





Limited Site Plan Amendment, 82000018D, DANAC Stiles Property, Lot 6 of Block D

 Lori Shirley, Planner Coordinator, Area 2 Division, Lori.Shirley@montgomeryplanning.org, 301-495-4557

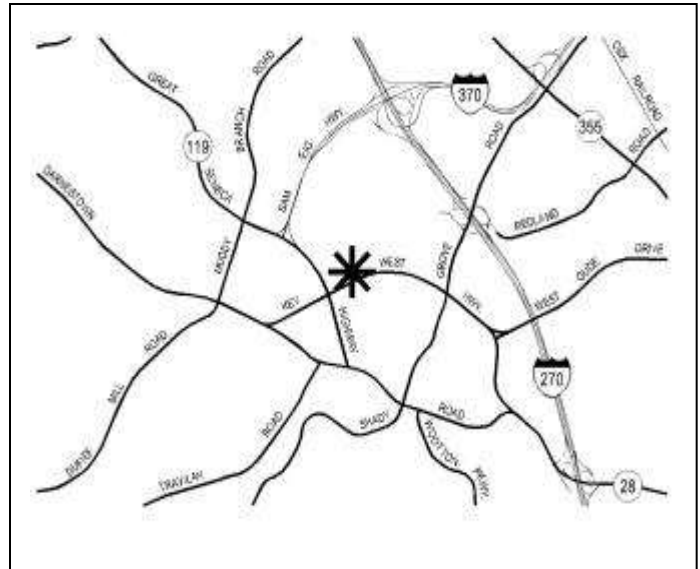
 Joshua Sloan, Planner Supervisor, Area 2 Division, Joshua.Sloan@montgomeryplanning.org, 301-495-4597

 Glenn Kreger, Chief, Area 2 Division, Glenn.Kreger@montgomeryplanning.org, 301-495-4653

Date of Staff Report: 11/21/12

Description

- Limited Amendment for new construction of a 58,935 square foot, four-story parking structure on a portion of Lot 6 replacing a surface-level parking lot;
- Location: Southwest quadrant of Decoverly Drive/Diamondback Drive intersection;
- Current uses on Lot 6: one 72,000-square foot office building flanked by two surface-level parking lots and lawn area;
- Lot 6 comprises 3.74 gross acres developing under the standards of the I-3 Zone within the LSC North District of the Great Seneca Science Corridor Master Plan area;
- Applicant: DANAC LLC;
- Submitted: 2/22/12.



Summary

- Staff recommends approval with conditions.
- The proposed development will replace a 48-space, surface-level parking lot with a four-story parking garage with 153 spaces. The existing office building will remain; no new GFA is proposed.
- The proposed garage structure will impact the critical root zone of a 52-inch specimen tree, resulting in a Variance request in a Final Forest Conservation Plan Amendment.
- The proposal also includes a request for a building setback waiver of five feet along Lot 6's southern property line.
- Staff has not received any correspondence from noticed parties as of the date of this report.

SITE PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of the DANAC Stiles Property Site Plan Amendment 82000018D on a portion of Lot 6 for a four-story parking structure on 3.74 gross acres under the standards of the I-3 zone, subject to the following conditions:

1. All site development elements as shown on the site, landscape, lighting, and architectural plans stamped as received by the M-NCPPC on February 23, 2012 are required except as modified herein.
 2. The Applicant must submit a Certificate of Compliance Agreement for reforestation/afforestation to be approved by M-NCPPC General Counsel; forest bank credits must be purchased prior to issuance of sediment and erosion control permits.
 3. The final Sediment Control Plan must be consistent with the limit of disturbance shown on the Amended Final Forest Conservation Plan (FFCP).
 4. The Applicant must comply with all tree protection and tree save measures shown on the approved Amended FFCP, including recommendations specified in the arborist's letter dated May 24, 2012 and included on Sheet FC-4 of the Amended FFCP.
 5. Additional tree save measures not specified on the Amended FFCP may be required by the M-NCPPC forest conservation inspector.
 6. Permanent Category I Forest Conservation Easement signs must be placed along the perimeter of the conservation easement area. Final number and locations of signs to be determined by the M-NCPPC inspector.
 7. The Applicant must provide 8 bicycle parking spaces near the elevator in a well-lit area.
 8. The Applicant must revise the landscape plan to increase the height of the proposed green wall on the parking garage's south facade to extend to the top of the fourth parking level for at least ½ of the facade area.
 9. Prior to Certified Site Plan approval, the Applicant must revise the Site Plan and Landscape Plan to locate and identify the 52-inch specimen tree in Parcel A and show the proposed limits-of-disturbance (LOD) and how the proposed grading will tie into the existing grade to match these features as required on the amended FFCP.
-

SITE DESCRIPTION

Vicinity and Site Description

The DANAC Stiles Property (Subject Property) is bound by Key West Avenue (MD 28) to the south, Diamondback Drive to the east, Discoverly Drive to the north, and Great Seneca Highway (MD 119) to the west. Current uses within the campus include office buildings, surface parking, structured parking, and forest conservation and stormwater areas. This large block is split by two master-planned business district streets that subdivide the campus; each of these streets is generally complete.



Vicinity Map

The Subject Property is immediately surrounded by research, office, institutional, and office parks; residential uses are located immediately across Discoverly Drive to the north. The site is located adjacent to a future Corridor Cities Transitway (“CCT”) station, within ½ mile of three additional master-planned Corridor Cities Transitway Stations, and within 1 mile of a fourth. Numerous bike routes, including shared-use paths, dual-bikeways, and shared signed roadways including the LSC Loop and the bikeway along the CCT run along and near the site.



Site Map

The Subject Property (outlined in black) comprises 3.74 gross acres and is currently improved with a 72,000 square foot office uses and two surface-level parking lots. A stream buffer and Category I Forest Conservation easements occupy approximately 2.3 acres to the west of the site. The property is within the Muddy Branch Watershed, State Use Class category I, and is not within a Special Protection Area.

The Subject Property is in the Great Seneca Science Corridor (GSSC) Master Plan area and the Life Sciences Center (LSC) North District.

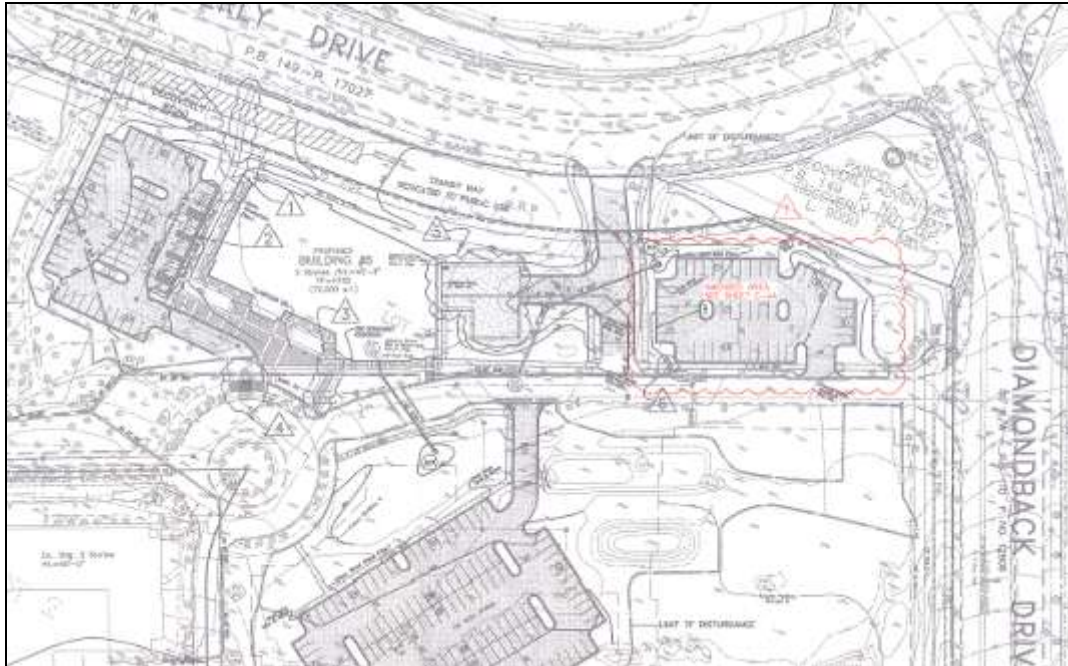
PROJECT DESCRIPTION

Previous Approvals

Lot 6 was created subsequent to the approval of Preliminary Plan 119961120 comprising 3.74 gross acres. Lot 6 is developed with a three-story (72,000 square feet) office building at its center with two surface-level parking lots flanking the building to the east and west. Lot 6 was rezoned from the I-3 zone to the CR-1.0 C0.5 R1.0 H80 zone by Sectional Map Amendment following the approval of the GSSC Master Plan adopted on May 4, 2010, but is being amended under the I-3 zone as allowed by Section 59-C-15.9(d). The eastern parking lot is the location of the proposed parking garage. Approval of the parking garage on Lot 6 must happen before the adjacent Lot 7 preliminary plan can be amended under the CR zone, in order to utilize the setback reduction allowed under the I-3 zone.

Site Plan 820000180 was approved by the Planning Board on April 6, 2000 for 669,400 square feet of commercial office uses in the I-3 zone. Area-wise, the original site plan included Lots 6 and 7. Amendment A was approved by the Board on July 30, 2004 for changes to buildings 4 and 5 that were proposed on Lot 7. Amendment B was approved by the Board on January 11, 2007 for a temporary

surface parking lot on Lot 7, among other minor revisions. Amendment C was approved administratively on August 1, 2008 for minor site plan modifications.



Site Plan Amendment Location

Proposal

The Applicant is pursuing a site plan amendment for Lot 6 under the Property’s original I-3 zoning per Section 59-C-15.9(d) of the Zoning Ordinance:

A project which has had a preliminary or site plan approved before the application of the CRT, CRN, or CR zone to the property may be built or altered at any time, subject to either the full provisions of the previous zone or this Division, at the option of the owner. If built under the previous approval, it will then be treated as a conforming building, structure, or use and may be renovated, continued, repaired, or reconstructed under Subsection (a) above. If built with an incremental increase over the previous approval, only that incremental increase must comply with this Division.

The proposed amendment allows removal of the existing 48-space, surface-level parking lot and replacement with a four-story parking garage totaling 58,935 square feet with 153 parking spaces. No changes are proposed to the office building or to the west surface-level parking lot. Vehicular access to/from the proposed parking garage will be exclusively from the western facade.

