



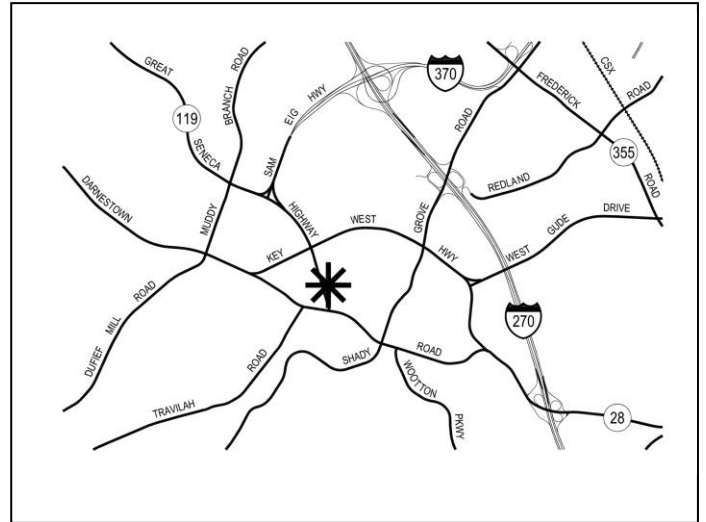
Shady Grove Life Sciences Center Site Plan Amendment No. 81997005A

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Staff Report Date: 7/20/15

Description

- Site Plan Amendment to allow an additional 61,350-square-foot building containing research and development space;
- Located in the southeast corner of the intersection of Great Seneca Highway and Medical Center Drive within the *2010 Great Seneca Science Corridor Master Plan*;
- 8.4 acres in the LSC-1.0 H-110T Zone;
- Applicant: ARE-Maryland No. 31, LLC;
- Filing date: September 11, 2014.



Summary

- Staff recommends Approval with Conditions.
- The Site Plan Amendment includes a parking waiver request.
- The Site Plan Amendment approval includes approval of the Final Forest Conservation Plan.
- Staff reviewed this Amendment under the Zoning Ordinance in effect on October 29, 2014 pursuant to the grandfather provisions of Section 7.7.1.B.1 of the current Zoning Ordinance.

RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan Amendment 81997005A with conditions. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions:

Conformance with Previous Approvals

1. Preliminary Plan Conformance
The development must comply with the conditions of approval for Preliminary Plan 119882330.
2. Site Plan Conformance
The development must comply with the conditions of approval for Site Plan 819970050 except as amended by this application.

Environment

3. Forest Conservation
The development must comply with the conditions of the approved Final Forest Conservation Plan.
 - a) The Applicant must place a Category II conservation easement over approximately 0.40 acres of tree save area as shown on the Final Forest Conservation Plan. Prior to any demolition, clearing, or grading, the easement must be approved by the M-NCPPC Office of General Counsel and recorded by deed in the Montgomery County Land Records. The liber and folio of the recorded easement must be referenced on the record plat.
 - b) Prior to any demolition, clearing, or grading occurring onsite, a financial security agreement reviewed and approved by the M-NCPPC Associate General Counsel Office must be obtained for the planting requirements specified on the Final Forest Conservation Plan.
4. Stormwater Management
The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services - Water Resources Section (MCDPS) in its letter dated February 27, 2015, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS provided that the amendments do not conflict with the other conditions of the Site Plan approval.

Fire and Rescue

5. Fire and Rescue
The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Service (MCFRS) Fire Code Enforcement Section in its letter dated July 5, 2015 and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCFRS may amend if the amendments do not conflict with other conditions of Site Plan approval.

Public Facilities and Amenities

6. Public Use Space, Facilities and Amenities

- a) The development must meet applicable accessibility standards under the American with Disabilities Act. At certified site plan, the Applicant must demonstrate that the proposed project will meet the applicable ADA standards.
- b) Prior to issuance of any use-and-occupancy permit, all on-site amenities including sidewalks, landscaping, benches, and trash receptacles must be installed. Street tree planting may wait until the next planting season.
- c) The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to sidewalks, landscaping, and other site improvements.

Transportation & Circulation

7. Transportation

- a) Prior to approval of the certified site plan, the Applicant must enter into a Traffic Mitigation Agreement with the Montgomery County Department of Transportation (MCDOT) and the Planning Board in accordance with the Great Seneca Science Corridor Master Plan requirements to participate in the Greater Shady Grove Transportation Management District (TMD) and assist in achieving its Stage 2 non-auto driver mode share of 18%.
- b) The Applicant must provide four bicycle parking spaces with two sets of inverted-U bike racks (or equivalent approved by Staff that conforms to American Pedestrian and Bicycle Professionals Guidelines) located near the proposed main building entrance and four other bicycle parking spaces in the garage near a well-lit access point.
- c) Prior to Certified Site Plan, the Applicant must coordinate with the MCDOT on a location for a bikeshare station, which must be shown on the Certified Site Plan. In the future, as part of the site plan approval of the 3rd building on the site, the Applicant will be required to pay capital cost for the installation of the bikeshare station and 12 years of operating expenses.

8. Department of Permitting Services

The Planning Board accepts the recommendations of the Department of Permitting Services (MCDPS) Right-of-Way Section in its letter dated July 6, 2015, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCFRS may amend if the amendments do not conflict with other conditions of Site Plan approval.

Site Plan

9. On-Site Lighting

- a) The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential/commercial development.
- b) The height of the light poles must not exceed 17 feet including the mounting base.
- c) All on-site, down-light fixtures must be full or partial cut-off fixtures.

10. Landscape Surety

Prior to issuance of the first building permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the initial surety amount;
- b) The cost estimate must include all applicable elements, including, but not limited to plant material, on-site lighting, retaining walls and railings, roads, paths and associated improvements; and
- c) The bond or surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety will be followed by inspection and release of the surety.

11. Development Program

The applicant must construct the development in accordance with a development program that will be reviewed and approved by Staff prior to the approval of the Certified Site Plan.

12. Certified Site Plan

The Certified Site Plan must include the following:

- a) The Final Forest Conservation Plan approval, Stormwater Management concept approval, development program, and Preliminary Plan and Site Plan Resolution.
- b) A note stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading."
- c) The data table must reflect development standards enumerated in the Planning Board Resolution.
- d) The latest design concepts regarding the recommended LSC Loop along the north side of Medical Center Drive.
- e) The latest Maryland Transit Authority (MTA) alignment and design of the Corridor Cities Transitway (CCT) for the required additional right-of-way for the CCT along the south side of Medical Center Drive.
- f) Consistency of all details and layout between Site Plan and Landscape Plan.
- g) Remove all unnecessary details.
- h) Label on the plans the existing bike lanes on Medical Center Drive.
- i) Label on the plans the right-of-way along Great Seneca Highway.

PROJECT DESCRIPTION

Site and Vicinity

The Site is located in the southeast corner of the intersection of Great Seneca Highway and Medical Center Drive (Figure 1). It is surrounded by a mix of institutional, office, retail, and school uses. Adventist Shady Grove Hospital is to the northeast of the Site, Katherine Thomas special needs private school is to the northwest, the Montgomery County Police Academy is to the west, and Otsuka Laboratories building is to the east.

The Site is identified as Parcel N/Q in the Shady Grove Life Sciences Center subdivision and was originally owned by the Montgomery County Department of Economic Development. It is approximately 8.39 acres, zoned LSC- 1.0 H-110T, and within the *2010 Great Seneca Science Corridor Master Plan*. It is bounded by Great Seneca Highway to the west, Medical Center Drive to the north, a research center to the east, and Darnestown Road to the south (Figure 2). The western half of the Site is unimproved and is the focus of this Amendment. The eastern half of the Site is improved with 58,272 square feet and 101 surface parking spaces.

