




Shady Grove Life Sciences Center Parcel 7 (Autolus), Site Plan Amendment No. 81997005B

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Completed: 12/31/18

Description

Request for approval of up to 143,272 square feet of development to construct an 85,000 square foot building for a combination office, lab, and light manufacturing facility and associated parking and landscaping; proposal includes 61,728 square feet of approved but unbuilt density on the Property and a transfer of 23,272 square feet of approved but unbuilt density from 9800 Medical Center Drive per Sec. 59-C-5.321 of the 2004 Zoning Ordinance.

Location: 9950 Medical Center Drive, southeast quadrant of the intersection of Medical Center Drive and Great Seneca Highway.

Master Plan: 2010 *Great Seneca Science Corridor Master Plan*.

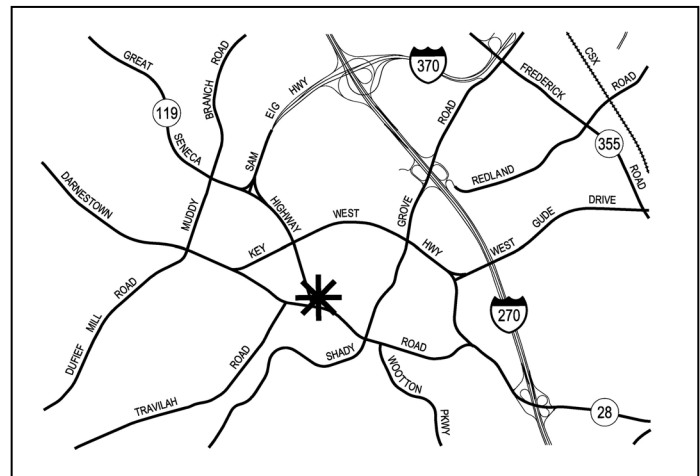
Zone: LSC.

Property Size: 8.39 acres.

Acceptance Date: October 16, 2018.

Applicant: ARE Maryland No. 31, LLC.

Review Basis: Chapter 59, Zoning Ordinance.



Summary

- Staff recommends approval with conditions.
- The Site Plan Amendment approval includes approval of the Final Forest Conservation Plan, with removal of 0.40 acres of Category II Forest Conservation Easement.
- Staff reviewed this Amendment under the 2004 Zoning Ordinance, pursuant to the grandfathering provisions of Section 7.7.1.B.1 of the current Zoning Ordinance.
- The proposed 85,000 square foot development includes 61,728 square feet of approved but unbuilt density on the Property and a transfer of 23,272 square feet of approved but unbuilt density from 9800 Medical Center Drive per Section 59-C-5.321 of the 2004 Zoning Ordinance.
- The development has been designated a Strategic Economic Development Project by Executive Order No. 168-18.
- No correspondence has been received from noticed parties as of the date of this Staff Report.

RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan Amendment 81997005B with conditions. All previous conditions of approval of Site Plan Amendment No. 81997005A are superseded by the following conditions.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.^[1]

Conformance with Previous Approvals and Agreements

1. Preliminary Plan Conformance
The Applicant must comply with the conditions of approval for Preliminary Plan No. 119882330 and 120110080.
2. Site Plan Conformance
The Applicant must comply with the conditions of approval for Site Plan No. 819970050, except as amended by the following conditions.

Density and Height

3. Density
 - a) The Site Plan is limited to a maximum of 143,272 square feet of development, which is comprised of the 61,728 square feet of previously approved but unbuilt density on the Property, the existing 58,272 square foot building, and the 23,272 square feet of approved but unbuilt density transferred from 9800 Medical Center Drive as permitted by Section 59-C-5.321 of the 2004 Zoning Ordinance.
 - b) Prior to Certified Site Plan:
 - i. The Applicant must provide Staff evidence of the recordation of covenants against both Shady Grove Life Sciences Parcel W O/R and Shady Grove Life Sciences Parcel 7 in the Land Records of Montgomery County reflecting the density transfer from 9800 Medical Center Drive to 9950 Medical Center Drive.
 - ii. The covenants must be in a form approved by the M-NCPPC Office of General Counsel.
 - iii. The liber/folio of the recorded covenants must be included on the Certified Site Plan.
4. Height
The development is limited to a maximum height of 60 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

Environment

5. Forest Conservation and Tree Save
The Applicant must comply with the conditions of the approved Final Forest Conservation Plan.
 - a) On or before April 10, 2019, the Applicant must submit a deed of release to Staff to abandon the entirety of Category II Conservation Easement recorded among the County Land Records in Liber 4280 at Folio 86. The deed of release must be in a form approved by the M-NCPPC

^[1] For the purposes 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.

Office of the General Counsel and must be recorded in the Montgomery County Land Records.

- b) Prior to the start of any clearing, grading, or demolition occurring on the Property, the Applicant must receive approval from the M-NCPPC Office of the General Counsel of a Certificate of Compliance to use an off-site forest mitigation bank for 2.64 acres of mitigation credit as shown on the Final Forest Conservation Plan submitted with the Certified Site Plan. This acreage may slightly increase at time of Certified Site Plan with any additional off-site disturbance potentially required for utility connections.
- c) The Certificate of Compliance must be recorded in the Montgomery County Land Records prior to any clearing, grading, or demolition occurring on the Property.
- d) Mitigation must be provided for the removal of three (3) trees subject to the variance provision that are not included in the forest clearing calculations. Mitigation must be provided in the form of planting native canopy trees totaling 34 caliper inches, with a minimum planting stock size of three (3) caliper inches. The trees planted for variance tree mitigation are in addition to the trees planted to satisfy the landscaping requirements. The mitigation trees must be planted on the Subject Property, in locations shown on the certified Final Forest Conservation Plan, outside of any rights-of-way, or utility easements, including stormwater management easements. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC forest conservation inspector.

6. Stormwater Management

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated October 18, 2018, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

Open Space, Facilities and Amenities

7. Public Open Space, Facilities, and Amenities

Prior to issuance of the Final Use and Occupancy Certificate:

- a) The Applicant must provide a minimum of 40,175 square feet (20% of net lot area) of Public Open Space on the Site, as shown on the Certified Site Plan;
- b) The Applicant must construct the streetscape improvements along the Property's frontage on Medical Center Drive, as shown on the Certified Site Plan; and
- c) All Public Open Space areas must be completed, as shown on the Certified Site Plan.

8. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to, all amenities and seating areas in the Public Open Space.

Fire and Rescue

9. 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 November 19, 2018 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.

Transportation and Circulation

10. Transportation

Prior to the issuance of the Final Use and Occupancy Certificate, the Applicant must provide the following pedestrian and bicycle facilities, as shown on the Certified Site Plan:

- a) Eleven (11)-foot-wide sidepath (to meet the intent of the Bicycle Master Plan as an interim condition prior to the construction of the Corridor Cities Transitway);
- b) Thirteen (13)-foot-wide landscape panel;
- c) Five (5)-foot-wide sidewalk; and
- d) Eleven (11)-foot tree panel.

11. Prior to any Use and Occupancy Certificate, the Applicant must execute a deed of dedication for a total of 77 feet from centerline along the Property frontage on Medical Center Drive. The deed must be reviewed and approved by the Commission's Office of General Counsel and the Montgomery County Department of Permitting Services (MCDPS), and the deed must be recorded in the Land Records of Montgomery County.

12. Department of Permitting Services

The Planning Board accepts the recommendations of the MCDPS Right-of-Way Section in its letter dated November 28, 2018, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

Site Plan

13. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the site plan, as determined by M-NCPPC Staff.

14. Landscaping

Prior to the end of the first planting season after the issuance of the Final Use and Occupancy Certificate, the Applicant must install all landscape plant materials as shown on the Landscape and Lighting Plans.

15. Lighting

- a) Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be installed in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off fixtures.

- c) Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

16. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit and 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 Plan elements, including, but not limited to, plant materials, on-site lighting, indoor and outdoor recreational facilities, site furniture, retaining walls, fences, railings, sidewalks, bikeways, private utilities, paths and associated improvements of development, including storm drainage facilities, street trees and street lights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

17. Development Program

The Applicant must construct the development in accordance with a development program table, subject to review and approval by Staff, before approval of the Certified Site Plan.

18. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter and other applicable agency letters, development program, and Site Plan resolutions.
- b) Show all Public Use Space areas outside of areas of dedication.
- c) Show the vehicular entryway with a continuous flush crossing through the median for pedestrians using the five (5)-foot-wide sidewalk, and pedestrians and cyclists using the eleven (11)-foot-wide sidepath.
- d) Show the pedestrian crossing connecting the island adjacent to the handicap parking and long-term bicycle parking to the building's entrance to curb grade as raised, allowing pedestrians to cross without stepping down into drive aisles.
- e) Show the layby area as constructed with non-standard paving to help guide cars through the entryway aisle and into the surface parking lot.
- f) Show short-term bicycle parking spaces via inverted U-racks or a similar design allowing for two points of contact with the bicycle frame.

- g) Show the long-term bicycle parking spaces completely enclosed and anchored to the ground.
- h) Revise the plans to comply with the shower and locker facility requirements of 6.2.6.A.4. and provide no less than three (3) showers and lockers for each gender, totaling no less than six (6) showers and six (6) lockers.
- i) Revise the Final Forest Conservation Plan to include all off-site disturbance.
- j) 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.”
- k) Modify data table to reflect development standards approved by the Planning Board.
- l) Ensure consistency of all details and layout between Site and Landscape plans.

PROJECT DESCRIPTION

Site and Vicinity

The Subject Property (Property) 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. Shady Grove Adventist Hospital is northeast of the Property, Katherine Thomas special needs private school is north, the National Cybersecurity Center of Excellence is west, and Otsuka Laboratories building is east.



Figure 1: Vicinity Map

The Property 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 located within the 2010 *Great Seneca Science Corridor Master Plan* area. 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. The eastern half of the Property is improved with a 58,272 square foot research and development laboratory and 101 surface parking spaces, while the western half of the Property is unimproved and is the focus of this Amendment (Site).

Existing Conditions

The Property is wedge-shaped, and access is provided solely from Medical Center Drive. The Property is comprised of two ownership lots – Lot 7A and Lot 7B. Lot 7B is currently developed with a 58,272 square foot research and development laboratory and 101 surface parking spaces. The Property slopes up from Medical Center Drive and Great Seneca Highway, with elevation changes of eight (8) – twelve (12) feet from the roadways. There is a 0.40-acre Category II Conservation Easement over a tree save area on the southwest portion of the Property, and the Property lies in the Muddy Branch watershed. There are no streams, wetlands, floodplains, or environmental buffers on the Site, and there are no known historic properties or features on site.



Figure 2: Existing Conditions

Previous Approvals

- 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 Property. The Preliminary Plan limited development on the 24 lots to 1,671,454 square feet, which gave the Property a maximum density of 120,000 square feet or 0.33 FAR.
- 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 original 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 remained 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.

- 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.
- On July 30, 2015, the Planning Board approved Site Plan Amendment No. 81997005A to develop a 61,350 square foot research and development building. This action increased the total approved density from 91,453 square feet to 119,622 square feet. The approval also included a parking waiver.

PROPOSAL

The proposed development would create a new 85,000 square foot research and development building and 180 surface parking spaces. Access to the project is from Medical Center Drive, with green buffers along all edges.

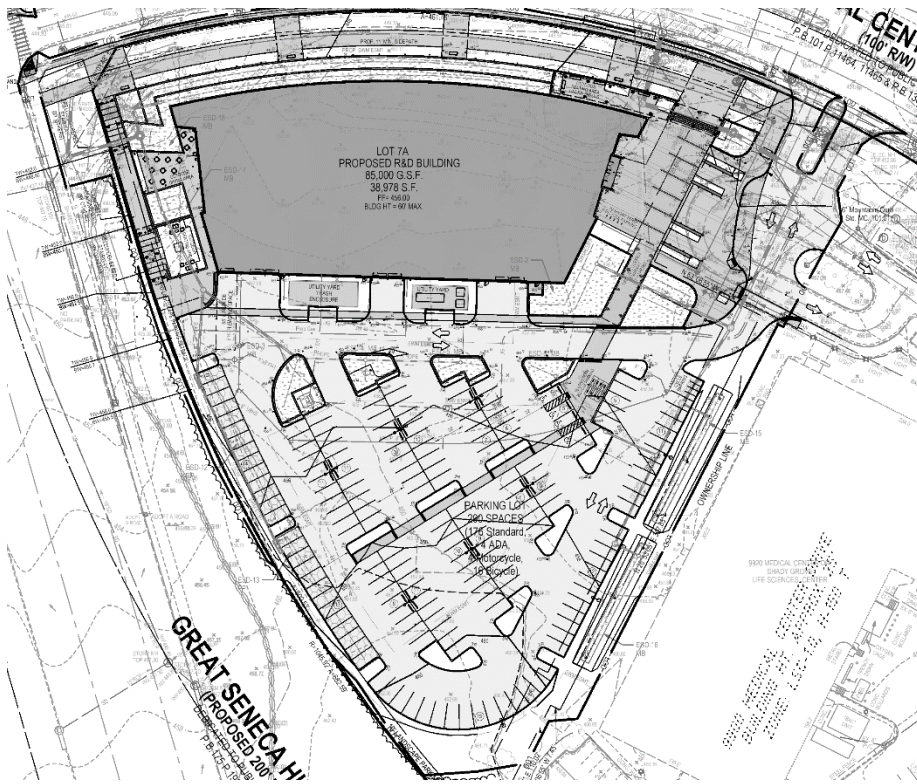


Figure 3: Site Plan

The proposed development creates a vehicular entrance that aligns with Broschart Road and joins the new circulation system to the existing development. Stormwater management planters mediate the grade change from Medical Center Drive, as well as provide a landscape buffer. A trellis system connects the Medical Center Drive frontage to the plaza located on the east elevation, visually and spatially. The plaza connects the building entrance with the layby and the walkway from the parking lot, concentrating pedestrian movements in an efficient manner.

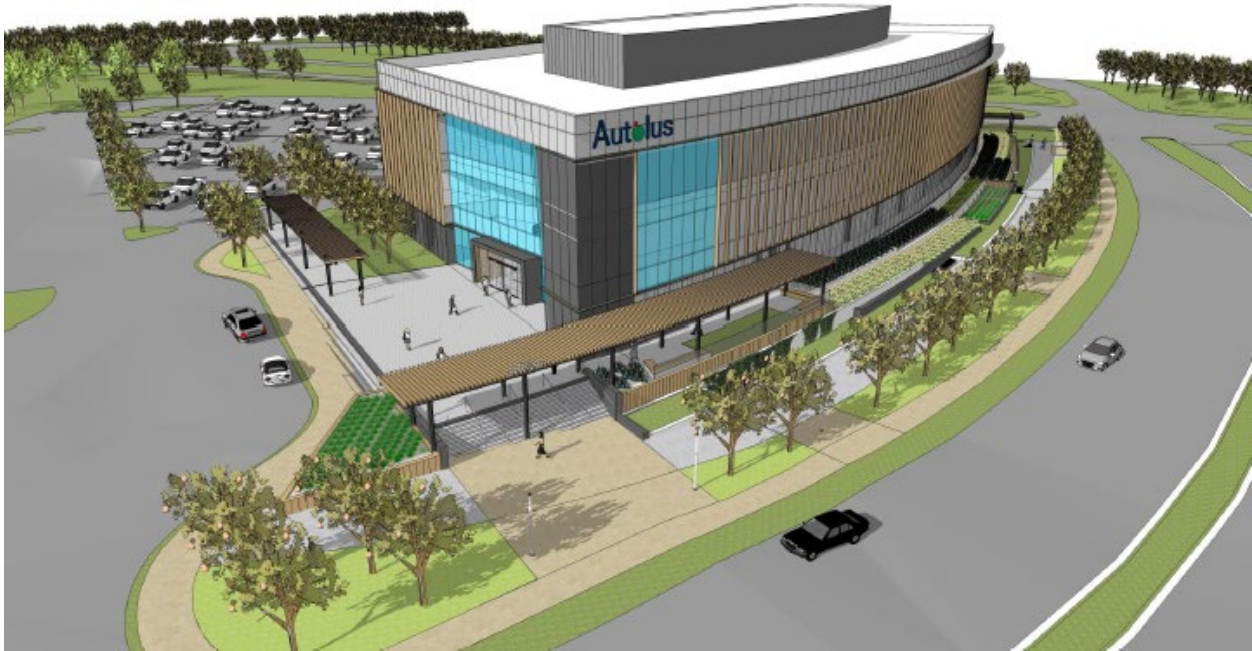


Figure 4: View from the Northeast

To construct the proposed 85,000-square-foot building, the Property requires the transfer of 23,272 square feet of approved but unbuilt density from 9800 Medical Center Drive (an abutting ARE property to the east), which is in addition to the 61,728 square feet of previously approved density on the Property from Preliminary Plan 119882330. A breakdown of available densities is as follows:

