



**United Therapeutics Silver Spring Campus, Project and Preliminary Plan, 920130060 & 120130190**

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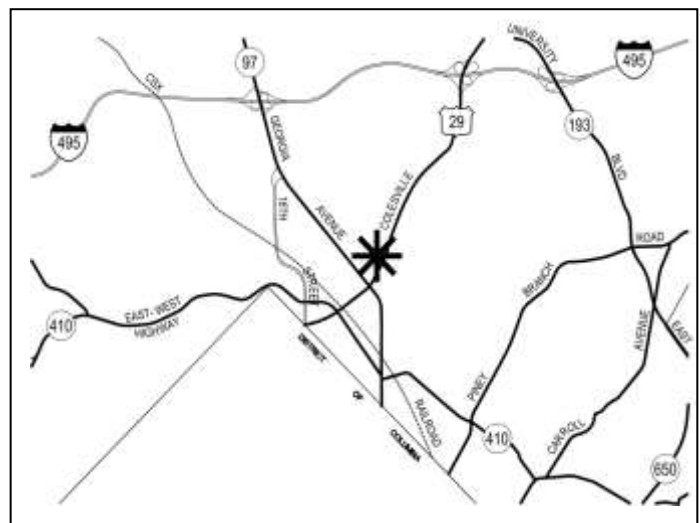
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**Completed: 08/30/13**

**Description**

- Located at 1000 Spring Street, Silver Spring, MD 20910 at the corner of Colesville Road and Spring Street
- Zoned CBD-1 in the 2000 Silver Spring CBD Sector Plan area
- Demolition of Montgomery County parking garage # 21, for 10,000 square feet of retail and 111,724 square feet of office development
- Applicant: United Therapeutics Corporation
- Submitted on May 22, 2013
- On 77,822 gross square feet (1.79 acres)
- Net Lot area will be 67,518 square feet (1.55 acres)
- Review period extended to no later than October 17, 2013 by Planning Board on July 25, 2013



**Summary**

- Staff recommends approval of the Project Plan and Preliminary Plan with conditions. The application proposes 10,000 square feet of retail and 111,724 square feet of office development under the optional method of development. The project will meet one half of the parking requirements on-site in structured parking. The other half will be provided through the parking lot district.
- The development will provide a public amenity package that includes a public plaza at the corner of Spring Street and Colesville Road consisting of a hardscape plaza area with planting beds, seating, bio-retention areas and artwork.

- The building, a “net zero” energy efficient concept, has a layout and design that is compatible with the surrounding residential structures through massing, varied heights and setbacks. The proposal will also create an activated streetscape experience.
- The project is providing the majority of their public use space on site. The Applicant is paying into the Amenity Fund for the portion of public use space not provided on site, in accordance with §59-D-2.31. Staff does not accept part of the public use space that includes a narrow alley between Cameron Street and Colesville Road. This proposed alley is isolated from both streets and cannot be considered as a safe and inviting space for use by the public. Staff recommends subtracting the area of this alley from the total and having the Applicant make a contribution to the amenity fund to make up the difference.

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## **Recommendation and Conditions**

### **Project Plan # 920130060, United Therapeutics – Phase 3**

Staff recommends approval of Project Plan 920130060, United Therapeutics – Phase 3 for 111,724 square feet of office use and 10,000 square feet of retail use, subject to the following conditions:

#### 1. Development Ceiling

The development is limited to 121,724 square feet; 111,724 square feet of office space and 10,000 square feet of retail.

#### 2. Building Height and Mass

The development is limited to the building footprint as delineated in the project plan drawings submitted to the M-NCPPC dated August 5, 2013, unless modified at site plan review, and to 90 feet in height as measured from the datum point along Spring Street as shown on Project Plan drawings.

#### 3. Architecture

The exterior architectural character, proportion, material, and articulation must be substantially similar to the schematic elevations submitted to MNCPPC unless modified during site plan review.

#### 4. LEED Certification

The Applicant must achieve a LEED Certified rating certification at a minimum, or energy and environmental design standards that the Department of Permitting Services identifies as equivalent to a certified-level rating in the appropriate LEED rating system. The applicant must make good faith efforts to achieve a LEED Silver rating, or energy and environmental design standards that the Department of Permitting Services identifies as equivalent to a silver-level rating in the appropriate LEED rating system. Before issuance of the final use and occupancy certificate, the Applicant must inform MNCPPC staff of the LEED Certification Level that they are applying for. If this level is less than a Silver rating, before the issuance of the final use and occupancy certificate the Applicant must provide to staff a written report for the public record purposes only from the Applicant's LEED consultant, analyzing the feasibility of achieving a LEED-Silver rating, to include an affidavit from a LEED-Accredited Professional identifying the minimum additional improvements required to achieve the LEED Silver rating, including their associated extra cost. Submission of this report constitutes compliance with this condition.

5. Public Use Space, Facilities & Amenities
  - a. The Applicant must provide a minimum of 10,670 square feet for on-site public use space (15.8 percent of net lot area) as shown on the project plan.
  - b. The Applicant must provide a minimum of 12,900 square feet of off-site amenities (19.1 percent of net lot area) as shown on the project plan.
  - c. To address the shortfall in the amount of on-site public use space (about 4.2%), the Applicant will make a contribution of \$ 314,736 to the Amenity Fund contribution towards Gene Lynch Urban Park – scheduled for construction upon completion of the Silver Spring Transit Center – or other future amenity as determined by the Planning Board, per the requirements of 59-D-2.31.

**Preliminary Plan # 120130190 United Therapeutics – Phase 3**

The application meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and complies with the recommendations of the Silver Spring CBD Sector Plan. Therefore, Staff recommends approval of Preliminary Plan 120130190 subject to the following conditions:

1. Approval under this preliminary plan is limited to one lot for a maximum of 121,724 square feet of development, including 111,724 square feet of office space and 10,000 square feet of retail.
2. The Applicant must comply with the conditions of approval for the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits, as applicable.
3. The Site Plan must include appropriate onsite measures to avoid or minimize the potential noise impacts. Part of the mitigation may include a limited schedule for loading and trash pick-up.
4. Approval of a Final Forest Conservation Plan must be secured, consistent with the approved Preliminary Forest Conservation Plan and associated conditions, prior to any clearing, grading or demolition on the site.
5. Transportation

The following transportation-related conditions are recommended to be part of the Planning Board’s approval for this application:

- a) The Applicant must limit future development on the Site to 115,000 square feet of office/ laboratory space and 10,000 square feet of general retail.
  - b) The Applicant must show on the final record plat the following right-of-way dedications, along property frontage consistent with the 2000 Approved and Adopted Silver Spring CBD Sector Plan and Montgomery County Code Chapter 50 Subdivision Regulation requirements:
    - I. Spring Street: an Arterial roadway located along the northern site frontage, between Cameron and Colesville, with a minimum right-of-way of 100 feet measured 50 feet from the roadway right-of-way centerline, resulting in approximately 15 feet dedication; and
    - II. Colesville Road (US 29): a Major Highway located along the eastern site frontage, between Spring Street and Fenton Street, with a minimum right-of-way of 120 feet measured 60 feet from the roadway right-of-way centerline, resulting in approximately 25 feet dedication.
  - c) The Applicant must provide, install, maintain, and operate securable gates, at both ends of the proposed mid-block pedestrian “BioPath” connection, to restrict access to the Bio Path between sunset and sunrise. Each gate must be equipped with a Knox box for emergency access and is subject to approval by Montgomery County Fire and Rescue Service (MCFRS) at Site Plan.
  - d) The Applicant must provide and install three short term public bicycle parking racks (“inverted U” rack or similar) along the retail frontage and near public use space. Exact bicycle rack locations to be determined at the time of Site Plan.
  - e) The Planning Board has accepted the recommendations of the Maryland State Highway Administration (“MDSHA”) in its letter dated May 17, 2013, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval. Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MDSHA.
  - f) The Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Silver Spring Transportation Management District and must execute the TMAg prior to issuance of the occupancy certificate for the office development. The TMAg must include trip mitigation measures recommended by MCDOT.
6. 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, building elevations, on-site parking, site circulation, and

