



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

MCPB No. 17-077

Site Plan No. 82010009B

9615 Medical Center Drive (National Cancer Institute)

AUG 01 2017

Date of Hearing: July 27, 2017

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.3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, by Preliminary Plan Nos. 1198611150, 119861115A and 1198611158B, the Johns Hopkins Campus was approved for 894,636 square feet of development on 41.08 gross acres of LSC-zoned land; located in the southeast quadrant of the intersection of Key West Drive and Medical Center Drive ("JHU Campus"), in the Area 2 Policy Area and the 2010 Great Seneca Science Corridor Master Plan ("Master Plan"); and

WHEREAS, on February 23, 2012, the Planning Board approved Preliminary Plan No. 1198611158C for an additional 169,071 square feet of development on the JHU Campus, however, this Application (as defined below) falls within the development envelope established by the prior preliminary plans, and therefore this Application has been reviewed without requiring any of the obligations of Preliminary Plan No. 119861115C, which will be triggered upon the further development of the JHU Campus; and

WHEREAS, by Site Plan Nos. 819860650, 81986065A, 81986065B, 819990050, the overall concept plan for the JHU Campus was established; and

WHEREAS, July 29, 2010, the Planning Board approved Site Plan No. 820100090 for 742,936 total square feet of commercial research and development uses, including 9,998 feet of retail uses known as the National Cancer Institute, on 10.4 acres ("Subject Property") within the overall JHU Campus ("NCI Site Plan"); and

Approved as to
Legal Sufficiency:

[Signature] 7/26/17
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WHEREAS, on August 24, 2012, the Planning Director approved an administrative amendment to the NCI Site Plan, designated Site Plan No. 82010009A, to make minor alterations to the Subject Property; and

WHEREAS, on April 6, 2017, JBG/NCI Campus II, L.L.C (“Applicant”) filed an application for approval of an amendment to previously approved and amended NCI Site Plan, to add a 69,000-square-foot medical laboratory, Private Road B-8, and the extension of Blackwell Road to create an improved intersection on 12.52-acres, expanding the Subject Property to allow for a total of 811,936 square feet of R&D uses, including 9,998 square feet of auxiliary retail uses; and

WHEREAS, Applicant’s application to further amend the NCI Site Plan, was designated Site Plan No. 82010009B, 9615 Medical Center Drive (National Cancer Institute) (together with the previously approved and amended NCI Site Plan, “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 Planning Board, dated July 17, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on July 27, 2017, 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 Amendment 82010009B to allow construction of: a 69,000-square-foot medical laboratory for a total of 811,936 square feet of R&D uses, including 9,998 square feet of auxiliary retail uses on the 12.52-acre site; Private Road B-8; and the extension of Blackwell Road to create an improved intersection. The Applicant must comply with the conditions of approval for Site Plan Nos. 820100090 and 82010009A, except as modified by the following conditions:¹

Conformance with Previous Approvals

¹ 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.

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan 119861150, 11986115A, and 11986115B as listed in the Planning Board Resolutions dated August 18, 1986, October 4, 2007, and March 25, 2010; and all subsequent amendments except Preliminary Plan Amendment No. 11986115C as listed in the Planning Board Resolution dated February 23, 2012, because the proposed development is not using the additional floor area allowed in Amendment 11986115C.

2. Site Plan Conformance

The development must comply with the conditions of approval for Site Plan 820100090 in the Planning Board Resolution dated June 29, 2010, as amended.

Environment

3. Forest Conservation & Tree Save

- a. The Applicant must comply with the conditions of the approved Preliminary Forest Conservation Plan and Tree Save Plan applicable to this Site Plan. The Applicant must satisfy all conditions prior to the issuance of sediment and erosion control permits by the Montgomery County Department of Permitting Services.
- b. Prior to any demolition, clearing, or grading on the Property, the Applicant must record in the Land Records of Montgomery County a Certificate of Compliance Agreement approved by the M-NCPPC Office of General Council for use of a forest mitigation bank to satisfy the applicable forest conservation planting requirement, or submit payment for a fee in lieu.
- c. The Sediment and Erosion Control Plan and Storm Water Management Plan must be consistent with the limits of disturbance and the associated tree/forest preservation measures of the FFCP.
- d. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan (FFCP). Additional tree-save measures not specified on the FFCP may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.

4. Stormwater Management

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated May 30, 2017, and hereby 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.

