

**9615 Medical Center Drive, Site Plan No. 82010009C**

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**Completed: 6/4/19**

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**Description**

Request to remove parking, reconfigure landscaping on the east side of Private Road B-8, and increase distance between pedestrian walkway and the building; modify north parking lot area to remove surface parking and expand entry plaza; modify the southern access from Blackwell Road, and modify the loading area and generator area.

Location: On Blackwell Road, 500 feet west of the intersection of Medical Center Drive and Blackwell Road.

Zone: LSC-1.5 H-150 T.

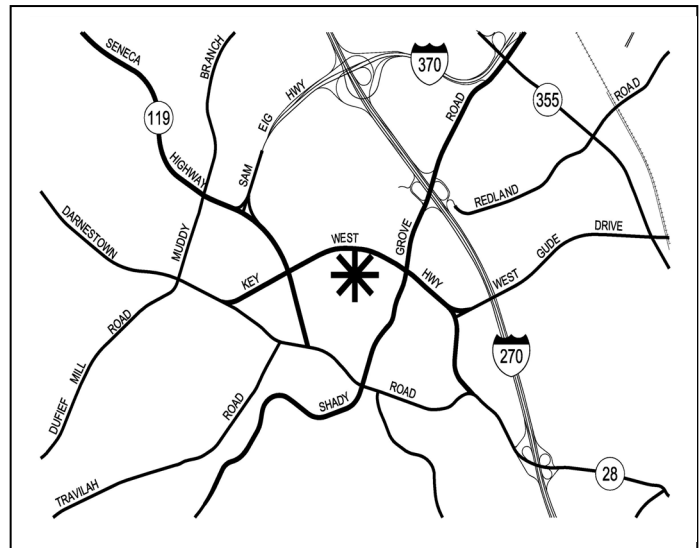
Master Plan: 2010 Great Seneca Science Corridor Master Plan.

Size: 12.52 acres.

Application Accepted: January 24, 2019.

Applicant: JBG/NCI Campus II, LLC.

Review Basis: Chapter 59.



**Summary**

- Staff recommends approval with conditions.
- Staff reviewed this Amendment under the Zoning Ordinance in effect prior to October 30, 2014, pursuant to Section 7.7.1.B.3 of the current Zoning Ordinance.
- Staff has not received any correspondence on the Application.

## **SITE PLAN RECOMMENDATION AND CONDITIONS**

Staff recommends approval of Site Plan Amendment 82010009C. All site development elements shown on the latest electronic version of Site Plan Amendment 82010009C submitted via ePlans as of the date of this Staff Report are required. All previously approved plans (820100090, 82010009A, 82010009B), findings, and conditions of approvals remain in full force and effect, except as modified herein:

### **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.

### **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, 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, and the terms and conditions as required by the Montgomery County Code.
  - c. Prior to issuance of building permit, 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, site furniture, trash enclosures, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, 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.

### **Department of Permitting Services-Right-of-Way**

- 12. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Right-of-Way Permitting Section in its letter dated February 19, 2019, 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.

### **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.

**SITE DESCRIPTION**

The LSC-zoned Property is located in the LSC Central District, one of the five Districts that make up the Life Sciences Center (LSC) within the 2010 *Great Seneca Science Corridor Master Plan* area (GSSC). The surrounding properties are primarily a mix of research, development, and commercial office uses including the Shady Grove Adventist Hospital, Key West Research Center, and Noyes Children’s Center. Properties to the north of Key West Avenue include Decoverly Industrial Park and the Shady Grove Industrial Center. The Property will eventually accommodate the Corridor Cities Transitway (CCT) along the western edge of the Property with a stop planned just south of the Property at Shady Grove Adventist Hospital.