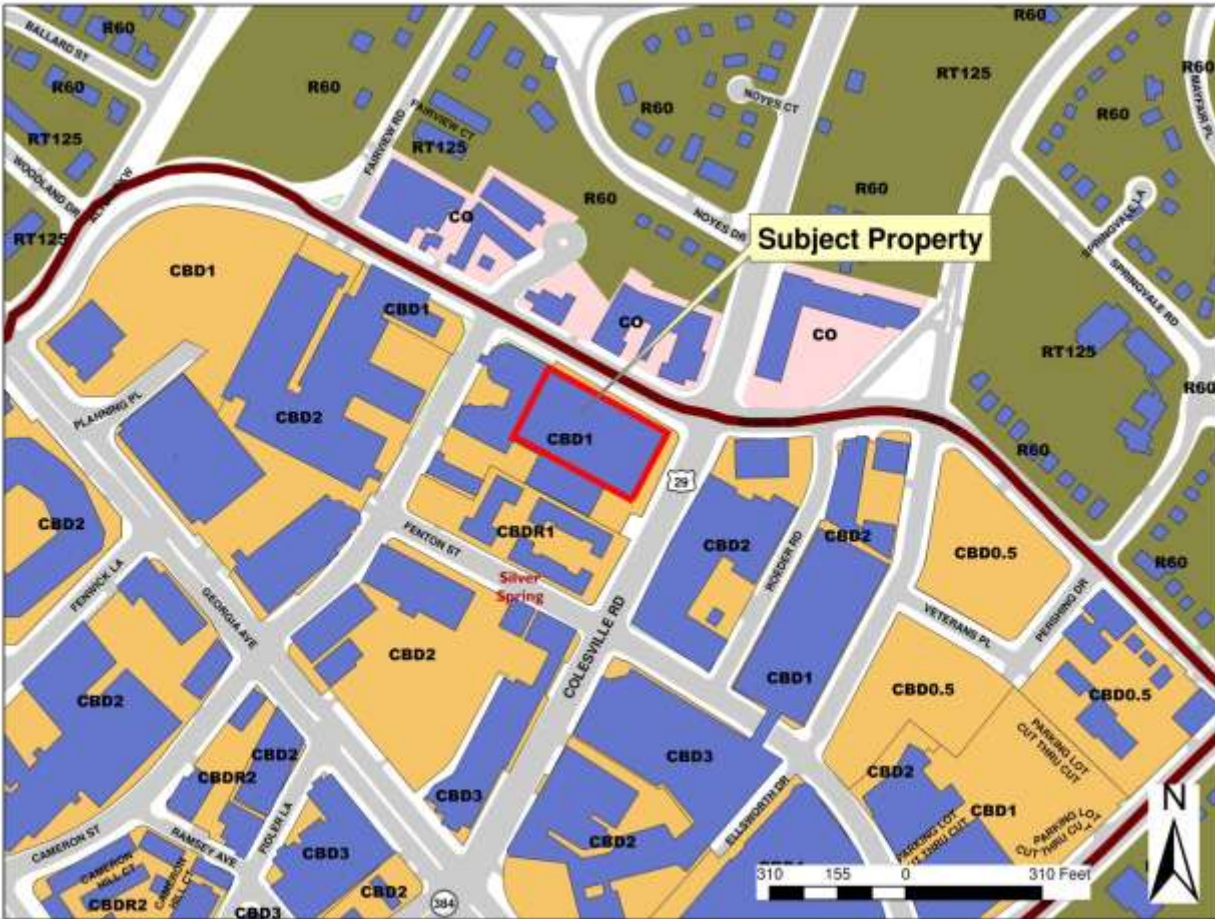
sidewalks shown on the preliminary plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, and maximum building height. Other limitations for site development may also be included in the conditions of the Planning Board's approval."

7. The Applicant must comply with the conditions of the MCDPS Stormwater management approval dated August 15, 2013. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
8. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated August 30, 2013, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
9. No clearing, grading or recording of plats prior to certified site plan approval, without permission of the Planning Board at site plan approval.
10. Final approval of the number and location of buildings, on-site parking, site circulation, sidewalks, and artwork will be determined at site plan.
11. The record plat must show necessary easements.
12. The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

## SITE DESCRIPTION

### Vicinity

The subject property is located between Cameron Street, Spring Street and Colesville Road. The adjacent uses include a Homewood Hilton hotel and a portion of Montgomery Arms garden apartments directly to the south on Colesville Road, the Coleville Plaza apartments across Spring Street to the north, and Phase 1 of United Therapeutics directly adjacent to the west.



*Vicinity Map*

### Site Analysis

The United Therapeutics – Phase III site consists of L-1963, L-2407, F-502, L2424, F-537, L-2446, F-576. The gross tract area is 77,822 square feet when proposed right-of-way dedications are taken into account. The subject property is currently improved with a Montgomery County Public Parking Garage #21, a multi-story structure. The site drops 8 feet across the site from west to east.

There are no known rare, threatened, or endangered species on site; there are no forests, 100-year floodplains, stream buffers, wetlands, or steep slopes on site. There are no known historic

properties or features associated with the property, however the adjacent Montgomery Arms apartments is designated historic.



Aerial view looking north

## **PROJECT DESCRIPTION**

### **Proposal**

### Land Use

The application proposes to demolish the existing parking garage on the site and provide 121,724 square feet of total gross floor area, 111,724 square feet for office/laboratory and 10,000 square feet for retail use<sup>1</sup>. The adjacent sidewalks and on-site open spaces total 26,497 square feet.

### Subdivision of Land

The Preliminary Plan proposes to combine four parcels into one new platted lot. The plan also proposes to dedicate approximately 10,239 square feet of right-of-way for Spring Street and Colesville Road (MD 29).

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<sup>1</sup> The Applicant has submitted a traffic study with the preliminary plan that tests for 115,000 sf. of office and 10,000 sf. of retail.



## Design & Architecture

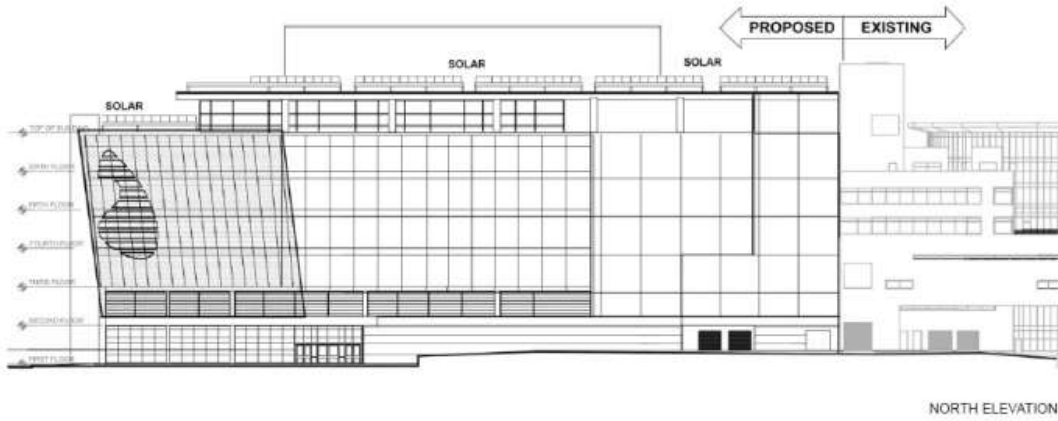
The proposed architecture, which will replace a dilapidated public garage, is of contemporary design and will create a striking gateway into the Silver Spring Central Business District. The footprint of the proposed building takes up approximately 82% of net lot area. It will be a single building that will be designed in accordance with the principles of “net zero” building design. Net zero refers to the goal of the producing all of the energy that the building will use during the course of the year, on-site. The proposed retail spaces will be on the ground floor, located on Spring Street, Colesville Road and at the corner of Spring Street and Colesville Road. With the proposed public use space fronting Colesville Road and the off-site amenity space fronting Spring Street, the retail will activate the streetscape.



*Perspective view on Colesville Road looking south*



*Perspective View Cedar Street looking north*

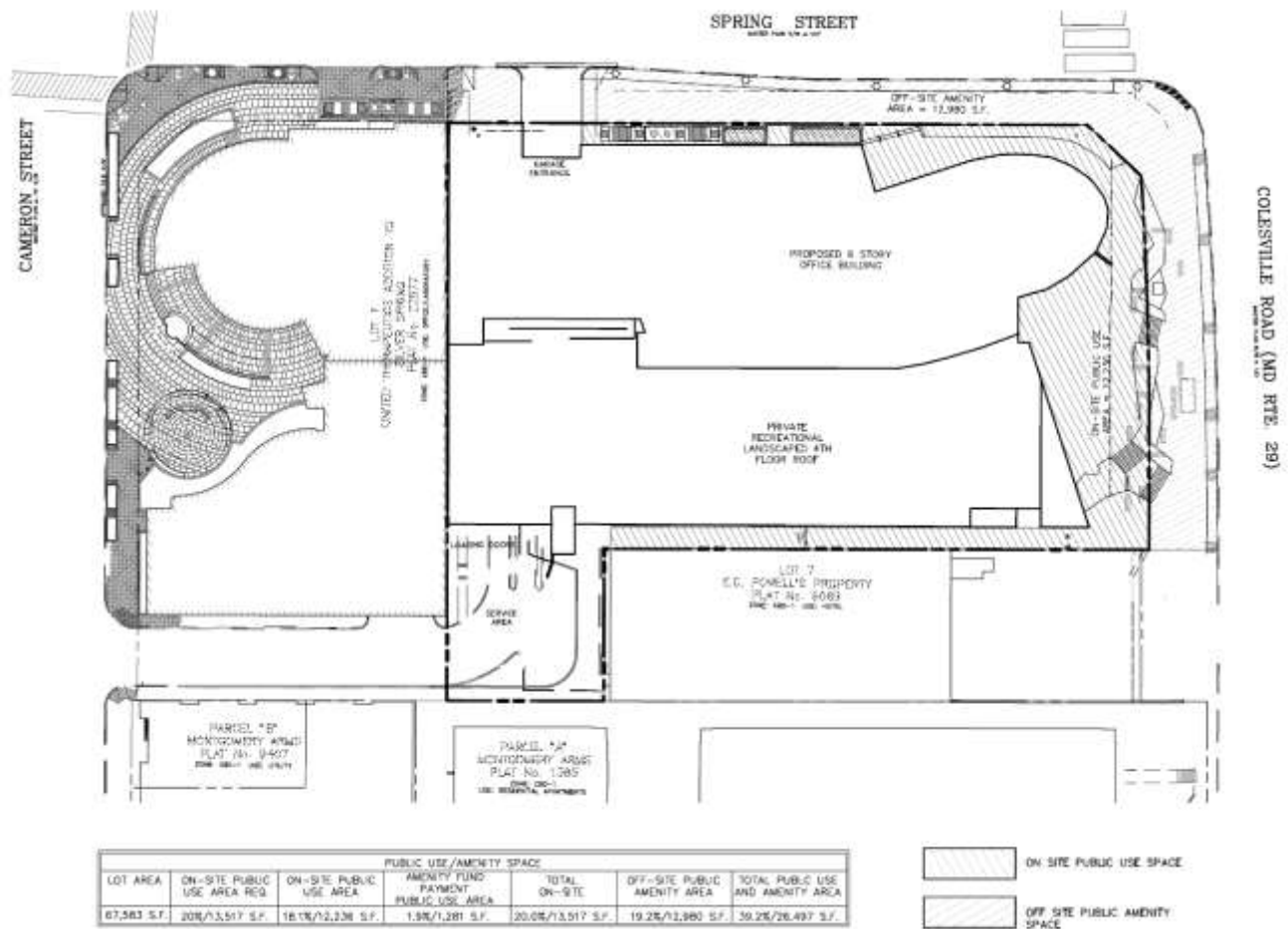


*North and South Elevations*

The parking will be integrated into the building and consist of three levels starting at the first floor. The second and third floor parking levels will front onto Colesville Road. They will be screened from the street with a planter on the second level and green screens on the second and third levels.

