

UNITED THERAPEUTICS, 100 SPRING STREET
SKETCH PLAN NO. 320210090, PRELIMINARY PLAN
AMENDMENT NO. 12013019A AND SITE PLAN AMENDMENT
NO. 82014011B

Description

- Sketch Plan 320210090: Request to supersede previously approved project Plan and allow a maximum density of 121,724 square feet for existing nonresidential uses.
- Preliminary Plan Amendment 12013019A: Request to convert previously approved 10,000 square feet of retail and 1,000 square feet of laboratory/office into an 11,000 square foot daycare center within an existing office building.
- Site Plan Amendment 82014011B: Request to convert previously approved 10,000 square feet of retail and 1,000 square feet of laboratory/office into an 11,000 square foot daycare center within an existing office building, comply with the CR zone optional method development standards, and modify associated landscaping and hardscape.

PLAN No. 320210090,
12013019A, 82014011B

COMPLETED: 1.07.2021

MCPB
Item No. 5
January 20, 2021

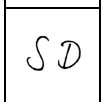
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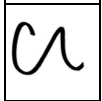
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LOCATION

Intersection of Spring Street and Colesville Rd

MASTER PLAN

2000 Silver Spring CBD Sector Plan

ZONE

CR-3, C-2.0 R-2.75 H-90T

PROPERTY SIZE

2.06 acres

APPLICANT

United Therapeutics Corporation

ACCEPTANCE DATE

July 28, 2021

REVIEW BASIS

Chapter 59, Zoning Ordinance in effect on October 30, 2014 and Chapter 50, Subdivision Regulations



Summary:

- Staff recommends approval of the Sketch Plan, Preliminary Plan Amendment, and Site Plan Amendment with conditions.
- On September 12, 2013, the Montgomery County Planning Board approved Project Plan No. 920130060, Preliminary Plan 20130190 for development of Phase 3 of the United Therapeutics Silver Spring Campus. The Site Plan No. 820140110 was approved September 23, 2014.
- The approvals allowed for a 121,724 square foot building for office/laboratory and ground floor retail. The building has been occupied since 2018.
- The Applicant proposes to convert the existing ground floor retail into a daycare and provide exterior play area fronting on Colesville Road.
- The Applicant requests the previously approved Project Plan and Site Plan be superseded by reviewing the existing building and proposed conversion under a new Sketch Plan and Site Plan.
- The Application received one (1) Planning Board extension, extending the 120-day review period on October 14, 2021 to January 28, 2022.

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SE SECTION 1: RECOMMENDATIONS AND CONDITIONS

SKETCH PLAN 320210090

Staff recommends approval of United Therapeutics 1000 Spring Street, Sketch Plan No. 320210090, for 121,724 square feet of existing nonresidential uses on 2.06 acres, zoned CR-3, C-2.0 R-2.75 H-90T, in the 2000 *Silver Spring CBD Sector 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. **Project Plan 920130060 validity**

This Sketch Plan will supersede and invalidate in its entirety the previous Project Plan No. 920130060 for the Property when implemented through issuance of any building permit or Use and Occupancy Certificate or site development permits through the Department of Permitting Services ("DPS").

2. **Density**

The Sketch Plan is limited to a maximum of 121,724 square feet of total non-residential development.

3. **Height**

The development is limited to a maximum average building height of 90 feet, as measured from the building height measuring point to be illustrated on the Certified Site Plan.

4. **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 100 and be chosen from at least four categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7 and the *CR and Employment Zones Incentive Density Implementation Guidelines (2017)* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

- a) Transit Proximity, achieved through Level 1 transit proximity;
- b) Connectivity and Mobility, achieved by providing fewer than the maximum parking spaces under the Zoning Ordinance;
- c) Quality of Building and Site Design, achieved through architectural elevations, exceptional design, and structured parking; and
- d) Protection and Enhancement of the Natural Environment achieved through the purchase of building lot terminations, energy conservation, energy generation, and a recycling facility plan.

5. **Public Open Space**

The Applicant must provide a minimum of 5% of the Site Area (67,737 square feet) as Public Open Space, totaling 3,387 square feet.

PRELIMINARY PLAN 12013019A

Staff recommends approval of Preliminary Plan Amendment No. 12013019A to convert 10,000 square feet of previously approved retail use and 1,000 square feet of office/laboratory use to 11,000 square feet of daycare use. The Planning Board previously approved the Preliminary Plan with 10 conditions. Staff recommends modifications to Conditions 1, 3.a, 3.e, 6, and 10, as provided below, while all other previously approved conditions remain in full force and effect.

Modified Conditions

- 6. Approval under this preliminary plan is limited to one lot for a maximum of 121,724 square feet of development, including ~~111,724~~ 110,724 square feet of office space/laboratory space and ~~10,000 square feet of retail~~ 11,000 square feet of daycare use.

3. Transportation: The following transportation-related conditions are recommended to be part of the Planning Board's approval for this application:
- a) The Applicant must limit future development on the Site to ~~115,000~~ 110,724 square feet of office/ laboratory space and ~~10,000 square feet of general retail~~ 11,000 square feet of daycare use.
 - e) The Planning Board has reviewed and accepts the recommendations of the Maryland Department of Transportation State Highway Administration (MDOT SHA) in its letter dated May 17, 2013, and email dated January 10, 2022 and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letters, which may be amended by MDOT SHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval. Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MDOT SHA.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letters dated August 30, 2013, and August 17, 2021 and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letters, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval. Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
10. The Adequate Public Facility (APF) review for the ~~Preliminary Plan~~ new 11,000-square foot day care will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5). The APF approval for the remainder of the Project (110,724 square feet of office space/laboratory space) will remain valid for eighty-five (85) months from the date of mailing of the original Planning Board Resolution (which is October 15, 2013) and including any extensions granted.

SITE PLAN 82014011B

Staff recommends approval of Site Plan Amendment 82014011B. The development must comply with the conditions of approval for Sketch Plan 320210190, Preliminary Plan No. 120130190A, and any subsequent amendments.

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, which, when implemented through issuance of building permit, or use and occupancy certificate, or site development permits through DPS, supersede all of the conditions of Site Plan No. 820140110 in their entirety.¹

DENSITY, HEIGHT AND HOUSING

1. **Density**

The Site Plan is limited to a maximum of 121,724 square feet of total non-residential development on the Subject Property, including 110,724 square feet of office/laboratory uses and 11,000 square feet of daycare uses.

2. **Height**

The development is limited to a maximum height of 90 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

3. **Public Open Space**

- a) The Applicant must provide a minimum of 3,911 square feet of public open space on-site.
- b) The Applicant must provide, install, maintain, and operate securable gates at both ends of the proposed mid-block pedestrian "BioPath" connection, and may restrict access to the BioPath connection. Each gate must be equipped with an emergency access "knox box," or other device specified by Montgomery County Fire and Rescue Service (MCFRS).

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. **Public Benefits**

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *CR and Employment Zones Incentive Density Implementation Guidelines* for each one.