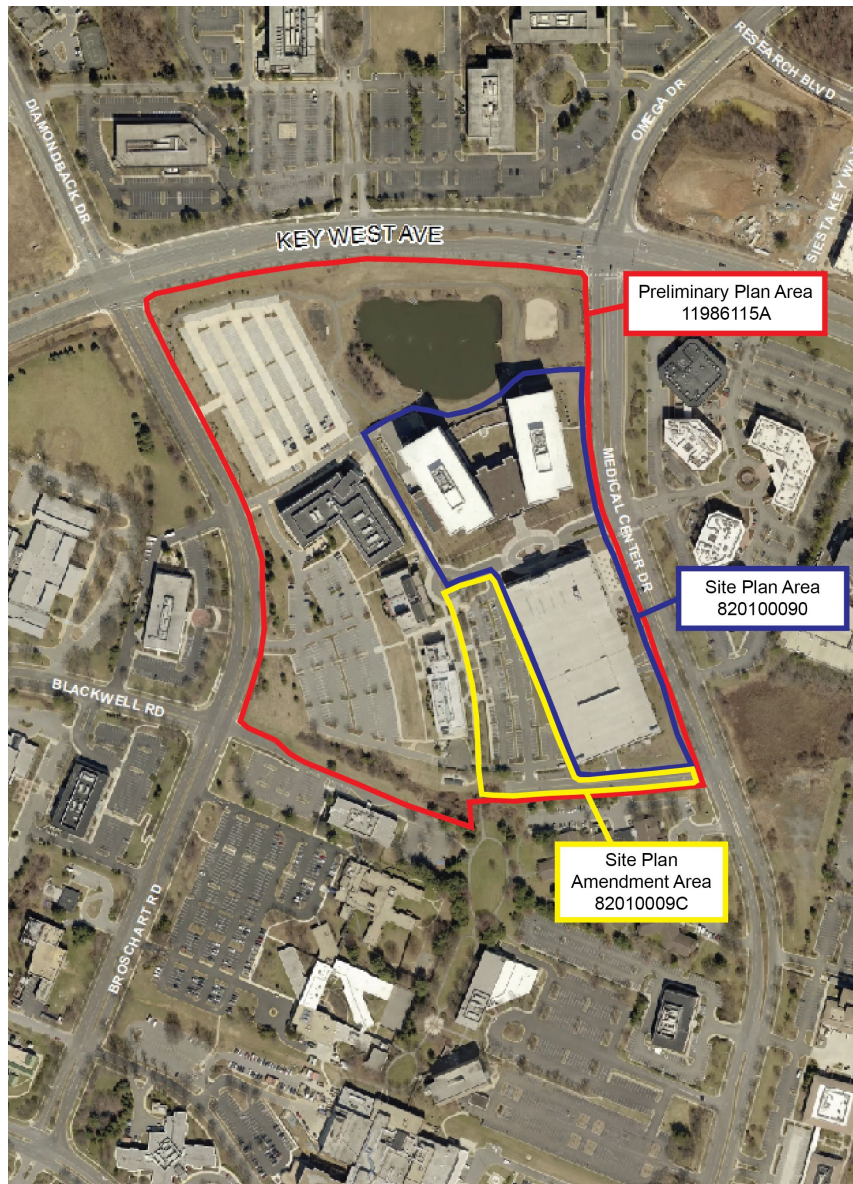


Figure 1 - Johns Hopkins Campus

The 12.52-acre 820100090 Site Plan area (outlined in blue in Figure 1) is a part of the 35.57-acre Johns Hopkins University (JHU) Montgomery County Medical Center (MCMC) Campus (outlined in red in Figure 1), which is bounded by Key West Avenue to the north, Medical Center Drive to the east, and Broschart Road to the west. Blackwell Road is envisioned as a future road connection separating the site from the adjacent property to the south. The JHU MCMC Campus is currently developed with six structures comprising approximately 742,936 square feet of commercial space including an eight-level structured parking deck containing 2,500 spaces. Site plan amendment 82010009B approved a new 69,000 square-foot laboratory in a 2.12-acre area (outlined in yellow in Figure 1) to the southwest of the existing parking garage. This amendment, 82010009C, is contained within the limits of disturbance established in 82010009B, and concerns the area surrounding the previously approved laboratory.

## **PREVIOUS APPROVALS**

This Application is subject to the conditions for Preliminary Plan 11986115B and prior approvals, which allow up to 894,636 square feet of development on the JHU MCMC Campus. Preliminary plan 11986115C approved an additional 169,071 square feet that has not yet been drawn from by this amendment, or any previous approval, and included a Forest Conservation Plan. This project must comply with the conditions of approval for Site Plan 820100090, as amended. The following are prior approvals associated with this Site Plan Amendment:

On April 9, 1986, the Planning Board approved Preliminary Plan No. 119861150 for the creation of one lot on 35.57 acres for a total of 375,000 square feet.

On August 7, 1986, the Planning Board approved Site Plan No. 819860650 for a total of 375,000 square feet based on a concept master plan for the entire JHU MCMC Campus, to be developed in phases, along with a detailed site plan for Building 1 (administrative building) of approximately 44,000 square feet.

On October 15, 1998, Site Plan No. 819990050 allowed the addition of 50,000 square feet in Building III for academic uses.

On February 13, 2003, the Planning Board approved Site Plan Amendment No. 81986065A to update the prior concept master plan to create a more campus-like setting with buildings clustered around a "village street".

On October 4, 2007, the Planning Board approved Preliminary Plan Amendment No. 11986115A to allow an additional 519,636 square feet of research and development related uses, in addition to the 375,000 square feet previously approved for a total of 894,636 square feet (see Attachment 1).

On March 11, 2010, the Planning Board approved Preliminary Plan Amendment No. 11986115B to modify the timing of conditions 3 and 5 in Preliminary Plan Amendment No. 11986115A (see Attachment 2).

On March 11, 2010, the Planning Board approved Site Plan Amendment No. 81986065B to reconfigure Buildings V and VI with a connector between the two buildings with a total of approximately 512,000 square feet. Also, a parking deck (Deck C) with street retail on the northern end was constructed.

On June 15, 2010, the Planning Board approved Site Plan No. 820100090 finalizing approval of the conceptual Site Plan No. 81986065B for a scientific research and development facility for the

National Cancer Institute, including the main building, parking facility, and ancillary retail uses for a total of 742,936 square feet, including 9,998 square feet of retail uses (see Attachment 3).

On November 10, 2011, the Planning Board approved Preliminary Plan Amendment No. 11986115C for 169,071 square feet of development in addition to 894,636 square feet of development that was previously approved, for a total of 1,063,707 square feet of commercial uses (see Attachment 4).

On August 24, 2012, the Planning Director approved Site Plan Amendment No. 82010009A administratively for minor alterations to the plan (see Attachment 5).

On July 27, 2017, the Planning Board approved Site Plan Amendment No. 82010009B for the construction of a 69,000-square-foot medical laboratory, Private Road B-8, and the extension of Blackwell Road to create an improved intersection (see Attachment 6).

