



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

**JUL 20 2021**

MCPB No. 21-063  
Site Plan No. 81995045G  
9800 Medical Center Drive  
Date of Hearing: July 15, 2021

**RESOLUTION**

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

WHEREAS, under Section 59-7.7.1.B.1, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

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

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

WHEREAS, on March 16, 2010, the Planning Director approved an administrative amendment to the previously approved site plan, designated Site Plan No. 81995045B, for minor modifications to architecture, the landscape plan and select site features on the Subject Property; and

WHEREAS, on September 8, 2011, the Planning Director approved an administrative amendment to the previously approved site plan, designated Site Plan

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Approved as to  
Legal Sufficiency: /s/ Emily Vaias  
M-NCPPC Legal Department

No. 81995045C, for an addition of 2,479<sup>1</sup> square feet of maintenance and workshop area, limited rooftop mechanical equipment and penthouse areas, screen walls and a utility yard, for a total of 313,650 square feet of development on the Subject Property; and

WHEREAS, on December 8, 2016, the Planning Board approved an amendment to the previously approved site plan and a final water quality plan, designated Site Plan No. 81995045D, for 117 additional (interim) surface parking spaces with stormwater management and landscape planting improvements on the Subject Property; and

WHEREAS, on December 14, 2017, the Planning Board approved an amendment to the previously approved site plan and a revised final water quality plan, designated Site Plan No. 81995045E, for the development of an additional 175,840-square-foot lab/office building and a 746-car parking garage, with stormwater management and landscape planting improvements, on the Subject Property; and

WHEREAS, on March 5, 2020, the Planning Director approved an administrative amendment to the previously approved site plan, designated Site Plan No. 81995045F, for revisions to the parking program to allow Applicant to obtain LEED Gold certification, minor changes to paving plan, landscaping plan, site furniture, and bikeshare location, revisions to ADA surface parking spaces and delivery access areas, and revisions to the Building F loading dock area and associated stormwater management areas; and

WHEREAS, on April 29, 2021, ARE Maryland No. 24, LLC ("Applicant") filed an application for approval of an amendment to the previously approved site plans for the development of an additional 93,560-square-foot lab/office building and a 240-car parking garage, with stormwater management and landscape planting improvements, on the Subject Property; and

WHEREAS, on April 29, 2021, the Applicant filed a revised Final Water Quality Plan for approval of the addition of 37,410 square feet of impervious surfaces; and

WHEREAS, Applicant's application to amend the site plan and revise the final water quality plan was designated Site Plan and Final Water Quality Plan No. 81995045G, 9800 Medical Center Drive ("Site Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the

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

Planning Board, dated July 1, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 15, 2021, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan and Final Water Quality Plan No. 81995045G for the development of an additional 93,560-square-foot lab/office building and a 240-car parking garage, with stormwater management and landscape planting improvements, by adding the following conditions<sup>2</sup>

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 12011008A as listed in MCPB Resolution No. 19-050, dated May 1, 2019.

2. Density

a) The Site Plan is limited to a maximum of 550,779 square feet of development, which is comprised of the 64,088 square feet of previously approved but unbuilt density on the Property, the existing 457,219-square foot buildings A, B, C, D, and F, and 29,472 square feet of approved but unbuilt density transferred from Shady Grove Life Sciences Center Ownership Lot 6A on Parcel 6 in the Shady Grove Life Sciences Center (formerly Parcels 1A, 3A, 3B, and K), as permitted by Section 59-C-5.321 of the 2004 Zoning Ordinance (Note that 23,472 square feet of density was previously transferred by the Property to Parcel 7 in the Shady Grove Life Sciences Center as part of Site Plan No. 81997005B, and 45,528 additional square feet is being transferred to the Subject Property as part of this Application but will be part of a future site plan design).

b) Prior to Certified Site Plan:

i. The Applicant must provide Staff evidence of the recordation of covenants against the Sending Property, Shady Grove Life Sciences Center, Ownership Lot 6A on Parcel 6 on Plat No. 24395 in the Shady Grove Life Sciences Center (formerly Parcels 1A, 3A, 3B, and K) and the Subject Property, Shady Grove Life Sciences Center, Parcel 8 on Plat No. 25411 (formerly Parcels W and O/R), in the Land

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

Records of Montgomery County reflecting all of the density being transferred between the properties.

- ii. The covenants must be in a form approved by the M-NCPPC Office of General Counsel.
- iii. The liber/folio of the recorded covenants must be included on the Certified Site Plan.