Figure 1: Vicinity Map



Figure 2: Site Map



Previous Approvals

Preliminary Plan

On March 22, 1990, the Planning Board approved the Shady Grove Life Sciences Center Preliminary Plan No. 119882330 for a 24-lot subdivision, including the Site. The Preliminary Plan limited development on the 24 lots to 1,671,454 square feet, which gave the Site a maximum density of 120,000 square feet or 0.33 FAR.

Site Plan

On January 17, 1997, the Planning Board approved Site Plan No. 819970050 for 91,453 square feet for two office and laboratory buildings on the Site. The development was to occur in two phases.

Since the Site Plan approval, only the first phase was completed with a 58,272-square-foot building and 101 surface parking spaces. Therefore, 33,181 square feet of approved development remains unbuilt.

On February 6, 1998, the Planning Board approved an administrative amendment to Site Plan No. 819970050 for minor landscaping modifications for the first building.

Mandatory Referral

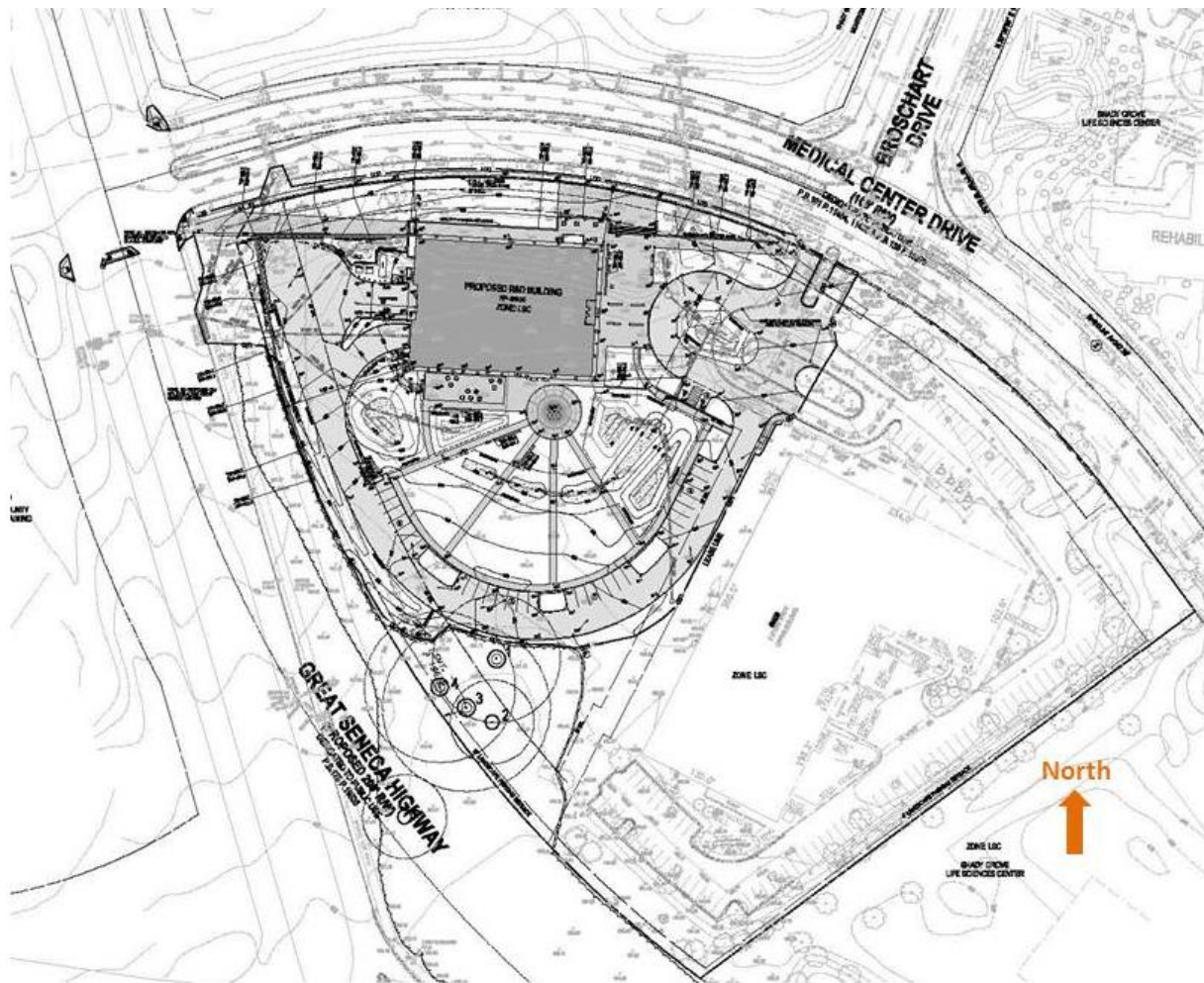
On August 1, 2011, the Director approved an administrative Mandatory Referral No. 2011210 filed by the Montgomery County Department of Economic Development. The Mandatory Referral allowed the County to dispose the Site to BioReliance Corporation, which had been leasing the property since 1998.

PROPOSAL

The Applicant is proposing to develop the western half of the Site, with a 61,350-square-foot research and development building. It is 28,169 square feet more than what was permitted in the original Site Plan. The approval of the proposed 61,350 square feet will bring the total Site Plan approval to 119,622 square feet (58,272 for the existing building and 61,350 square feet for this application), less than the 120,000 square feet approved under the Preliminary Plan No. 119882330.

The Proposal also includes a parking waiver for 44 parking spaces. The original Site Plan was approved for 91,453 square feet of development and 278 parking spaces to be done in two phases. The first phase was for a 58,900-square-foot building and 126 parking spaces. However, only the first phase was completed with a slightly smaller 58,272-square-foot building and only 101 of the 126 spaces with the idea that the second phase would provide all the remaining spaces. Based on the calculation for the proposed use, the existing building of 58,272 square feet is required to provide 146 spaces resulting in a deficit of 45 spaces. The proposed 61,350-square foot building will provide all of its required 154 spaces and an additional space. The additional space reduces the deficit caused by the first building so the parking waiver is for 44 spaces.

Figure 3: Site Plan Amendment



PROJECT ANALYSIS

Master Plan

The project is located within the Life Sciences Center (LSC) section of the *2010 Great Seneca Science Corridor Master Plan* (GSSC) area. The LSC includes five districts, and the Site is located within the Central District. The Site is also along the Plan's LSC Loop, which is a pedestrian and bikeway connection to nearby transit centers. The following recommendations apply generally to all districts of the Master Plan:

- "Buildings oriented to the streets and public spaces will be built based on development standards that accommodate a variety of uses..." (Page 25).
- "Create an identifiable LSC Loop along Medical Center Drive that connects pedestrians to other transit centers..." (Page 36).
- "... a series of open spaces provided through a combination of public and private efforts. Both residential and commercial development projects should provide recreational facilities, open spaces, and trail connections that shape the public realm, help implement the Plan recommendations, and serve existing and future employees and residents." (Page 31).
- "Design streets that are defined with buildings, animated with active uses, and include streetscape and landscape features to encourage pedestrian activity." (Page 86)

The Proposal meets these recommendations by orienting the proposed building, entrance feature, and small pedestrian plaza to Medical Center Drive. The building will be located within the build-to lines as much as possible with a rectangular building along the curved frontage of Medical Center Drive. The building will be oriented to Medical Center Drive with a prominent entrance and a plaza that will attract pedestrians from Medical Center Drive.

The Site is also along the Plan's LSC Loop, which is a pedestrian and bikeway connection to nearby transit centers. The pedestrian orientation of the proposed building will help to enhance the Loop's design.

