

Attachment B

July 20, 2020
(Revised October 10, 2020)

VIA ELECTRONIC MAIL

Casey Anderson, Chair
and Members of the Montgomery County Planning Board of the
Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Request for Extension of Adequate Public Facilities Determination and associated
Subdivision Regulations Waiver for QIAGEN Sciences, Inc. Campus at Germantown
Business Park

Dear Chair Anderson and Members of the Board:

Our firm represents QIAGEN Sciences, Inc. ("QIAGEN," or the "Applicant") in connection with its property at the Germantown Business Park, located at 19300 Germantown Road in Germantown, Maryland (the "Property"). QIAGEN is a global biotechnology company, and the Property serves as its North American headquarters and manufacturing and distribution center (the "Germantown Headquarters"). On behalf of the Applicant, we respectfully submit this request to extend the Adequate Public Facilities ("APF") determination validity period for the Germantown Headquarters for an additional 72 months (*i.e.*, 6 years), or until August 29, 2026 (the "Extension"), with an associated request for a waiver pursuant to Section 50.9.1-3 of the Montgomery County Subdivision Regulations ("Subdivision Regulations") (the "Waiver").¹

The Montgomery County Planning Board ("Planning Board") last reviewed and approved a site plan amendment for the Property – Site Plan Amendment No. 81998022I – on December 19, 2019 ("Amendment I"). The purpose of Amendment I was to allow the Applicant to refine plans for the building to be constructed as the next phase of development at the Germantown Headquarters, which has been built out incrementally over time. Amendment I also addressed other modest changes for the existing building complex and site, including renovations to portions of the existing building façades to conform to the new building, the creation of a secure physical corridor connector between the existing and future buildings, and modified landscaping. Further, Amendment I adjusted the floor area allocations for the specific uses that remain to be constructed in future phases of development under the applicable approved APF determination for the Property.

¹ The Applicant is submitting this Extension and Waiver as an amendment to the approved Preliminary Plan of Subdivision for the Property, Preliminary Plan No. 119811420, for purposes of administrative convenience, so that the request is able to be processed via the Montgomery County Planning Department's ePlans System. However, although the Application is being processed as a Preliminary Plan Amendment, neither the Extension nor the Waiver propose any changes to the approved Preliminary Plan or its associated conditions of approval other than the duration of the APF validity period.

Since the Planning Board's approval of Amendment I, the Applicant has taken affirmative steps to implement the construction of the new building and related improvements. More specifically, the Applicant obtained approval from the Planning Department for the required Certified Site Plan on March 5, 2020, and submitted a building permit application to the Montgomery County Department of Permitting Services ("MCDPS") on February 11, 2020. However, the APF determination for the Project is scheduled to expire on August 29, 2020. The Applicant is concerned that MCDPS may not be able to issue a permit before the current APF determination expires, given that the building permit application is still under review at this time and because additional time to complete this process will likely be necessary due to logistical challenges arising from the COVID-19 crisis.

Moreover, if the current APF determination were to expire (irrespective of the timing of permit issuance for the next phase building), QIAGEN's ability to leverage the previously approved, but unbuilt floor area for the Germantown Headquarters to respond to opportunities that may be presented would be compromised, with the corresponding loss of opportunity for Montgomery County. The biotechnology industry is undergoing significant changes at this time in response to the novel coronavirus, in addition to the ongoing technological innovations and product line acquisitions that more routinely occur. For QIAGEN, this has resulted in a recent focus of activity on the production of components for a rapid COVID-19 detection system, as well as efforts to have COVID-19 testing and other respiratory tests manufactured at the Germantown Headquarters rather than at European manufacturing sites. At the same time, the industry does not develop in a linear manner. There can be dramatic shifts with intense activity, as well as droughts while research funding slows. Thus, the time duration for implementing the approved development needs to be equally flexible and responsive to external factors.

QIAGEN is on the front lines of COVID-19 testing. The new building proceeding through permitting will, among its functions, support QIAGEN's manufacturing of components for COVID-19 test kits. Attached is a copy of a press release describing the test kits and the manner by which these will simplify and accelerate the analysis and return of test results. The streamlined extraction-based process can handle up to 2,600 samples per eight-hour shift per station. This way, labs can significantly speed up the time to results and the frequency of testing. At the same time the sampling keeps plastic material usage to a minimum, and reduces the quantity of reagent use and labor. QIAGEN is also developing easy-to-use solutions for antibody and antigen testing on a portable device that can provide results in less than 15 minutes.

Responding to this increase in demand, the manufacturing operation has increased to three shifts per day, seven days a week.

While QIAGEN's intentions and needs for the Germantown Headquarters continue to evolve in response to these changes, the existing APF determination for the remaining unbuilt floor area makes the Germantown Headquarters an attractive potential location for strategic growth of the company and provides the Applicant with significant flexibility to respond quickly to emerging market opportunities, including consolidation of acquisitions to Montgomery County. Preserving the validity of the APF determination to allow QIAGEN to pursue such opportunities, is prudent

under present circumstances and potentially advances important public health objectives, as well as Montgomery County's desire to be a leading location for bioscience activity.

For each of these reasons – to ensure that MCDPS has sufficient time to complete its review of the currently pending building permit application and issue the permit, and to preserve the Applicant's ability to potentially implement the remainder of the approved but unbuilt floor area in response to changing circumstances – the Applicant is requesting this Extension under Sections 50.4.3.J.7.d.i-iii and the associated Waiver under 50.9.1-3. This letter addresses the criteria of these Sections in detail, and otherwise serves to satisfy the various requirements of the Planning Department's Development Review Procedures Manual for the submission of a validity period extension request and a Subdivision Regulations waiver request.

I. Site Description and Prior Approvals

The Property (also known as Lot 7, "Germantown Business Park" Subdivision) is located in the northern quadrant of the intersection of Germantown Road ("MD Route 118") and Dawson Farm Road, just west of the CSX Railroad tracks. The Property has a gross tract area of approximately 1,077,877 square feet, or 24.74 acres, including 17,990 square feet of prior road dedications. The net lot area of the Property is approximately 1,059,887 square feet or 24.33 acres.

Pursuant to a series of previous Planning Board and Planning Director approvals that are described in the Land Use Entitlement Summary, attached for convenience as Appendix A, the Germantown Business Park has been approved for development over time, with a total building floor area of 544,000 square feet of a variety of biotech use elements. Of this approved total amount, approximately 241,400 square feet has already been implemented incrementally over time as a campus-style, multi-component headquarters, manufacturing, and distribution facility. The current campus buildings accommodate a variety of functions including research and development, manufacturing and production, warehouse and distribution, laboratories, administrative offices, a locker/canteen/support space, and a central utility plant. The existing campus improvements also provide for structured and surface parking.

QIAGEN has now submitted a building permit application for the improvements that the Planning Board approved with Amendment I. This permit, when issued, will authorize QIAGEN to construct the next 157,700 square feet of building floor area on the Property for additional office, research and development, manufacturing and production, and warehouse functional uses, and to implement the functional and aesthetic revisions described above that will refine the existing campus improvements, create a unified entrance experience for visitors, and help the company more fully realize its objectives for the Germantown Headquarters.