#### Public Use, Facilities and Amenities

The Applicant envisions the public use space as an opportunity to revitalize the edge of the Silver Spring CBD adjacent to the Arts and Entertainment District. The on-site public use space will be integrated with the contemporary building design and include planting beds, special paving, seating, bicycle racks, trash receptacles and lighting. The off-site amenity space will be upgraded consistent with the Silver Spring Streetscape Standards. The paving in the streetscape will transition into the specialty paving proposed for the on-site public use space. As modified by the amenity fund condition, the proposed development will provide approximately 10,670 square feet of on-site public use space and 12,900 square feet of off-site public amenity space. The on-site space is primarily composed of a hardscape plaza along Colesville Road that incorporates best management practices for storm water management as part of the planting design. The off-site amenity space will improve the existing sidewalks along the frontages of Spring Street and Colesville Road by installing an upgraded and wider streetscape per the Silver Spring Streetscape Standards.



Amenity Space Diagram

The applicant has proposed 12,236 square feet of on-site public use space (18.1% of required 20%) with the balance of 1,281 square feet covered by an amenity fund contribution. Approximately 1,566 square feet of the proposed on-site public use space is in a 10 foot wide alley is too narrow and too far removed from the street to be reasonably perceived as a public use space. Staff recommends that this portion be added to the portion of Public Use Space that is covered by the amenity fund contribution. This will bring the total on-site public use space covered by the amenity fund contribution to 2,847 square feet, leaving 10,670 square feet, or approximately 15.8% of net lot area dedicated to on-site public use space.

To address the shortfall in the amount of on-site public use space (about 4.2%), the Applicant will be making an Amenity Fund contribution towards Gene Lynch Urban Park – scheduled for construction upon completion of the Silver Spring Transit Center – or other future amenity as determined by the Planning Board, per the requirements of 59-D-2.31. This amount is

calculated using the two-part formulation comprised of a property value component and a cost-of-streetscape component.

Table 1: Amenity Fund Calculation, based on Applicant’s proposal

Property value (4.2 % of assessed land value, (\$5,105,700)	\$215,091
Cost of streetscape (2847sf. @ \$35/sf.)	\$99,645
<b>Total</b>	<b>\$314,736</b>

Vehicular and Pedestrian Circulation

Vehicular access to the site is located on Spring Street in the same location of the existing vehicular access to the parking garage, approximately 220 feet from Colesville Road. An existing access point for the public garage off of Cameron Street will be re-purposed for loading and trash removal at the new building, reducing the number of vehicles using that access point. The existing pedestrian alley way between Cameron Street and Colesville Road will be widened and will include improved lighting to enhance security, along with specialty paving. The sidewalks on Colesville Road and Spring Street will be widened and by upgraded with paving, landscaping and street furnishings consistent with the Silver Spring Streetscape Standards, providing for a more inviting pedestrian experience.

**Community Outreach**

A pre-submission community meeting was held March 18, 2013 at 7:30pm at the United Therapeutics Education Center, 1<sup>st</sup> floor, 1040 Spring Street, Silver Spring, MD. Representatives from United Therapeutics and its development team were present. Approximately 26 community members attended the meeting. The questions asked by the community included the topics of public space, design of building, time of construction, parking, lighting, construction impacts on surrounding streets and sidewalks and types of tenants that will be lease the retail spaces. Staff received one phone call from a resident of Montgomery Arms and a resident of Colespring Plaza who were concerned with noise and traffic impacts as well as construction timing. Concerns were also voiced regarding the loss of parking currently available in the County parking garage. Staff received a letter of support from the Silver Spring Urban Advisory Board.

**PROJECT ANALYSIS**

**Sector Plan**

The 2000 Silver Spring CBD Sector Plan (“the Plan”) has several goals that this project addresses. It describes the vision for Silver Spring in terms of six themes (pages 13-14). They are:

- 1) Transit Oriented Downtown

- 2) Commercial Downtown
- 3) Residential Downtown
- 4) Civic Downtown
- 5) Green Downtown
- 6) Pedestrian-Friendly Downtown

The proposed project, which meets all of the themes except “Residential Downtown”, will play an important role in revitalizing this part of the CBD. The Plan also designates this site, at the corner of Colesville Road and Spring Street, as a gateway location (pages 75 & 83). The proposed building will act as a prominent gateway feature for those entering the CBD from north on Colesville Road.

#### Employment, Housing, & Land Use

The applicable references in the Plan refer to the need for increased choices associated with retail, office, restaurants, cultural programming, open space and pathways in this area. The specific objectives with regard to this site are met as indicated:

- The proposal creates job opportunities by providing a variety and mix of uses including the proposed office and retail uses.
- The design promotes a pedestrian and street-activating environment by applying the Silver Spring Streetscape standards to the frontage along Spring Street and Colesville Road.
- The development consolidates multiple properties for an optional method of development to accommodate the maximum density in the CBD.
- The infill development is more environmentally sustainable because it concentrates growth near transit and other day-to-day needs, thereby reducing vehicular travel and saving open space in our suburban and agricultural areas. In addition it proposes green roofs and bio-filtration techniques at grade that will significantly improve the quality of water flowing off-site during rain events.

#### Zoning and Density

The subject site is zoned CBD-1 and proposes an FAR of 1.56 for optional method commercial projects as permitted in Sect. 59-C-6.234 (b) (ii) (A) of the zoning ordinance. The proposed development meets the zoning and density goals of the Plan.

## **Public Facilities**

### Access, Parking, and Public Transportation

Existing vehicular access to the site is provided on Spring Street, approximately 200 feet west of the Colesville Road intersection, and off Cameron Street, approximately 250 feet south of Spring Street. The Project proposes to maintain access at these existing locations in the following manner: Spring Street will serve as the private parking garage entrance, while the existing entrance from Cameron Street will serve as the loading/ service entrance for the proposed building and the Phase I and II buildings as well. The proposed private garage will provide approximately 152 parking spaces.

The Site is within a 5-10 minute walk of the Silver Spring Metrorail/ MARC Station, which is located approximately 2,500 feet (1/2 mile) away. In addition to the Metrorail Station, public transit service in the area includes:

1. RideOn Bus Routes 8, 9, 12, 13, 14, 21, 22, 28, and the VanGo Shuttle operate within the vicinity of the Site.
2. WMATA Metrobus Routes Z2, Z6, Z8, Z9, Z11, Z13, Z29, J5, Q2, Y5, Y7, Y8, and Y9.
3. Maryland Transit Authority Commuter Bus 915 and 929.

The Applicant proposes a new 10 foot-wide mid-block pedestrian connection, along the southwest property line, to improve pedestrian circulation between Colesville Road and Cameron Street. In order to maintain this pathway as a safe connection, United Therapeutics staff will restrict pedestrian access between sunset and sunrise. This space was originally being credited toward public use space, however, staff has conditioned that the narrow space be removed and accounted for by a contribution to the amenity fund.

### Master Plan Transportation Facilities

The 2000 Approved and Adopted *Silver Spring CBD Sector Plan* and the 2005 *Countywide Bikeways Functional Master Plan* include the following nearby roadway/bikeway facilities:

- a. Spring Street: an Arterial roadway with master planned on-street bikeway (PB-10) located along the northern site frontage, between Cameron and Colesville, with a minimum right-of-way of 100 feet, and
- b. Colesville Road (US 29): a Major Highway located along the eastern site frontage, between Spring Street and Fenton Street, with a minimum right-of-way of 120 feet.

## Sector-Planned Transportation Demand Management

As a commercial development within the Silver Spring Transportation Management District (TMD), the Applicant is required to enter into a Traffic Mitigation Agreement to participate in the Silver Spring TMD.

## Adequate Public Facilities Review

A traffic study (dated April 16, 2013) was submitted in accordance with the *LATR & TPAR Guidelines* because the proposed development is estimated to generate **30** or more total peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. That traffic study determined traffic impacts of the proposed development on nearby roadway intersections during the weekday peak periods described above.

- **Trip Generation**

The peak-hour trip generation estimated for the proposed development was based on trip generation rates included in the *LATR & TPAR Guidelines*. A site trip generation summary is presented in Table 1, which shows that the proposed development would generate a total of 166 new peak-hour trips during weekday morning peak period and 181 new peak-hour trips during weekday evening peak period.