The primary open space area on-site, located on the south side of the building away from Medical Center Drive, will be designed to accommodate a potential future phase of development, where two buildings would frame this plaza/open space and provide passive recreational opportunities for employees.

The Master Plan has height and public use space recommendations specific to the Site. It recommends that properties in the LSC Central District provide at least 15 percent of their net tract area as public use space. The Proposal will provide 47.3 percent of the Site as public use space, which is more than the Master Plan and the Zoning Ordinance require. The Master Plan also requires that buildings on the Site be between 50 and 110 feet in height. The Proposal is for a 60-foot building.

Staging

As discussed earlier, the proposed density is within the approved Preliminary Plan's density for the Site. The Master Plan included the density approved for this Site as part of the original Preliminary Plan in the area's pipeline development because it was approved before the Master Plan went into effect. According to the Master Plan, "The 3.7 million square feet of development in the pipeline is not subject to the Plan's staging requirements unless a project's Preliminary Plan expires," (page 76). The Preliminary Plan has not expired so the Proposal is not subject to the Master Plan's staging requirements.

Staff finds the Proposal to be in substantial conformance with the GSSC Master Plan.

Design Guidelines

The GSSC Design Guidelines promote the creation of a cohesive corridor with a continuous "built environment that meets the needs of a larger community and the science community, while providing specialized sites for research and medical functions, as well as places for living and recreation" (p. 6). The Guidelines provide general guidance through recommendations organized around four principles: Connectivity; Design; Environment; and Diversity. While there is no requirement that all four principles be addressed by each application, the Proposal addresses at least three of these principles as follows:

Connectivity:

- "...Creating an engaging pedestrian environment along streets with building facades and spaces that define and activate the public realm," (Page 7).

The Proposal improves the pedestrian environment along Medical Center Drive by providing a building facade and a plaza that define and activate the public realm. The Proposal also furthers the Plan's goal of reducing the impact of parking on the pedestrian environment by providing some of the parking spaces in an underground garage and the remaining spaces in a surface parking lot in the rear of the proposed building.

The intervening space between the building and Medical Center Drive will be activated with an outdoor plaza, which together with the building entrance will be designed in a way to draw the pedestrian to the building and small plaza, while providing decorative features such as landscaping and seating areas along the retaining wall as one moves towards the building along Medical Center Drive.

Design:

- "...Encouraging design excellence through use of innovative building materials, facade articulation, street-oriented buildings and sustainable building practices." (Page 7).
- "Building design should provide landmarks and street walls, create a design character for the area..." (Page 20)

The Proposal promotes design excellence by using innovative building materials in the mesh volume that will signalize the building's entrance, and by creating a street-oriented building that will engage with the future LSC Loop along Medical Center Drive.

Environment:

- “Reduce impact on the natural environment by creating walkable environments that reduce our reliance on automobiles,” (page 7).

The Proposal promotes the creation of a walkable environment by emphasizing the building entrance at a location that could connect to a direct path to the future CCT stop on Broschart Drive.

Diversity:

- “Incorporate the most public and active building space on the ground floor to activate the street... Create retail frontages that are as transparent as possible. Avoid long stretches of blank walls...” (Page 26)

Although the Applicant is not proposing retail uses on the ground floor, the building will be designed to be as transparent as possible along its Medical Center Drive frontage.

Staff finds the proposed Site Plan Amendment to be in substantial conformance with the GSSC Design Guidelines.

Figure 4: Rendering of Proposed Building



VIEW FROM MEDICAL CENTER DRIVE

Transportation

Master-Planned Roadways and Bikeways

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

1. Great Seneca Highway (MD 119, north of the Site) is designated as a six-lane controlled major highway, CM-90, with a recommended 150-foot right-of-way and a shared use path, (SP 63), on the east side.
2. Medical Center Drive is designated as a four-lane arterial, A-261d, with a recommended 100-foot right-of-way. It includes five-foot-wide sidewalks and two bikeways. The first is a dual bikeway (LB-1), which has both a signed shared roadway and a shared use path. The other is a bikeway (SP-66), which is the LSC Loop's future shared use path on the north side of Medical Center Drive. Additional right-of-way will be required in the future for the Corridor Cities Transitway (CCT). Details on the LSC Loop and the CCT are discussed in the next section below.
3. Darnestown Road is designated as a six-lane major highway, (M-90), with a recommended 150-foot right-of-way and a dual bikeway. Bikeway (LB-16), which includes a shared use path on the north side and a signed shared roadway on both sides of the road.

Relevant Transportation Projects on Medical Center Drive

Two transportation projects are planned along the segment of Medical Center Drive fronting the Site.

1. *Corridor Cities Transitway (CCT):*
The Maryland Transit Administration (MTA) expects to complete the preliminary engineering design phase (30%) for the CCT this fall, which will move the proposed Bus Rapid Transit (BRT) alignment from the north side of the road to the median of Medical Center Drive. Consequently, the LSC Loop, previously on the south side of the roadway and adjacent to the Site, will now be located on the north side, which is consistent with the placement of the rest of the Loop throughout the LSC area. MTA and the Applicant have coordinated on the placement of the proposed building and CCT related infrastructure to ensure that the building is at least 25 feet from the existing right-of-way line of Medical Center Drive to accommodate the future right-of-way needs for an additional 25 feet for the BRT and LSC related improvements. The nearest proposed CCT station is proposed at the intersection of Blackwell Road and Broschart Road.
2. *Life Sciences Center Loop:*
As discussed earlier, the Great Seneca Science Corridor Master Plan recommends the creation of a 3.5-mile multi-use path, named the LSC Loop. The Montgomery County Planning Department, in coordination with MCDOT, is planning for the LSC Loop, which will include a shared-use path and sidewalk along the north side of Medical Center Drive (on the Katherine Thomas School property) along this block. The plat for the Katherine Thomas School contains a 50-foot wide transit easement (Plat No. 19649, No. 595-21, or MSA SSU 1249-6392). Since the LSC loop is expected to be wider than what the existing public right-of-way can accommodate, the 50-foot wide transit easement along the school's frontage will be able to accommodate the wider LSC Loop design.

Transportation Demand Management

The Site is located within the boundaries of the Greater Shady Grove Transportation Management District. As recommended in the "Travel Demand Management" of the GSSC Master Plan (pages 55, 79, and 80), the Applicant must enter into a Traffic Mitigation Agreement with the Planning Board and MCDOT to participate in the Greater Shady Grove Transportation Management District (TMD) and assist in achieving the Master Plan's Stage 2 non-auto driver mode share of 18%.

Available Transit Service

Currently, the following Ride On routes directly serve the Site:

1. Ride On route 43 operates along Medical Center Drive and Great Seneca Highway with 30-minute headways between the Shady Grove Metro Station and the Trville Transit Center including along Medical Center Drive on weekends and weekdays.
2. Ride On route 56 operates along Medical Center Drive and Great Seneca Highway with 30-minute headways between the Lakeforest Transit Center and the Rockville Metro Station on weekdays and weekdays.
3. Ride On route 66 operates along Medical Center Drive with 30-minute headways between the Shady Grove Metro Station and the Trville Transit Center on weekdays.

Existing bus stops are located on Medical Center Drive between Great Seneca Highway and Broschart Road.

Transportation Adequate Public Facilities (APF) Test

Although the proposed building's 61,350 square feet are more than the remaining 33,181 square feet approved under the original site plan, the transportation APF test is satisfied because the proposed total of 119,622 square feet for the entire site is less than the 120,000 square feet approved under Preliminary Plan No. 119882330.

And, since the total square footage is within the maximum floor area approved under the original Preliminary Plan, a traffic study was not required and no TPAR payment of the transportation impact tax is required.