- a) Transit Proximity: Final area calculations must be presented to the Planning Board and be included on the Certified Site Plan – points are specific and determined by location per Guidelines.
- b) Connectivity between Uses, Activities, and Mobility Options
 - i. Minimum Parking – The Applicant must not provide more than 152 vehicular parking spaces, as shown on the Certified Site Plan.
- c) Quality Building and Site Design
 - i. Architectural Elevations – Final elevation design must be shown on the Certified Site Plan. The exterior architectural elements must be substantially similar to architectural elevations as shown on the Certified Site Plan and as determined by M-NCPPC Staff.
 - ii. Exceptional Design - The Applicant must construct the building in a manner consistent with the architectural elevations included in the Certified Site Plan.
 - iii. Structured Parking – The Applicant must provide all vehicular parking spaces within an above-grade structure.
- d) Protection and Enhancement of the Natural Environment
 - i. Building Lot Terminations (BLTs) – Before issuance of any building permit, the Applicant must provide proof to MCDPS and M-NCPPC staff of purchase and/or payment for 0.1829 BLTs.
 - ii. Energy Conservation and Generation – The Applicant must maintain the building's energy efficiency standards for the building type by exceeding 17.5%, as determined by MCDPS through the methodology established by ASHRAE 90.1 (2013) Appendix G. The energy model must be submitted to DPS with the building

permit application. Also the building must provide renewable energy facilities on site for a minimum of 2.5% of the projected energy requirement.

- iii. Recycling Facility Plan – The Applicant must adhere to the Recycling Facility Plan as approved by the Department of Environmental Protection.

5. Pedestrian and Bicycle Circulation

The Applicant must provide 21 long-term and 3 short-term bicycle parking spaces.

6. 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 July 6, 2013 and updated on September 20, 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.

7. Forest Conservation & Tree Save

The development must comply with the Final Forest Conservation Plan and/or Tree Save Plan.

8. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated March 19, 2014 and reconfirmed on May 4, 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. Lighting

- a) New lighting installed under this Site Plan amendment must comply with the standards below:

- i. 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).
 - ii. All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
 - iii. Deflectors will be installed on any proposed fixtures to prevent excess illumination and glare.
 - iv. 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.
 - v. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
 - vi. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.
- b) Any existing lighting that was approved by Site Plan 820140110 and 820140110A must comply with the standards below:
- i. The lighting distribution and photometric plan with summary report and tabulations must conform to the Illuminating Engineering Standards of North America ("IESNA") standards for commercial development.
 - ii. All onsite down-light fixtures must be full cut-off fixtures.
 - iii. Illumination levels generated from on-site lighting shall not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential developed properties.
 - iv. Deflectors must be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.

10. Site Plan Surety and Maintenance Agreement

Prior to issuance of the use and occupancy certificate associated with the daycare or any site development permit by DPS, for the proposed new day care, 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, fences, railings and associated improvements of development. The surety must be posted before issuance of the use and occupancy certificate associated with the daycare or any site development permit 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.

11. Development Program

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

12. 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, development program, and Site Plan resolution (and other applicable 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) Ensure consistency of all details and layout between Site and Landscape plans.

SECTION 2: SITE DESCRIPTION

VICINITY

The Property is located at the corner of Colesville Road and Spring Street at the gateway to the Silver Spring Central Business District (“CBD”). The United Therapeutics Corporation owns several nearby properties as part of the United Therapeutics Campus fronting on Spring Street and Cameron Street on both the north and south side of Spring Street as shown in Figure 1 below. Directly to the north of the Site is an 11-story multifamily building. To the east across Colesville Road is an 11-story hotel and 10-story office, and directly to the south is a 13-story hotel that is currently vacant and was recently purchased by United Therapeutics.

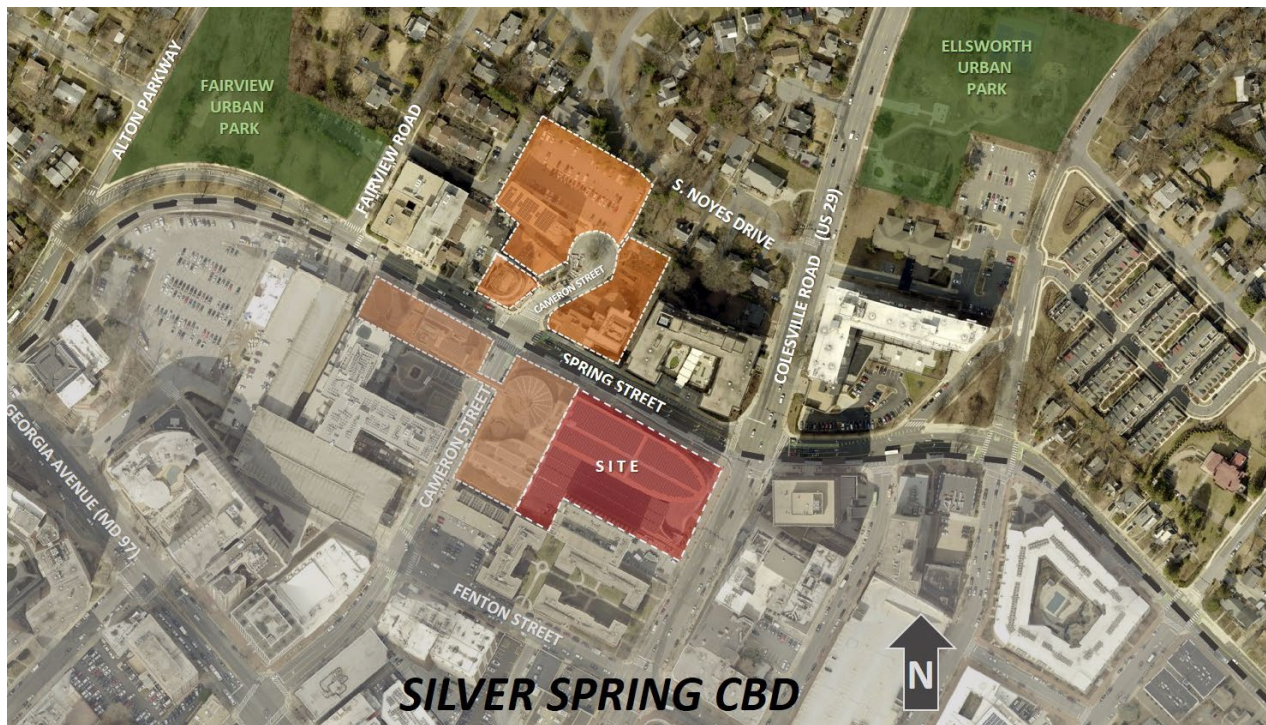


Figure 1 – Vicinity Map, United Therapeutics Campus in Orange, Subject Property in Red

PROPERTY DESCRIPTION

The Property is currently owned and developed by United Therapeutics with a 121,724 square foot office/laboratory building with ground floor retail as approved by Project Plan 920130060, Preliminary Plan 120130190, and Site Plan 820140110, discussed in more detail below. The existing building contains structured parking which is accessed from Spring Street.