As an update to this letter as of October 10, 2020, the Applicant advises of the ongoing efforts related to the subject building permit described above. On August 4, 2020, MCDPS issued Building Permit No. 904833 (copy attached) for construction of the new, five-story building. Implementation of the permit cannot begin until the related Sediment Control No. 284499 is issued. That same day, MCDPS also issued Building Permit No. 904830 (copy attached) for alteration of certain existing buildings on the Property, which alterations will extend the façade treatment of the new building to those facing areas of the existing buildings.

Importantly, Amendment I utilizes the APF determination for the Germantown Headquarters that the Planning Board made originally in connection with the review and approval of Preliminary Plan No 1-81142 for the predecessor in title. In that original action, the Planning Board approved a new preliminary plan of subdivision for the Property to replace all prior limited actions, and to authorize up to 400,000 square feet of office uses on the Property generating no more than 676 trips (based on then available Staging Ceiling capacity).

Following QIAGEN's acquisition in 2000, the Planning Board has approved amendments to the applicable land use entitlements for the Germantown Headquarters that change from all office use to the specific functional uses that are permitted on the Property (*e.g.*, research and development, manufacturing and production, warehouse and distribution) as well as their quantities and allocations within the campus facilities, with the result that up to 544,000 square feet of total building floor area is now permitted for various functional uses. However, these approved functional uses have always been assessed based on their equivalency to the trip generation envelope that the Planning Board approved in 1994. Consequently, the 1994 APF determination – which expires on August 29, 2020 – has remained controlling for the overall amount of development permitted on the Property, and continues to remain controlling at the present time.²

When the Amendment I improvements are complete, up to 144,900 square feet of approved building floor area will remain to be constructed for the Germantown Headquarters at a future date, in accordance with future site plans. This incremental approach to development has been consistent with QIAGEN's long term strategic plan for the Germantown Headquarters in the context of the company's global operations. Under present circumstances, the ready availability of new space also allows QIAGEN to leverage its Montgomery County facilities to respond rapidly to emerging opportunities (such as those that are now arising as biotechnology companies attempt to address the global pandemic). However, this leverage only exists for so long as a valid APF determination exists for the Property. By having space that both can be ready for immediate occupancy in the near term (*i.e.*, the building that can be constructed in the new phase of development on the Property) and other space that readily can be created to respond to strategic opportunities, QIAGEN can position the Germantown Headquarters as a primary candidate for new business components and associated jobs within the global framework and with respect to the reallocation of new acquisitions as well as internal growth. This, in turn, advances the County's economic development objectives by allowing such expansions to occur locally, rather than elsewhere.

II. Basis for Approval – APF Extension for Nonresidential and Mixed-Use Development and Subdivision Regulations Waiver

² In accordance with Section 50(c)(3)(i) of the Montgomery County Code, the APF determination was initially to have remained valid for 12 years, or until August 29, 2006. The Planning Board approved a six-year extension to the APF validity period for the Property, pursuant to its Letter dated August 14, 2007. Furthermore, an additional eight years of extensions were granted by the Montgomery County Council action in legislatively extending all currently valid approvals, pursuant to the Subdivision Regulation Amendments ("SRAs") approved as SRA No. 09-01 (effective April 1, 2009), SRA No. 11-01 (effective April 1, 2011), SRA No. 13-01 (effective April 1, 2013), and SRA No. 15-01 (effective March 31, 2015).

The Subdivision Regulations authorize the Planning Board to extend the validity period of any APF determination for a nonresidential development that was originally longer than seven years by a maximum of six years, provided that the Applicant does not propose any additional development above the amount approved in the original APF determination. In addition, the Applicant must demonstrate that the request satisfies the following criteria set forth in Section 50.4.3.J.7.d.i of the Subdivision Regulations:

- i. *The Board may extend a determination of adequate public facilities for a preliminary plan for nonresidential or mixed-use development beyond the otherwise applicable validity period if:*
 - a. *the Department of Permitting Services issued building permits for structures that comprise at least 40% of the total approved gross floor area for the project;*
 - b. *all of the infrastructure required by the conditions of the original preliminary plan approval has been constructed, or payments for its construction have been made; and*
 - c. *the Department of Permitting Services either issued occupancy permits or completed a final building permit inspection for:*
 1. *structures that comprise at least 10 percent of the total gross floor area approved for the project within the 3 years before an extension request is filed; or*
 2. *structures that comprise at least 5 percent of the total gross floor area approved for the project within the 4 years before an extension request is filed, if structures that comprise at least 60 percent of the total gross floor area approved for the project have been built or are under construction.*

The requested Extension satisfies the substantial majority of these requirements, as described below. However, the development of the Germantown Headquarters has occurred incrementally over time, with construction of new building floor area for the approved functional uses last occurring in 2013 with the addition of 59,600 square feet of building floor area pursuant to Site Plan Amendment No. 81998022D.³ Although QIAGEN has constructed other structural improvements on the Property since 2013, including adding the planned upper levels to an original surface parking lot to create a 77,000 square foot per level structured parking garage that was completed in 2019, it is not clear whether these improvements would be counted as structural floor area for purposes of Section 50.4.3.J.7.d.i.c. (In addition, since the date of the original letter statement, MCDPS has issued Building Permit No. 904833 for construction of the next building on the Property. This new building is approved for 157,000 square feet.) Thus, to the extent that MCDPS would have neither issued occupancy permits nor completed final building permit inspections for a sufficient amount of structural floor area within the timeframes and to the

³ With the implementation of Site Plan Amendment No. 81998022D, the cumulative amount of constructed building floor area on the Property was approximately 241,400 square feet, approximately 44% of the total approved amount of 544,000 square feet.

specifications that Section 50.4.3.J.7.d.i.c prescribes, the Applicant is requesting the Waiver with respect to Section 50.4.3.J.7.d.i.c.⁴ The Extension's compliance with each of these required findings, as well as the Waiver's compliance with applicable criteria of the Subdivision Regulations, is described below.

- a. The Applicant proposes no additional development, satisfying the requirements of Section 50.4.3.J.7.a.iii.a.

This Extension does not propose any changes with respect to the amount of development that the Planning Board has already approved with the existing APF determination for the Germantown Headquarters, as Section 50.4.3.J.7.a.iii.(a) of the Subdivision Regulations requires for approval of an APF extension request. The current approved APF determination for the Germantown Headquarters, as amended by various subsequent land use entitlements, allows for up to 544,000 square feet of total building floor area on the Property including 241,400 square feet of existing development, the pending building of 157,700 square feet, for which a Building Permit was issued on August 4, 2020, and up to 144,900 square feet of remaining unbuilt density, as shown in the 2020 Preliminary Plan and Site Plan Chronology attached as Appendix B.