Property	Density Allocation	Built Density	Residual Density	Density for 81997005B
9950 Medical Center Drive	120,000 sf	58,272 sf	61,728 sf	61,728 sf
9800 Medical Center Drive	544,579 sf	457,219 sf (including approved building F)	87,360 sf	23,272 proposed for transfer
TOTAL				85,000 sf

Section 59-C-5.321 of the 2004 Zoning Ordinance allows density to be averaged over two or more lots that were created by the same subdivision plan by (1) evidencing the density transfer in recorded covenants on all the affected lots and (2) obtaining a site plan for the development where the additional density is transferred. Both the Property and 9800 Medical Center Drive were created by the same Preliminary Plan. As conditioned above, the proposed density transfer will be effectuated by transferring approximately 23,272 square feet of approved but unbuilt density to the Property via recorded covenants on both the Property and 9800 Medical Center Drive and the approval of this Site Plan Amendment.

PROJECT ANALYSIS

Master Plan

The Property is located within the Life Sciences Center (LSC) section of the 2010 *Great Seneca Science Corridor Master Plan* area (Master Plan). The LSC includes five districts, and the Property is located within the Central District. 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).
- “... 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 mirrors the curved frontage of Medical Center Drive. While the building entrance is not located directly on Medical Center Drive, the trellis structure establishes a strong visual and spatial connection. The sidewalk, bike facility, landscape buffers and seating areas help to encourage pedestrian activity along the Property frontage of Medical Center Drive.

The Public Open Space is located at the confluence of pedestrian and vehicular routes and provides a direct connection to the public realm along Medical Center Drive, while creating a sense of place. The parking lot circulation is designed to minimize conflicts between pedestrians and vehicles by creating more defined circulation patterns.

The Master Plan recommends that properties in the LSC Central District provide at least fifteen (15) percent of their net tract area as public use space. As proposed, the Applicant proposes to provide approximately 33 percent of the entire Property as public use space, which is more than the Master Plan and the Zoning Ordinance require. The Master Plan also recommends building heights on the Site to be limited to between 50 and 110 feet in height. The Proposal is for a 60-foot tall building.

Thus, 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.” (Page 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 the 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 proposed development improves the pedestrian environment along Medical Center Drive by providing a building facade and a Public Open Space plaza in addition to bicycle, pedestrian and streetscape improvements and landscape improvements that define and activate the public realm.

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 proposed development promotes design excellence by using a mix of materials to break up the building’s mass and provide visual interest. The curved frontage along Medical Center Drive creates a street-oriented building that is site-specific and anchors the corner with a well-designed Public Open Space plaza that interfaces with the pedestrian and bicycle improvements along Medical Center Drive.

Environment:

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

The proposed development 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 Road. It also provides bicycle and pedestrian improvements along Medical Center 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 through the use of tinted glass window systems.

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

Bicycle Master Plan

The 2018 *Bicycle Master Plan* recommends a two-way separated bike lane on both sides of Medical Center Drive. More coordination with the Maryland Transit Administration regarding the Corridor Cities Transitway (CCT) is needed before the final location of this two-way bike facility can be accurately determined. Thus, Staff has requested the Applicant provide an eleven (11)-foot-wide shared use path in the interim. More details of this cross-section are discussed in the following Transportation Section of this report.

Transportation

Pedestrian and Bicycle Facilities

The approximate widths of the existing sidewalks and landscape panels along Medical Center Drive and Great Seneca Highway are as follows:

Medical Center Drive:

- Eleven (11)-foot tree panel; and
- Four (4)-foot sidewalk.

Great Seneca Highway:

- Four (4) to five (5)-foot landscape buffer; and
- Nine (9)-foot shared use path.

No changes are necessary along Great Seneca Highway at this time. The Applicant proposes to provide bicycle and pedestrian improvements along Medical Center Drive, resulting in the following section:

- Maintain the existing eleven (11)-foot tree panel;
- Five (5)-foot sidewalk;
- Thirteen (13)-foot landscaped area; and
- Eleven (11)-foot shared use path (to meet the intent of the Bicycle Master Plan in an interim condition prior to the construction of the CCT).

Following the construction of the CCT, Staff anticipates the section will include a six (6)-foot shoulder between the roadway and a proposed eight (8)-foot bidirectional separated bikeway, and additionally, a six (6)-foot sidewalk. As conditioned, the Applicant will be providing an additional twenty-seven (27)-feet of right-of-way by deed of dedication to allow for both the interim and final pedestrian and bikeway facilities along the CCT.

The interim condition, which will be constructed by the Applicant, includes two pedestrian and bicycle facilities that extend along Medical Center Drive through the Property's ingress and egress point. The Applicant should reconstruct the existing entryway to provide a continuous, flush crossing that maintains the existing sidewalk's material and grade. The Applicant should provide an eleven (11)-foot cut through in the existing median to allow bicyclists to transition from the proposed bicycle facility into the egress lanes and back onto Medical Center Drive where sharrows exist today.

The Applicant has shown the required number of bicycle parking spaces on its plans; however, the Certified Site Plan should include plan details to verify that the design of the racks and spaces complies with the County's bicycle parking regulations. Additionally, the Certified Site Plan should provide the location and dimensions of at least three (3) showers and lockers per gender, totaling six (6) showers and lockers. The Applicant will continue to coordinate with MCDOT on the potential siting and dedication of a Capital Bikeshare Station fronting the site.

Corridor Cities Transitway

The Corridor Cities Transitway is currently in the Maryland Department of Transportation's (MDOT) current FY19-24 Consolidated Transportation Program (CTP) under the jurisdiction of the Maryland Transit Administration – Line 35, Development and Evaluation Program. This Draft CTP has not been finalized by MDOT. There is no funding outside the current FY19 (updates to the 30% design), and MDOT

has indicated that they will transfer this project to Montgomery County at the end of 2018. Montgomery County expressed their opposition to that proposed action at the CTP Tour meeting held in Rockville in October 2018. This project is considered by MDOT to be outside the scope of study for the I-495/I-270 Managed Lanes project. The additional twenty-seven (27)-feet of right-of-way by deed of dedication will allow for both the interim and final pedestrian and bikeway facilities along the CCT.

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%.

Transportation Adequate Public Facilities (APF) Test

Adequate Public Facilities (APF) analysis is not required for the proposal, because the square footage of the proposed building is within the previously approved APF density allocations for both the Property and 9800 Medical Center Drive, which remain valid until July 25, 2021.

Environment

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 Chapter 22A, the Forest Conservation Law. A Final Forest Conservation Plan (FFCP) was approved with Site Plan No. 81997005A, which included the removal of 0.90 acres of forest and the protection of 0.40 acres of tree save area within a Category II Conservation Easement. The remaining 1.83-acre planting requirement was proposed to be met off-site. The Applicant recorded the Category II Conservation Easement but did not satisfy the off-site planting requirement.

The Applicant has submitted an Amended FFCP in support of this application (Attachment 3). The Amended FFCP proposes to remove the 0.40-acres of Category II Conservation Easement and compensate for the easement removal at a 2:1 ratio off-site. The Applicant will meet all forest conservation requirements off-site through the purchase of a total of 2.64 acres of credit from a forest conservation bank. This acreage may slightly increase at time of Certified Site Plan with any additional off-site disturbance potentially required for utility connections.

