480	1199	1563	1314	1391	1219
Darnestown Rd/Shady Grove Rd with CIP Project – Spur Road	972	867	1908	1545	2175	1935	1440	1337
West Montgomery Ave/Research Rd with 3 rd SB left-turn lane	1179	1333	1383	1532	1448	1596	1383	1349
MD 28 & Ramp from SB I-270 with 3 rd WB through lane	1311	1461	1847	1597	1910	1686	1415	1258
West Montgomery Ave/Nelson St with 3 rd WB through lane	1154	1469	1340	1511	1390	1561	1123	1243
Key West Ave/Great Seneca Hgwy with 2 nd SB left-turn lane	1352	973	2316	1511	2336	1613	1615	1461
Shady Grove Rd/Key West Ave with 2 nd WB left-turn lane and 3 rd WB through lane	934	1325	1505	1798	1565	1942	1346	1653
Shady Grove Rd/Research Blvd with 2 nd SB left-turn lane and WB free right-turn lanes	1326	1159	1559	1486	1591	1602	1092	1420
Research Blvd/Gude Dr	1208	1078	1491	1596	1509	1693	1352	1465

BACKGROUND

The Hearing Examiner's Textual Stipulations state that the applicant is required to develop a transportation development program that is comprised of two parts:

- a requirement for effective transportation demand management, and
- a requirement for a funding commitment for public transit.

Transportation Demand Management

Development of the Traville property is subject to the establishment of a transportation management organization that will manage and coordinate all transportation demand management programs that are subsequently established for the Traville property.

DPWT is developing Executive Regulations to implement the Greater Shady Grove Transportation Management District (TMD) and Share-A-Ride District. DPWT is concerned about the TMD being required to "manage and coordinate all transportation demand management programs that are subsequently established for the Traville property." **The developer proposes to assume the responsibility to implement the traffic mitigation plan outlined on pages 7-9 below.**

The Planning Board will determine the specific type of programs to be provided, the timing of implementation, and compliance enforcement measures on a parcel-by-parcel basis. These transportation demand programs will substantially achieve the following minimum performance goals:

- a desirable overall performance goal in the order of a 25% reduction in the total peak-hour trips generated by the Traville property **without a transportation demand management program, transit use, or ride share and in comparison to the total peak-hour trips generated by the Traville property assuming full build-out under the original Diagrammatic Plan.**
- at least a 25% reduction of single-occupant vehicle trips generated by the residents of the Traville property during the peak hours.
- at least a 12% reduction of single-occupant vehicle trips generated by the employees on the Traville property during the peak hours.

Mix of Land Use

The mix of land uses proposed for the Traville neighborhood will result in reductions in the total peak-hour trip generation assumed for Traville at the time of zoning approval. The following tables demonstrate this trip generation reduction:

1. The total peak-hour trip generation for Traville, based upon the mix of land uses assumed at the time of approval of Traville's zoning and Diagrammatic Plan: (Table 2, page 5)

2. The total peak-hour trip generation for Traville, based upon the actual mix of uses that will comprise the Traville neighborhood, as shown on Traville's Concept Plan and Diagrammatic Plan Amendment (Table 3, page 5)
3. A comparison of the total peak-hour trip generation for each mix of land uses (Table 4, page 6).

**Table 2: Trip Generation for
Full Build-out of MXN Zoning Under the
Approved Diagrammatic Plan**

Approved Diagrammatic Plan		Morning Peak Hour			Evening Peak Hour		
		In	Out	Total	In	Out	Total
Non-Residential							
1	593,000 sq. ft. Office Space	870	130	1000	157	717	874
2	593,000 sq. ft. R&D space	479	99	578	73	435	508
3	175,000 sq. ft. Conference Center	252	38	290	49	223	272
4	45,000 sq. ft. Health Center	6	8	14	116	78	194
5	70,000 sq. ft. Retail	102	90	192	407	360	767
6	12,000 sq. ft. Day-Care Center	51	43	94	62	73	135
7	12,000 sq. ft. Recreation Community Ctr.	8	5	13	5	12	17
8	Total Non-Residential Trips	1768	413	2181	869	1898	2767
Residential							
9	750 Units	75	238	313	212	148	360
10	TOTAL SITE TRIPS	1843	651	2494	1081	2046	3127

**Table 3: Trip Generation for
Full Build-out of MXN Zoning Under the
Diagrammatic Plan Amendment**

Proposed Diagrammatic Plan Amendment		Morning Peak Hour			Evening Peak Hour		
		In	Out	Total	In	Out	Total
Non-Residential							
1	91,250 sq. ft. Office Space	134	20	154	24	110	134
2	1,121,250 sq. ft. R&D space	908	191	1099	146	819	965
3	98,000 sq. ft. Retail	129	115	244	517	458	975
4	Total Non-Residential Trips	1171	326	1497	687	1387	2074
Residential							
5	520 Multi-Family Units	52	161	213	146	104	250
6	230 Senior Apartment Units	1	10	11	8	1	9
7	Total Residential Trips	53	171	224	154	105	259
8	TOTAL SITE TRIPS	1224	497	1721	841	1492	2333

**Table 4: Comparison of Trips from
Approved Diagrammatic Plan
vs.
Diagrammatic Plan Amendment**

Non-Residential Trips						
	AM			PM		
	IN	OUT	TOTAL	IN	OUT	TOTAL
Approved Plan	1768	413	2181	869	1898	2767
New Plan	1171	326	1497	687	1387	2074
Difference	-597	-87	-684	-182	-511	-693
% Difference	-33.8	-21.1	-31.4	-20.1	-26.9	-25.1

Residential Trips						
	AM			PM		
	IN	OUT	TOTAL	IN	OUT	TOTAL
Approved Plan	75	238	313	212	148	360
New Plan	53	171	224	154	105	259
Difference	-22	-67	-89	-58	-43	-101
% Difference	-29.3	-28.2	-28.4	-27.4	-29.1	-28.5

Total Site Trips						
	AM			PM		
	IN	OUT	TOTAL	IN	OUT	TOTAL
Approved Plan	1843	651	2494	1081	2046	3127
New Plan	1224	497	1721	841	1492	2333
Difference	-619	-160	-773	-240	-554	-794
% Difference	-33.6	-24.6	-31.0	-22.2	-27.1	-25.4

The reduction in total peak-hour trip generation demonstrated in Table 4 is a direct result of the following:

1. At the time of zoning approval and the Diagrammatic Plan, it was anticipated that the Traville development would include a large conference center and almost 600,000 square feet of general office space. The proposed HGS development will encompass approximately 1,030,000 square feet, with employee densities ranging from 2.5 to 2.8 employees per 1,000 square feet. A density of 2.85 employees per 1,000 square feet is considered a research and development employee density (according to the AGP), while a density of 4.0 to 4.5 per 1,000 square feet is considered a general office employee density.
2. At the time of zoning approval and the Diagrammatic Plan, it was anticipated that the Traville residential component would encompass 700 residential dwelling units, all of which would be non-age restricted. Traville now intends to development the residential portion of its Village Center with a senior housing community of 230 multi-family units (average age of residents: 73). Traville's senior housing community will generate minimal peak-hour trips. The trip rates used for the senior housing trip generation shown in Table 3 are based upon an approved trip production study by the Traffic Group, Inc. submitted to Planning

Board Transportation Planning staff for Randolph Village in January, 1996. This study was based upon a multi-day study of three different senior housing projects. Traville's proposed senior housing community (encompassing 31% of Traville's residential units) results in at least a 28% reduction of the total peak-hour trip generation for Traville's residential component that was anticipated at the time of approval of Traville's zoning and Diagrammatic Plan.