- b. MCDPS has previously issued building permits for at least 40 percent of the total approved gross floor area, in satisfaction of Section 50.4.3.J.7.d.i.a.

QIAGEN has carefully tracked the incremental development of the Property in connection with the various land use entitlements that the Planning Board and the Planning Department have approved over time for the Germantown Headquarters. As shown on the 2020 Preliminary Plan and Site Plan Chronology attached as Appendix B, excerpted below to show the latest tabulations for Amendment I, a total of 241,400 square feet of development has now been constructed on the Property:

⁴ For purposes of this Application, the Applicant takes no credit for the 157,700 square foot building that is now being reviewed by MCDPS. But notes that the Building Permit for that building was issued August 4, 2020.

	Use	Functional Areas, Per Approved Plan	12/19/2019				
			Site Plan # 819980221 (Lot 7)				
			Total Approved Area (S.F.) (S.F.)	Built Area (S.F.)	Proposed for Development with Site Plan Amendment I (S.F.)	Remaining Approved Area (S.F.) ⁱ	
Lot 7	Research & Development	R& D Labs/Admin/QC Labs	124,450	64,450	59,782	218	
	Manufacturing/ Production	Production	203,495	95,330	2,313	105,852	
		Central Plant/Maintenance	18,625	16,125	-	2,500	
		Circulation Corridor	7,000	7,000	-	-	
	Warehouse & Distribution	Lockers/Canteen/Support	19,080	17,080	2,000	-	
		Distribution Centre	25,750	20,750	5,000	-	
		Warehouse	61,600	20,665	4,605	36,330	
	Office	Admin/Fitness/Meeting Rooms	84,000	-	84,000	-	
	SUBTOTAL			544,000	241,400	157,700	144,900
	TOTAL (CONSOLIDATED LOT 7)			544,000	241,400	157,700	144,900

ⁱ Or trip generation equivalent, if substitution is approved pursuant to future Site Plan Amendment.

The existing development on the Property represents approximately 44 percent of the total approved gross floor area that is subject to the amended APF determination (*i.e.*, 544,000 square feet), more than the minimum 40 percent that Section 50.4.3.J.7.d.i.a requires. With approval of Building Permit No. 904833 for 157,000 square feet, the amount of building area that has been constructed or for which permits have been issued (the standard in Section 50.4.3.J.7.d.i.a) will total 398,400 square feet, or 73% of the approved gross floor area.

- c. All infrastructure required as conditions of the original APF determination has been constructed, in satisfaction of Section 50.4.3.J.7.d.i.b.

With respect to Section 50.4.3.J.7.d.i.b., all of the infrastructure improvements required at the time of the original APF determination for the Germantown Business Park have been completed. The entity that formerly owned the Property and undertook the subdivision and road improvements – Miller Properties for the "Germantown Business Park" – has provided documentation of the contributions made by Germantown Business Park in fulfillment of each of four conditions related to the 400,000 square feet of office development approved in the current APF determination. This documentation, attached to this letter as Appendix C, shows that the Germantown Business Park made the following contributions for infrastructure:

- i. Condition 1. Payment to Manekin, LLC for the third southbound lane on Aircraft Drive at Maryland Route 118. (See letter dated August 10, 2000, from Miller Properties to Manekin, with a copy of the payment check.)
- ii. Condition 2. Payment to Montgomery County for improvement to Great Seneca Highway/Middlebrook Road intersection. (See letter dated August 27, 2000, from Miller Properties to Ms. Jean Chait, Montgomery County, with a copy of the payment check.)
- iii. Condition 3. Payment to Centex Homes for the right turn lane on southbound Great Seneca Highway to westbound Clopper Road. (See letter dated December 21, 2001, from Miller Investment Limited Partnerships, to Mr. Robert Larkin of Centex Homes, with a copy of a copy of the payment check.)
- iv. Condition 4. Payment to Elm Street Development for construction of A-254 (Dawson Farm Road) between Great Seneca Highway and Maryland Route 118. (See letter dated February 23, 2000, from Miller Properties to Tom Marshall of Elm Street Development, with a copy of the payment check.)

The representatives of Germantown Business Park have previously confirmed to QIAGEN that all of the above-referenced checks have been cashed.

d. Phasing Schedule

Based upon the recent issuance of Building Permit No. 904833 for the new 157,700 square foot building authorized by Amendment I, the phasing schedule for implementation of the currently-unbuilt density during the six- year extension requested, is noted below.

Phase I: Years 1 through 3: Commence construction on up to 158,000 square feet.

Phase II: Years 4 through 6: Commence construction on remaining approved development, up to a cumulative total of 544,000 square feet.

Nonetheless, as noted above, the requested extension is needed to ensure that QIAGEN will be able to successfully leverage the previously approved, but unbuilt floor area for the Germantown Headquarters to respond to opportunities that are arising from the rapid changes that are occurring in the biotechnology industry at this time. With the requested extension, QIAGEN will be able to preserve the necessary flexibility to proceed with Phase II at any time within the extension period subject to obtaining Site Plan approval and permits for such improvements, should circumstances warrant.

- e. The criteria for granting a waiver from Section 50.4.3.J.7.d.i.c under Section 50.9.1 are satisfied.

QIAGEN acquired separate portions of the Property in two parts. First, in 2000, when the County Department of Economic Development undertook significant efforts to secure the company's

relocation of its headquarters and manufacturing and distribution operations to Montgomery County, rather than to one of several other competing locations in the United States. At that time, the validity period of the current APF determination for the Property was already well underway, having been approved in 1994. The remainder was acquired in 2001.

While the Applicant was able to break ground on the Property for its first phase of development (*i.e.*, approximately 181,800 square feet of floor area) shortly after its initial acquisition of the Property, development has occurred incrementally since that time, as previously described.⁵ This approach is consistent with the continually evolving nature of the biotechnology industry, which has required QIAGEN to revise and refine its plans for the Property as its business has changed over time, in an effort to make the site an attractive destination for companies or business units that they acquire. Consequently, QIAGEN has had to amend the land use entitlements for the Germantown Campus to accommodate these changing conditions on several occasions. The County and the Planning Board have graciously facilitated these efforts, reflecting an understanding that such periodic changes are necessary to maximize QIAGEN's ability to keep the Germantown Headquarters as a preferred and readily available site for its corporate expansion.

As stated above, in 2013, QIAGEN added approximately 59,600 square feet of building floor area to the campus pursuant to Site Plan Amendment No. 81998022D. While this represents the most recent addition of building floor area for approved functional uses to Germantown Headquarters, development of the campus has remained active since that time, with MCDPS most recently issuing occupancy permits for a 77,000 square foot, second elevated deck on the structured parking garage in 2019. During that period (*i.e.*, since 2013), QIAGEN has processed five Site Plan Amendments, reflecting the shifting needs of the campus. Further, QIAGEN has had to construct a new service drive access for PEPCO. In addition, QIAGEN has now submitted the building permit application to MCDPS for the new building that may be constructed pursuant to Amendment I, which is currently pending with MCDPS. Assuming that the MCDPS is able to timely issue permits for these applications, QIAGEN will be authorized to construct approximately 157,700 square feet of building floor area as the next phase of development on the Property.