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 10/3/2018 (Attachment 4), to allow for removal of three (3) trees that are considered high priority for retention under Section 22A-12(b)(3) of the 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. While the proposed building is located adjacent to Medical Center Drive, the parking area is located to the south of the building. Parking and site circulation would be inadequate if the Applicant were not allowed to impact these three (3) trees.

Table 1: Variance Trees

ID	Species	Size
001	Horse chestnut	38"
003	American basswood	50"
004	American basswood	45"

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 adequate parking and circulation.

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.*

The Applicant will plant 34-inches caliper native shade trees to replace the form and function of the variance trees proposed for removal. In addition, the Site will be developed in accordance with the Maryland Department of the Environment criteria for stormwater management.

Mitigation for Trees Subject to the Variance Provisions

The Applicant is requesting a variance to remove three (3) trees. The three (3) trees (Table 1) will be mitigated at a rate of 1" caliper per 4" DBH removed, using a minimum 3" caliper native shade tree. The Applicant will plant 34" caliper inches of native shade trees, which will be shown on the Final Forest Conservation Plan associated with the Certified Site Plan.

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 not responded at the time of this report.

Variance Recommendation

Staff recommends that the variance be granted.

Community Outreach

The Applicant has met all proper signage, noticing, and submission meeting requirements. Staff has not received correspondence as of the posting of this report.

FINDINGS

Per Section 7.7.1.B.1 of the current Zoning Ordinance, this Amendment was reviewed under the provisions of the Zoning Ordinance in effect prior to October 30, 2014. Thus, Section 59-D-3.4 (c) of the Zoning Ordinance, states: *In reaching its decision the Planning Board 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.*

Neither a development plan, diagrammatic plan, schematic development plan, nor a project plan were required for the Property.

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.*

The purpose of the LSC Zone is to promote research, academic, and clinical facilities that advance the life sciences, health care services, and applied technologies. The proposed uses are allowed in the LSC Zone and fulfill the purposes of the Zone by providing an 85,000-square-foot lab/office building.

Development Standards

The proposed development meets all applicable development standards of the LSC Zone as demonstrated by the following table:

Table 2: Development Standards

Development Standard	Permitted/Required	81997005A Approved Lot 7A and 7B	Proposed Lot 7A	Proposed Lot 7A and 7B
Maximum Building Height (feet) Sec. 59-C-5.31				
Proposed Building	110' (by Master Plan)	60'	60'	60'
Minimum Building Setbacks (feet)				
From Medical Center Drive	N/A	25'	25'	25'
From Great Seneca Highway	N/A	50'	48'	48'
Minimum Parking Setbacks (feet)				
From streets	10'	50'	10''	10'
Minimum Public Use Space (% of lot) Sec. 59-C-5.32				
	20% (73,163 sf)	47.3%	20%	32.9%
Maximum Floor Area Ratio (FAR)				
Ownership Lot 7A	0.33 FAR	61,350 sf	85,000 sf ¹	85,000 sf ²
Ownership Lot 7B		58,272 sf		58,272 sf
Total		119,622 sf (0.33 FAR)		143,272 sf (0.39 FAR) ¹
Parking				
Vehicle Spaces Sec. 59.6.2.4.B	Minimum 2.00 spaces/1000 sf	256 total spaces (155 spaces Lot 7A and 101 spaces Lot 7B ²)	180 spaces (4 H.C) 2.1 spaces/1000 sf	281 spaces (180 spaces Lot 7A and 101 spaces Lot 7B ²)

¹ Density is obtained pursuant to the density averaging provision in 59-C-5.321 as follows: 61,728 sf of residual density (from original assignment of 120 ,000 sf for Lot 7 and 23,272 sf of available density from 9800 Medical Center Drive.

² Lot 7B was granted a parking waiver pursuant to Section 59.E-4.5.

Development Standard	Permitted/Required	81997005A Approved Lot 7A and 7B	Proposed Lot 7A	Proposed Lot 7A and 7B
	Maximum 3.00 spaces/1000 sf	2.1 spaces/1000 sf		1.96 spaces/1000 sf
Bicycle Spaces Sec. 59.6.2.4.C	1 bicycle/5000 GFA vehicle spaces (100 max, 85% long term)	23 spaces (8 spaces Lot 7A and 15 spaces Lot 7B)	26 spaces (16 long term and 10 short term, 15 long term and 2 short term required)	41 spaces (16 long term and 25 short term)
Motorcycle/Scooter Spaces Sec. 59-6.2.3.C	2% of total vehicle spaces (10 max)	10 spaces	4 spaces	10 spaces
Parking Lot Landscaping	5% shade coverage	15%	25%	20%

3. *The locations of buildings 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 in a clearly visible area on the Property 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 and 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 Applicant proposes 32.9 percent of the Property as Public Open Space, which is much more than the minimum required by the Zoning Ordinance in the LSC Zone. The proposed development includes a public plaza that extends the front entrance, and the plaza will include landscaping, specialty pavers, benches, ornamental and shade trees, shrubs, and bio-retention areas. There is an open space along the western building façade with a seating area for employees that is not included in the Public Open Space calculations.

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 of 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 proposed development 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 Property from the drop-off loop or from Medical Center Drive. Pedestrian access from the parking lot is collected via a centrally-located pedestrian connection and directed to a safe area, opposite the plaza, with clearly marked crossings across vehicular paths. The location of the proposed building, open spaces, landscaping, and pedestrian and vehicular circulation are adequate, safe, and efficient.

Parking

Pursuant to Section 7.7.1.B.3.b of the 2014 Zoning Ordinance, the Applicant has requested to have the parking reviewed under the parking requirements of Section 6.2.3 and 6.2.4 of the 2014 Zoning Ordinance. Notably, the Property will be subject to office parking requirements that provide for a minimum of 2.0 spaces per 1,000 square feet and a maximum of 3.0 per 1,000 square feet of development. The 281 parking spaces that are proposed for the Property result in a parking ratio of 1.96 spaces per each 1,000 square feet of the total development of 143,272 square feet at the Property. This ratio is lower than the 2.0 spaces per 1,000 square feet minimum but Lot 7B was previously granted a parking waiver. The new development on Lot 7A will provide parking at a rate of 2.1 spaces per 1,000 square feet, meeting the minimum. Fifteen (15) short term and ten (10) long term bicycle parking spaces are required.

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

The building will join an existing life sciences building on the Subject Property. It will be surrounded by similar research and development, life sciences, and institutional uses. At 60 feet in height, it will be compatible with other buildings in the area, which range in height from 20 feet to 50 feet. The height and bulk of the 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 developments in the area.

