



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

MCPB No. 16-129
 Site Plan No. 81995045D
9800 Medical Center Drive
 Date of Hearing: December 1, 2016

DEC - 8 2016

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, under Section 59-7.7.1.B.3.a., the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, on September 8, 1995, the Planning Board, in an unnumbered Opinion approved Site Plan No. 819950450 for 313,650 square feet of research and development (R&D) and offices uses on 18.14 acres in the R-200 Zone, located in the northwest quadrant of the intersection of Darnestown Road and Shady Grove Road ("Subject Property"), in the *Great Seneca Science Corridor* (GSSC) Master Plan ("Master Plan") area; and

WHEREAS, on March 20, 2002, the Planning Director approved an administrative amendment to the previously approved site plan, designated Site Plan No. 81995045A, for a building reconfiguration and R&D use on the Subject Property; and

WHEREAS, on March 16, 2010, the Planning Director approved an administrative amendment to the previously approved site plan, designated Site Plan No. 81995945B, for minor modifications to architecture, the landscape plan and select site features on the Subject Property; and

WHEREAS, on September 8, 2011, the Planning Director approved an administrative amendment to the previously approved site plan, designated Site Plan No. 81995045C, for an addition of 2,479¹ square feet of maintenance and workshop area, limited rooftop mechanical equipment and penthouse areas, screen walls and a utility yard, for a total of 313,650 square feet of development on the Subject Property; and

WHEREAS, on June 21, 2016, ARE-Maryland No. 24, LLC ("Applicant") filed an application for approval of an amendment to the previously approved site plan(s) for 117

¹ The 2,479 square feet of maintenance and workshop area approved in the Site Plan's 'C' amendment is not calculated as density/approved square footage of leasable R&D and office space. Therefore, this square footage is not shown in the total of 313,650 square feet for the Property.

Approved as to
 Legal Sufficiency:

Christina Sount 11/17/16

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additional surface parking spaces with related stormwater management and landscape improvements on the Subject Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 81995045D, 9800 Medical Center Drive ("Site Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated November 16, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on December 1, 2016, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 81995045D and the Final Water Quality Plan for up to 117 additional parking spaces, associated stormwater management improvements and Landscape improvements. All site development elements shown on the latest version of Site Plan drawings submitted via ePlans to the M-NCPPC as of the date of the Staff Report are required, except as modified by the following conditions:²

1. Preliminary Plan Conformance

The development must comply with the conditions of the approval for Preliminary Plan No. 119882330 as listed in the MCPB Opinion dated September 8, 1995.

2. Site Plan Conformance

The development must comply with the conditions of approval for Site Plans 819950450, 81995045A, 81995045B, and 81995045C.

3. Water Quality

The development must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) Final Water Quality Plan approval letter dated October 17, 2016.

4. Landscape Plan

² For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

Prior to the end of the first planting season following the completion of the parking lot expansion, the Applicant must provide shade trees to address the 15 percent afforestation requirement in compliance with the 1995 Landscape Plan.

5. Lighting Plan

Prior to Certified Site Plan approval, the Applicant must provide certification to the M-NCPPC Staff from a qualified professional that the lighting plan conforms to the Illuminating Engineering Society of North America (IESNA) exterior standards for the proposed light levels in the expanded parking lot.

6. Site Plan Surety and Maintenance Agreement

Prior to issuance of a Sediment Control 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 surety amount.
- b. The cost estimate must include applicable site elements, including, but not limited to plant materials, on-site lighting, sidewalks, and associated improvements with the phase of development.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for this phase of development will be followed by inspection and potential reduction of the surety.
- d. The bond or surety for this phase shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific CSP sheets depicting the limits of this phase.

7. Development Program

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

8. Certified Site Plan

The Certified Site Plan must include the following revisions/information subject to Staff review and approval:

- a. Stormwater Management Concept/Water Quality Plan approval letter, development program, and Site Plan Resolution (and other applicable Resolutions).
- b. Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."