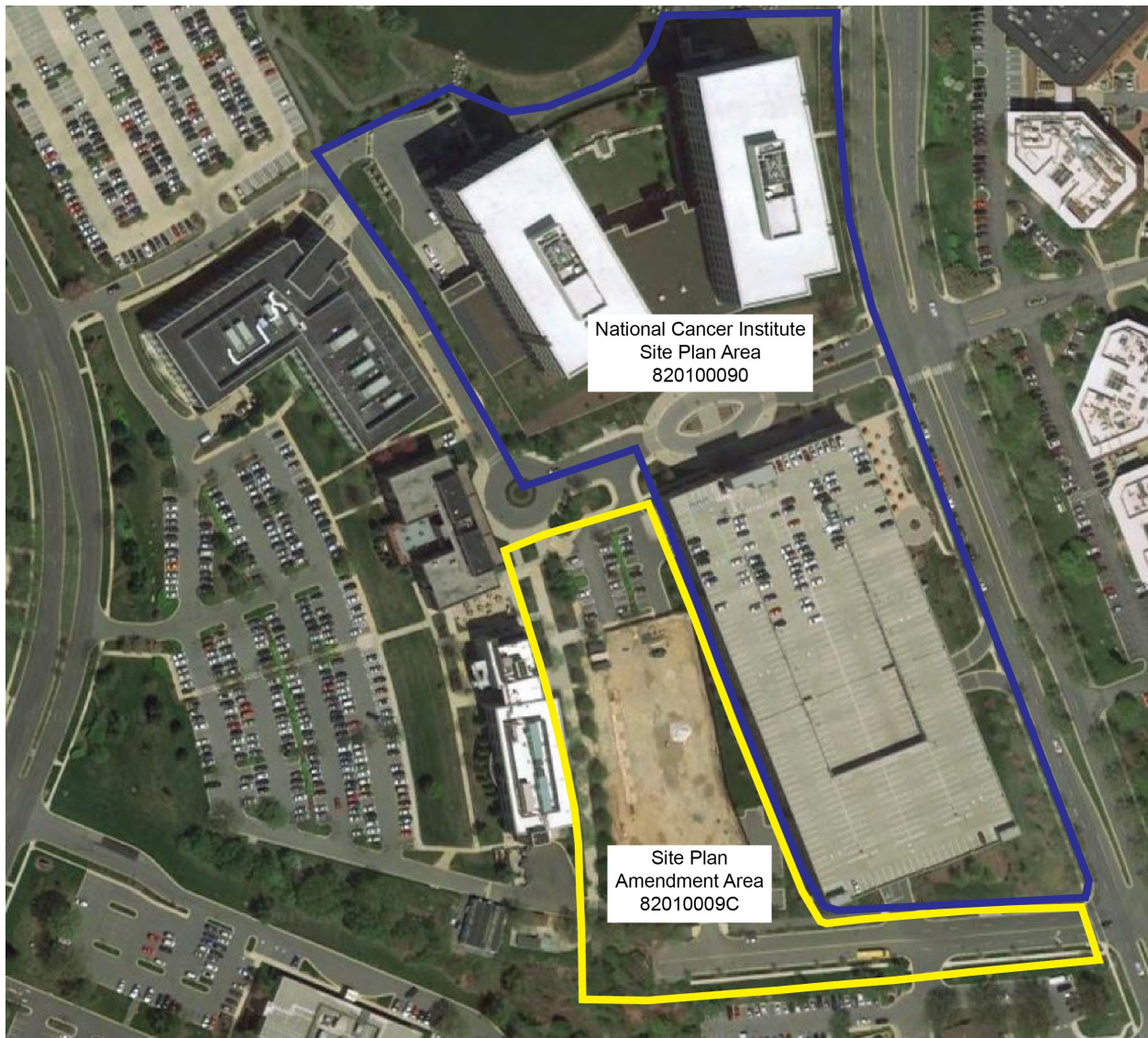


Figure 2 - Site Plan Area

## PROPOSED PROJECT

This Amendment, 82010009C, proposes changes to some of the elements surrounding the National Cancer Institute's 69,000-square-foot laboratory building that was approved by Site Plan Amendment 82010009B. These changes are intended to accommodate the needs of the General Services Administration ("GSA"), which will be the tenant of the new laboratory.

The Amendment proposes changes to the configuration of Private Road B-8, which runs north-south along the west side of the laboratory. Private Road B-8 was previously approved with parallel parking spaces along the east side of the street, and these spaces are being eliminated with this Amendment. These parking spaces will be replaced with a 3-foot landscape buffer, 6-foot bioretention planters, and a 7-foot pedestrian sidewalk (see figure 3). Additional modifications include additional planters, 30-inch security walls, and street lights that have been relocated from their original locations to be closer to the new location of the curb following the elimination of the parking. The space created by the eliminated parking spaces adds to the buffer between pedestrians and the street, and the relocated bioretention planters and security walls provide added differentiation between the sidewalk and the street and improved pedestrian safety. ADA and pedestrian access continues to be adequately provided.

The Amendment also proposes modifications to the parking lot and entry plaza to the north of the laboratory, and revisions to the southern access from Blackwell Road and the dumpster and generator areas to the south of the proposed building.

Also included are more minor changes to the landscaping, lighting, and safety features in the area surrounding the building, all with the intention of increasing security and meeting the needs of GSA's operations.

Specifically, the Amendment proposes the following changes:

- Addition of security perimeter improvements;
- Addition of loading dock barrier gates and card reader;
- Addition of crosswalk at B-8/Blackwell Road intersection;
- Addition of lights to the east façade of the building;
- Removal of ramp and steps at northwest corner of building;
- Revised louvers to metal panels on ground floor of each façade; and
- Modifications to penthouse equipment screen wall westward (height of screen wall remains as-is), removal of north penthouse structure and revised footprint of south penthouse structure; other minor reconfigurations within building and to perimeter access doors.

