



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-74

Site Plan No. 82001012C

Project Name: Human Genome Sciences (Traville Parcels M & N)

Hearing Date: July 28, 2011

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, the Planning Board approved (and on May 31, 2001 adopted) Site Plan No. 820010120 for 1,030,000 square feet of Research and Development office use on 49.98 acres of land zoned MXN ("Original Site Plan");

WHEREAS, on May 22, 2003 the Planning Board approved an amendment to the Site Plan as Site Plan No. 82001012A for the construction of a temporary parking facility; which was to remain temporary for 2-3 years in accordance with the future development of the Human Genome Sciences Parcels M & N;

WHEREAS, on September 28, 2006 the Planning Board approved an amendment to the Site Plan as Site Plan No. 82001012B for modifications to the Site Plan Enforcement Agreement to extend the use of the temporary parking facility until November 2008 for the Universities of Maryland students;

WHEREAS, on September 10, 2010, Biomed Realty Trust, LSA Inc. (Human Genome Sciences) ("Applicant"), filed a site plan amendment application (including amendments to the Water Quality and Forest Conservation Plans previously approved for the Property) designated No. 82001012C, Human Genome Sciences (Traville Parcels M & N) (the "Amendment") for approval of the following modifications:

1. Construct Building D (125,000 square feet) in accordance with phase 1A of the certified site plan;
2. Revise the approved Forest Conservation Plan;
3. Revise the approved Water Quality Plan;
4. Revised the Stormwater Management Plan (SWM) and utilities;
5. Delete the temporary surface parking lot located along Darnestown Road;

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Suite 200, Silver Spring, MD 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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6. Add a new temporary surface parking facility with 327 spaces in close proximity to Building D;
7. Modify the existing lighting and landscape plans; and
8. Modify the Site Plan Enforcement Agreement for development phasing of Parcels M & N.

WHEREAS, following review and analysis of the Amendment by Planning Board staff (“Staff”) and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated July 18, 2011, setting forth its analysis and recommendation for approval of the Amendment (“Staff Report”); and

WHEREAS, on July 28, 2011, Staff presented the Amendment to the Planning Board at a public hearing on the Amendment (the “Hearing”) where the Planning Board heard testimony and received evidence submitted for the record on the Amendment; and

WHEREAS, on July 28, 2011, the Planning Board approved the Amendment subject to the conditions as set forth in the Staff Report and revised at the Hearing on the motion of Commissioner Dreyfuss, seconded by Commissioner Presley, with a vote of 5-0, Commissioners Anderson, Carrier, Dreyfuss, Presley and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff’s recommendation and analysis set forth in the Staff Report as revised at the Hearing, and hereby APPROVES the Water Quality Plan subject to the following conditions:

1. Conformance to the conditions as stated in the Montgomery County Department of Permitting Services (DPS) Revised Final Water Quality Plan approval letter dated April 14, 2011.
2. Directional boring of the new sewer line within the Environmental Buffer must be in accordance with Final Forest Conservation Plan #82001012C, sheet 5 of 5, which will allow an access area of approximately 200 square feet within the environmental buffer on the east side of the stream. Directional boring must not occur prior to the certification of the Site Plan for this Amendment; and

APPROVES the amendment to the Forest Conservation Plan subject to the following condition:

3. Applicant must record a new record plat consistent with this Amendment within fifteen (15) months of the mailing of the Planning Board Resolution; and

APPROVES the Limited Site Plan 82001012C, Human Genome Sciences (Traville Parcels M and N). All site development elements shown on the site and landscape plans (submitted June 27, 2011) are required except as modified by the following conditions:

4. The development must comply with the binding elements of the Amended Development Plan (DPA 01-3) adopted July 31, 2001.
5. The development must comply with the conditions of approval for the amended preliminary plan 11997022R, approved in September 2001. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, DPWT & DOT conditions, and DPS stormwater conditions.
6. The proposed development must comply with the conditions of approval for the original Site Plan 820010120, as listed in the Planning Board Resolution dated May 31, 2001, and any amendments thereafter.
7. LEED Certification
 - a. The Applicant commits to achieving, at a minimum, a Leadership in Energy and Environmental Design (LEED) “Certified/Silver/Gold/Platinum” Rating Certification, as defined by the U.S. Green Building Council (USGBC) under the LEED Standard for New Construction and Major Renovation (LEED-MC).
 - b. Prior to the submission for certification, the Applicant must complete project registration with USGBC for LEED Certification.
 - c. As required by MCDPS during the review of the Building Permit and Use and Occupancy Permit processes, the Applicant must:
 - i. Complete the LEED Certification process and achieve a “Certified/Silver/Gold/Platinum” Rating Certification with USGBC;
 - ii. Provide the M-NCPPC Staff with a copy of the final certification.
8. Transportation
 - a. Prior to submitting a certified site plan, the applicant must enter into a traffic mitigation agreement (TMAg) with the Montgomery County Department of Transportation (MCDOT) and the M-NCPPC in order to achieve a desirable overall performance goal of a 25 percent reduction in the total peak hour traffic generated by the Traville Property.
 - b. Total number of parking spaces for the proposed Phase 1A development must not exceed 327 spaces as shown on the plans submitted January 10, 2011.

9. Site Design

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

10. Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for office/commercial development.
- b. All onsite light fixtures must be full cut-off fixtures.
- c. Deflectors must be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels must not exceed 0.5 footcandles at any property line abutting residential properties.
- e. The height of the light poles must not exceed 20 feet including the mounting base.

11. Development Program

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

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

12. Certified Site Plan

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

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

BE IT FURTHER RESOLVED, that the Planning Board FINDS that the Amendment is consistent with the provisions of § 59-D-3.7 of the Zoning Ordinance and that the Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in connection with the Original Site Plan, Water Quality Plan and Forest Conservation Plan, and

BE IT FURTHER RESOLVED that all site development elements as shown on Human Genome Sciences Traville Parcels M & N drawings stamped by the M-NCPPC on January 10, 2011 shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

~~BE IT FURTHER RESOLVED~~, that the date of this written resolution is NOV 9 2011 (which is the date that this resolution is mailed to all parties of record); and

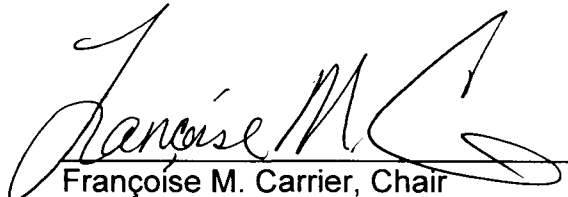
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Anderson, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss voting in favor of the motion, and with Commissioner Presley absent, at its regular meeting held on Thursday, October 27, 2011, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board