



United Therapeutics Project 242T, Sketch Plan No. 320210040 and Site Plan No. 820210060, including a Final Forest Conservation Plan

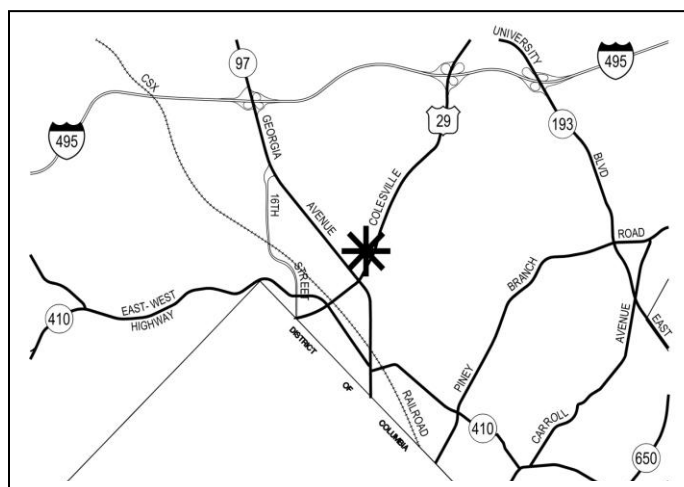
 Stephanie Dickel, Supervisor, DownCounty Planning, stephanie.dickel@montgomeryplanning.org, 301.495.4527

 Elza Hisel-McCoy, Chief, DownCounty Planning, elza.hisel-mccoy@montgomeryplanning.org, 301.495.2115

Completed: 4.5.21

Description

- Request under Optional Method Development for up to 65,000 square feet of medical/ scientific manufacturing and production uses in a building of up to 100 feet in height;
- Sketch Plan: 0.82 acres (35,542 square feet), zoned EOF-3.0 H-100';
- Site Plan: 1.60 acres (69,787 square feet), zoned EOF-3.0 H-100' and R-60;
- Located at 8830 and 8808 Cameron Street, Silver Spring;
- 2000 *North and West Silver Spring Master Plan*;
- Applicant: United Therapeutics Corporation;
- Accepted Date: January 13, 2021.



Summary

- Staff recommends approval of the Sketch Plan and Site Plan, with conditions.
- United Therapeutics began its work in Silver Spring in 1996 and its campus now includes over a half-dozen buildings. This operation will further expand United Therapeutics' Silver Spring campus, building on cutting-edge research and development work to be the first in the world to manufacture patient-specific lungs for transplant patients.
- The Proposal will redevelop the site with an industrial building containing medical/scientific manufacturing and production uses in a building of up to 100 feet in height and will include the following public benefits: major public facilities contribution for solar panels on Parkland, transit proximity, minimum parking, exceptional design, a cool roof, and a vegetated roof.
- The Site is split-zoned EOF and R-60. The Sketch Plan addresses the optional method of development proposed on the EOF portion of the Site. The Site Plan covers the R-60 portion of the site, which will only be used for surface parking and service, as well as the EOF portion. Parking is permitted on the R-60 portion pursuant to ZTA 20-06.
- Staff has received correspondence, which is summarized in the Staff Report.

TABLE OF CONTENTS

SECTION 1: RECOMMENDATION AND CONDITIONS	3
SECTION 2: SITE DESCRIPTION	8
SECTION 3: PROJECT DESCRIPTION	9
SECTION 4: SKETCH PLAN ANALYSIS AND FINDINGS	15
SECTION 5: SITE PLAN ANALYSIS AND FINDINGS	22
SECTION 6: CONCLUSION	34

SECTION 1: RECOMMENDATION AND CONDITIONS

SKETCH PLAN 320210040

Staff recommends approval of United Therapeutics Project 242T, Sketch Plan No. 320210040, for up to 65,000 gross square feet of medical/ scientific manufacturing and production uses in a building of up to 100 feet in height on 0.82 acres, zoned EOF 3.0 H-100', in the 2000 *North and West Silver Spring Master Plan*. The following 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 conditions below:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements of the Sketch Plan are illustrative and subject to refinement at the time of Site Plan.

This approval is subject to the following conditions:

1. Density

The Sketch Plan is limited to a maximum of 65,000 gross square feet of medical/ scientific manufacturing and production uses. The final square footage will be determined at Site Plan.

2. Height

The development is limited to a maximum height of 100 feet, as measured from the building height measuring point to be illustrated on the Certified Site Plan.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59.7.3.3.I. and this Sketch Plan is amended. Total points must equal at least 60 and be chosen from at least three categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7 and the *Commercial/Residential and Employment Zones Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval. The proposed categories are as follows:

- a. Major Public Facilities, achieved through solar panel contribution from the 8830 Cameron Street building to the Parks Department;
- b. Transit Proximity, achieved by locating a Project within ½ mile of major public transit facilities;
- c. Connectivity and Mobility, achieved by providing fewer than the maximum parking spaces under the Zoning Ordinance;
- d. Quality of Building and Site Design, achieved through exceptional design; and
- e. Protection and Enhancement of the Natural Environment, achieved through vegetated roof and a cool roof design.

4. MCDOT letter

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated February 19, 2021, and hereby incorporates them as conditions of the Sketch Plan approval. The Applicant must comply with each of the

recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Sketch Plan approval.

SITE PLAN 820210060

Staff recommends approval of Site Plan 820210060, including a Final Forest Conservation Plan. The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320210040. 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

Density & Height

1. Density

The Site Plan is limited to a maximum of up to 65,000 gross square feet of medical/ scientific manufacturing and production uses and associated surface parking.

2. Height

The development is limited to a maximum height of 100 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

Public Benefits

3. The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *Commercial/Residential and Employment Zones Incentive Density Implementation Guidelines* for each one.
 - a. Major Public Facilities – Prior to Certified Site Plan, the Applicant must donate the 3,778 square feet of existing solar panels from the 8830 Cameron Street building to the Parks Department.
 - b. Transit Proximity – Provide final calculation of points on Certified Site Plan.
 - c. Connectivity between Uses, Activities, and Mobility Options
 - i. Minimum Parking – The Applicant must not provide/construct more than 47 parking spaces onsite.
 - d. Quality Building and Site Design
 - i. Exceptional Design – The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan, as otherwise approved by Staff.
 - e. Protection and Enhancement of the Natural Environment
 - i. Cool Roof – The Applicant must install a cool roof as shown on the Certified Site Plan with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.
 - ii. Vegetated Roof – The Applicant must install a vegetated roof with a soil depth of a minimum of 4 inches covering a minimum of 33% of the building's roof, excluding space for mechanical equipment, as illustrated on the Certified Site Plan.

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.

4. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to the pedestrian connection from Cameron Street to South Noyes Drive.

Site Plan

5. 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 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 or BUG-equivalent 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 the lot line, excluding areas impacted by street lights within the right-of-way.
- e. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

Environment

6. Final Forest Conservation Plan

- a. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- b. Prior to demolition or any land-disturbing activities occurring onsite the Applicant must receive approval from the M-NCPPC Office of the General Counsel for a Certificate of Compliance for an off-site forest mitigation bank, or payment via fee-in-lieu, to satisfy the afforestation requirement for a total of 0.25 acres (or as determined on the Final Forest Conservation Plan).
- c. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
- d. Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings as shown on the Forest Conservation Plan or as directed by the M-NCPPC Forest Conservation Inspector.
- e. The Applicant must plant the variance tree mitigation plantings on the Subject Property, with a minimum size of 3 caliper inches, totaling at least 7.5 caliper inches as shown on the certified Forest Conservation Plan. All onsite trees credited towards variance mitigation must be at least five (5) feet away from any structures, stormwater management facilities, PIEs, PUEs, ROWs, utility lines, and/or their associated easements. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
- f. Prior to any demolition, clearing, grading or construction for this development Application, the Applicant must submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the mitigation trees and maintenance credited toward meeting the requirements of the FCP.

- g. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.

7. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept letter dated March 8, 2021 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.

Transportation & Circulation/ Adequate Public Facilities (APF)

8. Transportation

Before the release of any Use and Occupancy Certificate, the Applicant must coordinate with and gain approval from MCDOT on a Level 1 Basic Transportation Demand Management (TDM) Plan, as required for all projects proposing a total of 40,000-80,000 SF in an Orange Policy Area, in accordance with Section 42A-26 of the Montgomery County Code.

9. Pedestrian & Bicycle Circulation

- a. The Applicant must provide 10 long-term bicycle parking spaces (short-term spaces not required).
- b. The long-term spaces must be in a secured, well-lit bicycle room in the cellar of the building (accessible by a designated pathway along the southern driveway ramp).
- c. The Applicant must provide 6 all-gender shower/changing rooms and 6 changing lockers.

10. Validity

The Adequate Public Facility Review (APF) will remain valid for sixty (60) months from the date of mailing of the Planning Board Resolution for the Site Plan.

11. Department of Permitting Services-Right-of-Way

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way (DPS-ROW) Section in its letter dated February 19, 2021, 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.

12. Fire and Rescue

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated March 5, 2021, 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.

13. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, 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 59.7.3.4.K.4 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 material, on-site lighting, site furniture, trash enclosures, retaining walls, fences, private utilities and paths and associated improvements of development, including sidewalks, 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.

14. Development Program

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

15. Record Plat

Prior to issuance of the first above grade building permit, the Applicant must record the record plat among the Montgomery County Land Records.

16. 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 Sketch and Site Plan resolutions on the approval or cover sheet(s).
- b. Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c. 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."
- d. Modify data table to reflect development standards approved by the Planning Board.
- e. Add Public Benefits table and calculations as approved by the Planning Board on the cover sheet.
- f. Ensure consistency of all details and layout between Site and Landscape plans.

SECTION 2: SITE DESCRIPTION

Site Vicinity and Analysis

Vicinity

The subject site (Subject Property or Property) is located at the northern terminus of Cameron Street in a transitional area between the Central Business District to the south and the beginning of a single-family detached neighborhood to the north. Directly to the north and east is the Woodside Park neighborhood, and to the west is the Fairview Court townhouse development. Directly to the south along and across Spring Street is the rest of the United Therapeutics Silver Spring campus, and beyond that the northern portion of Downtown Silver Spring.



Figure 1 - Vicinity Map

Subject Property

The Property is comprised of two lots and a parcel totaling 1.60 acres or 69,787 square feet of tract area. As discussed below, the Applicant previously submitted a Minor Subdivision Plat application (220210180) to consolidate the site into one property. The Property is split zoned, with the northern portion being zoned R-60, and the southern portion zoned EOF 3.0 H-100'. While the Applicant is seeking Site Plan approval for the entire Property, the Sketch Plan application only covers the portion of the Property zoned EOF, which is 0.82 acres or

35,542 square feet. The Property is within the 2000 *North and West Silver Spring Master Plan* (Sector Plan) and the Parking Lot District (PLD).