Public Transit

The Traville property will participate in the public/private partnership to be established to fund transit services to serve the Shady Grove Study Area.

The Planning Board will determine the public transit funding commitment amount. If public funding is unavailable, the applicant in conjunction with other developers in the Shady Grove Area, will provide adequate funding for public transit. The funding amount for the Traville property must be in proportion to the identified need for additional public transit generated by the development of the Traville property and necessary to substantially reduce travel by single occupancy vehicles.

Sidewalks

All internal roads within the Traville property, which are constructed as secondary residential roads, primary residential roads, arterial roads, or business district roads will include sidewalks.

APPLICANT'S TRAFFIC MITIGATION PLAN

The applicant's plan has numerous components that, together, are envisioned to meet the overall performance goal established for Traville at zoning by the County Council.

1. Establish the Traville Conservancy, a community-wide owner's association that will:
 - have authority to impose and collect assessments on Traville landowners
 - serve as overall coordinator for specific residential and commercial traffic mitigation programs.

2. The Traville Conservancy will dedicate land and construct a transit center up to 600 square feet in size. The transit center will be transferred to Montgomery County for use and operation by the Shady Grove Transportation Management District.

The Traville transit center could be similar and complementary to the transit center already dedicated by the Falls Grove developer on Shady Grove Road north of Darnestown Road. DPWT expects to house TMD staff and operate, at some point, a transit store from the Falls Grove site.

3. The Traville Conservancy will operate a Traville-based shuttle bus during the weekday peak periods of 6:00 to 9:00 am and 4:00 to 7:00 pm. (See transit map attached.)
4. HGS will establish and operate a 10-12-passenger shuttle bus service for its employees. (See transit map.)
5. Public transit service, i.e., Ride-On, is anticipated to serve Traville. (See transit map.)
6. The Traville Conservancy will provide lighted bus shelters with seating. The number and location of the bus shelters will be determined by DPWT.
7. The Traville Conservancy will coordinate with the Council of Governments to make the Guaranteed-Ride Home Program available among all tenants.
8. The Traville Conservancy will pay the Shady Grove Transportation Management District fee expected to be established by the County Council.
9. The Traville Conservancy will fund a traffic-monitoring plan that will include the following parameters:
 - a. Semi-annual manual and/or mechanical traffic counts at all access points to the Traville property beginning six months after occupancy of 50% of Traville's approved residential (750 dwelling units) and non-residential (1,322,500 square feet) development.
 - b. The traffic counts will be conducted at Traville's expense, utilizing Planning staff's traffic consultant.
10. A comprehensive interconnected pedestrian/bicycle path system is provided. HGS will provide showers and bike lockers for its employees. Bicycle riding will be encouraged for commuting to work, to include bicycle parking facilities at transit stops, as determined by DPWT.
11. Joint marketing efforts designed to attract HGS employees to rent apartments at Traville's residential sites to foster walk to work opportunities will be developed. The Traville Conservancy will promote a live near your work campaign. For example, modeling the "Live Near Your Work" program, the developer/owner could provide a discount in the rental amount of \$100 a month for 12 months to the tenants working inside the development.
12. Human Genome Sciences (HGS) will permit and encourage its employees to work flextime schedules and /or telework options.
13. HGS will identify a transportation coordinator to provide employees with transit and ride-sharing information and will have preferential parking for carpools and vanpools.

14. The residential development, Avalon Bay, will identify a transportation coordinator and provide its residents with transit and ride sharing information at its community center.
15. Staff will review HGS's employee parking requirements at each phase of development to meet the overall performance goal of 25% reduction in peak-hour trips in single-occupant vehicles.
16. HGS will encourage every employer and rental office/agency to promote commuter alternatives. Encourage and facilitate access by Greater Shady Grove (GSG) TMD's ride matching services to employees and tenants, to encourage ride sharing by on going promotions. Organize special promotions three times a year.
17. HGS will provide quarterly reports to the GSG TMD indicating TMD efforts, programs, monitoring of traffic, and actions accomplished over the reporting period.
18. HGS will work with the homeowners association to promote and publicize commuter alternatives services on a regular basis. HGS will distribute literature and provide access to the GSG TMD to hold special promotions three times a year to residents.
19. HGS will sell fare media on site to all employees and tenants.
20. If parking charges are levied, HGS will provide reduced rates for carpools and vanpools at comparable county rates.
21. HGS will encourage employer and residential tenants to participate in the Annual Commuter Survey conducted by the GSG TMD.

Transportation Planning Staff Review of the Traffic Mitigation Agreement

The applicant's proposed traffic mitigation plan does much to provide the opportunity for transit use and ride sharing by employees and residents. It also supports the use of the single occupant automobile by providing employee parking to meet the need.

The applicant states that Human Genome Sciences (HGS) has an existing flextime work schedule at its current locations that results in only 46-47% of HGS employees arriving and/or departing during the morning and evening peak hours. Staff anticipates that the existing flex time pattern will continue and be a primary means of addressing commuting congestion – as proposed by the applicant.

The applicant has surveyed HGS employees to determine their commuting habits and preferences. This survey indicates that 95 percent of employees drive to work in single occupant vehicles. When asked if employees would take transit or carpool if available, 81 percent responded "no".

Using the Department of Park and Planning's *Trip Distribution and Traffic Assignment Guidelines* as a resource to predict future commuting patterns for employees and residents of Trville, it is likely that the majority of employees will live in the areas of Gaithersburg / Shady Grove (25.2%), Germantown (10.9%), and Frederick County (12.1%). The majority of residents are likely to work in Gaithersburg/Shady Grove (32.4%) and Rockville/ North Bethesda (23.7%). This data suggests a focus for transit and ride sharing efforts that would include bus service, Metrorail, and MARC rail stations that will be monitored for actual patterns.

DPWT Staff Review of the Transit Plan

Ride-On local service along Shady Grove Road, Darnestown Road, and Great Seneca Highway will detour into the Trville Transit Center along the planned access roads. From the preliminary drawings of the proposed transit center, it is anticipated that the re-routings will require approximately three minutes additional time to serve the facility.

