

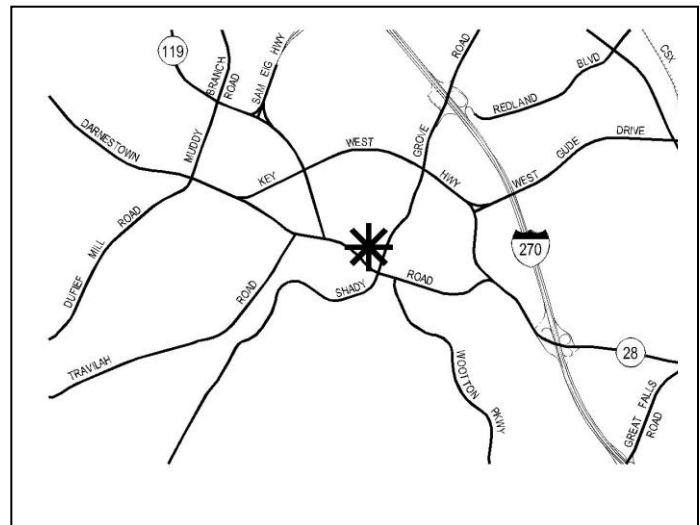


Preliminary Plan No. 120110080, 9800 Medical Center Drive

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description

- 9800 Medical Center Drive, the Life Sciences Center (LSC);
- LSC Zone, Great Seneca Science Corridor (GSSC) Master Plan, 18.14 acres;
- 230,929 square feet of additional R&D use for a total of 544,579 square feet of R&D use on the Subject Property;
- Applicant – ARE-Maryland No. 24, LLC – Larry Diamond;
- Filing date: 12/22/2010;
- Subject to staging of the GSSC Master Plan.



summary

- Staff recommends approval with conditions.
- By approving this Preliminary Plan, the Board is also approving the Preliminary Forest Conservation Plan, and Preliminary Water Quality Plan.
- There are concerns from the City of Rockville and a local citizen on the current procedure for assessing traffic impacts on intersections. The Planning Department has reached out to local jurisdictions and jurisdictional agencies to form a technical working group which would develop a proposal for consideration as policy guidelines for applicants to assess and mitigate their traffic impact across jurisdictional boundaries.

The Applicant requests approval of 230,929 square feet of R&D use for life sciences in addition to the 313,650 square feet of R&D uses previously approved for a total of 544,579 square feet of R&D uses on a recorded lot in the LSC within the GSSC Master Plan area. The Applicant is also requesting approximately 1,415 parking spaces, with the final number of spaces to be determined at the time of site plan review.

The proposed plan was reviewed for conformance with the LSC Zone and the recommendations of the GSSC Master Plan. The proposal would provide for additional dedication for Darnestown Road, and provide pedestrian and vehicular improvements to support the additional development onsite. The proposed development is considered new commercial development in the LSC and is, therefore, subject to the staging requirements set forth in the GSSC Master Plan. The Planning Board must officially open Stage 1 before approving this Preliminary Plan.

PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

Approval of Preliminary Plan 120110080 pursuant to Chapter 50 of the Montgomery County Subdivision Regulations subject to the following conditions:

1. Total development under the subject Preliminary Plan is limited to an additional 230,929 square feet of R&D office space for a total of 544,579 square feet of R&D office space.
2. The Applicant must plat and record a Category I Conservation Easement over all of the onsite stream buffers that lie outside approved permanent encroachments as shown on the preliminary plan.
3. The Applicant must plant forest on all stream buffers that lie outside permanent encroachments as shown on the preliminary plan in the first planting season after issuance of the first sediment control permit.
4. At the time of site plan and Special Protection Area (SPA) final water quality plan review, the Applicant must:
 - a. Minimize the amount of permanent encroachment within the stream buffer.
 - b. Provide a detailed plan for wetland buffer mitigation.
 - c. Provide a forest planting plan for the stream buffer. Plan specifications must be consistent with forest planting requirements in the County Forest Conservation Law and Regulations.
5. The Applicant must satisfy the Local Area Transportation Review (LATR) test by providing the following intersection improvements:
 - a. Key West Avenue-West Montgomery Avenue (MD 28) and Shady Grove Road: Convert the right-turn lane on the westbound West Montgomery Avenue approach to a combined fourth through/right-turn lane and construct a receiving lane for the fourth westbound through lane.
 - b. Great Seneca Highway (MD 119) and Sam Eig Highway: Construct a third through approach lane on the eastbound approach of Great Seneca Highway.

The recommended intersection improvements listed in 5.a. and 5.b. above must be constructed with the required length as determined by the Montgomery County Department of Transportation (MCDOT) and the Maryland State Highway Administration (SHA) based on the Applicant's submitted traffic simulation analysis. The intersection improvements must be permitted and bonded by the Montgomery County Department of Permitting Services (DPS) prior to certification of the site plan. The construction of these intersections must be complete and open to traffic prior to issuance of any use and occupancy permit. The Applicant may arrange for other funding sources, including participation from applicants of other development projects to fulfill the improvements of this condition.
6. The Applicant must satisfy the Policy Area Mobility Review (PAMR) test by contributing to the County \$11,300 per/trip for 76 trips, or a total of \$858,800 towards the off-site LATR intersection improvements listed above. If the pro rata share of the Applicant's cost of the intersection improvements is less than \$858,800, the remaining PAMR funds must be paid to the Montgomery County Department of Transportation (MCDOT) for master-planned Life Sciences Center roadway and/or intersection improvements. Any PAMR payment to MCDOT must be made prior to the issuance of any building permit.
7. The Applicant must dedicate, and the record plat must reflect, the master-planned recommended 150-foot right-of-way (75 feet from centerline) for Darnestown Road as shown on the preliminary plan.

8. The Applicant must construct an eight-foot wide shared use path on Shady Grove Road, with a green panel separating the path from the curb, as shown on the preliminary plan prior to issuance of a building permit. Final location of the shared use path will be determined at the time of site plan review.
9. The Applicant must construct the two separate five-foot wide lead-in sidewalks from the eight-foot wide shared use path along Shady Grove Road as shown on the preliminary plan prior to issuance of a building permit. Final locations of the lead-in sidewalks will be determined at the time of site plan review.
10. The Applicant must provide a five-foot wide sidewalk on Medical Center Drive as shown on the preliminary plan prior to issuance of a building permit.
11. The Applicant must provide and show on the site plan the following pedestrian and bicycle improvements:
 - a. Four inverted-U bike racks near the main entrances of the two proposed buildings in a weather-protected area and six secured bike storage units (such as lockers) in each of the two proposed buildings' garages near the entrance, exit, or elevator in a well-lit area. The final locations and types of bicycle parking will be determined at the time of site plan review.
 - b. Handicapped ramps or depressed curbs for the users of the on-site handicapped parking spaces to access the nearby sidewalks.
12. The Applicant must enter into a Traffic Mitigation Agreement with the Montgomery County Department of Transportation (MCDOT) and the Planning Board to participate in the Greater Shady Grove Transportation Management Organization (TMO). The Traffic Mitigation Agreement must be executed prior to certification of the site plan.
13. The Applicant must comply with the conditions of approval of the Montgomery County Fire and Rescue (MCF&R) letter dated June 14, 2011. These conditions may be amended by MCF&R, provided the amendments do not conflict with other conditions of the preliminary plan approval.
14. The Applicant must comply with the conditions of approval of the MCDOT letter dated June 20, 2011. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.
15. The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management concept approval letter dated March 24, 2011. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
16. The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s), as applicable.
17. No clearing, grading, or recording of plats prior to certified site plan approval.
18. Final approval of the location of buildings, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
19. The certified preliminary plan must contain the following note: "Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the preliminary plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for this lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."

20. The Adequate Public Facilities (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.
21. All necessary easements must be shown on the Record Plat.
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SECTION 1: CONTEXT AND PROPOSAL

SITE DESCRIPTION

Site Vicinity

The LSC zoned Property (outlined in red) is located in the Central District, one of the five Districts that make up the Life Sciences Center (LSC) in the Great Seneca Science Corridor (GSSC) Master Plan area. The City of Rockville borders the Subject Property to the east, and the confronting property is occupied by the Shady Grove Adventist Hospital to the north. The uses in the immediate area are predominantly medical and institutional related. The Falls Grove Community is located to the east and southeast, and is a mixed-use development of primarily retail and residential uses. The Universities at Shady Grove and Human Genome Sciences are located to the south and southwest respectively. The County's proposed fire station will be located on the vacant land abutting the Subject Property to the south at the intersection of Darnestown Road and Shady Grove Road.



Vicinity Map

Site Analysis

The Subject Property is approximately 18.14 acres in size, and is bound by Medical Center Drive, Medical Center Way, and Shady Grove Road in the LSC. The topography is relatively flat. Most of the site is already developed with 4 buildings (A – D) comprising approximately 313,650 square feet of R&D uses and accompanying surface parking lots. The western part of the site includes a drainage channel, an intermittent stream, and several small wetlands. Environmental and stream buffer areas associated with the intermittent stream and wetlands also lie on the site. These buffers are consistent with definitions found in the Planning Board’s Environmental Guidelines. The property lies within the Piney Branch Special Protection Area. Piney Branch is a Use Class I stream. There are no forest areas on the property.



Site Aerial View

PROJECT DESCRIPTION

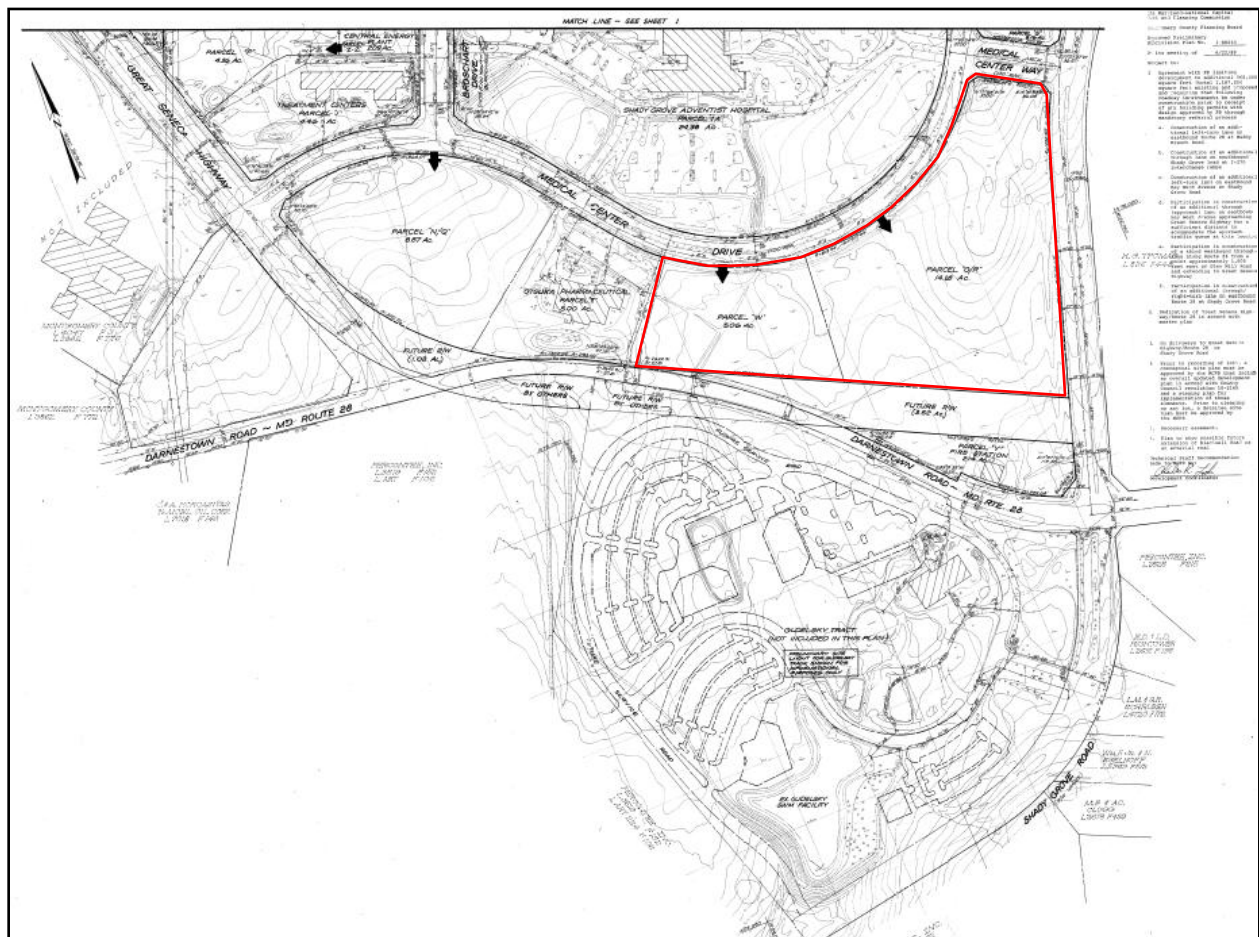
Previous Approvals

The Subject Property is one of the lots included in the original Shady Grove Life Sciences Center Preliminary Plan 119882330, which was approved by the Planning Board in March 1990. According to the most recent SGLSC Development Summary dated December 6, 2010, the Subject Property has an assigned maximum density of 313,650 square feet (0.40 FAR). To date, approximately 281,379 square