Fire and Rescue

5. The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Service (MCFRS) Fire Code Enforcement Section in its letter dated June 5, 2017 and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCFRS may amend if the amendments do not conflict with other conditions of Site Plan approval.

Transportation and Circulation

6. Prior to the issuance of any Use and Occupancy Certificate, the Applicant must amend the executed Traffic Mitigation Agreement, or enter into a new agreement for the new building, as necessary, to participate in the Greater Shady Grove TMD and assist the County in achieving and maintaining its non-auto driver mode share goals.
7. The Applicant must provide the required long-term bicycle parking space by designating an on-site secured bike area for employees or utilizing bike parking in the garage, and providing two inverted-U bike racks (or equivalent as approved by the Planning Board staff) for four short-term bicycle parking spaces near the main entrance.

Architecture

8. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheets A501 and A502 of the submitted architectural drawings, as determined by M-NCPPC Staff.

Lighting

9. Prior to issuance of the 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).

- a. All onsite down-lights must have full cut-off fixtures.
- b. Deflectors will be installed on all proposed fixtures to prevent excess illumination and glare.
- c. Illumination levels generated from onsite lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads and residentially developed properties.
- d. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- e. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

Private Roads

10. The Applicant must provide Private Road B-8, including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by the Site Plan within the delineated private road area (collectively, the "Private Road"), subject to the following conditions:
 - a. The Certified Site Plan, and any subsequent plat, must clearly delineate the Private Road and include a metes and bounds description of the boundaries of the Private Road.
 - b. The Private Road must be subjected by reference on the Certified Site Plan, and any subsequent plat, to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338, with specific exception in paragraph 10 to gross negligence or willful misconduct by any of the Releasees, and the terms and conditions as required by the Montgomery County Code.
 - c. Prior to issuance of the building permit that includes the Private Road, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Road has been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as modified and shown on this Site Plan, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.

- d. The Private Road must be built to Road Standard MC-2005.02 as modified by this Site Plan.

Site Plan Surety and Maintenance Agreement

11. 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-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 material, onsite lighting, indoor and outdoor recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights.
 - 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.
 - 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.

Development Program

12. 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.

Certified Site Plan

13. 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 final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and Site Plan resolution on the approval or cover sheet.

- 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. Include the road code standard's cross section showing the B-8 private road and identify any modifications.
- d. Ensure consistency of all details and layout between Site Plan and Landscape Plan.
- e. Show enhanced screening and better pedestrian improvements along the loading dock area to reduce its visual impact on the pedestrian zone and the future park area to the south of Blackwell Road.
- f. Show enhanced landscaping, increased tree canopy, alternative pavement and other features in and around the parking area located to the north of the proposed building to make it an open area that acts as a central courtyard for all the buildings around it.
- g. Show the typical section, paving detail, and design data for Private Road B-8.
- h. Per Montgomery County Department of Permitting Services, Right-of-way Permitting Section:
 - i. Show the guardrail at the end of the proposed T-turnaround on Blackwell Road.
 - ii. Reduce the curb radii at the intersection of Private Road B-8 and Blackwell Road to the minimum possible.
 - iii. Continue with swamp white oak street trees along Blackwell Road extension to match existing street trees.
 - iv. Move the existing driveway north of the proposed T-turnaround so it does not interfere with the operation of Blackwell Road.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged and in full force and effect

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 9615 Medical Center Drive 82010009B, 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:

- 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;*

Neither a development plan, diagrammatic plan, schematic development plan, nor a project plan was required for the Property.

- 2. The Site Plan meets all the requirements of the zone in which it is located and where applicable conforms to an urban renewal plan approved under Chapter 56;*

As demonstrated by the following data table, the Amendment continues to meet all requirements of the zone and provides for a scientific research facility, which is the purpose of the LSC Zone. It is not located in an urban renewal plan.

Project Data Table for the LSC Zone 59.C.5.3 and 59.C.5.47

Development Standard	Permitted/Required	Proposed for Approval
Minimum Gross Lot Area (ac.)		41.08
Net Lot Area (ac.)		35.57
Site Plan Are (ac.)		12.52
Limit of Disturbance (ac.)		2.12
Gross Floor Area (sf.)		69,000 sf Prop. IV
	894,636	811,936 ²
Maximum Building Height (feet)	100 ³	62 (max)
Maximum Building Setbacks (feet)		
Blackwell Road	N/A ⁴	60 ⁵
Medical Center Drive		345
Minimum Green Area (25% of lot)	447,361 sq. ft. (25%)	656,400 sq. ft. (37%)

² Total floor area of the existing buildings is 742,936 s.f.

