

**From:** [Sorrento, Christina](#)  
**To:** [Kominers, William](#)  
**Cc:** [MCP-Chair](#); [Verma, Partap](#); [Cichy, Gerald](#); [Patterson, Tina](#); [Rubin, Carol](#)  
**Subject:** Re: Item No.10 (3/17/22) -- Fee Schedule for Biohealth Priority Campus Plans  
**Date:** Tuesday, March 15, 2022 9:00:20 PM

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Hi Bill-

Thank you for your email. I agree this clarification is important. The fee is intended to apply to only the new square footage being developed. I will be sure to include that in my presentation. Thanks.

Christina

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**From:** Kominers, William <wkominers@lercheearly.com>  
**Sent:** Tuesday, March 15, 2022 8:44:14 PM  
**To:** Sorrento, Christina <christina.sorrento@montgomeryplanning.org>  
**Cc:** MCP-Chair <mcp-chair@mncppc-mc.org>; Verma, Partap <Partap.Verma@mncppc-mc.org>; Cichy, Gerald <Gerald.Cichy@mncppc-mc.org>; Patterson, Tina <tina.patterson@mncppc-mc.org>; Rubin, Carol <carol.rubin@mncppc-mc.org>  
**Subject:** Item No.10 (3/17/22) -- Fee Schedule for Biohealth Priority Campus Plans

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Christina,

As a person interested in Biotech and the new Biohealth priority Campus (BPC) Plan, I wanted to suggest a clarification for the fee schedule that is to be discussed by the Board on Thursday (Item No.10).

The schedule should specify which part of the BPC is being measured for setting the amount of square footage on which the fee is calculated. By that I mean, is the fee based on (1) the amount of new development being proposed with the application, or (2) on the total development comprising the entire BPC (some of which might be existing already), plus the new amount proposed with the application?

For a BPC that is wholly new (150,000 sf or more), the calculation is easy, because all of it is new. But if the application is adding an additional building to an existing BPC, it would seem that the amount subject to the fee should still be only the new quantity being added.

For example, if an existing development qualifying as a BPC, and already containing 200,000sf, wants to add 50,000sf, the fee should be based on new 50,000sf, not the 250,000sf sum of both. Only the 50,000sf is new. The remainder of the existing campus should require little or no review because it has already been reviewed when it was originally approved. The existing Campus merely forms the

context of the new addition.

If one were to argue that the entire BPC (existing and new) should be the measurement of the fee, what happens when there is a second or third addition to the BPC? In my example above, if the fee had to be paid based on the 250,000sf (existing and new), does the same rule apply when the next 50,000sf is added? Meaning, would that fee now be based on 300,000sf (i.e., 250,000+50,000)?

That seems patently unfair, as the 250,000sf has already been paid for with the first addition to the Campus. Unlikely that much would have changed in the BPC as then constituted. Certainly not without some interim review of its own.

The existing elements of the Campus must have been reviewed and paid for incrementally, as they were developed (probably before this new BPC use was even created). So, it seems to me that the cost of the review for which the fee is collected should relate to the new development being proposed.

As you can detect, I believe that the fee should be based on only the new development being proposed. But in any event, whichever calculation methodology was intended, it should be made explicit and clear in the fee schedule. The decision should be made affirmatively by the Board, not left in doubt, to be debated with applicants.

Thanks for your consideration of my thoughts. I will copy the members of the Board as well.

Thanks,

Bill Kominers

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