- **Local Area Transportation Review**

A summary of the Capacity/ Critical Lane Volume (CLV) analysis results for the intersections studied, during the weekday morning and evening peak periods, is presented in Table 2. The CLV values in the existing, background, and total traffic conditions for the study intersections are below the Silver Spring CBD Policy Area's congestion standard of 1,800 CLV. Based on this analysis, the subject application satisfies the LATR requirements of the APF test.

- **Transportation Policy Area Review**

Since the proposed development is within the Silver Spring CBD Policy Area, the project is exempt from both the roadway and transit tests set forth in the 2012-2016 Subdivision Staging Policy. As a result, the proposed development is not required to pay transportation impact tax to satisfy the TPAR requirement.

## Conclusion

Staff concludes that the subject application for the proposed development satisfies the *LATR and TPAR requirements* of the APF review with the recommendations described in this memorandum.



**TABLE 1**  
**SUMMARY OF SITE TRIP GENERATION**  
**PROPOSED UNITED THERAPEUTICS PROJECT**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
<b>Proposed Development (CBD Rates)</b>						
Office (115,000 SF*)	137	24	161	24	137	161
Retail (10,000 SF)	3	2	5	10	10	20
<b>Subtotal</b>	<b>140</b>	<b>26</b>	<b>166</b>	<b>34</b>	<b>147</b>	<b>181</b>

Source: Kimley-Horn and Associates, Inc. Traffic Study dated April 16, 2013.

\*Application requesting approval for 111,724 sf. but tested for 115,000 sf.

**TABLE 2: SUMMARY OF CAPACITY CALCULATIONS**  
**PROPOSED UNITED THERAPEUTICS PROJECT**

Intersection	Traffic Conditions					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Spring Street/ Cameron Street	501	784	534	817	572	857
Spring Street/ Site Access	--	--	--	--	447	634
Spring Street/ Colesville Road						
Spring Street/ Ellsworth Drive	1055	1273	1228	1473	1249	1497
Colesville Road/ Fenton Street	489	455	605	758	612	762
Colesville Road/ Georgia Avenue	769	765	1032	955	1032	956
	1175	1030	1196	1053	1196	1055

Source: Kimley-Horn and Associates, Inc. Traffic Study dated April 16, 2013.

## Environmental Guidelines and Forest Conservation

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) # [420131040](#) for the site was approved on February 13, 2013. The urban site is located within The Sligo Creek watershed, a use-class I watershed 2.

There a number of street trees and landscape plantings fronting the site ranging in sizes up to approximately 1' diameter at breast height (DBH). The largest of the street trees occur along Coleville Road (Route 29). Additionally along the south of the site there are a number of historic trees which overhang into the subject property from the adjacent Montgomery Arms apartment complex. The trees associated with historic setting potentially impacted from the proposed project range in size from 1 to 16 inches DBH. The site is not otherwise associated with any environmentally sensitive features such as forest areas, stream buffers, wetlands, 100 year floodplains or steep slopes.

The submitted Preliminary Forest Conservation Plan (PFCP) identifies an afforestation planting requirement of 0.27 acres. The planting requirement will either be satisfied in an off-site forest conservation bank or met by payment of fee-in-lieu. A condition of approval is recommended that the forest conservation planting requirements be satisfied prior to land disturbing activities occurring on-site.

### Tree Save

The trees fronting the site including those along Coleville Road are proposed for removal. However amended soil panels will be provided for the replacement street trees. The trees associated with the historic setting will be protected throughout the construction process. All of the historic trees will be retained, although some pruning of limbs will be necessary for overhead clearance (refer to image below). Additionally the on-site work is within the critical root zones (CRZ) of the historic trees. Due to the grade separation from the approximately 6 feet high retaining wall, only minimal if any impact would actually occur to roots of the historic trees. A provision for root pruning is included in the forest conservation plans in the event that

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<sup>2</sup> Use I:

#### *WATER CONTACT RECREATION & PROTECTION OF AQUATIC LIFE*

*Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply and industrial water supply.*

the roots have grown below the wall into the construction area. Construction within the CRZ and pruning of the limbs from the historic trees is subject to a forest conservation variance.



**View of overhanging trees; base of trunks are located within the adjacent historic setting.**

#### FOREST CONSERVATION VARIANCE

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. Unless the variance is granted, the law requires no impact to trees that measure 30 inches DBH or greater; are part of a historic site or designated with a historic structure; are designated as national, state, or county champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or to trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Since the project boundary affects eight trees that part of a historic site, a variance is required. The Applicant submitted a variance request on July 25, 2013 for the impact to, but retention of eight trees associated with the proposed project that are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law. See Attachment 1 for

variance request, and refer to tree table in the Applicants' forest conservation variance request for additional information.

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. In addition to the required findings outlined numerically below, staff has determined that enforcement of the variance provision would result in an unwarranted hardship for the following reason:

The variance trees are growing at the top of a retaining wall approximately six feet above the subject property. The wall itself is proposed to remain undisturbed and it is unlikely that significant roots would actually be found growing on the United Therapeutics site at the bottom of the wall. Furthermore, the subject trees have low branches that are partially obstructing the existing walkway (taller pedestrians need to duck under the branches to use the sidewalk as it exists now). The walkway material will be upgraded however the walkway use is proposed to remain. Not allowing pruning of the branches or work below the wall therefore would be a hardship.

Staff has reviewed this application and based on the existing circumstances and conditions on the property, staff agrees that there is an unwarranted hardship.

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 pruning of the limbs to allow appropriate passage of the existing sidewalk (proposed to remain) would be allowed and should occur even if the site were not redeveloped. The minor impact to the subject trees CRZ is necessary for site access and would cause only minimal if any actual impacts to roots. Therefore, the variance request would be granted to any applicant in a similar situation.

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

The requested variance is based on the need for basic maintenance of an existing walkway within an urban pedestrian corridor and not 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.*

The requested variance is not 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.*

Granting this variance request will not violate State water quality standards or cause measurable degradation in water quality. No subject trees are proposed for removal; furthermore, the Department of Permitting Services (DPS) staff approved the stormwater management (SWM) concept for the project on August 15, 2013. The concept incorporates green roofs, bio filtration planters and tree pits. The DPS review and ultimate approval of the sediment and erosion control and storm water management plans will ensure that appropriate standards are met.

#### COUNTY ARBORIST'S RECOMMENDATIONS

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 applicants' request was forwarded to the County Arborist on August 1, 2013. The County Arborist issued a response to the variance request on August 16, 2013 and recommended the variance be approved with the condition that mitigation is provided. (Attachment 2)

Generally, staff recommends that replacement plantings for variance purposes occur at a ratio of approximately 1" DBH for every 4" DBH removed, using onsite tree plantings that are a minimum of 3" caliper. However, staff generally does not recommend mitigation for trees impacted but retained. Since the subject trees will be appropriately retained, no mitigation planting is recommended.

#### **Noise**

The project design includes a service area with loading docks and dumpsters located behind the Montgomery Arms Apartments. A condition of approval is recommended that the applicant provide appropriate onsite measures to avoid or minimize the potential noise impacts. Part of the mitigation may include a limited schedule for loading and trash pick-up and physical buffering of HVAC units.

**Development Standards**

*Project Data Table for the CBD-1 Zone*

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Proposed for Approval and Binding on the Applicant</b>
<b>Building Height (feet)</b>	90	90
<b>Setbacks (feet)</b>		
North Property Line (Spring Street)	0	0'
East Property Line (Colesville Road)	0	16'
South Property Line	0	10'
West Property Line (adjacent Ph. II building)	0	0
<b>Site Area (square feet)</b>		
Net Tract Area	n/a	67,583
Proposed Dedication	n/a	10,239
Gross Tract Area	22,000	77,822
<b>Density</b>		
Floor Area Ratio *	2.0	1.56
Office		111,724
Retail/Restaurant		10,000
<b>Public Use Space (% of net lot)</b>		

On-Site Public Use Space	20	15
Off-Site Amenity Space	n/a	19.1
Total Public Use & Amenity Space	20	34.1
<b>Parking</b>		
Office/Laboratory @ 2.4/1,000 [256,672 sf]	269	
Retail @ 3.5/1,000	35	
Total Parking Required	304	
Total Parking Provided		152*

\*The project is located in the Silver Spring Parking Lot District and on-site parking spaces are not required provided an applicant pays the parking lot district tax. Additional public parking spaces are provided in nearby public parking facilities. Final parking calculations will be evaluated during the site plan review.

## PROJECT PLAN

### Findings

According to Section 59-D-2.43, Basis for Consideration, of the Montgomery County Zoning Ordinance, in reaching its determination on a project plan the Planning Board must consider the following:

(a) The nature of the proposed site and development, including its size and shape, and the proposed size, shape, height, arrangement and design of structures, and its consistency with an urban renewal plan approved under chapter 56.

(b) Whether the open spaces, including developed open space, would serve as convenient areas for recreation, relaxation and social activities for the residents and patrons of the development and are planned, designed and situated to function as necessary physical and aesthetic open areas among and between individuals structures and groups of structures, and whether the setbacks, yards and related walkways are located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation and necessary vehicular access.

(c) Whether the vehicular circulation system, including access and off-street parking and loading, is designed to provide an efficient, safe and convenient transportation system.

(d) Whether the pedestrian circulation system is located, designed and of sufficient size to conveniently handle pedestrian traffic efficiently and without congestion; the extent to which the pedestrian circulation system is separated from vehicular roadways so as to be

safe, pleasing and efficient for movement of pedestrians; and whether the pedestrian circulation system provides efficient, convenient and adequate linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities.