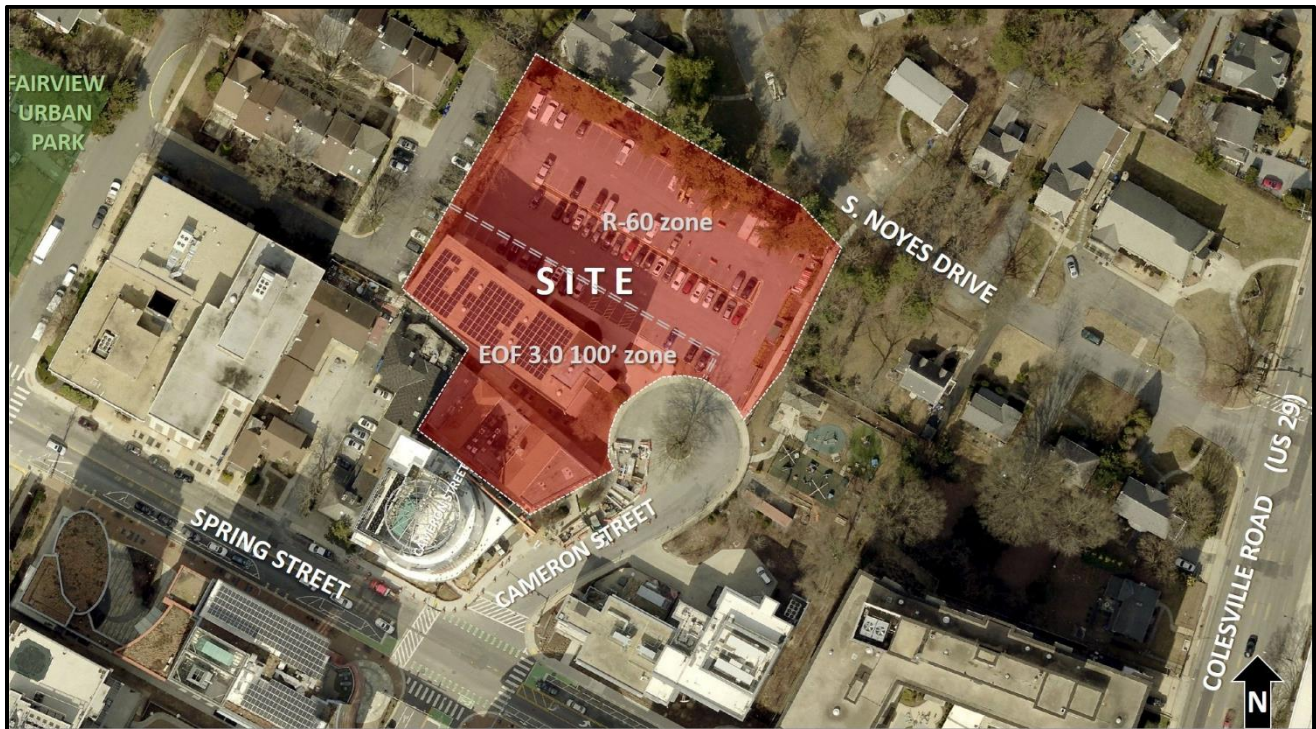


Figure 2 – Site Aerial

Site Analysis

The Site is currently developed with two office buildings on the southern portion of the Property zoned EOF, located at 8808 and 8830 Cameron Street and an associated surface parking lot for the buildings, zoned R-60. An existing pedestrian path on the eastern portion of the Property connects Cameron Street to S. Noyes Drive in the rear. There are no known rare, threatened, or endangered species on site; there are no 100-year floodplains, stream buffers, or wetlands on site. There are no known historic properties on site.

SECTION 3: PROJECT DESCRIPTION

Background

United Therapeutics began its work in Silver Spring in the early 2000s, and its campus now includes over a half-dozen buildings. This operation will further expand United Therapeutics' Silver Spring campus, building on cutting-edge research and development work to be the first in the world to manufacture patient-specific lungs for transplant. The Planning Board has approved Project, Preliminary, and Site Plans for the majority of the campus properties.

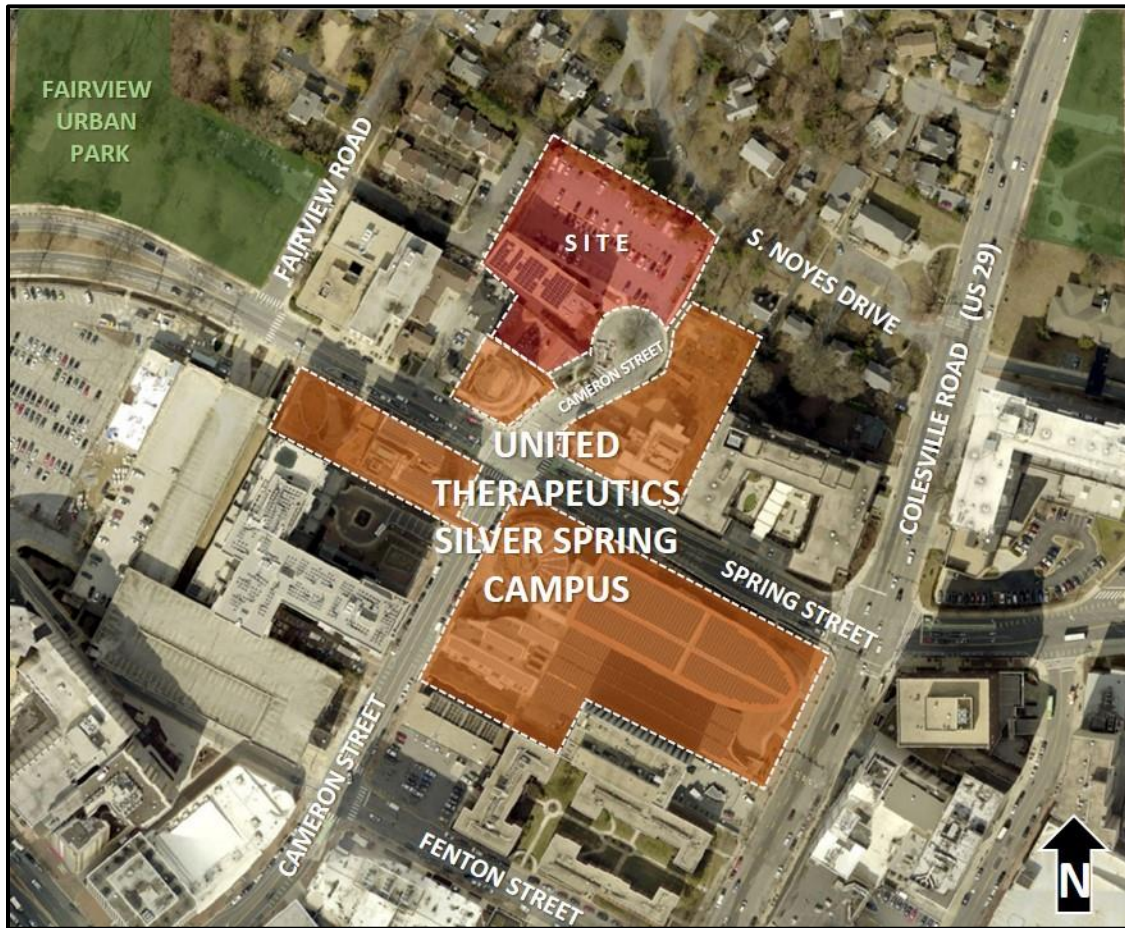


Figure 3 – United Therapeutics Silver Spring Campus

Previous Approvals

The R-60 portion of the Subject Property was granted a special exception in 1967 (CBA-2164) for off-street parking in connection with a commercial use. The special exception was ultimately transferred to United Therapeutics in 2011 and continues to be used for off-street parking in connection with the commercial use at 8830 Cameron Street.

On March 16, 2021, the County Council enacted Zoning Text Amendment, ZTA 20-06 to allow Planning Board approval of a Site Plan to supersede a special exception for surface parking in a residential zone at the option of the Site Plan Applicant. ZTA 20-06 applies to the R-60 zoned portion of the Subject Property included in the proposed Site Plan.

Minor Subdivision

In December 2020, the Applicant submitted Minor Subdivision application 220210180 to consolidate the current lots and parcel owned by United Therapeutics into a single lot. The application has met all the technical review requirements and is scheduled for consideration by the Planning Board.

Proposal

The Applicant proposes to demolish the two existing office buildings and construct a new 6-story building for the purposes of medical/scientific production with associated surface parking in the rear. Overall parking on the site will be reduced from 88 to 47 spaces.

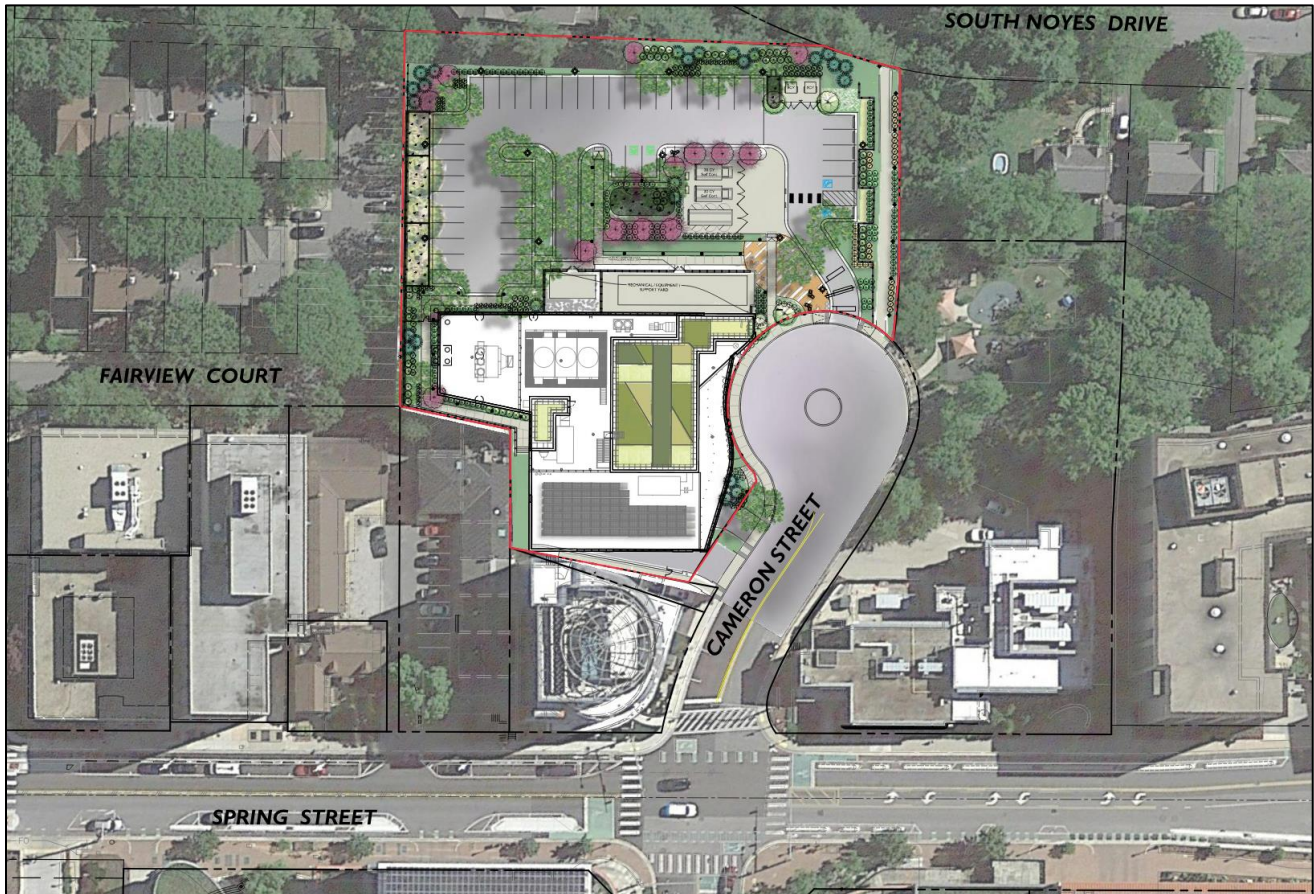


Figure 4 – Illustrative Site Plan

Building & Site Design

The building is proposed to be six stories and up to 100' in height and has incorporated several sustainable features into the design, such as geoexchange wells onsite that will contribute to heating and cooling, and the roof itself will include solar panels and green roof over the mechanical penthouse, and the remaining roof will meet the Zoning Ordinance's cool roof standards. The architecture of the building has been designed to match the current materials and style of the United Therapeutics Silver Spring Campus with the use of metal panels, louvers, and a curtain wall design. Due to the building's proposed production use, transparency and glazing will be limited.