The Applicant’s intention to develop the proposed parking garage under the I-3 development standards pursuant to Sec. 59-C-15.9(d) is allowed because the approvals of the site’s Preliminary Plan and Site Plan predate the application of the C-R zone to the property.

Exhibit 2
October 31, 2012
Setback Waiver Justification



Garage Illustrative

COMMUNITY OUTREACH

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.

ANALYSIS AND FINDINGS

Zoning

Site Plan Amendment 82000018D has been submitted in compliance with Section 59-D-3.7 of the Zoning Ordinance. Applicable development data in the I-3 zone:

Table 1: Development Standards Data Table - I-3 Zone

PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Site Plan
Maximum Height (in feet)	100'	No Change ¹
Minimum Setbacks:		
Abutting lot [Sec. 59-C-5.34(a)(3)]	20 ft. Min.	15 ft. ²
Density [Sec.59-C-5.321]	0.5 FAR or 699,500sf ³	No Change
Minimum Green Area	35%	52%
Parking [Sec. 59-E 2.9 spaces/1,000sf GFA]	218	218 ⁴

Setback Waiver Request

The Applicant submitted a Letter of Justification in support of a waiver request to the proposed garage's south building setback (Attachment F). The waiver requests a reduction of five feet from the required 20-foot building setback along Lot 6's southern property line.

Footnote 3 in Section 59-C-5.34(a)(3) requires the Applicant to address compatibility with existing and proposed development to justify the reduced setback. Footnote 3 reads:

Where development in the I-3 Zone consists of multiple lots created by the same subdivision plan, the setback requirement from abutting lot lines for all buildings may be reduced by the Planning Board during site plan review pursuant to the applicable provisions of Division 59-D-3 if it is demonstrated that the reduced setback is compatible with existing and proposed development. The Planning Board must not reduce the building setback to less than 10 feet.

Seven points are made in the justification letter in support of the waiver and to demonstrate compatibility:

- The reduced setback is 15 feet, and, thus, greater than 10 feet;
- Reducing the setback by 5 feet is reasonable to mitigate impact on the specimen tree's CRZ (critical root zone); and allows for placement of the parking structure outside of the arborist's recommended minimum distance from the specimen tree;
- A reduced setback is compatible with flanking/framing the open space leading to the CCT Station to the northwest on Decoverly Drive;

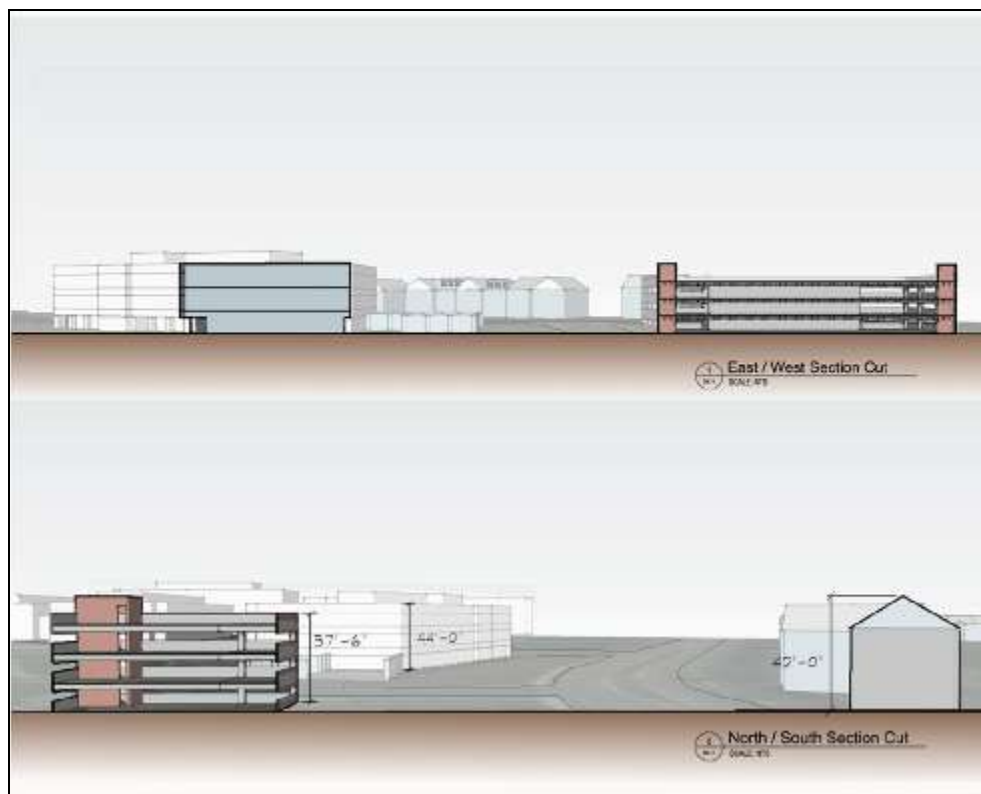
1. Although the garage is 40 feet tall, the existing office building on the same lot was approved at a height of 41 feet.
 2. As allowed under footnote 4 for Section 59-C-5.34(a)(3).
 3. Allowable FAR per Preliminary Plan 11996112 approval.
 4. The west parking lot has 65 spaces + 153 spaces proposed in the parking garage = 218 total parking spaces on Lot 6

- It is compatible with the height and bulk of the existing office building and the proposed Camden Shady Grove mixed use building (on Lot 7);
- The south and east facades of the parking structure will have enhanced treatments resulting in compatibility with existing and proposed development;
- The parking structure’s vehicular access is located solely on its west side and the reduced setback does not shrink necessary driveway aprons or other dimensions necessary for efficient and safe vehicular circulation;
- The reduced setback is compatible with four specific design components of the GSSC Design Guidelines.

Staff concurs with the Applicant’s justifications and finds that the site plan continues to meet all of the requirements of the zone under which it is being developed.

The proposed parking garage will be constructed primarily of poured concrete with two stairwell towers at the southeast and southwest facades. Both stairwell towers will have blue colored glass on the south facade. The southeast stairwell will have an enhanced treatment in the form of art on the full height (4 stories) of the stairwell tower.

The Site Plan Amendment will not alter the overall character or impact of the development with respect to the original findings of approval, as amended, except as modified herein. Staff finds, therefore, that each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.



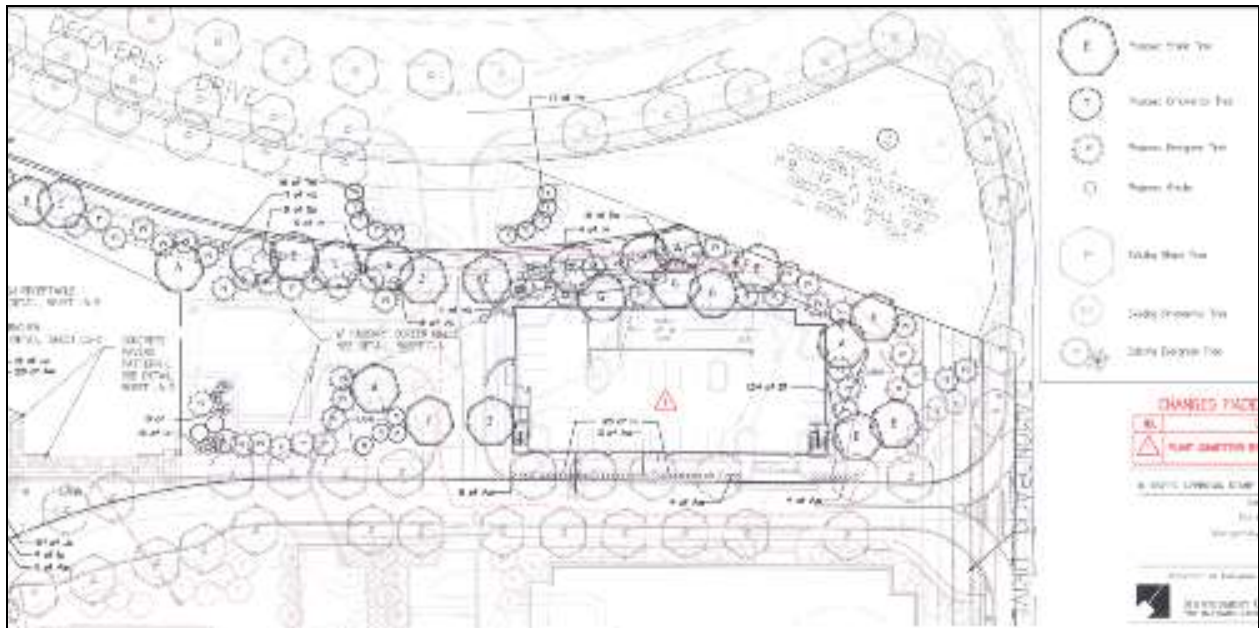
Garage Illustrations

On-Site Pedestrian and Bicycle Facilities

For the proposed parking garage in the I-3 zone, one bicycle parking space is required for every 20 vehicular parking spaces, resulting in a requirement of 8 bicycle parking spaces for the proposed 153 vehicular parking spaces. Proposed circulation on-site is generally similar to the existing situation and Staff finds that pedestrian and vehicular circulation remains adequate, safe, and efficient.

Landscape and Lighting Plan

Proposed landscaping is proposed around the parking garage's northern and eastern facades, serving to soften the four-story structure. The plant mixture will include shade, evergreen, and ornamental trees with shrubs and ground cover. A green wall is proposed along the parking garage's south facade. The height of the green wall is approximately 10 feet to the top of the first parking level. As conditioned, this wall will be extended to the fourth parking level over at least ½ of the facade to further soften the structure and enhance compatibility in relation to the proposed mixed use building on Lot 7. The lighting plan meets the requirements of the Zoning Ordinance to ensure pedestrian safety and efficiency. Staff finds that locations of buildings and structures, open spaces, and landscaping remain adequate, safe and efficient.



Landscape Plan

Environment

Final Forest Conservation Plan Amendment

The original Final Forest Conservation Plan 820000180 was approved on October 13, 2000, and resulted in a mitigation requirement of 5.4 acres. Of this figure, the Applicant has previously provided 1.8 acres of on-site plantings and 2.6 acres of off-site forest planting (Certificate of Compliance June 23, 2000, Liber 18194, Folio 136) for a total of 4.4 acres of mitigation satisfied. The remaining 1.0 acre mitigation requirement was to be satisfied by street tree canopy credit; however, site constraints make this option difficult. The Applicant proposes to amend the previously approved Final Forest Conservation Plan to satisfy the remaining 1 acre requirement at an approved off-site forest conservation bank (Attachment A).