3. Height

The development is limited to a maximum height of 110 feet, as measured from the building height measuring point(s), as illustrated on the Certified Site Plan. Each building will have its own building height measuring point.

4. Public Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 158,122 square feet of public use space (20% of net lot area) on-site.
- b) The Applicant must construct the streetscape improvements along the Property's frontage on Medical Center Drive, consistent with the Great Seneca Science Corridor Urban Design Guidelines.
- c) Prior to issuance of first Use and Occupancy certificates for the occupants of Building E, all public use space areas must be completed.

5. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to the public use space on Medical Center Drive.

6. Forest Conservation & Tree Save

The development must comply with the conditions of the approved Forest Conservation Exemption No. 42021132E, dated February 23, 2021.

7. Water Quality

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Preliminary/Final Water Quality Plan approval letter dated May 3, 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 may amend if the amendments do not conflict with other conditions of Site Plan approval.

8. 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 May 3, 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.

9. 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 Section (MCDPS-ROW) in its memo dated May 11, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in that agency's memorandum, which MCDPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

10. 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 June 8, 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.

11. Site Design

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

12. Landscaping

Prior to the end of the first planting season after the issuance of the final Use and Occupancy Certificate for Building E, all landscape plant materials must be installed.

13. Lighting

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

- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting residentially developed properties.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

**14. Site Plan Surety and Maintenance Agreement**

Prior to issuance of any building permit or Sediment Control Permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 [59-D-3.5(d)] of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to, plant materials, on-site lighting, site furniture, trash enclosures, retaining walls, fences, railings, sidewalks, bikeways, private utilities, paths and associated improvements of development, including storm drainage facilities, street trees and street lights.
- c) The bond or surety must be posted before issuance of any building permit, Sediment Control Permit or Use and Occupancy Permit and will be tied to the development program. 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.
- d) The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

**15. 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.

**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 Site Plan resolutions.

- b) Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- c) Modify data table to reflect development standards approved by the Planning Board.
- d) Ensure consistency of all details and layout between Site and Landscape plans.
- e) Label the curb radii for access points. Ensure of minimum curb radii that will accommodate the site traffic.
- f) Provide truck turning movement for all movements. Specify which specific movements, if any, are restricted based on the turning movement analysis.
- g) Show and label existing PIE along the Site frontage.
- h) Show/ label the existing sidewalks/ ramps where connection is made.
- i) Provide at-grade crossing at driveways.
- j) Coordinate with Staff to provide more intensive and varied landscaping at the base of the garage facing the plaza, similar to landscaping provided in the narrow courtyard between the garage and Building D.
- k) Coordinate with Staff to create an iconic signage at the westernmost entry from Medical Center Drive.
- l) Coordinate with Staff to improve the design of the small western plaza along Medical Center Drive and west of the internal access drive to better screen the parking at ground level of Building E, create a gateway iconic signage and create a trail head that leads to the forest conservation areas to the west.
- m) Coordinate with Staff to plant more trees to act as buffers and provide shading along the drop-off area as shown in the Staff's sketch attached to this report.

BE IT FURTHER RESOLVED that all previous site plan conditions of approval for this Property remain valid, unchanged and in full force and effect except as modified herein to accommodate construction of Building E and the garage which are the subject of this Application.

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

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

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

*1. The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

Not applicable; the Subject Property is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan.

*2. The site plan meets all of the requirements of the zone in which it is located.*

The purpose of the LSC Zone is to promote research, academic, and clinical facilities that advance the life sciences, health care services, and applied technologies. The uses are allowed in the LSC Zone and fulfill the purposes of the Zone by providing a 93,560-square-foot Research & Development building. The Applicant is not required to purchase Building Lot Terminations (BLTs) because all uses on the Property are related to Life Sciences, pursuant to Section 59-C-5.473 of the pre-2014 Zoning Ordinance.

To construct the 93,560-square-foot building, the Property requires the transfer of 29,472 square feet of approved but unbuilt density from Shady Grove Medical Center on Shady Grove Life Sciences Center, Ownership Lot 6A on Parcel 6 on Plat No. 24395 in the Shady Grove Life Sciences Center (formerly Parcels 1A, 3A, 3B, and K) (SGMC). The Applicant has obtained this density through a Purchase and Sale Agreement with SGMC regarding 75,000 square feet of available density described in SGMC's Preliminary Plan No. 120110160. Of this density, 51,930 square feet is from density originally assigned to SGMC in Preliminary Plan No. 119882330, which created the original 24 lots comprising the Life Sciences Center and is identified as Phase I density in Preliminary Plan No. 120110160. Phase I SGMC density expires July 25, 2023 pursuant to Preliminary Plan No. 120110160 and County Council Ordinance No. 19-12. A Covenant to Transfer this Development Density is recorded on both properties at Liber 62504 at Folio 40. The remaining density in the Purchase and Sale Agreement (i.e., 23,070 square feet) is Phase II density in Preliminary Plan No. 120110160. Phase II SGMC density expires April 27, 2025 pursuant to Preliminary Plan No. 120110160 and County Council Ordinance No. 19-12. Per this Preliminary Plan and the Great Seneca Science Corridor Master Plan, the Phase II density may be used