feet of R&D uses have been constructed on site, with approximately 32,271 square feet of approved density remaining.

The APF approval for the original preliminary plan remained valid until July 25, 2001 and was extended under Section 50-20(c)(9) of the Subdivision Regulations for an additional six years until July 25, 2007. The Planning Board approved another six-year validity extension request, and the APF validity period was extended to July 25, 2013 (Attachment A).

In March 2009, the County Council took action to grant all valid plans an automatic two-year extension of validity periods. Thus, the APF approval for the Property remained valid until July 25, 2015. A second action taken by the County Council in April 2011 further extended the validity period for all valid plans. Thus, the APF approval for the remaining 32,271 square feet of density associated with the Property remains valid until July 25, 2017.

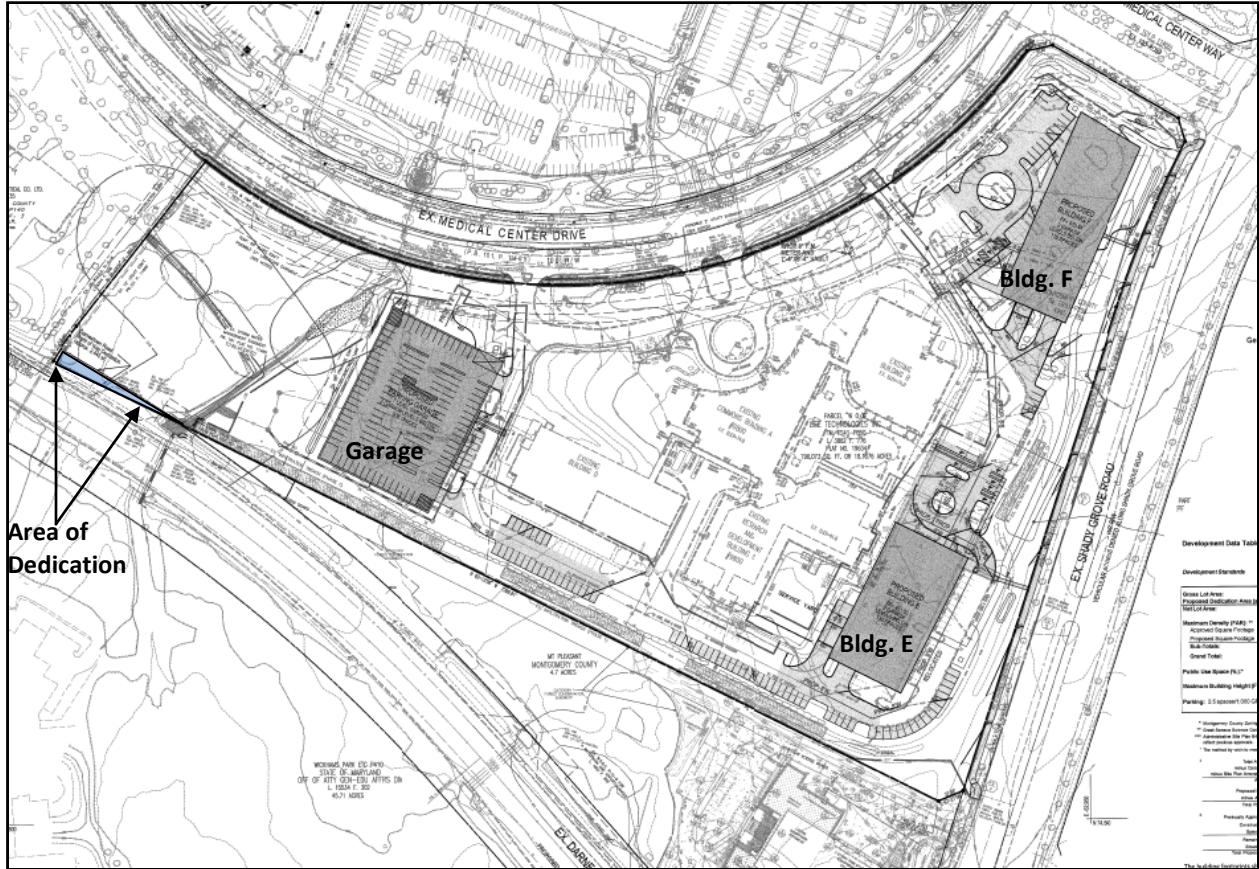


Approved Preliminary Plan – Sheet 2 of 2

Proposal

The proposed plan seeks to expand upon the existing development with 230,929 additional square feet of research and development space contained in two buildings (E and F) and a seven-level, 938-space structured parking garage. Building E is proposed as a 98,800 square foot, four-story research and

development building, which will provide 130 parking spaces in a two-level, below-grade parking garage. Building F is proposed as a 164,400 square foot, six-story research and development building, which will provide 118 parking spaces in a two-level, below-grade parking garage. Vehicular access to the site will continue to be provided from Medical Center Drive, and the Applicant is proposing to provide pedestrian improvements along Medical Center Drive and Shady Grove Road. The Applicant is also proposing to improve pedestrian access to the site from Shady Grove Road where it is currently lacking. The Subject Property is a recorded parcel, Parcel "W O/R" (Plat No. 19634), but the Applicant is required to replat the property in order to dedicate approximately 2,445 square feet of additional right-of-way for Darnestown Road, a 150-foot wide (75 feet from centerline) master-planned road.



Preliminary Plan

COMMUNITY OUTREACH

The Applicant presented the Preliminary Plan to the GSSC Implementation Advisory Committee. The Applicant fielded mainly general questions from committee members regarding the specific types of uses envisioned for the two proposed buildings. The Applicant has complied with all submittal and noticing requirements, and staff has not received correspondence from any community groups as of the date of this report, including the GSSC Implementation Advisory Committee (IAC).

Staff has received correspondence from an IAC member and the City of Rockville (Attachment B). The main concern is that traffic studies that are required for development in Montgomery County are not required to include traffic impacts on intersections outside of Montgomery County’s jurisdiction. Both

the City and the committee member are opposed to this practice, and would like the Planning Board to require the Applicant to revise their traffic study to include any impacted intersection, regardless of jurisdiction, and coordinate with Rockville to determine appropriate mitigation if necessary.

As stated above, the Planning Department has reached out to local jurisdictions and jurisdictional agencies to form a technical working group which would develop a proposal for consideration in the form of policy guidelines for Applicants to assess and mitigate their traffic impact across jurisdictional boundaries. Ideally, the working group would consist of MCDOT, SHA, City of Rockville, City of Gaithersburg and Planning Staff. Staff does not recommend the Planning Board delay the review of applications in the LSC until this issue is resolved.

DEVELOPMENT ISSUES

Applicant Request for a 10-year APF Validity Period

Applicant's Position

At the time this application was filed (December 2010), the Applicant was requesting the maximum 10-year APF Validity Period for the 230,929 square feet of additional research and development space proposed by this preliminary plan. As stated earlier, in April 2011 the County Council further extended the validity period for all valid plans. Therefore, the new minimum APF validity period is seven years, while the new maximum is twelve years.

Pursuant to Section 50-20(c)(3)(A)(iii) of the Subdivision Regulations (Attachment C), the Planning Board can make an APF determination for "no less than 7 and no more than 12 years after the preliminary plan is approved, as determined by the Board at the time of approval, for any plan approved on or after April 1, 2009, but before April 1, 2013." In accordance with Sections 50-20(c)(3)(B) (Attachment D) and 50-34(g) (Attachment E) of the Subdivision Regulations, the Applicant is requesting a validity period that is longer than the minimum specified in the Subdivision Regulations.

The Applicant believes that the following staging schedule promotes the public interest for a variety of reasons. First, the staging schedule allows the Applicant to effectively coordinate the delivery of two large research and development laboratory buildings and a parking structure and provide the most reasonable leasing arrangements to future tenants during uncertain market conditions. Second, the staging schedule provides the Applicant with the flexibility needed to construct the Project given the fact that the capital markets have not yet recovered and commercial financing of speculative projects is impractical. The proposed staging schedule, provided pursuant to 50-34(g), is listed as follows:

- Phase I: Construction of Building E and the structured parking garage.
- Phase II: Construction of Building F.

The Applicant expects to complete Phase I during the first five to seven years after the Application is approved. However, the Applicant would like some flexibility with respect to the overall order of the various phases and therefore, respectfully requests that the phases are ultimately subject to the Applicant's determination. The above referenced phases will be defined in greater detail at the time of site plan (see Applicant Letter – Attachment F).

Staff Position

Staff does not support the request for the lengthened APF validity period for the following reasons:

1. Staff does not feel that a lengthened APF validity period is necessary for phasing of 164,400 square feet of research and development uses;
2. The Approved GSSC Implementation Guidelines specifically discourage hoarding of available capacity and approval of APF validity periods longer than the minimums; and
3. Staff does not believe that granting the maximum APF validity period is in the public interest.

Phasing

While it is true that the Board can grant longer than the minimum validity periods for plans large enough to require phased development, the proposed project is relatively small. Staff believes that the minimum APF approval of seven years is adequate to accommodate the proposed development even with phasing of the two proposed buildings.

Implementation Guidelines

The Board very recently (June 2011) approved Implementation Guidelines for the Great Seneca Science Corridor Master Plan. In that document, the Board makes clear the intent to limit plan and APF validity periods to discourage hoarding of available capacity due to the strict staging requirements for each stage of development allowed in the GSSC. The hoarding of capacity by projects that are not ready to proceed prevents viable projects from moving ahead. Under Section 4.1.5 on page 9 of the Guidelines state, "Because development in the LSC is tightly controlled by staging, plan validity and APF approvals should be limited to the minimum time periods prescribed in the subdivision regulations: currently five years for a Preliminary Plan approval and seven years for Adequate Public Facilities approval. The Planning Board can limit the approval of extensions to discourage hoarding" (Attachment G). While staff agrees that the Board can grant longer validity periods for special circumstances or phased projects, staff does not find this project to qualify as either a special circumstance or a phased project.