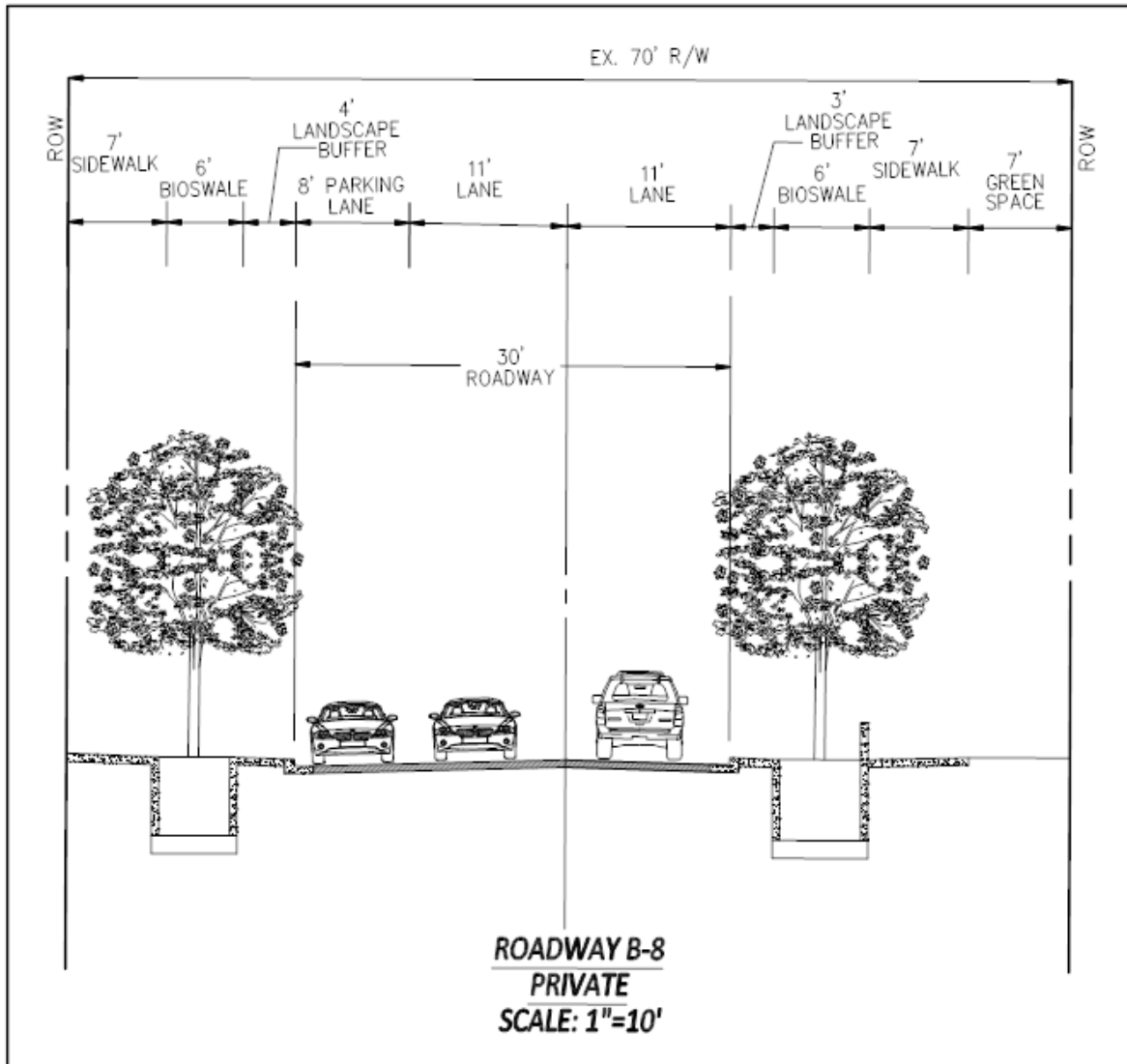


Figure 3 - Private Road B-8 Cross Section



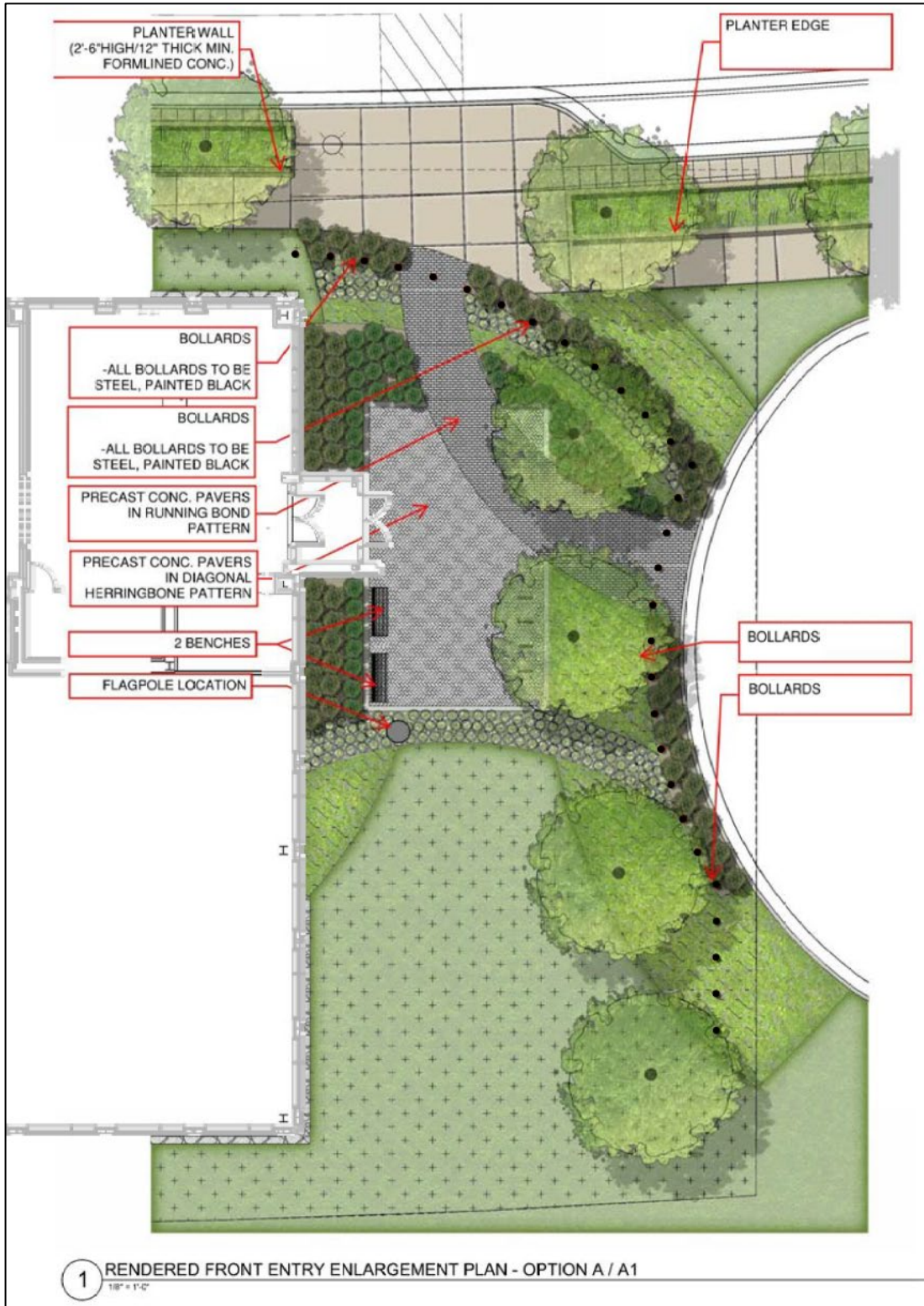


Figure 4 - Amended Plaza Area

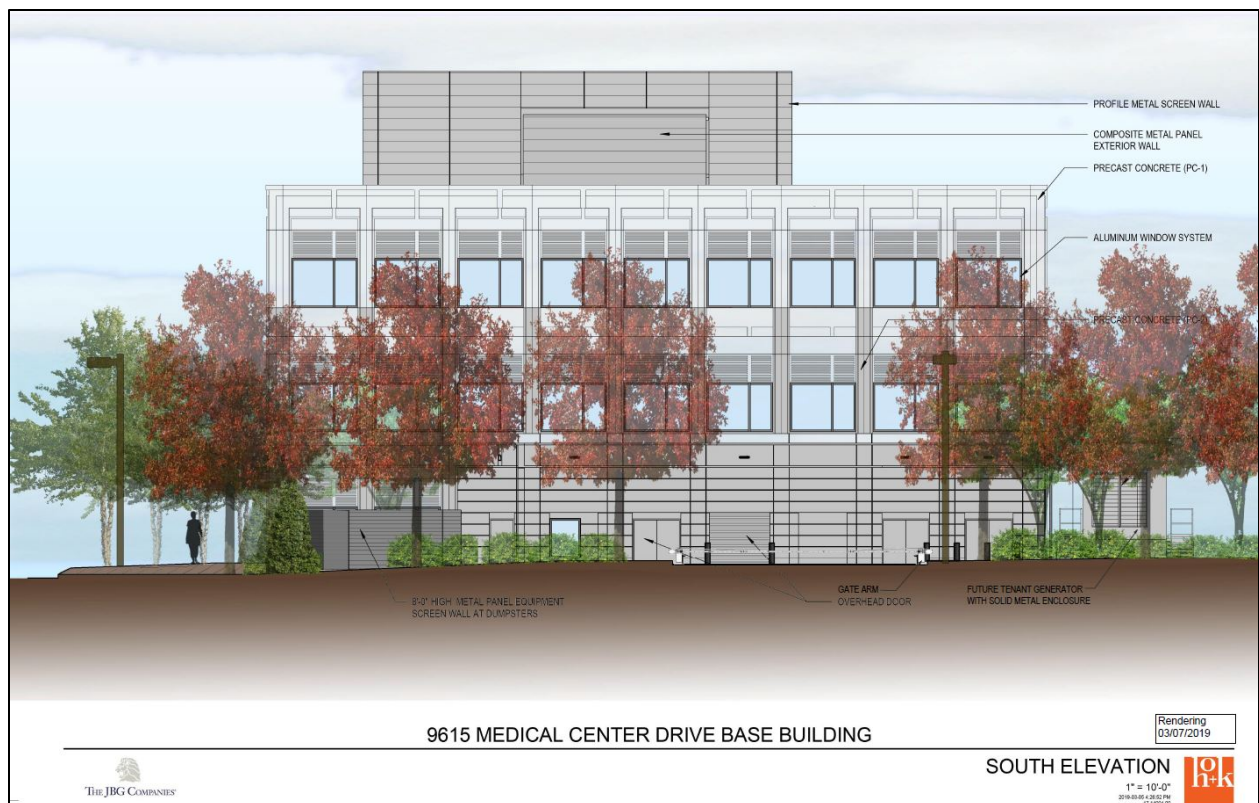


Figure 5 - Amended South Elevation

## COMMUNITY OUTREACH

This Application was submitted and noticed in accordance with the requirements contained in the Zoning Ordinance and Development Review Procedures Manual. As of the date of this report, Staff has not received any correspondence regarding the proposed amendment.

## FINDINGS AND RECOMMENDATION

Pursuant to Section 7.7.1.B.3 of the current Zoning Ordinance, this Amendment was reviewed under the standards and procedures of the Zoning Ordinance in effect prior to October 30, 2014 since the original Site Plan was approved on July 15, 2010. The proposed modifications do not alter the intent of the original Site Plan and previously approved amendments. Per this amendment, Section 59-D-3.4.(c) states that the Planning Board, in reaching its decision, must find that:

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

This Application does not modify any requirements of the LSC zone. Proposed changes to the configuration of the parking lot result in the loss of 12 parking spaces, including 2 handicap spaces. However, the project still meets the minimum threshold of total spaces and handicap spaces, as shown in the parking table 1 below.

Type of parking space	Required (minimum)	Approved 82010009B	Proposed 82010009C
Vehicle	1,934	1,955	1,943
Handicap	39	44	42
Bicycle	6 Racks/20 Lockers	12 Racks/20 Lockers	12 Racks/20 Lockers

Table 1 - Parking Table

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

*Vehicular Circulation*

Vehicular circulation is slightly affected by the changes made to Private Road B-8. Parking is eliminated on the east side of the private road but the circulation, with one lane in each direction, remains the same. The road continues to provide adequate, safe, and efficient vehicular circulation.

*Landscaping*

This Amendment proposes landscape changes along Blackwell Road and along Private Road B-8. Blackwell Road modifies the landscaping details to accommodate the revised access but will continue to provide screening between the loading area and the street. The proposed Private Road B-8 provides new security walls, streetscaping, and landscaping. It will replace the previously approved on-street parallel parking spaces to increase security features needed for the proposed building.

*Pedestrian Circulation*

Pedestrian circulation is enhanced by the reconfiguration of the parking lot to the north of the proposed building and by the elimination of on-street parking along Private Road B-8. The expanded plaza will improve the pedestrian experience, providing more of a buffer between the parking lot and the entrance to the building. The modified streetscape along Private Road B-8 will maintain pedestrian safety and provide barriers from the street by increasing the width of the sidewalk.

*(5) The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, and any other applicable law.*

Forest Conservation is satisfied by the Forest Conservation Plan approved with Preliminary Plan 11986115C on November 10, 2011 and all subsequent site plans.

All modifications to the private road, landscaping and pedestrian circulation are adequate, safe, and efficient.

**CONCLUSION**

All other findings in relation to the original approval remain in effect. The modifications to conditions No. 5, 9, 10, 11, 12, and 13 and findings No. 59-D-3.4.c.2 and c.3 will not alter the general intent or objectives of the approved Site Plan.