Environment

Figure 5: Existing Environmental Features



Environmental Guidelines

Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD #420141070) on February 28, 2014. The Site lies in the Muddy Branch watershed. There are no streams, wetlands, floodplains, or environmental buffers on the site. There are 0.90 acres of low priority forest.

Forest Conservation

The Site is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code). The Applicant has submitted a Final Forest Conservation Plan (FFCP) in support of this application (Attachment 4). The FFCP, which covers the entirety of Parcel N/Q, proposes to remove 0.90 acres of forest and protect 0.40 acres of tree save area with a Category II easement. The remaining 1.83-acre planting requirement will be met off-site.

Forest Conservation Variance

Section 22A-12(b) (3) of Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. The law requires a variance to impact trees that: measure 30 inches or greater diameter at breast height (DBH); 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 trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. Any impact to these trees,

including removal or disturbance within the tree’s critical root zone (CRZ), requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law.

The Applicant submitted a variance request on 7/1/2014, and a revised variance request on 4/15/2015, (Attachment 5), to allow impact, but not remove, three trees that are considered high priority for retention under Section 22A-12 (b) (3) of the County Forest Conservation Law.

Unwarranted Hardship for Variance Tree Impacts

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state will result in unwarranted hardship. The requested variance is necessary because of the locations of the trees on the site. Development has been constrained to the north of the property, along Medical Center Drive. All three trees being impacted are in a tree save area south of the driveway. The Applicant revised the grading for the driveway and parking area in order to minimize impacts on these trees.

Variance Tree Table

ID	Species	Size	% impact
001	Horse chestnut	38"	29%
003	American basswood	50"	3%
004	American basswood	45"	9%

Variance Findings - Based on the review of the variance request and the proposed Final Forest Conservation Plan, staff makes the following findings:

1. *Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting this variance will not confer a special privilege on the Applicant as disturbance of the specified trees is a result of the need to provide parking and fire access. The proposed development is located in the north side of the property, minimizing impacts to trees.

2. *The need for the variance is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances that are the result of actions by the Applicant. The potential impacts are due to the location of the trees, which will be impacted in any feasible alternative lay out. The Applicant has minimized disturbance by restraining grading associated with the driveway and parking.

3. *The need for the variance 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 a result of the location of trees and the impacts by the proposed layout of the proposed development, and not a result of land or building use on a neighboring property.

4. *Granting the variance will not violate State water quality standards or cause measurable degradation in water quality.*

Staff generally recommends that the Planning Board approve variance requests with mitigation to replace the form and function of the trees proposed for removal. No trees are proposed for removal therefore no mitigation is requested. However, the Applicant has proposed a landscape plan in association with the Site Plan Amendment that includes approximately 63 native shade trees. Additionally, stormwater management will be provided for the Proposal. Granting this variance will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provisions

Though no mitigation is required because the Applicant is not requesting to remove any trees, the Proposal includes mitigation.

County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The County Arborist has reviewed the variance request and recommended approval with the provided mitigation (Attachment 6).

Variance Recommendation - Staff recommends that the variance be granted.

Community Concerns

The Applicant has met all the noticing requirements. Staff has not received any communications from the surrounding community.

SITE PLAN FINDINGS

According to Section 7.7.1.B.1 of the New Zoning Ordinance, a Site Plan filed "before October 30, 2014 must be reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014." Since this Amendment was filed before October 30, 2014, it is being reviewed under the provisions of Section 59-D-3 of the previous Zoning Ordinance.

Section 59-D-3.4. (c) of the Zoning Ordinance states that the Planning Board, in reaching its decision, must require that:

- (1) *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan;*

The Site does not have a development plan or diagrammatic plan, schematic plan, or project plan.

- (2) *The Site Plan meets all of the requirements of the zone in which it is located and where applicable conforms to an urban renewal plan approved under Chapter 56.*

Master Plan and Design Guidelines Consistency (Section 59-C-5.476)

The Proposal is consistent with the GSSC Master Plan and Design Guidelines, as discussed in the Master Plan and Design Guidelines sections.

Development Standards

The proposed use is allowed in the LSC Zone. The Proposal, meets all the requirements of the LSC Zone as shown by the data table below.

Table 1: Applicable Development Standards –LSC Zone

Development Standards	Required	Provided
Maximum Density (59-C-5.321)	2.0 ¹	0.33
Building Height: (59-C-5.31)	200 ²	60'
Public Use Space (59-C-5.3)	20%	47.3%
Minimum Parking (59-E-3.7)		
Proposed building (59-E-3.7)	154	155 (include 8 Handicap)
Existing building (59-E-3.7)	146	101
Total	300	256 ³
Motorcycle Spaces (59-E-2.3)	10 spaces	4 new spaces 6 existing spaces
Bicycle Spaces (59-E-2.3)	23 spaces	8 new spaces 15 existing spaces
Loading Spaces (59-E-4.1)	2 spaces	1 new space 1 existing space
Parking Lot Landscaping (59-E-2.73)	5% shade coverage	15%

¹59-C-5.321, the LSC Zone permits a maximum density of 2.0 FAR if the applicant purchases BLT easements to increase the density above the maximum of 0.5 FAR allowed by Section 59-C-5.473.

²The *Great Seneca Science Corridor Master Plan* recommends a maximum height of 110 feet.

³The applicant is requesting a parking waiver pursuant to Section 59-E-4.5

Parking Waiver Request

The Proposal includes a parking waiver request for 44 spaces because the Site will have 256 spaces, while it is required to provide a total of 300 spaces (146 spaces for the existing building and 154 spaces for the proposed building). The existing building is already short 45 spaces because it assumed that a future development on the rest of the Site would provide additional spaces to make up the deficit.

However, over the years the occupancy of the existing building's parking spaces has shown that demand for the spaces is far less than the required number of parking spaces.

The Applicant argues that the parking ratio (2.5 spaces/1000 sq. ft.) required in the Zoning Ordinance and applied to the Site is for office use (non-medical practitioners), and that research and development use does not require as much parking as an office use. The Applicant further argues that the area is currently served by Ride On bus service, and in the future it will be served by the CCT.

The Applicant also submitted a survey of the existing building and two other nearby buildings to demonstrate the lower parking demand for similar uses in the area:

1. At 9800 Medical Center Drive with a 100% leased 284,000-square-foot building, parking occupancy is 80% of the required 466 parking spaces.
2. At 15010 Broschart Road, a 100% leased 40,000-square-foot building, parking occupancy is 74% of the required 81 parking spaces.
3. At 9920 Medical Center Drive, which is the existing 100% leased 58,272-square foot building on the eastern portion of the Site; parking occupancy is 64% of the 101 available spaces and 41% of the 126 required spaces.

All three buildings have a lower parking demand than parking spaces required by the Zoning Ordinance, as noted on their approved site plans. The proposed 256 spaces will be 85% of the total required 300 spaces, which as the survey shows, is more than the range of parking utilization for other similar buildings with similar uses in the area.

Staff recommends approval of the parking waiver request. The Applicant has demonstrated that reduced parking will be adequate for the proposed use. In addition, reducing the number of available on-site parking spaces will assist the Greater Shady Grove TMD in achieving its Stage 2 non-auto driver mode share. Parking reduction can also be a disincentive for employees to commute by single-occupancy vehicles and an incentive for them to carpool or use alternative transportation modes.

Urban Renewal Plan

The Site is not within an Urban Renewal area.

- (3) The locations of building and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient;*

Building and Structures

The proposed location of buildings and vehicular and pedestrian articulation is safe, adequate, and efficient. The proposed building will be located in a clearly visible area on the Site and will be accessible to pedestrians from an internal driveway/drop-off area as well as a sidewalk along Medical Center Drive. The vehicular circulation is clearly separated from

pedestrian areas and building entrances; and all planting areas and open spaces are adequately located in relation to the buildings to create a safe and efficient layout environment.