Public Interest

Staff does not find that an APF validity period longer than the minimum would serve the public interest. Staff believes the Council actions to extend validity periods by two years already accommodates for market uncertainty that the Applicant claims as reasons for the longer APF validity period above. Larger projects with more moving parts may benefit by having additional flexibility in obtaining approvals from jurisdictional agencies and providing public improvements that are required as a direct result of development; however, staff doesn't believe that is the case with this application. The Master Plan requirements and the improvements required as a result of the proposed development are relatively light compared to what other projects in the immediate vicinity will generate.

Based on the analysis above, Staff recommends the Board approve the minimum APF validity period of seven years for the proposed Preliminary Plan.

SECTION 2: PRELIMINARY PLAN REVIEW

MASTER PLAN

The project is located within the LSC of the GSSC Master Plan area. The LSC includes five districts. The subject property is located within the Central District. The specific language on the LSC Central District of the Master Plan is included in Attachment H, but the Plan actually provides very little guidance by way of recommendations on the Subject Property. For this Property, the Master Plan recommends:

- Maximum 1.0 FAR ;
- Maximum 50-110-ft building height;
- The sidewalk and pedestrian improvements as shown on the Preliminary Plan;
- 150-feet of right-of-way for Darnestown Road; and
- Any new commercial square footage (above what has been previously approved and is still valid) is subject to the staging requirements of the LSC.

This is the first application that is subject to staging in the GSSC Master Plan area that was accepted as final by the Planning Department. Therefore, according to the approved GSSC Implementation Guidelines, this is the first application in the queue, and has the first opportunity to be heard by the Board following the official opening of Stage 1. Stage 1 allows for approval of an additional 400,000 square feet of commercial development in the LSC. If approved, 230,929 square feet of the 400,000 square feet permitted by Stage 1 will be allocated to the Subject Property leaving 169,071 square feet of commercial development available in the LSC for Stage 1.

The total density proposed onsite is 0.69 FAR, and the proposed buildings will not exceed the 110-ft maximum building height restriction in the Master Plan. Therefore, with the proposed sidewalk and pedestrian improvements, staff finds the proposed Preliminary Plan is in substantial conformance with the GSSC Master Plan.

TRANSPORTATION

Site Location and Vehicular Site Access

The site is located on the northwest quadrant of Darnestown Road and Shady Grove Road with two vehicular access points from Medical Center Drive.

Master-Planned Transportation Demand Management

The site is located within the boundary of the Greater Shady Grove Transportation Management District (TMD). The Applicant must participate in the TMD and assist the County in achieving and maintaining its non-auto driver mode share goals.

Available Transit Service

Ride-On routes 43 and 66 operate on Medical Center Drive, and Ride-On routes 43 and 56 operate on Shady Grove Road.

Corridor Cities Transitway

The Maryland Transit Administration (MTA) preferred that alignment of the Corridor Cities Transitway is not along the roadways fronting the property, but is proposed along nearby Broschart Road with a proposed station at the intersection with Blackwell Road.

Master-Planned Roadways and Bikeways

In accordance with the 2010 Approved and Adopted *Great Seneca Science Corridor Master Plan* and the 2005 Approved and Adopted *Countywide Bikeways Functional Master Plan*, the classified roadways and bikeways are as follows:

1. Darnestown Road is designated as a six-lane major highway, M-22, with a recommended 150-foot right-of-way and a dual bikeway (bike lanes and a share use path on the north side), DB-16. The required additional right-of-way dedication is shown on the submitted plans received on July 21, 2011.
2. Shady Grove Road is designated as a six-lane major highway, M-42, with a recommended 150-foot right-of-way and a dual bikeway (bike lanes and a shared use path on the south side), DB-15. The total 150-foot right-of-way, including the dedication, is shown on the submitted plans received on July 21, 2011.
3. Medical Center Drive is a four-lane arterial, A-261d, with a recommended 100-foot right-of-way and a shared use path, LB-1, on the west side. The 100-foot right-of-way is shown on the submitted plans received on July 21, 2011.
4. Medical Center Way is a four-lane arterial, A-263, with a recommended 100-foot right-of-way and a shared use path, LB-6, on the north side. The 100-foot right-of-way is shown on the submitted plans received on July 21, 2011.

Pedestrian and Bicycle Facilities

The pedestrian and bicycle facilities will be adequate with the additional improvements required in the conditions of approval.

Local Area Transportation Review (LATR)

The table below shows the number of peak-hour trips generated by the proposed land use during the weekday morning peak period (6:30AM to 9:30AM) and the evening peak period (4:00PM to 7:00PM).

<i>R&D Office Space</i>		<i>Square Footage</i>	<i>Site-Generated Peak-Hour Trips</i>	
			<i>Morning</i>	<i>Evening</i>
Previously Approved by Preliminary Plan No. 119882330	Total Approved	313,650	355	331
	Built	281,379	324	303
	Not Built	32,271	31	28
Proposed by Preliminary Plan No. 120110080	Total Proposed	544,579	571	521
	Previously Approved	313,650	355	331
	Proposed Additional	230,929	216	190

A traffic study was submitted to satisfy the LATR test because the proposed land use generates 30 or more peak-hour trips within the weekday morning and evening peak periods. The table below shows the calculated Critical Lane Volume (CLV) values from the traffic study at the analyzed intersections for the following traffic conditions:

1. Existing
2. Background: The existing condition plus the trips generated from approved but unbuilt nearby developments.
3. Total Not Improved: The background condition plus the site-generated trips, but without the improvements recommended in this report. The CLV values were analyzed with the intersection improvements required of two background developments.
4. Total Improved: The Total Not Improved condition analyzed with intersection improvements described in Recommendation No. 2.

Analyzed Intersection	Weekday Peak Hour	Traffic Condition			
		Existing	Background	Total	
				Not Improved	Improved
Key West Avenue - West Montgomery Avenue and Shady Grove Road	Morning	1,118	1,371 ¹	1,390 ¹	1,390 ¹
	Evening	1,165	1,467 ^{1*}	1,490 ^{1*}	1,381 ¹
Key West Avenue and Omega Drive-Medical Center Drive	Morning	1,063	1,391	1,398	-----
	Evening	1,126	1,437	1,443	-----
Key West Avenue and Broschart Drive-Diamondback Drive	Morning	1,221	1,302 ¹	1,306 ¹	-----
	Evening	1,092	1,307 ¹	1,329 ¹	-----
Key West Avenue and Great Seneca Highway (MD 119)	Morning	1,204	1,438	1,446	-----
	Evening	1,132	1,351	1,371	-----
Darnestown Road and Shady Grove Road	Morning	1,118 ¹	1,202 ¹	1,206 ¹	-----
	Evening	1,122 ¹	1,219 ¹	1,223 ¹	-----
Darnestown Road and Traville Gateway Drive	Morning	1,067	1,098	1,099	-----
	Evening	587	686	690	-----
Darnestown Road and Great Seneca Highway	Morning	1,020	1,058	1,061	-----
	Evening	994	1,091	1,100	-----
Darnestown Road and Travilah Road	Morning	1,035	1,111	1,117	-----
	Evening	933	1,096	1,100	-----
Great Seneca Highway and Sam Eig Highway	Morning	1,182 ¹	1,455 ^{1*}	1,477 ^{1*}	1,254 ¹
	Evening	1,199 ¹	1,259 ¹	1,268 ¹	1,268 ¹
Shady Grove Road and Medical Center Way-Fallsgrove Blvd	Morning	628	919	967	-----
	Evening	731	900	934	-----

* The CLV values exceed the congestion standard of 1,450 CLV for intersections located in the R&D Village Policy Area.

¹The CLV values calculated with the intersection improvements required of the JHU-National Cancer Institute and Crown Farm background developments.

The CLV values for all traffic conditions were analyzed with the following completed intersection improvements required of the developer of JHU-National Cancer Institute:

1. A third westbound through lane on Great Seneca Highway from Sam Eig Highway to Muddy Branch Road at the Great Seneca Highway/Sam Eig Highway intersection.
2. Modification of the traffic signal timing to operate the north/south approaches concurrently at the Darnestown Road/Shady Grove Road intersection.

The CLV values for the background, total not improved, and total improved traffic conditions were analyzed with the following intersection improvements required of two background developments (other Applicants):

1. JHU-National Cancer Institute, was required to construct a third left-turn lane on the westbound Shady Grove Road approach at the Key West Avenue-West Montgomery Avenue/ Shady Grove Road intersection (Site Plan No. 820100090).
2. JHU-National Cancer Institute was required to do the following improvements at the Key West Avenue and Broschart Drive-Diamondback Drive intersection:
 - a) Conversion of the inside through lane on the southbound approach of Diamondback Drive to a combined through second left-turn lane.
 - b) Modification of the traffic signal timing on the north/south approaches from a concurrent to a split phase.
3. The developer of the Crown Farm in the City of Gaithersburg was required to construct a third through lane on the westbound approach and a third receiving through lane on eastbound approach on Great Seneca Highway at the Great Seneca Highway/Sam Eig Highway intersection.

With the intersection improvements described above, the CLV values for all the analyzed intersections in the total improved traffic condition were less than the 1,450 congestion standard for the R&D Village Policy Area. Therefore, the LATR test is satisfied.

Policy Area Mobility Review

Under the relevant *Growth Policy* when the Preliminary Plan was filed, the PAMR test requires the Applicant to mitigate 35% of the 216 (i.e., equal to 76) new peak-hour trips generated by the proposed additional R&D office space within the weekday morning and evening peak periods. To satisfy the PAMR test, the Applicant proposes to contribute \$858,800 (\$11,300 per trip), for the 76 trips required, towards the off-site LATR intersection improvements as previously described. If the pro rata share of the Applicant's cost of the intersection improvements is less than \$858,800, the remaining PAMR funds must be paid to the Montgomery County Department of Transportation (MCDOT) for master-planned Life Sciences Center roadway and/or intersection improvements.

Therefore, with the intersection improvements and the Applicant's monetary PAMR contribution, the Applicant has satisfied the LATR and PAMR Guidelines.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the proposed office building. The site is served by public water and sewer. Gas, electric and telecommunications services are also available to serve the property. Police stations, firehouses, and health services are currently operating within the standards set by the Growth Policy Resolution currently in effect. The application has been reviewed and approved by the Montgomery County Fire and Rescue Service (MCFRS), which has determined that the property has adequate access for emergency vehicles. The preliminary plan application does not include any residential uses, so there is no impact on schools.

ENVIRONMENT

On May 18, 2011, environmental staff of the Area 2 Planning Division approved an Existing Conditions

Plan, containing roughly the same information as a simplified NRI/FSD. There are no floodplains on the project site. The western portion of the site contains streams plus their buffers, a small area of wetlands and associated buffers. M-NCCPC staff has identified an intermittent stream with a channel length of approximately 380 feet. The total area of sensitive areas, including buffers, is approximately 2.1 acres. All of the sensitive areas are on the western portion of the site.

SPA Preliminary Water Quality Plan Review

As part of the requirements of the Special Protection Area Law, an SPA Water Quality Plan should be reviewed in conjunction with a Preliminary Plan of subdivision. Under the provision of the law, 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 Preliminary/Final Water Quality Plan under its purview. The Planning Board's responsibility is to determine if environmental buffer protection, SPA forest conservation and planting requirements, and site imperviousness limits have been satisfied.

M-NCPPC Review for Conformance to the Special Protection Area Requirements

Area 2 environmental planning staff has reviewed and recommends Board approval with conditions of the elements of the SPA water quality plan under its purview:

Forest Conservation

An exemption from preparing a Forest Conservation Plan (#42011103E) was confirmed for the site on May 18, 2011; therefore staff finds the plan in compliance with Chapter 22A of the County code.