As demonstration of that ongoing activity, even if not yet reflecting the actual construction, as of August 4, 2020, QIAGEN received Building Permit Nos. 904833 and 904830 for construction of a new building of 157,700 square feet and related alterations to parts of the existing buildings on the Property. This new building will represent 29% of the approved development and would certainly satisfy the standard of Section 50.4.3.J.7.d.c. As noted above, when this request was filed, the permit applications were pending, not issued, and construction had not begun. However, the continued pursuit of the permit to issuance should be considered toward meeting the intent of the requirement and supporting the waiver, along with the other active steps noted above.

Despite development of the Germantown Headquarters being active at this time, to the extent that the structured parking garage is not able to be counted as structural floor area for purposes of Section 50.4.3.J.7.d.i.c., it is not possible for the Applicant to demonstrate that MCDPS has issued occupancy permits or completed final building permit inspections within the 3 or 4 years preceding this request, as Section 50.4.3.J.7.d.i.c typically requires (notwithstanding the new building floor

⁵ This initial construction occurred pursuant to the Planning Board's approval of Site Plan Amendment No. 8-98022A, described in more detail in [Appendix A](#) attached hereto.

area construction, and the active processing of regulatory approvals). For such circumstances, Section 50.9.1 of the Subdivision Regulations allows the Planning Board to grant a waiver from any requirement of the Subdivisions Regulations – including Section 50.4.3.J.7.d.i.c – after making certain required findings set forth in Section 50.9.3. More specifically, the Planning Board must find:

1. *[That] due to practical difficulty or unusual circumstances of a plan, the application of a specific requirement of the Chapter is not needed to ensure the public health, safety, and general welfare;*
2. *[That] the intent of the requirement is still met; and*
3. *[That] the waiver is: (a) the minimum necessary to provide relief from the requirements; and (b) consistent with the purposes and objectives of the General Plan.*

The subject Extension and Waiver satisfy all of these criteria for a waiver from Section 50.4.3.J.7.d.i.c. As explained above, the APF determination was approved several years before QIAGEN's acquisition of the Property, such that the applicable validity period for the APF determination was already well underway at the outset of development of the Germantown Headquarters. At the same time, several amendments to the applicable land use entitlements have been needed over time for the reasons stated above (which are inherent to the biotechnology industry), with the result that the implementation of subsequent phases of development has been delayed. QIAGEN only obtained approval for its most recent site plan, Amendment I, in December 2019 and, while diligently pursuing them, has not yet obtained the permits necessary to authorize construction. These circumstances have combined to make it impossible for the Applicant to demonstrate compliance with the timing requirements of Section 50.4.3.J.7.d.i.c for the issuance of U&O Certificates and the completion of final building permit inspections, producing both practical difficulties and unusual circumstances.

Section 50.4.3.J.7.d.i.c is not needed to ensure the public health, safety and general welfare, as the intent of the requirement is still met. More specifically, Section 50.4.3.J.7.d.i.c serves to ensure that development, when approved, proceeds to construction in a timely and logical manner, so as to remain compatible with the County's planning objectives for a given area and to avoid the continued allocation of development capacity to projects that may no longer be viable. In this case, the County has long understood and planned for development to occur incrementally at the Germantown Headquarters, with the potential for revisions along the way. While approximately 44 percent of the total gross floor area allowed under the current APF determination has already been completed, development on the Property remains active at this time and the building permit application for the building and improvements allowed under Amendment I has been submitted. The requested Waiver will ensure that this next phase of development is able to proceed by allowing MCDPS to timely issue permits for the next phase building, and will also allow the remaining unbuilt density associated with the APF determination to be site planned and constructed in a manner that is consistent with QIAGEN's and the County's long-term objectives for the Property.

Finally, the requested Waiver has been limited to only subsection (c) of Section 50.4.3.J.7.d.i., and the remainder of the requirements for the approval of the Extension are satisfied as described above. Therefore, the requested Waiver is the minimum necessary to provide relief.

III. Conclusion

For the reasons described above, the Applicant respectfully requests that the Planning Board extend the validity period of the current APF Determination for the Project by an additional 72 months, or until April 29, 2026. As described above, the requested Extension satisfies the applicable criteria of Sections 50.4.3.J.7.d.i-iii of the Montgomery County Subdivision Regulations ("Subdivision Regulations") for approval of an APF determination extension for nonresidential development, and the Waiver satisfies the applicable criteria of Section 50.9.1-3.

* * * *

We trust that this information is helpful in your review of the Applicant's request, and we look forward to working with Planning Department Staff on this matter. Please do not hesitate to contact us if you have any questions or require additional information.

Very truly yours,

William Kominers

William Kominers, Esquire



Christopher M. Ruhlen, Esquire

cc: Mr. Paul Nevins
Mr. Richard Weaver
Ms. Sandra Pereira
Mr. Chris Van Alstyne
Mr. Ben Wu

APPENDIX A

LAND USE ENTITLEMENT SUMMARY

A variety of previous land use entitlements affect the development of the Germantown Business Park and the property located at 19300 Germantown Road in Germantown, Maryland (the "Property"). For convenience, these entitlements are summarized below.

A. Development Plan

The Montgomery County Council approved Zoning Case No. G-662 on May 24, 1990, which reclassified portions of the Property from the R-200 zone to the O-M zone. In connection with Zoning Case No. G-662, the County Council also approved a Schematic Development Plan with binding elements pertaining to coverage, FAR, green area, parking setbacks, building setbacks and building height.⁶

B. Preliminary Plans

The Property was originally subject to certain staging ceiling limitations which required development on the Property to be approved in incremental portions, restrictions that were removed once the full development achieved approval. Nevertheless, the Property has been subject to a series of Preliminary Plan approvals over time, as summarized on the 2020 Preliminary Plan & Site Plan Chronology Exhibit attached as Appendix B and described below:

- a. Preliminary Plan No. 1-81142 (Opinion dated November 15, 1989). The Montgomery County Planning Board approved the first preliminary plan of subdivision of the Property at a public hearing on November 9, 1989 (prior to acquisition of any of the Property by QIAGEN). The proposed full development of the Property sought 402,000 square feet of office use, but the requested amount could not be fully approved at that time. This approval authorized an initial phase of development which was limited to 37,500 square feet of office use. An accompanying Staff Report from the Transportation Planning Division dated November 6, 1989, explains that this limitation reflected the Planning Board's allocation of limited staging ceiling capacity.

⁶ The binding elements of the Schematic Development Plan approved with Zoning Case No. G-662 continue to apply to the Property pursuant to Section 7.7.1.B.5 of the Zoning Ordinance, which states that any development allowed on property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment must satisfy any binding elements until: (i) the property is subject to a Sectional Map Amendment that implements a master plan approved after October 30, 2014 and obtains approval for development under the SMA-approved zoning; (ii) the property is rezoned by Local Map Amendment; or (iii) the binding element is revised by a development plan amendment under the procedures in effect on October 29, 2014.