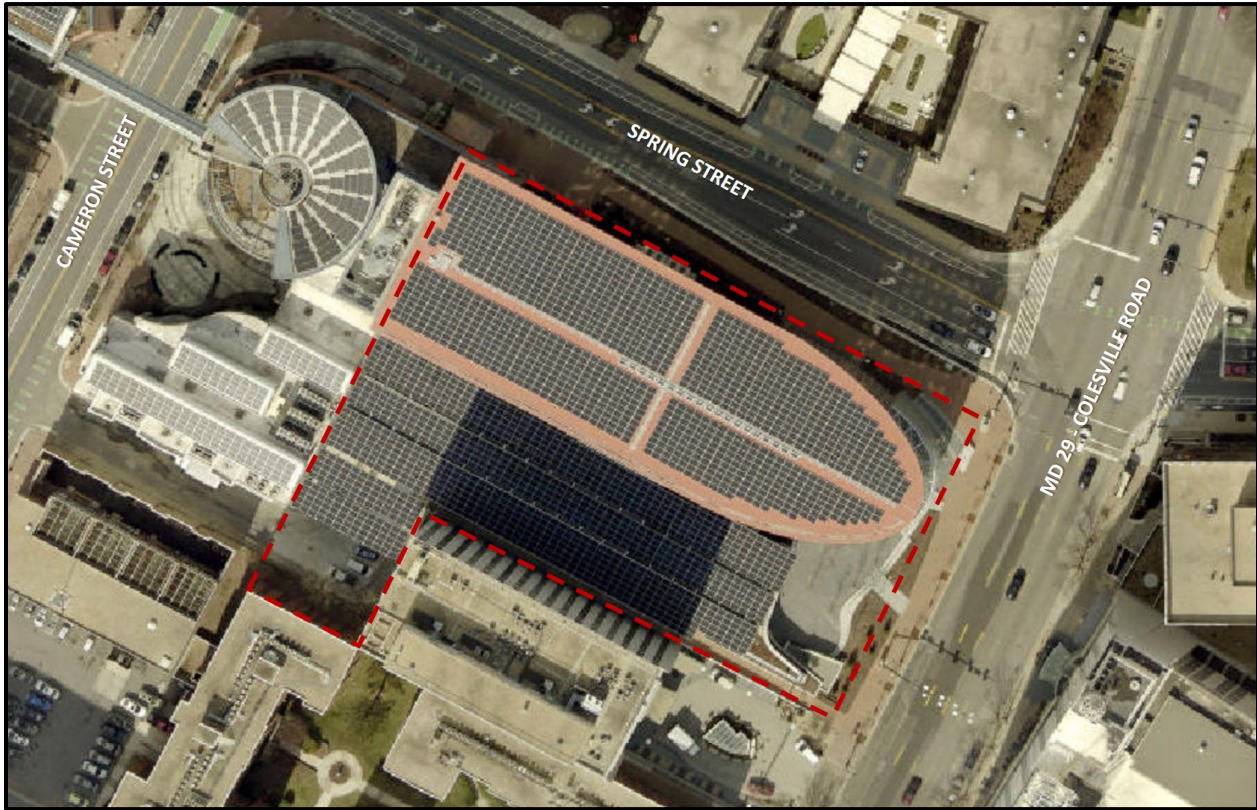


Figure 2 – Subject Property

The Subject Property is located within the Sligo Creek watershed, a Use I watershed², which is also a tributary to the Anacostia River. The Site is not associated with any environmentally sensitive features such as forest areas, stream buffers, wetlands, 100-year floodplains, or steep slopes. Although numerous street trees border the Site, all are less than 24” diameter-at-breast-height (DBH). As the Site lies in an urban area, the topography is generally flat with a gentle grade rising to the north and east along Colesville Road and Spring Street. The soils associated with the Property are classified generally as urban land, which is not highly erodible or otherwise sensitive. There are no known rare, threatened, or endangered species on site. This Site is, however, located adjacent to the historic Montgomery Arms Apartment complex.

²Use 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.

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

PROJECT PLAN 920130060 & PRELIMINARY PLAN 120130190

On September 12, 2013, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission (“Planning Board”) voted to approve Project Plan No. 920130060 (MCPB Resolution No. 13-131) (“Project Plan”) and Preliminary Plan No. 120130190 (MCPB Resolution No. 13-132) (“Preliminary Plan”) for the development of Phase 3 of the United Therapeutics Silver Spring Campus on the Property.

SITE PLAN 820140110

On September 23, 2014, the Planning Board voted to approve Site Plan No. 820140110 (MCPB Resolution No. 14-53) (“Site Plan”). The Project, Preliminary, and Site Plans approved the construction of a mixed-use project that included a total of up to 121,724 gross square feet, including up to 111,724 square feet of office use/laboratory space, up to 10,000 square feet of retail space, and 152 parking spaces (the “Project”). On May 25, 2019, the Planning Director approved Minor Site Plan Amendment #82014011A to approve modifications to the solar panels, electrical vaults, roof deck, plantings, and light fixtures. (Hereinafter, the Project Plan, Preliminary Plan, Site Plan, and Site Plan Amendment approvals are referred to collectively as the “Prior Approvals”). Employees of United Therapeutics have occupied the Building since 2018.

PROPOSAL

As the Prior Approvals were evaluated and approved under the Zoning Ordinance in effect on October 29, 2014, the Applicant requests the Project to be evaluated under the Zoning Ordinance in effect on October 30, 2014. The previously approved Project Plan will be reevaluated and superseded by the Sketch Plan provisions of Chapter 59.

The Applicant proposes to replace the previously approved ground floor retail and public use space fronting on Colesville Road with a daycare (use permitted by right in the CR zone) and outdoor play area. The Proposal will not result in any change in building footprint or increase in density from that previously approved.

OPEN SPACE

While the Project Plan required the Property to provide 20% of the Site as Public Use Space, the current standards of Chapter 59 require 5% of the Site (3,387 square feet) to be improved as Public

Open Space. The Applicant will meet this standard by providing additional street frontage along the Spring Street public right-of-way as shown in Figure 3 below.