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.*

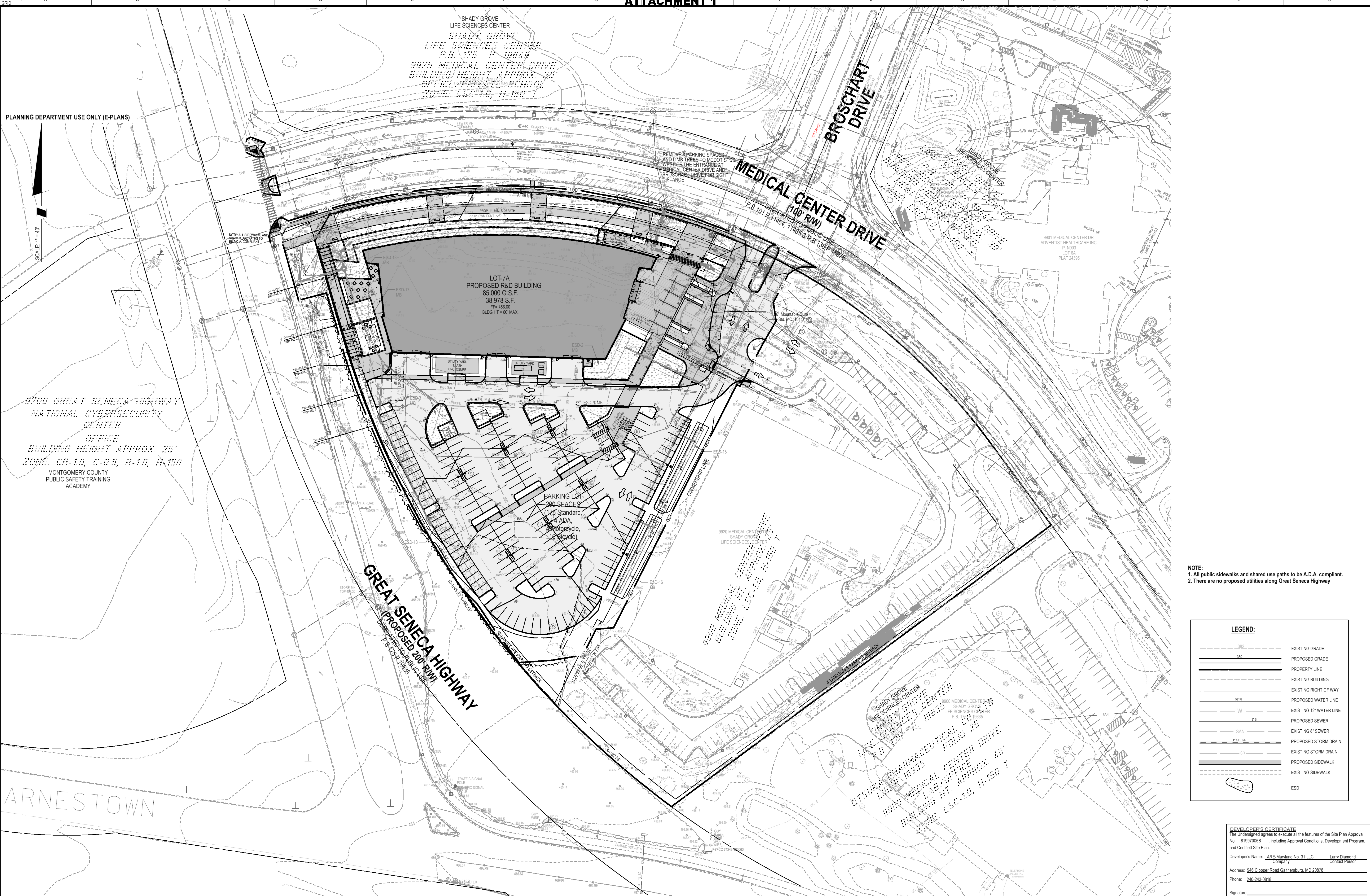
The Site Plan Amendment meets the requirements of the Montgomery County Forest Conservation Law, the County's Environmental Guidelines, and the County's Stormwater Management Requirements, as discussed in the Environment Section.

CONCLUSION

Based on the review by Staff and other relevant agencies, and the analysis contained in this report, Staff finds that the proposed Site Plan Amendment meets all the required findings, complies with the applicable Zoning Ordinance standards, and is in substantial conformance with the GSSC Master Plan. Therefore, Staff recommends approval of this Site Plan Amendment No. 81997005B, subject to the conditions at the beginning of this report.

ATTACHMENTS

1. Site plan
2. Landscape plan
3. Amended Final Forest Conservation Plan
4. Variance request
5. Agency letters



NOTE:
 1. All public sidewalks and shared use paths to be A.D.A. compliant.
 2. There are no proposed utilities along Great Seneca Highway

LEGEND:

	EXISTING GRADE
	PROPOSED GRADE
	PROPERTY LINE
	EXISTING BUILDING
	EXISTING RIGHT OF WAY
	PROPOSED WATER LINE
	EXISTING 12" WATER LINE
	PROPOSED SEWER
	EXISTING 8" SEWER
	PROPOSED STORM DRAIN
	EXISTING STORM DRAIN
	PROPOSED SIDEWALK
	EXISTING SIDEWALK
	ESD

DEVELOPER'S CERTIFICATE
 The Undersigned agrees to execute all the features of the Site Plan Approval No. 81997005B, including Approval Conditions, Development Program, and Certified Site Plan.
 Developer's Name: ARE Maryland No. 31 LLC
 Address: 946 Clopper Road Gaithersburg, MD 20878
 Phone: 240.243.0818
 Signature: _____

PROFESSIONAL CERTIFICATION
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
 LICENSE NO. 11194 EXPIRATION DATE: 11-21-2018

OVERALL SITE PLAN

**AMENDED SITE PLAN 81997005B
 SHADY GROVE LIFE SCIENCES CENTER
 PARCEL 7**

GAITHERSBURG (9th) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND
 PROJECT NO. 1507-01-10

SOLTESZ
 Engineering
 Surveying
 Planning
 Environmental Sciences

Rockville Office
 2 Research Place, Suite 100
 Rockville, MD 20850
 P. 301.948.2750 F. 301.948.9067

Rockville
 Lanham
 Waldorf
 Leonardtown
 Frederick
 Soltesz DC, LLC
 www.soltesz.com

NO.	DATE	REVISIONS	BY	DATE
1	01/04/18	CERTIFIED SITE PLAN 81997005A		
2	02/07/18	CERTIFIED SITE PLAN 81997005B		

DATE: DESIGNED: ECO
 CAD STANDARDS VERSION: 18 - 2008
 TECHNICIAN: ECO
 CHECKED: KDL

MISS UTILITY NOTE
 INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT MISS UTILITY AT 1-800-251-7777, 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WORKERS HEREIN'S LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

OWNER/DEVELOPER/APPLICANT
 ARE-MARYLAND NO. 31, LLC
 946 CLOPPER ROAD
 GAITHERSBURG, MD 20878
 ROCKVILLE, MD 20850
 PHONE: (301) 947-1770
 FAX:
 LARRY DIAMOND

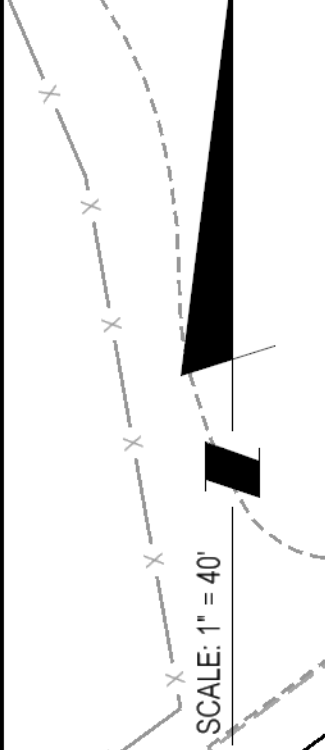
COPYRIGHT AND THE MAP PEOPLE PERMITTED USE NUMBER 21001200
 MAP: 5163 GRID: H3

TAX MAP	ZONING CATEGORY
FR 563, FR 343	LCC
WSSC 200 SHEET	XXXX
SITE DATUM	XXXX
HORIZONTAL: NAD 83/99	
VERTICAL: NGVD29	



PROJECT NO. 1507-01-10
 SHEET **S1.2**

PLANNING DEPARTMENT USE ONLY (E-PLANS)



4700 GREAT SENECA HIGHWAY
 NATIONAL CYBERSECURITY CENTER
 OFFICE
 BUILDING HEIGHT APPROX. 25'
 ZONE: CR-1.0, C-0.5, R-1.0, H-100
 MONTGOMERY COUNTY
 PUBLIC SAFETY TRAINING ACADEMY

ARNESTOWN

HUMAN GENOME SCIENCES

LEGEND	
	SITE BOUNDARY
	PROPOSED TREES
	PROPOSED SHRUBS
	PROPOSED GRASSES
	EXISTING CONTOUR
	LEASE LINE
	SOIL LINE

PLANNING DEPARTMENT USE ONLY (E-PLANS)



SCALE 1" = 40'

PARCEL "V"
 4700 GREAT SENECA HIGHWAY
 NATIONAL CYBERSECURITY CENTER
 OFFICE
 BUILDING HEIGHT APPROX 25'
 ZONE: CR-10, C-0.5, R-10, H-100

PARCEL "V"

ARNESTOWN

LANDSCAPING IN R.O.W.
 SUBJECT TO MCDOT
 APPROVAL.
 NOTE: ALL SIDEWALKS AND
 SHARED USE PATHS TO
 BE N.D.A. COMPLIANT

LANDSCAPING IN SPACES
 SUBJECT TO
 MCDOT APPROVAL

PARCEL
 SHADY GROVE
 LIFE SCIENCES CENTER
 P.B. 105 P. 1964
 9075 MEDICAL CENTER DRIVE
 BUILDING HEIGHT APPROX 20'
 OFFICE/PHYSICIAN OFFICE
 ZONE: CR-10, H-100

LOT 7A
 PROPOSED R&D BUILDING
 85,000 G.S.F.
 38,978 S.F.
 FF=496.00
 BLDG HT = 60' MAX.