(e) The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type of use and neighborhood.

(f) The adequacy of provisions for construction of moderately priced dwelling units in accordance with chapter 25a if that chapter applies.

(g) The staging program and schedule of development.

(h) The adequacy of forest conservation measures proposed to meet any requirements under chapter 22a.

(i) The adequacy of water resource protection measures proposed to meet any requirements under chapter 19.

(j) When the Planning Board allows any public use space, or public facilities and amenities to be provided off-site, the Planning Board must find that the space or improvement:

(1) is consistent with the goals of the applicable master or sector plan; and

(2) serves the public interest better than providing the public use space or public facilities and amenities on-site.

As the following Findings demonstrate, the Project Plan adequately addresses each of these considerations, as conditioned by the Staff Recommendation.

Section 59-D-2.42 of the Zoning Ordinance establishes the findings that must be made by the Planning Board and, in concert with the considerations enumerated above, form the basis for the Board's consideration of approval. In accordance herewith, the Staff recommends approval based upon the following findings:

*(a) As conditioned, the proposal complies with all of the intents and requirements of the zone.*

#### Intents and Purposes Of The CBD Zones

The Montgomery County Zoning Ordinance states the purposes which the CBD zones are designed to accomplish. The following statements analyze how the proposed Project Plan conforms to these purposes (59-C-6.213):



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

As previously stated in the Master Plan conformance section, the Project conforms to the general recommendations of the Silver Spring CBD Sector Plan with respect to land use and employment, sector plan themes, zoning and density and transportation.

*(2) “To permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of workers, shoppers and residents.”*

The Project replaces an aging parking garage with office and retail space, uses recommended in the Plan for the Silver Spring CBD. The mix of office and retail is currently proposed as follows: 111,724 square feet of office use and 10,000 square feet of retail use. The commercial uses compliment the surrounding residential and commercial uses at the northern edge of the CBD and provide opportunities for workers, shoppers and residents to promote a sustainable downtown environment.

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

The existing buildings surrounding the Property are comprised of a mix of multi-family residential, office and retail uses, with varying heights and densities. The Project responds to its location as a gateway to the CBD by employing a contemporary design style that is attractive and striking. The public spaces that frame the ground plane of the building create an inviting visual and activating environment. The height of the building at 90 is comparable to the adjacent uses and serves as a transition to the neighborhoods to the north. The improved streetscape associated with the Project will complete a portion of Spring Street and upgrade Colesville Road to provide greater opportunities for pedestrians and connections to the surrounding businesses and the metro station.

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

The Project will provide new office space within a 10 minute walk from the Silver Spring Metro Station. Additionally, several bus lines operate in the vicinity of the Property,

including a stop directly in front of the subject property on Colesville Road. The Property is also within walking distance to the Spring – Cameron-Garage, which provides 1,344 public parking spaces. Given the proximity to multiple transit options, it is reasonable to conclude that a considerable number of employees and patrons will utilize public transit resources.

*(5) "To improve pedestrian and vehicular circulation."*

Because the existing curb cut on Spring Street will be preserved, no additional curb cuts will be added. Pedestrian circulation will be enhanced with improved streetscape elements.

A significant component of the project is the improvement of sidewalks adjacent to the Property. As previously described, the streetscape along Spring Street and Colesville Road will be detailed per the Silver Spring streetscape standards.

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

The proposed development does not provide residential uses, but does provide employment and retail options for residents in the adjacent multi-family buildings.

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

As part of Preliminary Plan No. 120130190, the applicant will consolidate parcels L-1963, L-2407, L2424, L-2446, into one new platted lot with a net lot area of 67,583 square feet after right-of-way dedication for Spring Street and Colesville Road. The application incorporates multiple parcels to promote greater density in the CBD, which also allows for a stronger site designs and a greater opportunity for activated public use spaces and amenities.

#### Further Intents of the CBD-1 Zone

Section 59-C-6.213(b) of the Zoning Ordinance states:

*(1) To foster and promote the orderly development of the CBD of the county so that these areas will enhance the economic status of the county as well as providing an expanding source of employment and living opportunities for its citizens in a desirable urban environment.*

*(2) To provide a density and intensity of development which will be compatible with adjacent land uses outside the Central Business Districts.*

As previously stated, the Project is designed in a manner that is compatible with the surrounding multi-family buildings and adjacent office buildings. The Project will also

provide a mix of office and retail, increasing the daily number of people who will work and shop in the Silver Spring Central Business District.

#### Requirements of the CBD-1 Zone

The table on page 22 of the staff report demonstrates the conformance of the project plan with the development standards under the optional method of development. Among other standards, the proposed development meets the area, public use space, building height, and density requirements of the zone.

According to the Zoning Ordinance (59-C-6.215(b)) a further requirement of optional method projects is the provision of additional public amenities:

“Under the optional method greater densities may be permitted and there are fewer specific standards, but certain public facilities and amenities must be provided by the developer. The presence of these facilities and amenities is intended to make possible the creation of an environment capable of supporting the greater densities and intensities of development permitted.”

To this end, the proposed development is proffering the following package of amenities and public facilities:

- A net-zero building
- Streetscape improvements along Spring Street and Colesville Road consistent with the Silver Spring streetscape standards;
- Onsite plaza with seating, special paving and landscape areas ;
- Public artwork

b) *The application would be consistent with the applicable sector plan or urban renewal plan.*

The 2000 Silver Spring CBD Sector Plan (“the Plan”) has several goals that this project addresses. It describes the vision for Silver Spring in terms of six themes (pages 13-14). The themes include: Transit Oriented Downtown, Commercial Downtown, Residential Downtown, Civic Downtown, Green Downtown, and Pedestrian-Friendly Downtown

The proposed project, which meets all of the themes except “Residential Downtown”, will play an important role in revitalizing this part of the CBD. The Plan also designates this site, at the corner of Colesville Road and Spring Street, as a gateway location (pages 75 & 83). The proposed building will act as a prominent gateway feature for those entering the CBD from north on Colesville Road.

The applicable references in the Plan refer to the need for increased choices associated with retail, office, restaurants, cultural programming, open space and pathways in this area. The specific objectives with regard to this site are met as indicated:

- The proposal creates job opportunities by providing a variety and mix of uses including the proposed office and retail uses.
- The design promotes a pedestrian and street-activating environment by applying the Silver Spring Streetscape standards to the frontage along Spring Street and Colesville Road.
- The development consolidates multiple properties for an optional method of development to accommodate the maximum density in the CBD.
- The infill development is more environmentally sustainable because it concentrates growth near transit and other day-to-day needs, thereby reducing vehicular travel and saving open space in our suburban and agricultural areas. In addition it proposes green roofs and bio-filtration techniques at grade that will significantly improve the quality of water flowing off-site during rain events.

The subject site is zoned CBD-1 and proposes an FAR of 1.56 for optional method commercial projects as permitted in Sect. 59-C-6.234 (b) (ii) (A) of the zoning ordinance. The proposed development meets the zoning and density goals of the Plan.

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

The location, size and intensity proposed for this application are compatible with the existing and potential development in the general neighborhood. The orientation of the various new buildings responds to the surroundings. The majority of the ground floor retail spaces and residential units have entry and exit points from the roadways and public use areas of the site, where visibility and pedestrian activity will be greatest. The garage entry and loading dock entry points are located behind buildings where possible to limit truck movement through the site. The layout of the proposed private roads is such that vehicles are directed quickly from main thoroughfares to parking garages and loading areas without having to wind through the site.

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

The Application will not overburden existing public facilities and services nor those programmed for availability. Vehicular access to the site is located on Spring Street in the same location of the existing vehicular access to the parking garage, approximately 220 feet from Colesville Road. An existing access point for the public garage off of Cameron Street will be repurposed for loading and trash removal at the new building, reducing the number of vehicles

using that access point. There are two additional nearby parking garages to serve the needs of the residents and employees in downtown Silver Spring, including the Planning Place parking garage on Spring Street and Cameron Street and the City Place/Downtown Silver Spring parking garage with primary access from Ellsworth Drive. The existing pedestrian alley way between Cameron Street and Colesville Road will be widened and will include improved lighting to enhance security, along with specialty paving. The sidewalks on Colesville Road and Spring Street will be widened and by upgraded with paving, landscaping and street furnishings consistent with the Silver Spring Streetscape Standards, providing for a more inviting pedestrian experience.

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

The application proposes to develop the site using the optional method of development, which is more efficient and desirable than the standard method of development. The optional method allows greater densities at key locations, such as proximity to mass transit, in exchange for greater public amenities and facilities. Construction of a standard method project under the CBD-1 zone would yield a development constructed to a maximum 1.0 FAR with a maximum 60 foot building height. For a site located in the Silver Spring CBD, buildings constructed to standard method requirements would not be required to have significant public amenities or substantial open space, and would be insufficient to reach the critical mass and density envisioned for this property within very close proximity to the Silver Spring Metrorail station. Additionally, the increased focus on building design and public space would not be achieved under the standard method. Given the recommendations of the Master Plan and the Site's proximity to transit, employment and services, the optional method of development is much more desirable and efficient for this large site.

*(f) The application would include moderately priced dwelling units in accordance with Chapter 25A, if the requirements of that chapter apply.*

The proposal does not include residential units, therefore, this finding does not apply.

*(g) When a Project Plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from on lot to another or transfer densities, within a lot with two or more CBD zones, under 59-C 6.2351 or 59-C 6.2352 (whichever is applicable), the Planning Board may approve the project plan only if:*

The entire net tract area will be owned by the applicant as part of a sale from the County for public property and is in the CBD-1 zone. The development does not propose any transfers of public open space or development density from one lot to another.