Site Imperviousness

The Piney Branch SPA does not include a specific impervious limit on land development projects. In SPAs without a cap on imperviousness, developments are required to demonstrate that imperviousness has been minimized. Montgomery County Executive Regulations 29-95, Regulations for Water Quality Review-Special Protection Areas, require that the Preliminary Water Quality Plan must include a plan that describes the proposed development which minimizes impervious areas and, if applicable, meets any required imperviousness limits. The Piney Branch SPA does not contain an impervious cap, and the site's existing imperviousness is 162,176 sq. ft. (53% Impervious). The applicant is proposing an 82% increase in building square footage on the site, plus a seven level parking structure. The resulting increase in imperviousness is 24,039 sq. ft., for a total increase in imperviousness of 8%. The total site imperviousness under this plan, if approved, will be 61%.

Staff finds that the Preliminary Plan minimizes new impervious surfaces by proposing infill development that substantially builds on existing surface parking areas.

Environmental Buffers

An intermittent stream, wetlands, and associated environmental buffers are located on the western portion of the property. Staff recommends that the environmental buffer be protected

with a Category I Conservation Easement. Although the project has been granted an exemption from preparing a Forest Conservation Plan, the Environmental Guidelines recommend expanded and accelerated forest planting in buffers within Special Protection Areas pursuant to Section V.C. This section specifies that “The applicant should retain or establish forest in all buffers on a site. Reforestation on SPA sites is to begin as soon as possible after the issuance of grading permits by DPS, with appropriate phasing to allow for the construction of sediment and erosion control structures.”

Wetland Encroachment

One of the wetlands on the property occurs at the top of the ephemeral stream channel just south of Medical Center Drive. The northwest corner of the existing western surface parking lot encroaches into the enhanced buffer prescribed for this wetland in the SPA Guidelines. The Preliminary Plan proposes that a parking garage be constructed approximately in the footprint of the existing western surface parking lot. As drawn, a portion of this building would continue to encroach into the wetland buffer. Because this disturbance already exists, staff is willing to approve a small amount of continuing encroachment into the wetland buffer on the condition that mitigation is provided. Mitigation will be determined at the time of Site Plan review and approval. With the exception of the wetland buffer encroachment (which preceded the establishment of the SPA) as noted above, staff finds that the plan protects the environmental buffers on the site.

County DPS Special Protection Area Review Elements

DPS has reviewed and conditionally approved the elements of the SPA Preliminary Water Quality Plan under its purview with a synopsis provided below (Attachment I).

Site Performance Goals

As part of the water quality plan, the following performance goals were established for the site:

1. Minimize storm flow runoff increases;
2. Minimize sediment loading and land disturbances with an emphasis on immediate stabilization;

Stormwater Management Concept

Stormwater management (SWM) will be provided through a combination of on- and off-site measures, including bio-swales, porous pavement, infiltration trenches and hydrodynamic structures. Stormwater that leaves the site will be captured and treated in the existing Gudelsky Regional SWM pond downstream of the site. Full Environmental Site Design (ESD) treatment will be required for any increase in site imperviousness.

Sediment and Erosion Control

Sediment control requirements will be established at the detailed sediment control plan stage. Care must be taken in the sediment control design to protect the existing infiltration trenches.

Monitoring of Best Management Practices (BMPs)

Construction and post-construction monitoring must be done in accordance with the BMP monitoring protocols established by the Department of Permitting Services (DPS) and the Montgomery County Department of Environmental Protection (DEP). Details of the monitoring requirements are specified in the attached letter from DEP, dated March 22, 2011 (Attachment J). Pre-construction monitoring is not required because the site is already developed.

Therefore, with the analysis above and as conditioned by this staff report, staff finds the proposed development satisfies the requirements and meets the intents of the Environmental Guidelines and Forest Conservation Law.

COMPLIANCE WITH ZONING ORDINANCE AND SUBDIVISION REGULATIONS

Staff reviewed this application for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets the requirement and standards of all applicable sections. Access and public facilities will be adequate to support the proposed lot and uses. The proposed lot size, width, shape and orientation are appropriate for this type of subdivision.

Staff reviewed the proposed subdivision for compliance with the dimensional requirements of the LSC Zone as specified in the Zoning Ordinance. The proposed development meets all dimensional requirements in that zone, and the amount of proposed public use space for the site meets the minimum required by the zone. The application has been reviewed by other applicable County agencies, all of whom have recommended approval of the plan (Attachment K).

An applicant is typically required to purchase one BLT for every 60,000sf of non-residential density in the LSC Zone above 0.5 FAR. The proposed total floor area for this Preliminary Plan is 544,579sf (0.69 FAR), which means that any square footage above 395,037sf (0.5 FAR) would be subject to this requirement. This equates to 149,542sf of the proposed development onsite. However, Section 59-C-5.473(a)(5) of the Zoning Ordinance exempts life science related uses in excess of 50% of the project's floor area under Section 59-C-5.321 from the purchase of BLTs. Since all 544,579sf of uses onsite are life science related, 50% of the proposed floor area, or 272,290sf (0.35 FAR), is exempt from the purchase of BLTs. Since the applicable 272,290sf (0.35 FAR) is less than 395,037sf (0.5 FAR), which is the threshold requirement for the purchase of BLT easements in the LSC Zone, the current Project is considered exempt from the requirement to purchase BLT easements.

Development Data Table

<i>Development Standards</i>	Required / Permitted	Previously Approved Preliminary Plan #119882330 & Site Plans #819950450, #81995045A, #81995045B	Proposed for Approval MNCPPC #120110080	Total Development
Gross Lot Area:	790,073 SF / 18.14 AC			
Proposed Dedication Area (approx.):	2,445 SF / 0.06 AC			
Net Lot Area:	787,628 SF / 18.08 AC			
Maximum Density (FAR): **	1.0 FAR			
Approved Square Footage		313,650 SF / 0.40 FAR***		
Proposed Square Footage			230,929 SF / 0.29 FAR ²	
Sub-Totals:		313,650 SF / 0.40 FAR***	230,929 SF / 0.29 FAR	
Grand Total:				544,579 SF / 0.69 FAR
Public Use Space (%): ¹	20%	-	20%	20% ¹
Maximum Building Height (FT):**	110'	48'	50-110' max	50-110' max
Parking: 2.5 spaces/1,000 GFA	1,362 sp	466 sp	1,200 sp ³	1,415 sp ³
Building Lot Termination (BLT):	1 BLT/ 60,000 SF ⁴	-	Exempt ⁴	

* Montgomery County Zoning Ordinance

** Great Seneca Science Corridor Master Plan

*** Administrative Site Plan 8-06045(B) inadvertently indicated that the approved density is 40 square feet less than the previously assigned and approved densities. This inconsistency will be definitively addressed to reflect previous approvals.

¹ The method by which to meet the Public Use Space shall be determined at the time of Site Plan.

²

Total Approved SF:	313,650
minus Constructed SF:	281,379
minus Site Plan Amendment C SF:	2,479
Available SF:	29,792 (unbuilt)
Proposed Building SF:	260,721 (per this application)
minus Available SF:	29,792
Total Proposed SF:	230,929 (per this application)

³

Previously Approved spaces:	466
Constructed spaces:	442
Spaces removed:	227 (per this application)
Remaining spaces:	215 (per this application)
Structure spaces:	1,200 (per this application)
Total Proposed Spaces:	1,415 (per this application)

⁴ For density in the LSC Zone above a floor area of 0.50.

⁵ Section 59-C-5.473(a)(5) of the Zoning Ordinance exempts life sciences in excess of 50% of the project's floor area under section 59-C-5.321 from the purchase of BLTs.

Total Project Floor Area: 544,579 / 0.69 FAR

Life Sciences Floor Area above 50%: 272,290 / 0.35 FAR

Because 0.35 FAR is less than 0.50 FAR, which is the threshold requirement for the purchase of BLT easements in the LSC Zone, the Project is therefore exempt from the requirement to purchase BLT easements.

⁶ Final parking count to be determined at time of Site Plan.

Development Data Table

RECOMMENDATION

The application meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conforms with the recommendations of the Great Seneca Science Corridor Master Plan. Therefore, Staff recommends approval of the Preliminary Plan subject to the conditions contained at the beginning of this report.

ATTACHMENTS:

- A. Previous APF Extension Approval
- B. Correspondence – (traffic impacts on intersections)
- C. Section 50-20(c)(3)(A)(iii) – Subdivision Regulations
- D. Section 50-20(c)(3)(B) – Subdivision Regulations
- E. 50-34(g) – Subdivision Regulations
- F. Applicant Letter
- G. GSSC Implementation Guidelines (page 9)
- H. GSSC Master Plan (pages 35 – 37)
- I. DPS Water Resources Section Review Letter
- J. DEP BMP Monitoring Requirements
- K. Agency approval letters



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB
ITEM #
9/06/07**

DATE: August 24, 2007

TO: Montgomery County Planning Board

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

FROM: *NB*
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. 119882330 – Shady Grove Life Sciences Center

Recommendation: Extend Adequate Public Facilities validity period to July 25, 2013

Discussion:

The subject preliminary plan was approved by the Planning Board on March 15, 1990, for 24 lots, to contain a total of 1,671,454 square feet of life science uses, on 180.71 acres of land located in the northwest quadrant of the intersection of Shady Grove Road and Darnestown Road (MD 28). The resolution reflecting the Planning Board's action was mailed on March 22, 1990. The Adequate Public Facilities (APF) finding remained valid until July 25, 2001. The Planning Board extended the validity period until July 25, 2007, in response to a prior extension request. Attached, please find the applicant's timely request dated June 26, 2007 to further extend the APF validity period for Preliminary Plan 119882330, (formerly 1-88233), Shady Grove Life Sciences Center, for 72 months, until July 25, 2013.

Pursuant to Section 50-20(c)(9) 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 beyond the previously granted six-year extension, if:

(A) no more than 30% remains to be built of either the entire approved development or the share of the development to be built by that applicant; or

(B) the applicant will commit to reduce the amount of unbuilt development by at least 10%, and the validity period for the amount to be reduced will expire as scheduled.

This application qualifies for approval of the extension under subsection (A). As the attached Shady Grove Life Sciences Center Development Summary (Attachment 2) shows, only 16.7% of the entire approved development remains to be built. This is far below the 30% limit that would authorize the Planning Board to approve the requested extension.

Applicant's Position

The prior APF extension approval confirmed that all required infrastructure was completed and that development within the preliminary plan area was proceeding. Since that time, an additional 167,722 square feet of development has occurred on the site.

A substantial amount of the remaining development capacity of the site is expected to be used in the near future, pending the outcome of this application. For example, Adventist Healthcare, Inc. has multi-phase plans for future hospital and ambulatory care facilities on the Shady Grove Adventist Hospital campus. These plans are currently in the design stage and should be incorporated in a site plan amendment within a year.

The surrounding transportation facilities are equipped to absorb the existing and approved development. The traffic and other impacts of this development have already been accommodated by the improvements that were called for in the original approval. There is no increase in density, nor increase in impacts as a result of this APF extension. A recent (2007) traffic study prepared by Wells & Associates, LLC for the adjoining Johns Hopkins University campus site confirms that there is virtually no congestion at the nearby intersections. In addition, public transit services are constantly evolving to better serve the Life Sciences Center.