PARKING LOT
 200 SPACES
 175 Standard
 25 ADA
 1 Motorcycle

PROPOSED LOT 7B
 SEE SITE PLAN 819970050
 FOR EXISTING LAYOUT
 AND DATA TABLE INFORMATION

REHABILITATION HOSPITAL

PARCEL "V"

Note: Landscaping in areas located within the stormwater management easement which are shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.

DEVELOPER'S CERTIFICATE
 The Undersigned agrees to execute all the features of the Site Plan Approval No. 81997005B, including Approval Conditions, Development Program, and Certified Site Plan.
 Developer's Name: ARE Maryland No. 31 LLC
 Lenny Diamond
 Contact Person
 Address: 946 Clopper Road Gaithersburg, MD 20878
 Phone: 240.243.0818
 Signature: _____

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 Waldorf
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 Frederick
 Soltesz DC, LLC

www.soltesz.com

NO.	DATE	BY	DATE
1	10/17/17		
2	01/04/18		

DESIGNED: ECO
 CHECKED: KDL

MISS UTILITY NOTE
 INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY OBTAINING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT "MISS UTILITY" AT 1-800-251-7777, 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHOEVER'S LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

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 946 CLOPPER ROAD
 GAITHERSBURG, MD 20878
 ROCKVILLE, MD 20850
 PHONE (301) 947-1770
 FAX LARRY DIAMOND

TAX MAP	ZONING CATEGORY
FR 563, FR 343	LSC
WSSC 200 SHEET	XXXX
SITE DATUM	XXXX
HORIZONTAL: NAD 83/99	
VERTICAL: NGVD29	



LANDSCAPE PLAN - PLANTING PLAN 40 SCALE

AMENDED SITE PLAN 81997005B
**SHADY GROVE LIFE SCIENCES CENTER
 PARCEL 7**

GAITHERSBURG (9th) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

PROJECT NO.
 1507-01-10

SHEET **L1.1**

PLANNING DEPARTMENT USE ONLY (E-PLANS)

9950 MEDICAL CENTER DRIVE LOTS 7A & 7B

- TOTAL TRACT AREA IS 8.4 ACRES
- ZONING IS LSC - LIFE SCIENCES CENTER - INDUSTRIAL ZONE
- WATERSHED IS UPPER MUDDY BRANCH (MC) POTOMAC DIRECT (8), USE I.P.
- THE SITE IS NOT IN A SPECIAL PROTECTION AREA. THE SITE IS ADJACENT TO THE PINEY BRANCH SPECIAL PROTECTION AREA.
- NO FLOODPLAIN EXISTS ON THE SITE (MCATLAS AND FEMA FIRM MAP PANEL 0327D MAP NUMBER 24031C0327D)
- NO WETLANDS EXIST ON THE SITE (MCATLAS AND FIELD OBSERVATION)
- NO STREAM VALLEY BUFFER EXISTS ON THE SITE
- RARE, THREATENED OR ENDANGERED SPECIES WERE NOT OBSERVED ONSITE. OFFICIAL DNR RTE LETTER PENDING- (SENT DECEMBER 2, 2013)
- THIS SITE IS NOT ON THE LOCATIONAL ATLAS AND INDEX OF HISTORIC SITES.
- TREES MEASURED WITH DBH TAPE AT 4.5' ABOVE BASE
- NO CHAMPION TREES EXIST ON THE SITE. THREE (3) SPECIMEN TREES AND TWO (2) SIGNIFICANT TREES EXIST ON-SITE
- FIELD DATA WAS CONDUCTED ON 11/22/2013 BY ANDIE MURTHA AND MARY FORD OF SOLTESZ
- PRIOR APPROVED MNCPPC PLANS: SEDIMENT CONTROL PERMIT #9709100002 AND NATURAL RESOURCES INVENTORY / FOREST STAND DELINEATION (NR/IFSD) PLAN #4-96218.

INFORMATION OBTAINED FROM MCATLAS.COM 12/10/2013 UNLESS OTHERWISE NOTED

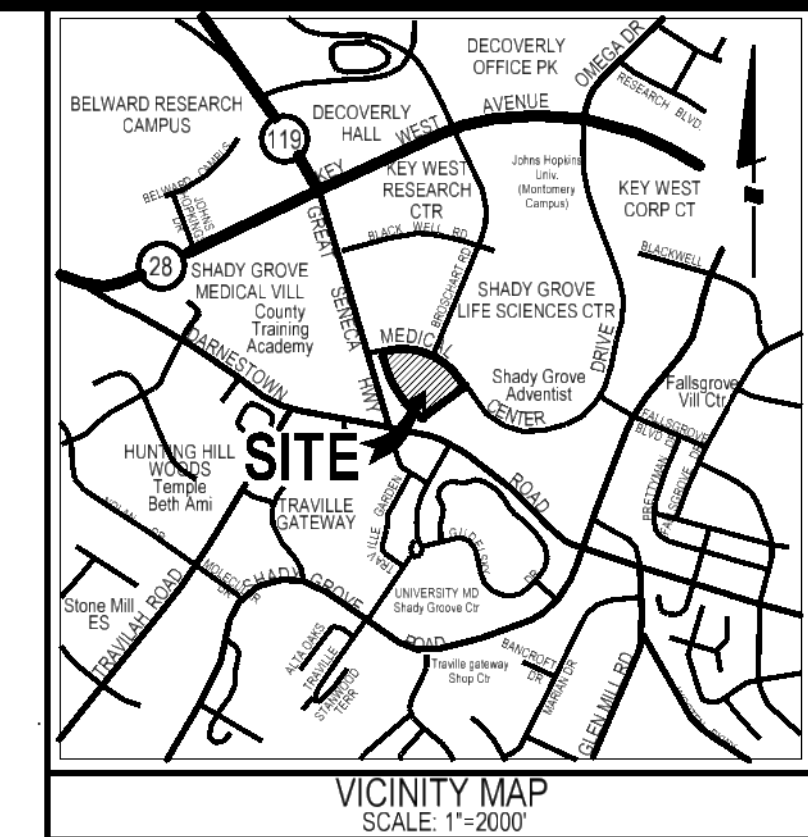
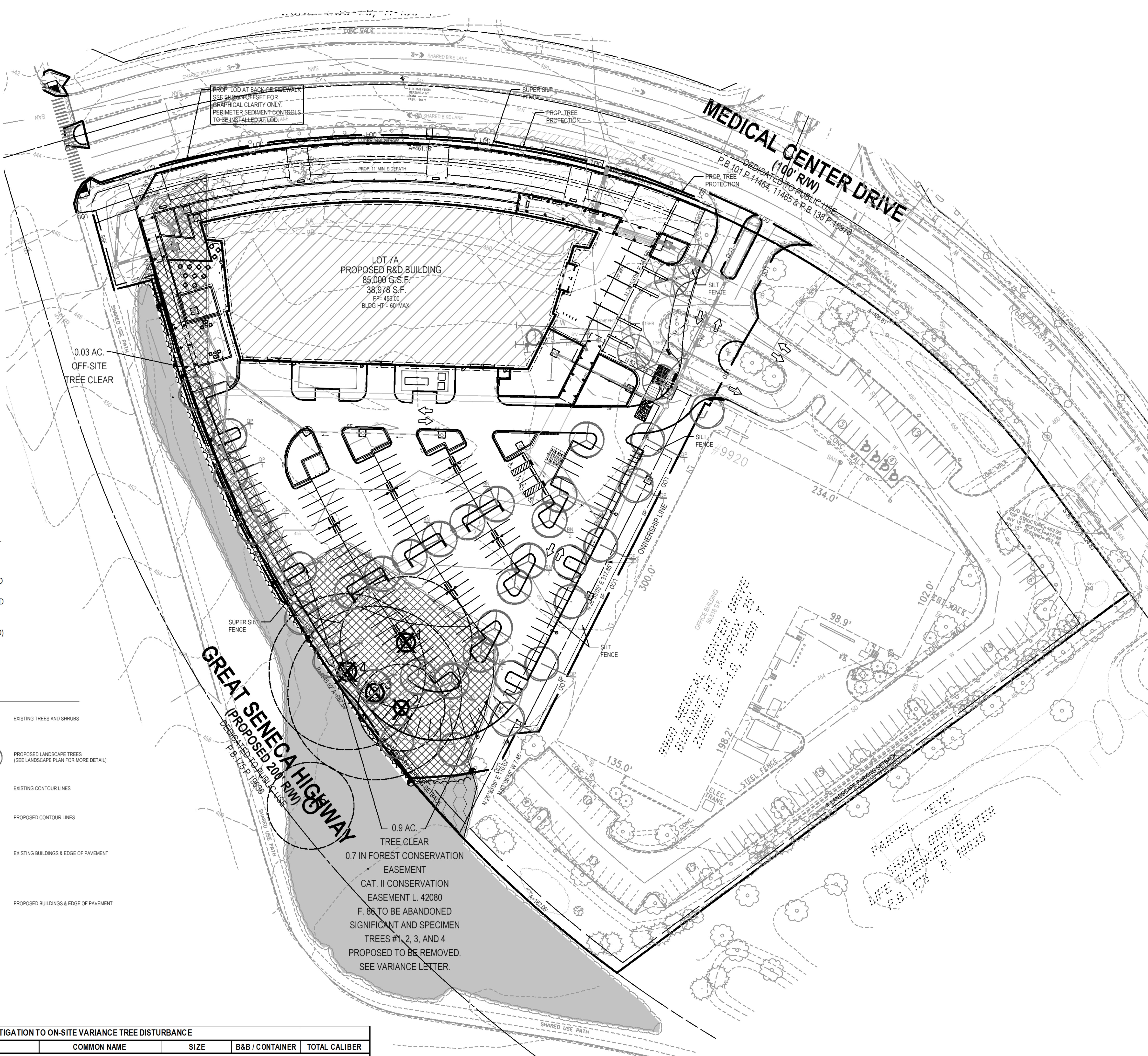
LEGEND