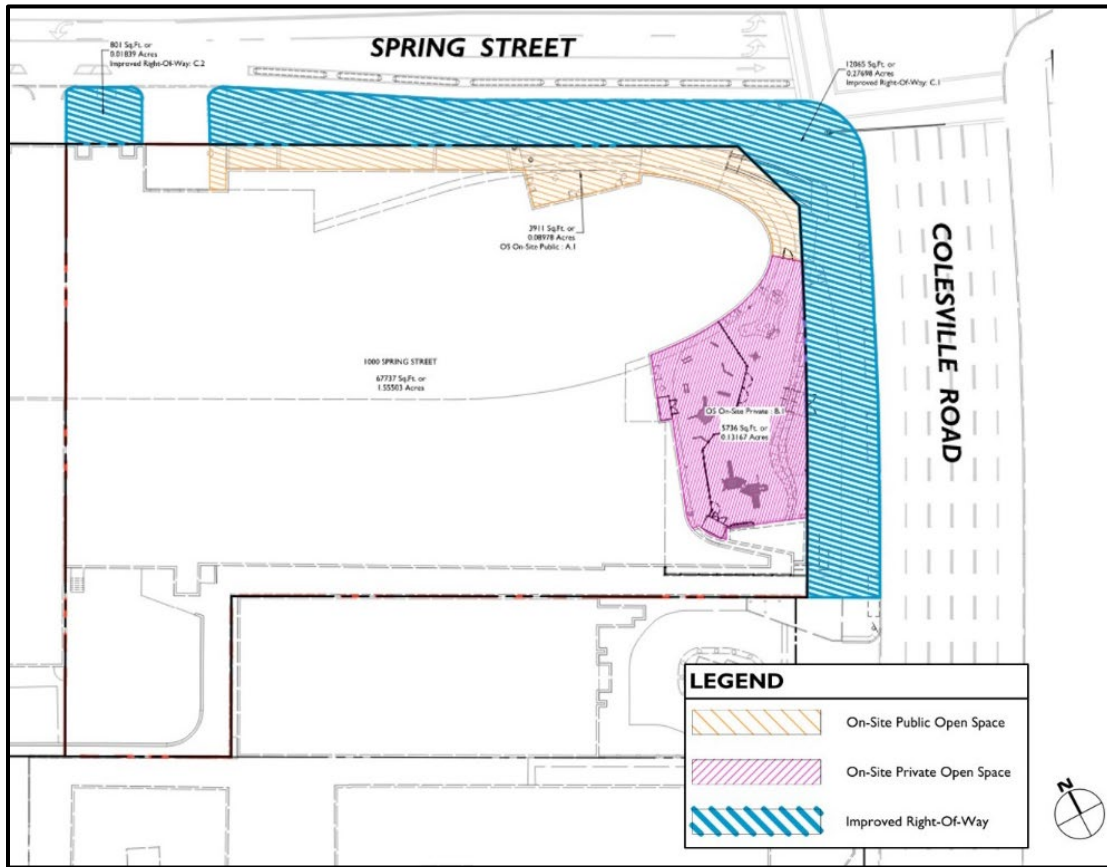


Figure 3 – Proposed Public Open Space (shown in tan hatching)

The previously approved public use space fronting on Colesville Road will be redesigned as a private outdoor play area for the associated daycare, as shown in purple in Figure 3 above. The Applicant worked closely with Staff to find an appropriate design for the fence surrounding the play area that would serve as a protective barrier from traffic along Colesville Road while enhancing the pedestrian realm and contributing to a gateway experience into downtown Silver Spring. As shown in Figure 4 below, the Applicant will provide a 6-foot iron fence with a multicolor ribbon panel along the length of Colesville Road, which will enhance the street with movement and color.

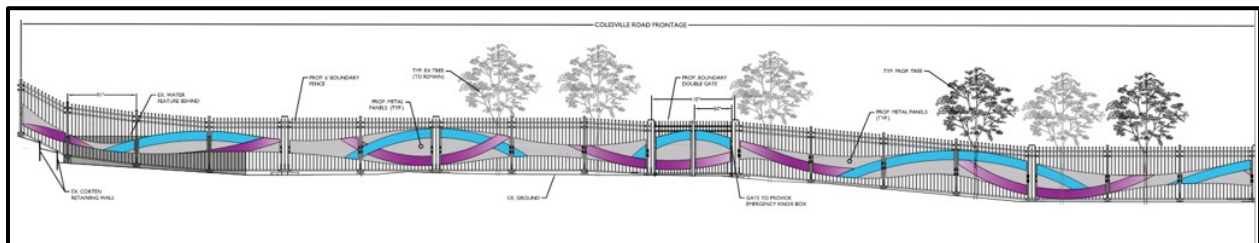


Figure 4 – Proposed fence fronting on Colesville Road surrounding Daycare play area

TRANSPORTATION

Access and Circulation

No changes are proposed to the existing vehicular, bicycle, and pedestrian access of the Site. As conditioned by the Prior Approvals, the Applicant improved the pedestrian circulation along the Site's Colesville Road and Spring Street frontages by widening the pedestrian zone to 25 feet and installing a 5-foot buffer with street trees on Colesville Road, and widening the pedestrian zone on Spring and Cameron Streets to 10 feet with a 5-foot buffer with street trees. The reconstructed sidewalks incorporate the specialty brick paving, as required by the Silver Spring Streetscape Design Standards in effect at the time of the approval. The Applicant also constructed a mid-block connection on Cameron Street, which benefits both United Therapeutics campus employees as well as the general public, during daylight hours.

Since the Prior Approvals, separated bicycle lanes have been installed by MCDOT along Spring Street. The Applicant also upgraded the existing bus shelter on Colesville Road by providing a safer location and a more defined queuing area.

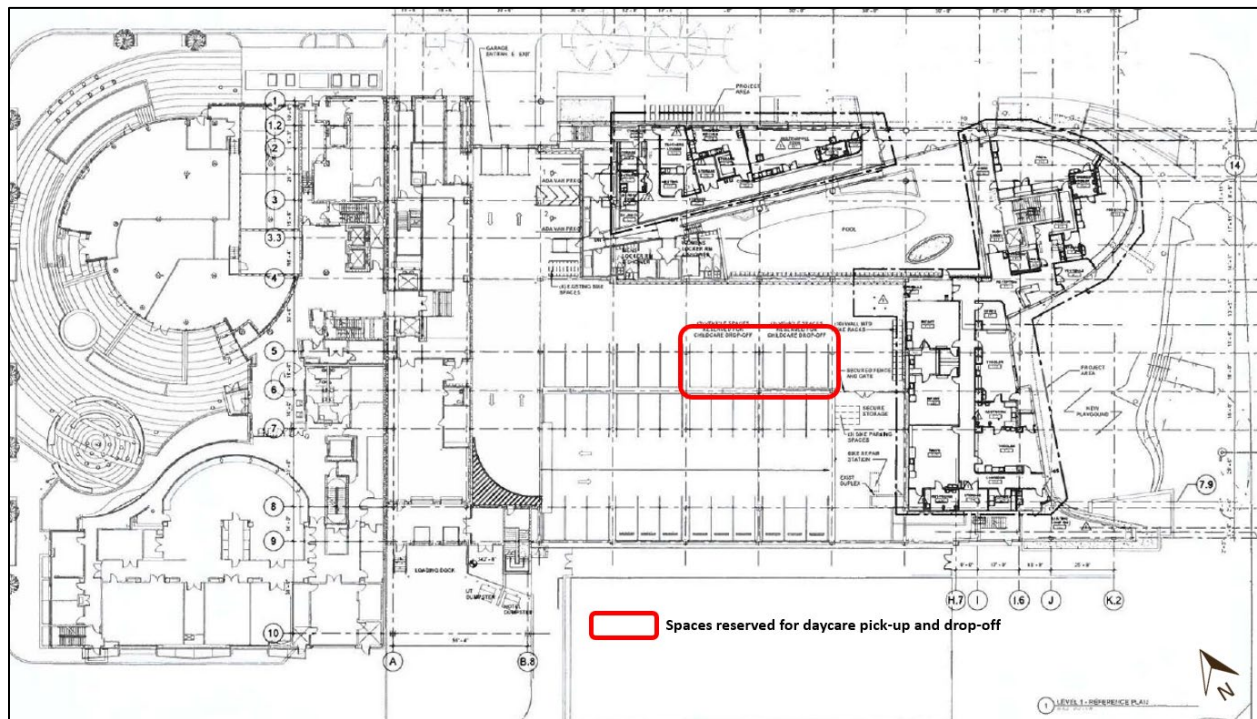


Figure 5 – Existing Parking Garage layout showing dedicated parking spaces for daycare