immediately for healthcare services or for commercial uses once Stage 2 density in the Master Plan has been released.

Section 59-C-5.321 of the 2004 Zoning Ordinance allows density to be averaged over two or more lots that were created by the same subdivision plan by: (1) evidencing the density transfer in recorded covenants on all the affected lots; and, (2) obtaining a site plan for the development where the additional density is transferred. Both the Property and Shady Grove Life Sciences Center Ownership Lot 6A on Parcel 6 in the Shady Grove Life Sciences Center (formerly Parcels 1A, 3A, 3B, and K) were created by Preliminary Plan No. 119882330, though they each now have separate Preliminary Plans with additional density allocations.

Through this Site Plan, the Applicant is seeking site plan approval to ratify and transfer the entire 75,000 square feet of density to the Property, and to use 29,472 square feet for the current Project. The remaining 45,528 square feet (75,000 square feet minus 29,472 square feet) will be used at a later date. As described, a Covenant has already been recorded on the Sending and Receiving/Subject properties for the 51,930 square feet of conveyed density (Phase I density). The remaining 23,070 square feet of Phase II density will be identified in a recorded covenant prior to Certified Site Plan to complete that transfer.

<b>Property</b>	<b>Density Allocation</b>	<b>Built Density</b>	<b>Residual Density</b>	<b>Density for 81995045G</b>
9800 Medical Center Drive (Preliminary Plan No. 120110080)	544,579 square feet	457,219 square feet	63,988 square feet <sup>3</sup>	63,988 square feet
Shady Grove Medical Center – Phase I (Preliminary Plan No. 120110160)	626,910 square feet <sup>4</sup>	574,980 square feet	51,930 square feet	51,930 square feet transferred
Shady Grove Medical Center – Phase II (Preliminary Plan No. 120110160)	256,946 square feet <sup>5</sup>	0 square feet	256,946 square feet	23,070 square feet transferred
<b>TOTAL</b>				<b>138,988 square feet</b>

As conditioned above, the density transfer is effectuated by transferring 75,000 square feet of approved but unbuilt density from Shady Grove Medical Center to the Property via recorded covenants on both the Property and Shady Grove Life

<sup>3</sup> 23,272 square feet of density were transferred to 9950 Medical Center Drive, leaving 63,988 square feet of density.

<sup>4</sup> Commercial density allocated for Stage I of the Great Seneca Science Corridor Master Plan.

<sup>5</sup> Commercial density allocated for Stage 2 of the Great Seneca Science Corridor Master Plan.

Sciences Center Ownership Lot 6A on Parcel 6 in the Shady Grove Life Sciences Center (formerly Parcels 1A, 3A, 3B, and K), and the approval of this Site Plan Amendment. As a result, 29,472 square feet of transferred Phase I density will be used for the 93,560-square foot building in this Site Plan Amendment (Building E). The remaining density of 45,428 square feet (138,988 square feet minus 93,560 square feet) will be available to the Property as follows: 22,358 square feet for Stage I commercial density and 23,070 square feet for Stage II commercial density as allocated via the Great Seneca Science Corridor Master Plan.

### Development Standards

The following data table indicates the development's compliance with the Development Standards of the LSC Zone:

Development Standard	Allowed/Required	Previously Approved	Approved
<b>Maximum Building Height (feet) Sec. 59-C-5.31</b>			
Building E	110 feet (by Master Plan)		80 feet
Garage	110 feet (by Master Plan)		36 feet
<b>Minimum Building Setbacks (feet)</b>			
From Medical Center Drive	N/A		50 feet
From Shady Grove Road	N/A		820 feet
From Darnestown Road	N/A		45 feet
<b>Minimum Parking Garage Setbacks (feet)</b>			
From Shady Grove Road	N/A		540 feet
From Medical Center Drive	N/A		50 feet
From Darnestown Road	N/A		235 feet
<b>Minimum Public Open Space (% of lot) Sec. 59-C-5.32</b>			
	20% (3.63 acres)		21.4% (3.89 acres)
<b>Maximum Floor Area Ratio (FAR)</b>			
	0.69 FAR		0.70 FAR
<b>Building Area (square feet)</b>			
Previously approved	544,479 square feet approved per Preliminary Plan No. 120110080	457,219 square feet built	