Public Open Space & Landscaping

The proposed Site layout provides adequate landscaping for all open space areas including the plaza along Medical Center Drive and the internal common driveway/drop-off area. All planting areas and open spaces are adequately located in relation to the buildings.

The Proposal maintains 47 percent of the Site as public use space, which is more than double the minimum required by the Zoning Ordinance in the LSC Zone. The Proposal includes a public plaza that extends the front entrance. The plaza will include landscaping, specialty pavers, benches, ornamental and shade trees, shrubs, and bio-retention areas. There will be an at-grade water fountain and outdoor tables and seating.

The Proposal also includes a public open space area and seating between Medical Center Drive and the proposed building. This space will be landscaped with evergreen, shade trees and perennials.

Lighting on the property will also be provided by freestanding pole lights with full or partial cut-off fixtures, sign lights and wall lights. Bollards will provide lighting along the drop-off area near the main entrance, the seating area near the rear entrance, and around the water feature. The lighting will be adequate for safety and security for pedestrians.

Recreation Facilities

There are no recreation facilities required for the Proposal since it does not include any residential units.

Pedestrian and Vehicular Circulation

The Proposal shows that the vehicular and pedestrian circulation will be safe and adequate. A common driveway and drop-off loop will serve both the existing and the proposed building avoiding separate curb cuts for each building on Medical Center Drive. Pedestrians will be able to access the Site from the drop-off loop or from Medical Center Drive. The Medical Center Drive entrance feature and the plaza will be convenient for transit riders in the future when the CCT is in place.

The location of the proposed building, open spaces, landscaping, and pedestrian and vehicular circulation are adequate, safe, and efficient.

- (4) Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development;*

The proposed building will join an existing life sciences building on the Site. It is surrounded by similar research and development life sciences and institutional uses. At 60 feet, it will be compatible with the other buildings in the area, which range in height from 20 feet to 50 feet. The height and bulk of the proposed building is consistent with the Master Plan's recommendation for other nearby properties in the area as reflected in the maximum floor area

and building heights allowed by the zoning. It will be compatible with the other uses and site plans and with existing and future adjacent development in the area.

(5) The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resources protection, and any other applicable law.

The Site Plan Amendment meets the requirements of the Montgomery County Forest Conservation Law, the County's Environmental Guidelines, and the County's Stormwater Management Requirements, as discussed in the Environment Section.

CONCLUSION

Staff recommends approval of Site Plan Amendment 82015007A with conditions. The location of the building, vehicular and pedestrian circulation, open space, landscaping and lighting are adequate safe, and efficient. The proposed development with the conditions of approval stated at the beginning of this report is compatible with the neighboring research and institutional uses in the area. The development meets all of the applicable requirements of Chapter 22A, forest conservation, and Chapter 19, water resource protection requirements.

Attachments:

- Attachment 1: Preliminary Plan Opinion
- Attachment 2: Site Plan Opinion
- Attachment 3: Mandatory Referral Approval
- Attachment 4: Final Forest Conservation Plan
- Attachment 5: Variance Request
- Attachment 6: Variance Approval
- Attachment 7: Agency Approval Letters

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

Action: Approved Staff Recommendation, (Motion of Comm. Floreen, seconded by Comm. Hewitt, with a vote of 3-0; Commissioners Floreen, Hewitt and Keeney voting in favor, with Comms. Bauman and Henry being absent).

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-88233

NAME OF PLAN: SHADY GROVE LIFE SCIENCES CNTR

On 09-13-88, MONTGOMERY COUNTY, MD. , submitted an application for the approval of a preliminary plan of subdivision of property in the R200 zone. The application proposed to create 24 lots on 180.71 ACRES of land. The application was designated Preliminary Plan 1-88233. On 03-15-90, Preliminary Plan 1-88233 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing , the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-88233 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-88233, subject to the following conditions:

1. Agreement with Planning Board limiting development to additional 1,052,650 square feet (total 1,671,454 square feet existing and proposed) and limiting number of additional employees to 2,631 (400 square feet per employee)
2. Agreement with Planning Board that the following roadway improvements be under construction prior to receipt of any building permits for additional development in excess of 568,400 square feet with design approved by Planning Board through mandatory referral process:
 - a. Construction of four lanes of Key West Avenue between West Gude Drive and existing Route 28 near Research Boulevard
 - b. Construction of an additional through lane on north-bound Shady Grove Road over I-270

Attachment 1

- c. Construction of four lanes of Sam Eig Highway between Fields Road and Great Seneca Highway
 - d. Participation in construction of a right-turn lane on southbound Shady Grove Road at Route 28
3. Dedication of Great Seneca Highway/Route 28 in accord with master plan
 4. No driveways to Great Seneca Highway/Route 28 or Shady Grove Road
 5. Prior to recording of lots, a conceptual site plan must be approved by the MCPB that includes an overall updated development plan in accord with County Council Resolution 10-2165 and a staging plan for implementation of those elements. Prior to clearing or grading on any lot, a detailed site plan must be approved by the MCPB
 6. Necessary easements
 7. Plan to show possible future extension of Blackwell Road as an arterial road



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: January 13, 1997

SITE PLAN REVIEW #8-97005

PROJECT: Parcel N\Q

Action: Approval subject to conditions. Motion was made by Commissioner Aron, seconded by Commissioner Richardson, with a vote of 3-0, Commissioners Aron, Hussmann and Richardson voting for and no Commissioners voting against. Commissioners Baptiste and Holmes were absent.

The date of this written opinion is January 13, 1997, (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before February 12, 1997, (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, then this site plan shall remain valid until July 22, 2001 (which is the date that the validity period associated with the preliminary plan which is set to expire as of the date of this opinion), as provided in Section 59-D-3.8.

On January 9, 1997, Site Plan Review #8-97005 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report (with modifications to the conditions hereby adopted by the Montgomery County Planning Board) which is made a part hereof, the Montgomery County Planning Board finds:

1. The Site Plan is consistent with an approved development plan or a project plan for the optional method of development, if required;
2. The Site Plan meets all of the requirements of the zone in which it is located;

Attachment 2

3. The locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;
4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development;
5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

The Montgomery County Planning Board APPROVES Site Plan Review #8-97005 which consists of subject to the following conditions:

1. Standard conditions of approval listed in Appendix 1.
2. The landscaping plan shall be revised to include a “gateway entrance” landscape treatment at Medical Center Drive and Great Seneca Highway and the plant materials within the pedestrian court shall allow for overhead canopy and visibility within the space.
3. The site and landscaping plan shall include 15 bicycle and 6 motorcycle parking spaces.

No unresolved issues remain between the Applicant and Staff regarding this project. There have been no phone calls or letters from residents regarding this project.

APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 1/3/97:

1. Submit a Site Plan Enforcement Agreement and Development Program for review and approval prior to approval of the signature set as follows:
 - a. Development Program to include a phasing schedule as follows:
 - 1) Parking lot tree and screen planting must progress as street construction is completed, but no later than six months after completion of the building adjacent to those streets.
 - 2) Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development.
 - 3) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
 - 4) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
 - 5) Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
 - 6) Coordination of each section of the development and roads;
 - 7) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
2. Signature set of site, landscape/lighting, sediment and erosion control plans to include for staff review prior to approval by MCDPS:
 - a. Methods and location of tree protection for the trees next to Great Seneca Highway; or other environmentally sensitive areas;
 - b. Conditions of DEP Concept approval letter dated November 11, 1996;
 - c. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
 - d. The development program inspection schedule.
3. No clearing or grading prior to Planning Department approval of signature set of plans.