- b. Preliminary Plan No. 1-81142 (Opinion dated August 10, 1994). The Planning Board increased the amount of development permitted on the Property at its July 14, 1994, meeting. This approval instructed the applicant at that time to amend the prior Adequate Public Facilities Ordinance ("APFO") agreement with the Planning Board to raise development limits to 192,500 square feet for office use. This action by the Planning Board was also approval of a limited amount of density, granting less than the full amount sought in the application.
- c. Preliminary Plan No. 1-81142 (Opinion dated August 29, 1994). The Planning Board granted a new approval for the Property which permitted the full amount of on-site development that had been requested, and replaced the prior limited actions. The new maximum was 400,000 square feet of office use generating no more than 676 trips (increased from the prior 192,500 square feet).

Prior to final action by the Planning Board, Transportation Planning undertook a new APFO review in order to establish that conditions were adequate to accommodate the full development and to determine what road improvements would be recommended in conjunction with that amount. The August 4, 1994, Staff Report for this revised APFO Review indicates that the increase in development rights was justified on the basis of the available FY 95 Staging Ceiling capacity.⁷

As discussed below, the trip capacity amount approved by the Planning Board with this Opinion remains controlling for development on the Property.

- d. Preliminary Plan No. 1-81142 (Opinion dated March 28, 1997). The Planning Board approved a phasing plan on March 27, 1997, and extended the Preliminary Plan's validity period. The March 28, 1997 Opinion otherwise reaffirmed that all prior conditions of approval contained in the August 29, 1994, Opinion were to remain in full force and effect.

A letter from Malcolm Shaneman dated March 16, 1998, indicates that the Planning Board revised this 1997 approval on March 12, 1998 to adjust the area and staging requirements of record plats for the subdivision of the Property, but did not otherwise alter the terms of the August 29, 1994 approval.

- e. Preliminary Plan No. 1-81142R (Opinion dated February 24, 2000). This Opinion formalized the Planning Board's January 20, 2000, approval of Preliminary Plan No. 1-81142R, an amendment for the first two phases of the QIAGEN project (*i.e.*, the Germantown Headquarters). More specifically, Preliminary Plan No. 1-81142R continued to permit up to 400,000 square feet of office floor area, or its traffic generation equivalent, on the Property. Although this Opinion revised

⁷ The Staff Report also establishes that the transportation conditions of approval for this Preliminary Plan were intended to supersede conditions listed in previous Staff memoranda dated July 11, 1994, and November 6, 1989.

certain conditions of other previous preliminary plan approvals, the Opinion specifically noted that all applicable conditions contained in the August 29, 1994, approval were to remain in full force and effect.

As shown above, the August 29, 1994 Preliminary Plan supplanted the conditions of other prior approvals and authorized a substantially greater amount of development on the basis of Transportation Planning's revised Adequate Public Facilities ("APF") review. As a result, the APF determination for the Property which occurred with the August 29, 1994, Preliminary Plan has subsequently remained as controlling the overall amount of development permitted on the Property. This APF determination currently remains valid until August 29, 2020.⁸

C. Record Plats

The Applicant and its predecessors in interest have obtained the Planning Board's approval for several record plats to subdivide the Property into record lots and to vest certain development rights associated with the above-described Preliminary Plan Opinions. Most recently, the Planning Board approved a Minor Subdivision Plat on September 20, 2012. This Minor Subdivision Plat served to consolidate the former Lot 1 and Lot 6 portions of the Property into a new, single record lot (*i.e.*, current Lot 7).

D. Site Plans

The first Site Plan for the Property ("Site Plan No. 8-98022"), prior to QIAGEN's ownership, was approved on March 12, 1998, for an office park development, as indicated by the April 22, 1998 Opinion. This initial Site Plan – which applied only to the EOF (former O-M) zoned portion of the Property – was submitted by the previous owner, but was never constructed.

Since QIAGEN's acquisitions of the separate portions of the Germantown Business Park in 2000 and 2001, the Planning Board has approved Amendments to the original Site Plan to accommodate QIAGEN's evolving business needs on the Property and its expansion of its initial ownership. These Amendments are as follows:

1. Site Plan Amendment No. 8-98022A (Opinion dated January 24, 2000). The Planning Board approved Site Plan Amendment No. 8-98022A at its public hearing on January 20,

⁸ In accordance with Section 50(c)(3)(i) of the Montgomery County Code, the APF determination was initially to have remained valid for 12 years, or until August 29, 2006. The Planning Board approved a six-year extension to the APF validity period for the Property, pursuant to its Letter dated August 14, 2007. Furthermore, an additional eight years of extensions were granted by the Montgomery County Council action in legislatively extending all currently valid approvals, pursuant to the Subdivision Regulation Amendments ("SRAs") approved as SRA No. 09-01 (effective April 1, 2009), SRA No. 11-01 (effective April 1, 2011), SRA No. 13-01 (effective April 1, 2013), and SRA No. 15-01 (effective March 31, 2015).

2000. Site Plan Amendment No. 8-98022A allowed for 300,000 square feet of mixed use building area (R&D, lab, administration, manufacturing, production, warehouse and distribution) within the portion of the Property formerly known as Lot 6 (a consolidation of the originally platted Lots 2 – 5). Importantly, Site Plan Amendment No. 8-98022A preserved all terms and conditions of the initial Site Plan pertaining to the remainder of the property (i.e., the former Lot 1, then retained by the original subdivider).

The Applicant constructed Phase I of Site Plan Amendment No. 8-98022A, which consisted of approximately 181,800 square feet of floor area. This existing floor area was allocated among various functional uses, as more specifically described on the attached Preliminary Plan & Site Plan Chronology Exhibit (Exhibit B).

2. Site Plan Amendment No. 8-98022B (Opinion dated October 28, 2002). The Planning Board approved Site Plan No. 8-98022B at its meeting on October 17, 2002. Site Plan No. 8-98022B applied only to the former Lot 1 portion of the Property following its acquisition by QIAGEN. Lot 1 had retained rights to 100,000 square feet of office use and so the new Site Plan No. 8-98022B substituted the development of either (i) 78,300 square feet of office and 11,700 square feet of day care use; or (ii) 90,000 square feet of office (again, based on trip equivalency). The building that was approved with Site Plan No. 8-98022B was not constructed.
3. Site Plan Amendment No. 81998022C (Resolution dated July 31, 2009). The Planning Board approved Site Plan Amendment No. 81998022C as a Consent Agenda Item on July 23, 2009. Site Plan Amendment No. 81998022C reallocated portions of QIAGEN's approved but unbuilt floor area on the Property under Site Plan Amendment No. 8-98022A to a new mix of those same functional uses, but did not otherwise modify the amount of floor area permitted under Site Plan Amendment No. 8-98022A. Site Plan Amendment No. 81998022C allowed other minor site revisions, including but not limited to the construction of a temporary parking lot on the former Lot 1 (for use by existing employees during construction of the second level parking deck on the former Lot 6 portion of the Property), landscaping changes, and reconfiguration of the entrance drive.
4. Site Plan Amendment No. 81998022D. The Planning Director approved an Administrative Amendment to the Certified Site Plan for the Property on October 27, 2010, which again reallocated portions of the approved but unbuilt floor area on the Property to a new mix of those functional uses, in addition to making other minor site revisions.