In addition, the original Final Forest Conservation Plan included an approved paved pedestrian pathway within the Category I Forest Conservation easement around the stream buffer. Portions of this Category I easement adjacent to this pathway have been maintained by mowing, which is a violation of the easement agreement. On Friday, August 3, 2012 a representative of the Applicant met with an M-NCPPC Forest Inspector and Area 2 Staff. As part of the Final Forest Conservation Plan Amendment, Staff agreed to recommend removal of the Category I easement around the pathway to permit maintenance and allow visibility of the trail, with the 0.28 acres of Category I easement removed to be replaced at a 2:1 ratio in an approved off-site forest conservation bank, resulting in an additional planting requirement of 0.56 acres. The Applicant has agreed to stop mowing the Category I easement circumscribed by the pathway and add supplemental tree plantings in the easement. A mulched strip will be permitted adjacent to the inner edge of the pathway to facilitate maintenance. This is consistent with allowed uses in a Category I easement.

Forest Conservation Variance

The parking structure proposed in Site Plan Amendment 82000018D will impact the canopy and critical root zone of a 52-inch (d.b.h.) specimen white oak tree (*Quercus alba*) on property (Parcel A) adjacent to the northeast corner of Lot 6. Though the tree is to be saved, a variance is still required for the impact. Because this is a particularly stately tree, Staff requested that the Applicant provide additional information to demonstrate that all reasonable attempts have been made to avoid impacts to the tree. Based on an analysis of both the original variance request and the additional information, Staff has concluded that the project cannot be constructed without impacting the tree. The Applicant has proposed additional tree protection measures to ensure the tree's survival. The analysis and findings are presented below:

Section 22A-12(b) (3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater, DBH; are part of a historic site or designated with a historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. The applicant submitted a variance request on June 14, 2012 (Attachment B) to impact 27% of the critical root zone of one (1) tree that is considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law. The variance does not seek removal of the tree.

Unwarranted Hardship Basis

The proposed parking garage is in accordance with the recommendations of the Sector Plan which are intended to promote higher density uses in the vicinity of the Corridor Cities Transitway station proposed to be located adjacent to Diamondback Drive.

Part of the design for the DANAC Stiles Property is to replace surface parking with structured parking. The Site Plan Amendment for Lot 6 proposes construction of a parking garage on what is currently a surface parking lot. In supplementary information submitted on October 13, 2012, (Attachment C) the Applicant details how the existing office building and roadway on the western end of Lot 6, the Master Plan-required road (B-2) to the south of Lot 6, and the CCT right-of-way along Diamondback Drive on the

east side of Lot 6 constrain the area available for the parking garage and force it to the north adjacent to the tree. The 50-foot right-of-way dedication for the original master-planned CCT alignment on the northern edge of the property along Decoverly Drive further constrains Lot 6. Furthermore, the Master Plan specifies that "Building height along Decoverly Drive adjacent to the residential community to the north is limited to 50 feet within 100 feet of the Decoverly Drive right-of-way (not including the 50-foot transit right-of-way)" (GSSC Master Plan page 48). As currently designed, the garage is 40 to 42 feet high, so shrinking the footprint by increasing the building height does not appear to be a viable option. The combination of medium-to-high density development, major public facilities and amenities, and Master Plan requirements indicate that the vision of the Master Plan in this area cannot be achieved if the variance is denied; therefore, Staff concurs that the Applicant has a sufficient unwarranted hardship to consider a variance request.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determinations in the review of the variance request and the proposed forest conservation plan:

Variance Findings

Staff has made the following determination based on the required findings that granting of the requested variance:

1. Will not confer on the applicant a special privilege that would be denied to other applicants.

The proposed design has attempted to balance all of the competing factors that constrain the site. The Applicant is requesting a setback waiver to locate the southern edge of the structure only 15 feet from the lot edge along road B-2 in order to accommodate the parking structure and reduce impacts to the tree. Given the intensity of the development, impacts to this tree appear unavoidable. Furthermore, the Applicant proposes a tree save plan to reduce stress on the tree and enhance its chances for survival. It is staff's opinion that reasonable steps have been taken to minimize impact to this tree, and that granting the variance will not confer a special privilege to the applicant.

2. Is not based on conditions or circumstances which are the result of the actions by the applicant.

Staff concurs that the requested variance is based on the constraints of the site and the proposed development density, public facilities and amenities as recommended in the Sector Plan, rather than on conditions or circumstances which are the result of actions by the Applicant.

3. Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.

Upon review, Staff concurs that the requested variance is a result of the proposed site design and layout on the subject property and not as a result of land or building use on a neighboring property.

4. Will not violate State water quality standards or cause measurable degradation in water quality.

DPS has approved a stormwater management concept, dated June 29, 2006, and confirmed a waiver from new requirements for Lot 6 on February 22, 2012 (Attachment D). Impervious surface area will not increase substantially from construction of the parking garage, since the majority of the site is already paved. Most of the tree will remain and continue to treat

stormwater. Therefore, Staff concurs that the project will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provisions

No mitigation is recommended for trees impacted but retained.

County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist on June 18, 2012. On July 13, 2012, the County Arborist issued her recommendations on the variance request and recommended the variance be approved with mitigation (Attachment E).

Variance Recommendation

Staff recommends that the variance be granted.

Stormwater Management

The Montgomery County Department of Permitting Services (DPS) issued a letter accepting the Stormwater Management Concept approval for the original Preliminary Plan on June 29, 2006. DPS issued a letter on February 22, 2012 confirming that the proposed development of Lot 6 is grandfathered for stormwater control purposes (Attachment D). The requirements of the original stormwater concept plan still apply to Lot 6.

Conclusion

The plan is in compliance with M-NCPPC's *Environmental Guidelines*. Staff recommends that the Planning Board approve the Final Forest Conservation Plan Amendment with the conditions cited in this Staff Report. The variance approval is assumed in the Planning Board's approval of the Final Forest Conservation Plan Amendment. For these reasons and as discussed above Staff finds that, as conditioned, the site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.

ATTACHMENTS

- A. Final Forest Conservation Plan Amendment
- B. Variance request from Applicant
- C. Letter from Applicant's private Arborist
- D. DPS SWM Grandfathering Letter
- E. County Arborist's Letter
- F. I-3 Setback Waiver Request

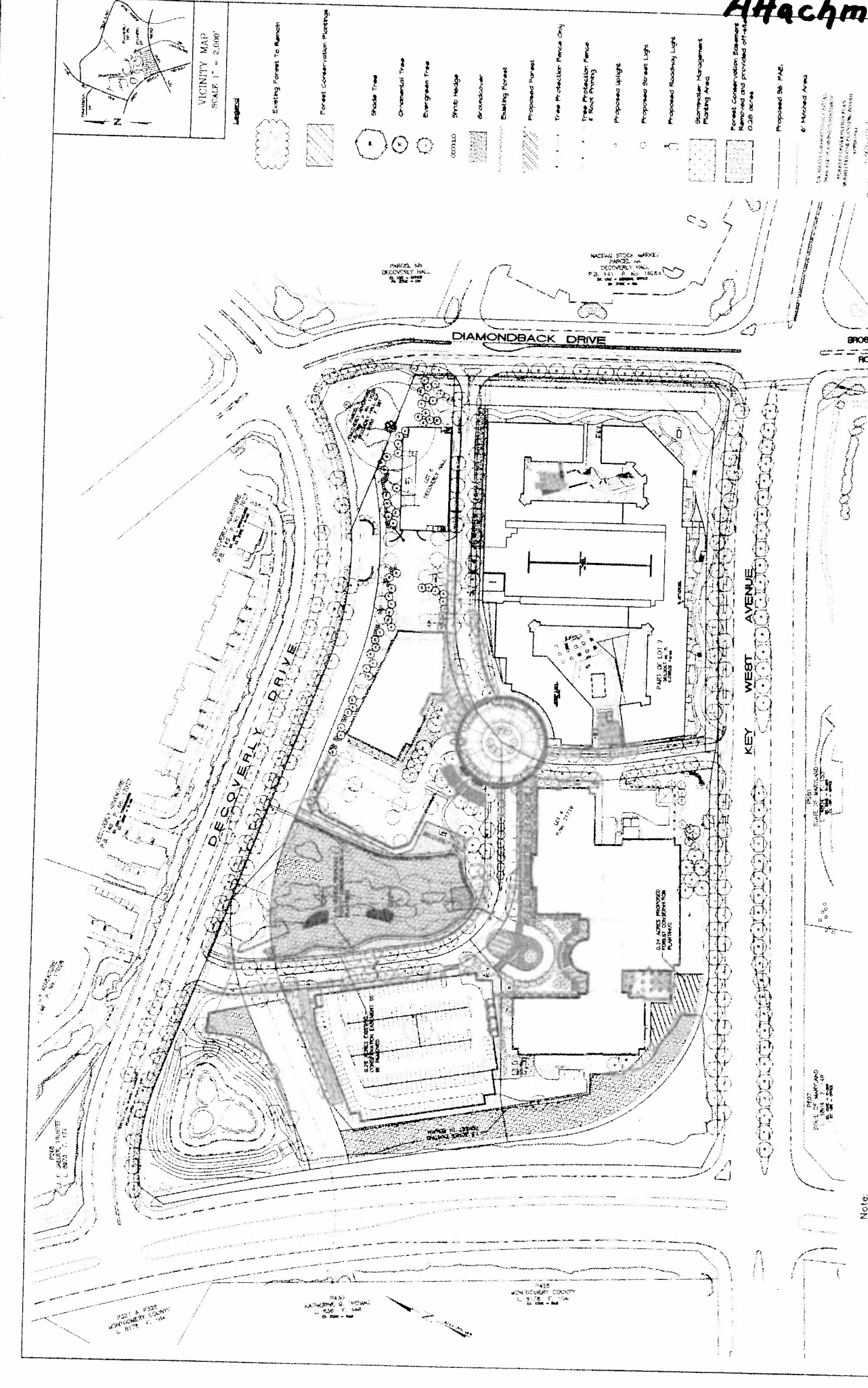
FC-1

OVERALL FINAL FOREST CONSERVATION
DANAC STILES
 5TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND
 Martin, Hendricks & Glanville, P.A.
 Engineers & Surveyors
 1801 Folsom Road
 Rockville, MD 20851
 (301) 984-0000
 www.mhgpa.com

VICINITY MAP
 SCALE 1" = 2,000'

Legend

- Existing Forest To Remain
- Forest Conservation Plantings
- Shade Tree
- Ornamental Tree
- Evergreen Tree
- Shrub Hedge
- Grasscover
- Existing Forest
- Proposed Forest
- Tree Protection Fence Only
- Tree Protection Fence & Root Pinning
- Proposed Light
- Proposed Street Light
- Proposed Roadway Light
- Stormwater Management Planting Area
- Forest Conservation Easement 0.28 acres
- Proposed 36" PAVE
- 6" Mulched Area



DEVELOPER'S CERTIFICATE

I, the undersigned, hereby certify that the information provided in this application is true and correct to the best of my knowledge and belief.