Therefore, Staff recommends approval of Site Plan Amendment No. 82010009C, with the modified conditions and findings listed in this report. All other findings and conditions of the prior approvals remain in full force and effect.

**ATTACHMENTS:**

1. 11986115A Planning Board Resolution
2. 11986115B Planning Board Resolution
3. 820100090 Planning Board Resolution
4. 11986115C Planning Board Resolution
5. 82010009A – Administrative Approval Memo
6. 82010009B Planning Board Resolution

# ATTACHMENT 1



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

OCT 18 2007

**MCPB No. 07-181**  
**Preliminary Plan No. 11986115A**  
**Montgomery County Medical Center**  
**Date of Hearing: July 19, 2007**

## MONTGOMERY COUNTY PLANNING BOARD

### RESOLUTION<sup>1</sup>

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on February 9, 2007, John Hopkins University ("Applicant"), filed an application for approval of an amendment to the Preliminary Plan of Subdivision of property that would create one lot on 35.57 acres of land located in the southwest quadrant of the intersection of Key West Avenue and Medical Center Drive ("Property" or "Subject Property"), in the Shady Grove Special Study Master Plan Area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 11986115A, ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated July 6, 2007 setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on July 19, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

APPROVED AS TO LEGAL SUFFICIENCY

*[Handwritten signature]*  
M-NCPPC LEGAL DEPARTMENT

<sup>1</sup> This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

WHEREAS, on July 19, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Bryant; seconded by Commissioner Robinson; with a vote of 5-0, Commissioners Bryant, Cryor, Hanson, Lynch and Robinson, voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 11986115A to amend the Preliminary Plan approval for one lot on 35.57 acres of land located in the southwest quadrant of the intersection of Key West Avenue and Medical Center Drive ("Property" or "Subject Property"), in the Shady Grove Special Study Master Plan Area ("Master Plan"), subject to the following conditions:

- 1) Approval under this preliminary plan is limited to an additional 519,636 square feet of Research and Development and related activities, and general office space for a maximum total of 894,636 square feet, with no more than 50% of the gross floor area to be general office space.
- 2) The Applicant must comply with the conditions of the MCDPS stormwater management approval dated May 3, 2007.
- 3) The Applicant must complete the following roadway improvements, and have them open to traffic, prior to the issuance of any building permit that includes square footage beyond the initially-approved 375,000 square feet:
  - a. The Applicant must construct a third, westbound through-lane on Great Seneca Highway (MD 119) from Sam Eig Highway intersection to Muddy Branch Road.
  - b. The Applicant must construct a third, eastbound left-turn lane from Key West Avenue (MD 28) onto northbound Shady Grove Road.
  - c. The Applicant must fund the modification of the traffic signal operation at the Key West Avenue/Broschart Drive/Diamondback Drive intersection to split phase the north and south approaches and restripe the southbound Diamondback Drive approach to operate with a separate right-turn lane, a separate through lane, a shared through and left-turn lane, and a separate left-turn lane.
  - d. The Applicant must fund the modification of the traffic signal operation to run the north and south phases concurrently at the Darnestown Road/Shady Grove Road intersection.