QIAGEN constructed approximately 59,600 square feet of the floor area approved with Site Plan Amendment No. 81998022D on the Property, bringing the cumulative amount of existing constructed building floor area on the Property to approximately 241,400 square feet.

5. Site Plan Amendment No. 81998022E. The Planning Director approved a subsequent minor administrative amendment on November 9, 2012. This minor administrative amendment was approved solely for the purpose of accommodating limited revisions to certain approved site features (e.g., retaining walls, accessibility improvements, generator

pads, the access drive for PEPCO switchgear), as well as the applicable landscape plan for the Property. The Applicant did not seek to obtain authorization for any new building floor area in connection with this minor administrative amendment, nor authorization for any reallocation of the previously approved functional uses.

6. Site Plan Amendment No. 81998022F (Resolution dated July 5, 2013). The Planning Board approved Site Plan Amendment No. 81998022F on June 6, 2013, which allowed for the following adjustments to the approved development program:
 - a. Development of a new five-story building, two-level parking garage, and related improvements in the northeastern portion on the site to replace the approved building on former Lot 1 under Site Plan No. 8-98022B;
 - b. Reallocation of approximately 58,600 square feet of approved but unconstructed square footage to new functional uses;
 - c. Elimination of two previously-approved R & D Lab/Admin/QC Lab building modules identified on Site Plan No. 81998022D as Building 7 and Building 8, and consolidation of their space into the expanded five-story building;
 - d. Addition of a third parking level to the previously approved two-level employee parking structure behind the berm along MD Route 118;
 - e. Reallocation of the remaining approved but unbuilt density under Site Plan No. 81998022D to better reflect then-anticipated future needs; and
 - f. Minor changes to ensure consistency between the approved plans and as-built conditions.

Although the Applicant constructed the third-level expansion to the existing parking structure approved with Site Plan Amendment No. 81998022F, other site elements such as the new five-story building and the associated two-story garage, were not constructed, and were modified and divided into two phases in the next Amendment.

7. Site Plan Amendment No. 81998022G (Resolution dated September 13, 2018). The Planning Board approved Site Plan Amendment No. 81998022G on July 26, 2018, which allowed for the following modifications:
 - a. Reduction of previously approved (but unbuilt) building square-footage for the next phase of construction from 244,000 square feet to 150,000 square feet, while re-allocating remaining density to future phases on the Property;
 - b. Modification of proposed building footprint, placement, and elevations;
 - c. Revised interior and exterior programming to reflect current and proposed operations;

- d. Addition of secure connection between existing and proposed buildings;
 - e. Addition of an open canopy along the pedestrian path from existing parking structure to existing building;
 - f. Updated entry vehicular circulation pattern and pedestrian circulation in response to new building configuration and parking changes;
 - g. Removal and re-design of some surface parking;
 - h. Updated SWM facilities in response to current ESD requirements and proposed limits of disturbance;
 - i. Updated utilities in response to new layout; and
 - j. Accommodation of fire access standards.
8. Site Plan Amendment No. 81998022H. The Planning Director approved a subsequent minor administrative amendment on May 24, 2019. This minor administrative amendment was approved for the limited purposes of adjusting the location of the footprint of the next phase building, and for accommodating corresponding, associated revisions to areas immediately surrounding and within the final footprint location (including excavation of approximately 29,152 square feet as a cellar level).
9. Site Plan Amendment No. 81998022I (i.e., the Previous Amendment) (Resolution dated December 23, 2019). The Planning Board approved the Previous Amendment on December 19, 2019, which allowed for the following modifications, as described in the Planning Board's Resolution dated December 23, 2019:
- a. Increase the density of previously approved, but unbuilt, Building 3 to 157,700 square feet for office and R&D, while retaining the unused remainder of previously-approved total density for future phases;
 - b. Enlarge the physical connector between the existing and new building;
 - c. Modify certain existing building façades to match the new building;
 - d. Add new decorative structural elements; and
 - e. Make minor adjustments to grading and landscaping.

The Applicant has now submitted a building permit application for the new building to be constructed pursuant to the Previous Amendment (i.e., "Building 3"). Because construction has not yet commenced for the new building, the amount of existing building floor area at the

Germantown Headquarters remains at approximately 241,400 square feet (*i.e.*, the buildings approved with Site Plan Amendment No. 8-98022A and Site Plan Amendment No. 81998022D). Assuming that MCPDS issues permits in the near future, the Applicant may then construct a portion of the unbuilt, approved density – approximately 157,700 square feet of the remaining cumulative approved 302,600 square feet – in the near term, in the approved building. It would then be necessary for the Applicant to site plan, and then construct, the approximately 144,900 square feet of unbuilt remaining approved floor area in future phases of development. (The Applicant anticipates that this unbuilt remainder will be situated generally to the south of the existing buildings at the Germantown Headquarters, as shown on the Previous Amendment, but details for this future expansion will be confirmed at a later date in connection with subsequent site plan amendments. As stated previously, only the general area for that future expansion has been set aside with the Previous Amendment.)

APPENDIX B

2020 PRELIMINARY PLAN & SITE PLAN CHRONOLOGY EXHIBIT

2020 PRELIMINARY PLAN & SITE PLAN CHRONOLOGY¹
QIAGEN CAMPUS AT GERMANTOWN BUSINESS PARK
19300 Germantown Road
Germantown, Maryland