*(h) Any applicable requirements for forest conservation under Chapter 22A.*

The Application is in compliance with the applicable requirements for forest conservation under Chapter 22A. The Property contains no forest, streams, buffers, or rare, threatened, or endangered species. A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) # 420131040 for the site was approved. The urban site is located within The Sligo Creek watershed, a use-class I watershed. As described on page 19 of the report, a Forest Conservation Variance was required as part of the Preliminary Forest Conservation Plan for impacts to the Critical Root Zones on the adjoining site, a historic property.

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department referred 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 applicants' request was forwarded to the County Arborist on August 1, 2013. The County Arborist issued a response to the variance request on August 16, 2013 and recommended the variance be approved with the condition that mitigation is provided. (Attachment 2) Staff does not recommend mitigation due to the minimal impact of the trees.

*(i) Any applicable requirements for water quality resources protection under Chapter 19.*

The project site is located in within the Sligo Creek watershed.

The proposed Stormwater management concept for the preliminary plan stage was deemed acceptable by the Department of Permitting Services on August 15, 2013 (Attachment 4). The concept meets the required Stormwater management goals by the use of Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP) with the use of a green roof and micro-bioretenion/planter boxes. A waiver for the full quantity volume is granted since full treatment of ESD volume is not possible due to onsite constraints. The plan complies with Section 50-24(j) which requires that Stormwater requirements be satisfied as part of preliminary plan review, however, the Stormwater management concept must be resubmitted prior to site plan approval so additional details can be reviewed by the DPS.

*(j) When the Planning Board allows any public use space, or public facilities and amenities to be provided off-site, the Planning Board must find that the space or improvement:*

- (1) is consistent with the goals of the applicable master or sector plan; and*
- (2) serves the public interest better than providing the public use space or public facilities and amenities on-site.*

The off-site public use space and amenities are consistent with the goals of the sector plan and will better serve the public interest by contributing to the funding and construction of an off-site amenity as part of the transit station. As conditioned, the Applicant will be

making a contribution to the Amenity Fund in the amount of \$314,736 to satisfy their on-site public use space requirements. Total on-site public use space is approximately 15.8% of net lot area dedicated to on-site public use space.

To address the shortfall in the amount of on-site public use space (about 4.2%), the Applicant will be making an Amenity Fund contribution towards Gene Lynch Urban Park – scheduled for construction upon completion of the Silver Spring Transit Center – or other future amenity as determined by the Planning Board, per the requirements of 59-D-2.31.

## **PRELIMINARY PLAN**

### **Findings**

#### *Master Plan Conformance*

This project meets the master plan recommendations specifically for land use, density, goals and recommendations and satisfying the overall themes of the Plan. For details see Project Plan section of this report.

#### *Roads and Transportation Facilities*

This project meets the roads and transportation facilities requirements. For details see Project Plan section of this report.

#### *Environment*

This project meets the environmental requirements. For details see Project Plan section of this report.

#### *Stormwater Management*

This project meets the state Stormwater management requirements. For details see Project Plan section of this report.

#### *Compliance with the Subdivision Regulations and Zoning Ordinance*

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision, because it accommodates a single commercial building of appropriate scale in the CBD-1 Zone.

The Preliminary Plan shows standard truncation at the intersection of Spring Street and Second Avenue. Pursuant to Section 50-26(c)(3) of the Subdivision Regulations, the corner lots at an intersection must be truncated by straight lines joining points 25 feet back from the theoretical property line intersection in each quadrant.

The lot was reviewed for compliance with the dimensional requirements for the CBD-1 zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in the table below. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

*A preliminary forest conservation plan has been submitted and approved that satisfies all the applicable requirements of the Chapter 22A.*

As previously stated, the applicant proposes to meet the afforestation requirement of 0.27 acres with a fee-in-lieu payment. Staff recommends the Board approve the applicant's request for a variance from Forest Conservation Law to impact (but retain) eight subject trees associated with the project (no removal of subject trees is proposed). The variance approval is assumed into the Planning Board's approval of the Forest Conservation Plan.

*Stormwater runoff volumes will be adequately controlled from the proposed development.*

The MCDPS Stormwater Management Section approved the Stormwater management concept on August 15, 2013. The Stormwater management concept consists of environmental site design to the maximum extent possible through the use of a green roof and micro-bioretenion.

**Attachments:**

1. Applicants variance request letter
2. Variance response letter from Laura Miller (County Arborist).
3. Preliminary Forest Conservation Plan
4. Stormwater Management Concept Approval
5. Silver Spring Urban District Advisory Committee
6. SHA Letter
7. Montgomery County DOT letter





July 24, 2013

Maryland National Capital Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910Re: United Therapeutics Silver Spring  
Campus – Phase 3 PFCP  
MHG Project No. 02.216.72.02

To Whom It May Concern:

On behalf of United Therapeutics Corporation, the applicant of the above referenced Forest Conservation Plan, we hereby request a variance for the impact of eight specimen trees, as required by the 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 has a total tract area of 1.55 acres and its current use is a public parking garage. The client is proposing to remove the existing parking garage and construct a new building. The existing access drive off of Cameron Street is proposed to be developed into a service drive for a loading dock area. The access drive is adjacent to a historic district, separated by a 6' concrete retaining wall along the property boundary. A number of trees exist at the top of the wall along the shared property boundary. Because these trees are on a historic property, they are subject to the variance requirements despite their smaller sizes. The trees include numbers 4, 5, 6, 7, 8, 9, 10, and 11. The theoretical critical root zones of these trees extend out onto the subject site. Although the trees are approximately six feet in elevation above the subject site, it is possible that roots have grown down behind the retaining wall and out under the pavement proposed to be disturbed for sidewalk and loading dock improvements. Because this site is a redevelopment and the existing access drive has limited space, the grades are such that they must be lowered along both the access drive and along the wall where the trees exist. The grade change must be achieved in order to maintain a proper grade for loading dock operations. The loading dock will be a couple feet lower than the current parking garage; because of this, the drive aisle will need to be lowered. The existing sidewalk will be rebuilt, but will maintain the existing grade. Therefore, if any roots are beneath the sidewalk, they should not be impacted. However, any roots going beyond the sidewalk should be pruned. In addition, limb pruning may also be necessary for construction clearance.

Although the existing trees located along the wall have roots present within the limit of disturbance, total root loss, if any, will be minimal. All necessary tree care measures including root and limb pruning would be administered by a certified arborist. Because impacts to the critical root zones of the subject trees are both minimal and unavoidable for the redevelopment of the site, it would be an unwarranted hardship to not grant this site a variance.

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

The critical root zones of the affected trees are located within the buildable area on the property. The inability to impact the subject trees would limit the development of the property. 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;*

A Stormwater Management Concept plan has been submitted for the proposed improvements. Approval of this plan will confirm that the goals and objectives of the current state water quality standards are being met.

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

Pursuant to Section 22A 21(d) Minimum Criteria for Approval.

(1) The Applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available by any other applicants.

The variance will not confer a special privilege because the disturbance is due to the development of the site. As explained above, the critical root zones of all of the subject trees are within the buildable area on the property constricting the development area of the property and cannot be avoided.

(2) The variance request is not based on conditions or circumstances which result from the actions of the applicant.

The requested variance is not based on conditions or circumstances which are the result of the applicant outside the norm of a development application allowed under the applicable zoning and associated regulations. The variance is based on the proposed site layout that is utilizing the only areas that are available for development.

(3) The variance is not based on a condition relating to the land or building use, either permitted or nonconforming on a neighboring property.

The requested variance is a result of the proposed site design and layout on the subject property in accord with zoning and subdivision requirements and not as a result of land or building use on a neighboring property.

(4) Will not violate State water standards or cause measurable degradation in water quality. Full ESD stormwater management will be provided as part of the proposed development.

The variance will not violate State water quality standards or cause measurable degradation in water quality. The trees being disturbed are not within a special protection area. We are confident that the Montgomery County Department of Permitting Services

will find the storm water management concept for the proposed project to be acceptable even if conditionally approved.

A copy of the Forest Conservation Plan and a variance tree spreadsheet has been provided as part of this variance request. All impacted trees will receive stress reduction measures (i.e. limb pruning, root pruning, and fertilization) performed by an ISA certified arborist. The submitted stormwater concept plan is also included.

Please contact me via email, at [fjohnson@mhgpa.com](mailto:fjohnson@mhgpa.com), or by phone, at (301) 670-0840 should you have any additional comments, concerns, or if any other information is necessary to support this request.

Thank you,



Frank Johnson

Tree Variance Detail Table

<u>Tree ID #</u>	<u>Species</u>	<u>DBH</u>	<u>Impact/Count as Removed</u>	<u>% Impacted</u>	<u>Condition</u>	<u>Mitigation</u>
4	White Mulberry	15	Impact Only	34.8%	Fair	stress reduction measures
5	Sugar Maple	1	Impact Only	19.6%	Good	stress reduction measures
6	Silver Maple	1	Impact Only	19.3%	Good	stress reduction measures
7	Black Locust	15-11-2	Impact Only	46.9%	Fair	stress reduction measures
8	White Mulberry	1	Impact Only	19.3%	Poor	stress reduction measures
9	N. Catalpa	2-1	Impact Only	29.9%	Poor	stress reduction measures
10	White Mulberry	1	Impact Only	17.0%	Poor	stress reduction measures
11	Silver Maple	15-16	Impact Only	44.6%	Poor	stress reduction measures



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett  
County Executive

Robert G. Hoyt  
Director

August 15, 2013

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

RE: United Therapeutics, DAIC 120130190, NRI/FSD application accepted 1/10/2013

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. Accordingly, given that the application for the above referenced request was submitted after that date and must comply with 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 criterion.
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, as a result of development activity is not, in and of itself, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

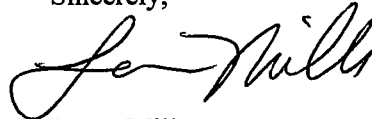
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, 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 criterion.