- c. Modify the data table to reflect development standards approved by the Planning Board.
- d. Ensure consistency of all details and layout of the approved limits of disturbance on the Site Plan and Landscape Plan and the Water Quality Plan.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged and in full force and effect; and

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 9800 Medical Center Drive, Site Plan No. 81995045D, submitted via ePlans to the M-NCPPC as of the date of the Staff Report are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan as revised by previous amendments, and all findings not specifically addressed remain in effect.*

The Amendment does not alter the intent, objectives or requirements in the previous approvals for Site Plans 819950450, 81995045A, 81995045B and 81995045C. All conditions of approval by the Planning Board in these site plans remain in effect.

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 under Chapter 56.*

An urban renewal plan is not applicable to the 9800 Medical Center Drive Property. The Site Plan meets the requirements of the zone as follows:

Development Standards

Pursuant to Section 7.7.1.B.3.a, of the current Zoning Ordinance, this Site Plan Amendment was reviewed under the standards and procedures of the Property's zoning in effect on October 29, 2014.

General Requirements

Development in the LSC Zone must comply with general requirements and as these relate to this Amendment, there are three requirements including master plan conformance, the purpose of the LSC Zone and off-street parking.

The Property is located inside the GSSC Master Plan's Life Sciences Center (LSC) Central District. The Master Plan has recommendations for resource protection and preservation regarding ways to restore environmental functions in the Master Plan areas as it redevelops, including water quality protection. One resource protection and preservation recommendation is for the use of required forest and tree planting to enhance and expand existing resources, where possible. In the Site Plan review and approval in 1995, the Landscape Plan had to meet a 15 percent afforestation in the form of 28 shade trees for tree canopy coverage. The Master Plan recommends tree planting, where possible, at development sites to increase tree canopy in the LSCs.

The Master Plan also emphasizes the use of Environmental Site Design (ESD) in stormwater management treatment approaches for improved water quality for sites within the Piney Branch Special Protection Area (SPA), as is the Property. To protect water quality, the Master Plan recommends site design and construction options that minimize imperviousness, including surface parking space reductions and the use of structured parking garages. In this Amendment, the Applicant proposes, and the Board acknowledges, that the 117 surface parking spaces are an interim use, until future construction of a seven-level parking garage in the same general location where the parking lot expansion is proposed. Required finding 5 below further details how the Final Water Quality Plan and the stormwater management methods minimize imperviousness in the Piney Branch SPA in conformance with the Master Plan.

This Amendment incorporates the Standard Method of Development in the LSC Zone and was reviewed under the former Zoning Ordinance that requires site plan review for applications using this development method. This Amendment for additional (interim) off-street surface parking is consistent with the purpose of the LSC Zone in that, it supports research, academic and clinical facilities that advance the life sciences, health care services and applied technologies at the Property where tenants in the four buildings have had an increase in employees. The required off-street parking for office uses is calculated in the data table below:

Table 1: Development Standards Data Table - LSC Zone Standard Method of Development

Development Standard	Allowed/Required	Proposed
Parking [Sec. 59-E-3.2]		

Minimum (2.9 spaces/1,000sf GFA)	648 ³	581
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The Board finds the Application addresses these applicable areas of general requirements in the LSC Zone.

3. *The location of buildings and structures, open spaces, landscaping, recreations facilities, and pedestrian and vehicular circulation systems are adequate, safe and efficient.*

a. Structure Location

Not applicable; the proposed surface parking lot is not a structure.

b. Landscaping and Lighting

The landscaping plan addresses a 15 percent afforestation requirement included in the approval of Site Plan No. 819950450. This Site Plan proposes to plant 38 trees for a total canopy coverage of 23,264 square feet. This is 8,949 square feet more than the 14,315 square feet of canopy coverage provided by the existing 28 trees to be removed. Other landscaping, in addition to these 38 trees, will create a visual screen at the new parking lot edge.