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

Attachment 3

August 1, 2011

Mr. Steven A. Silverman, Director
Montgomery County Department of Economic Development
111 Rockville Pike, Suite 800
Rockville, Maryland 20850

SUBJECT: Mandatory Referral: BioReliance Exercise of Option to Purchase County Property

Dear Mr. Silverman:

The Montgomery County Planning Department has reviewed the submission received July 13, 2011 for Mandatory Referral No. MR2011210 regarding the proposed sale of County property in the Life Sciences Center area of the Great Seneca Science Corridor to the BioReliance Corporation. BioReliance has been leasing this land from the County since 1998.

This project meets the Department's criteria for administrative review. Staff recommends approval for the following reasons:

- The proposed sale is consistent with the goals of the Great Seneca Science Corridor Master Plan and the plans for the development of the Life Science Center.
- The sale will not change the existing use; it will only change the ownership of the property.

Staff notes that the property has an existing plan approval for up to 130,000 square feet of commercial development. Any future modifications or amendments to the existing approved plans will go through the normal development review process for a private development.

Thank you again for the opportunity to review and comment on your project.

Sincerely,

A handwritten signature in black ink, appearing to read "Robin Stanley".

Robin Stanley
Planning Director



SOLTESZ
Attachment 5
2 Research Pl., Suite 100
Rockville, MD 20850
P: 301.948.2750
F: 301.948.9067
www.solteszco.com

January 26, 2015

Ms. Amy Lindsey
Area 2 Planning Division
MNCPPC
Environmental Planning Division
8787 Georgia Avenue
Silver Spring, MD 20910

**RE: 9950 Medical Center Drive
Forest Conservation Plan - Variance Request
SOLTESZ Project #1507-01-03**

Dear Ms. Lindsey,

On behalf of our client, ARE Maryland No. 31 LLC, SOLTESZ is requesting a variance for the removal of three (3) specimen trees, all 30 inches or greater in DBH, as required under Section 22A-21 of Montgomery County's Forest Conservation Law and 2010 revisions to the State Forest Conservation Law enacted by State Bill 666. Where it notes the variance pertains to "Trees having a diameter measured at 4.5 feet above the ground of 30 inches diameter or 75% of the diameter of the current state champion tree of that species as designated by the department". The removal or impact of these trees is for the construction of the Shady Grove Life Sciences building to be located on Parcels N and Q of the aforementioned property.

Project Information

The subject property consists of two parcels (N & Q), 8.4 acres in size which is zoned LSC – Life Sciences Center – Industrial Zone. The property is located east of the intersection of Great Seneca Highway and Medical Center Drive in Rockville, Maryland.

The property has been designated for the construction of a Life Sciences building as part of the master plan. The location of the new building will replace existing facilities.

The originally approved Natural Resources Inventory showed a total of five (5) specimen or significant trees located on the property. Three of these trees are proposed to be impacted. The remaining two (2) trees (#2 and #5) with no impacts are significant trees that have a DBH approximately 25 DBH.

The trees identified in this variance request to be impacted due to CRZ impacts are shown on the Forest Conservation Plan.

Trees Impact Chart

Listed below are the Specimen trees identified for impact on the Final Forest Conservation Plan Amendment.

TREE #	COMMON NAME	BOTANICAL NAME	DBH (IN)	CRZ (SF)	CRZ IMPACT	% OF IMPACT	PROPOSED STATUS
001	Horse Chestnut	<i>Aesculus hippocastanum</i>	38	10,207	2,942	29%	SAVE
003	American Basswood	<i>Tilla americana</i>	50	17,672	484	3%	SAVE
004	American Basswood	<i>Tilla americana</i>	45	14,314	1,236	9%	SAVE

Critical Root Zone Impacts

There are three (3) specimen trees impacted by the limits of disturbance (LOD) for the development proposed to be preserved. All of these trees will have less than 30% CRZ impact and will be impacted on the outer edges of the CRZ therefore will remain. Tree protection fencing will be erected for trees which are impacted. An arborist will be involved in overseeing the preservation methods as approved by MNCPPC as detailed on the Amended Forest Conservation plan.

Additional Application Requirements

Per Montgomery County's Forest Conservation Law Section 22A-21(b) of the *Application Requirements* states that the applicant must:

- (1) describe the special conditions peculiar to the property which would cause the unwarranted hardship;
- (2) describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
- (3) verify that state water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance; and
- (4) Provided any other information appropriate to support the request.

Pursuant to: Item “(1) describe the special conditions peculiar to the property which would cause the unwarranted hardship; and” Item “(2) describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas”:

The current land use of Parcels N and Q is industrial and the property contains one (1) two-story building. The current structure would remain on-site and an additional new building would be erected on the property.

Current the footprint of the building and required parking will require minimum clearing of the existing forest. Forest conservation will be met off site, however, the minimum area per current zoning for on-site parking requirements, fire access and emergency truck turning radius, necessitates some clearing of the forest to meet zoning safety requirements.

Prohibiting the impact of the specimen trees would deprive the applicants of the rights commonly enjoyed by others who are in similar areas that have many of the same features as the subject property.

Pursuant to “(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”

The trees proposed for impact are not directly connected to any streams, or part of a riparian buffer system. The proposed stormwater management plan for the property makes provisions for stormwater runoff that would have been intercepted by these trees.

Pursuant to "(4) *Provided any other information appropriate to support the request.*"

The three (3) specimen trees to be impacted are in "FAIR" condition and their health has been progressively degrading with their current location. Additionally, the small forest area on-site is routinely inhabited by homeless members of the community whom have left litter and debris behind and disturbed the natural structure of the forest floor.

Minimum criteria for Variance

As further basis for its variance request, the applicant can demonstrate that it meets the Section 22A-21(d) *Minimum criteria*, which 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 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*

Pursuant to "(1) *Will confer on the applicant a special privilege that would be denied to other applicants.*"

The use of this site is as industrial. Building an additional building on-site to expand the site industrial production capabilities would not be deemed as a special privilege that would be denied to other applicants.

Pursuant to "(2) *Is based on conditions or circumstances which are the result of actions by the applicant; and (3) Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.*"

The applicant has taken no actions leading to the conditions or circumstances that are the subject of this variance request. Furthermore, the surrounding land uses do not have any inherent characteristics that have created this particular need for a variance.

Pursuant to "(4) *Will violate State water quality standards or cause measurable degradation in water quality*" the applicant cites the reasoning in the previous response to requirement 22A-21 (b)(3), and restates its belief that granting this variance request will not violate State water quality standards or cause measurable degradation in State water quality standards.

For these reasons listed above, we believe it is appropriate to grant this request for a variance. Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,
SOLTESZ, INC



Keely Lauretti, PLA
Assistant Project Manager



Attachment 3
SOLTESZ
 2 Research Pl., Suite 100
 Rockville, MD 20850
 P: 301.948.2750
 F: 301.948.9067
 www.solteszco.com

June 24, 2014

Ms. Amy Lindsey
 Area 2 Planning Division
MNCPPC
 Environmental Planning Division
 8787 Georgia Avenue
 Silver Spring, MD 20910

**RE: Shady Grove Life Sciences Center Parcel N/Q (Proposed Lot 7)
 Rockville, Montgomery County, Maryland
 Forest Conservation Plan – Specimen Tree Variance Request
 SOLTESZ Project #1507-01-03**

Dear Ms. Lindsey,

On behalf of our client, ARE Maryland No. 31 LLC, SOLTESZ is requesting a variance for the impact of three (3) specimen trees that measure 30 inches or greater in DBH as required under Section 22A-21 of Montgomery County’s Forest Conservation Law and 2010 revisions to the State Forest Conservation Law enacted by State Bill 666 where it notes the variance pertains to “Trees having a diameter measured at 4.5 feet above the ground of 30 inches diameter or 75% of the diameter of the current state champion tree of that species as designated by the department”. The removal or impact to these trees is for the construction of the Shady Grove Life Sciences Center building to be located on proposed lot 7 of Parcels N and Q of the aforementioned property.