These Ride-On routes connect with major Ride-On, Metrorail and MARC transfer locations such as the Shady Grove and Rockville Metrorail stations and Lakeforest Mall. The service frequency with the combination of Ride-On services during the peak hours will be as great as every ten minutes. The service to the Transit Center will have an express element for those destined for Trville from Shady Grove Metro desiring a quicker trip. There will also be a local, connector type element for those not passing through the key transfer locations. Ride-On will serve the facility from 5:30 a.m. until 11:00 p.m. Monday through Friday. The Ride-On routes will also serve the facility on the weekends from 6:30 a.m. until 8:00 p.m.

Once at the Trville Transit Center, riders will then transfer to a high frequency (5-8 minutes frequency) campus distributor service; i.e., the Trville-based shuttle. **It is anticipated that the Trville-based shuttle will have the following attributes.** It will serve some of the "harder to reach" residential areas and may serve the University of Maryland and Trvillah Road. The service will penetrate the Trville property where the regular Ride-On routes will not, while serving the Transit Center and providing connectivity to the Ride-On routes. There will be some overlap of Ride-On and the distributor service along primary arterials. Hence, many of those using the Ride-On service will not have a need to transfer to the distributor. The distributor service will operate from 6:00 to 9:00 a.m. and 4:00 to 7:00 p.m. Monday through Friday.

It is envisioned that two transit vehicles **may** be needed at full build-out for the distributor service to meet the 5-8 minute frequency. **The Trville Conservancy has agreed to assume the financial responsibility for the costs of the Trville-based shuttle.**

Since there is a need for HGS to serve multiple campuses and there are potential security issues with non-HGS employees, it is envisioned that that service **may** remain separate from the distributor and Ride-On service. It should, however, serve the Transit Center so that transferring can occur for those HGS employees using the regular transit network. The county does not have a position on what the anticipated cost of the HGS shuttle would be.

KHK:TVR:kcw
Attachment

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

March 15, 2001

MEMORANDUM

TO: Wynn Witthans, Planner
Development Review Division

VIA: Ronald C. Welke, Coordinator *RW*
Transportation Planning

FROM: Ki H. Kim, Planner *VIAK*
Transportation Planning

SUBJECT: Site Plan No. 8-01012
Traville Lot 1 – Human Genome Sciences
Darnestown

This memorandum is Transportation Planning staff's review of the subject site plan for Traville Lot 1 – Human Genome Sciences (HGS). The subject site is located in Traville, which has an approved preliminary plan for 750 multi-family dwelling units and 1,322,500 square feet of non-residential mixed development. The application is for 1,015,200 square feet of R&D office space. The site is located on the south side of Darnestown Road east of Travilah Road in the R&D Policy Area.

RECOMMENDATIONS

Transportation Planning staff recommends the following conditions related to approval of the subject site plan.

1. The applicant shall limit total development to 1,015,200 square feet of R&D office space under the subject site plan.

2. The proposed layout of public and private streets and the pedestrian circulation network are adequate for the amount of development proposed.
3. The applicant shall provide roadway improvements on Darnestown Road as shown on the submitted Darnestown Road Improvement Plan. The applicant should also coordinate with DPWT in widening Darnestown Road between Great Seneca Highway and Travilah Road – CIP project.
4. The applicant shall install a traffic signal at the intersection of Darnestown Road and Traville Gateway Street prior to issuance of a use and occupancy permit for Phase 1A.
5. The construction of the proposed parking garages or interim surface parking should be reviewed by staff and phased with development of the office buildings to ensure that HGS's employee parking requirements at each phase of development meet the overall performance goal of 25% reduction in peak-hour trips in single-occupant vehicles as required in the preliminary plan.
6. The applicant shall preserve sufficient land area to provide for a future roundabout at the intersection of the entrance road and Traville Gateway Street. The need for the roundabout at this location will be reviewed at each phase of development and constructed by the applicant when determined to be necessary by staff, in consultation with DPWT staff, to accommodate the site traffic safely.
7. All roadway improvements and Transportation Demand Management (TDM) requirements should be implemented in accordance with conditions of the preliminary plan approval.

DISCUSSION

LATR and Policy Area Review

The Adequate Public Facilities (APF) issues on the subject development were addressed at the time of the preliminary plan application. The proposed development under the subject site plan (1,015,200 square feet of the R&D office space) is within the previously approved density (1,322,500 square feet of the no-residential mixed-use development). Therefore, the proposed development under the subject site plan will not have any transportation APF issues as related to the LATR and Policy Area reviews.

Site Access and Internal Roadway

The access to the site is proposed from the existing Darnestown Road, Travilah Road and Shady Grove Road via Traville Gateway Street and an internal private loop road. The applicant should provide roadway improvements on Darnestown Road as shown on the submitted Darnestown Road Improvement Plan. The applicant's roadway improvements include widening Darnestown Road from Great Seneca Highway to east of Traville Gateway Street, installation of a traffic signal, providing a west bound left-turn lane

at Traville Gateway Street, and constructing a right-in/right-out street next to the Travilah Square Shopping Center. Also, the applicant should coordinate with DPWT in the County's CIP project for widening Darnestown Road between Great Seneca Highway and Travilah Road.

The site plan contains a "T" intersection at the entrance road and Traville Gateway Street. Based on the traffic analysis submitted by the applicant's traffic consultant, the full development of the subject site generates high left-turn volumes onto Traville Gateway Street towards Darnestown Road, which may not be able to be handled by the "T" intersection. The applicant should preserve sufficient land area for a future roundabout at this location to accommodate the left-turn volumes safely. The need for the roundabout should be evaluated at each phase of HGS development. (see attached plan)

Phasing Plan/Parking Spaces

The applicant has proposed a phasing plan for development of the site:

<u>Phase</u>	<u>Building</u>	<u>Number of Employees</u>
Phase 1	550,000 sq.ft. (Bldgs. A,B,C)	1,000 employees
Phase 1A	240,000 sq.ft. (Bldgs. D,E)	750 employees
Phase 2	240,000 sq.ft. (Bldgs. F,G)	750 employees

Parking requirements for each phase of development should be reviewed by staff to ensure that the overall performance goal of 25% reduction in peak hour trips in single-occupant vehicles is met. For example, in Phase 1, 1,000 employees are expected and 875 parking spaces (one-half of one of the two planned parking garages) are to be provided.

Staff finds that the proposed access to the site and the internal roadway system as shown on the site plan are adequate for the proposed development.