Vehicular parking will continue to be provided in the existing above-ground parking structure on-site, which has a capacity of 152 spaces. The parking structure is accessed from Spring Street. Six (6) of the parking spaces will be reserved for drop-off and pick-up for the daycare, as shown in Figure 5 above. It is expected that that majority of these spaces will be used by the daycare patrons who are not employed by United Therapeutics, as most employees will choose to park once and walk their

children to the daycare. The remaining spaces will be shared by the employees of the United Therapeutics laboratory space and the daycare.

The Applicant will continue to provide 21 long-term bicycle parking spaces within the existing parking garage, which consist of 18 standard and 3 oversized spaces as required by the Bicycle Parking Standards in the Zoning Ordinance. Electrical outlets, in conformance with Section 59-6.2.6.B.5 will be provided in the long-term bicycle parking area. A repair station was previously installed and will continue to be available to employees on-site. The Site provides both men's and women's showers (a total of 4 showers- 2 in each with one ADA accessible shower in each) and locker rooms with individual lockers. These are on the first floor and noted on Sheet A1.1 of the submittal. Six short-term bicycle parking spaces are provided on-site, which are accessible to the public.

No changes are proposed to the existing on-site loading facility, which is located at the rear of the building which is accessed from an alley off of Cameron Street, and no changes are required to support the proposed daycare.

SECTION 4: SKETCH PLAN 320210090 FINDINGS AND ANALYSIS

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 1000 Spring Street Sketch Plan Data Table for CR Zone, Optional Method, Section 59.4.5

Development Standard	Permitted/ Required	Proposed
Tract Area	n/a	89,766 (2.06)
Prior Dedication	n/a	22,029 (0.51)
Proposed Dedication	n/a	0
Site Area	n/a	67,737 (1.56)
Mapped Density CR-3.0, C-2.0 R-2.75 H-90T		
Residential (GFA/ FAR)	246,857 sf (2.75)	0 (0)
Commercial (GFA/FAR)	179,532 sf (2.0)	121,724 sf (1.35)
Total Mapped Density (GFA/FAR)	269,298 sf (3.0)	121,724 sf (1.35)
Total GFA/FAR		121,724 sf (1.35)
Building Height, max average	90 ft	90 ft
Public Open Space (min sf)	5% ³ (3,387 sf)	5% (3,911 sf)

The Project meets the intent of the CR Zone as follows:

a) Implement the recommendations of applicable master plans

The 2000 *Silver Spring CBD Sector Plan* (“Sector Plan”) contains several goals that this Project addresses, including the following main themes.

- Transit Oriented Development
- Commercial Development
- Civic Downtown
- Green Downtown
- Pedestrian Friendly downtown

The existing building acts as a prominent gateway feature for those entering the Silver Spring CBD, and the proposed improvements to the daycare play space fronting on Colesville Road will further enhance the gateway. The building itself is energy efficient and is located in walking distance to the Silver Spring Metro Station.

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

³ For 1.01 to 3.00 acre Tract Area and 2 Existing Frontages.

The existing building is located on a corner lot with a prominent gateway into Silver Spring CBD and therefore has been designed as a unique structure. The proposed changes to the open space fronting on Colesville Road will further activate the street and enhance the pedestrian environment with a new fence with colorful ribbon.

- 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 development does not propose any parking between the building and the street and the proposed daycare will serve as an amenity to the office and laboratory users of the building as well as fulfill a need in the surrounding area.

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

The Project achieves a compatible relationship to surrounding development and adjoining neighborhoods, as many of the surrounding buildings are of a similar height to the existing building. As a commercial building there is no residential density, however the office and laboratory uses within the building provide a mix of uses within the neighborhood which includes many nearby residential buildings.

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

The Project, as a commercial building with office, laboratory and daycare uses, provides an appropriate balance of employment for many of the residential buildings and neighborhoods in the Silver Spring vicinity.

- 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 100 public benefit points from a minimum of 4 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 to the recommendations of the applicable master plan:*

As discussed in Finding 1.a above, the Project substantially conforms to the recommendations of the 2000 *Silver Spring CBD Sector Plan*. The Proposal will convert retail and office space in an existing building to a daycare which will serve users of the building and the public. The proposed outdoor play space will provide a fence with artwork that will contribute to and enhance the gateway site for those travelling along Colesville Road into the CBD.

3. Satisfy 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.

4. Under Section 7.7.1.B.5, for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment, satisfy any green area requirement in effect on October 29, 2014; any green area under this provision includes and is not in addition to any open space requirement of the property's zoning on October 30, 2014;

This section is not applicable as this Property was not the result of a Local Map Amendment.

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

The building is an extension of the existing United Therapeutics Campus located at Spring and Cameron Streets, just west of this Site. The existing 90-foot building height is compatible with the multifamily building to the north and the office and hotel buildings abutting and confronting the Site on Colesville Road. The scale, design, and orientation of the building are appropriate relative to the adjacent properties and add architectural character to the area, and do not impact the existing historic building in the vicinity, Montgomery Arms, which is located just to the southwest along Colesville Road.

6. Provide satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;

Pedestrian and vehicular circulation will be adequate, safe and efficient. The existing building has enhanced the pedestrian circulation by providing wider sidewalks with streetscape along Colesville Road and Spring Street. Vehicles and bicycles will continue to access the Site from the entrance on Spring Street which has separated bicycle lanes on each side. The garage will provide adequate bicycle parking. The building's proximity to the Silver Spring/Marc transit station encourages the use of transit facilities by workers and visitors to the Site.

7. 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.

For the proposed development, the Zoning Ordinance requires 100 points in 4 categories. The Applicant proposes to exceed the 100-point requirement utilizing 4 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: Public Benefit Calculations

Public Benefits	Incentive Density	
	Max Allowed	Requested
59.4.7.3.B: Transit Proximity		
Level 1 between ¼ and ½ mile	30	30
59.4.7.3C: Connectivity and Mobility		
Minimum Parking	10	10
59.4.7.3E: Quality of Building and Site Design		
Architectural Elevations	20	10
Exceptional Design	10	10
Structured Parking	20	10
59.4.7.3.F: Protection and Enhancement of the Natural Environment		
Building Lot Terminations (BLT)	30	1.6
Energy Generation	15	15
Energy Conservation	15	15
Recycling Facility Plan	10	10
TOTAL		111.6

TRANSIT PROXIMITY

Level one

The Applicant requests 30 points for locating the Project between ¼ and ½ mile from a Level 1 transit station (Silver Spring Metro Station). Staff supports the subcategory at this time.