<b>Development Standard</b>	<b>Allowed/Required</b>	<b>Previously Approved</b>	<b>Approved</b>
Previously transferred density to 9950 Medical Center Drive		23,272 square feet	
Unbuilt density			63,988 square feet
Density transferred from Shady Grove Medical Center (Stage I)			51,930 square feet
Density transferred from Shady Grove Medical Center (Stage II)			23,070 square feet
Building E			93,560 square feet
Building E and existing			550,779 square feet
Density remaining (Stage I)			22,358 square feet
Density remaining (Stage II)			23,070 square feet
<b>Minimum Parking Spaces Sec. 59-E-3.2</b>			
Total parking	1,102 required	1,089	1,195
<b>Minimum Bicycle Parking Sec. 59-E-2.3</b>	1 bicycle/20 vehicle spaces (60 max)		60 (20 in the existing garage, 20 outside Building F, 16 in Building E, and 4 outside Building E)
<b>Minimum Motorcycle Parking Sec. 59-E-2.3</b>	2% of total vehicle spaces (10 max)		10 spaces

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

Building E is located on an area already developed as a surface parking lot. The garage is located in front of Building D. The design of the new development is integrated into the existing development using pedestrian connections and open space design. Building E will provide a more substantial presence on Medical Center Drive than the existing surface parking lot. The locations of the buildings

and structures are adequate and efficient, while meeting the aesthetic concerns of the area, and do not pose any safety concerns on the site.

The Public Open Space creates a welcoming entrance to the entire development. It includes smaller external gathering spaces with tables, benches and other seating areas, as well as clear public access. The stormwater management areas provide a landscaped buffer along the north façade of Building E. Street trees and lighting are provided along the street to enhance the pedestrian environment. Interior lighting will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties. The terrace on the west face of Building E connects to the natural surface trail within the planted stream valley buffer area. The open spaces, landscaping, and site details adequately and efficiently address the needs of the use and the recommendations of the Master Plan, while providing a safe and comfortable environment.

#### Circulation

The three existing access points which currently service the existing central vehicular drop-off area and surface parking areas to the east and west along Medical Center Drive will be maintained as part of this request. However, due to the conversion of vehicular parking from existing surface lots to a consolidated four-level garage, shared access between the central drop-off area and the existing driveway to the west will be severed as a result of the new garage built in place of the existing surface parking area. There are no modifications for the existing driveway to the east of the central drop off area as part of this request. Access to the Site is limited to Medical Center Drive, which provides vehicular access into the existing/future development and its associated internal circulation. The existing private driveway layout will continue to provide circulation for the storage of private vehicles, pick-ups/drop-offs, deliveries, as well as other short-term parking needs. Furthermore, the existing private driveway which will service the new structure and parking garage will continue to provide through access to the surface parking areas to the rear of the existing office and laboratory structures.

#### Vehicular Site Access Point and Parking

Vehicular access to the Property's parking garage and loading areas is from Medical Center Drive. Three access points along this arterial currently provide ingress and egress for the existing office and laboratory development. The Applicant is removing the existing shared access presently located in between the driveway to the west of the drop-off area, as a means to build the new four-level parking garage and outdoor plaza space, adjacent to the public right-of-way and

the existing Commons Building A. The existing shared access and driveway entrance to the east of the vehicular drop-off area, will each be maintained.

No parking, deliveries, or other short-term parking needs will occur within the public right-of-way. Garage entrances, loading, and the layby drop-off area are located within the Applicant's internal private street network. A plaza will be constructed adjacent to the vehicular drop-off area, which will be reconfigured from its current circular arrangement into a layby lane as a means to maximize space for people walking. Providing such short- and long-term vehicular access will prevent on-street conflicts and maintain multimodal flow on Medical Center Drive.

A loading dock for Building E is located off of the existing private driveway, which meets requirements set forth in Section 6.2.8.B of the Zoning Ordinance.