KHK:cmd

Attachment

SP #8-01012 Human Genome Sciences.doc

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: May 31, 2001
SITE PLAN REVIEW : # 8-01012
PROJECT NAME: Human Genome Sciences

Action: Approval of Final Water Quality Plan subject to conditions. Motion was made by Commissioner Holmes, seconded by Commissioner Bryant, with a vote of 3 -0, Commissioners Bryant, Holmes and Hussmann voting for, Commissioners, Perdue and Wellington were necessarily absent.

Action: Approval of Site Plan #8-01012 subject to conditions. Motion was made by Commissioner Holmes, seconded by Commissioner Bryant, with a vote of 3 -0, Commissioners Bryant, Holmes and Hussmann voting for, Commissioners, Perdue and Wellington were necessarily absent.

The date of this written opinion is May 31, 2001 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before June 30, 2001 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this Site Plan shall remain valid for as long as Preliminary Plan # -97022R is valid, as provided in Section 59-D-3.8. Once the property is recorded, this Site Plan shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8

On March 22, 2001, Site Plan Review #8-01012 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

1. *The Site Plan is consistent with the approved diagrammatic plan as required;*
2. *The Site Plan meets all of the requirement of the Mixed Use Neighborhood Zone;*
3. *The location of the buildings and structures, the open spaces, the landscaping, and the pedestrians and vehicular circulation systems are adequate, safe, and efficient;*
4. *Each structure and use is compatible with other uses and other Site Plans and with existing and proposed adjacent development;*
5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation;*

Therefore, the Montgomery County Planning Board **APPROVES** Site Plan #8-01012, which consists of 1,030,000 square feet of research and development land use on 49.98 acres, subject to the following conditions:

FINAL WATER QUALITY PLAN:

Approval of a Final Water Quality Plan for Site Plan # 8-01012 with the following conditions:

1. Conditions of DPS Final Water Quality Plan approval letters dated March 13, 2001.
2. Approval of the Planning Board's components of the Final Water Quality Plan only under the following conditions:
 - A) Permanent protection of environmental buffer areas and additional areas from disturbance during and after construction per final forest conservation plan/grading plan.
 - B) Implementation of the requirements of the final forest conservation plan as incorporated herein. Environmental buffers shall be placed in Category I Easement, with allowance for landscaping, pedestrian walkways and limited maintenance areas as shown on the final forest conservation plan approved as a part of the signature set. The forest conservation plan will include forestation to the stream valley buffer by active planting per the Special Protection Area requirements and the detailed requirements of the FCP approval.
 - C) Imperviousness is limited to no more than 18.6 acres on 49.98 acres of land as referenced in Loiederman Associates, Inc. memo dated March 21, 2001, unless required by a government agency, or as a revision with appropriate justification and approved by the Planning Board. All impervious areas shall be included in overall cumulative total for Traville per textual stipulation #2 of the Diagrammatic Plan approved July 2, 1996.

SITE PLAN REVIEW # 8-01012 – Human Genome Sciences

Approval of 1,030,200 square feet of Research and Development land use with the following conditions to be addressed prior to the issuance of signature set:

1. Standard Conditions dated October 10, 1995, Appendix A.
2. The Loop Road shall follow the pavement depth standards of minimum of tertiary streets as provided for the private street construction per the Montgomery County subdivision code.
3. Final site and landscaping and lighting plans to include curbs or equivalent at the noses of the islands in center median.
4. Phasing
 - a. The sidewalk along Darnestown Road shall be installed at the time of the construction of the Darnestown Road improvements or the construction of Traville Gateway Drive whichever comes first.
 - b. Buildings D, E, F, G and the second half of Parking Garage One and the entirety of Parking Garage Two shall be reviewed by the Montgomery County Planning Board for further detailing of landscaping, lighting, site pedestrian and vehicular circulation and loading operations prior to the release of signature set.

5. Lighting

Lighting for the Loop Road and any other site lighting shall be reviewed by MNCPPC staff prior to the release of signature set. The plans shall be in general conformance IESNA guidelines and shall provide adequate, safe and compatible lighting levels. Lighting plans shall include the pole height, fixture design, projected footcandles in a grid format and other relevant information for the review.

6. Construction of Parking

The construction of the proposed parking garages or interim surface parking should be reviewed by staff and phased with development of the office buildings. This review shall ensure that at each phase of development, HGS's employee parking requirements will help to meet the overall performance goal of 25% reduction in peak-hour traffic by the Traville property without a transportation demand program, transit use, or rideshare program as required in the preliminary plan. Any proposed changes to the parking plan for Phase I and later phases shall be reviewed by staff for landscape, lighting and circulation patterns consistent with the review of the site plan as presented.

7. Noise Levels

The proposed cooling towers and other mechanical equipment for HGS located next to Travilah Road shall comply with Montgomery County noise ordinance standards in regards to noise levels at the property line.

8. Final Site and Landscape and Lighting Plans to conform to the requirements of the Environmental Planning Memo of March 14, 2001.
9. Final Site and Landscape and Lighting Plans to conform to the requirements of the revised Transportation Planning Memo of March 21, 2001.
10. Final Site and Landscape and Lighting Plans to conform to the requirements of the Division of Permitting Services Right-Of Way Permitting and Plan Review Section Memo of March 9, 2001.
11. Future Site and Landscape and Lighting Plans and any proposed amendments to them shall include an updated tally or status of green space, impervious areas and transportation improvements.
12. The color of the garage may be modified but will remain in the earth tone color range. Staff will review the proposal for consistency with the approved site plan.

APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95:

1. Submit a Site Plan Enforcement Agreement and Development Program for review and approval prior to approval of the signature set as follows:
 - a. Development Program to include a phasing schedule as follows:
 - 1) Streets tree planting must progress as street construction is completed, but no later than six months after completion of the buildings adjacent to those streets.
 - 2) Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development.
 - 3) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
 - 4) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
 - 5) Clearing and grading to correspond to the construction phasing, to minimize soil erosion.
 - 6) Coordination of each section of the development and roads.
 - 7) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
 - b. Site Plan Enforcement Agreement to delineate transportation management program as approved by the Planning Board March 8, 2001 via Transportation Memo dated March 5, 2001.
2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
 - a. Limits of disturbance.
 - b. Methods and locations of tree protection.
 - c. Forest Conservation areas.
 - d. Conditions of DPS Final Water Quality Plan approval letter dated March 13, 2001.
 - e. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
 - d. The development program inspection schedule.
 - e. Conservation easement boundary.
 - f. Street trees as shown along all public streets.