CONNECTIVITY AND MOBILITY

Minimum Parking

The Applicant requests 10 point 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 maximum allowable number of on-site spaces to 10 points for providing no more than the minimum numbers of spaces on-site. Staff supports the category at this time.

QUALITY OF BUILDING AND SITE DESIGN

Architectural Elevations

The Applicant requests 10 points for providing architectural elevations as part of the Certified Site Plan showing particular elements of the design such as minimum amounts of transparency, maximum separation between doors, and other design priorities of the applicable Sector Plan and implementing design guidelines. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, and heights. Staff supports the category at this time with further details and refinement to be provided at the time of Site Plan.

Exceptional Design

The Applicant requested 10 points for retaining the existing building that exemplifies exceptional design and further enhances the pedestrian realm with the addition of the fence and redesigned play space. Staff supports the category at this time, with final review at Site Plan.

Structured Parking

The Applicant requests 10 points for providing structured parking. Staff supports the category at this time.

PROTECTION AND ENHANCEMENT OF THE NATURAL ENVIRONMENT

Building Lot Termination (BLT)

The Applicant requests 1.65 points for the purchase of BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area. Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance. Staff supports the Applicant's request at this time.

Energy Generation

The Applicant requests 15 points for retaining a building that exceeds the energy efficiency standards for the building type by 17.5%. Staff supports the subcategory.

Energy Conservation

The Applicant requests 15 points for providing renewable energy generation facilities onsite for a minimum of 2.5% of the projected energy requirements for the development. Staff supports the category at this time with final review of size and location at the time of Site Plan.

Recycling Facility Plan

The Applicant requests 10 points for providing a recycling facility plan to be approved as part of the Site Plan that will satisfy or exceed appropriate Executive Regulations. Staff supports the category at this time with final review of size and location at the time of Site Plan.

- 8. 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 building is already constructed and the modifications approved by the proposed Applications for the day care and the adjacent public use space will be constructed in one phase.

SECTION 5: PRELIMINARY PLAN 12013019A FINDINGS AND ANALYSIS

The Planning Board approved Preliminary Plan No. 120130190, MCPB No. 13-132, to create one (1) lot for 121,724 square feet of development including 10,000 square feet of retail and 111,724 square feet of office on the Subject Property with conditions.

Preliminary Plan Amendment 12016022B requests to convert previously approved 10,000 square feet of retail and 1,000 square feet of office into an 11,000 square foot daycare center within the existing office building. The proposed Preliminary Plan Amendment does not alter the intent of the previous findings, which remain applicable, except as modified below.

Per Chapter 50.4.2.D. *Required Findings*, to approve a preliminary plan the Board must find that:

- 1. the layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59;**

The Applicant identified errors in previous calculations of the Tract area and previous dedications, which therefore also impacted calculations pertaining to the Site area. These corrections are summarized in Table 3 below.

Table 3: Corrected Preliminary Plan Data Table

	Previously Approved Preliminary Plan No.12013190	Corrected Preliminary Plan Amendment No. 1201319A
Tract	77,822 square feet (1.29 acres)	89,766 square feet (2.06 acres)
Previous dedications	10,239 square feet (0.24 acres)	22,029 square feet (0.51 acres)
Site	67, 583 square feet (1.56 acres)	67,737 square feet (1.56 acres)

¹ Prior dedications have been approved and dedicated by Site Plan No. 820140110 and Plat 25060.

Aside from the corrections to the project density and prior dedications, the proposal to convert the previously approved space for retail and some of the office use for a daycare will not alter the layout, the size, width, shape, orientation and density of lot, of the subdivision in a way that substantially differs from what was previously approved. Furthermore, the proposed daycare facility is a permitted use in the CR Zone. Therefore, the Subject Preliminary Plan Amendment is appropriate for the Site.

2. The Preliminary Plan substantially conforms to the Master Plan.

The proposed revision to a portion of the former public use space will not change the overall Project's and building's compliance with the recommendations of the Silver Spring Sector Plan. The Sector Plan identified several goals that the building and the Project satisfied at the time of the Prior Approvals. The goals were: (1) a transit oriented downtown; (2) a commercial downtown; (3) a residential downtown; (4) a civic downtown; (5) a green downtown; and (6) a pedestrian downtown. The Planning Board found that the proposed building at that time would act as a "permanent gateway feature" for those entering the Silver Spring CBD from the north on Colesville Road, and "one of the most visible entrances to the Silver Spring CBD". As mentioned above, the proposed project continues to conform to the Sector Plan.

3. Public facilities will be adequate to support and service the area of the subdivision.

The Project proposes moving an existing daycare use on the campus from 8830 Cameron Street to the ground floor of the existing building located at 1000 Spring Street. The proposed daycare facility seeks approval for a maximum of 78 children, which results in an increase of enrollment of 37 children. To ensure that there are adequate public facilities to accommodate the proposed change in use on the Site and increase in enrollment of the daycare on the campus, the Applicant was required to submit an estimate of the number of new person trips to be generated by the Subject Preliminary Plan Amendment in compliance with the 2021 *Local Area Transportation Review Guidelines* (LATR).

Local Area Transportation Review

At the current location, 41 children are enrolled. Approximately 60 percent of those children are children of UT employees; the remaining children are "friends and family," which includes children from the greater Silver Spring community, and this ratio is expected to continue with the proposed increase in enrollment. The Applicant submitted a Transportation Exemption Statement, dated September 28, 2021 in compliance with the 2021 LATR Guidelines. Compared to the approved uses on the Site (10,000 square feet of retail⁴ and 1,000 square feet of office use) and assuming a 60% internal trip capture, the Project was estimated to generate a total of 18 additional person-trips in the morning

⁴ At the time of the preliminary plan approval for 1000 Spring Street (September 12, 2013), the LATR Guidelines did not include a provision for ancillary retail, so the approved LATR study for the site accounted for proposed vehicle trips generated by the retail space. Therefore, a trip credit for the approved retail space is justified for the Subject Preliminary Plan Amendment.

peak hour and 22 fewer trips in the evening peak hour⁵. As the estimated number of net new person trips is not greater than 50 in either the morning or evening peak hour, the Applicant was not required to further analyze the transportation impacts, and a finding for adequate transportation facilities can be made.

Other Public Facilities

School Adequacy is not required as there is no residential density proposed. The Property is currently served by public water and sewer, classified in the S-1 and W-1 categories, and will be adequate to serve the proposed Amendment. Dry utilities including electricity, gas, and telephone are also available to the Property. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth Infrastructure currently in effect.