Signature: _____
 Name: _____
 Title: _____

- Note:
1. The previously approved off-site reforestation requirement of 2.60 acres has been previously met through the purchase of 5.20 acres of existing forest mitigation at Mason Island Farm. See Certificate of Compliance June 23, 2000, Liber 18194 Folio 136
 2. The proposed 0.28 acres of existing easement to be removed includes the portion of the easement outside the asphalt path and will be mitigated off-site at 2:1 (0.56 acres).
 3. The 1.0 acres of previously approved on-site tree credits will be removed, and mitigated off-site.
 4. Both of the proposed changes identified in items 2 and 3 above will be met by obtaining off-site forest mitigation for a total of 1.56 acres.

2501 & 2502
 MONTGOMERY COUNTY
 6178 1/2 1/2

PAID
 MONTGOMERY COUNTY
 1-28-2004

Call Map 1555-1111, 1-800-251-1177.
 All funds due to the State of Maryland.
 This map is subject to the provisions of the Maryland Public Works Act, Article 66, of the State Code, and the provisions of the Maryland Public Works Act, Article 66, of the State Code, and the provisions of the Maryland Public Works Act, Article 66, of the State Code.

- Legend**
- Shade Tree
 - Deciduous Tree
 - Evergreen Tree
 - Shrub Hedge
 - Groundcover
 - Existing Forest
 - Proposed Forest
 - Tree Protection Fence Only
 - Tree Protection Fence & Root Pruning
 - Proposed Bollard
 - Proposed Pedestrian Light
 - Proposed Roadway Light
 - Forest Conservation provided off-site 0.25 acre
 - Proposed 30' F&E
 - Mulched Area
 - Building Footing Area And Tread Area To Match

FC-2

FINAL FOREST CONSERVATION PLAN

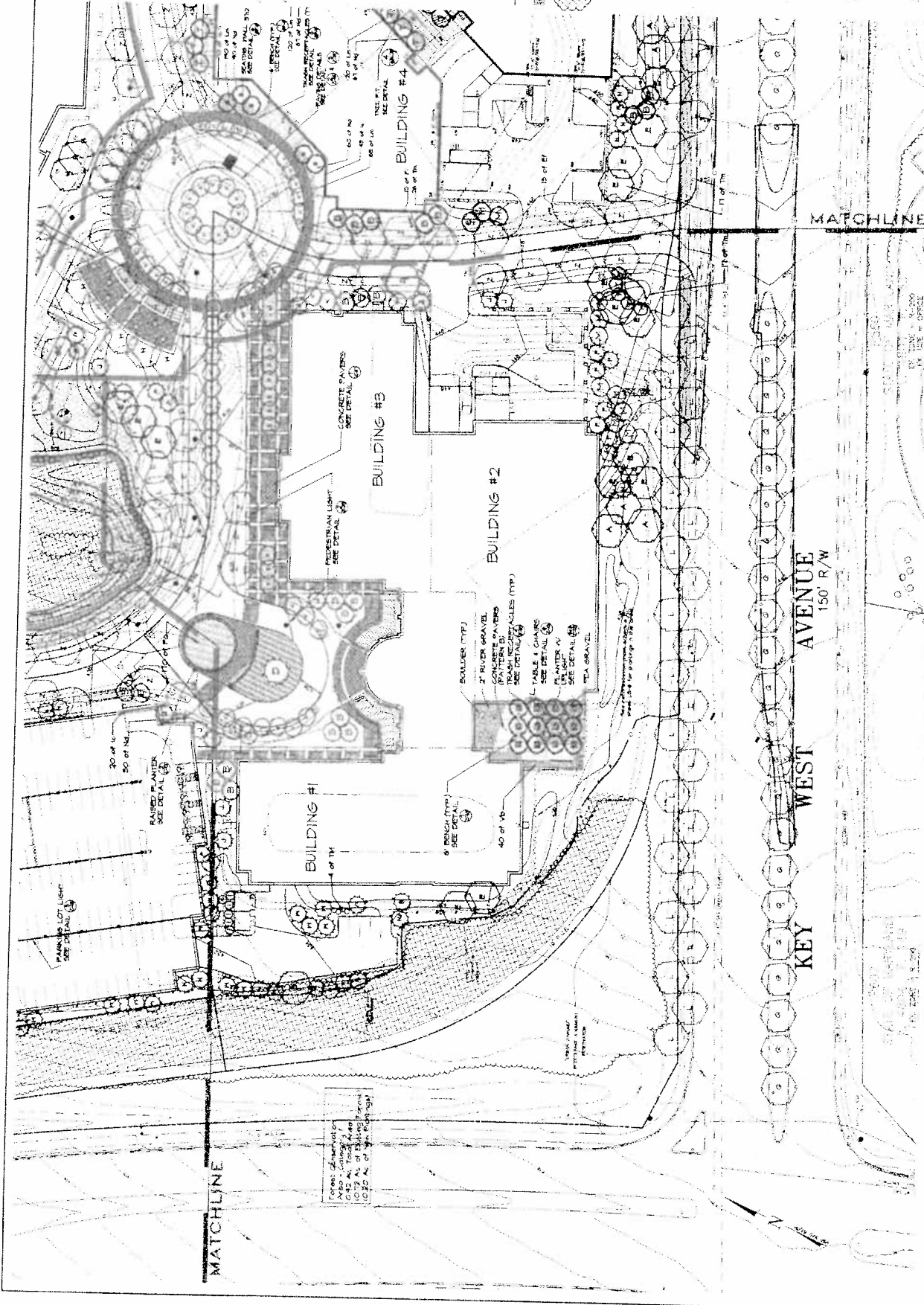
9TH ELECTORAL DISTRICT - MONTGOMERY COUNTY - MARYLAND

DANAC STILES

MEATH, HEADRICK & GILKROCK, P.A.
 Engineers & Planners • Surveyors
 200 E. Park Drive
 Suite 100
 Hunt Valley, MD 21756
 410.337.1200
 www.mhga.com

INVESTIGATING ENGINEER
 DANAC STILES
 REGISTERED PROFESSIONAL ENGINEER
 MONTGOMERY COUNTY, MARYLAND
 LICENSE NO. 1274

DATE: 11/18/11
 SCALE: AS SHOWN



GRAPHIC SCALE

1" = 10' 0"

REVISIONS
















NO.	DATE	DESCRIPTION
1	11/17/11	ISSUE FOR PERMITS
2	11/18/11	ISSUE FOR PERMITS

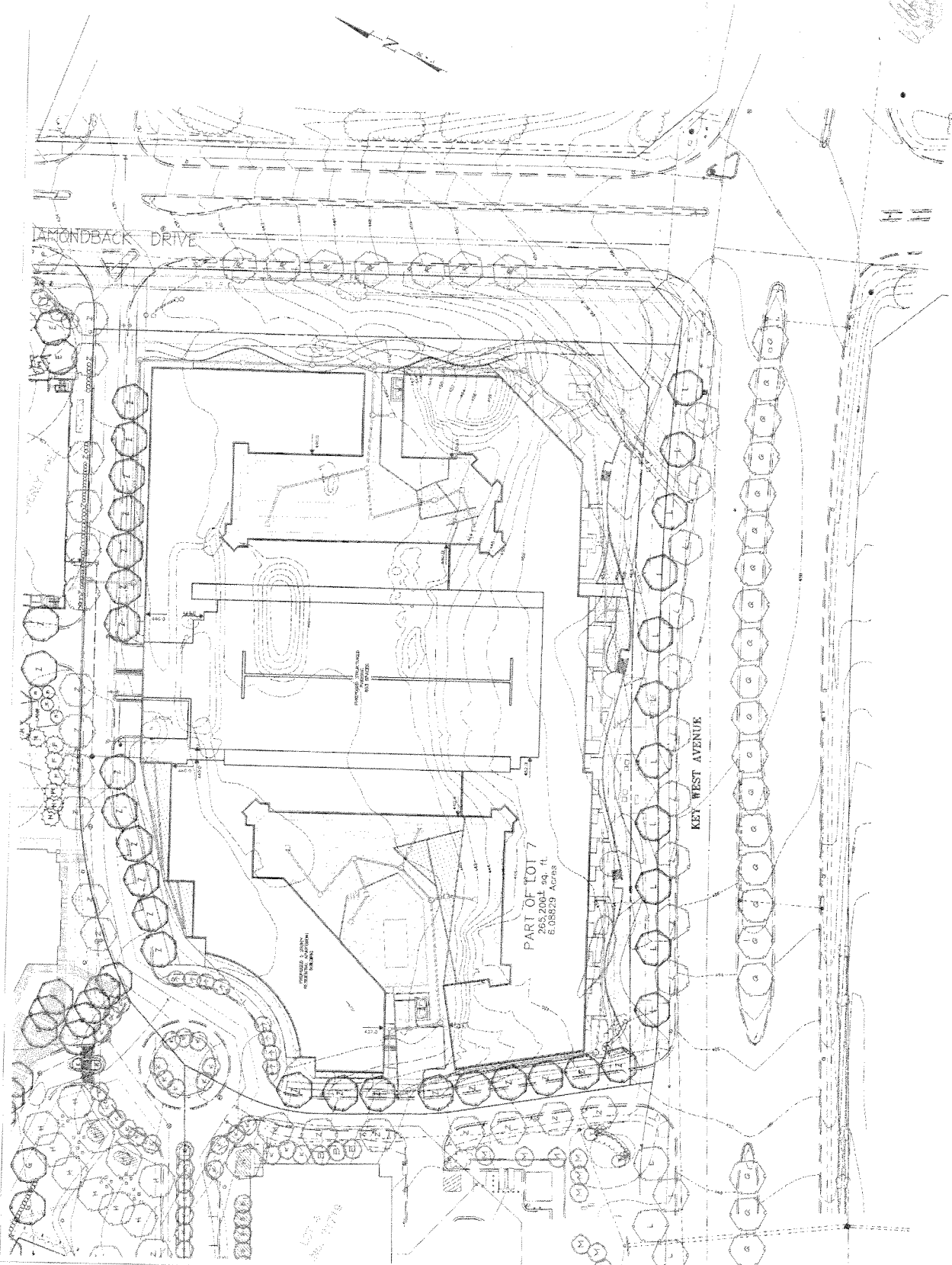
APPROVED FOR PERMITS

DATE: 11/18/11

SCALE: AS SHOWN

LEGEND

-  Existing Forest To Remain
-  Forest Conservation Plantings
-  Shade Tree
-  Ornamental Tree
-  Evergreen Tree
-  Street Hedge
-  Streetcreeper
-  Existing Forest
-  Proposed Forest
-  Tree Protection Fence Only
-  Tree Protection Fence & Root Pruning
-  Proposed Height
-  Proposed Street Light
-  Proposed Roadway Light
-  Stormwater Management Planting Area