- 4) The Applicant must construct Blackwell Road along the property frontage to a two-lane undivided business district street within 70 feet right-of-way per the Master Plan recommendation. The timing of Blackwell Road construction will be determined at Site Plan review for the buildings that will require access from Blackwell Road.
- 5) The Applicant must enter into a new or updated Traffic Mitigation Agreement with the Planning Board and DPWT to participate in the Greater Shady Grove Traffic Management Organization (TMO). The Agreement must be executed prior to submission of the next Site Plan for any portion of this project.
- 6) Subject to Condition 4, the Applicant must comply with the conditions of the DPWT letter dated June 1, 2007 unless otherwise amended.
- 7) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at Site Plan.
- 8) The Adequate Public Facility (APF) review for the Preliminary Plan (894,636 total square feet) will remain valid for sixty-one (61) months from the date of mailing of the Planning Board resolution for this amendment.
- 9) Other necessary easements.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

The Subject Property is located in the Shady Grove Study Area Master Plan. The Master Plan conforms with the land use recommendations contained in the Life Sciences Center Development Plan Update, adopted by the County Council in September 1986. The current Development Plan creates a central core area of health care facilities. Educational and life sciences facilities are located on sites outside the central core. The Development Plan also encourages office/commercial and worker-related retail development. The Preliminary Plan amendment expands a previously approved research and educational facility that implements the mix of uses envisioned by the Master Plan and Development Plan. The Application complies with the requirements of the Master Plan.

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

The review of this Application is primarily a review to determine if it meets the adequate public facilities requirements for vehicle trips generated by the additional square footage. As discussed below, the proposed plan and improvements satisfy all requirements.

#### Site Access, Vehicular, and Pedestrian Circulation

Vehicular access to the site would be provided by: a full-movement driveway and right-in/right-out driveway on Broschart Drive; three driveways from the future extension of Blackwell Road; and a full-movement driveway on Medical Center Drive.

The Planning Board finds the existing and proposed access to the site, as shown on the Site Plan, to be safe and adequate.

#### Local Area Transportation Review

Sixteen local intersections were identified as critical intersections for analysis to determine whether they meet the applicable congestion standard of 1,475 Critical Lane Volume (CLV) for the R&D Village Policy Area. The trips from the proposed development were added to the existing and background traffic (trips generated from approved but unbuilt developments) to determine the total future traffic. The total future traffic was then assigned to the critical intersections to calculate the total future CLVs.

All existing intersections analyzed are currently operating at acceptable 1,475 CLVs except at the Great Seneca Highway/Sam Eig Highway intersection during the PM peak hour. Under the background development condition, three intersections exceed the acceptable congestion standard of 1,475 CLV during the PM peak hour and these unacceptable conditions further deteriorate under the total development. The Applicant has proposed to provide roadway improvements to mitigate the impact of the site-generated traffic. The results indicate that traffic conditions with the proposed roadway improvements are projected to operate at acceptable congestion standards for all analyzed intersections.

The Board finds that the subject Preliminary Plan Amendment Application satisfies LATR congestion standard of 1,475 CLV with the above-referenced improvements at identified locations.



3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. Access and public facilities will be adequate to support the proposed lot and uses. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lot was reviewed for compliance with the dimensional requirements for the LSC zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The site does not contain any environmentally sensitive areas and the plan is exempt from the county's Forest Conservation Law.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

At the time the Site Plan is revised to reflect the proposed buildings, the Applicant must resubmit a stormwater management concept to address onsite water quality and recharge.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that the date of this Resolution is OCT 18 2007 (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).

\* \* \* \* \*

At its regular meeting, held on Thursday, October 4, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Robinson, seconded by Commissioner Bryant, with Commissioners Hanson, Robinson, and Bryant voting in favor, and Commissioners Cryor and Lynch absent, ADOPTED the above Resolution, which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan No. 11986115A, Montgomery County Medical Center Amendment.



Royce Hanson, Chairman  
Montgomery County Planning Board

## ATTACHMENT 2



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

MAR 29 2010

**MCPB No. 10-32**  
**Preliminary Plan No. 11986115B**  
**Project Name: Montgomery County Medical Center**  
**Hearing Date: March 11, 2010**

### MONTGOMERY COUNTY PLANNING BOARD

#### RESOLUTION<sup>1</sup>

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review amendments to approved preliminary plans; and

WHEREAS, on February 16, 2010, Johns Hopkins University, ("Applicant"), filed an application for approval of a limited preliminary plan amendment designated Preliminary Plan No. 11986115B ("Amendment") to modify the timing of conditions 3) and 5) included in the October 18, 2007 resolution (MCPB No. 07-181). All other conditions included in the October 18, 2007 resolution remain in full force and effect.

WHEREAS, Staff issued a memorandum to the Planning Board, dated March 1, 2010, setting forth its analysis, and recommendation for approval, of the Amendment subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on March 11, 2010, the Planning Board held a public hearing on the Application (the "Hearing"); and

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<sup>1</sup> This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

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Approved as to  
Legal Sufficiency:

  
M-NCPPC Legal Department

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on March 11, 2010, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Dreyfuss; seconded by Commissioner Presley; with a vote of 3-0, Commissioners Dreyfuss, Hanson, and Presley voting in favor, Commissioners Alfandre and Wells-Harley absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby APPROVES Preliminary Plan No. 11986115B, subject to the following conditions:

- 3) The Applicant must complete the following roadway improvements, and have them open to traffic, prior to the issuance of any use and occupancy permit that includes square footage beyond the initially-approved 375,000 square feet:
  - a. The Applicant must construct a third, westbound through-lane on Great Seneca Highway (MD 119) from Sam Eig Highway intersection to Muddy Branch Road.
  - b. The applicant must construct a third, eastbound left-turn lane from Key West Avenue (MD 28) onto northbound Shady Grove Road.
  - c. The Applicant must fund the modification of the traffic signal operation at the Key West Avenue/Broschart Drive/Diamondback Drive intersection to split phase the north and south approaches and restripe the southbound Diamondback Drive approach to operate with a separate right-turn lane, a separate through lane, a shared through and left-turn lane, and a separate left-turn lane.
  - d. The Applicant must fund the modification of the traffic signal operation to run the north and south phases concurrently at the Darnestown Road/Shady Grove Road intersection.