Use	Functional Areas, Per Approved Plan	8/29/1994	4/22/1998	2/24/2000	1/24/2000			10/28/2002			7/31/2009			10/27/2010			Use	Functional Areas, Per Approved Plan	6/6/2013			7/26/2018				12/19/2019					
		Preliminary Plan # 1-81142	Site Plan # 8-98022	Preliminary Plan #1-81142R	Site Plan # 8-98022A (Lot 6 Only)			Site Plan # 8-98022B (Lot 1 Only)			Site Plan # 81998022C (Lot 6 Only)			Site Plan # 81998022D (Lot 6 Only)					Site Plan # 81998022F (Lot 7)			Site Plan # 81998022G (Lot 7)				Site Plan # 81998022I (Lot 7)					
		S.F.	S.F.	S.F.	Total Approved Area (S.F.)	Built Area (S.F.) (Phase 1)	Remaining Approved Area (S.F.) (Phase 2)	Total Approved Area (S.F.)	Built Area (S.F.)	Remaining Approved Area (S.F.)	Total Approved Area (S.F.)	Built Area (S.F.)	Remaining Approved Area (S.F.)	Total Approved Area (S.F.)	Built Area (S.F.)	Remaining Approved Area (S.F.)			Total Approved Area (S.F.)	Built Area (S.F.) ⁱⁱ	Remaining Approved Area (S.F.)	Total Approved Area (S.F.) (Corrected) ⁱⁱⁱ	Built Area (S.F.)	Proposed for Development with Site Plan (S.F.)	Remaining Approved Area (S.F.)	Total Approved Area (S.F.)	Built Area (S.F.)	Proposed for Development with Site Plan (S.F.)	Remaining Approved Area (S.F.) ^{iv}		
Lot 6	Research & Development	R&D Labs/Admin/QC Labs	-	-	130,000	129,050	64,450	64,600	-	-	-	64,450	64,450	-	64,450	64,450	-	Lot 7	Research & Development	R&D Labs/Admin/QC Labs	124,450	64,450	60,000	124,450	64,450	45,000	15,000	124,450	64,450	59,782	218
	Manufacturing/Production	Production	-	-	100,000	78,660	45,720	32,940	-	-	-	89,655	45,720	43,935	95,330	45,720	49,610	205,995	95,330	110,665	203,495 (inadvertently shown as 205,995 on Certified Site Plan)	95,330	22,500	85,665	203,495	95,330	2,313	105,852			
		Central Plant/Maintenance	-	-	-	12,915	9,765	3,150	-	-	-	21,285	9,765	11,520	16,125	9,765	6,360	16,125	16,125	-	18,625 (inadvertently shown as 16,125 on Certified Site Plan)	16,125	2,500	-	18,625	16,125	-	2,500			
		Circulation Corridor	-	-	-	7,000	7,000	-	-	-	-	7,000	7,000	-	7,000	7,000	-	7,000	7,000	-	7,000	7,000	-	-	7,000	7,000	-	-	-		
	Warehouse & Distribution	Lockers/Canteen/Support	-	-	100,000	14,730	13,450	1,280	-	-	-	17,595	13,450	4,145	17,080	13,450	3,630	17,080	17,080	-	19,080 (inadvertently shown as 17,080 on Certified Site Plan)	17,080	2,000	-	19,080	17,080	2,000	-	-		
Distribution Centre		-	-	-	30,745	20,750	6,100	-	-	-	20,750	20,750	-	20,750	20,750	-	25,750	20,750	5,000	25,750	20,750	-	5,000	25,750	20,750	5,000	-	-			
Warehouse		-	-	-	26,850	20,665	10,080	-	-	-	20,665	20,665	-	20,665	20,665	-	63,600	20,665	42,935	61,600 (inadvertently shown as 63,600 on Certified Site Plan)	20,665	10,000	30,935	61,600	20,665	4,605	36,330				
Office	Admin/Fitness/Meeting Rooms	-	-	-	-	-	-	-	-	-	58,550	-	58,550	58,550	-	58,550	-	84,000	-	84,000	84,000	-	68,000	16,000	84,000	-	84,000	-	-		
SUBTOTAL (LOT 6)							300,000 ^v	299,950 ^{vi}	181,800	118,150	299,950 ^{vi}	181,800	118,150	299,950	181,800	118,150	SUBTOTAL														
Lot 1	Research & Development	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	544,000	241,400	302,600	544,000	241,400	150,000	152,600	544,000	241,400	157,700	144,900				
	Manufacturing/Production	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-				
	Warehouse & Distribution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-				
	Office	Admin	-	-	100,000	-	-	-	90,000	-	90,000	90,000	-	90,000	90,000	-	90,000	-	84,000	-	84,000	84,000	-	68,000	16,000	84,000	-	84,000			
SUBTOTAL (LOT 1)							100,000	-	-	90,000	90,000 ^{vii}	-	90,000	90,000 ^{vii}	-	90,000	SUBTOTAL														
TOTAL (FORMER LOTS 6 & 1)					400,000 office (or trip equivalent)	231,600 ^{viii}	400,000 office (or trip equivalent)	400,000	181,800	218,200	389,950	181,800	208,150	389,950	181,800	208,150	TOTAL (CONSOLIDATED LOT 7)														
																	544,000	241,400	302,600	544,000	241,400	150,000	152,600	544,000	241,400	157,700	144,900				

¹ Chronology excludes the following: (1) Site Plan Amendment # 81998022E, a minor administrative amendment which neither proposes to provide any new building floor area, nor to reallocate any previously approved building floor area; (2) Minor Subdivision Plat No. 220121880, which was approved by the Planning Board on September 20, 2012, pursuant to the minor subdivision procedures of the Subdivision Regulations (i.e., former Section 50-35A(a)(3)) (the "Minor Subdivision Plat"); and (3) Site Plan Amendment # 81998022H, a minor administrative amendment approved for the limited purpose of adjusting the final location of the building footprint associated with Amendment G. The Minor Subdivision Plat allowed for the consolidation of former Lot 6 and former Lot 1 into a new unified record lot, known as Lot 7.

ⁱⁱ QIAGEN completed construction of all building areas identified as "Area[s] Under Construction" at time of Certified Site Plan No. 81998022F.

ⁱⁱⁱ Tabulations shown reflect the updated information for the functional use areas that was provided with Amendment I to correct minor, inadvertent errors that were included in the development density table on the Certified Site Plan for Amendment G. More specifically, the development density table that was included on the Amendment G Certified Site Plan correctly listed the overall use allocations that have approved for the primary functional use categories on the Property (i.e., research and development, manufacturing/production, warehouse/distribution, and office). However, the development density table included certain inadvertent errors with respect to the floor areas allocated to the sub-components of these overall functional categories with the previous amendment (for example, within the manufacturing and production use category, between the discrete allocations of floor area for production uses, central plant/maintenance uses, and circulation corridors).

^{iv} Or trip generation equivalent, if substitution is approved pursuant to future Site Plan Amendment.

^v Former Lot 6 and former Lot 1 were consolidated into a single record lot – current Lot 7 – pursuant to the Minor Subdivision Plat.

^{vi} Cumulative Total of research and development/administrative/quality control labs, manufacturing/production, and warehouse & distribution uses not to exceed 300,000 square feet.

^{vii} Site plan utilizes only 299,950 square feet of 300,000 square feet approved with Preliminary Plan #1-81142R for research and development labs/administrative/quality control labs, manufacturing/production, and warehouse & distribution uses.

^{viii} Previously approved with Site Plan #8-98022A.

^{ix} Up to 11,700 square feet of approved office floor area on Lot 1 may be utilized for on-site day care, with cumulative total of office and day care not to exceed 90,000 square feet.

^x Site Plan # 8-98022 only applied to the O-M zoned portion of the property, which has subsequently been rezoned to the EOF zone pursuant to District Map Amendment G-956. No site plan was required for the remaining office space.