The rear parking lot area will accommodate mechanical support equipment which will be screened with rain gardens and bioboxes, and trees and shrubbery will border the entire parking area to further buffer the Project from adjacent residential neighborhoods. Additional landscaping and pedestrian lighting along the existing pedestrian path connecting Cameron Street to South Noyes Drive is proposed.



Figure 5 – Rendering of new building from Spring Street and Cameron Street Intersection (circular building exists)



Figure 6 – Rendering of building from rear pedestrian path from S. Noyes Drive

Open Space

In the EOF zone, properties with tract areas ranging between 1 acre and 3 acres and 1 frontage are not required to provide any public open space, per Section 59.4.6.4.B.1 of the Zoning Ordinance.

Environment

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved for the property on December 16, 2020. The plan identifies the existing man-made and natural features associated with the Property, such as the buildings, associated parking, the street trees and landscape elements. The Approved NRI/FSD shows that there are no environmentally sensitive features such as rare, threatened, or endangered species, flood plains, stream/buffers, steep slopes or known historical or cultural resources on site. Soils within the Site are classified as 400-Urban land and 2B-Gleneig silt loam. Although there are areas of man-made slopes of 25% or greater within and around the site, the soils within the site are generally not environmentally sensitive and are typically associated with minimal to moderate slopes. The Subject Property is located within the Sligo Creek watershed, a Use I watershed¹, which is also a tributary of the Anacostia River. The Property contains one specimen tree and there are an additional five significant trees and one specimen tree within the 100' study area for this Application.

Forest Conservation

This Application is subject to the Chapter 22A Forest Conservation Law and has submitted a Forest Conservation Plan along with the Sketch and Site Plan. The Forest Conservation Plan shows that within the 1.68-acre site area, there is no existing forest, and thus no forest clearing is proposed; the Forest Conservation Worksheet included in the Plan shows a calculated Afforestation Requirement of 0.25-acres, which Staff recommends be met through fee-in-lieu or via credits purchased from an off-site, planted Forest Conservation Bank.

Stormwater Management (SWM)

The Project must comply with the requirements of Chapter 19 of the Montgomery County Code. There are no known stormwater management facilities located on the Property. As such, the Applicant will utilize Environmental Site Design (ESD) to the Maximum Extent Practicable to significantly improve the onsite treatment of stormwater runoff. The Stormwater Management Concept Plan was approved by the Montgomery County Department of Permitting Services (MCDPS) on March 8, 2021. The Project proposes to meet required stormwater management goals via ESD to the MEP via green roof, rainwater harvesting, rain garden and a micro-bioretenion. Due to site constraints a partial waiver of stormwater management was requested and is hereby granted.

Transportation

Access and Circulation

Pedestrian access to the Site will be from the established sidewalk network. An existing mid-block pedestrian connection between the terminus of Cameron Street and South Noyes Drive will be enhanced by additional planting and improved lighting. Vehicular access to the Site will occur via a consolidated curb cut on Cameron Street on the southeastern corner of the Site. The driveway for accessing the designated off-street loading and the cellar access ramp will be separated by a 7.5-foot pedestrian refuge, which exceeds the minimum 6-foot width, per MCDOT Design Standards. The consolidated curb cut on Cameron Street limits interruption of the pedestrian and bicycle routes and promotes the County's Vision Zero policy. The loading zone will be used by routine delivery vehicles and for trash collection. The cellar access driveway will be used by trucks that require

¹Use I:

WATER CONTACT RECREATION & PROTECTION OF AQUATIC LIFE

Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply and industrial water supply.

access to the cellar of the building and is expected to be used infrequently. Access to both loading areas will be controlled by secure, roll-top doors that are controlled by key fobs.

On-street parking along the western side of Cameron Street and within the bulb of the cul-de-sac will be removed and no-parking enforcement signs will be installed. During the review process it was determined that the existing condition of the bulb and the roadway segment did not need the minimum design standards for fire access and was likely very difficult for large trash and delivery vehicles to navigate.

The existing surface parking lot is accessed by the existing full-movement driveway on the Cameron Street cul-de-sac bulb. The surface parking lot will be modified to provide a total of 47 parking spaces, which includes 45 typical parking spaces, two spaces with electrical charging stations, one ADA van space, one ADA typical space, and three motorcycle parking spaces. This is fewer than the required minimum 65 parking spaces, which is permitted as the Site is located within the Silver Spring Parking Lot District boundary (Section 59-6.2.3.H.1.a). The design of the surface parking lot can also accommodate maintenance vehicles accessing the two outdoor waste containment areas and the micro-bulk gas area.

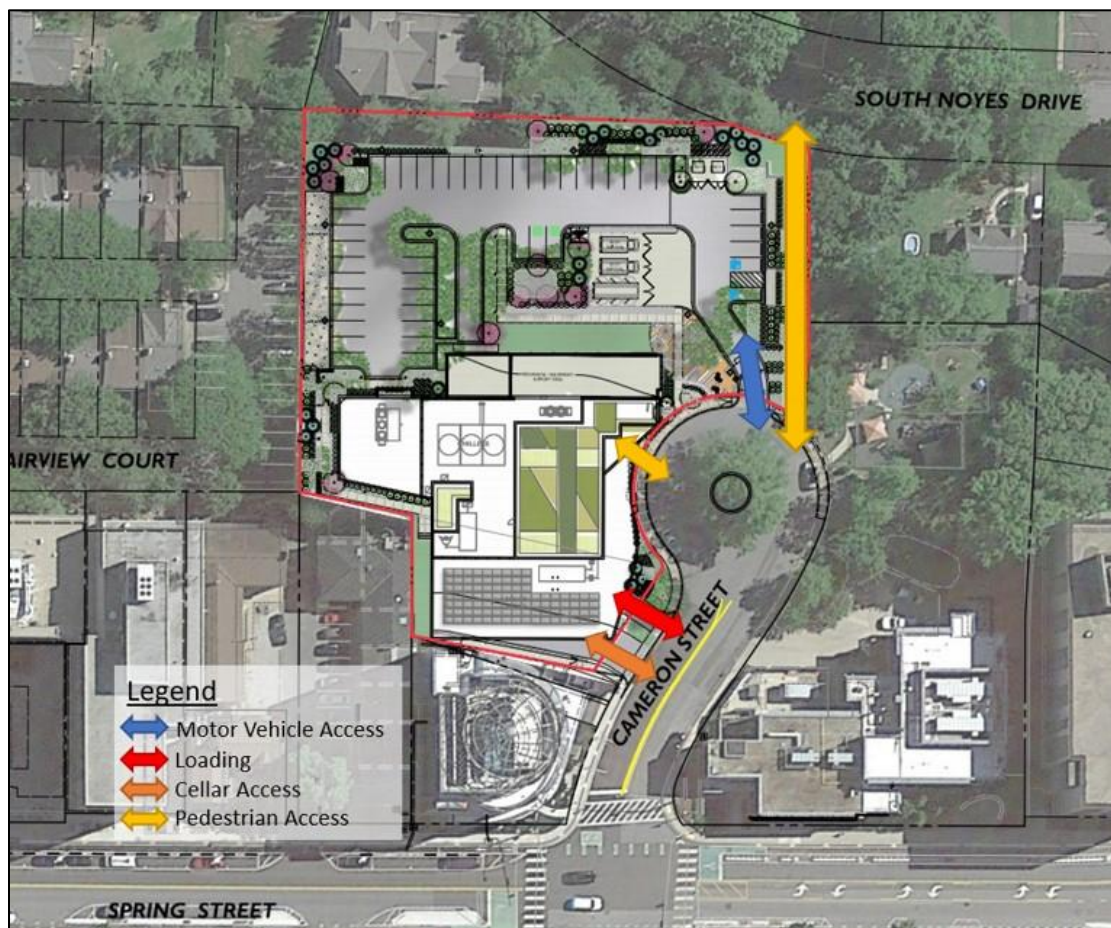


Figure 7 - Pedestrian and Vehicular Circulation

The Site is required to provide a minimum of 6 long-term bicycle parking spaces and the Project proposes a total of 10 within the cellar of the building, behind the secure, roll-top door. Cyclists access the bicycle parking room via a designated space along the driveway ramp. The long-term bicycle parking room consists of 9 standard spaces,

1 oversized space and 2 charging stations for electric bicycles. No short-term bicycle parking is required for Medical/Scientific Manufacturing and Production uses and none is provided.

Transit Connectivity

The immediate area is well served by transit which includes the Sarbanes Transit Center (located within ½ mile of the site), which is served by the following local and regional transit providers: Metrorail Red Line, MARC Commuter rail, US 29 Flash Bus Rapid Transit, Metrobus, RideOn, the Silver Spring VanGo Circulator, and future Purple Line light rail.

SECTION 4: SKETCH PLAN ANALYSIS AND FINDINGS

The purpose of a Sketch Plan is to identify general land uses, development intensity, and public benefits for the optional method of development in the CR, CRT, EOF or LSC zones. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, heights and anticipated uses, the locations of open and public use spaces, the general circulation patterns for all modes of transportation, an estimated range of peak hour trips, and relationships between existing or proposed adjacent buildings and rights-of-way. Details of the proposed development are determined during Preliminary and Site Plan review. Section 59.7.3.3.E of the Zoning Ordinance states: "To approve a Sketch Plan the Planning Board must find that the following elements are appropriate in concept and appropriate for further detailed review at Site Plan. The Sketch Plan must:"

1. *Meet the objectives, general requirements, and standards of this Chapter;*

The Sketch Plan meets the development standards of Section 59.4.5.4, as shown in the following Data Table:

Table 1: United Therapeutics Project 242T Sketch Plan Data Table

Section 59.4	Development Standard	Permitted/Required	Proposed
	EOF 3.0 100' 8830 Cameron St 8808 Cameron St TOTAL	n/a	25,692 (0.59 ac) 9,850 (0.23 ac) 35,542 (0.82)
	Prior Dedication Proposed Dedication Site Area	n/a	9,392 sf (0.22 ac) 0 sf 26,150 sf (0.60 ac)
	Commercial Density (GFA/ FAR) EOF 3.0 100'	106,626 sf (3.0)	65,000 (1.83 FAR)
	Total Maximum GFA/ FAR	106,626 sf (3.0)	65,000 sf (1.83 FAR)
	Building Height (max)	100 feet	100 feet
	Public Open Space (min)	0%	0%
	Minimum Setbacks		
	Front	0	0
	Side	0	0
	Rear	20'	20' ¹

¹Subject to Residential Compatibility Standards of Section 59.4.1.8.A.1.b of the Zoning Ordinance. Rear setback requirements for the R-T 12.5 Standard Method development standards are under Section 59.8.2.4.B.1.