The Applicant must obtain a right-of-way permit, to include bonding of all improvements above, from the Department of Permitting Services and access permit from the State Highway Administration prior to May 1, 2011. If a right-of-way permit and access permit has not been issued for the improvements as of this date, the plan will be in violation and a stop work order may be issued. The future site plan approval for this development must also reflect this requirement.

- 5) The Applicant must enter into a new or updated Traffic Mitigation Agreement with the Planning Board and DPWT to participate in the Greater Shady Grove Traffic Management Organization (TMO). The Agreement must be executed prior to issuance of any building permit that includes square footage beyond the initially-approved 375,000 square feet.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

- 1) *All previous conditions remain in full force and effect.*

The Planning Board finds that the preliminary plan amendment does not affect the previous findings of the Board regarding the preliminary plan, and all other previous conditions of approval remain in full force and effect.

BE IT FURTHER RESOLVED, that the Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in connection with the originally approved preliminary plan; and

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 the date of this Resolution is MAR 29 2001 (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

MCPB No. 10-32  
Preliminary Plan No. 11986115B  
Montgomery County Medical Center  
Page 4 of 4

Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Alfandre, with Chairman Hanson, Vice Chair Wells-Harley, and Commissioner Alfandre present and voting in favor of the motion, and Commissioners Presley and Dreyfuss absent at its regular meeting held on Thursday, March 25, 2010, in Silver Spring, Maryland.

A handwritten signature in black ink, appearing to read "Royce Hanson", written over a horizontal line.

Royce Hanson, Chairman  
Montgomery County Planning Board

Johns Hopkins University  
1101 E 33rd Street Suite E100  
Baltimore, MD 21218-3637

MCC3 LLC  
c/o Jones Lang LaSalle  
6705 Rockledge Drive, Suite 500  
Bethesda, MD 20817-1852

DRA CRT Decoverly 15200 LLC  
c/o DRA Advisors LLC  
220 E 42nd Street  
New York, NY 10017-5806

Decoverly Six LTD Partnership  
c/o CRT Properties Inc.  
225 NE Mizner Blvd., Suite 200  
Boca Raton, FL 33432-4079

Financial Industry Reglty Auth Inc.  
c/o Tom Ragland Finance  
9509 Key West Avenue  
Rockville, MD 20850-3329

BNA Washington Inc.  
c/o Michael Lane  
1801 S Bell Street  
Arlington, VA 22202-4519

Red Gate III, LLC  
c/o William M. Rickman  
15215 Shady Grove Road  
Rockville, MD 20850-3235

Red Gate III, LLC  
c/o William M. Rickman  
15215 Shady Grove Road  
Rockville, MD 20850-3235

Red Gate III, LLC  
c/o William M. Rickman  
15215 Shady Grove Road  
Rockville, MD 20850-3235

Institute For Genomic Research Inc.  
9712 Medical Center Drive  
Rockville, MD 20850-3343

Institute For Genomic Research Inc.  
9712 Medical Center Drive  
Rockville, MD 20850-3343

Adventist Healthcare Inc.  
1801 Research Boulevard Ste.200  
Rockville, MD 20850-3181

Adventist Healthcare Inc.  
1801 Research Boulevard Ste.200  
Rockville, MD 20850-3181

FP Rockledge LLC  
C/o Foulger Pratt Dev Inc.  
9600 Blackwell Road Ste. 200  
Rockville, MD 20850-3648

Atto Properties LLC  
c/o Thomson Property Tax Serv  
2235 Faraday Avenue, Suite O  
Carlsbad, CA 920008-7215

Jaeger, John F TR  
C/o Danac Corp.  
7501 Wisconsin Avenue, Ste. 1120  
Bethesda, MD 20814-6515

Diamondback Investors LLC  
c/o WPC MNGMNT LLC  
4719 Hampden Lane, Suite 300  
Bethesda, MD 20814-2909

National Assoc of Securities Dealers Inc.  
1735 K Street, NW  
Washington, DC 2006-1506

Hunting Woods Homeowners Association  
Todd Hasset, Mgmt. Group Assoc.  
20440 Century Blvd., Suite 100  
Germantown, MD 20874

Washington Tower Condo. Assn.  
Ron Schattenberg, ComSource Mgmt., Inc.  
16 Executive Park Court  
Germantown, MD 20874

Stonebridge Homeowners Assn.  
Tim Henderson, President  
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Gaithersburg, MD 20878

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Associates  
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Germantown, MD 20875

Key West Condominium  
Mark Stemen, President  
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Germantown, MD 20875

Decoverly I Homeowners Assn.  
Jerry Pierce, Property Manager  
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Germantown, MD 20874

Decoverly I Homeowners Assn.  
Donald Weinstein, President  
10137 Sterling Terr  
Rockville, MD 20850

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Elan Krueger, Summit Mgmt Co.  
8701 Georgia Avenue, #602  
Silver Spring, MD 20910

Travilah Crest Homeowners Assn., Inc.  
Pete Wobus, Board of Directors  
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Rockville, MD 20850

Hunting Woods Homeowners Association  
Dave Berman, President  
10309 Yearling Drive  
Bethesda, MD 20850

Glenora Hills Citizens Assn.  
John Dufief, President  
2280 Glenmore Terrace  
Rockville, MD 20850

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13008 Mimosa Farm Court  
Rockville, MD 20850

City of Rockville  
Larry Giammo, Mayor  
111 Maryland Avenue  
Rockville, MD 20850

City of Gaithersburg  
Sidney Katz, Mayor  
31 South Summit Avenue  
Gaithersburg, MD 20877

Willows & Neighbors Citizens Assn.  
Thomas DeGraba, President  
13612 Cherrydale Drive  
Rockville, MD 20850

Potomac Chamber of Commerce  
President, President  
P.O. Box 59160  
Potomac, MD 20859

Rockville Chamber of Commerce  
Andrea Jolly, Contact  
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Rockville, MD 20850

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Potomac, MD 20854-3479

Northern Montgomery County Alliance  
Julius Cinque, Chair  
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Boyd, MD 20841

TROT  
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Silver Spring, MD 20904

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Judith Christensen, Director  
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Gaithersburg, MD 20877

Sierra Club – Montgomery County Group  
Jim Fary, Chair  
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Contact  
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Washington, DC 20001

Montgomery County Air Park  
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Gaithersburg, MD 20879

Montgomery County Civic Federation  
Jim Humphrey, Land Use Chair  
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Bethesda, MD 20814