4. all Forest Conservation Law, Chapter 22A, requirements are satisfied;

The Forest Conservation Plans and related variance were previously approved as part of Certified Site Plan No. 820140110 on March 9, 2015. With the current Applications, no major changes to the exterior of the building are proposed and no impact to trees associated with the neighboring historic property are expected; therefore, the Applications maintain compliance with the requirements of Chapter 22A Forest Conservation Law.

5. all stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied; and

Stormwater management (“SWM”) was previously approved for United Therapeutics 1000 Spring Street by Sediment Control Permit No. 269715, dated August 4, 2015, with corresponding Stormwater Concept approval SM 252053. As part of this Amendment, the existing SWM facilities will remain on site and there will be no impact to existing drainage areas on site. The proposed Amendment does not affect any stormwater management features previously constructed. DPS has acknowledged the existing facilities and does not require additional plans. See approved Stormwater Management Exemption Letter dated May 4, 2021.

SECTION 6: SITE PLAN 82014011B FINDINGS AND ANALYSIS

The Planning Board approved Site Plan No. 820140110 for 121,724 square feet of development of 111,724 square feet of office/laboratory and 10,000 square feet of retail on 1.79 acres of CR 3, C 2.0 R 2.75 H-90T zoned land. This approval was based on the Zoning Ordinance in effect on October 29, 2014.

⁵ The Applicant opted not to apply a trip credit for the existing 41 students enrolled in the daycare within the United Therapeutics campus.

On May 25, 2019, Minor Site Plan Amendment 82014011A was approved to add a roof deck and allow revisions to utilities, landscaping, lighting, hardscaping. The Amendment was found to be consistent with the provisions on Section 59.7.3.4.J.2 of the Zoning Ordinance, and did not alter the intent, objectives, or requirements of the Planning Board's approval of Site Plan 820140110.

Site Plan Amendment 82014011B proposes to convert previously approved 10,000 square feet of retail and 1,000 square feet of laboratory/office into an 11,000 square foot daycare center within an existing office building, and to comply with the CR zone optional method development standards. The Amendment has been evaluated based on the Zoning Ordinance in effect on October 30, 2014 and the findings below supersede all of the original Site Plan findings in their entirety.

1. When reviewing an application, the approval findings apply only to the site covered by the application.

The findings herein apply only to the Subject Property.

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;

Site Plan Amendment 82014011B is consistent with Sketch Plan 320210090 and Preliminary Plan Amendment 12013019A, as amended.

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 4.5 CR Zone

Development Standards

The Subject Property is zoned CR-3.0 C-2.0 R-2.75 H-90T', totaling 2.06 tract acres. The following Data Table shows the Application's conformance to the development standards of the zone.

Table 4: United Therapeutics 1000 Spring Street Site Plan Data Table for CR Zone, Optional Method, Section 59.4.5

Development Standard	Permitted/ Required	Proposed
Tract Area	n/a	89,766 (2.06)
Prior Dedication	n/a	22,029 (0.51)
Proposed Dedication	n/a	0
Site Area	n/a	67,737 (1.56)
Mapped Density		
CR 3, C 2.0 R 2.75 H-90T		
Residential (GFA/ FAR)	246,857 (2.75)	0 (0)
Commercial (GFA/FAR)	179,532 (2)	121,724 (1.35)
Laboratory/office		110,724
Daycare		11,000
Total GFA/FAR	269,298 (3)	121,724 (1.35)
Building Height, max average	90'	90'
Public Open Space (min s.f.)	5% ⁶ (3,387)	5% (3,911)
Minimum Setbacks (ft)		
Front (Spring)	0	0
Front (Colesville)	0	16'
Side	0	0
Rear	0	10'

Table 5: United Therapeutics 1000 Spring Street Site Plan Parking Standards

Parking	Spaces Required (min)	Spaces Provided
Vehicle Parking		
Office/Lab 111,724 sf	111 min / 333 max	
Daycare 11,000 sf	33 min / 44 max	
Vehicle Total	144 min / 377 max	152
Bicycle Parking (long term/short term)		
Office/Lab 111,724 sf	19 / 3	
Daycare 11,000 sf	2 / 0	
Bicycle Parking Total	21/3	21 / 6
Loading Spaces	2	2

⁶ For 1.01 to 3.00 acre Tract Area and 2 Existing Frontages.

ii. **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 requirements: Transit Proximity, Connectivity and Mobility, , Quality of Building and Site Design, and Protection and Enhancement of the Natural Environment.

Table 6: Public Benefit Calculations

Public Benefits	Incentive Density	
	Max Allowed	Recommended
59.4.7.3.B: Transit Proximity		
Level 1 between ¼ and ½ mile	30	30
59.4.7.3C: Connectivity and Mobility		
Minimum Parking	10	9.65
59.4.7.3E: Quality of Building and Site Design		
Architectural Elevations	20	10
Exceptional Design	10	10
Structured Parking	20	10
59.4.7.3.F: Protection and Enhancement of the Natural Environment		
Building Lot Terminations (BLT)	30	1.6
Energy Generation	15	15
Energy Conservation	15	15
Recycling Facility Plan	10	10
TOTAL		111.6

TRANSIT PROXIMITY

Level One

The Applicant requests 30 points for locating the Project between ¼ and ½ mile from a Level 1 transit station (Silver Spring Metro Station). Staff recommends 30 points for the subcategory.

CONNECTIVITY AND MOBILITY

Minimum Parking

The Applicant requests 9.65 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 maximum allowable number of on-site spaces to 10 points for providing no more than the minimum numbers of spaces on-site. Based on the calculation below, Staff recommends 9.65 points for the subcategory.

$$((A-P) / (A-R)) * 10$$

$$((377-152) / (377-144)) * 10 = 9.65 \text{ points}$$

QUALITY OF BUILDING AND SITE DESIGN

Architectural Elevations

The Applicant requests 10 points for providing architectural elevations as part of the Certified Site Plan showing particular elements of the design such as minimum amounts of transparency, maximum separation between doors, and other design priorities of the applicable Sector Plan and implementing design guidelines. The existing elevations show that the building achieves a 41% transparency on the ground floor fronting on Spring Street and a 47% transparency along Colesville Road. The transparency on the upper floors range between 60-65%. The unique shape of the building as an elliptical, paired with the dynamic materials achieve a design that acts as a gateway for those entering the Silver Spring CBD. Staff recommends 10 points for architectural elevations.

Exceptional Design

The Applicant requested 10 points for the design of the existing building because it exemplifies exceptional design and further enhances the pedestrian realm especially with the addition of the fence and redesigned play space. Per the CR Guidelines, 5 points is appropriate for development that meets 4 of the criteria listed below, 10 points is appropriate for development that meets all of the criteria.

- *Providing innovative solutions in response to the immediate context*

The unique elliptical shape of the building responds to the corner lot, providing an elevation that is visible from multiple vantage points. The building provides solar panels on the southern façade and roof to maximize renewable energy in an urban setting.