Section 4.1.8 – Residential Compatibility

The Residential Compatibility Standards of Section 59.4.1.8.A.1.a (which triggers 59.4.1.8.A.2) and 59.4.1.8.B do not apply to this Site. The Zoning Ordinance states that height and setback standards are applicable to a property in the employment zone that “abuts a property in an agricultural, rural residential, residential detached, or residential townhouse zone that is vacant or improved with an agricultural or residential use”. The Department of Permitting Services has determined, in a letter dated March 10, 2021 (Attachment A), that while the adjacent property is within a Residential Townhouse Zone, it is an HOA common parcel (Parcel A) that is improved with paving, striping, and curbs - not a residential use that abuts the Subject Property, therefore the standards for height under 59.4.1.8.B and the setbacks under 59.4.8.A.2 do not apply. What does apply for this project is Section 59.4.1.8.A.b (setback measurement). 59.4.1.8.A.b states that “on a property in a Residential Multi-Unit, Commercial/Residential, Employment, or Industrial zone for which Section 4.1.8.A.1.a does not apply, the minimum side and rear setbacks are equal to the setbacks required for “side setback, abutting all other zones” and “Rear setback, abutting all other zones” in the applicable standard method development standards tables in Division 4.4 through Division 4.8.” The proposed building is set back 20 feet from the property line, consistent with the rear setbacks required in the adjacent R-T 12.5 Zone.

In addition, Planning Staff analyzed and evaluated the project, based on the compatibility section in the Zoning Ordinance, and requested the Applicant show compatibility with the adjacent townhouses from the townhouse lot line, demonstrating that the project meets the 45 degree angular plane, measured from structure to structure. Although DPS and Planning staff agree that Section 59.4.1.8.A.1.a and 59.4.1.8.B do not apply to this project, as depicted in the figure below, the building does not protrude beyond a 45 degree angular plane, as measured from the townhouse lot line to the proposed building. This is consistent with how Staff approaches similar projects that are located adjacent to properties that are zoned R-60 but not improved with a residential use, such as a park or parking lot, and therefore the project addresses the Zoning Ordinance requirements appropriately. The abutting HOA parcel is not vacant nor used for an agricultural or residential use, and pursuant to applicable Maryland law, the paving, string, and curbs in the HOA parcel meet the definition of “improved.”

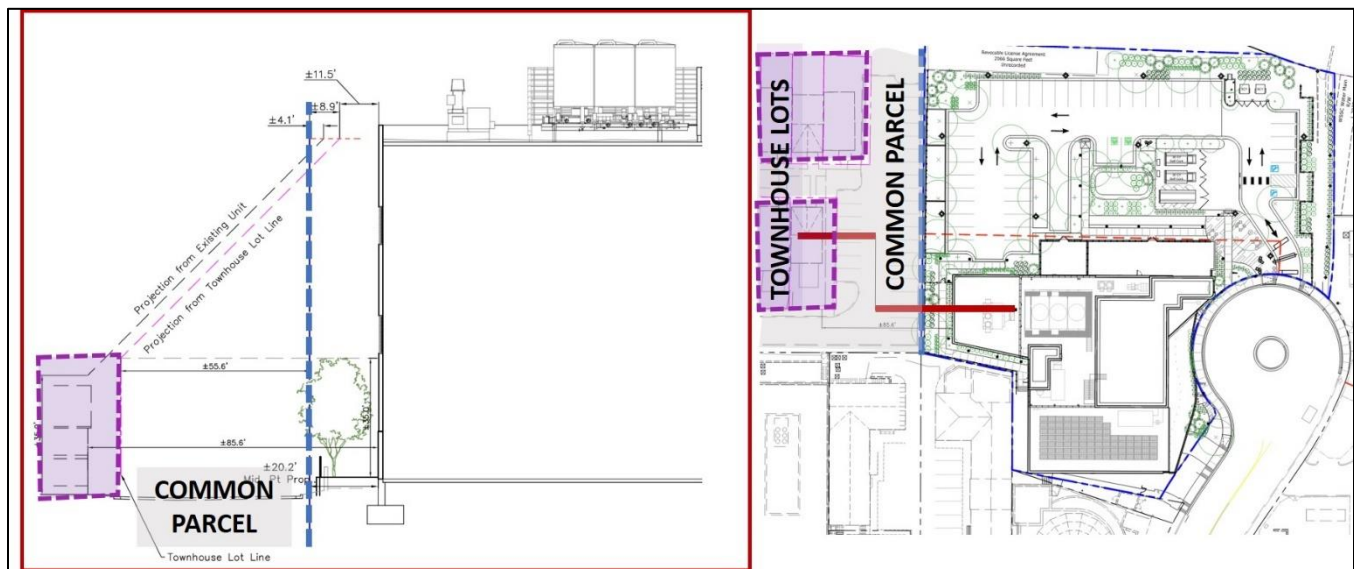


Figure 8 – Diagram showing proposed building height with adjacent townhouse development

North and West Silver Spring Master Plan. Specifically, this Sector Plan seeks to enhance stable neighborhoods, upgrade local commercial centers, and improve pedestrian and bikeway connections. The recommendations focus on:

1. **Community Preservation, Stability, and Character** to preserve the existing residential character and reinforce the many desirable features of the north and West Silver Spring neighborhoods.
2. **Commercial Centers – Character and Viability**, to improve appearance, vehicular and pedestrian access, and overall economic health of commercial centers.
3. **Neighborhood-Friendly Circulation Systems**, to improve pedestrian access and safety.
4. **Parks, Community Facilities, and Environmental Resources**, to continue to acknowledge these resources as essential elements of community life.

The Property is located in the North Silver Spring area of the Sector Plan, which reconfirmed the existing zoning. Any new or infill development should be compatible with the existing residential character. The Land Use Map identified the existing use of this site as office and parking, and the proposed use of Science and Manufacturing with associated surface parking will generally be in the same location as the existing buildings, meeting the intent of the Sector Plan.

- b) *Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.*

The Project will redevelop two existing office buildings into a well-designed, contemporary building that will be designed to match the existing United Therapeutics Campus. While the surface parking will remain, parking has been reduced and will be designed to increase buffer between the site and the surrounding neighborhoods.

- c) *Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.*

The Project encourages such development by proposing a new building for science production that will increase employment in the area. The Project will be adjacent to the Silver Spring CBD and in walking distance to transit facilities, and other urban amenities, and will enhance an existing pedestrian connection from downtown Silver Spring to the adjacent residential neighborhood.

- d) *Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.*

The proposed building height of 100 feet is compatible with the surrounding residential development, as the location of the building will provide a generous setback to the single-family residential area in the rear. The site design includes new landscaping to further screen the Project and associated parking from the neighboring townhouses.

- e) *Integrate an appropriate balance of employment and housing opportunities.*

The Proposal will provide a new building for the purposes of scientific manufacturing which is expected to bring 155 new employees to the United Therapeutics Campus, thereby increasing employment

opportunities near the downtown and residential neighborhood with a wide variety of housing opportunities.

- f) *Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard Method limit.*

The Project will provide the required public benefits from a minimum of 3 categories to achieve the desired incentive density above the standard method limit. Final determination of public benefit points will be determined at the time of Site Plan.

2. *Substantially conform with the recommendations of the applicable master plan;*

As discussed in Finding 1.a above, the Project substantially conforms to the recommendation of the 2000 *North and West Silver Spring Master Plan*. The Land Use Map identified the existing use of this site as office and parking, and the new building for medical/scientific manufacturing and associated surface parking proposed by the Project will the generally be in the same location as the existing buildings, meeting the intent of the Sector Plan. Further, the Project will strengthen the function, character, and appearance of Cameron Street and its surroundings with a modern building and improved landscaping.

3. *Satisfy any development plan or schematic development plan in effect on October 29, 2014;*

The Sketch Plan is not subject to a development plan or schematic development plan.

4. *Achieve compatible internal and external relationships between existing and pending nearby development;*

The Proposal has been designed to be compatible with the surrounding existing and proposed development. The proposed building will be generally located within the footprints of the existing two buildings, and while the proposed building height is taller than the existing building, it will be within the maximum allowed height of the Property's zoning. Furthermore, the existing townhouses provide an appropriate transition from the office to the nearby single-family residential. To the south, the Proposal will blend with the other existing United Therapeutics Campus development, and to the north, the Proposal will enhance existing pedestrian connections with the residential neighborhood along S. Noyes Drive, and increase buffer areas and screening through landscaping.

5. *Provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading:*

As proposed, circulation, parking, and loading is safe, adequate and efficient. Pedestrian access will be accommodated along the Cameron Street frontage. Parking for the new building will be provided in the reconfigured surface parking lot accessed from the existing driveway on the bulb of the Cameron Street cul-de-sac. The surface parking lot will be reduced in size and accommodation from 88 spaces to 47 vehicles, as well as 3 motorcycle spaces. With 47 total spaces, this is fewer than the required minimum 65 parking spaces, which is permitted as the Site is located within the Silver Spring Parking Lot District boundary (Section 59-6.2.3.H.1.a).

Vehicular and loading access will occur via Cameron Street via the consolidated curb cut. Loading for the Project will occur internal to the Site.

6. *Propose an outline of public benefits that supports the requested incentive density and is appropriate for the specific community;*

Taking into account the considerations in Section 59.4.7.1.B, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site, as described below.

For the proposed development, the Zoning Ordinance requires 60 points in 3 categories. Although at the time of Sketch Plan review only the categories need be approved, the following table shows both the categories and points for the public benefits requested at Sketch Plan to demonstrate the project's ability to meet the requirement to provide sufficient benefit points.

Table 2: Proposed Public Benefits

Public Benefit	Incentive Density Points	
	Max Allowed	Recommended
59.4.9.2.C.4.B.ii: Major Public Facilities		
Solar Panel Contribution	40	40
59.4.7.3.B: Transit Proximity		
Minimum Parking	25	15
59.4.7.3.C: Connectivity and Mobility		
Minimum Parking	10	10
59.4.7.3E: Quality of Building and Site Design		
Exceptional Design	10	5
59.4.7.3F: Protection and Enhancement of the Natural Environment		
Cool Roof	15	5
Vegetated Roof	10	7.5
TOTAL		82.5

Major Public Facilities

Solar Panel Contribution: The Applicant requests points under this category for the donation of the existing solar panels from the 8830 Cameron Street building to the Parks Department in order to assist the Department's goals to increase the use of solar energy in its facilities. The Applicant and Parks have preliminarily identified three potential sites for the use of the panels. The donation value is estimated at \$315,000. Staff supports the Applicant's request.

Transit Proximity

The Applicant requests points under this category for the Site being located within ½ mile of major public transit including the Silver Spring Metro Station and Transit Center.

Connectivity and Mobility

Minimum Parking: The Applicant requests 10 points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points for providing the maximum allowable number of on-site spaces to 20 points for providing no more than the minimum numbers of spaces on site. At this time, the Applicant is proposing 47 parking spaces, which is

148 spaces fewer than the maximum allowed in this zone. Final determination will be made at Site Plan and Staff supports the Applicant's request.

Quality of Building and Site Design

Exceptional Design: The Applicant requested 10 points for exceptional design. While only one building is proposed with this application, the Applicant sees this as an extension of the existing United Therapeutics Campus. The building will utilize materials similar to other structures within the Campus to maintain a consistent composition, while proposing a building massing that is unique in size and shape. Each façade was individually designed to break down the building's scale and varies in material and color. The materials respond to the spaces they enclose, such as louvers at mechanical floors, glazing at circulation corridors, and metal panel rainscreen where durability and privacy are priorities. At upper floors, transparent glazing is provided. Sustainable features have been incorporated into the site and building design, such as solar panels, green roof, cool roof, stormwater reclamation, geoexchange wells for heating and cooling, and next generation battery storage to reduce emergency generator needs. Staff supports the category and will determine the final number of points at Site Plan.