3. Forest Conservation Plan shall satisfy conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit including the following:
 - A) The planting plan and proposed maintenance schedule shall be revised to reflect reforestation requirements as specified in the "Trees Technical Manual":
 - a) In the buffer area on the south side of the stream, full reforestation shall occur between the path and the stream in accordance with the Trees Technical Manual definition of forest and reforestation. This includes canopy, shrub species, and no maintenance areas (except as necessary to create forest) for the area below the dumpster location in the Village Center parking lot down to Shady Grove Road.
 - b) In the buffer area on the north side of the stream to just below the boardwalk crossing, full reforestation shall occur in the minimum areas between the path and the stream in accordance with the Trees Technical Manual definition of forest and reforestation (including canopy, shrub species, and no maintenance except as necessary to create forest). The minimum areas are to be forested at the prescribed density include all wetlands and a 50' buffer area, and the extent of the floodplain, whichever is greater.
 - B) In other buffer areas outside the areas described in item #1, wildflower and shrub mass areas will be permitted as shown in the final landscape plan, so long as a minimum 25' forested buffer along the wetland area is provided.
 - C) The planting/landscape plan for areas surrounding the asphalt connector path and north should show additional canopy trees within the areas designated as "Small Tree Transplant Zone". More detail shall be provided on canopy and shrub species and density that will mature to forest cover.
 - D) At a minimum, all un-maintained areas of the Environmental Buffer shall be placed in Category I conservation easement. Other areas of the buffer may be placed in a Category I conservation easement with appropriate reference language to allow for selective elements including landscaping and maintenance, an asphalt circumferential path and an asphalt connector path. Or, they shall be protected through the signature set documents and/or a detailed forest maintenance and management agreement, as approved by staff at site plan signature set.
 - E) The forest maintenance and management agreement shall specify forest maintenance and replacement for a period of five years following successful planting, per SPA Guidelines.
4. No clearing or grading prior to M-NCPPC approval of signature set of plans.

With attachments:

G:ASP OPINION 8-01012.doc

APPENDIX B (Approval Memos/Letters)



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

July 8, 2011

MEMORANDUM

TO: Molline Smith
Area 3 Division

FROM: Ki H. Kim, Transportation Planner/Coordinator *KHK*
Area 3 Division

SUBJECT: Traville Parcels M & N
Site Plan No. 82001012C

This memorandum represents Transportation Planning staff's review and recommendation on the subject site plan application for the proposed construction of a portion of Phase 1A, 125,000 square feet of additional R&D office space. The Adequate Public Facilities (APF) test for the overall Traville site development, 750 multi-family dwelling units and 1,322,500 square feet of retail, office and R&D space, has been done at the time of approval of the preliminary plan.

RECOMMENDATION

Based on our review of the subject site preliminary/site plan previous approval conditions and the traffic statement submitted by the applicant for the 125,000 square feet of additional R&D space under Phase 1A, staff recommends the following conditions as part of the APF test related to approval of the subject site plan application.

1. Prior to submitting a certified site plan, the applicant must enter into a traffic mitigation agreement (TMAg) with the Montgomery County Department of Transportation (MCDOT) and M-NCPPC.
2. Total number of the parking space for the proposed Phase 1A development must not exceed 327 spaces as shown on the submitted site plan.

DISCUSSION

There are two transportation-related remaining issues that the applicant has to address to confirm the approved preliminary plan and site plan conditions.

Traffic Mitigation Agreement

According to Condition (2) of the Planning Board's Opinion dated April 23, 2001 for Preliminary Plan 1-97022R, the applicant of the Traville development enter into a traffic mitigation agreement (TMAg) with the Montgomery County Department of Transportation (MCDOT) and M-NCPPC. The TMAg has not been executed and the "DRAFT TMAGs" has been under review between the applicant and MCDOT. It is staff's recommendation that the applicant has to meet this TMAGs requirement prior to submitting the certified site plan.

Overall Trip Reduction Requirement

Condition (2) of the Planning Board's April 23, 2001 Opinion also requires the applicant to achieve a desirable overall performance goal in the order of a 25% reduction in the total peak hour traffic generated by the Traville property. In order to meet this requirement, the applicant must limit the number of parking spaces for the proposed Phase 1A development up to 327 which equates to only 2.02 spaces per 1,000 GSF including the existing parking spaces of the Phase 1. This is over 40% less than the maximum parking allowed. Staff finds that the applicant is reducing peak hour trips by greater than 25%.



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid
Director

April 14, 2011

Mr. Edward C. Wallington
Lolederman Associates, Inc.
2 Research Place, Suite 100
Rockville, Maryland 20850

Re: **Revised Final Water Quality Plan** for Traville-
Biomed Realty Trust, Inc.
SM File #: 203193
Tract Size/Zone: 18.11 acres/MXN
Parcel/Block: N/A
Watershed: Watts Branch/Piney Branch

SPECIAL PROTECTION AREA

Dear Mr. Wallington:

Based on a review by the Department of Permitting Services (DPS) Review Staff, the Revised Final Water Quality Plan for the above mentioned site is **acceptable**. This approval is for the elements of the Final Water Quality Plan of which DPS has lead agency responsibility, and does not include limits on imperviousness or stream buffer encroachments.

Site Description: The site consists of 50.0 acres of land bounded by Shady Grove Road to the south, Travilah Road to the west, Damstown Road (Rt. 28) to the north and Traville Gateway Drive to the east. The proposed plan is to construct a previously approved building and a surface parking lot to serve that building. The surface parking is intended to be removed in the future when the remaining approved buildings are constructed along with a parking garage. The property is located within the Piney Branch Watershed, which is a designated Special Protection Area (SPA).

Stormwater Management: Stormwater management will be provided by a combination of different methods and structures. The building rooftop will drain to a triple cell infiltration structure as was originally designed and approved. The surface parking lot, access drive and other impervious areas will be treated with upland ESD measures that include grass swales, bio swales, bio filters and porous pavers prior to draining to a dual cell surface sand filter that was designed to treat this area and ultimately to Shady Grove Road Pond #3 that provides one year quantity control.

Sediment Control: Extra care must be taken during the sediment control phase to protect the existing stormwater management structures. Since the site has already been graded and stabilized from the initial phase of development and minimal additional grading will be required the sediment control requirements will be determined at the detailed plan review stage. The use of silt fence will be the minimum requirement for sediment control.

Monitoring: The original monitoring requirements still apply. No additional monitoring will be required at this time. However, additional monitoring may be required with future revisions or expansions.

Edward C. Wallington
April 14, 2011
Page 2


Conditions of Approval: All of the conditions from the original approval still apply. The following conditions must be addressed in the initial submission of the detailed sediment control/stormwater management plan. This list may not be all inclusive and may change based on available information at the time of the review:

1. Provide an inspection report for all of the existing on-site stormwater management structures before construction begins and after construction is complete. If it is determined that the structures were impacted by construction immediate maintenance will be required.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.

Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended Water Quality Plan requirements.

