



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

March 10, 2021

Mr. Avi Halpert
United Therapeutics
1040 Spring Street
Silver Spring, MD 20910

RE: United Therapeutics - 242T Project- Cameron Street Silver Spring Maryland

Dear Mr. Halpert,

We have reviewed the letter dated November 13, 2020, countersigned on November 20, 2020 by Mark Beall, Manager of the Zoning and Site Plan Enforcement Division of DPS, regarding the interpretation of Section 59.4.1.8 of the Zoning Ordinance as applied to the facts of Project 242T. A copy of the letter is attached.

Please be advised that the letter remains the official zoning interpretation of DPS.

Sincerely,

Mitra Pedoeem
Director

cc: Charles Frederick, Associate County Attorney
Mark Beale, Manager, Zoning & Site Plan Enforcement





1040 Spring Street
Silver Spring, MD 20910
tel 301.608.9292
fax 301.608.9291

November 23, 2020

Mr. Mark A. Beall
Zoning Manager, Division of Zoning & Site Plan Enforcement
Montgomery County Department of Permitting Services
2425 Reedie Drive, 7th Floor
Wheaton, Maryland 20902

Re: United Therapeutics Corporation; 8808 and 8830 Cameron Street, Silver Spring, Maryland ("Property"); Project 242T ("Project")

Dear Mr. Beall:

The purpose of this letter is to confirm the reasoning and conclusions from our discussion with the Department of Permitting Services regarding its interpretation of Section 59.4.1.8 of the Montgomery County Code (2014, as amended) ("Code") as applied to the above-referenced Property and Project.

As you may recall from our discussions on August 20, 2020 and September 23, 2020, the Property abuts a surface parking lot on the west ("Parcel A, Woodside Park") that is used by residents of the townhouse community to the west of the lot. The parking lot is paved and striped and curbs have been installed in the lot. Parcel A, like the remainder of the townhouse community, is zoned RT 12.5.

Section 59.4.1.8 of the Code provides that certain compatibility requirements must be satisfied for setbacks and height for certain properties.

Section 59.4.1.8.A.1, governing setbacks for properties in the Employment Zone (among other zones), provides that the setbacks apply to properties abutting "a property in a ... Residential Townhouse zone" that is "vacant or improved with an agricultural or residential use." Likewise, Section 59.4.1.8.B, governing height compatibility for properties in the Employment Zone (among other zones), applies to properties abutting "a property in a... Residential Townhouse zone that is vacant or improved with an agricultural or residential use." "Parking" is a separate use category under the Code (see Section 59.3.6.1). Therefore, Parcel A, which abuts the Property, is not "an agricultural or residential use" that would trigger application of either Section 59.4.1.8.A.1.a (which then triggers Section 59.4.1.8.A.2) or Section 59.4.1.8.B.

In situations such as the instant matter, where an adjoining property has been previously developed with a use that is not agricultural or residential, such as the surface parking lot (Parcel A) with its related improvements including paving, striping, and curbs, that property is not considered as "vacant" and, therefore, Section 59.4.1.8.A.2 and Section 59.4.1.8.B do not apply for purposes of either setbacks or height measurement. Instead, Section 59.4.1.8.A.1.b applies for setback measurement. That measurement is made using the "Side setback, abutting all other zones" and the "Rear setback, abutting all other zones" in the applicable standard method



development standards tables. Similarly, for height, since Section 59.4.1.8.B does not apply, there are no height limitations beyond that of the Zone.

If you agree that this letter accurately restates the substance of our discussion, please counter-sign below in the space provided and return the signed letter to me for our files. If you have any questions or would like to discuss any aspect of this letter in more detail, please contact me at 301-807-3593 (cell/best)

Sincerely,

A handwritten signature in blue ink that reads 'A. Halpert'.

Avi Halpert

I hereby confirm that this letter accurately restates our discussion.

A handwritten signature in blue ink that reads 'Mark A. Beall' written over a horizontal line.
Mark Beall, Manager
Division of Zoning & Site Plan Enforcement
Montgomery County Department of Permitting Services

11/30/2020
Date