Protection and Enhancement of the Natural Environment

Cool Roof: The Applicant requests 5 points for providing a cool roof on areas of the rooftop that do not contain green roof, solar, or mechanical areas. The cool roof area will incorporate a mixture of materials that will collectively meet or exceed a solar reflectance index (SRI) of 75. Staff supports this request at this time.

Vegetated Roof: The Applicant requests 7.5 points for the installation of vegetated roof covering at least 33% of the roof with a minimum depth of 4 inches. Staff is supportive of the category at this time.

7. *Establish a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The Project will be built in one phase.

SECTION 5: SITE PLAN 820210060 ANALYSIS AND FINDINGS

ANALYSIS AND FINDINGS

1. *When reviewing an application, the approval findings apply only to the site covered by the application.*
2. *To approve a site plan, the Planning Board must find that the proposed development:*
 - a. *satisfies any previous approval that applies to the site;*

The Site Plan conforms to all bindings elements of Sketch Plan No. 320210040.

- b. *satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

- c. *satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

This section is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

- d. *satisfies applicable use standards, development standards, and general requirements under this Chapter;*
 - i. *Division 3. Uses and Use Standards.*

The R-60 portion of the Subject Property was granted a special exception in 1967 (CBA-2164) for off-street parking in connection with a commercial use. The special exception was ultimately transferred to United Therapeutics in 2011 and continues to be used for off-street parking in connection with the commercial use at 8830 Cameron Street. On March 16, 2021, the County Council enacted a related Zoning Text Amendment, ZTA 20-06, which allows Planning Board approval of a Site Plan to supersede a special exception for surface parking in a residential zone at the option of the Site Plan Applicant. ZTA 20-06 applies to the R-60 zoned portion of the Subject Property, which is included in the proposed Site Plan.

- ii. *Division 4.5. Commercial/Residential Zones*

Development Standards

The Tract is approximately 1.60 acres or 69,787 square feet, zoned EOF 3.0 100' and R-60. The following Data Table shows the Application's conformance to the development standards of the zones.

Table 3: United Therapeutics Project 242T Site Plan Data Table

Section 59.4	Development Standard	Permitted/Required	Proposed
	EOF 3.0 100' 8830 & 8808 Cameron St	n/a	35,542 (0.82)
	R-60 8830 Cameron St		34,245 (0.79) 69,787 sf (1.60 ac)
	Prior Dedication Proposed Dedication	n/a	9,661 sf (0.22 ac) 0 sf
	Site Area		60,126 sf (1.38 ac)
	Residential Density (GFA/ FAR) R-60	1 unit/ 6000 sf	0
	Commercial Density (GFA/ FAR) EOF 3.0 100	106,626 sf (3.0)	65,000 (1.83 FAR)
	Total Maximum GFA/ FAR	106,626 sf (3.0)	65,000 sf (1.83 FAR)
	Building Height (max)	100 feet	100 feet
	Public Open Space (min)	0%	0%
	Minimum Setbacks		
	Front	0	0
	Side	0	0
	Rear	20'	20' ¹
	Parking²		
	Vehicle (medical/science manufacturing and production)	65/195	47
	Bicycle (long/short)	6/0	10/0
	Loading	1	1

¹ Subject to Residential Compatibility Standards of Section 59.4.1.8.A.1.b of the Zoning Ordinance. Rear setback requirements for the R-T 12.5 Standard Method development standards are under Section 59.8.2.4.B.1.

² Final number of vehicle and bicycle parking spaces to be determined at building permit.

Section 4.1.8 – Residential Compatibility

The Residential Compatibility Standards of Section 59.4.1.8.A.1.a (which triggers 59.4.1.8.A.2) and 59.4.1.8.B do not apply to this Site. The Zoning Ordinance states that height and setback standards are applicable to a property in the employment zone that “abuts a property in an agricultural, rural residential, residential detached, or residential townhouse zone that is vacant or improved with an agricultural or residential use”. The Department of Permitting Services has determined, in a letter dated March 10, 2021, that while the adjacent property is within a Residential Townhouse Zone, it is an HOA common parcel (Parcel A) that is improved with paving, striping and curbs, not a residential use that abuts the Subject Property, therefore the standards for height under 59.4.1.8.B and setbacks under 59.4.8.A.2 do not apply. What does apply for this project is Section 59.4.1.8.A.b (setback measurement). 59.4.1.8.A.b states that “on a property in a Residential Multi-Unit, Commercial/Residential, Employment, or Industrial zone for which Section 4.1.8.A.1.a does not apply, the minimum side and rear setbacks are equal to the setbacks required for “side setback, abutting all other zones” and “Rear setback, abutting all other zones” in the applicable standard method development standards tables in Division 4.4 through Division 4.8.” The proposed building is set back 20 feet from the property line, consistent with the rear setbacks required in the adjacent R-T 12.5 Zone.

In addition, Planning Staff analyzed and evaluated the project, based on the compatibility section in the Zoning Ordinance, and requested the Applicant show compatibility with the adjacent townhouses from the townhouse lot line, demonstrating that the project meets the 45 degree angular plane, measured from structure to structure. Although DPS and Planning Staff agree that Section 59.4.1.8.A.1.a and 59.4.1.8.B do not apply to this project, as depicted in the figure below, the building does not protrude beyond a 45 degree angular plane, as measured from the townhouse lot line to the proposed building. This is consistent with how Staff approaches similar projects that are located adjacent to properties that are zoned R-60 but not improved with a residential use, such as a park or parking lot, and therefore the project addresses the Zoning Ordinance requirements appropriately. The abutting HOA parcel is not vacant nor used for an agricultural or residential use, and pursuant to applicable Maryland law, the paving, striping, and curbs in the HOA parcel, meet the definition of “improved.”

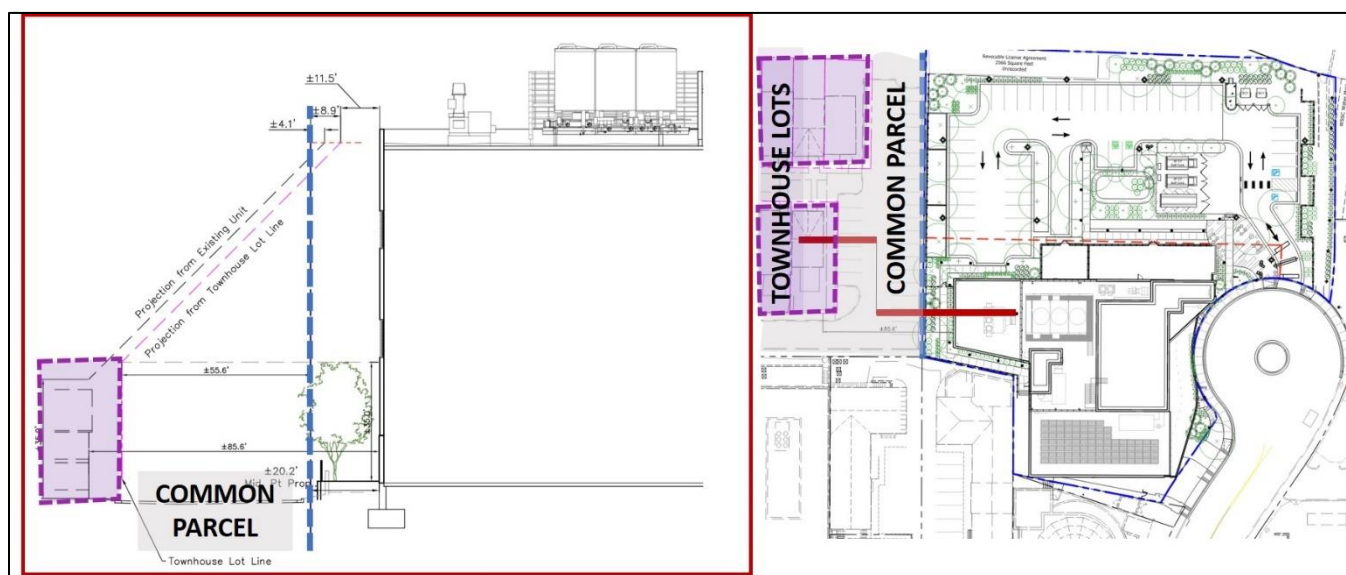


Figure 10 – Diagram showing proposed building height with adjacent townhouse development

In addition, per Section 59.1.4.2 of the Zoning Ordinance, “confronting” is defined as properties that are directly across a right-of-way with a master-planning width of less than 80 feet from each other based on a line between the two properties that is drawn perpendicular to the right-of-way. The HOA common parcel (private street) is not a master-planned right-of-way, therefore Section 59.4.1.8.B.2.b. does not apply.

In regard to the compatibility requirements as they pertain to the existing single-family residential homes to the north, the existing R-60 zoned parking lot associated with the Subject Property and included in the Site Plan application, separates the proposed building in the EOF zone from the single-family detached homes, and therefore the proposed building does not abut or confront (as defined in the Zoning Ordinance) the single-family homes to the north. Although, these requirements do not apply, Planning staff requested the Applicant provide a plan showing where the setback would start, as shown below. This diagram shows where a height setback would start, set 30 feet back from the residential lot to the north and where the setbacks would end at the 100-foot height, which falls in the associated parking lot.