If you have any questions regarding these actions, please feel free to contact Leo Galanko at (240) 777-6242.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB::CN203193.img

cc: C. Conlon (MNCPPC)
L. Galanko
SM File # 203193

QN - On-site; Acres: 18.18
QL - On-site; Acres: 18.18
Recharge Provided

Smith, Molline

From: Ed Wallington [ewallington@lsassociates.net]
Sent: Tuesday, May 31, 2011 9:49 AM
To: LaBaw, Marie; Smith, Molline
Subject: RE: Traville-Site Plan 82001012C Site Plan Amendment

Thank you

I am contacting the owner to sign the fire lane order plan

PS DATE:

From: LaBaw, Marie [mailto:Marie.LaBaw@montgomerycountymd.gov]
Sent: Tuesday, May 31, 2011 8:50 AM
To: Molline.Smith@mncppc-mc.org
Cc: Ed Wallington
Subject: FW: Traville-Site Plan 82001012C Site Plan Amendment

Molline, the access plan is approvable as submitted on 4/22/11. I am waiting on confirmation that the property owners have agreed to the necessary parking restrictions before I can issue a formal approval. I hope this helps. Please let me know if you need anything else.

S Marie LaBaw, PhD, PE
Engineering, Fire Code Enforcement
Office of the Fire Marshal
Montgomery County Fire and Rescue Services
255 Rockville Pike, 2nd Floor
Rockville, Md. 20850
(240) 773-8917 Office (240) 777-2465 FAX
e-mail address: Marie.LaBaw@montgomerycountymd.gov

-----Original Message-----

From: Ed Wallington [mailto:ewallington@lsassociates.net]
Sent: Tuesday, May 31, 2011 8:17 AM
To: LaBaw, Marie
Cc: DPS.TSUsersMNCPPC
Subject: Traville-Site Plan 82001012C Site Plan Amendment

Marie, if you could email Molline Smith confirming the emergency access plan is acceptable, it would be helpful.

Thanks

Ed Wallington

From: Ed Wallington
Sent: Thursday, April 28, 2011 4:41 PM
To: 'LaBaw, Marie'
Cc: 'Smith, Molline'
Subject: FW: Traville Fire Access Plan..

Just wanted to make sure you received the 4 sets which we believe are ready for signature working off the email below. Could we receive an approval memo early next week ???

SP number 82001012C. Moline is the MNCPPC plan reviewer.

From: Ed Wallington
Sent: Wednesday, April 20, 2011 10:18 AM
To: 'LaBaw, Marie'
Subject: RE: Traville Fire Access Plan

We added the 2 signs around the circle as you indicated will be required; we are sending the customary 4 sets signed and sealed

From: LaBaw, Marie [mailto:Marie.LaBaw@montgomerycountymd.gov]
Sent: Wednesday, April 06, 2011 11:44 AM
To: Ed Wallington
Subject: RE: Traville Fire Access Plan

I don't have any problems with the access plan. While I can appreciate the owner's dislike of signage, your argument against it will have to be very convincing for me to ignore code. I would suggest that you prepare the owner for the possibility of installing signage around the existing circle.

S Marie LaBaw, PhD, PE

Engineering, Fire Code Enforcement
Office of the Fire Marshal
Montgomery County Fire and Rescue Services
255 Rockville Pike, 2nd Floor
Rockville, Md. 20850
(240) 773-8917 Office (240) 777-2465 FAX
e-mail address: Marie.LaBaw@montgomerycountymd.gov

-----Original Message-----

From: Ed Wallington [mailto:ewallington@lsassociates.net]
Sent: Wednesday, April 06, 2011 10:04 AM
To: LaBaw, Marie
Cc: Keely Lauretti, RLA
Subject: FW: Traville Fire Access Plan

Attached are copies of the fire access plan , the third icon is the enlarged fire order plan showing the signs at the proposed building. Let us know if this is satisfactory.

We met about 2 weeks ago or so and reviewed this plan. You requested that we do just the signs at the new building location, we added 2 on the service drive, we have labeled the dropoff area and adjusted the sign at

that location. We dropped the painted curbs, not favored by the owner, you indicated that would be OK. You requested that we enlarge the graphical presentation on the fire hydrants, we did. On this pdf, the color is rather light, but they show up well on the hard copy. You can zoom in to view them. There were no comments on the basic access route, as we have ample space for the emergency vehicles and meet the customary requirements.

The owner did not favor adding any signs in front of the existing building, no one is allowed to park on the circle, there are 40 some visitor spaces to the right. The owner monitors this area 24 a/c 7, I will send you another email documenting that this is the case.

Let us know if this is acceptable and we will send 4 sets signed and sealed.

Thanks for your consideration

From: Michelle Gonsalves
Sent: Tuesday, April 05, 2011 3:25 PM
To: Ed Wallington
Cc: Keely Lauretti, RLA
Subject: FW: Traville Fire Access Plan

Ed,
Attached are the Fire Access Plans and the Fire Sign Order for Traville.

Michelle Gonsalves, RLA, LEED AP
Landscape Architect

Loiederman Soltesz Associates, Inc.
Engineering | Planning | Surveying | Environmental Sciences
2 Research Place, Suite 100 | Rockville, MD 20850
office: 301.948.2750 | fax: 301.948.9067
www.LSAssociates.net

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From: Michelle Gonsalves
Sent: Wednesday, March 30, 2011 3:08 PM
To: Keely Lauretti, RLA
Subject: Traville Fire Access Plan

Keely,
I attached the fire access plans with the revisions we talked about for Traville.

Michelle Gonsalves, RLA, LEED AP
Landscape Architect

Loiederman Soltesz Associates, Inc.
Engineering | Planning | Surveying | Environmental Sciences
2 Research Place, Suite 100 | Rockville, MD 20850
office: 301.948.2750 | fax: 301.948.9067
www.LSAssociates.net

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SITE PLAN ENFORCEMENT AGREEMENT

Human Genome Sciences -- Trville

THIS AGREEMENT is made this ___ day of _____, 2001, by and between Human Genome Sciences, Inc. ("Applicant"), and the MONTGOMERY COUNTY PLANNING BOARD OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION ("Planning Board") and is effective as of the date signed by the Planning Board.

WHEREAS, Sec. 59-D-3.3 of the Montgomery County Code ("Code") requires the Applicant, as part of the site plan review process, to enter into a formal agreement with the Planning Board; and,

WHEREAS, the Code requires the Applicant to agree to execute all features of the approved site plan noted in Sec. 59-D-3.23 in accordance with the development program required by Sec. 59-D-3.23(m); and,

NOW, THEREFORE, in consideration of the mutual promises and stipulations set forth herein and pursuant to the requirements of Section 59-D-3.3 of the Code, the parties hereto agree as follows:

1. The Applicant agrees to comply with all of the conditions set forth in the Planning Board's Opinion and to execute all of the features of approved Site Plan No. 8-01012, ("Site Plan"), including all features noted in Sec. 59-D-3.23, in accordance with the approved Development Program required by Sec. 59-D-3.23(m), attached and incorporated herein by reference.