	EXISTING TREES TO BE SAVED		EXISTING TREES AND SHRUBS
	EXISTING FOREST TO BE REMOVED ON-SITE		PROPOSED LANDSCAPE TREES (SEE LANDSCAPE PLAN FOR MORE DETAIL)
	EXISTING FOREST TO BE REMOVED OFF-SITE		EXISTING CONTOUR LINES
	EXISTING FOREST TO BE COUNTED AS CLEARED BUT SAVED		PROPOSED CONTOUR LINES
	EXISTING TREE LINE FROM 2014		EXISTING BUILDINGS & EDGE OF PAVEMENT
	PROPOSED TREE LINE		PROPOSED BUILDINGS & EDGE OF PAVEMENT
	24" - 29" DBH SPECIMEN TREE & CRITICAL ROOT ZONE (CRZ)		
	30" DBH or GREATER SPECIMEN TREE & CRITICAL ROOT ZONE (CRZ)		
	SPECIMEN/SIGNIFICANT TREE TO BE REMOVED		
	PROPERTY BOUNDARY		
	EASEMENT LINES		
	LOD		
	TREE SAVE/SUPER SILT FENCE COMBO SIGN LOCATED EVERY FIFTY FEET ALONG FENCE		

TYPE	QUANTITY	CODE	SCIENTIFIC NAME	COMMON NAME	SIZE	B&B / CONTAINER	TOTAL CALIBER
TREES							
DECIDUOUS	15	BN	BETULA NIGRA	RIVER BIRCH	3 1/2 - 4" cal	B&B	52" cal.
DECIDUOUS	4	GTI	GLENDITSIA TRIACANTHOS 'INERMIS'	THORNLESS HONEYLOCUST	3 1/2 - 4" cal	B&B	14" cal.
DECIDUOUS	19	QP	QUERCUS PHELLOS	WILLOW OAK	4 1/2 - 4" cal	B&B	67" cal.
TOTAL	38					TOTAL	133" cal.

TREE #	COMMON NAME	SCIENTIFIC NAME	DBH INCHES	CONDITION	CRZ (FT)	CRZ (SF)	IMPACT (SF)	% IMPACT	STATUS	COMMENTS
1	HORSE CHESTNUT	AESCULUS HIPPOCASTANUM	38	FAIR	57	10,207	10,207	100%	REMOVE	TREE PROTECTION FENCE AT LOD
2	AMERICAN BASSWOOD	TILLIA AMERICANA	25	FAIR	37.5	4,418	4,418	100%	REMOVE	TREE PROTECTION FENCE AT LOD
3	AMERICAN BASSWOOD	TILLIA AMERICANA	50	FAIR	75	17,672	17,672	100%	REMOVE	TREE PROTECTION FENCE AT LOD
4	AMERICAN BASSWOOD	TILLIA AMERICANA	45	FAIR	67.5	14,314	14,314	100%	REMOVE	TREE PROTECTION FENCE AT LOD
5	NORTHERN RED OAK	QUERCUS RUBRA	25	GOOD	37.5	4,418	0	0%	SAVE	TREE PROTECTION FENCE AT LOD

133 total variance mitigation trees are required, 38 trees will be planted on-site and 95 trees will be planted off-site.



NET TRACT AREA	Value
A. Total tract area	8.40
B. Land dedication acres (paths, county facility, etc.)	0.00
C. Land dedication for roads or utilities (not being constructed by this plan)	0.00
D. Area to remain in commercial agricultural production/use	0.00
E. Additional Offsite Disturbance	0.24
F. Net Tract Area	8.64

Category	ARA	MDR	IDA	HDR	MPD	CIA
	0	0	0	0	0	1

Category	Value
J. Existing forest cover	0.93
K. Area of forest above afforestation threshold	0.00
L. Area of forest above conservation threshold	0.00

Category	Value
N. Total area of forest to be cleared	0.93
O. Total area of forest to be retained	0.00

Requirement	Value
P. Reforestation for clearing above conservation threshold	0.00
Q. Reforestation for clearing above afforestation threshold	1.86
R. Credit for retention above conservation threshold	0.00
S. Total reforestation required	1.86
T. Total afforestation required	0.37
U. Credit for landscaping (may not exceed 20% of "S")	0.00
V. Total reforestation and afforestation required	2.23
W. Total reforestation and afforestation provided on-site	0.00
X. Total reforestation and afforestation provided off-site	2.23

133 total variance mitigation trees are required, 38 trees will be planted on-site and 95 trees will be planted off-site.

Category	Number of Acres
Tract	8.64
Remaining in Agricultural Use	0
Road & Utility ROWs	0
Total Existing Forest	0.93
Forest Relembon	0
Forest Cleared	0.93

Category	Value
Conservation Threshold	15% percent
Afforestation Threshold	15% percent
Total Channel Length	0 (ft)
Average Buffer Width	0 (ft)

Acres of Forest in Wetlands, 100-Year Floodplain, Stream Buffers, Priority Areas. Retained, Cleared, Planted.

DEVELOPER'S CERTIFICATE
 The undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 81997005B including, financial bonding, forest planting, maintenance, and all other applicable agreements.