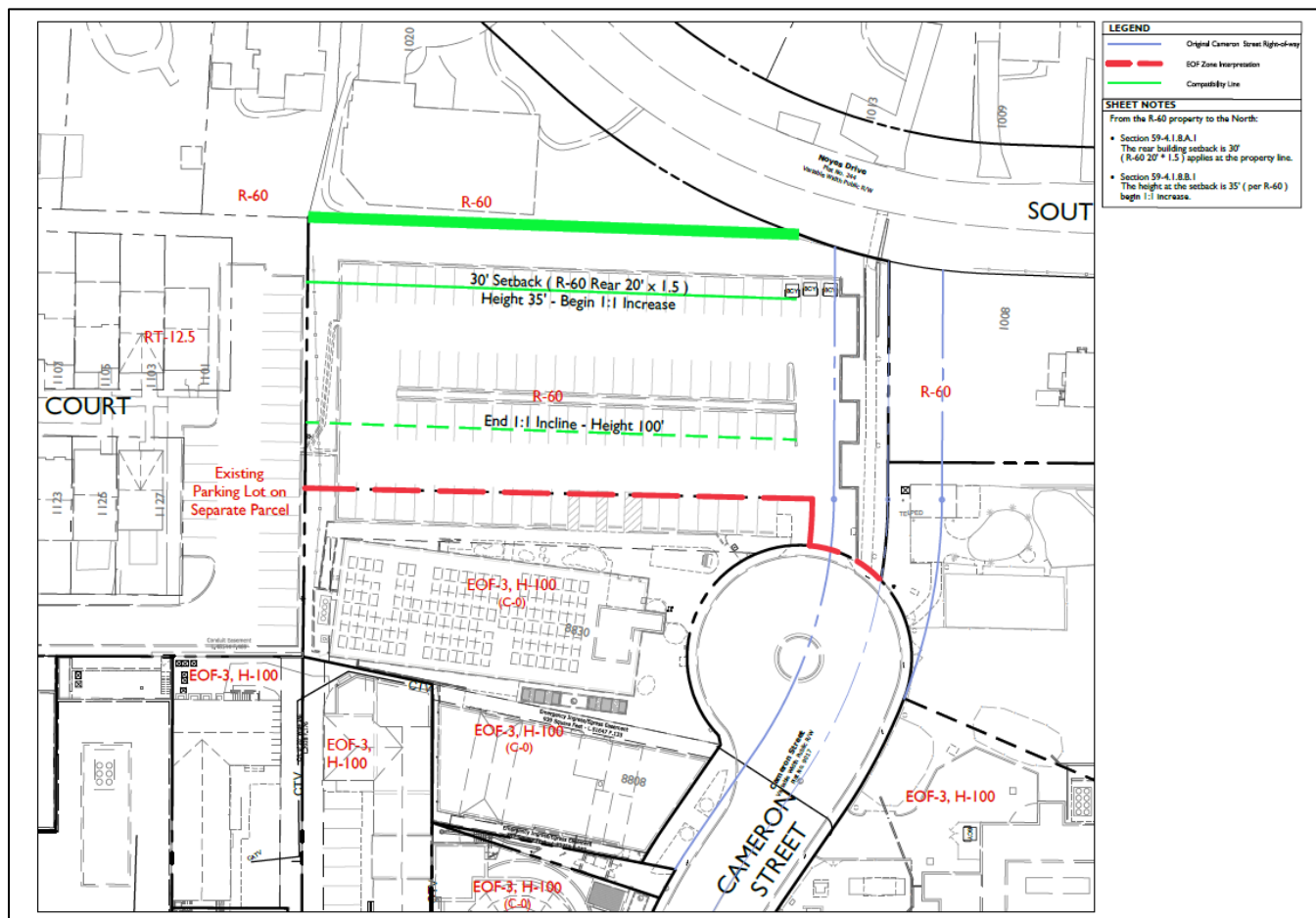


Figure 11 – Diagram showing north property line setback

Section 4.6.4.B.4 - Form Standards

Form standards for Optional Method Development projects within the EOF zone are established by the site plan approval process. The Site Plan conforms to the intent of the form standards, including transparency, blank walls and active entrances. At the ground level, the transparent glazing is approximately 24% with one main pedestrian entrance fronting on Cameron Street. The upper floors vary in material such as louvered screen walls, metal panels in terra cotta color, corrugated grey metal panels, and spandrel glazing to avoid any blank walls. In addition, as stated in the Applicant's Statement of Justification (Attachment B):

United Therapeutics new production facility has been designed to maximize the capacity of the site and the building footprint to achieve production capacity for optimal throughputs of organ manufacturing. The materials utilized on the facade have been selected to respond to the spaces they enclose, such as louvers at mechanical floors, glazing at circulation corridors, and metal panel rainscreen where durability and privacy are priorities. The cleanrooms pose a particular challenge for glazing conditions, where daylighting and views are desirable but indoor environmental conditions are paramount, as they drive the form and design features that can be employed for this specialized building and, therefore, must take precedence for functionality.

Each facade was individually designed to break down the building's scale into reasonable proportions that vary in material and color around the perimeter, drawing

from the existing Campus palette. Glazing has been provided wherever possible and is the primary material on the main elevation that fronts Cameron Court. Undulating ribbons of curtainwall span across every occupied floor, and project into the mechanical levels to minimize the height of louvers in between. The percent of transparent glazing at the ground level is approximately 24%, spanning the width of the entrance lobby from floor to ceiling and extending the full height of the stair tower, a distinctive visual element, which is located to the north of the entrance.

At upper occupied floors, transparent glazing is provided at approximately 15% of the main facade. The entire curtainwall system, including spandrel glazing, makes up 88% of the main elevation of each occupied floor and extends into the normally unoccupied mechanical levels.

Side and rear elevations are broken up with multiple colors, textures and planes. As an example, the north facade includes louvered screen walls, metal panels in terra cotta color, corrugated gray metal panels, and spandrel glazing. None of these materials accounts for more than 37% of this facade.

iii. *Division 4.7. Optional Method Public Benefits*

In accordance with the Zoning Ordinance, Section 59.4.7.1., the Site Plan proposes the following public benefits to satisfy the applicable requirements: Major Public Facilities, Transit Proximity, Connectivity and Mobility, Quality of Building and Site Design, and Protection of the Natural Environment.

Table 4: Proposed Public Benefits

Public Benefit	Incentive Density Points	
	Max Allowed	Recommended
59.4.9.2.C.4.B.ii: Major Public Facilities		
Solar Panel Contribution	40	40
59.4.7.3.B: Transit Proximity		
½ mile of SS Metro	25	15
59.4.7.3.C: Connectivity and Mobility		
Minimum Parking	10	10
59.4.7.3E: Quality of Building and Site Design		
Exceptional Design	10	5
59.4.7.3F: Protection and Enhancement of the Natural Environment		
Cool Roof	15	5
Vegetated Roof	10	7.5
TOTAL		82.5

Major Public Facilities

Solar Panel Contribution: The Applicant requests points under this category for the donation of 3,778 square feet of solar panels from the 8830 Cameron Street building to the Parks Department in order to assist the Department's goals to expand the use of solar energy in its facilities. The Applicant and Parks have preliminarily identified three potential sites for the use of the panels. The contribution value is estimated at \$315,000 and based on the formula within

the CR Guidelines which utilizes lot area and area of contribution, the Proposal maxes out at 40 points, which is recommended by Staff.

$$\frac{(((L+F)/N*2)+((C/N)*4))*100}{(((0+0))/26,150)*2+((3,778/26,150)*4))*100 = 57.79 \text{ (maximum 40 allowable points)}$$

Transit Proximity

The Applicant requests points under this category for the Site being located within ½ mile of major public transit including the Silver Spring Metro Station and Transit Center. Staff recommends 15 points for this category.

Connectivity and Mobility

Minimum Parking: The Applicant requests 10 points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points for providing the maximum allowable number of on-site spaces to 20 points for providing no more than the minimum number of spaces on site. At this time, the Applicant is proposing 47 parking spaces, which is 148 spaces fewer than the maximum allowed in this zone. Staff recommends 10 points for this category.

$$\frac{(A-P)/(A-R))*10}{((195-47)/195-65))*10 = 11.38 \text{ (maximum 10 allowable points)}$$

Quality of Building and Site Design

Exceptional Design: The Applicant requested 10 points for exceptional design based on the six criteria listed in the *Commercial/Residential and Employment Zones Incentive Density Implementation Guidelines*. While only one building is proposed with this application, the Applicant sees this as an extension of the existing United Therapeutics Campus. The building will utilize materials similar to other structures within the Campus to maintain a consistent composition, while proposing a building massing that is unique in size and shape. Each façade was individually designed to break down the building's scale and varies in material and color. The materials respond to the spaces they enclose, such as louvers at mechanical floors, glazing at circulation corridors, and metal panel rainscreen where durability and privacy are priorities. At upper floors, transparent glazing is provided. Sustainable features have been incorporated into the site and building design, such as solar panels, green roof, cool roof, stormwater reclamation, geoexchange wells for heating and cooling, and next generation battery storage to reduce emergency generator needs.

In the *Commercial/Residential and Employment Zones Incentive Density Implementation Guidelines*, under the category of Exceptional Building and Site Design, it states that, "Exceptional design is both pro-urbanist and pro-environmentalist." As such, projects should create a sense of place, enhance the public realm and support an active mixed-use environment. Although we fully understand the necessity of a singular use that in this case cannot support the public realm of the street it frames, nor provide active ground floor uses that would help activate the street, it still remains a well-designed building set back from the primary Spring Street. It is a nice, well-designed building that does not, and cannot, support the greater urban design of this portion of the Spring Street corridor, therefore Staff does not support the full award of 10 points for exceptional design. While Staff understands the design limitations given the proposed use and nature of the building, the design does not fully achieve the 6 criteria within the *Commercial/Residential and Employment Zones Implementation*

Guidelines, particularly for enhancing the public realm in a distinct and original manner and providing innovative solutions in response to the immediate context. Staff recommends 5 points (half of the total possible points) for this specific development.

Protection and Enhancement of the Natural Environment

Cool Roof: The Applicant requests 5 points for providing a cool roof on areas of the rooftop that do not contain green roof, solar, or mechanical areas. The cool roof area will incorporate a mixture of materials that will collectively meet or exceed a solar reflectance index (SRI) of 75. Staff recommends 5 points in this category.

Vegetated Roof: The Applicant requests 7.5 points for the installation of vegetated roof covering at least 33% of the roof with a minimum depth of 4 inches. Staff recommends 7.5 points in this category.

$$\begin{aligned} &\text{Area of green roof / net roof area} \\ &3,400/10,120 = 0.335 \text{ (33\% of roof area)} \end{aligned}$$

iv. *Division 6.1. Site Access*

Vehicular access and loading for the Site will be provided from Cameron Street, via the new consolidated curb cut, and providing access to the designated off-street loading area and the cellar access driveway ramp. Long-term bicycle parking will be provided within the cellar, accessed by the driveway ramp.

Pedestrian access to the Site will be from the established sidewalk network. An existing mid-block pedestrian connection between the terminus of Cameron Street and South Noyes Drive will be enhanced by additional planting and improved lighting.

v. *Division 6.2. Parking, Queuing, and Loading*

Parking for the new building will be provided in the reconfigured surface parking lot accessed from the existing driveway on the bulb of the Cameron Street cul-de-sac. The surface parking lot has a capacity of 47 vehicles as well as 3 motorcycle spaces. The 47 spaces break down into the following categories: 45 typical parking spaces, 2 spaces with electrical charging stations, one ADA van space, and one ADA typical space. With 47 total spaces, this is fewer than the required minimum 65 parking spaces, which is permitted as the Site is located within the Silver Spring Parking Lot District boundary (Section 59-6.2.3.H.1.a).

Vehicular and loading access will occur via Cameron Street via the consolidated curb cut on Cameron Street. Loading for the Project will occur internal to the Site. The Project demonstrated that the designated space can safely accommodate an SU-30 truck.

vi. *Division 6.3. Open Space and Recreation*

In the EOF zone, properties with tract areas ranging between 1 acre and 3 acres and having 1 frontage are not required to provide any public open space, per Section 59.4.6.4.B.1 of the Zoning Ordinance.

vii. *Division 6.4. General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by employees, visitors, and those utilizing the mid-block pedestrian connection.

As shown in the Development Standards table, the Site Plan meets all general requirements and development standards of Section 4.5 of the Zoning Ordinance, the optional method public benefits provisions of Division 4.7 of the Zoning Ordinance, and the general development requirements of Article 59-6 of the Zoning Ordinance.

e. satisfies the applicable requirements of:

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management;

The Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services (MCDPS) on March 8, 2021 (Attachment C). The Project proposes to meet required stormwater management goals via ESD to the MEP via green roof, rainwater harvesting, rain garden and micro-bioretenment facilities. Due to site constraints, a partial waiver of stormwater management was requested and is hereby granted.

ii. Chapter 22A, Forest Conservation.

As conditioned, this Application meets the requirements of Chapter 22A of the Montgomery County Code. A Forest Conservation Plan was submitted along with the Site Plan. The Forest Conservation Plan shows that within the 1.68-acre site area, there is no existing forest, and thus no forest clearing is proposed; the Forest Conservation Worksheet included in the Plan shows a calculated Afforestation Requirement of 0.25-acres, which Staff recommends be met through fee-in-lieu or via credits purchased from an off-site, planted Forest Conservation Bank.