Staff Position

The approval of this preliminary plan by the Planning Board in 1990 was subject to several conditions requiring traffic improvements, as follows:

- Construction of four lanes of Key West Avenue between West Gude Drive and existing MD 28 near Research Boulevard
- Construction of an additional through lane on northbound Shady Grove Road over I-270
- Construction of four lanes of Sam Eig Highway between Fields Road and great Seneca Highway
- Participation in construction of a right-turn lane on southbound Shady Grove Road at MD 28

- Dedication of Great Seneca Highway and MD 28 in accordance with the Master Plan

Each of the improvements required by the conditions of the 1990 Planning Board approval has been completed. 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 remaining development represents 16.7% of the total development of the site, and the extension, therefore, is permitted by Section 50-20(c)(9) of the Subdivision Regulations. For these reasons, staff recommends that the Planning Board extend the Adequate Public Facilities validity period for 72 months, until July 25, 2013.

Correspondence

Staff received a letter dated July 23, 2007, from the administration of the University of Maryland, raising questions about the effect of any proposed changes to the project on its adjacent Shady Grove campus. The questions are primarily related to stormwater management issues. Staff notes that the application before the Planning Board today will not have an effect on stormwater management issues because today's approval will only extend the APF validity period and will not authorize any physical changes to the project. The stormwater management system proposed with this project was approved by DPS at the time of the original preliminary plan and cannot be changed without approval by DPS. It is staff's understanding that the project engineer will contact the University of Maryland administration directly to address their concerns.

Conclusion

Staff recommends that the Planning Board approve the requested six-year APF validity period extension, to July 25, 2013.

Attachments:

1. Extension Request Letter dated June 1, 2007.
2. Letter from James B. Salt, Assistant Vice Chancellor for Administration and Finance, University System of Maryland dated July 23, 2007

Attachment B

From: Jeff Weber [mailto:jeff.weber48@gmail.com]
Sent: Tuesday, August 23, 2011 8:28 PM
To: Butler, Patrick
Subject: Re: 9800 Medical Center Drive Preliminary Plan

Patrick,

Even though the Planning board meeting is delayed, I assume you are still are target to produce the staff report.

I would like the record to reflect my comments as follows: I have serious concerns that the traffic study has failed to properly predict the impact on Rockville residents. Several major intersections in close proximity 9800 Medical Center Drive will be affected by this project. These need to be included in traffic studies to understand the full impact of this project. This is the first of many projects in this area that will exponentially affect the traffic pattern for Rockville residents. As a Fallsgrove resident, I will be particularly affected by this and other projects in the pipeline and want to see the Planning Board step up to the plate on this issue and put aside artificial boundaries and do the right thing.

Jeff Weber



City of
Rockville
Get Into It

111 Maryland Avenue | Rockville, Maryland 20850-2364 | 240-314-5000
www.rockvillemd.gov

July 19, 2011

Rollin Stanley, Director
Montgomery County Department of Planning
The Maryland-National Capital Park and Planning Commission
8788 Georgia Avenue
Silver Spring, Maryland 20910

Dear Mr. Stanley:

Re: Great Seneca Science Corridor – Impacts of Development Projects

As you know, the City of Rockville has been paying close attention to Montgomery County plans in both the Great Seneca Science Corridor (GSSC) and White Flint, as development decisions have very direct impacts on Rockville. During the preparation of these plans, Rockville's Mayor and Council provided comments to both the Montgomery County Planning Board and to the Montgomery County Council. In those comments, Rockville applauded Montgomery County's efforts to be forward-thinking and to define the future in a positive way; but also expressed concern that the plans, which increased allowable development significantly, did not take into account the impacts of those plans on surrounding jurisdictions, including Rockville.

Of particular concern was the lack of assessment of traffic impacts from the implementation of the GSSC Master Plan, considering that Rockville is immediately across Shady Grove Road from the planning area. The last letter sent by the Mayor and Council was on April 8, 2010 (attached), in which prior letters are referenced, and in which this concern was reiterated.

What prompts this new letter is that Rockville's concern during the planning process appears to be playing out as predicted. As development projects are being submitted under the approved GSSC Master Plan, impacts on Rockville are neither being assessed nor managed. Two current examples are the proposals for **9800 Medical Center Drive** and the **Shady Grove Adventist Hospital Campus**.

Both projects have been submitted to the Montgomery County Department of Planning, and will proceed to the Planning Board for review. We requested, and received from your staff, the traffic studies that have been submitted for these projects. In both cases, there is no assessment of the impacts on Rockville, even though standard practice, for the size of these projects and the proximity of potentially impacted Rockville intersections, would have merited inclusion. Your staff has informed Rockville planning staff that it is the standard practice not to require developers to include assessments of impacts in Rockville or Gaithersburg.

This practice is in direct contrast to Rockville's practice, in which we do require developers to assess impacts and carry out mitigation, irrespective of the City-County boundary; and then we work with Montgomery County on mitigation plans. Examples of mitigation outside of the City limits that Rockville has required include (with the Rockville development project in parentheses):

- Add signal and second right turn lane from southbound I-270 to westbound Shady Grove Road (Fallsgrove).
- Restripe northbound Shady Grove Road at Darnestown Road to provide one left turn lane and one shared left/through lane (Fallsgrove).
- Provide an additional left turn lane from westbound Shady Grove Road to Gaither road within the existing right-of-way (Upper Rock).
- Restripe westbound Bou Avenue to allow triple left onto southbound Rockville Pike (Twinbrook Station).
- Restripe northbound Twinbrook Parkway through lane to be shared left/through at Veirs Mill Road (Twinbrook Station).

Rockville requests that Montgomery County Department of Planning require that developers conduct traffic (and other) assessments of their projects to include impacts on all areas of Montgomery County, including Rockville, and, where appropriate, recommend mitigation. For the two GSSC projects mentioned, the traffic studies would certainly include assessment of impacts on the following intersections within Rockville:

- MD 28 and Darnestown Road
- MD 28 and Research Boulevard
- MD 28 and Hurley Ave
- MD 28 and W. Gude Drive
- MD 28 and I-270 ramps
- W. Gude Drive and Research Boulevard

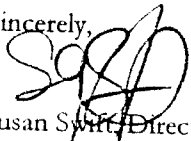
Rockville further requests that these development projects not be approved until this analysis is conducted, appropriate mitigation be identified, and discussions with Rockville be held to carry out necessary mitigation.

More broadly, we believe that Rockville and Montgomery County should agree to require that all developers conduct traffic studies that do not stop at City-County boundaries, and that Rockville and Montgomery County should establish a process for how mitigation should occur when development occurs across the boundary.

We can both agree that the quality of life of Montgomery County citizens who live in Rockville should be just as important as any citizen of Montgomery County.

I look forward to communicating with you further on this matter of importance to the citizens of Rockville.

Sincerely,



Susan Swift, Director

Department of Community Planning and Development Services

Rollin Stanley
MNCPPC Montgomery
Page 3

Attachment

Cc: Mayor Phyllis Marcuccio
Councilmember John Britton
Councilmember Piotr Gajewski
Councilmember Bridget Donnell Newton
Councilmember Mark Pierzchala
Diane Schwartz-Jones, Assistant CAO, Montgomery County
Greg Ossont, Director of Planning and Code Administration, City of Gaithersburg
Great Seneca Science Corridor Implementation Advisory Committee
City of Rockville Planning Commission
Scott Ullery, City Manager
Craig Simoneau, Director of Public Works
Andrew Gunning, Assistant Director, CPDS
David B. Levy, Chief of Long Range Planning
Emad Elshafei, Chief of Traffic and Transportation
James Wasilak, Chief of Planning

§50-20

MONTGOMERY COUNTY CODE
Chapter 50

- (5) for the reconstruction of a one-family dwelling that is located on part of a previously platted lot, recorded by deed before June 1, 1958, if the dwelling is destroyed or seriously damaged by fire, flood or other natural disaster or;
 - (6) for an addition to an existing one-family dwelling, a porch, deck, fence or accessory structures associated with an existing one-family dwelling located on part of a previously platted lot, recorded by deed before June 1, 1958.
- (c) (1) Words and phrases used in this subsection have the meanings indicated in Section 8-30.
- (2) Except as provided in this subsection and Article IV of Chapter 8, the Department of Permitting Services may issue a building permit only if the Planning Board has made a timely determination of the adequacy of public facilities to serve the proposed development under this Chapter. However, the Department may issue a building permit for any proposed development that is:
- (A) exclusively residential on a lot or parcel recorded before July 25, 1989, or otherwise recorded in conformance with a preliminary plan of subdivision approved before that date; or
 - (B) otherwise exempt from the requirement for determining adequacy of public facilities before a preliminary plan of subdivision is approved.
- (3) (A) A determination of adequate public facilities made under this Chapter is timely and remains valid:
- (i) for 12 years after the preliminary plan is approved for any plan approved on or after July 25, 1989, but before October 19, 1999;
 - (ii) for no less than 5 and no more than 12 years after the preliminary plan is approved, as determined by the Planning Board at the time of approval, for any plan approved on or after October 19, 1999, but before August 1, 2007;
 - (iii) for no less than 7 and no more than 12 years after the preliminary plan is approved, as determined by the Planning Board at the time of approval, for any plan approved on or after April 1, 2009, but before April 1, 2013; and
 - (iv) for no less than 5 and no more than 10 years after the preliminary plan is approved, as determined by the Board at the time of approval, for any plan approved on or after August 1, 2007, and before April 1, 2009, or on or after April 1, 2013.

Sec. 50-20(c)(3)(A)(iii)

MONTGOMERY COUNTY CODE
Chapter 50

§ 50-20

Sec. 50-20(c)(3)(B)



(B) If an applicant requests a validity period that is longer than the minimum specified in this paragraph, the applicant must submit a development schedule or phasing plan for completion of the project to the Board for its approval. At a minimum, the proposed development schedule or phasing plan must show the minimum percentage of the project that the applicant expects to complete in the first 5 or 7 years, as appropriate, after the preliminary plan is approved. To allow a validity period longer than the minimum specified in this paragraph, the Board must find that the extended validity period would promote the public interest. The Board may condition a validity period longer than the minimum specified in this paragraph on adherence to the proposed development schedule or phasing plan, and may impose other transportation improvement or mitigation conditions if those conditions are needed to assure adequate levels of transportation service during the validity period.

(3A) A determination of adequate public facilities made under this Chapter is timely and remains valid:

(i) For 10 years after the date of the conveyance of land to the County, or possession of building space by the county for an arts or entertainment use, under a preliminary plan for an optional method of development project approved under Section 59-C-6.2356.

(ii) The Board must grant an application to extend the validity period established under this paragraph for an additional 5 years if:

a. at least 20% of the approved development, excluding the arts or entertainment use, either separately or in combination:

1. has been built;
2. is under construction;
3. is subject to building permits that have been issued;
4. is subject to a valid lease; or
5. has had a site plan approved under Section 59-D-3; or

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MONTGOMERY COUNTY CODE
Chapter 50

§50-34

- (3) Interior road or street access, whether private or proposed to be dedicated, shall be shown.
- (f) *Wells and septic systems.* Before submission to the Department of Permitting Services, all preliminary subdivision plans for lots in areas where individual wells, and septic systems would be installed must show, in addition to the usual data, the following items:
 - (1) The proposed location of water wells for each lot. Where there are existing wells on the property or on adjoining lots within one hundred (100) feet, they shall also be shown.
 - (2) A circular area with radius of one hundred (100) feet around each well to denote clear space in which no final sewage system is to be located.
 - (3) The "usable area" for sewage disposal, which shall be situated beyond the one hundred-foot radius and downgrade from the proposed house location and shall all be in virgin soil.
 - (4) Any existing sewage disposal systems on the property or on adjoining lots within one hundred (100) feet.
 - (5) Swamps, rock outcrops and floodplains, when the same exist.
 - (6) A ten-foot zone surrounding the water service line to buildings, free and clear of any sewer lines, systems or part thereof.