THE MARYLAND NATIONAL CAPITAL
PLANNING AND DESIGN CENTER
PROJECT CONSULTANT PLAN
NO. 17876112-A
DATE: 11/24/12

FC-3
VERS. 2/05 PER 1.0

FINAL FOREST CONSERVATION PLAN

DANAC STILES

9TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND
Macris, Hendricks & Glascock, P.A.
Engineers • Planners • Surveyors
9700 Parkside Road
Ft. Belvoir, MD 20814
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www.mhga.com



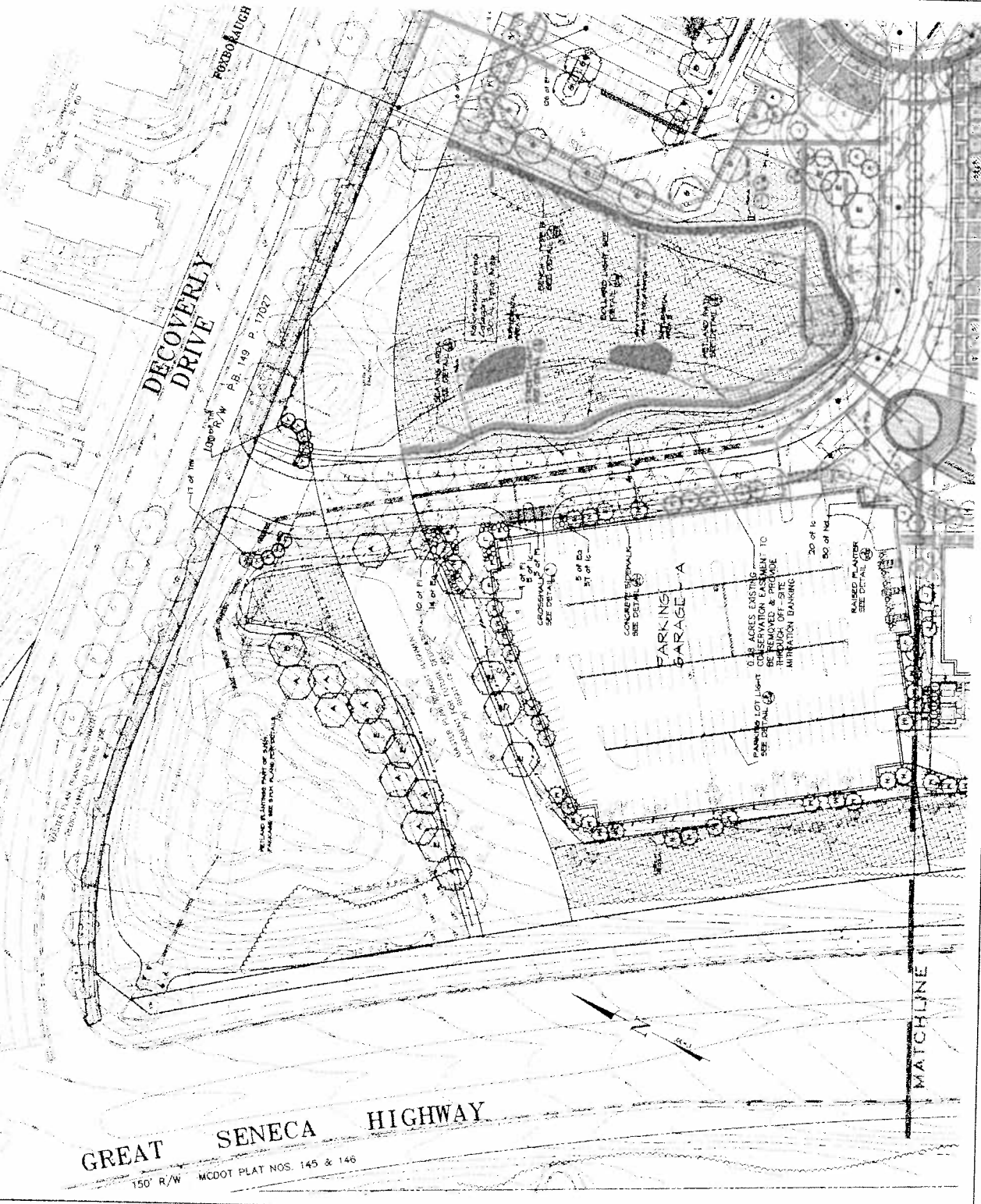
NO.	DATE	DESCRIPTION	BY
1	6/13/12	Approved per #10-2000000	MS
2		Approved by 6	
3		APPROVED	BT

CONTRACT INFORMATION

PROJECT NO. 17876112-A
DATE: 11/24/12
PROJECT: FINAL FOREST CONSERVATION PLAN
CLIENT: DANAC STILES
PROJECT LOCATION: 9700 PARKSIDE ROAD, FT. BELVOIR, MD 20814
PROJECT VALUE: \$1,000,000.00
DATE OF BIDDING: 11/24/12
DATE OF AWARD: 11/24/12
DATE OF COMPLETION: 11/24/12

NO.	DESCRIPTION	DATE	BY	CHKD.	APP'D.
1	PREPARED FOR SUBMITTAL	10/15/03
2
3
4
5

- Legend**
- Tree in ground - see plant list
 - Existing Forest - see plant list
 - Existing Forest Area to be Retained
 - Shade Tree
 - Ornamental Tree
 - Emerald Green Tree
 - Strip Hedge
 - Ornamental
 - Existing Forest
 - Proposed Forest
 - Tree Protection Fence Only
 - Tree Protection Fence with Root Pruning
 - Forest Conservation Easement Proposed and provided off-site
 - Proposed 50' PAZ
 - Proposed 6' Hatched Area

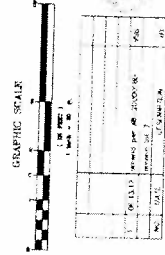


ALL AREAS ADJACENT TO THE ASPHALT DRIVE ARE TO REMAIN IN A NATURE TO THE PARKING GARAGE. WHICH BORDER DIRECTLY ADJACENT TO THE PARKING GARAGE. WHICH BORDER AREAS OF PARK SHALL BE OVERSEENED WITH A MAINTENANCE WILDLIFER SLED MAX AT LEAST THREE - ONCE IN 60, OVER AND AGAIN THE FOLLOWING APRIL.

THE EXISTING 5' LIGHTED BOLLARDS WITHIN THE EASEMENT MAY REMAIN IN THE CONSERVATION EASEMENT UNLESS OTHERWISE NOTIFIED OF ANY WORK TO THE BOLLARDS THAT MAY BE NECESSARY TO MAINTAIN THE BOLLARDS WITHIN THE CONSERVATION EASEMENT UNLESS OTHERWISE NOTIFIED ANY REASONABLE REPAIR OR REPLACEMENT OF THE BOLLARD.

REVISIONS

NO.	DESCRIPTION	DATE
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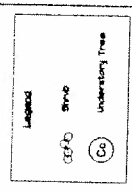
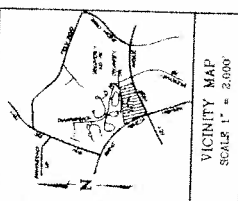
FC - 5
 DATE: 10/15/03
 SHEET: 200 OF 10

FINAL FOREST CONSERVATION

DANAC STILES

9TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

Morris, Hendricks & Glascock, P.A.
 Engineers & Planners & Surveyors
 1000 Lee Road
 1000 Lee Road
 1000 Lee Road
 1000 Lee Road



THE LANDSCAPE ARCHITECTS ASSOCIATION OF MARYLAND
 1000 WASHINGTON AVENUE
 SUITE 200
 BALTIMORE, MARYLAND 21201
 (410) 524-1100
 www.landscape-architects.org

APPROVAL
 Project No. 20-0000
 Date: 11/11/2020

1. A representation of the final landscape plan shall be submitted to the Planning Board for review and approval. The Planning Board shall have the authority to require the applicant to submit additional information or to require the applicant to revise the plan.
2. Final approval of the plan shall be given by the Planning Board. The Planning Board shall have the authority to require the applicant to submit additional information or to require the applicant to revise the plan.
3. The applicant shall be responsible for obtaining all necessary permits from the appropriate agencies.
4. The applicant shall be responsible for obtaining all necessary permits from the appropriate agencies.
5. The applicant shall be responsible for obtaining all necessary permits from the appropriate agencies.