Developer's Name: ARE-Maryland No. 31 LLC
 Contact Person or Owner: Larry Diamond
 Address: 946 Clopper Road Gaithersburg, MD 20878
 Phone and Email: 240-243-0818

SOLTESZ
 Engineering Surveying Planning Environmental Sciences
 ROCKVILLE OFFICE
 2 Research Place, Suite 100
 Rockville, MD 20850
 P. 301.948.2750 F. 301.948.9067

NO.	DATE	REVISIONS	BY	DATE
2	01/04/16			
1	12/17/15			

OWNER/DEVELOPER/APPLICANT
 ARE-MARYLAND NO. 31, LLC
 946 CLOPPER ROAD
 GAITHERSBURG, MD 20878
 ROCKVILLE, MD 20850
 PHONE (301) 947-1770
 FAX LARRY DIAMOND

PROFESSIONAL ARCHITECT
 LARRY DIAMOND
 1507-01-10

FINAL FOREST CONSERVATION PLAN
 AMENDED FINAL FOREST CONSERVATION PLAN 81997005B
**SHADY GROVE LIFE SCIENCES CENTER
 PARCEL 7**
 GAITHERSBURG (9th) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

PROJECT NO. 1507-01-10

ATTACHMENT 4



STRATEGIES FOR TODAY. INSIGHT FOR TOMORROW.

October 2, 2018

Mr. Steve Findley
Area 2 Planning Division
M-NCPPC
Environmental Planning Division
8787 Georgia Avenue
Silver Spring, MD 20910

**RE: Shady Grove Life Sciences Center Parcel 7
9920 and 9950 Medical Center Drive
Forest Conservation Plan - Variance Request
SOLTESZ Project #1507-01-10**

Dear Mr. Findley,

On behalf of our client, ARE Maryland No. 31 LLC, SOLTESZ is requesting a variance for impact to four (4) 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 in diameter or 75% of the diameter of the current state champion tree of that species as designated by the department". The impact of these trees is for the construction of the Shady Grove Life Sciences building to be located on Parcel 7 (ownership Lot 7A) formerly known as Parcel N/Q of the aforementioned property.

Project Information

The subject property consists of one parcel (Parcel 7) consisting comprising two ownership lots (7A & 7B). Parcel 7 is 8.4 acres in size and is classified in the LSC – Life Sciences Center – Industrial Zone. The property to be developed is on Lot 7A, located east of the intersection of Great Seneca Highway and Medical Center Drive in Rockville, Maryland. Lot 7B is already developed with an existing office building.

The property has been designated for the construction of a Life Sciences building as part of the Great Seneca Science Corridor Master Plan. The building will be located in the LSC Central District, which includes Shady Grove Hospital and a number of medical research and biotech facilities. This project has been designated as a Strategic Economic Development Project by the County Executive of Montgomery County.

The approved Natural Resources Inventory (420141070) shows a total of five (5) specimen or significant trees located on the property. Four of these trees will be impacted by the proposed development of the property. The one (1) remaining tree (#5) which will not be impacted is a significant tree that has a diameter of 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	10,207	100%	REMOVE
002	American Basswood	<i>Tilia americana</i>	25	4,416	4,416	100%	REMOVE
003	American Basswood	<i>Tilia americana</i>	50	17,672	17,672	100%	REMOVE
004	American Basswood	<i>Tilia americana</i>	45	14,314	14,314	100%	REMOVE

Critical Root Zone Impacts

There are four (4) specimen trees impacted by the limits of disturbance (LOD) for the development. All four of these trees are proposed to be removed. Tree protection fencing will be erected to protect trees located within the right-of-way of Great Seneca Highway.

Application Requirements

Pursuant to Montgomery County Forest Conservation Law Section 22A-21(b), an applicant for a variance 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) Provide 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 Parcel 7 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.

The site has been designed to accommodate a state-of-the-art biotech facility as required by the future user. Establishment of the footprint of the building and required parking will require clearing of a minimal amount of existing forest. Forest conservation requirements 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 forest clearing to meet zoning and safety requirements. Mitigation for specimen trees removed will be provided on site.



Prohibiting the impact of the four 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)** *Provide any other information appropriate to support the request.*”

The four (4) specimen trees to be impacted are in “FAIR” condition and their health has been progressively deteriorating within their current location. Additionally, the small forest area on-site has attracted transient users whom have left behind litter and debris and disturbed the natural structure of the forest floor.

This project has been designated as a Strategic Economic Development Project by the County Executive of Montgomery County. The site is a gateway to the Life Sciences Center. The Executive Order cites this project as well positioned to become a transformative development project for the introduction of new bioscience entities to Montgomery County, attracting a prestigious international cell therapy company. It addresses a critical need to add to the supply of lab space in the county and exemplifies many of the key objectives of the Great Seneca Science Corridor Master Plan in terms of enhancing Montgomery County’s premier location for advanced technology companies and bringing vibrancy to the Life Sciences Center.

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 that granting this variance request will not violate State water quality standards or cause measurable degradation in State water quality standards. Water quality is protected through the implementation of best management practices and utilizing environmentally sensitive design to the maximum extent possible.

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.

Best regards,

Soltesz, Inc.

A handwritten signature in blue ink, reading "Keely Lauretti".

Keely Lauretti, RLA
Technical Director

Cc: Laura Miller, County Arborist, DEP

ATTACHMENT 5



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

October 18, 2018

Mr. Timothy Hoffman, PE
Soltesz
2 Research Place, Suite 100
Rockville, Maryland 20850

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
9950 Medical Center Drive
Preliminary Plan #: 119882330
SM File #: 284241
Tract Size/Zone: 4.2 acres/LSC
Total Concept Area: 4.2 acres
Lots/Block: Lot 7A
Parcel(s): 7
Watershed: Muddy Branch

Dear Mr. Hoffman:

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

The following items 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. Show clear access to all of the proposed stormwater management structures. It's not clear how ESD structures 17 and 18 will be accessed.
3. Each micro bioretention structure must have a separate perforated underdrain pipe other than the conveyance pipe that connects multiple structures. It appears that additional underdrain pipes will be needed at ESD structures 1C and 1E.
4. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.

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



255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850 | 240-777-0311
www.montgomerycountymd.gov/permittingservices

Mr. Timothy Hoffman
October 18, 2018
Page 2 of 2

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Leo Galanko at 240-777-6242.

Sincerely,



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

MCE: lmg

cc: N. Braunstein
SM File # 284241

ESD: Required/Provided 24,544 cf / 26,455 cf
PE: Target/Achieved: 2.2"/2.3"
STRUCTURAL: 0 cf
WAIVED: 0 ac.



**Department of Permitting Services
Fire Department Access and Water Supply Comments**

DATE: 19-Nov-18
TO: Keely Laretti
Loiederman Soltesz Associates, Inc
FROM: Marie LaBaw
RE: Shady Grove Life Sciences Center (9950 Medical Center Drive)
81997005B

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **19-Nov-18** .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.

81997005B Shady Grove Life Sciences Center Parcel 7

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan file:

“07-BSITE-81997005B-S1.3.pdf V4” uploaded on/ dated “11/20/2018” and

The followings need to be addressed prior to the certification of site plan:

1. Per sight distance analysis form dated 7/2/15, 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 of 325 feet in each direction.
However, it seems the low limbs/foliage are blocking the sight, not the tree trunks and if the trees are pruned, the sight distance would be greatly improved.
The applicant’s engineer needs to verify this and modify the note on the site/ landscaping plans and sight distance analysis form as needed.
2. The forest conservation plan shows super silt fence along the sidewalk next to the ROW trees that are proposed to remain along Medical Center Drive.
Please revise to locate these sediment control measures, farther from the trees or utilize trenchless methods.
3. Remove all proposed pavement markings and signage on public streets from the site plan or provide a note indicating they are for reference only and will be finalized at ROW permit under signing and marking plan.
4. Label the proposed PIE as needed along the site frontage as was done in prior submissions.

And, the following needs to be a condition of the certified site plan:

1. MCDOT- Commuter Services Section bikeshare comments:
 - i. Per the TMAg, paragraph 14. Bikesharing: “In the future, as a condition of site plan approval of a 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.”
 - ii. Contact MCDOT Commuter Services to discuss payment arrangements.
NOTE: per Fred Lees email 9/29/2018: “DOT will certify impact tax credits for bike share operating expenses for all Transportation Mitigation agreement signed by DOT on or before October 31, 2017.”