50-34(g) (g) *Staging schedule.* The applicant or his agent must submit with the written application a recording and construction schedule which must indicate those portions of the area covered by the preliminary plan for which record plats and building permits will be sought and obtained during each of the succeeding years, up to the validity period of the APFO approval required by Sec. 50-35(k). Where a project is proposed to be built out in phases cumulatively exceeding three years, the applicant must submit a phasing schedule for approval by the Board as part of the preliminary plan. The preliminary plan establishes the validity period for the entire project.

When applicable, the phasing schedule should specifically identify the timing for the completion of construction and conveyance to unit owners of such things as common open areas and recreational facilities. In addition, the phasing schedule should indicate the timing for the provision of moderate priced dwelling units, and infrastructure improvements associated with each phase. Such a phasing schedule must be designed to have as little dependence on features (other than community-wide facilities) to be provided in subsequent phases and have minimal impact during construction on phases already built and occupied

→ next page

MONTGOMERY COUNTY CODE
Chapter 50

50-34(9)

For projects that require site plan review, the applicant may submit the final phasing schedule, detailing the information required in this section, provided the implementation of the phasing schedule does not exceed the validity period established in the preliminary plan.

- (h) *Staging schedule for land containing an arts or entertainment use as a public use space.* If a phasing plan for a preliminary plan of subdivision includes land or building space that the County has accepted for an arts or entertainment use under Section 59-C-6.2356, approval of a site plan under Section 59-D-3 for the phase containing that land or building space validates all remaining phases of the preliminary plan and the project plan for the purpose of Section 59-D-2.7(b).
- (i) *Increase of density.* A preliminary subdivision plan for a property in a receiving area which proposes to increase the density of the property by a utilization of development rights shall indicate, in addition to the number of lots permitted by the base density, the number of development rights to be conveyed to the receiving property, the total density, in dwelling units, of the proposed subdivision, the number of moderately priced dwelling units to be provided in accordance with the provisions of Chapter 25A, and the density recommended by the approved and adopted general, master, sector or functional plan.
- (j) *Development rights.* Such a preliminary subdivision plan must include at least two-thirds of the number of development rights permitted to be transferred to the property under the provisions of the appropriate general, master, sector or functional plan. However, upon a finding by the Planning Board that for environmental reasons it would be desirable to permit a lower density, the two-thirds requirement may be waived.
- (k) A preliminary subdivision plan application for a subdivision to be located in a transportation management district, as designated under Chapter 42A, Article II, must contain a draft traffic mitigation agreement that meets the requirements of that article unless one has previously been submitted at the time of project plan submittal under the optional method of development. (Mont. Co. Code 1965, § 104-23; Ord. No. 8-73, § 1; Ord. No. 9-23, § 1; Ord. No. 9-68, § 1; Ord. No. 9-69, § 1; Ord. No. 11-18, § 1; Ord. No. 11-23, § 1; Ord. No. 12-16, § 1; Ord. No. 12-19, § 4; Ord. No. 12-60, §§ 1, 3; Ord. No. 13-36, § 1; Ord. No. 13-51, § 1; Ord. No. 13-91, § 4; Ord. No. 13-113, § 1; Ord. No. 14-37, § 1; Ord. No. 14-50, § 1; Ord. No. 15-89, § 1; Ord. No. 16-26, § 1.)

Editor's note—Section 50-34 is quoted in Cinque v. Montgomery County Planning Board, 173 Md. App. 349, 918 A.2d 1254 (2007). Sections 50-34 to 50-36 [formerly §104-23 through §104-25] are quoted in Gruver-Cooley Jade Corporation v. Perlig, 252 Md. 684, 251 A.2d 589 (1969).

For preliminary plans and record plats approved prior to the effective date of this ordinance, which remain valid, the validity period and procedural requirements and limitations for plan extensions are as established under this ordinance



ATTORNEYS

Ms. Rose Krasnow
Ms. Cathy Conlon
December 21, 2010
Page 7

Additionally, the Design Guidelines recommends that Medical Center Drive (as an Arterial Street A-261) maintains a 10 foot setback from the right-of-way.

The Project conforms to the recommendations set forth in the Design Guidelines for the Property. The maximum building height for the Project is 110 feet. The portion of Medical Center Drive that adjoins the Property is well landscaped and tree-lined. The Project is also setback at least 10 feet from Medical Center Drive.

VI. Adequate Public Facilities

As part of this application, the Applicant is required to demonstrate that public facilities are adequate to accommodate the Project. There are currently adequate public facilities (APF) in place to address the impacts of the proposed subdivision.

The APF finding for the Original Preliminary Plan remained valid until July 25, 2001 and was extended under Section 50-20(c)(9) of the Subdivision Regulations in response to a prior extension request until July 25, 2007. On September 26, 2007, the Planning Board approved a request for an additional extension of the APF validity period until July 25, 2013 to allow for the utilization of "pipeline square footage." Additionally, on March 31, 2009, the County Council adopted Ordinance No. 16-35 (effective April 1, 2009), which automatically extended the validity period for APF determinations by two years. Therefore, the APF validity period for the Property is still valid and expires on July 25, 2015 for up to 313,650 square feet of space, of which 32,271 square feet remains undeveloped.

The Applicant requests a new, 10 year APF determination for the 230,929 additional square feet of research and development space, which is proposed in connection with this Application. Pursuant to Section 50-20(c)(3)(A)(iv) of the Subdivision Regulations, the Planning Board can make an APF determination for "no less than 5 and no more than 10 years after the preliminary plan is approved, as determined by the Board at the time of

approval, for any plan approved... on or after April 1, 2011.”² In accordance with Sections 50-20(c)(3)(B) and 50-34(g) of the Subdivision Regulations, the Applicant is requesting a validity period that is longer than the minimum specified in the Subdivision Regulations.

The Applicant believes that the following staging schedule promotes the public interest for a variety of reasons. First, the staging schedule allows the Applicant to effectively coordinate the delivery of two large research and development laboratory buildings and a parking structure and provide the most reasonable leasing arrangements to future tenants during uncertain market conditions. Second, the staging schedule provides the Applicant with the flexibility needed to construct the Project given the fact that the capital markets have not yet recovered and commercial financing of speculative projects is impractical. The staging schedule is listed as follows:

- Phase I: Construction of Building E and the structured parking garage.
- Phase II: Construction of Building F.

Pursuant to Section 50-20(c)(3)(B) of the Subdivision Regulations, the Applicant expects to complete Phase I during the first five years after the Application is approved. However, the Applicant requires some flexibility with respect to the overall order of the various phases and therefore, respectfully requests that the phases are ultimately subject to the Applicant’s determination. The above referenced phases will be defined in greater detail at the time of site plan.

² Section 50-20(c)(3)(A)(iii) of the Subdivision Regulations allows the Planning Board to make an APF determination for “no less than 7 and no more than 12 years after the preliminary plan is approved, as determined by the Board at the time of approval, for any plan approved on or after April 1, 2009, but before April 1, 2011.” If the Planning Board approves this Application prior to April 1, 2011, then the Applicant requests an 12 year APF determination pursuant to Section 50-20(c)(3)(A)(iii) of the Subdivision Regulations.

subject to staging. This applies both to buildings demolished to make way for redevelopment and to approved but unbuilt development.

The Plan is silent on conversion of residential to commercial development. Therefore, while residential development may be converted to commercial development if the zone permits, the conversion will be treated as new development for the purposes of staging, and will be subject to all staging limitations. Again, this applies both to demolitions and to approved but unbuilt development.

Converted properties that count against staging will be included in the monitoring program. This may mean that on-the-ground total development amounts may not exactly match the levels prescribed in the Plan. The administrative adjustment will show the real (as-built) totals and an adjusted total that can be used to determine when commercial and residential maximums have been reached.

4.1.5 Limiting Plan and APF Validity Periods

The only safeguards against potential hoarding of staging capacity are the time limits placed on preliminary plan validity and APF approvals. Because development in the LSC is tightly controlled by staging, plan validity and APF approvals should be limited to the minimum time periods prescribed in the subdivision regulations: currently five years for a Preliminary Plan approval and seven years for Adequate Public Facilities approval¹. The Planning Board can limit the approval of extensions to discourage hoarding. While longer validity periods will be discouraged, the Board has the authority to grant longer validity periods for special circumstances, including phased projects.

4.1.6 General Staging Policies

- The total development maximums (commercial and residential) will be the ultimate controlling number used to determine when a stage has reached capacity.
- If a preliminary plan approved under the staging guidelines expires without the lots being recorded, or if APF approval expires, the development capacity represented by that plan becomes available to all eligible applicants. If an APF approval has expired, an application for reinstatement will not preserve an applicant's allotted capacity or place in the queue. However, if an extension request is filed prior to the APF expiration date, the development capacity represented by that plan remains allocated to the plan pending Board action on the request.
- The Subdivision Staging Policy (SSP) establishes the policies and procedures for administering the Adequate Public Facilities Ordinance (APFO). The Life Sciences Center is in the R&D Village policy area, where the SSP indicates that, by suburban standards, area roads are congested and certain school clusters are overcrowded. Any new development that exceeds the standards set in the Subdivision Staging Policy will need to mitigate a percentage of its impact before it can move forward. The APFO goal is to ensure that transportation and school facilities have sufficient capacity for the Planning Board to approve specific development projects. Development that is exempt from staging is still subject to APFO requirements.

4.2 Transportation Network Staging

4.2.1 LATR, PAMR, and CIP Projects

Improvements to the transportation network will occur both as requirements of development approvals and as CIP projects or as State Consolidated Transportation Program (CTP) projects. Development applications in the LSC will follow the normal development review process that includes a requirement for developers to conduct traffic studies and establishes requirements for transportation network improvements through formulas in the Local Area Transportation Review (LATR) and Policy Area Mobility Review (PAMR) processes. Larger

¹ Per County Council resolution, the typical three-year and five-year minimum validity periods for Preliminary Plans and APF approvals, respectively, has been increased to five and seven years for approvals granted until April 1, 2013.

LSC Central: A Medical and Biotech Center

This 230-acre district includes Shady Grove Adventist Hospital, several medical office buildings, the Johns Hopkins University-Montgomery County Campus (JHU-MCC), the Regional Institute for Children and Adolescents (RICA) and Noyes Institute facilities, and some County social service uses. This area also includes the Key West Corporate Center and biotech companies such as the J. Craig Venter Institute, BioReliance, and Otsuka.

Today, LSC Central is a single-purpose destination for workers, students, and hospital visitors. While it should continue to focus on medical and biotech uses, other uses should be introduced, including retail and a limited amount of housing (approximately 30 percent of permitted floor area ratio). The Plan recommends a CCT station on Broschart Road near Blackwell Road, and those streets should be enlivened with activating uses. Future development, in its design and use, should be carefully planned to take advantage of transit and contribute to creating a vibrant LSC hub.

Adventist HealthCare (AHC) and JHU, as the district's largest property owners, will play a significant role in achieving the land use vision. Population growth, combined with demographic shifts and aging baby boomers, is fueling demand for additional capacity at the Shady Grove Adventist Hospital. To meet these needs, the 48-acre facility will continue to evolve, including centers of cardiac and vascular services, oncology, and women's and children's services.

AHC intends to develop medical offices, diagnostic and outpatient treatment facilities, and convenience retail. Accompanying these physical improvements will be structured parking, landscaped open spaces, and other public amenities. Under the current zoning, AHC would not be able to expand its facilities substantially. This Plan supports an expanded, first-class medical center and recommends zoning changes to accommodate future growth.