Forest Conservation Variance

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree 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 Law requires no impact to trees that measure 30 inches DBH or greater; 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% of the diameter of the current State champion tree of that species; or to trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

The subject Application includes disturbance/removal of trees that are $\geq 30''$ DBH, therefore a variance is required. The Applicant submitted a variance request on February 16, 2021 (Attachment D) for the proposed removal of one subject tree that is considered high-priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law.

Table 5: Specimen Trees to be Removed

TREE #	TYPE	DBH	Percent of CRZ Impacted by LOD	CONDITION	PROPOSED STATUS
1	White Pine	30"	49%	Fair	REMOVE

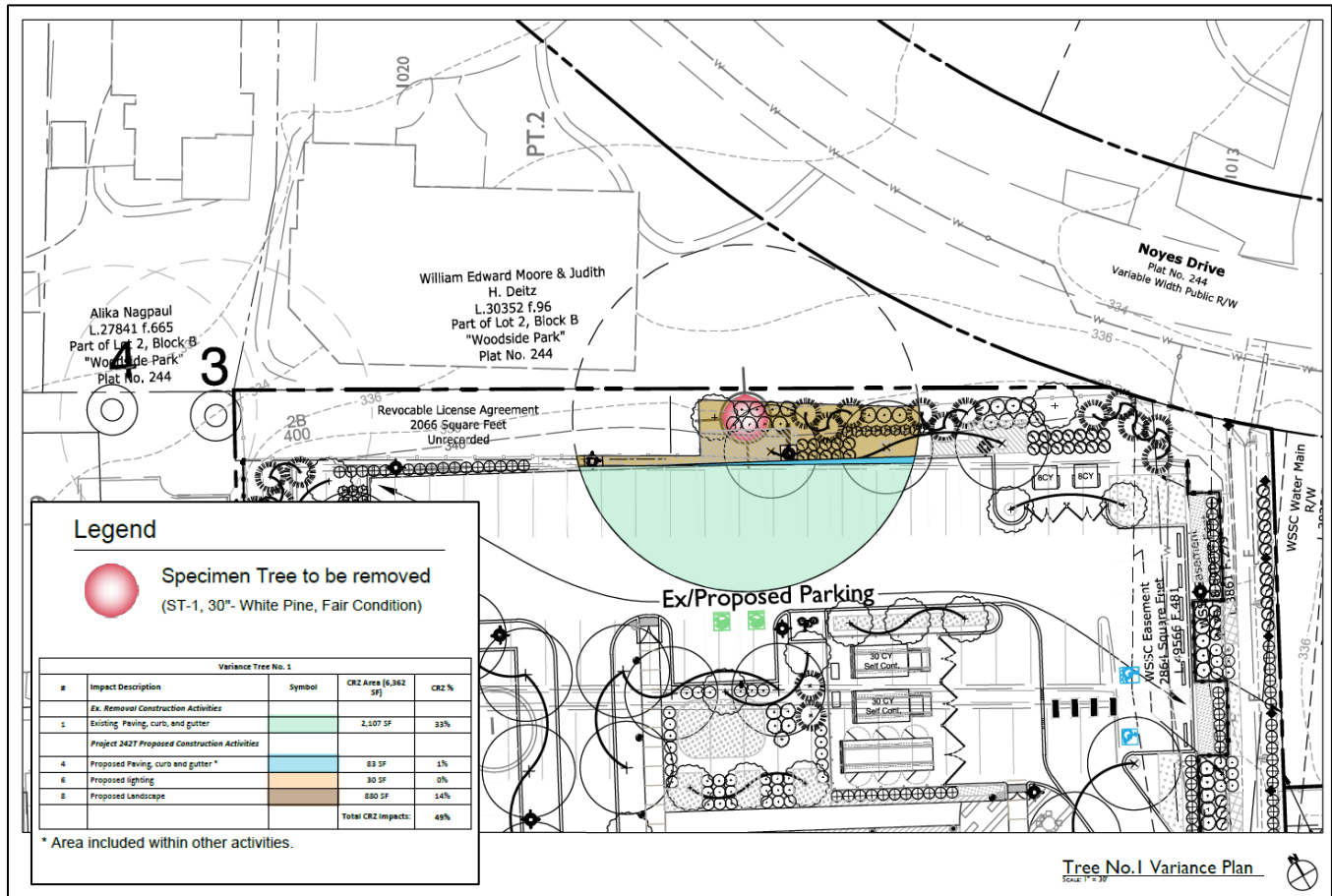


Figure 12 - Variance Tree exhibit

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, for a variance to be granted. In addition to the required findings outlined numerically below, Staff has determined that the Applicant has demonstrated that enforcement of the variance provision would result in an unwarranted hardship because the limited site area, in the highly developed area adjacent to Downtown Silver Spring, has resulted in the critical root zone of the subject tree being very constricted by neighboring properties without adequate area for alternative development layouts. The existing office building on the site has run its course, and redevelopment of the site will allow for continued operations while providing a more efficient building design. The 30" white pine is located on a sloped, narrow terrain which is difficult to access and maintain. This has also led to neglect of maintenance of the tree. The proposed use of the Property for a new office building is permitted by the applicable zoning and is a reasonable and significant use of the Property. In addition, there are few other design alternatives which could reasonably retain the tree because the Applicant proposes to primarily retain the footprint of the existing site while upgrading the facilities, which includes rehabilitating the existing surface parking lot and providing improved landscaping and lighting. A more comprehensive redesign of the site would ultimately result in more impact to both Tree-1 as well as neighboring trees and landscaped areas. Denying the Applicant's request to remove this variance tree would take away the Applicant's opportunity to upgrade the existing site while otherwise minimizing overall site disturbance and maintaining the current level of access and circulation to the site. With these factors (small site with few alternatives for layout changes, the need to update the

existing site, and tree location), in mind Staff has reviewed this Application and agrees that there is an unwarranted hardship.

Variance Findings

Staff has made the following determinations based on the required findings for granting the requested variance:

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

The Applicant's proposal to construct an updated office building as part of a strategic economic development project (SEDP) with medical and scientific uses, improve site access/circulation for Fire & Rescue, and implement onsite stormwater management provides much needed services for the area. Further, the proposed construction activities have been limited to maintain much of the existing hardscape, which ensures no net increase in impervious surfaces and lessens the overall impact to adjacent mature trees. Further, the Applicant's proposal will provide environmental benefit via proposed mitigation plantings. With these factors considered, Staff concludes the variance request would be granted to any applicant in a similar situation and does not represent a special privilege granted to this Applicant.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

As stated above, the requested variance and associated tree impacts are due to the concerns related to the limited site area, constructing an improved office building to replace the aging, existing facility, and improvement of site access. The variance request submitted by the Applicant reflects efforts to maintain the site footprint to the extent possible which limits the environmental impacts which could otherwise occur. The proposed design also allows for the implementation of onsite stormwater management, which is greatly needed and is cited as a Master Plan concern. Therefore, this variance request is not based on circumstances which are the result of actions by the Applicant.

3. *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 proposed site design and layout on the Subject Property and not as a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The Subject Property does not currently contain any stormwater management features as the existing site and surroundings were developed prior to modern stormwater management practices and standards. The Applicant proposes a development which will meet current State and local stormwater management standards; this will be verified by the submission of a Stormwater Management Plan to the Department of Permitting Services. A measurable degradation in water quality is not anticipated as the development will provide Best Management Practices (BMP) areas to meet ESD requirements for the

Site in order to achieve water quality standards. This Application does not increase impervious surfaces, as the proposed development maintains much of the existing site layout. This development will also provide stormwater management on-site, where there are currently no such measures. Thus, the Application will ultimately result in an improvement of water quality, rather than cause measurable degradation.

Mitigation for Trees Subject to the Variance Provisions

There is one subject tree proposed for removal in association with this Application. Planting mitigation for the removal should be at a rate that approximates the form and function of the trees removed, at a ratio of approximately 1" DBH for every 4" DBH removed, using trees that are a minimum of 3" caliper. As a result of the proposed removal of one subject tree for a total of 30" DBH removed, resulting in a mitigation requirement of at least 7.5 caliper inches of native canopy trees sized at least 3" caliper inches each. In the included Forest Conservation Plan, the Applicant has proposed more than this minimum requirement. Staff supports this approach, which will greatly enhance the natural features onsite and aid in reducing stormwater impacts.

County Arborist's Recommendations

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 Applicant's request was forwarded to the County Arborist on February 17, 2021. Any response received will be presented at the time of the Planning Board Hearing.

Staff Recommendation on the Variance

As a result of the above findings, Staff recommends approval of the Applicant's request for a variance from the Forest Conservation Law to remove one subject tree associated with the application.

- f. provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

The Project provides adequate, safe, and efficient parking and circulation patterns. The Project consolidates the cellar access and loading driveway entrances on Cameron Street to limit impacts to the pedestrian environment along the Cameron Street frontage. The building provides pedestrian entrances from Cameron Street to contribute to an active streetscape. The surface parking lot driveway on the northern end of the Cameron Street cul-de-sac bulb is to remain. The Project provides a safe and well-integrated building located just outside the Silver Spring CBD.

- g. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

As described in Sketch Plan Finding 1, the Project substantially conforms to the 2000 *North and West Silver Spring Master Plan* and other applicable master plans.

- h. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is*

equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;

The development will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

Section TL2.6 of the 2021-2024 Growth and Infrastructure Policy states that the requirements of the Subdivision Staging Policy must not apply to a development or a portion of a development where the following criteria are met: the primary use is for bioscience facilities, as defined in Section 52-39 of the County Code, and an application for preliminary plan, site plan, or building permit that would otherwise require a finding of Adequate Public Facilities is approved after January 1, 2021 and before January 1, 2025, and an application for building permit is filed within 3 years after the approval of any required preliminary plan or site plan. This Project satisfies all three criteria, therefore the Adequate Public Facilities finding is satisfied with the transportation exemption statement dated December 10, 2020.

- i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The Subject Property is partially located within a residential detached zone (R-60). This portion of the Property is currently developed as a surface parking lot. The Proposal will reduce the size of this parking lot from 88 to 47 spaces and will surround the parking lot with fresh landscaping, including shrubbery and trees to further buffer this area from the residential neighborhood to the rear, generally improving the existing character of this area.

- j. on a property in all other zones, is compatible with existing, approved or pending adjacent development.*

The Proposal has been designed to be compatible with the surrounding existing and proposed development. To the south, the Proposal will blend with the composition of other existing United Therapeutics structures by utilizing similar materials; to the north, the Proposal will enhance existing pedestrian connections with the residential neighborhood along S. Noyes Drive, and increase buffer areas and screening through landscaping.

- 3. To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

- 4. For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

Not applicable, as the Subject Property is not zoned C-1 or C-2.

SECTION 6: COMMUNITY OUTREACH AND ISSUES

Community Outreach

The Applicant held a pre-submittal public meeting on November 19, 2020. This meeting was conducted virtually per COVID-19 Guidelines and has complied with all submittal and noticing requirements. The Applicant has complied with all submittal and noticing requirements. Staff met with several community members on March 16, 2021 to discuss their concerns with the project. In addition, Staff has received correspondence as of the date of this staff report, with the concerns summarized below and provided as Attachment E.