DATE: 11/11/2020
 TIME: 10:00 AM

PROJECT NO. 20-0000

DATE: 11/11/2020

TIME: 10:00 AM

PROJECT NO. 20-0000

DATE: 11/11/2020

TIME: 10:00 AM

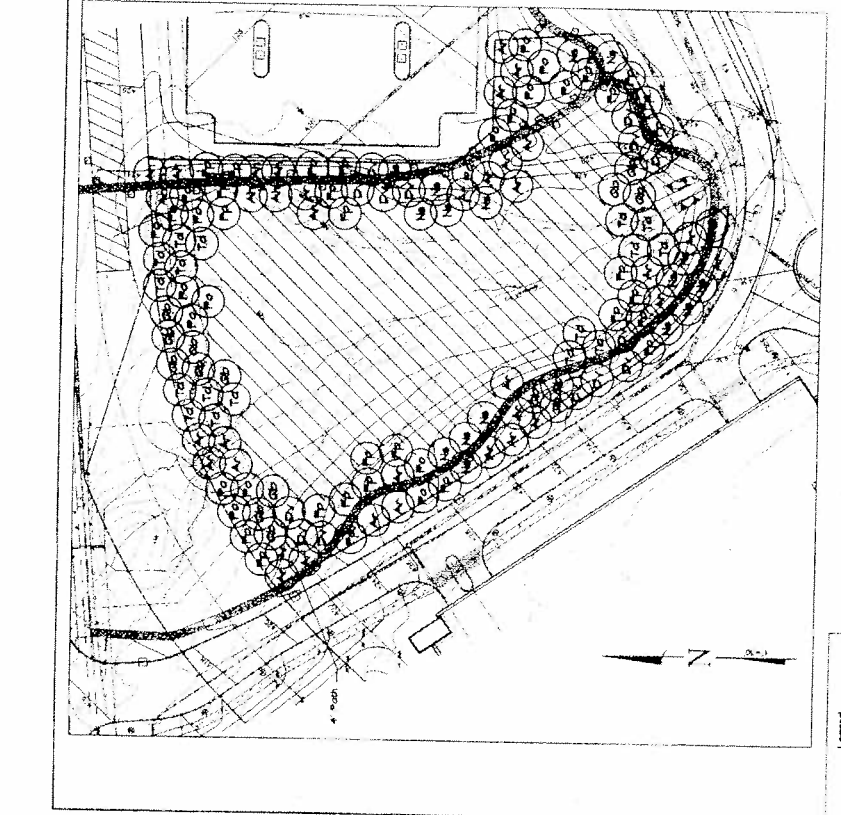
PROJECT NO. 20-0000

DATE: 11/11/2020

TIME: 10:00 AM



Understory Netland / Forest Conservation Plan



Shade Tree Netland / Forest Conservation Plan

Schedule A

ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1	Planting of 2 inch Caliper Trees	100	Each	10.00	1000.00
2	Planting of 4 inch Caliper Trees	50	Each	20.00	1000.00
3	Planting of 6 inch Caliper Trees	25	Each	40.00	1000.00
4	Planting of 8 inch Caliper Trees	15	Each	66.67	1000.00
5	Planting of 10 inch Caliper Trees	10	Each	100.00	1000.00
6	Planting of 12 inch Caliper Trees	8	Each	125.00	1000.00
7	Planting of 14 inch Caliper Trees	7	Each	142.86	1000.00
8	Planting of 16 inch Caliper Trees	6	Each	166.67	1000.00
9	Planting of 18 inch Caliper Trees	5	Each	200.00	1000.00
10	Planting of 20 inch Caliper Trees	5	Each	200.00	1000.00
11	Planting of 22 inch Caliper Trees	4	Each	250.00	1000.00
12	Planting of 24 inch Caliper Trees	4	Each	250.00	1000.00
13	Planting of 26 inch Caliper Trees	3	Each	333.33	1000.00
14	Planting of 28 inch Caliper Trees	3	Each	333.33	1000.00
15	Planting of 30 inch Caliper Trees	3	Each	333.33	1000.00
16	Planting of 32 inch Caliper Trees	2	Each	500.00	1000.00
17	Planting of 34 inch Caliper Trees	2	Each	500.00	1000.00
18	Planting of 36 inch Caliper Trees	2	Each	500.00	1000.00
19	Planting of 38 inch Caliper Trees	1	Each	1000.00	1000.00
20	Planting of 40 inch Caliper Trees	1	Each	1000.00	1000.00
21	Planting of 42 inch Caliper Trees	1	Each	1000.00	1000.00
22	Planting of 44 inch Caliper Trees	1	Each	1000.00	1000.00
23	Planting of 46 inch Caliper Trees	1	Each	1000.00	1000.00
24	Planting of 48 inch Caliper Trees	1	Each	1000.00	1000.00
25	Planting of 50 inch Caliper Trees	1	Each	1000.00	1000.00
26	Planting of 52 inch Caliper Trees	1	Each	1000.00	1000.00
27	Planting of 54 inch Caliper Trees	1	Each	1000.00	1000.00
28	Planting of 56 inch Caliper Trees	1	Each	1000.00	1000.00
29	Planting of 58 inch Caliper Trees	1	Each	1000.00	1000.00
30	Planting of 60 inch Caliper Trees	1	Each	1000.00	1000.00



DATE: 11/11/2020
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PROJECT NO. 20-0000

DATE: 11/11/2020

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PROJECT NO. 20-0000

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LS-6
 DATE: 11/11/2020

PROJECT NO. 20-0000

DATE: 11/11/2020

TIME: 10:00 AM

PROJECT NO. 20-0000

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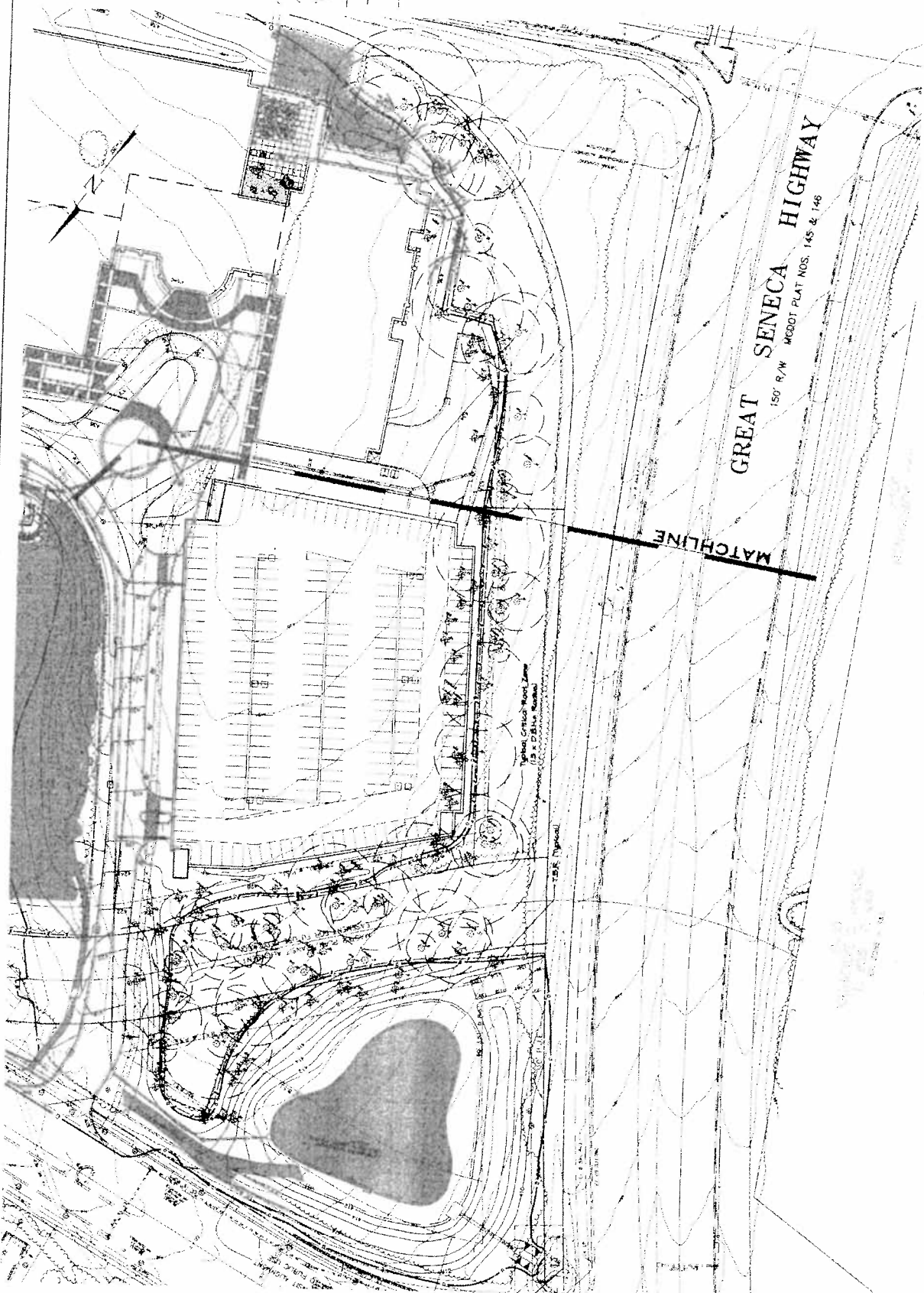
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PROJECT NO. 20-0000

DATE: 11/11/2020

TIME: 10:00 AM



- Legend**
- Existing Tree
 - Tree To Be Removed (TR)
 - Critical Root Zone
 - Limits of Disturbance
 - Root Pruning
 - Existing Forest
 - Forest To Be Removed
 - Proposed Forest
 - Tree Protection Fence Only
 - Tree Protection Fence & Root Pruning
 - Forest Conservation Buffer

THE STATE OF PENNSYLVANIA
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 BUREAU OF FOREST CONSERVATION
 HARRISBURG, PA. 17103



APPROVAL
 STATE FOREST CONSERVATION
 BUREAU OF FOREST CONSERVATION
 HARRISBURG, PA. 17103

LS-7

DATE: 05/11/00

LANDSCAPE, LIGHTING AND FOREST CONSERVATION
 Parcels 300 and 265

DANAC/STILES PROPERTY
 Liber 8973 Folio 122

9TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND
 Macris, Hendricks & Gleacock, P.A.
 Engineers & Planners & Surveyors
 8220 Rockville Pike, Suite 100
 Rockville, MD 20850
 www.mhpa.com

OWNER CERTIFICATE
 THE UNDERSIGNED HAS REVIEWED ALL THE FEATURES AND MEASUREMENTS OF
 THIS SITE PLAN IN CONNECTION WITH THE PROPOSED DEVELOPMENT AND
 CERTIFIES THAT THE SAME COMPLY WITH THE REQUIREMENTS OF THE
 MONTGOMERY COUNTY ZONING AND SUBDIVISION REGULATIONS.

[Signature]
 DATE: _____

NO.	DATE	DESCRIPTION	BY



Call "Miss Utility" at 1-800-257-7171.
 48 hours prior to the start of work.
 In the case of proposed construction within the utility easement, the
 contractor shall be responsible for obtaining all necessary permits and
 for the protection of all utility lines.

Macris, Hendricks and Glascock, P.A.
Engineers • Planners • Surveyors • Landscape Architects

9220 Wightman Road, Suite 120
Montgomery Village, Maryland
20886-1279
Phone 301.670.0840
Fax 301.948.0693
www.mhgpa.com



June 14, 2012

Maryland National Capital
Park & Planning Commission
Attn: Mark Pfefferle
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Danac Stiles – Lot 6
Final Forest Conservation Plan
MNCPPC No. 82000018D
MHG Project No. 82.104.54

Dear Mr. Pfefferle:

On behalf of our client, Danac Corporation, the owner of Lot 6, located at 9707 Key West Ave. in Rockville, and the applicant for the above referenced Final Forest Conservation Plan, we hereby request a variance for the disturbance to the root zone of one specimen tree, as required by Maryland Natural Resources Article, Title 5, Subtitle 16, Forest Conservation, Section 5-1611, and in accordance with Chapter 22A-21(b) of the Montgomery County Code.