APPENDIX C

CORRESPONDENCE RE GERMANTOWN BUSINESS PARK
INFRASTRUCTURE CONTRIBUTIONS

miller
properties of Bethesda, LLC

FAX (301) 770-5587

3200 Tower Oaks Boulevard, Suite 300, Rockville, MD 20852 • (301) 770-5584

August 10, 2000

Barbara Slade
Manekin, LLC
7470 New Technology Way
Suite B
Frederick, MD 21703

Re: Germantown Business Park Road Improvement Contribution
Aircraft Drive & Route 118, Germantown, MD

Dear Barbara:

As we discussed, please find enclosed the Germantown Business Park's contribution toward the referenced road improvement. This contribution, in the amount of \$12,824.23, reflects the pro-rata share of the Germantown Business Park at its full potential development. Thank you for your swift assistance in this matter and please feel free to call with any questions.

Sincerely,



Stephen Miller

enclosure

MILLER PROPERTIES 11/86
OF BETHESDA, LLC
PH 301-770-5584
3200 TOWER OAKS BLVD, STE 300
ROCKVILLE, MD 20852

19916

65-320/550
BRANCH 14008

DATE 8/10/00

PAY TO THE ORDER OF

Maxekin LLC

\$ 12,824.23

Twelve Thousand Eight Hundred Twenty Four and 23/100

DOLLARS

FIRST UNION
First Union National Bank
RT 055003201

FOR Offsite costs - Rte 118 Aircraft Drive

John Y McVeary

⑆019916⑆ ⑆055003201⑆ 200005666405⑆

miller
properties of Bethesda, LLC

FAX (301) 770-5587

3200 Tower Oaks Boulevard, Suite 300, Rockville, MD 20852 • (301) 770-5584

April 27, 2000

Jean Chait
Project Development Section
Montgomery County Department of Public Works and Transportation
101 Monroe Street, 10th Floor
Rockville, MD 20850

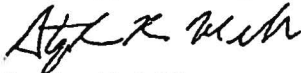
Re: Germantown Business Park, Road Improvement Contribution:
Middlebrook Road & Great Seneca Highway intersection improvements

Dear Jean,

Please find enclosed a check in the amount of \$80,500 representing the Germantown Business Park's contribution to the above referenced road improvement. This contribution is based upon the prorated share calculation provided by Craig Hedberg of Integrated Transportation Solutions and approved by your office. A copy of Mr. Hedbergs' worksheet is attached. Although the Germantown Business Park is not currently being developed to it's full potential, this contribution is based upon the traffic generated by the maximum approved development envelope of the business park (400,000 square feet of office use) and fully satisfies the park's obligation to contribute to this road improvement.

Please acknowledge receipt of the contribution where indicated below and return a signed copy to my attention at the letterhead address. Thank you for you assistance and cooperation in this matter.

Sincerely,



Stephen R. Miller

\$80,500 received by Montgomery County DPWT from Germantown Business Park c/o
Miller Properties:

Signature: _____ Date: _____

Printed Name: _____
Montgomery County DPWT

MILLER PROPERTIES 11/86
OF BETHESDA, LLC
P O BOX 34455
BETHESDA, MD 20817
PH 301-767-0800

19792

65-320/550
BRANCH 14006


DATE 4/20/2000

PAY
TO THE
ORDER OF

Montgomery County

\$ 80,500.00

Eighty Thousand Five Hundred

DOLLARS 

**FIRST
UNION**

First Union National Bank
McLean, Virginia
RT 055003201

FOR Germanstown Business Park Road Contribution

Stuart M. Mearns

⑈000019792⑈ ⑆055003201⑆ 2000005666405⑈

REC'D DEC 21 2001

Miller Investments Limited Partnerships
19828 Mayhill Terrace
Gaithersburg, Maryland 20879
Phone: 240-683-7220 Fax: 240-683-7222

Hand Delivered

December 21, 2001

Bob Larkin
Centex Homes
9007 Shady Grove Court
Gaithersburg, Maryland 20877

Re: Germantown Business Park/Miller Investments Limited Partnership 7 (MILP 7)
Road Improvement Participation - Right hand turn lane: southbound Great Seneca
Highway to westbound Clopper Road, Germantown, Maryland

Dear Bob:

Per our discussion, please find enclosed the Germantown Business Park's (c/o MILP 7) contribution in the amount of \$65,000.00 (sixty five thousand dollars) for participation in the referenced road improvement. This payment represents the Germantown Business Park's maximum required contribution and fulfills the participation requirement in its entirety. In the event that 25% of the final cost of the improvement is less than \$65,000.00, Centex agrees to refund the difference to MILP 7 (or MILP 7's designated agent/successor). Upon completion of the project, Centex agrees to provide MILP 7 with a full accounting of all costs attributed to the turn lane improvement.

Please acknowledge your receipt of the contribution and concurrence with the terms of this letter by signing where indicated below and returning the signed copy to my attention. Thank you for your assistance and cooperation in this matter.

Sincerely,



Stephen R. Miller
General Partner
Miller Investments Limited Partnership 7

Accepted & Acknowledged

Centex Homes:



Date: 12/21/01

MILLER INVESTMENTS LIMITED
PARTNERSHIP 7
19828 MAYHILL TERR
GAITHERSBURG, MD 20879

CAP
Asset Management Account 4059
Date 12/21/01 65-320/550
BRANCH 99998

Pay to the Order of LENTEX HOMES \$ 65,000.00

SIXTY FIVE THOUSAND + 00/100 Dollars

Look for Micro Print signature line, green background with CAP logo, First Union logo on back. If not present, do not cash.

FIRST UNION
First Union National Bank
firstunion.com
Org. 014 R/T 055003201

CODE

For Center Bus. Pk. Road Participation STEPH K MILL

⑆055003 20 ⑆⑆ 437 68 7088 ⑆⑆ 4059

miller
properties of Bethesda, LLC

FAX (301) 770-5587

3200 Tower Oaks Boulevard, Suite 300, Rockville, MD 20852 • (301) 770-5584

February 23, 2000

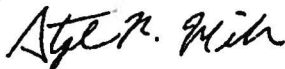
Tom Marshall
Elm Street Development
6820 Elm Street
Suite 200
McLean, VA 22101

Re: Germantown Business Park - Dawson Farm Road

Dear Tom:

Thank you for your quick response to my letter dated February 7, 2000 regarding our participation in A-254/Dawson Farm Road (copy attached). In accordance with the terms of the letter agreement, please find enclosed our check in the amount of \$30,000 as the Germantown Business Park's contribution toward the construction of Dawson Farm Road. Thank you for your assistance in this matter.

Sincerely,



Stephen Miller

enclosures

MILLER PROPERTIES 11/86
OF BETHESDA, LLC
P O BOX 34455
BETHESDA, MD 20817
PH 301-767-0800

19704

65-320/550
BRANCH 14006

DATE 2/23/00

PAY
TO THE
ORDER OF

Germantown Development Corporation

\$ 30,000.00

Thirty thousand

DOLLARS Security Features
Visible on back.

**FIRST
UNION**

First Union National Bank
McLean, Virginia
R/T 055003201

FOR

Germantown Business Park

James M. Weary

⑈0000 19704⑈ ⑆05500320⑆ ⑆2000005666405⑈