Residential Compatibility / Height

The Residential Compatibility Standards of Section 59.4.1.8.A.1.a (which triggers 59.4.1.8.A.2) and 59.4.1.8.B do not apply to this Site. The Zoning Ordinance states that height and setback standards are applicable to a property in the employment zone that “abuts a property in an agricultural, rural residential, residential detached, or residential townhouse zone that is vacant or improved with an agricultural or residential use”. The Department of Permitting Services has determined, in a letter dated March 10, 2021, that while the adjacent property is within a Residential Townhouse Zone, it is an HOA common parcel (Parcel A) that is improved with paving, striping, and curbs, not a residential use that abuts the Subject Property, therefore the standards for height under 59.4.1.8.B and setbacks under 59.4.8.A.2 do not apply. What does apply for this project is Section 59.4.1.8.A.b (setback measurement). 59.4.1.8.A.b states that “on a property in a Residential Multi-Unit, Commercial/Residential, Employment, or Industrial zone for which Section 4.1.8.A.1.a does not apply, the minimum side and rear setbacks are equal to the setbacks required for “side setback, abutting all other zones” and “Rear setback, abutting all other zones” in the applicable standard method development standards tables in Division 4.4 through Division 4.8.” The proposed building is set back 20 feet from the property line, consistent with the rear setbacks required in the adjacent R-T 12.5 Zone.

In addition, Planning Staff analyzed and evaluated the project, based on the compatibility section in the Zoning Ordinance, and requested the Applicant show compatibility with the adjacent townhouses from the townhouse lot line, demonstrating that the project meets the 45 degree angular plane, measured from structure to structure. Although DPS and Planning staff agree that Section 59.4.1.8.A.1.a and 59.4.1.8.B do not apply to this project, as depicted in the figure below, the building does not protrude beyond a 45 degree angular plane, as measured from the townhouse lot line to the proposed building. This is consistent with how Staff approaches similar projects that are located adjacent to properties that are zoned R-60 but not improved with a residential use, such as a park or parking lot, and therefore the project addresses the Zoning Ordinance requirements appropriately. The abutting HOA parcel is not vacant nor used for an agricultural or residential use, and pursuant to applicable Maryland law, the paving, pavement markings and curbs in the HOA parcel, meets the definition of “improved.”



Figure 13 – Diagram showing proposed building height with adjacent townhouse development

Staff also received correspondence questioning the applicability of Section 59.4.1.8.B.2.b, which pertains to the applicability of confronting properties. Per Section 59.1.4.2 of the Zoning Ordinance, “confronting” is defined as properties that are directly across a right-of-way with a master-planning width of less than 80 feet from each other based on a line between the two properties that is drawn perpendicular to the right-of-way. The HOA common parcel (private street) is not a master-planned right-of-way, therefore Section 59.4.1.8.B.2.b. does not apply.

Staff also received correspondence with regard to the compatibility requirements as they pertain to the existing single-family residential homes to the north. The existing parking lot associated with the Subject Property, and included in the Site Plan application, separates the proposed building in the EOF zone from the single-family detached homes, and therefore the proposed building does not abut or confront (as defined in the Zoning Ordinance) the single-family homes to the north. Although, the requirements do not apply, Planning staff requested the Applicant provide a plan showing where the setback would start, as shown below. This diagram shows where a height setback would start, set 30 feet back from the residential lot to the north, and where the setbacks would end at the 100-foot height, which falls in the associated parking lot.

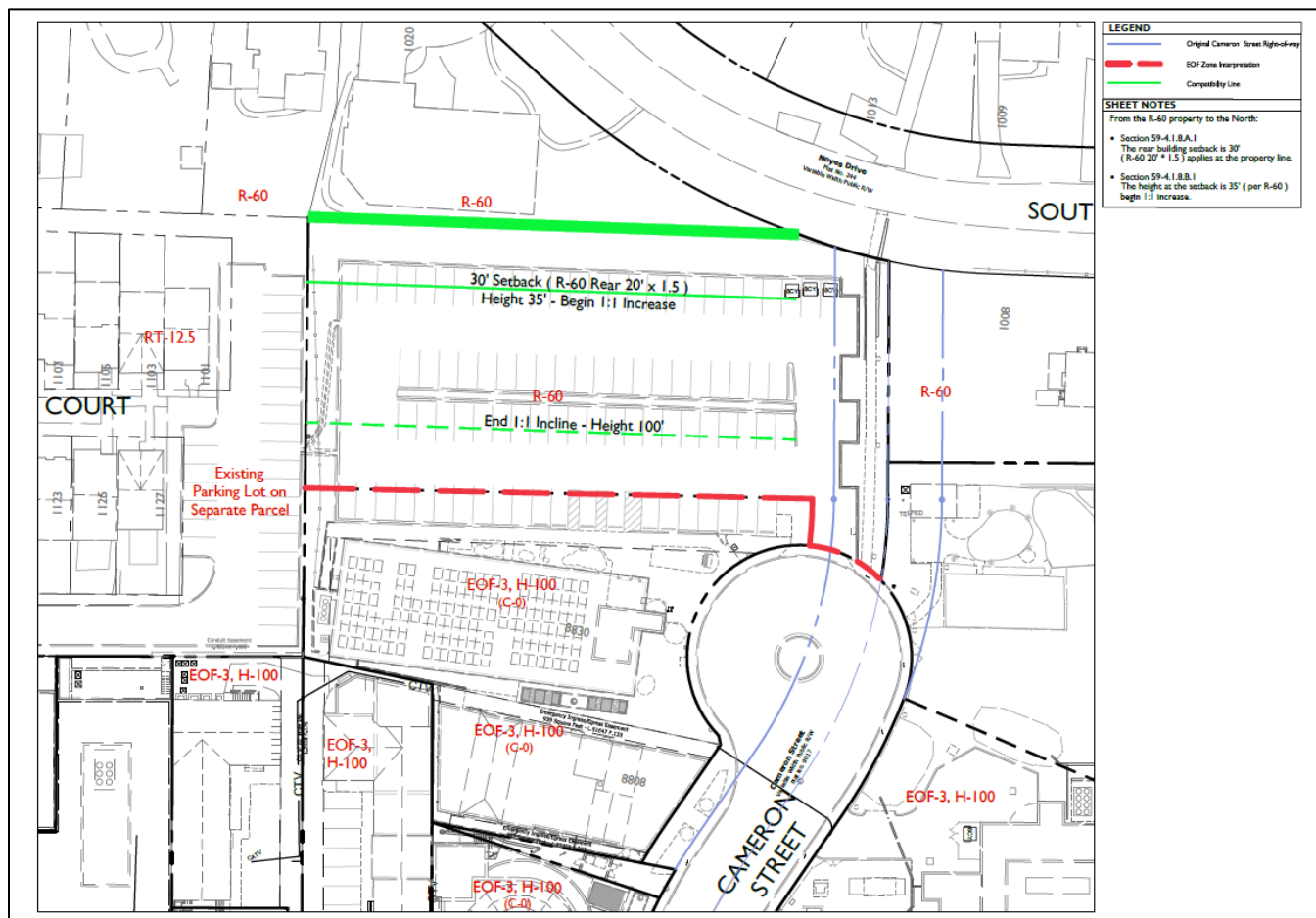


Figure 14 – Diagram showing north property line setback

The maximum building height for this property is 100 feet, however the Zoning Ordinance allows certain height encroachments (Section 59.4.1.7.C.3.a & c), and roof structures may occupy a maximum of 25% of the roof structure such as a flue or vent stack, water tanks, air conditioning units, and mechanical appurtenances (not including renewable energy systems). The Planning Board may approve a larger area under optional method development projects. This application will have to comply with this Section and the Department of Permitting Services will review the final building drawings at the time of permit. Additionally, parapets, patios, rooftop energy systems and harvesting systems may exceed the height limit by up to 8 feet. The Department of Permitting Services has the final authority and review over these specific height encroachments, which will be reviewed at the time of building permit.

The proposed building will be generally located within the existing building's footprint, and while the proposed building height is taller than the existing building, it will be within the maximum allowed height of the Property's zoning. The proposed new structure will be of a high architectural design similar to the existing buildings within the United Therapeutics Campus and each façade will be articulated with several material changes to avoid blank walls.

Transparency

Form standards for Optional Method Development projects with the EOF zone are established by the site plan approval process. The Site Plan conforms to the intent of the form standards, including transparency, blank walls and active entrances. At the ground level, the transparent glazing is approximately 24% with

one main pedestrian entrance fronting on Cameron Street. The upper floors vary in material such as louvered screen walls, metal panels in terra cotta color, corrugated grey metal panels, and spandrel glazing to avoid any blank walls.

Use of the building

Staff received correspondence with regard to the proposed use and the zone. Under Section 59.3.1.6, medical/scientific manufacturing and production is a permitted use in the EOF Zone. Medical/scientific manufacturing and production is defined as “a building used for the manufacturing, compounding, processing, assembly, or packaging, including incidental storage, sales and distribution, of cosmetic, drugs, perfumes, pharmaceuticals, toiletries, synthetic molecules, products resulting from biogenetic research and medical, scientific, or technical instruments, devices, and equipment” per Section 59.3.6.4.D.1. The proposed building will be a medical/scientific production facility that will produce personalized lungs from a future recipient’s own cells. Per the Statement of Justification provided by the Applicant, the proposed facility will produce personalized lungs that will be used to support clinical trial studies required by the U.S. Food and Drug Administration to prove their safety and efficacy.

Waste disposal and potential hazardous materials

In response to waste disposal and materials, requirements, location, servicing and possible toxic waste exposure, the Applicant will be subject to the requirements at a federal and/or state level for compliance. The Applicant submitted a response letter on March 26, 2021, addressing the safety concerns from the residents, which is attached to the Report (Attachment F).

Noise

The Applicant will have to comply with the County’s Noise Ordinance, as enforced by the Department of Permitting Services. A noise study is not required for Planning Department Staff review as the non-residential use associated with the proposed UT 242T project is medical/scientific manufacturing and production, which is permitted in the EOF zone and is not adjacent to a roadway classified as arterial or higher. However, Staff requested the Applicant provide a noise evaluation for the proposed rooftop equipment and generator (Attachment G). The systems discussed in these reports are relatively early in the design phase. As time proceeds, the products and design may change or modify, but the functionality relative to the Code requirements set forth in the County’s Noise Ordinance remain.

Sun/Shade Study

Although there is no application requirement for a shadow study, the Applicant submitted a study to Staff on March 31, 2021 (Attachment H). The Applicant provided a shadow study reflecting the existing building conditions and the proposed building conditions for the summer and winter solstice and for the fall and spring equinox at the times of 9am, 12pm, and 3pm. Given the relationship between the existing building and existing surrounding buildings to the townhouses, the shadows cast are similar to those associated with the proposed building. This project is at the edge of the CBD and other existing buildings in the area already have an impact on the surrounding neighborhood, and although the proposed building located on the Subject Property will have some additional impact, the shading impacts of the proposed new structure to adjacent properties are minimal, especially when compared to the existing conditions and the shadows of the other adjacent commercial properties that exist today.

Conclusion

As conditioned, the Sketch and Site Plan applications satisfy the findings under Section 59.4.5.4 of the Zoning Ordinance and substantially conform to the recommendations of the 2000 *North and West Silver Spring Master Plan*. Therefore, Staff recommends approval of the Sketch Plan and Site Plan with the conditions specified at the beginning of this Report.

ATTACHMENTS

- A. DPS determination letter-height and compatibility requirements
- B. Applicant's Statement of Justification
- C. Agency Letters
- D. Variance Request
- E. Community correspondence
- F. Applicant's letter in response to safety concerns
- G. Acoustic Review Studies
- H. Shadow study
- I. Montgomery County Executive Order