2. This Agreement shall be binding upon the Applicant, its successors and assigns, and on the land and improvements in perpetuity or until released in writing by the Planning Board.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals as of the date set forth above.

WITNESS:

[Handwritten signature]

MONTGOMERY COUNTY PLANNING BOARD

By: *[Handwritten signature]*
Joseph R. Davis, Chief

Name & Title: Development Review Division

Date: *[Handwritten date]*

WITNESS:

[Handwritten signature]

APPLICANT:
Human Genome Sciences, Inc.

By: *[Handwritten signature]*

APPROVED AS TO LEGAL SUFFICIENCY

[Handwritten signature]
M-NCPPC LEGAL DEPARTMENT

DATE: *[Handwritten date]*

EXHIBIT A

COMMERCIAL/INDUSTRIAL DEVELOPMENT PROGRAM

Site Plan No. 8-01012
Site Plan Name: Human Genome Sciences

Applicant agrees to complete the following site plan features within the time frames stipulated below.

A. The project will be completed in three phase(s) as detailed on Exhibit A-1, attached and incorporated herein by reference.

B. Applicant will complete the following site plan elements prior to occupancy of the building(s) constructed in that constructed phase or section.

1. Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.

2. Pedestrian walkways and seating areas associated with each facility shall be completed as construction of each facility is completed.

3. Clearing and grading to correspond to the construction, phasing, to minimize soil erosion.

4. Dedications, stormwater management, sediment/erosion control, recreation areas, forestation, community paths, trip mitigation and other features shall be coordinated to correspond to each phase of development.

5. Paving of roads (excluding final topping).

6. Parking areas.

7. Lighting (street and parking lot).

C. Other stipulations as required by the PLANNING BOARD, and as enumerated in Exhibit A-2, attached and incorporated herein by reference.

D. Site Inspections:

1. Applicant shall conduct a preconstruction meeting with M-NCPPC staff and MCDPS Sediment Control staff prior to clearing and grading.

2. Prior to occupancy of the building(s), the Applicant shall schedule with M-NCPPC staff an inspection to ensure compliance with this Development Program and Site Plan Enforcement Agreement.

3. Applicant shall send written notice to M-NCPPC's Inspection Unit to initiate scheduling of preconstruction meetings and site inspections.

EXHIBIT A-1

PHASING

The project is anticipated to be constructed in three Phases, Phase I, Phase IA, and Phase II, as shown on the signature set of the site plan drawings. These three phases are approximately as follows:

Phase I

Buildings A, B, C
Central Receiving building
Phase I garage (1/2)
Site roadways (except on southeastern side)
Central park area
Perimeter and site landscaping
University of Maryland site temporary athletic fields

Phase IA

Buildings D, E
Phase I garage (remainder)
Additional site roadway on southeastern side
Additional site landscaping

Phase II

Buildings F, G
Phase II parking garage
Central courtyard
Cell garden

EXHIBIT A-2

Additional Planning Board Site Plan Conditions

1. Conditions of DPS Final Water Quality Plan approval letters dated March 13, 2001.
2. Approval of the Planning Board's components of the Final Water Quality Plan only under the following conditions:
 - A) Permanent protection of environmental buffer areas and additional areas from disturbance during and after construction per final forest conservation plan/grading plan.
 - B) Implementation of the requirements of the final forest conservation plan as incorporated herein. Environmental buffers shall be placed in Category I Easement, with allowance for landscaping, pedestrian walkways and limited maintenance areas as shown on the final forest conservation plan approved as a part of the signature set. The forest conservation plan will include forestation to the stream valley buffer by active planting per the Special Protection Area requirements and the detailed requirements of the FCP approval.
 - C) Imperviousness is limited to no more than 18.6 acres on 49.98 acres of land as referenced in Loiederman Associates, Inc. memo dated March 21, 2001, unless required by a government agency, or as a revision with appropriate justification and approved by the Planning Board. All impervious areas shall be included in overall cumulative total for Traville per textual stipulation #2 of the Diagrammatic Plan approved July 2, 1996.
3. The Loop Road shall follow the pavement depth standards of minimum tertiary streets as provided for the private street construction per the Montgomery County subdivision code.
4. Final site and landscaping and lighting plans to include curbs or equivalent at the noses of islands in center median.
5. Phasing:
 - a. The sidewalk along Darnestown Road shall be installed at the time of the construction of Darnestown Road improvements or the construction of Traville Gateway Drive whichever comes first.
 - b. Buildings D, E, F, G and the second half of Parking Garage One and the entirety of Parking Garage Two shall be reviewed by the Montgomery County Planning Board for further detailing of landscaping, lighting, site pedestrian and vehicular circulation and loading operations prior to the release of signature sets for Phases IA and II.

6. Lighting:

Applicable site lighting shall be review by MNCPPC staff prior to the release of signature sets for each phase. The plans shall be in general conformance with IESNA guidelines and shall provide adequate, safe, and compatible lighting levels. Lighting plans shall include the pole heights, fixtures design, projected foot candles in a grid format, and other relevant information for the staff review.

7. Construction of Parking:

The construction of the proposed parking garages or interim surface parking should be reviewed by staff and phased with development of office buildings. This review shall ensure that at each phase of development, HGS's employee parking requirements will help to meet the overall performance goal of 25% reduction in peak-hour traffic by the Traville property without a transportation demand program, transit use, or rideshare program as required in the preliminary plan. Any proposed changes to the parking plan for Phase I and later phases shall be reviewed by staff for landscape, lighting and circulation patterns consistent with the review of the site plan as presented.

8. Noise Levels:

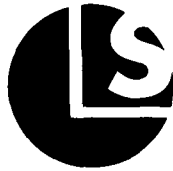
The proposed cooling towers and other mechanical equipment for HGS located next to Travilah Road shall comply with Montgomery County noise ordinance standards in regards to noise levels at the property line.

9. Future Site and Landscape and Lighting Plans and any proposed amendments to them shall include an updated tally or status of green space, impervious areas and transportation improvements.

10. The color of the garage may be modified but will remain in the earth tone color range. Staff will review the proposal for consistency with the approved site plan.

11. No clearing or grading prior to M-NCPPC approval of signature set of plans.

APPENDIX C (Correspondence)



Loiederman
Soltesz Associates, Inc.