1. *Describe the special conditions peculiar to the property which would cause the unwarranted hardship;*

The subject property consists of Lot 6 of the Danac Stiles Corporate Campus, with a tract area of 3.7 acres. Currently, a single three story office building and associated parking exists on the lot. The building occupants have been utilizing a surface parking lot on the adjacent Lot 7 across an internal campus street from the building. Lot 7 is going through the development process to obtain the rights to build a 6 story apartment building thereby causing the removal of the surface parking lot. In order to provide sufficient parking on the limit area available on Lot 6 for the occupants of the building on Lot 6 a parking structure must be built.

Several constraints limit the placement of new parking structure on the lot. The odd shape of the lot presents one limitation. A 50' CCT right-of-way dedication consumed a large portion of the lot and created a narrow width elongated lot that does not allow for much flexibility in locating structures within the allowed setbacks. A residual residential parcel, Parcel A Block 2, was created when Decoverly Drive bifurcated the parcel from its parent tract on the north side of Decoverly Drive. The residential zoning associated with this orphaned parcel requires a greater setback along the shared property line. This also constrains the available area for a structure. The existence of an office building on the western side of the lot prevents the structure from being built in that location.

Therefore, the parking structure is proposed for the northeast corner of the lot, adjacent to Parcel A. A 52" White Oak, *Quercus alba*, is located on Parcel A and is located

approximately 8' off the shared property line. The proposed parking structure is located approximately 21 feet off of the shared property line. The grading in this area has been revised to limit the disturbance necessary to install the parking structure to approximately 6'. The garage will be built using various construction techniques that will limit the amount of work that needs to occur in and around the area associated with the CRZ. The impacts are minimal, but will be mediated with the stress reduction measures that are outlined in the attached arborist report. However, considering the limitations of the site, it would be an unwarranted hardship to require that the tree remain undisturbed. All needed stress reduction techniques will be done by an arborist to reduce stress on these trees.

2. *Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;*

The subject property, as described above, is part of a large office and future residential campus. It needs to replace parking that is being removed by others. The inability to disturb the subject trees would essentially prevent the construction of the parking structure and not allow for adequate parking for the existing building. This creates a significant disadvantage for the applicant and deprives the applicant of the rights enjoyed by the neighboring and/or similar properties not subject to this approval process.

3. *Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance; and*


A Stormwater Management/Sediment Control Plan has been submitted to the Montgomery County Department of Permitting Services. When approval for the design is granted, it will confirm that the goals and objectives of the state water quality standards have been met for the proposed improvements to the site.

4. *Provide any other information appropriate to support the request.*

A copy of the Final Forest Conservation Plan has been provided as part of this variance request. The proposed disturbance to the root zone of the White Oak is indicated on the plan. The plan also indicates what stress reduction measures will be taken and includes an Arborist Report with additional measures. A copy of the arborists report is included in this application. 27% of the Critical Root Zone will be impacted. However, we will be staying outside the 20' mandatory do not disturb line that the arborist identified as critical to preserving the tree. Please let us know if any other information is necessary to support this request.

Please contact me via email, at vbryant@mhgpa.com or by phone, at (301) 670-0840 should you have any additional comments or concerns.

Thank you,


Vic Bryant, RLA



ASSOCIATES
arboriculture + environmental consulting

May 24, 2012

Ms. Vic Bryant
Macris, Hendricks and Glascock, PA
9220 Wightman Rd, Suite 120
Montgomery Village, MD 20886

Re: Danac site - protection of White oak on Lot 6

Dear Vic:

I recently surveyed this large diameter white oak, and found it to be in good to excellent condition. The tree measures 52" of diameter at breast height (dbh). The form is unusual for this tree type, in that the canopy is more decurrent, or candelabra shaped, and not the typical excurrent form, or having a strong central leader.

Regardless of its form, the tree is in very good condition for its size and age. There are no apparent defects in any part of the base, main trunk or upper canopy. The only problems surveyed were the grape vines that are climbing their way through the canopy, and the mass of invasive plant material under the canopy.

Tree protection measures:

Root pruning – this treatment shall be performed along the line added to your site map. The orientation should more closely follow the outline of the new building. There shall be no root pruning, or other earth disturbance, within the 20' radius circle that you have drawn around the tree.

Root pruning shall be performed by an ISA certified arborist. A machine capable of making a clean cut such as a rock saw or vibratory plow is encouraged. In the absence of one of these machines, a pneumatic air gun (such as an "Air Spade") may be used. If an air gun is used then manual cutting of the severed roots will be required.

Tree protection fencing – super silt fence (SSF) shall be installed within the root pruning trench, and shall serve as the basis of the tree protection fencing. Supplemental tree protection fencing will be required, such as orange blaze fence or a 14-gauge welded wire fence. This shall be installed against the SSF as an added precaution against machines entering this tree protection area, or materials being stored here.

Tree protection signage – signs shall be attached to the fencing at a minimum spacing of 50' along the tree protection line. This sign shall conform to Montgomery County standards.

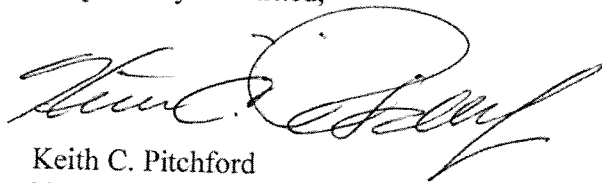
Removal of invasive and other plant material – all vegetation shall be removed from under the drip line of this tree. Removal shall be accomplished by hand removal only, or by a combination of an herbicide material and manual removal. All herbicides proposed for use shall be approved by the project arborist. No machinery shall be operated under the drip line of this tree.

Crown cleaning – all grape vines, and any other invasive vines, shall be severed and removed from the canopy. Major deadwood should also be pruned from the canopy at this time.

Mulch ring – a ring of mulch material shall be applied within the 20' radius circle that you have drawn on the tree save plan. This material shall be applied after all of the vegetation has been removed within this zone. A shredded hardwood mulch material is recommended. Wood chips aged a minimum of 90 days may also be used. This mulch layer shall be applied to a depth of 2-4", and maintained at this depth for a minimum of three (3) years.

Supplemental irrigation – the addition of supplemental irrigation, either through the use of drip irrigation or manually injecting water into the root zone, may be required as deemed appropriate by the project arborist. This treatment may be required for a period of three (3) years following root pruning if deemed necessary by the project arborist.

Respectfully submitted,



Keith C. Pitchford
ISA Certified Arborist, MA-0178
ISA Certified Tree Risk Assessor, #922
MD Licensed Forester, #675
MD Tree Expert #589





DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

February 22, 2012

Pearce Wroe
Macris, Hendricks, and Glascock P.A.
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886-1279

RE: Danac Stiles
SM File #200652
Request for Reconfirmation -
Administrative Waiver for
Grandfathering

Dear Mr. Wroe:

Based on a review by the Department of Permitting Services, the previously issued administrative waiver is reconfirmed for Lot 6 the above mentioned project. The waiver is in accordance with the provisions of Section 19-21A of the Montgomery County Code and is based on the preliminary project approval for the site, as defined in the Code. As I understand, Lot 7 is now excluded from the waiver request due to substantial revisions and a required revision to the Preliminary Plan.

All previously approved conditions for Lot 6 of the approved stormwater management concept plan for the site still apply. Please note that changes to the plan in the development process may constitute grounds to rescind or amend this waiver approval.

Please contact me at 240-777-6343 or rick.brush@montgomerycountymd.gov if you have questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "R. R. Brush".

Richard R. Brush, Manager
Water Resources Section

Cc: Mark Etheridge
SM File #200652





DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Robert G. Hoyt
Director

July 13, 2012

Françoise Carrier, Chair
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: DANAC Stiles Lot 6, DAIC 82000018D

Dear Ms. Carrier:

The County Attorney's Office has advised that Montgomery County Code Section 22A-12(b)(3) applies to any application required under Chapter 22A submitted after October 1, 2009. The most recent application for the above referenced project is for development activity that is more intense than the activity on the previously approved forest conservation plan and what was envisioned by the Master Plan in which the earlier approval was based upon. Changes in the Great Seneca Science Corridor Master Plan that allow for more intensive development on this site were approved and adopted in June, 2010, after the new variance requirements were enacted in October, 2009. The proposed development activity could not have been included in the original natural resources inventory/forest stand delineation or forest conservation plan and is, therefore, considered a new application that was submitted after October 1, 2009. Given that it must comply with current provisions in Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this condition.

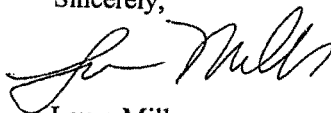
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, is not interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the variance can be granted under this condition, as long as appropriate mitigation is provided for the resources disturbed.
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this condition.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this condition.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that revisions to the LOD are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,



Laura Miller
County Arborist

cc: Robert Hoyt, Director
Walter Wilson, Associate County Attorney
Mark Pfefferle, Chief

SHULMAN
ROGERS

GANDAL
PORDY
ECKER

TIMOTHY DUGAN ATTORNEY
T 301.230.5228 F tdugan@shulmanrogers.com

October 31, 2012

By Email and Messenger

Mr. Joshua Sloan
Planning Area 2
The Maryland-National Capital
Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: DANAC Stiles — Lot 6
9707 Key West Avenue
M-NCPPC Site Plan No. 82000018D for Lot 6¹
Explanation Justifying the Reduced Setback For
Lot 6's Parking Structure's South Facade

Dear Mr. Sloan:

This addendum to the Site Plan Amendment Application explains why, by allowing a reduced setback along the parking structure's south facade, the Planning Board will integrate the development of Lot 6's parking structure, under the I-3 Zone's development standards, with the objectives of the GSSC Master Plan, the GSSC Design Guidelines and the CR Zone's objectives.

Preliminarily, I am enclosing the following:

Exhibit	Description
1)	Aerial photo
2)	Conceptual illustration of the south facade's green wall and the east facade's architectural feature

The explanation is organized as follows:

1) Lot 6's Location on DANAC Stiles.....	2
2) Depiction of the Structured Parking on the Filed Site Plan	2
3) I-3 Setback Waiver Provision	2
4) Compatible with Mitigating the Impact on the Specimen Tree's CRZ	3
5) Compatible with Flanking/Framing the Open Space Leading to the CCT Station.....	4

¹ M-NCPPC Preliminary Plan No. 119996112A.