The Lighting Plan will provide new light fixtures in the expansion area to continue the outdoor lighting currently at the Subject Property. One of the conditions of approval for this Site Plan is that prior to signature approval of the Certified Site Plan, the Applicant must have a qualified professional certify that the Lighting Plan meets national standards. The Board finds that, with these improvements, the Lighting Plan will be adequate, safe and efficient.

c. Pedestrian and Vehicular Circulation

The parking lot expansion will improve the pedestrian and vehicular circulation. One existing sidewalk segment in a landscape island will be relocated and retrofitted with ADA-compliant handicap ramps at both ends, where no such ramps are currently provided. The additional parking spaces, the retrofitted sidewalk, and additional driveway aisles will improve pedestrian and vehicular circulation, thereby making the parking lot expansion area adequate, safe and efficient.

4. *Each structure and use is compatible with other uses and other site plans and existing and proposed adjacent development.*

³Based on the parking requirement for office uses minus a 100-space parking waiver (reduction) granted by the Planning Board in the approval of Site Plan No. 819950450.

The parking lot expansion will be compatible with the existing parking lots at the Subject Property and other site plans and existing and proposed adjacent development.

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

Forest Conservation

The Applicant has an approved exemption from the requirements of Article II of Chapter 22A, Forest Conservation, issued on May 16, 2016 (No. 42016180E) for this Amendment because it is a modification to an existing development. Therefore, the Board finds the proposed Site Plan Amendment is in compliance with Chapter 22A.

Environmental Guidelines

As part of the Forest Conservation Exemption request, a Simplified Natural Resources Inventory (NRI) was included. The NRI shows a stream and stream buffer, wetland and wetland buffer on the western portion of the Property. The proposed limits of disturbance (LOD) for this Amendment do not encroach on any of these environmentally constrained areas. Therefore, the parking lot expansion is in compliance with the *Guidelines for Environmental Management of Development in Montgomery County (Environmental Guidelines)*.

Final Water Quality Plan

This Site Plan Amendment is within the Piney Branch SPA. A Final Water Quality Plan was submitted as required for any development in an SPA by Article V of Chapter 19, Erosion, Sediment Control and Storm Water Management of the County Code. The Applicant's Water Quality Plan included an approval letter from MCDPS for their portion of the required Water Quality Plan review.

The Planning Board reviews Water Quality Plans for conformity with the *Environmental Guidelines* and for conformity with any policy or requirement for SPAs in master plans, watershed plans, development plans, or the Comprehensive Water Supply and Sewer System Plan. In the case of the Piney Branch SPA, this includes the Board making a finding that new impervious areas have been minimized. The Applicant's Final Water Quality Plan calculates the total property area as 790,070 square feet, of which, 371,414 square feet currently are covered with impervious surfaces, for a total imperviousness of 47.0 percent of the Property. The Applicant's proposal for 117 additional parking spaces adds 20,686 square feet of new impervious surfaces. This represents an increase of the total site imperviousness by 2.6 percent to 49.6 percent (or 392,100 square feet). On January 23, 2012, the Board approved Preliminary Plan No. 120110080 for future phases of development on the Subject Property that will substantially increase the developed density and the imperviousness on the Subject Property. However, that Preliminary Plan has not been implemented, and will require a site plan amendment in the

future when it is implemented. The proposed parking lot expansion is an amendment to a Site Plan approved prior to the Preliminary Plan No. 120110080, and is mostly located within the proposed footprint of future development approved in Preliminary Plan No. 120110080. Therefore, the proposed expansion of the parking lot is within the scope of work, and therefore consistent with, Preliminary Plan No. 120110080 for future development at the Subject Property. The additional increment of imperviousness associated with this Amendment is minimal, and will eventually be covered with future development (a seven-level parking garage) anticipated in the approval of Preliminary Plan No. 120110080. Based on these findings, the Board concludes that the proposed imperviousness is smaller than the one already approved for Preliminary Plan No. 120220080 and is the minimum needed for the proposed 117 parking spaces.

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

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


BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is DEC - 8 2016 (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 Resolution, 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 Fani-González, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Fani-González, and Cichy voting in favor at its regular meeting held on Thursday, December 1, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board