#### Parking

The total number of parking spaces in the on-site parking garage meet the requirement per the Zoning Ordinance, by providing 1,199 vehicle spaces, 36 long-term bike spaces, and 24 short term bike racks (with 240 vehicle spaces and 16 long-term bike parking spaces in the garage, and 48 vehicle parking spaces under Building E). Vehicular parking spaces will be located within the existing garage, below grade of Building E, and as existing surface off-street parking spaces to the north, east, and south of the office/laboratory complex.

#### Sector/Master-Planned Roadways

Medical Center Drive: Medical Center Drive is classified as a 100-150-foot four-lane Arterial Street, A-261, with an existing 100-feet of public right-of-way. The existing section has four (4) lanes, with an existing raised, vegetated median dividing opposing lanes of travel. A 50-foot transit easement is currently positioned along the northern frontage of the roadway, to the opposite of Medical Center Drive from the Subject Property for potential future routing of the Corridor Cities Transitway. The Applicant will maintain the 100-foot right-of-way, with non-vehicular elements recommended by the *2010 Great Seneca Science Corridor Urban Design Guidelines*, as they relate to opportunities for public spaces and the preservation of environmentally sensitive resources.

The Applicant has collaborated with Planning Staff and MCDOT with regards to providing an active and programmable plaza space open to the public framed by Medical Center Drive, the vehicular drop-off area, and parking garage structure. Consistent with previous approvals for the overall development, the Applicant will maintain the existing five-foot sidewalk and six-foot green panel, as a means to avoid impacting the existing Category I Conservation Easement to the west of



Building E. The edge of the easement lies approximately 14-feet south to the back of the existing sidewalk, which creates challenges to the implementation of planned bikeway and sidewalk improvements along the corridor. As a result, streetscape improvements identified within the *Great Seneca Science Corridor Urban Design Guidelines* were not provided in previous approvals or included in this amendment.

Ultimately, a 20-foot sidewalk and one-way sidepath are planned for Medical Center Drive, which is consistent with Downtown Street standards within the *draft Complete Streets Design Guidelines*. Adjacent properties have not constructed segments of the Bicycle Master Plan recommended separated bikeway. The Planning Board concurs with the approach presented by the Applicant, to defer streetscape improvements following the outcome of the *Corridor Forward: I-270 Transit Plan* as it relates to future routing of the Corridor Cities Transitway and its associated multimodal access improvements and right-of-way needs.

Traville Gateway Drive: Traville Gateway Drive is a planned Business Street, B-16, with a planned right-of-way of 70-feet. As shown in Figure 12, it is prioritized in the *2010 Great Seneca Science Corridor Master Plan* as a means of facilitating the construction of new connections to support a street grid network with walkable access to high frequency transit. A portion of the planned street is identified on the subject Site, from the Medical Center Drive and Medical Center Way intersection, southwards to the Darnestown Road and Traville Gateway Drive intersection. Construction and/or dedication of right-of-way for the new Business Street is not feasible at this time due to the presence of the aforementioned Conservation Easement in place of the planned alignment of the roadway. While Building E will not preclude future construction of the roadway, further technical analysis is necessary in order to balance the need for the protection of natural resources with future multimodal transportation goals for the overall Life Sciences Center area.

For the internal private street network, the Applicant will construct ten-foot travel lanes, eight-foot sidewalks, and bio-retention facilities along the modified existing driveway, between the Building E and the parking garage. The existing divider at the ingress/egress of the driveway at Medical Center Drive will be removed to facilitate the narrowing of the pavement for safer crossings for people walking east-to-west. The remainder of the internal drive aisles to access the rear of the Site will remain in place.

#### Pedestrian and Bicycle Facilities

The Bicycle Master Plan identifies a one-way sidepath along both sides of Medical Center Drive. Due to the uncertainty of the Corridor Cities Transitway routing and associated streetscaping, construction of the planned separated bikeway along Medical Center Drive is not included with this Amendment. The Applicant will maintain the existing five-foot wide sidewalk and six-foot green panel along Medical Center Drive, while providing a publicly-accessible plaza space with physical separation in the form of street trees and outdoor seating.

Similarly, separated bikeways are also planned along both sides of the planned Traville Gateway Drive extension between Medical Center Drive and Darnestown Road.

Additionally, per recommendations outlined in the *Great Seneca Science Corridor Master Plan*, specific guidance is directed towards the restoration of environmental functions, particularly as it relates to the protection of water quality and biological diversity in forested habitats. This Amendment continues to foster the designation of this sensitive natural area carried over from previous approvals, while also retaining the strategy of providing passive natural trails for recreation. Mulch pathways emanating from the public and private internal sidewalk networks will meander through the protected forests and wetlands and will encourage and facilitate all users to the open space area while also preserving the natural drainage currently in its place.