Project Information

The subject property consists of two parcels (N & Q), 8.4 acres in size which is zoned LSC – Life Sciences Center – Industrial Zone. The property is located on the southeast corner of the intersection of Great Seneca Highway and Medical Center Drive in Montgomery County, Maryland.

The approved Natural Resources Inventory showed a total of three (3) specimen trees located on the property that include Tree #1 (38” DBH) Horse Chestnut (*Aesculus hippocastanum*), Tree #3 (50” DBH) American Basswood (*Tillia Americana*) and Tree #4 (45” DBH) American Basswood (*Tillia Americana*).

Trees Impact Chart

Listed below are the specimen trees identified for impact on the Forest Conservation Plan.

SPECIMEN TREE TABLE FOR 9950 MEDICAL CENTER DRIVE										
TREE #	COMMON NAME	SCIENTIFIC NAME	DBH INCHES	CONDITION	CRZ (IN)	CRZ (SF)	IMPACT (SF)	% IMPACT	STATUS	COMMENTS
1	HORSE CHESTNUT	<i>AESCULUS HIPPOCASTANUM</i>	38	FAIR	57	10,207	5,860	57%	REMOVE	WITHIN LOD - CRZ IMPACT
3	AMERICAN BASSWOOD	<i>TILLIA AMERICANA</i>	50	FAIR	75	17,672	3,163	18%	SAVE	TREE PROTECTION FENCE AT LOD
4	AMERICAN BASSWOOD	<i>TILLIA AMERICANA</i>	45	FAIR	67.5	14,314	3,700	26%	SAVE	TREE PROTECTION FENCE AT LOD

Critical Root Zone Impacts

Tree #1 will be removed as it is located within the limits of disturbance or the LOD and will have 57% impact to its critical root zone. Tree #3 and tree #4 critical root zones will be impacted at 18% and 26% respectively and will remain on-site with proper tree protection measures. An arborist will be involved in oversight the preservation methods as approved by MNCPPC and detailed on the Amended Forest Conservation plan.

Additional Application Requirements

Per Montgomery County's Forest Conservation Law Section 22A-21(b) of the *Application Requirements* states that the applicant must:

- (1) describe the special conditions peculiar to the property which would cause the unwarranted hardship;
- (2) describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
- (3) verify that state water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance; and
- (4) Provided any other information appropriate to support the request.

Pursuant to: Item "(1) describe the special conditions peculiar to the property which would cause the unwarranted hardship; and" Item "(2) describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas":

The current land use of Parcels N and Q is industrial and the property contains one (1) two-story building. The current structure would remain on-site and an additional one (1) building will be erected on the property.

The minimum area to meet current zoning requirements necessitates the clearing of forest and specimen trees. Prohibiting the removal of the specimen trees would deprive the applicant of the right to develop the property in a manner granted to others in similarly zoned areas.

Pursuant to "(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"

The proposed stormwater management plan for the property meets all State and county regulations; and

Pursuant to "(4) Provided any other information appropriate to support the request."

The three (3) specimen trees are in "FAIR" condition and their health has been progressively degrading based on age and existing poor environmental conditions. Additionally, the small forest area on-site is littered with debris and trash which has disturbed the natural structure of the forest floor.

Minimum criteria for Variance

As further basis for its variance request, the applicant can demonstrate that it meets the Section 22A-21(d) *Minimum criteria*, which 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 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

Pursuant to "(1) Will confer on the applicant a special privilege that would be denied to other applicants."

The use of this site is as industrial. Building an additional building on-site to expand the site would not be deemed as a special privilege that would be denied to other applicants.

Pursuant to “(2) Is based on conditions or circumstances which are the result of actions by the applicant; and (3) Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.”

The applicant has taken no actions leading to the conditions or circumstances that are the subject of this variance request. Furthermore, the surrounding land uses do not have any inherent characteristics that have created this particular need for a variance.

Pursuant to “(4) Will violate State water quality standards or cause measurable degradation in water quality” the applicant cites the reasoning in the previous response to requirement 22A-21 (b)(3), and restates its belief that granting this variance request will not violate State water quality standards or cause measurable degradation in State water quality standards.

For these reasons listed above, we believe it is appropriate to grant this request for a variance. Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,
SOLTESZ, INC



Andie Murtha
Senior Environmental Scientist
ISA Certified Arborist
Qualified FC Professional

DPS-ROW CONDITIONS OF APPROVAL

July 6, 2015

81997005A Shady Grove Life Sciences Center

Contact: Sam Farhadi at 240 777-6333

The following site plan files meets our DRC comments:

- “**07-BSITE-81997005A-003.pdf V5**” uploaded on “**7/6/2015**”.
- “**07-BSITE-81997005A-004.pdf V6**” uploaded on “**7/6/2015**”.
- “**08-BLL-81997005A-003.pdf V5**” uploaded on “**7/6/2015**”.

We recommend the followings to be the conditions of certified site plan:

1. Per new sight distance analysis form uploaded on 7/6/15, four (4) Street trees and eight (8) parking spaces on the west side of the existing entrance on Medical Center Drive should be removed to achieve the minimum required sight distance.
2. Bikesharing. Prior to the certification of site plan, provide a space in the interim and ultimate conditions of the Project for a bikesharing docking station (or similar provision required by the bike sharing system) to enable this form of transportation to be used by employees and visitors at the Project. The location of this docking station should be coordinated with MCDOT based upon the requirements of the bikesharing system and in a highly-visible, convenient and well-lit location on the Project. Applicant will be required to pay for the capital cost of such station and twelve (12) years of operating expenses when the site plan for the third on-site building is being approved or when MCDOT provides a bikeshare station at that site whichever comes sooner. A typical 19-dock bikeshare station is 52' x 12'. Applicant will take other actions in concert with MCDOT to promote use of bikesharing among employees and visitors at the Project, in order to accomplish the objectives of the TMD. Contact Commuter Services for specifications at (240) 777-8380).



FIRE MARSHAL COMMENTS

DATE: 05-Jul-15
TO: Keely Laretti
Loiederman Soltesz Associates, Inc
FROM: Marie LaBaw
RE: Shady Grove Life Sciences Center
81997005A

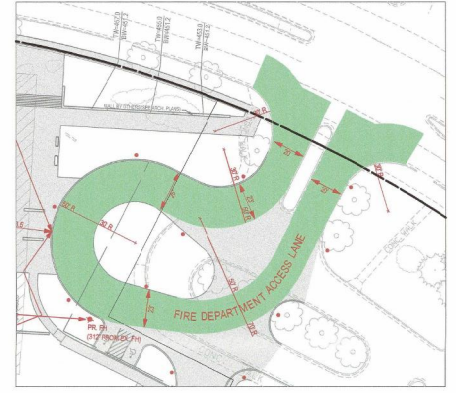
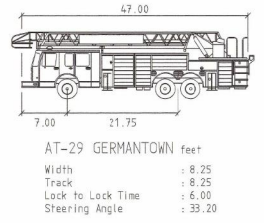
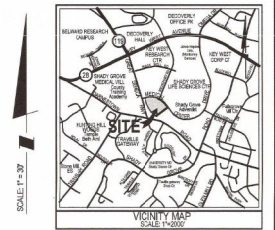
PLAN APPROVED

1. Review based only upon information contained on the plan submitted **01-Jul-15** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