- *Creating a sense of place and serves as a landmark*

The elliptical shape of the building provides a gateway experience to those entering the Silver Spring CBD. The improvements proposed within the private outdoor daycare space and proposed fence with artistic ribbon will create a sense of place for those walking along the Colesville Road frontage.

- *Enhancing the public realm in a distinct and original manner*

The original building construction provided wide sidewalks with streetscape elements and vegetation along the Colesville Road and Spring Street frontages. The proposed fence with artistic ribbon work will provide a playful, colorful experience that will further enhance the public realm.

- *Introducing materials, forms or building methods unique to the immediate vicinity or applied in a unique way*

The materials of the existing building consist of metal panel, louvers, and a curtain wall. These materials are similar throughout the United Therapeutics campus with a distinct metal and orange

design. The proposed fence will introduce new colors into the United Therapeutics with a purple and blue ribbon wave along the fence that will represent the playful nature and use of the daycare.

- *Designing compact, infill development solving working and shopping environments are more pleasurable and desirable on a site.*

The existing building is compact in design, providing a parking structure, office/laboratory space with ground floor daycare on a corner lot in the Silver Spring CBD. The original construction also provided a through block connection from Cameron Street, further improving pedestrian mobility in the area.

- *Integrating low-impact development methods into the overall design of the site and building, beyond green building or site requirements*

The existing building has been sustainably designed and constructed. The building integrates several low impact components such as solar panels, several green roofs, and geothermal wells for heating and cooling. The building is certified LEED Platinum and LEED Net Zero.

Staff recommends 10 points for Exceptional Design.

Structured Parking

The Applicant requests 10 points for providing structured parking. Based on the formula below, Staff recommends 10 points for the subcategory.

$$((A / T) * 10) + ((B / T) * 20)$$

$$((152 / 152) * 10) + ((0 / 152) * 20) = 10 \text{ points}$$

PROTECTION AND ENHANCEMENT OF THE NATURAL ENVIRONMENT

Building Lot Termination (BLT)

The Applicant requests 1.65 points for the purchase of BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area.

Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance. Based on the calculation, Staff recommends 1.65 points for the purchase of 0.1829 BLTs.

$$B - (T * 0.5) * 0.075 / 31,500 * 9$$

$$121,724 - (89,766 * 0.5) * 0.075 / 31,500 * 9 = 1.65 \text{ points}$$

Energy Generation

The Applicant requests 15 points for retaining a building that exceeds the energy efficiency standards for the building type by 17.5%. The building's efficiency has been confirmed by DPS staff therefore staff recommends 15 points for energy generation.

Energy Conservation

The Applicant requests 15 points for providing renewable energy generation facilities onsite for a minimum of 2.5% of the projected energy requirements for the development. The building produces at least 2.5% of its energy from solar panels and geothermal heating and cooling. The building's renewable energy generation has been reviewed by DPS staff therefore staff recommends 15 points for energy conservation.

Recycling Facility Plan

The Applicant requests 10 points for providing a recycling facility plan that must satisfy Montgomery County Executive Regulation 15-04AM or Montgomery County Executive Regulation 18-04. Based on review by DPS Recycling and Resource Management Division, Staff recommends 10 points for the Recycling Facility Plan.

iii. ***Division 6: General Development Standards***

(1) Division 6.1 Site Access

The existing building provides vehicular access to the parking garage off of Spring Street, which will be maintained by this amendment.

(2) Division 6.2 Parking, Queuing and Loading

Vehicular Parking will continue to be provided in the existing above-ground parking structure on-site, which has a capacity of 152 spaces. The parking structure is accessed from Spring Street. Six (6) of the parking spaces will be reserved for drop-off and pick-up of the daycare. It is expected that the majority of these spaces will be used by the daycare patrons who are not employed by United Therapeutics, as most employees will choose to park once and walk their children to the daycare. The remaining spaces will be shared by the employees of the United Therapeutics laboratory space and the daycare.

No changes are proposed to the existing on-site loading facility, and no changes are needed to support the proposed daycare.

(3) Division 6.3 Open Space and Recreation

The Project does not propose any residential units, thus recreational facilities are not required. The Project is required to provide 5% of the Site Area as public open space, which will be achieved along the Spring Street frontage between the building and the public right-of-way.

(4) Division 6.4 General Landscaping and Outdoor lighting

The existing landscaping is adequate, safe, and efficient. The landscaping along Colesville Road enhances the pedestrian environment and is compatible with the proposed fence.

e) Satisfies the applicable requirements of:

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

As discussed in Preliminary Plan Amendment 12013019A Findings, the Project complies with all necessary requirements of Chapter 19 for Stormwater Management.

ii. Chapter 22A, Forest Conservation.

As discussed in Preliminary Plan Amendment 12013019A Findings, the Project complies with all necessary requirements of Chapter 22A for Forest Conservation.

f) Provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;

No changes are proposed to the existing vehicular, bicycle, and pedestrian access of the Site all of which will remain adequate, safe, and efficient. The original Site Plan required the Project to improve the pedestrian circulation along the Site's Colesville Road and Spring Street frontages by widening the pedestrian zone to 25 feet and installing a 5-foot buffer with street trees on Colesville Road, and widening to 10 feet with a 5-foot buffer and street trees on Spring and Cameron Streets. The reconstructed sidewalks incorporate the specialty brick paving, as required by the Silver Spring Streetscape Design Standards in effect at the time of the original approval. The Applicant also constructed a mid-block connection on Cameron Street which will remain. This connection benefits both United Therapeutics campus employees as well as the general public, during daylight hours.

Since the Prior Approvals, separated bicycle lanes have been installed by MCDOT along Spring Street. The Applicant also upgraded the existing bus shelter on Colesville Road by providing a safer location and a more defined queuing area.

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 discussed in Sketch Plan 320210090 Findings, the Project substantially conforms with the recommendations of the 2000 Silver Spring CBD Sector Plan.

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;

As discussed in Preliminary Plan Amendment 12013019A Findings, adequate public facilities exist for the Project.

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

Not applicable, this Property is not zoned Rural Residential or Residential.

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

As discussed in Sketch Plan 320210090 Findings, the Project is compatible with existing, approved or pending adjacent development.

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

SECTION 7: COMMUNITY OUTREACH

The Applicant held a pre-submittal public meeting on June 30, 2021. The meeting was conducted virtually per COVID-19 Guidelines and has complied with all submittal and noticing requirements. As of date of this Staff Report, no correspondence has been received.

SECTION 8: CONCLUSION

As conditioned, the Sketch Plan, Preliminary Plan Amendment and Site Plan Amendment applications each satisfy the relevant findings of the Zoning Ordinance, substantially conform to the recommendations of the 2000 *Silver Spring CBD Sector Plan*, and satisfy the findings of the Subdivision Regulations. Therefore, Staff recommends approval of the Sketch Plan, Preliminary Plan Amendment and Site Plan Amendment with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Previous approval resolutions

Attachment B: Agency Letters

Attachment C: Sketch Plan 320210090

Attachment D: Preliminary Plan Amendment 12013019A

Attachment E: Site Plan Amendment 82014011B