- 6) Compatible With the Height and Bulk of The Existing MRIS Building and the Proposed Camden Shady Grove Mixed Use Building..... 4
- 7) Compatible Resulting From Enhanced Treatments of the South and East Facades 5
- 8) Compatible Because Vehicular Circulation Is Not Affected 5
- 9) Compatible With GSSC Design Guidelines..... 5
- 10) Summary 5

1) Lot 6's Location on DANAC Stiles

Lot 6's relative location in the DANAC Stiles campus is explained in this paragraph. Immediately to the west of Lot 6 sits Lot 5, a Category I forest conservation easement area. Immediately north of Lot 6 sits the fifty (50) feet dedicated right of way for the former alignment for the Corridor Cities Transitway. Immediately to the east of Lot 6 is the right of way for the new Corridor Cities Transitway alignment. Immediately to the south, and inside of Lot 6, is a portion of the proposed 56 feet wide public access easement intended to address the Great Seneca Science Corridor ("GSSC") Master Plan's recommendation for business roads, namely "B-2" and "B-7."²

2) Depiction of the Structured Parking on the Filed Site Plan

As shown on the Site Plan as filed, Lot 6's parking structure is located only about 15 feet from Lot 6's south property line. The Certified Site Plan package would include all necessary notations and any other necessary documentation addressing the setback waiver.

3) I-3 Setback Waiver Provision

The waiver addresses the I-3 Zone's minimum setback from an abutting lot that is also classified "I-3." See Section 59-C-5.34(a)(3). We are treating Lot 7, abutting immediately to the south, as if Lot 7 were to be developed under its former I-3 zoning, pursuant to the CR Zone's grandfather provisions.³ However, as you know, Lot 7 is planned to be developed according to the CR Zone.

The I-3 Zone minimum setback standard is considered in conjunction with the maximum height standard. The typical I-3 zone height standard allows a maximum height of 100 feet, with a minimum 20 feet setback, for the first 40 feet, and another 1 feet of setback for every 2 feet of height above 40 feet, again, for a structure to be erected next to an abutting lot zoned I-3. The proposed parking structure, as designed, and at its proposed location, would be about 40 feet tall. Such height is about 8-10 feet

² Please see the GSSC Master Plan map at page 54 showing proposed "business district streets" and the schedule at page 84 of B-2 and B-7 identified as "proposed new road."

³ Please see the CR Zone "grandfather" provision under Section 59-C-15.9(d), "Existing approvals."

below the 50 feet Master Plan-imposed height limitation that runs along Decoverly Drive.⁴

The Planning Board is authorized to allow a building to be set back no less than 10 feet from a lot line pursuant to footnote 3. Footnote 3 of Section 59-C-5.34(a)(3) reads as follows:

Where development in the I-3 Zone consists of multiple lots created by the same subdivision plan [Note: Multiple lots were created by the same subdivision plan at DANAC Stiles.], the setback requirement from abutting lot lines for all buildings may be reduced by the Planning Board during site plan review pursuant to the applicable provisions of Division 59-D-3 *if it is demonstrated that the reduced setback is compatible with existing and proposed development*. The Planning Board must not reduce the building setback to less than 10 feet.

(Emphasis added.)

The reduced setback for Lot 6's parking structure would be about 15 feet, and, thus, greater than 10 feet. The requested reduced setback would be compatible with existing and proposed development, as explained below.

4) Compatible with Mitigating the Impact on the Specimen Tree's CRZ

Reducing the minimum setback to about 15 feet is among the reasonable steps that will mitigate the impact on the off site specimen tree's CRZ.

The parking structure's north facade is about 21 feet from the north lot line and meets the minimum setback. The setback from the north lot line locates the parking structure outside of the arborist's recommended minimum distance from the specimen tree.

On the south side of Lot 6, the proposed 56 feet public access easement extends across Lot 6's lot line and thus into the southerly portion of Lot 6. The parking structure's south facade is planned to be located along the north edge of the proposed 56 feet public access easement. At such location, the south facade is set back less than 20 feet from Lot 6's lot line to the south. Locating along the public access easement, and closer than 20 feet from the lot line to the south, enables the parking structure to be located as far as reasonably possible out of the specimen tree's CRZ, given the horizontal and vertical design constraints of the parking structure. Locating the parking structure to the south is compatible with a valid development objective -- reducing the land disturbance within the specimen tree's CRZ.

⁴ GSSC Master Plan, page 48, "Building height along Decoverly Drive adjacent to the residential community to the north is limited to 50 feet within 100 feet of the Decoverly Drive right-of-way (not including the 50-foot transit right-of-way)."

5) Compatible with Flanking/Framing the Open Space Leading to the CCT Station

A reduced setback would be consistent with establishing the street wall flanking and framing the streetscape and roadway open space leading to the CCT Station. Similarly, the Lot 7 Camden Shady Grove development is being planned to establish a street wall along the south side of the same open space that will lead to the CCT Station.

The roadway surface will be closed when the Corridor Cities Transitway is operating. The concept identified in the Lot 7 Camden Shady Grove Sketch Plan is that such area will be transformed into pedestrian friendly open space. At its eastern end, amphitheater steps would lead from the expanded open space to the CCT station. An adjacent ramp will wind down to the station to meet ADA requirements. The CCT station will also be accessible from stairs at the southern end and by an at grade sidewalk at the northern end of the open space.

Accordingly, the reduced setback would be compatible because the two projects would have similar street walls that will flank and frame the public use space that will lead to the CCT Station.

6) Compatible With the Height and Bulk of The Existing MRIS Building and the Proposed Camden Shady Grove Mixed Use Building

From the standpoint of height and bulk, the proposed reduced setback would also be compatible with the existing and proposed development -- the existing MRIS building on Lot 6 and the proposed Camden Shady Grove mixed use project on Lot 7.

Lot 6's parking structure will be about 40 feet/4 stories tall.⁵ The length of its south facade (west to east) would be about 185 feet.⁶

The parking structure's height would be compatible with, but would not be as tall as, the Camden Shady Grove project of about 5 stories/up to 75 feet tall.⁷ The length (west to east) of the parking structure's south facade would be compatible with, but would be significantly shorter than, the length (west to east) of the closest portion of Camden Shady Grove's north facade of about 320 feet.⁸

As for compatibility with the MRIS office building on Lot 6 to the west, the MRIS office building is 3 stories tall, which would be compatible with the 4 story parking structure. The facade closest to the MRIS building, the west facade of Lot 6's parking structure, would be about 175 feet/60 yards away from the office building.⁹ The similar

⁵ Please see the dimensions indicated on the parking structure elevations in the Site Plan application.

⁶ Please see the Site Plan.

⁷ See MCPB No. 12-93, Sketch Plan No. 320120050, Camden Shady Grove, Date of Mailing: August 13, 2012. Page 2 reads in part, "The development is limited to a maximum height of 75 feet of occupiable space and 85 feet for architectural design elements."

⁸ Please see the Sketch Plan at 30 scale.

⁹ Please see the Site Plan.

heights and the distance between the two structures would make them compatible, notwithstanding the reduced setback.

7) Compatible Resulting From Enhanced Treatments of the South and East Facades

In keeping with the general spirit and intent of the Site Plan being compatible with existing and proposed development, under Section 59-D-3, DANAC already agreed to augment the south and east facades with: (1) a landscaped green wall along the south facade; and (2) an architectural feature on the east facade's stair tower. Please see the enclosed Exhibit 2. It is a conceptual illustration of the green wall and east tower feature. We understand that the final details of the two features will be confirmed, with M-NCPPC Staff approval, before building permit issuance for Lot 6's parking structure.

8) Compatible Because Vehicular Circulation Is Not Affected

The parking structure's vehicular access is located solely on its west side. Therefore, the reduced setback does not shrink necessary driveway aprons or other dimensions necessary for efficient and safe vehicular circulation.

9) Compatible With GSSC Design Guidelines

The reduced setback would be compatible by virtue of being consistent with the GSSC Design Guidelines.

- a) The reduced setback and the similar (with Camden Shady Grove) flanking of the public open space leading to the CCT Station would contribute to the creation of public open spaces; would allow for recreation; would be visible and usable; would have a strong relationship to the adjacent future CCT Station, and the pedestrian network; and would not be separated by barriers. Guidelines at page 13.
- b) The reduced setback would provide buildings as close to property lines as grades, stormwater areas, landscaping, and easements will allow with pedestrian access to and from the parking structure to perimeter sidewalks along the focal open space at the CCT station. Guidelines at page 22.
- c) The green wall along the lower level of the south facade and the architectural feature on the east facade's stair tower will contribute to design excellence. Guidelines at page 27.
- d) The reduced setback pertains to the provision of the parking structure itself that is replacing surface parking with structured parking, another Guidelines goal. Guidelines at pages 28-29.

10) Summary

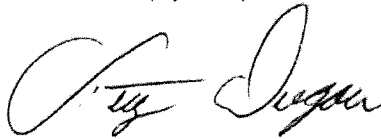
For the above reasons, the reduced setback would integrate the development of Lot 6's parking structure, under the I-3 Zone's development standards, with the objectives

of the GSSC Master Plan, the GSSC Design Guidelines and the CR Zone's objectives. The reduced setback reduces the land disturbing activity within the specimen tree's CRZ. The location would flank the north side of the future public use space leading to the future CCT Station. Even with the reduced setback, the parking structure's relative height and bulk would be compatible with the existing MRIS office building immediately to the west and with the proposed Camden Shady Grove mixed use project immediately to the south. Adding the green wall to the south facade and adding an architectural feature to the stair tower on the east facade contribute to the reduced setback's compatibility. The reduced setback also is consistent with the GSSC Design Guidelines. It would contribute to the establishment of useable public use space that would have a strong relationship to the DANAC CCT Station. It would facilitate pedestrian access. It would contribute to design excellence. Finally, the structured parking itself would replace surface parking.

For all of the above reasons, we believe that the Planning Board has proper grounds for granting a waiver for the reduced setback. We respectfully request that the Planning Board grant the waiver for the grounds explained above.

Thank you for your consideration. Please call with your comments, questions and instructions.

Very truly yours,



Timothy Dugan

Enclosures

cc: Mr. Jack Jaeger
Mr. Gene Carlin
Mr. Toby Wilson
Ms. Vic Bryant
Mr. Jay Johnson

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Exhibit 1
October 31, 2012
Setback Waiver Justification



LEGEND:

1. CCT Stop – Locally Preferred Alternative
2. Transit Way Easement
3. Parcel A
4. Lot 4
5. Lot 5
6. Lot 6
7. Lot 7
8. Lot 6 – Four-Story Parking
9. B-2 – Public Access Easement
10. B-7 – Public Access Easement
11. Parcel A

Exhibit 2
October 31, 2012
Setback Waiver Justification