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





DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R. Schwartz Jones  
Director

August 15, 2013

Mr. Ken Jones  
Macris, Hendricks, and Glascock, P.A.  
9220 Wightman Road, Suite 120  
Montgomery Village, MD 20886-1279

Re: Stormwater Management **CONCEPT** Request  
for United Therapeutics Addition to Silver Spring  
Lot 2  
Preliminary Plan #: 120130190  
SM File #: 252053  
Tract Size/Zone: 1.55 Ac./CBD-1  
Total Concept Area: 1.87 Ac.  
Lots/Block: 2  
Watershed: Sligo Creek

Dear Mr. Jones:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via ESD to the MEP by the use of green roof, planter box micro-bioretenion, and bio-filter tree pits. Also a request for a waiver of remaining ESDv and Qn is granted due to site constraints (building extends from lot line to lot line).

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Bio-filter tree pits proposed in Colesville Road right of way must be accepted by MSHA, if not then this area will be waived.
6. At time of building design have the architect look at expanding the green roof area. Also look at providing green roof under the photovoltaics, this has been done on other buildings with in the United States.
7. The internal parking is to drain to WSSC.
8. Must provide easements and covenants for the green roof and planter box micro-bioretenion facilities.

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255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY  
[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)





Ken Jones  
Page 2  
August 15, 2013

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. 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 stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,



Mark C. Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

MCE: jb CN252053 United Therapeutics Addition to Silver Spring Lot 2.DWK

cc: C. Conlon  
SM File # 252053

ESD Acres:	0.88
STRUCTURAL Acres:	0.00
WAIVED Acres:	1.87



**SILVER SPRING URBAN DISTRICT ADVISORY COMMITTEE**

Date: July 16, 2013

Honorable, Isiah Leggett, County Executive  
Montgomery County  
101 Monroe Street  
Rockville, MD 20850

Honorable, Nancy Navarro, Council President  
Montgomery County Council  
100 Maryland Ave.  
Rockville, MD 20850

Re: United Therapeutics Planned Addition

Dear Mr. Leggett and Ms. Navarro:

This letter is composed to express support of the Silver Spring Urban District Advisory Committee for the United Therapeutics proposed addition at the intersection of Colesville Road at Spring Street. This project will provide a needed boost to our cityscape and serve as a symbol that reflects the urban, business assets that Silver Spring needs. In addition, the design and location of the proposed addition will transform the entrance to Downtown Silver Spring thereby creating a portal into the Urban District. The project is planned to occupy the current site of Garage #21. This phase of the project will be comprised of 112,000 SF of office/laboratory space, 10,000 SF of retail space, and includes several green initiatives that could become the standard bearer of county projects that follow. Additional features include:

- The building is designed to be a “net zero” building. “Net zero” means that all the energy used by the building during the course of a year will be provided by renewable energy generated at the source.
- The main on-site public use space will consist of a public plaza located along the site frontage on Colesville Road that will “wrap around” the Colesville Road/ Spring Street corner.
- The project will satisfy several of the themes of the Silver Spring CBD Sector Plan, including a “transit-oriented downtown”, a “commercial downtown”, a “green downtown”, and a “pedestrian friendly downtown.”

The Silver Spring Urban District Advisory Committee endorses this project and encourages the support it will need to secure all approvals to ensure its implementation.

Sincerely,

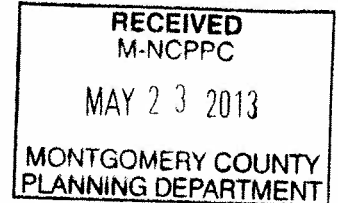
Ernest Bland,  
Chairman SSUDAC



Martin O'Malley, *Governor*  
Anthony G. Brown, *Lt. Governor*

Darrell B. Mobley, *Acting Secretary*  
Melinda B. Peters, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION



May 17, 2013

RE: **Montgomery County**  
**US 29 – Mile Point 1.04**  
**United Therapeutics Phase 3**  
**SHA Tracking No. 13APMO024**  
**Traffic Impact Study**

Matthew Folden  
MNCPPC  
Area 1 Coordinator  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Dear Mr. Folden,

Thank you for the opportunity to review the Traffic Impact Study prepared by Kimley-Horn and Associates, Inc., revised April 16, 2013, for the United Therapeutics office/laboratory with retail development in Montgomery County, Maryland. The major report findings and the Maryland State Highway Administration (SHA) comments and conclusions are as follows:

- Access to the 115,000 square feet of office/laboratory and 10,000 square feet of retail is proposed via one (1) full movement site access to Spring Street (a County road).
- The study analyzed the following intersections under existing, background and future conditions:
  - US 29 & MD 97
  - US 29 & Spring Street
  - US 29 & Fenton Street
  - Spring Street & Cameron Street (a County intersection)
  - Spring Street & Site Access Point (a County intersection)
  - Spring Street & Ellsworth Drive (a County intersection)
- The report concludes that the study intersections will continue to operate at acceptable levels of service under future conditions.

Based on the information provided, the SHA offers the following comments:

1. SHA's Highway Needs Inventory (HNI) includes the 3.9-mile divided highway reconstruction, to include managed lanes and bus lanes, of US 29 (Colesville Road) between MD 97 (Georgia Avenue) and MD 650 (New Hampshire Avenue). Right-of-way dedication along US 29 may be required as part of the plan review process.

My telephone number/toll-free number is \_\_\_\_\_

*Maryland Relay Service for Impaired Hearing or Speech* 1.800.735.2258 Statewide Toll Free

*Street Address:* 707 North Calvert Street • Baltimore, Maryland 21202 • *Phone* 410.545.0300 • [www.roads.maryland.gov](http://www.roads.maryland.gov)

The SHA concurs with the report findings and will not require the submission of any additional traffic analyses for this project as currently proposed. However, an access permit will be required for any construction within the SHA right of way. Seven (7) copies of design plans may now be submitted to the SHA Access Management Division addressed to Mr. Steven D. Foster to the attention of Mr. Jim Renaud. Please reference the SHA Tracking Number on future submissions. Unless specifically indicated in the SHA response on this report, the comments contained herewith do not supersede previous comments made on this development application. If you have any questions regarding the plan review process, please contact Mr. Renaud at 410-545-5595 or [jrenaud@sha.state.md.us](mailto:jrenaud@sha.state.md.us). If you have questions or comments regarding the enclosed traffic review, please contact Mr. Nick Driban at 410-545-0398 or [cdriban@sha.state.md.us](mailto:cdriban@sha.state.md.us).

Sincerely,



Steven D. Foster, Chief/Development Manager  
Access Management Division

SDF/cnd

cc: Ms. Rola Daher, SHA DSED  
Ms. Mary Deitz, SHA RIPD  
Mr. Nick Driban, SHA AMD  
Mr. Bob French, SHA CPD  
Mr. Greg Leck, MCDOT  
Mr. Subrat Mahapatra, SHA DSED  
Ms. Keith Kucharek, SHA RIPD  
Mr. Mark McKenzie, SHA AMD  
Ms. Anyesha Mookherjee, SHA District 3  
Mr. Scott Newill, SHA AMD  
Mr. Johnson Owusu-Amoako, SHA CPD  
Mr. Edward Papazian ([ed.papazian@kimley-horn.com](mailto:ed.papazian@kimley-horn.com)), Kimley-Horn and Associates, Inc.  
Mr. Saed Rahwanji, SHA TDSD  
Ms. Erica Rigby, SHA AMD  
Mr. Errol Stoute, SHA TDSD  
Mr. Morteza Tadayon, SHA DSED  
Mr. John Thomas, SHA RIPD



DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

Arthur Holmes, Jr.  
Director

August 30, 2013

Mr. John Marcolin, Planner Coordinator  
Area 1 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 1-20130190  
United Therapeutics Silver Spring  
Campus - Phase 3

*John:*

Dear Mr. Marcolin:

We have completed our review of the update preliminary plan dated August 5, 2013. An earlier version of this plan was reviewed by the Development Review Committee at its meeting on July 1, 2013. 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 the Department of Permitting Services 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.

Design Exception Package

o Design Exception 1: Reduction in the Number of Off-Street Loading Spaces

This Design Exception proposes to reduce the number of required off-street loading spaces due to site constraints and in consideration of the applicant's experiences with handing those truck deliveries under their control to their other nearby existing facilities. Based on the level of proposed development, two WB-50 truck loading spaces are required for this project; the Executive Branch policy allows one WB-50 space can be replaced by an SU-30 space when the applicant can demonstrate that deliveries or loading activities will not typically involve tractor trailer movements. The applicant has requested approval to provide two SU-30 spaces, under a managed program, for the proposed development.