August 23, 2010

Robert Kronenberg
MNCP&PC
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Traville - Biomed/HGS Site - 82001012C
LSA No. 1666-01

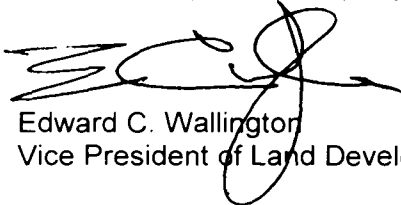
Dear Mr. Kronenberg,

On behalf of Biomed Realty Trust, LSA Inc. is hereby making a formal application to amend the previously approved Site Plan application for the above referenced property. For your information, Buildings A, B and C were constructed several years ago, as well as half of garage 1. A surface parking lot exists within the footprint of the "future" half of this garage. As noted in the checklist provided by staff dated 7/23/10, the purpose of this amendment is to add the design details related to the construction of Building "D". More specifically, we have provided additional detail on the Site, Utility, Landscape and Lighting Design as required for the construction of Building "D". We propose to construct a surface parking lot now to meet the parking needs for Building "D". The anticipated parking demand does not require construction of the parking structures at this time. (See the supplement parking space notes on the cover sheet). We have also included a copy of a revised Final Water Quality Plan (FWQP) which will be reviewed by MCDPS staff as part of this application. The updated Site Plan does not cause for any new tree disturbance within the parcel except for possible a new sewer crossing across the stream buffer near existing Shady Grove Road. We will contact Mark Pfefferle to clarify the administrative requirements for the FFCP, if any.

The previous Site Plan approval allowed for development of 1,030,000 square feet of development for what is now known as Parcels M and N in Traville. We have included copies of the previously approved plans. Building "D" and its associated required parking are located on Parcel N. For ease of review, we have added two new Site Plan sheets and four new Landscape Plan sheets and provided redlined copies highlighting the updated information on those sheets. We have updated the cover sheet as well. We have included a copy of the previously submitted phasing plan, for reference (part of the original set). The applicant proposes to construct building "D" in the same location where it is shown on the phasing plan. The applicant proposes to add surface parking immediately adjacent to this building at this time. It is anticipated that a portion of this surface parking area will be converted to a parking garage in the future. The applicant is in the process of analyzing the future build out on these parcels and will update your office when that information is available.

Sincerely,

Loiederman Soltesz Associates, Inc.



Edward C. Wallington
Vice President of Land Development



Loiederman
Soltesz Associates, Inc.

Memorandum

TO: Molline Smith, MNCP&PC

FROM: Ed Wallington

DATE: December 21, 2010

CC: Tim Stoll, Biomed Realty
Doug Bradley, Kling Stubbins
Robert Mahoney, Kling Stubbins

SUBJECT: Traville- Biomed
Site Plan No. 801012

LSA No: 1666-01

In response to your comment number 4, which requests information that supports how the owner will remain in conformance with the overall performance goal of a 25% reduction in peak hour trips, we offer the following information.

The subject property is a phased development. Of the 1,030,000 square feet of Research and Development/Office space previously approved, 500,000 square feet now exists (Phase 1). Phase 1A was intended to contain 265,000 square feet and Phase 2 was also intended to include 265,000 square feet of building space. At this time, the owner has requested to amend the Site Plan to construct a portion of Phase 1A, 125,000 square feet of additional Research and Development/Office space. We offer two general points which confirm that the owner will continue to meet the performance goal of a 25% reduction in peak hour trips.

As shown on the previously approved Site Plan, the applicant was allowed a maximum parking count at 3.5 spaces per 1,000 GSF (It is assumed the previously prepared traffic study considered the full potential at 3.5 spaces per 1,000 GSF). For Phase 1, the applicant noted the anticipated parking for Phase 1 would be limited to 2.85 spaces per 1,000 GSF, in itself a significant reduction from the maximum requested parking. However, the owner has constructed only 936 spaces, which equates to 1.87 spaces per 1,000 GSF. For proposed Building "D", the applicant is proposing a maximum of 327 spaces, which equates to 2.62 spaces per 1,000 GSF, as Building "D" is programmed at 125,000 square feet. When considering both the

existing development and Building "D", there will be 1,263 spaces for 625,000 GSF, which equates to only 2.02 spaces per 1,000 GSF, over 40% less than the maximum parking allowed. Therefore, when considering the parking count of the existing buildings and proposed Building "D" compared to the maximum allowed, it can be concluded that the applicant is reducing peak hour trips by greater than 25%.

Additionally, it should be noted that the trip reduction goal pertained to the full buildout of 1,030,000 square feet, and with the amended approval of the Building "D", the building development will total 625,000 square feet, with 405,000 square feet left to be constructed. Therefore, when considering the trip reduction objectives of the entire project, it is easy to conclude that the applicant, to date, is reducing peak hour trips by greater than 25% over the maximum potential allowed, as only 62% of buildout will have occurred, and the parking count is well under the maximum allowed.

It is anticipated that the applicant will update this analysis again in conjunction with a future Site Plan Amendment for the remaining allowable buildout.

Please contact this office if there are any questions or comments.

TRAVILLE SITE PLANS #8-01012, #8-99047A AND #8-99040A

CONFORMANCE TO THE DIAGRAMMATIC PLAN AND THE PROPOSED DP AMENDMENT

Diagrammatic Plan (G718) approved July 2, 1996	1. Phasing: Max. 60% residential to precede comm. Signif. amount of comm. not to precede resid.	2. Max impervious 35%	3. One third MPDU's	4. Local Park 13 acres	5. Conf. Center delete by 900K sf	6. Conform to PBS Dev Guidelines, buffer are and tree save	7. TMD with Traffic Demand mgmt and funding for public transit	8. Bancroft Rd to be open space	9. Shady Grove Road req'd w/PP; Internal road to public standards	10. Min green area 60% of gross
Proposed Diagrammatic Plan Amendment – under review	Phasing: Max. 60% residential to precede comm. Signif. amount of comm. not to precede resid.	Max impervious 33% (63.31 ac gross total)	One Third MPDU's	Local Park 13 acres	Conf. Center delete by 900K sf	Conform to PBS Dev Guidelines, buffer are and tree save	TMD with Traffic Demand mgmt and funding for public transit	Bancroft Rd to be open space	Shady Grove Road req'd w/PP; Internal road to public standards	Min green area 60% of gross
Site Plan # 8-01012 HGS	1,015,200 sf comm. precedes 750,000*sf of housing	9.7% of total (18.6acres)	N/A	See Site plan #8-99047A	Per DPA	Yes with staff review and approval variations	Yes per Prelim Plan	Open space	Loop Rd to secondary rd stds	15.6% of gross 30 ac
Site Plan # 8-99040A Retail	99,279 sf + HGS= 1,114,479 sf of com.	4% of total (7.8 ac)	N/A	As above	Per DPA	Yes	Yes per Prelim Plan	Open Space	Main street to Business dist	1.9% of gross 3.7 ac
Site Plan # 8-99047A Roads	N/A	1% fp total (2.23 ac)	N/A	Dedicated /graded w/ this site plan	Per DPA	Yes	Yes per Prelim Plan	Open Space	Ex. Sdy Grve Rd/ Tr Gtwy Dr to stds	.7% of gross 1.4 ac

* (750 du)x (1,000 sf per du)=750,000 sf for residential per 59-C-7.74.1 (c).