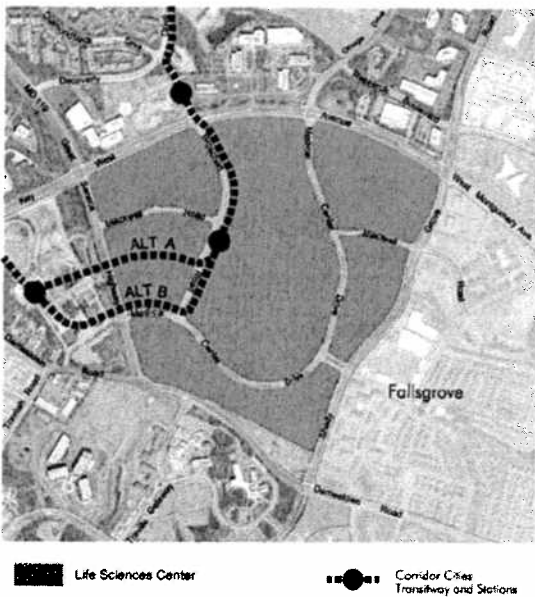
Most of the land in LSC Central is zoned LSC. To implement the vision of a mixed-use, transit oriented center, this Plan recommends modifying the LSC Zone to permit more uses, density, and height. The revised zone would allow housing and the Plan recommends that up to 30 percent of the floor area ratio (FAR) in LSC Central could be residential. LSC Central properties zoned R-200, O-M, and R&D are recommended for rezoning to the revised LSC Zone. One zone for all LSC Central properties will enhance development or redevelopment possibilities, provide consistent land use options and development standards, and improve design cohesiveness.

The LSC Zone allows for a transfer of density from one LSC-zoned property to another LSC-zoned property. This provision would allow a transfer of density from Belward to LSC Central, but it is completely voluntary and could only occur at the property owners' initiative. With a transfer of density, if there is an offsetting reduction in FAR on Belward, the density and height in LSC Central could be increased by 0.5 FAR and by 50 feet above what the Plan allows for this district.

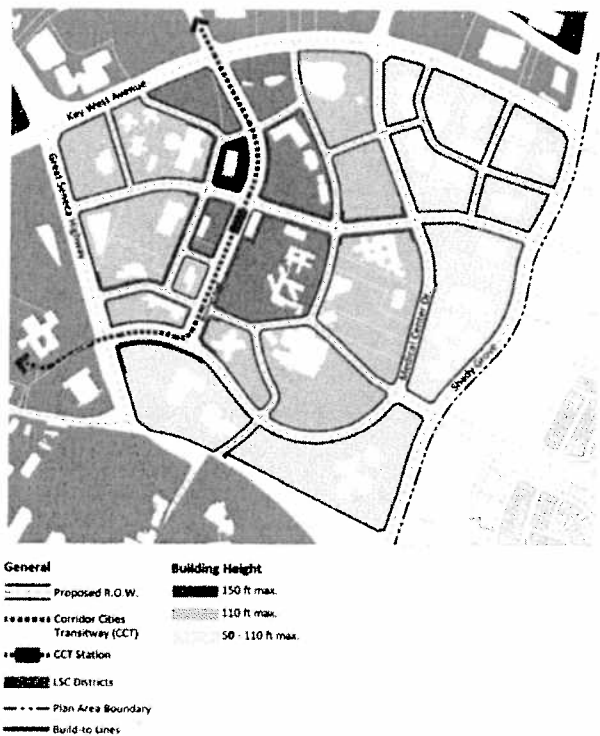
The Plan envisions redeveloping portions of the block surrounded by Broschart Road, Medical Center Drive, Great Seneca Highway, and Blackwell Road. Currently, this area is developed with low-density, low-scale uses. With a transit station along Broschart Road, portions of this block could redevelop to higher densities with a mix of housing, retail, and employment uses. The Plan recommends rezoning the RICA and Noyes facilities (from R-200 to LSC) to accommodate redevelopment consistent with the vision for LSC Central if these uses are relocated.

A fire station is needed in this area and the selected location is the northwest corner of Shady Grove Road and Darnestown Road. The 1990 *Shady Grove Study Area Master Plan* identified this intersection for a possible grade-separated interchange, which is being removed by this Plan.

map 12 LSC Central: Proposed Zoning



map 13 LSC Central: Urban Form



Recommendations

Land Use and Zoning

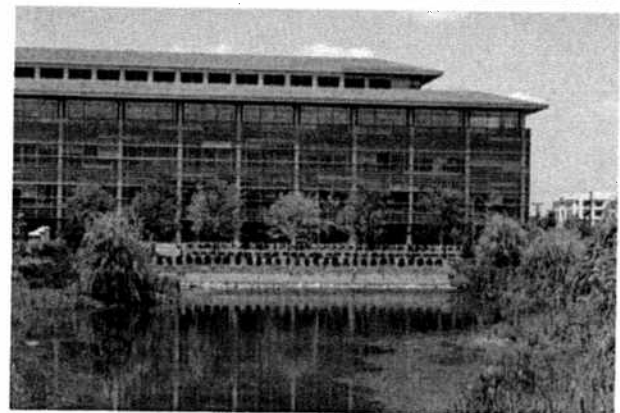
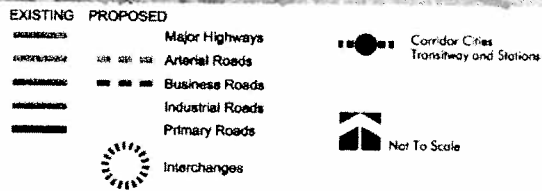
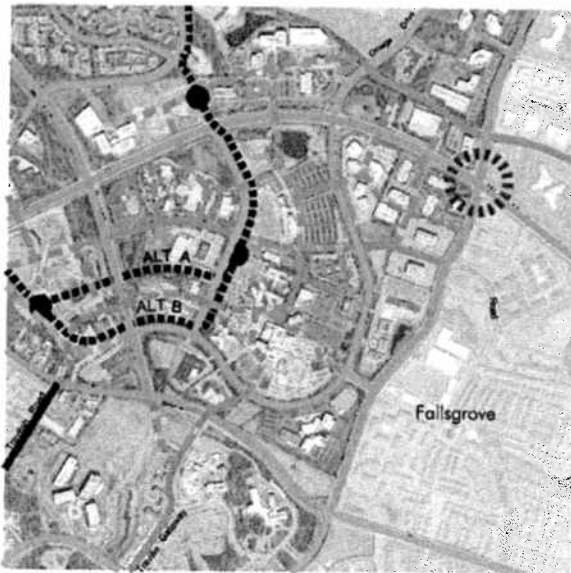
- Amend the LSC Zone to allow mixed uses and increased density and height.
- Amend the LSC zoning standards to reflect current technology and allow future flexibility.
- Allow a maximum of 1.0 FAR for properties in LSC Central.
- Allow a maximum of 1.5 FAR for properties in the center of the district (bounded by Key West Avenue, Medical Center Drive, and Broschart Road): AHC, JHU, and 9707, 9711, and 9715 Medical Center Drive.
- Allow a maximum of 30 percent of permitted FAR to be used for housing.
- Rezone the RICA and Noyes properties from the R-200 Zone to the LSC Zone.
- Rezone the R&D and O-M parcels to the LSC Zone.
- Require submission of a Concept Plan prior to approval of any future individual development projects for AHC and JHU to address the Plan’s guidelines, including the location of the CCT, the highest densities and height at transit, the mix of uses, creation of a local street network, and provision of open spaces.
- Accommodate a fire station on the northwest corner of Shady Grove Road and Darnestown Road.

Urban Form and Open Spaces

- Locate the highest density and tallest buildings (150 feet) adjacent to the transit station to form an identifiable center. Future developments should be well-integrated with each other.
- Create an identifiable LSC Loop along Medical Center Drive that connects pedestrians to other transit centers, the network of natural pathways along the stream buffers, and the open spaces.
- Design Broschart Road as an urban street, lined with buildings and activating street-level uses. The east side of Broschart Road is shared by AHC and JHU, and both property owners have opportunities to create a lively street edge that takes full advantage of transit station proximity.
- Design Blackwell Road between the AHC and JHU properties with a building edge and improved connections.
- Provide at least 15 percent of the net tract area as public use space.
- Include the following public open spaces:
 - LSC Loop
 - stream buffers
 - urban square at the CCT station
 - urban promenade to connect between buildings and public spaces.



map 14 LSC Central: Mobility



Mobility

- Locate a CCT Station along Broschart Road near Blackwell Drive in the vicinity of AHC and JHU.
- Extend Blackwell Road between Medical Center Drive and Broschart Road.
- Create additional streets to encourage an urban building form and to improve access and circulation for pedestrians and vehicles.
- Widen Key West Avenue (MD 28) to 8 lanes divided.
- Construct an interchange at Key West Avenue (MD 28) and Shady Grove Road.



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid
Director

March 24, 2011

Mr. William Musico, PE
Loiederman Soltesz Associates, Inc.
2 Research Place, Suite 100
Rockville, Maryland 20850

Re: **Preliminary Water Quality Plan and
Stormwater Management Concept for
9800 Medical Center Drive
SM File #: 238926
Tract Size/Zone: 18.13 acres/LSC
Watershed: Piney Branch/Watts Branch**

SPECIAL PROTECTION AREA

Dear Mr. Musico:

Based on a review by the Department of Permitting Services, the Preliminary Water Quality Plan (PWQP) and Stormwater Management Concept for the above mentioned site are conditionally approved. This approval is for the elements of the Preliminary Water Quality Plan of which DPS has lead agency responsibility, and does not include limits on imperviousness or stream buffer encroachments.

Site Description: The proposal is for two new buildings and a new parking structure, mostly over existing parking of an existing research office building development. The site is on 18.13 acres at the southwestern corner of the intersection of Shady Grove Road and Medical Center Way. This site is located within Piney Branch Special Protection Area.

Stormwater Management: Stormwater management will be provided via a combination of on-site and off-site measures that includes bio-swales, porous pavement, infiltration trenches and hydrodynamic structures before draining downstream to the Guldelsky Regional Wet Pond. Any increase to the existing site impervious area must include full ESD treatment for stormwater management.

Sediment Control: Extra care must be taken during the sediment control phase to protect the existing infiltration trenches. Since the site already developed and only minimal grading will be required the use of super silt fence may be acceptable for sediment control. The extent of the sediment controls will be determined at the detailed sediment control plan stage.

William Musico

Performance Goals: The performance goals that were established at the pre-application meeting still apply. The performance goals are as follows:

1. Minimize storm flow run off increases.
2. Minimize sediment loading and land disturbances with an emphasis on immediate stabilization.

Monitoring: The monitoring must be in accordance with the BMP monitoring protocols which have been established by the Department of Permitting Services (DPS) and Department of Environmental Protection (DEP). Pre-construction monitoring is not required since the site is already developed. The construction and post construction monitoring requirements are described in the "Attachment to the Preliminary Water Quality Plan" memorandum by DEP dated March 22, 2011 and included with this Preliminary Water Quality Plan approval letter. Monitoring requirements may change based on the Final Water Quality Plan submittal.

Prior to the start of any monitoring activity, a meeting is to be held on site with DEP, DPS, and those responsible for conducting the monitoring to establish the monitoring parameters.


Conditions of Approval: The following are additional conditions which must be addressed in the submission of the Final Water Quality Plan. This list may not be all inclusive and may change based on available information at the time of the subsequent plan reviews:

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 then immediate maintenance will be required.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. All of the proposed bio-swales must be underdrained.
4. The feasibility of using green roofs is to be investigated at the Final Water Quality Plan stage.
5. Provide a geotechnical report that addresses the feasibility of infiltration working in the areas of the proposed porous pavement. If infiltration is not feasible micro-biofilters or other form of ESD will be required for stormwater management.
6. 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.