**RESPONSE:** The applicant's consultant responded to our questions on the original Design Exception package (dated July 16, 2013) in an August 28, 2013 amendment package. The amendment package provided additional information regarding the frequency of proposed deliveries, provided truck turning movements, and explained how the proposed two SU-30 spaces would be managed. We find the supplemental information satisfactorily addresses our earlier concerns and approve the Design Exception updated proffer, including:

**Division of Traffic Engineering and Operations**

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Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080  
trafficops@montgomerycountymd.gov

- All WB-50 truck deliveries under the applicant's control will be directed to an off-site facility located in Beltsville, Maryland. Such deliveries (for shipping and receiving inventory and supplies) will be transferred to SU-30 trucks for transport to this site.
- Applicant will instruct vendor delivery truck drivers to travel to the site access on Cameron Street via Spring Street and will advise its vendors that the site does not provide loading docks space that is able to accommodate a WB-50 vehicle.
- Applicant will monitor and will adjust delivery schedules (if requested by the County) to prevent any adverse impact on Cameron Street operations and safety.

General Site Layout and Right-of-Way Review Comments

1. Dedicate right-of-way for Colesville Road (US 29) and Spring Street in accordance with the Silver Spring Central Business District Sector Plan.
2. Access and improvements along Colesville Road (US 29) as required by the Maryland State Highway Administration.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. Applicant is responsible for relocation of existing utilities (i.e., undergrounding utilities along Spring Street). Coordinate with the appropriate utility company representatives.
5. A downstream storm drain capacity & impact analysis with computations has been provided. We defer to MDSHA regarding the analysis of storm drain facilities along US 29. Given that there are no existing inlets along the Spring Street site frontage, we have concerns about the existing and future runoff volumes and positive drainage/efficiency along that roadway. We have requested the applicant's consultant to provide an amended analysis to determine if a storm drain system is needed along the Spring Street site frontage. This analysis (to include theoretical spread computations and inlet sizing) will need to be submitted prior to approval of the record plat.
6. Our notes indicate the updated Sight Distances Study has been approved. Unfortunately, the updated form has been misplaced. We request the consultant to resubmit same for our approval prior to submission of the record plat.
7. Coordinate with Ms. Sandra Brecher of MCDOT (240-777-8383) to revise the draft Traffic Mitigation Agreement (TMAg) submitted with the Project Plan. Submit an electronic file of the draft TMAg submitted earlier, to facilitate revisions. A TMAg must be executed prior to issuance of any Use and Occupancy permits. The TMAg for Phase 3 will include most of the same elements found in the TMAg for Phase 2, but may include additional provisions such as:

- a. Electric Vehicle Charging: Provide at least 2 electric vehicle (EV) charging stations or satisfy this requirement by either (i) providing pre-wiring for a minimum of 5% EV-ready parking spaces in employee parking facility (based on total number of parking spaces to be provided in that facility), or (ii) providing wiring throughout the garage along with multiple units of mobile charging equipment or similar technology to enable charging at multiple, flexible locations throughout the garage.
  - b. Electronic Display: Provide connections for electronic display screens and a Real Time Transit Information sign in lobby in order to enable outreach to employees.
  - c. Live Near Your Work. Applicant will implement marketing efforts, in conjunction with MCDOT and other agencies, designed to attract employees working onsite or nearby to purchase or rent housing near the Project, to increase the number of employees able to walk or bike to work, or take a short bus ride.
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. Spacing and species of trees in the County rights-of-way shall be in accordance with the applicable MCDOT standards. Tree planting within the public right of way must be coordinated with Mr. Brett Linkletter, Chief of the Division of Highway Services, Tree Maintenance Section at 240-777-7651.
  10. Coordinate with Mr. Reemberto Rodriguez, Silver Spring Regional Services Center Director (240-777-5307), and DPS Right-of-Way Plan Review regarding proposed streetscape design and materials. Also, pursue a continuous planter strip along the south side of Spring Street to discourage uncontrolled mid-block pedestrian crossing [Note: MCDOT High Incidence Area for Pedestrian Crashes (coordinate with Andrew Bossi (240-777-2118))].
  11. Update the plan to show existing and proposed bus stop locations on Colesville Road. Coordinate with Ms. Stacy Coletta of Transit Services (240-777-5836) for any proposed modifications to existing bus stop locations and temporary bus stop relocations during construction. Also, coordinate the recommended installation of a continuous planter strip and bus stop access & placement.
  12. If the proposed development will alter any existing County-maintained 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.
  13. Permit and bond will be required as a prerequisite to MCDPS approval of the record plat. The permit will include, but not necessarily be limited to the following improvements:

John Marcolin  
Preliminary Plan No. 1-20130190  
August 30, 2013  
Page 4

- a. Across the Spring Street site frontage, construct Silver Spring Central Business District Streetscaping improvements, if required as a condition of approval by the Planning Board.
- b. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the Spring Street right-of-way and all drainage easements – if required as a result of the supplemental analysis discussed in plan review comment no. 5.
- c. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- d. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- e. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. William Haynes, our Development Review Area Engineer for this project, at [william.haynes@montgomerycountymd.gov](mailto:william.haynes@montgomerycountymd.gov) or (240) 777-2132.

Sincerely,



Gregory M. Leck, Manager  
Development Review Team

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cc:     Avi Halpert                     United Therapeutics Corporation  
       Bill Kominers                 Lerch Early & Brewer  
       Mike Plitt                     Macris, Hendricks, & Glascock  
       Edward Papazian               Kimley-Horn and Associates, Inc.  
       Robert Kronenberg             M-NCPPC Area 1  
       Matthew Folden                 M-NCPPC Area 1  
       Catherine Conlon               M-NCPPC DARC  
       Scott Newill                    MDSHA AMD  
       Preliminary Plan folder  
       Preliminary Plan letters notebook



John Marcolin  
Preliminary Plan No. 1-20130190  
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cc-e:	Atiq Panjshiri	MCDPS RWPR
	Sam Farhadi	MCDPS RWPR
	Rick Brush	MCDPS WRM
	Bill Campbell	MCDPS WRM
	Marie LaBaw	MCFRS
	Reemberto Rodriguez	MCCEC RSC-SSUD
	Yvette Freeman	MCCEC RSC-SSUD
	Andrew Bossi	MCDOT DO
	Stacy Coletta	MCDOT DTS
	Sande Brecher	MCDOT DTS
	Beth Dennard	MCDOT DTS
	Joseph Madison	MCDOT DPM
	Brett Linkletter	MCDOT DHS
	Dan Sanayi	MCDOT DTEO
	Fred Lees	MCDOT DTEO
	Will Haynes	MCDOT DTEO
	Khursheed Bilgrami	MCDOT DTEO
	Bruce Mangum	MCDOT DTEO



DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

Arthur Holmes, Jr.  
Director

August 30, 2013

Mr. Mathew Folden, Planner Coordinator  
Area 1 Planning Division  
The Maryland-National Capital Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120130190  
United Therapeutics Phase III  
Traffic Impact Study

*Matt:*  
Dear Mr. Folden:

We have completed our review of the updated Local Area Transportation Review and Policy Area Mobility Review dated April 16, 2013, and prepared by Kimley-Horn and Associates, Inc. The total development evaluated by the analysis includes:

- 115,000 SF of office/laboratory
- 10,000 SF of retail

It was noted in the study that the project will provide half of the parking required by the Zoning Ordinance. The site-generated vehicle trips are equally divided between the onsite parking garage and the existing Montgomery County Garage #2, west of the site.

We recommend approval of this Study subject to the following comments:

**Local Area Transportation Review (LATR)**

1. We defer to the Maryland State Highway Administration for comment regarding state-maintained roadways, including US 29, MD 97, and MD 384. This includes study intersections 3, 5, and 6.
2. We concur with the proposed trip assignment for vehicular traffic, which designates one-half as being generated at the site and one-half being generated by County Garage 2.
3. We accept the consultant's conclusion that post-development Critical Lane Volumes for the studied intersections will not exceed the congestion level threshold for the Silver Spring CBD policy area.

**Division of Traffic Engineering and Operations**

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Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080  
trafficops@montgomerycountymd.gov

Mr. Matthew Folden  
Preliminary Plan No. 120130190  
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Page 2

**Pedestrian and Bicycle Impact Statement (PBIS)**

1. We accept the Pedestrian and Bicycle Impact Statement provided in the document.

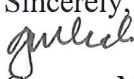
**Transportation Policy Area Review (TPAR)**

1. The site is located within the Silver Spring CBD Policy Area. This policy area is exempt from the transit test and considered adequate under the roadway test.
2. No TPAR payment is required for this project.

**SUMMARY**

1. The findings of the LATR have not yet been accepted. We concur with the vehicular-related findings of adequacy.
2. We concur with the applicant finding that no TPAR payments are required.

Thank you for the opportunity to review this report. If you have any questions or comments regarding this letter, please contact Mr. William Haynes, our Development Review Area Engineer for this project, at [william.haynes@montgomerycountymd.gov](mailto:william.haynes@montgomerycountymd.gov) or (240) 777-2132.

Sincerely,  
  
Gregory M. Leck, Manager  
Development Review Team

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cc: Avi Halpert United Therapeutics  
Mike Plitt Macris, Hendricks, & Glascock  
Ed Papazian Kimley-Horn  
Bill Kominers Lerch, Early, & Brewer  
Scott Newill MDSHA AMD  
Robert Kronenberg M-NCPPC Area 1  
John Marcolin M-NCPPC Area 1  
Preliminary Plan folder  
Preliminary Plan letters notebook

cc-e: Gary Erenrich MCDOT DO  
Fred Lees MCDOT DTEO  
Khursheed Bilgrami MCDOT DTEO  
Will Haynes MCDOT DTEO  
Bruce Mangum MCDOT DTEO  
Kamal Hamud MCDOT DTEO  
Andrew Bossi MCDOT DTEO