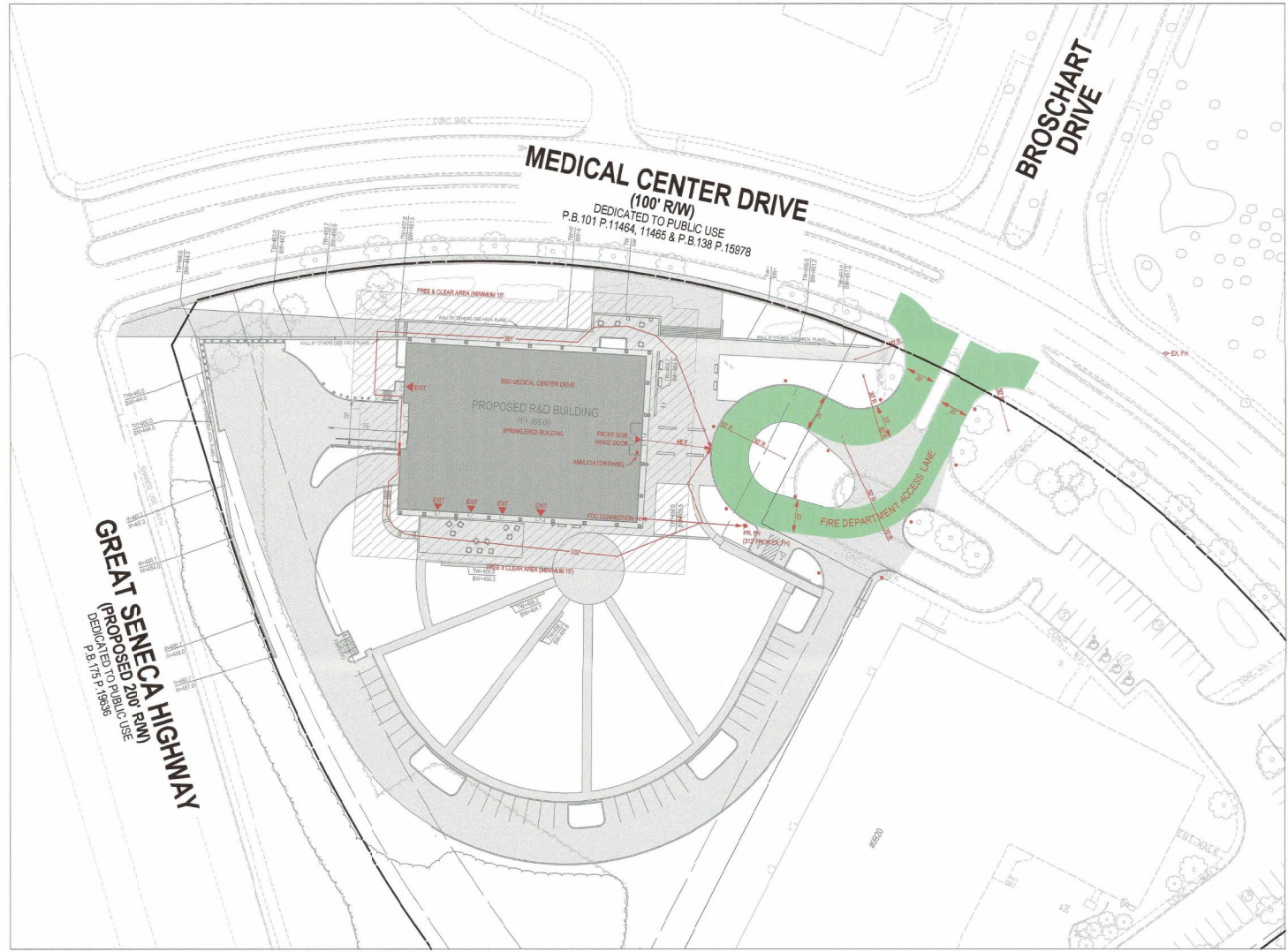
REFERENCE: A B C D E F G H I J K L M N

LEGEND

- FIRE ACCESS LANE
- FREE & CLEAR AREA (MINIMUM 15')
- FH EXISTING / PROPOSED FIRE HYDRANT
- ♦ ANNUNCIATOR PANEL / FIRE ALARM CONTROL PANEL
- ▲ ENTRANCE / EXIT
- + FIRE LANE SIGNAGE
- Y FDC CONNECTION



TRUCK TURNING TEMPLATE



FIRE DEPARTMENT ACCESS PLAN

FIRE CODE ENFORCEMENT
 Fire Department Access Drive
 Review based on city specifications, subject to city plan. There are some mandatory items including fire suppression system or other to ensure building conditions on this plan. Completion of such mandatory items is a condition of access and will be required if found upon inspection after installation.
 SML* Pg. 43 Date: 7/8/2015

SCALE: 1" = 30'

SOLTESZ
 Rockville
 Lanham
 Hubert
 Frederick

ROCKVILLE OFFICE
 2 Research Place, Suite 100
 Rockville, MD 20850
 P: 301.948.2750; F: 301.948.9367
 www.soltesz.com

NO.	DATE	BY	REVISION
1	MAY 2018	VE	ISSUANCE
2	MAY 2018	VE	ISSUANCE
3	MAY 2018	VE	ISSUANCE

MISS UTILITY NOTE
 INFORMATION CONCERNING EXISTING UTILITIES AND/OR UTILITIES TO BE INSTALLED SHALL BE OBTAINED FROM THE UTILITY OWNERS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES. THE FIELD SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES BY HAND. WELL IN ADVANCE OF THE START OF EXCAVATION. LOCATION SHALL BE MARKED AT REGULAR INTERVALS BY CHAINS OR STAKES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE PLANS OF THE UTILITY OWNERS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE UTILITY OWNERS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE UTILITY OWNERS.

OWNER/DEVELOPER/APPLICANT
 ARE - Maryland No. 31, LLC.
 846 Clopper Road
 Gaithersburg, MD 20878
 contact: Scott Roberts 301.947.1770

NO.	DATE	REVISION
1	MAY 2018	ISSUANCE
2	MAY 2018	ISSUANCE
3	MAY 2018	ISSUANCE



FIRE DEPARTMENT ACCESS PLAN

**SHADY GROVE LIFE SCIENCES CENTER
 PARCEL N/Q (PROPOSED LOT 7)**

GAITHERSBURG (IN) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

DATE: 7/8/2015
 SHEET: 1 OF 1
 PROJECT NO.: 180124103



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

February 27, 2015

Mr. Taghi Behzadi
Soltesz
2 Research Place, Suite 100
Rockville, Maryland 20850

Re: **Revised Stormwater Management CONCEPT**
Request for Shady Grove Life Sciences Center
Lot 7A-9550 Medical Center Drive
Preliminary Plan #: 119882330
SM File #: 265436
Tract Size/Zone: 4.2 acres/LSC
Total Concept Area: 4.2 acres
Lots/Block: Lot 7A
Parcel(s): 7
Watershed: Watts Branch

Dear Mr. Behzadi:

Based on a review by the Department of Permitting Services Review Staff, the revised stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via micro bioretention and bio swales.

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

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. Verify that the storm drain system that this site will be tying into has sufficient capacity to handle the increased runoff that this development will produce.
3. This approval supersedes the approval letter dated August 6, 2014.

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 not 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.

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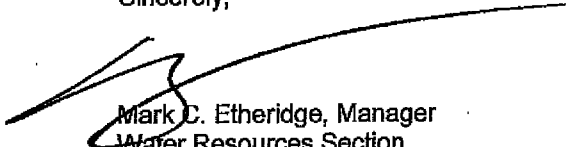


Attachment 7

M. Taghi Behzadi
February 27, 2015
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If you have any questions regarding these actions, please feel free to contact Leo Galanko at 240-777-6242.

Sincerely,



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

MCE: me img

cc: C. Conlon
SM File # 265436

ESD Acres:	4.2
STRUCTURAL Acres:	0
WAIVED Acres:	0