March 24, 2011
Page 3

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:img:CN238926

cc: John Carter (MNCPPC)
R. Gauza (MCDEP)
L. Galanko
SM File # 238926

Qn: on-site 18.13 ac
Ql: on-site 18.13 ac.
Recharge provided



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Robert G. Hoyt
Director

**Attachment to the Preliminary Water Quality Plan for
9800 Medical Center Drive Expansion:
Description of BMP Monitoring Requirements**

SM # 238926
Date: March 22, 2011

The purpose of this attachment is to add specificity to the standard monitoring requirements and procedures contained in the Best Management (BMP) monitoring protocols. Some supplemental QA/QC, data analysis, reporting, submission and record keeping tasks will be explained. Careful coordination between the applicant, monitoring consultant, DEP and DPS is required to produce meaningful data and results.

Consistent methods must be used so results can be compared with other SPA BMP monitoring projects. Prior to initiation of monitoring, consultants must contact DEP and DPS to review monitoring locations, procedures, and requirements. Monitoring is to be completed according to DEP BMP Monitoring Protocols and/or methods and protocols approved by DEP. Some supplemental requirements are provided in this attachment. DEP BMP Monitoring protocols are available at the DEP website:

<http://www.montgomerycountymd.gov/content/dep/downloads/bmpprotocols.pdf>

Monitoring efforts and reports must employ scientific approaches in an attempt to determine effectiveness of BMPs and Environmental Site Design (ESD) at mitigating impacts associated with land development. Monitoring results and reports will demonstrate achievement of project performance goals. Thorough and careful analyses of data are required. Methods and assumptions should be detailed. Annual reports must adhere to the format and contain all required components in the order detailed in the SPA BMP Monitoring Report Checklist, also available online:

<http://www.montgomerycountymd.gov/content/dep/downloads/bmpchecklist.pdf>

Monitoring Requirements

1. BMP monitoring reports must include a table with dates of all major construction activities which take place on the site (groundbreaking, clearing, grading, sediment control construction, sediment control maintenance, BMP conversion, pond maintenance, etc.).
2. Three (3) groundwater monitoring wells were installed and monitored previously on the property. Locations were determined on September 15, 1995 by representatives of MCDEP (inclusive of MCDPS at the time), MNCPPC, and Schnabel Engineering

- Page 1 of 3 -

Associates, Inc. Wells should be located and condition assessed prior to commencement of monitoring; if wells are missing, damaged, not sealed properly, etc. they will need to be reinstalled or potentially relocated in consultation with DEP and DPS. Well installation logs must be provided to DEP within one week of well installation. Data collected at the three wells will be compared to previous monitoring results from March 1997 through January 1998.

3. Each groundwater well must be surveyed to determine exact elevation. If existing wells are in acceptable condition, original well installation logs may be submitted to document elevations. Groundwater levels are to be reported as actual elevations (surface elevation - depth to water). Groundwater elevations will be collected continuously using level loggers in 30 minute intervals. Loggers should be downloaded quarterly.
4. Groundwater physical chemistry must be measured at three (3) wells using a portable multi-parameter water quality probe. Samples are to be collected quarterly and will be monitored for temperature, pH, and conductivity.
5. A rain gage must be installed and maintained on site. The rain gage must be installed on a portion of the property that will not be impacted by vegetative cover or other obstructions and according to DEP and manufacturer specifications. Rain data are to be recorded in five-minute intervals in Eastern Standard Time (i.e., no daylight savings time adjustment). The same rain gage may be shared with the Shady Grove Hospital monitoring project (SM#205477 and SM#239312).
6. During construction, if sediment trap/basins are installed, total suspended solids (TSS) must be sampled (composite samples collected by an automated sampler) at the inlets and outlet of a representative sediment trap/basin to be selected by DEP and DPS. This sampling is to be done on a quarterly basis during measurable storm events throughout the construction phase. The method detection limit for TSS is 1 mg/L.
7. Representative stormwater management (SWM) BMP monitoring for flows, temperature and pollutant removal must be completed during post construction for up to 5 years on the site after a post construction monitoring bond has been issued. Not all BMPs will be monitored. If the BMPs are non-structural environmentally sensitive design facilities and cannot be monitored for pollutant removal efficiency, monitoring will be done another way. Monitoring of one (1) or more of these environmentally sensitive design facilities will be required depending on the scope of development at the FWQP phase. Monitoring will be limited to those areas contained within the SPA.
8. Final monitoring requirements and locations for during construction and post construction monitoring will be set during Final Water Quality Plan Approval.

A draft annual report on BMP monitoring is due to DEP no later than October 31st each year after the completion of construction. A final report is due annually no later than December 31. County code requires that reports be submitted quarterly. These quarterly reports must explain

all monitoring completed during the quarter and must identify any problems encountered while collecting the data. A template is available online:

<http://www.montgomerycountymd.gov/dectmpl.asp?url=/content/dep/water/spadeveloper.asp>

BMP monitoring reports are to be delivered with data in an electronic format to Eric Naibert at Montgomery County DEP and also to Leo Galanko at Montgomery County DPS. All information submitted to DEP will be public information that DEP may freely copy and distribute.

Questions on the monitoring requirements and procedures may be directed to the following personnel.

Eric Naibert

(240) 777-7769

Eric.Naibert@montgomerycountymd.gov

Leo Galanko

(240) 777-6242

Leo.galanko@montgomerycounty.md.gov



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

June 20, 2011

Arthur Holmes, Jr.
Director

Mr. Patrick Butler, Planner
Area 2 Team
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120110080
9800 Medical Center Drive

Dear Mr. Butler:

We have completed our review of the revised preliminary plan dated April 6, 2011. An earlier version of this preliminary plan was reviewed by the Development Review Committee at its meeting on February 7, 2011. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. The section of Shady Grove Road adjacent to this site is master planned as "DB-15" (DUAL BIKEWAY -- shared use path with bike lanes). The Master Plan of Bikeways indicates the bike lanes are to be implemented by the County. We recommend this applicant be required to relocate the existing path away from the curb and create a lawn panel, in accordance with pending MCDOT Design Standard MC-2008.04A. The width of the lawn panel should be wide enough to accommodate construction of the future bike lanes.
2. A Public Improvements Easement may be necessary along Shady Grove Road, in order to accommodate the bike path relocation and provide a sufficient lawn panel. Prior to submission of the record plat, the applicant's consultant will need to determine if there is sufficient right of way to permit this bike path relocation. If not, the applicant will need to either dedicate additional right of way or execute a Declaration of Public Improvements Easement document. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat.
3. Truck loading space requirements to be determined in accordance with the Executive Branch's "Off-Street Loading Space" policy.
4. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
5. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS issuance of record plat.
6. Relocation of utilities along the site frontage to accommodate the required roadway improvements (sidewalk/bike path reconstruction) shall be the responsibility of the applicant.

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

7. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
8. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
9. Please coordinate with Ms. Stacy Coletta of the MCDOT Division of Transit Services regarding project impacts on the RideOn bus network and any transit-related improvements requirements. Ms. Coletta may be contacted at 240-777-5836.
10. In addition to elements already incorporated into the design, we recommend the following measures be considered in the final design to promote multi-modal, transit-oriented development:
 - Design parking facilities to provide flexibility in use of parking;
 - Design to promote use of transit: main entrances of buildings should be oriented to transit; design building frontages/lobbies to provide two-way visibility; if port-cocheres (covered entryways) are used, ensure height is adequate to accommodate transit buses; ensure that the height of landscaping selected does not obscure visibility of transit; provide displays for transit and other TDM information in employee and visitor entrance areas;
 - Incorporate planning for other modes, i.e, shuttles, taxis, etc.
11. Prior to approval of the record plat, we recommend the applicant be required to enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and Department of Transportation. The trip reduction elements should be coordinated with Ms. Sandra Brecher, Chief of our Division of Transit Services/Commuter Services Section. Ms. Brecher may be contacted at 240-777-5800.

We believe the trip reduction measures in that Agreement should include:

 - Charge market rates for parking in the parking facility, and do not require that tenant leases commit to a minimum number of parking spaces as a precondition to leasing space in the office building.
 - Carpool/Vanpool Parking. Provide adequate numbers of carpool and vanpool parking spaces in highly visible, preferentially-located spots.
 - Car Sharing Parking. Provide adequate number of car sharing vehicle parking spaces in highly visible, preferentially-located spots
 - Electric Car Charging. Provide at least two electric car charging stations on site for each development.
 - Bike racks: Provide inverted U-shaped racks for 50 bikes within 50 feet of the main entrance and 25 bike lockers close to the nearest garage entrance/exit.
 - Bike Sharing. Provide facilities for bikesharing system.
12. We recommend approval of the proposed Stormwater Management Concept Plan.
13. Trees in the County rights of way – spacing and species to be in accordance with the applicable DOT standards. Tree planning within the public right of way must be coordinated with Mr. Brett Linkletter with the Division of Highway Services, Tree Maintenance Unit at (240) 777-7651.

Mr. Patrick Butler
Preliminary Plan No. 1-20110080
June 20, 2011
Page 3

14. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Relocate the eight (8) foot wide shared use path along Shady Grove Road to provide a green strip and accommodate future construction of bike lanes per pending MCDOT (Context Sensitive Road Design) Standard MC-2008.04A.
 - B. Widen the sidewalks along Medical Center Drive and Medical Center Way to five (5) feet.
 - C. Additional road improvements may be required as a result of a review of the traffic impact study.
 - D. Improvements to the existing public storm drainage system, as necessitated by the submitted storm drain study. The applicant has indicated that a 42" RCP is to be added to the culvert system under Darnestown Road. This improvement is to be maintained by Montgomery County and it will need to be designed and constructed in accordance with the MCDOT Storm Drain Design Criteria.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. Sam Farhadi, our Development Review Area Engineer for this vicinity, at (240) 777-2197 or at sam.farhadi@montgomerycountymd.gov.

Sincerely,



Gregory M. Leck, P.E. Manager
Development Review Team

m:/subdivision/farhas01/preliminary plans/1-20110080, 9800 Medical Center Drive, FINAL.doc

Enclosure

cc: Larry Diamond, ARE-Maryland No. 24, LLC
Stephen Tawes; Loiederman Soltesz Associates, Inc.
William Musico; Loiederman Soltesz Associates, Inc.
Robert G. Brewer, Jr.; Lerch, Early & Brewer, Chartered
April B. Mackoff; Lerch, Early & Brewer, Chartered
Glenn Kreger, MNCPPC Area 2
Shahriar Etemadi, MNCPPC Area 2
Ed Axler; MNCPPC Area 2
Cathy Conlon, MNCPPC DARC
Preliminary Plans Note Book
Preliminary Plan Folder

cc-e: Marie LaBaw; FRS
Atiq Panjshiri; DPS RWPR
Henry Emery; DPS RWPR
Rick Brush; DPS WRM
Stacy Coletta; DOT DTS
Sandra Brecher; DOT DTS
Brett Linkletter; DOT DHM
Gail Tait-Nouri; DOT DTE
Dan Sanayi; DOT DTEO
Bruce Mangum; DOT DTEO
Sam Farhadi; DOT OTEO



FIRE MARSHAL COMMENTS

DATE: 14-Jun-11
TO: James Chapman - jchapman@lsassociates.net
Loiederman Soltesz Associates, Inc
FROM: Marie LaBaw
RE: 9800 Medical Center Drive (see 120110160)
120110080 119882330

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **14-Jun-11**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

**** ON SITE PARKING RESTRICTIONS TO BE DETERMINED AT SITE PLAN ****