#### Local Area Transportation Review

The 93,560-square foot Building E was originally approved under Preliminary Plan No. 120110080, which approved a total of 544,579 square feet of density. Furthermore, the Montgomery County Council's Resolution No. 19-655, "2020-2024 Growth and Infrastructure Policy," stipulates that a Local Area Transportation Review is not required if the development's primary use is classified as bioscience facility, as defined in Section 52-39. The subject Application is for a bioscience facility pursuant to this definition.

As such, under the *2020-2024 Growth and Infrastructure Policy*, a traffic study is not required to satisfy the LATR test.

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

The three-story Building E and associated four-story parking garage will be compatible with other nearby uses (surface parking lots in vicinity of the Property at Shady Grove Adventist Hospital and Fire Station #32), other site plans and the existing development. The building will have a brick and glass facade with an

office building character and the garage will have decorative metal screening at all levels.

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

#### Environmental Guidelines

Staff approved a Natural Resource Inventory/Forest Stand Delineation (No. 42021132E) on February 23, 2021. The Site contains streams plus their buffers and a small area of wetlands and associated buffers. The total of sensitive areas is approximately 2.1 acres.

#### Forest Conservation and Tree Save

The Property is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code) but exempt from Article II as per Section 22A-5(t). Staff approved a Forest Conservation Exemption on February 23, 2021 (Exemption No. 42021132E). However, the Applicant was required to provide treecover over 15% of the site, as per the conditions of approval for Site Plan No. 819950450. Additionally, Preliminary Plan No. 120110080 required afforestation of the environmental buffers. These plantings are shown on the Landscape Plan and the planted areas are covered by a Category I Conservation Easement. The approved development will not impact the existing Category I Conservation Easement.

#### Water Quality

This Site Plan Amendment is within the Piney Branch Special Protection Area (SPA). The Planning Board approved a Preliminary Water Quality Plan as part of Preliminary Plan No. 120110080. On December 1, 2016, a Final Water Quality Plan was approved in association with the approval of Site Plan Amendment 81995045D. On December 14, 2017, the Planning Board approved a revised Final Water Quality Plan with Site Plan No. 81995045E. This Amendment requires approval of a revised Final Water Quality Plan to address the development.

A revised Final Water Quality Plan has been submitted as required by Article V of Chapter 19, Erosion, Sediment Control and Storm Water Management for development in an SPA. Approval authority for Water Quality Plans is split between the Montgomery County Department of Permitting Services (MCDPS) and the Montgomery County Planning Board. The MCDPS's approval authority includes performance goals or criteria for the approved best management practices (BMPs); the BMP monitoring plan (if required); the Stormwater Management Concept Plan; and the Erosion and Sediment Control Concept Plan. The

Applicant's Water Quality Plan includes an approval letter from MCDPS for their portion of the Water Quality Plan review.

The Planning Board reviews Water Quality Plans for conformity with the Environmental Guidelines and for conformity with any policy or requirement for SPAs in master plans, watershed plans, development plans, or the Comprehensive Water Supply and Sewer System Plan. The Piney Branch SPA does not include a specific impervious limit on land development projects. In SPAs without a cap on imperviousness, developments are required to demonstrate that imperviousness has been minimized. Montgomery County Executive Regulations 29-95, Regulations for Water Quality Review-Special Protection Areas, require that the Final Water Quality Plan must include a plan that describes the development which minimizes impervious areas and, if applicable, meets any required imperviousness limits.

Currently, the total Property has an imperviousness of 54.5 percent (429,269 square feet of impervious surfaces out of a total land area of 791,416 square feet). The additional 93,560 square feet of laboratory and office space and 240-car parking garage will add 37,410 square feet of new impervious surfaces, increasing the total site imperviousness by 4.7 percent to 59.2 percent (466,679 square feet total impervious surface). By building largely on an existing parking lot, the approved development increases the overall developed density on the site by 20.5 percent and reduces the net surface parking by 182 spaces.

The Planning Board finds that the additional increment of imperviousness associated with this Site Plan Amendment is minimal based on the following: (1) new development is confined largely to existing impervious areas resulting in a significant increase in development density with a small increase in impervious cover; (2) net reduction of surface parking by 182 spaces; and (3) creation of structured parking.

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

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


BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 20 2021 (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Patterson, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy and Patterson voting in favor of the motion, and Commissioner Verma absent at its regular meeting held on Thursday, July 15, 2021, in Wheaton, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board