³ Established by Site Plan approval for NCI

⁴ Master Plan establishes build-to-line and setback requirements

⁵ Setback does not meet the Master Plan's intent (see Master Plan Analysis in the Staff Report page 11)

Maximum Floor Area Ratio (FAR)	0.5	0.45
Building Area (square feet)	387,357	314,971
Minimum Parking Facility Internal Landscaping (%)	5	15
Minimum Parking Spaces	1,934	1,955
Minimum Handicap Spaces	39	44
Minimum Bicycle parking spaces	6 Racks/20 Lockers	12 Racks/20 Locks

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

The building location provides a reasonable setback for landscaping and circulation; easy access from existing buildings and parking from the adjoining sidewalk; and allows for future intended development on the campus. There will be 37 percent open space onsite, which is more than the required 25 percent minimum. With the required improvements, the Planning Board finds the location of the building and structures, and the pedestrian and vehicular circulation systems to be adequate, safe, and efficient.

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

The approved structure and use are compatible in size (69,000 square feet) and height (62 feet) with other uses and site plans in the area. It will be compatible with the other buildings in the area, which range in height from 40 feet to 100 feet. The height and bulk of the building is consistent with the Master Plan’s recommendation for other nearby properties in the area as reflected in the maximum floor area and building heights allowed by the zoning, and it is compatible with the other uses and site plans and with existing and future adjacent development in the area.

The location of the loading dock will not adversely impact the existing conditions; it will be consistent with the other two buildings along Blackwell Road, which also have a loading dock and entrance to the parking garage from Blackwell Road.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resources protection, and any other applicable law.*

Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) for the Site on October 11, 2011. The Site contains no forest, streams or their buffers, wetlands or their buffers, 100-year floodplains, hydraulically adjacent steep slopes, or known habitats of rare, threatened or endangered species.

The requirements of the Forest Conservation law (Chapter 22A) can be fulfilled for a Site Plan either through filing a Final Forest Conservation Plan, or by obtaining confirmation of an exemption from filing a forest conservation plan. This Property is not yet subject to the conditions of approval of Preliminary Plan Amendment 11986115C, as discussed above. However, the Property does have a Preliminary Forest Conservation Plan that was approved with 11986115C, that will be fulfilled when the C Amendment is implemented. Therefore, the Applicant has fulfilled the requirements of Chapter 22A by filing a Final Forest Conservation Plan for the Property.

The Preliminary Forest Conservation Plan was approved for the JHU MCMC Campus on October 12, 2011 (PFCP No. 11986115C). For purposes of Forest Conservation, the net tract area is 31.97 acres, which includes the entire 35.57-acre campus minus 3.6 acres of dedication for roads and improvements not being constructed as part of this development. The Preliminary Forest Conservation Plan requires a combined afforestation and reforestation of 4.8 acres. This requirement is to be satisfied with off-site reforestation, payment of a fee-in-lieu, or a combination thereof. The Applicant proposes staging the Final Forest Conservation Plan with each Site Plan approved for the JHU MCMC Campus. The amount of afforestation/reforestation credit proposed with each Site Plan must be commensurate with the proportion of the net tract area being developed until the total of 4.8 acres of afforestation and reforestation is accomplished. The Final Forest Conservation Plan must be revised with each new Site Plan to reflect the total forest mitigation completed for all previous phases, including the current phase.

This Site Plan Amendment has a Limit of Disturbance (LOD) of 2.12 acres, which represents approximately 0.067% of the net tract area. While technically exempt under previous approvals, the Applicant has agreed to mitigate for the 2.12-acre LOD. Thus, the proportional afforestation/reforestation is 0.32 acres. As noted above, this requirement may be fulfilled through payment of a fee-in-lieu, securing off-site banking credits for planting 0.32 acres of forest or preserving 0.64 acres of existing forest, or a combination of the two. This leaves 4.48 acres of mitigation to be fulfilled in subsequent phases of development.

Therefore, the Planning Board finds this Site Plan Amendment to be in conformance with the *Environmental Guidelines* and in compliance with Chapter 22A, Forest Conservation Law.

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 AUG 01 2017 (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 Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Wells-Harley and Commissioners Dreyfuss, Fani-González, and Cichy voting in favor of the motion at its regular meeting held on Thursday, July 27, 2017, in Silver Spring, Maryland.



Casey Anderson, Chairman
Montgomery County Planning Board