City of Takoma Park  
Ilona Blanchard, Community Development  
Coordinator  
7500 Maple Avenue  
Takoma Park, MD 20912

Dr. Michael Doran, Principal High  
Thomas S. Wootton HS  
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Rockville, MD 20850

Dr. Paulette Smith, Principal  
Cabin John MS  
6300 Tilden Lane  
Rockville, MD 20852

Ms. Kimberly Williams, Principal  
Stone Mill ES  
14323 Stonebridge View Drive  
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**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 10-109  
Site Plan No. 820100090  
Project Name: National Cancer Institute  
Date of Hearing: July 15, 2010

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on April 19, 2010, JBG/Rockville NCI Campus, LLC ("Applicant"), filed an application for approval of a Site Plan for 742,936 total square feet of commercial research and development uses, including 9,998 square feet of retail uses ("Site Plan" or "Plan") 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 ("Property" or "Subject Property"); and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820100090, National Cancer Institute (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated July 2, 2010, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on July 15, 2010, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on July 15, 2010, the Planning Board approved the Application subject to conditions on the motion of Commissioner Dreyfuss and seconded by

Approved as to  
Legal Sufficiency:

 7/23/10  
M-NCPPC Legal Department

Commissioner Alfandre with a vote of 3-0, Commissioners Alfandre, Carrier and Dreyfuss voting in favor, Commissioners Presley and Wells-Harley being absent.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820100090 for 742,936 total square feet of commercial research and development uses, including 9,998 square feet of retail uses on 41.08 gross acres of LSC-zoned land, subject to the following conditions:

1. Preliminary Plan Conformance

The proposed development must comply with all applicable conditions of approval for preliminary plan 11986115B as listed in the Planning Board Resolution dated March 29, 2010 unless amended.

2. Site Plan Conformance

The proposed development must comply with all applicable conditions of site plan amendment 81986065B as listed in the Planning Board Resolution dated April 9, 2010 unless amended.

### **Environment**

3. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated June 23, 2010 unless amended and approved by the Montgomery County Department of Permitting Services.

### **Transportation & Circulation**

4. Pedestrian Circulation

On the landscape plan, show an extended sidewalk along the north/south internal road to the west of proposed building V to be consistent with site plan.

### **Site Plan**

5. Architecture

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet A1.03 and A3.03 of the submitted architectural drawings, as determined by M-NCPPC staff.

6. Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development.

- b. All onsite down- light fixtures must be full or partial cut-off fixtures.
- c. Deflectors must be installed on all fixtures causing potential glare or excess illumination, specifically on the top level of the parking deck.

7. Landscape Surety

The Applicant must provide a performance bond in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. The amount of the surety shall include plant material, on-site lighting, and site furniture. Surety to be posted prior to issuance of first building permit and tied to the development program.
- b. Provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial bond amount.
- c. Completion of plantings by development program area, to be followed by inspection and bond reduction. Inspection approval will start the 1 year maintenance period and bond release will occur at the expiration of the one year maintenance period.
- d. Provide a landscape amenities agreement that outlines the responsibilities of the respective parties and incorporates the cost estimate. Agreement to be executed prior to issuance of the first building permit.

8. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- b. On-site amenities including, but not limited to, landscaping and lighting, pedestrian pathways, sidewalks, benches, trash receptacles, and bicycle facilities must be installed prior to release of any use and occupancy permit.
- c. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Sediment Control Plan.
- d. The development program must provide phasing of stormwater management, sediment and erosion control, and other features.

9. Certified Site Plan

Prior to 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 exemption, stormwater management concept approval, development program, inspection schedule, and site plan resolution.
- b. Ensure consistency of all details and layout between site plan and landscape plan.

BE IT FURTHER RESOLVED, that all site development elements as shown on the National Cancer Institute drawings stamped by the M-NCPPC on June 18, 2010, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff and the Staff Report, which the Planning Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County 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 subject site.

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

The proposed use is allowed in the LSC Zone and the site plan fulfills the purposes of the zone by providing scientific research and development uses with ancillary retail space.

As the project data table indicates, the site plan meets all of the development standards of the zone. With respect to building height, setbacks, and density, the proposed development is at or under all the maximum standards allowed. With respect to green space, the proposed development provides 50% more green space than required allowing for a greater amount of permeable surface and landscaped open space.

<b>Development Standard</b>	<b>Permitted/Required</b>	<b>Proposed for Approval</b>
<b>Gross Lot Area (acres)</b>	n/a	41.08
<b>Net Lot Area (acres)</b>	n/a	35.57
<b>Floor Area Ratio</b>	0.5 (894,636 sf)	0.41 (742,936 sf) <sup>1</sup>
<b>Building Coverage (% of net lot)</b>	25	10.3
<b>Building Height (feet)</b>		
Buildings V & VI	100	100
Parking Deck C	100	60
<b>Building Setbacks (feet)</b>		
Blackwell Road	25	25
Medical Center Drive	50	55
Key West Avenue	50	320
<b>Green Area (% of net lot)</b>	25	37
<b>Parking Facility Internal Landscaping (%)</b>	5	15
<b>Parking Spaces (for current application)</b>	1528	1955

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

The buildings and structures of the proposed development are located along Medical Center Drive with a reasonable setback for landscaping and security needs. These locations still provide easy access to the building from adjoining sidewalks and parking and will allow for future development of the site in keeping with the recently approved Sector Plan. Staff finds the locations of the buildings

<sup>1</sup> The remaining available density is 151,700 under the current and previous approvals, but would require site plan approval prior to construction.

and structures to be safe, adequate and efficient, while meeting the aesthetic objectives of the area.

The open space that is provided is appropriate for the setting and will serve employees and visitors well in this campus-like setting. Landscaping and green walls provide a screen for the parking, open space is used for stormwater management and to provide a traditional foundation planting area for the building, and as a colorful space for ornamental plantings. Street trees and lighting are provided along both fronting and internal streets to enhance the pedestrian environment. Interior lighting will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties. There are no recreation facilities required for this site plan, but benches and bicycle facilities are provided. The open spaces, landscaping, and site details adequately and efficiently address the needs of the proposed use and the recommendations of the Master Plan, while providing a safe and comfortable environment.

Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area. Safety is enhanced by several improvements such as the traffic circle and special paving. The vehicular circulation design efficiently directs traffic into and through the site with minimal impacts to pedestrian circulation. The placement of parking within a structure and the use of turf stone reduce imperviousness on site and are set as far from protected trees as possible. This balance of aesthetic concerns with site and use limitations meets the recommendations of the Master Plan and provides an adequate, safe, and efficient atmosphere for pedestrians, cyclists, and vehicles.

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

The proposed buildings and parking garage are compatible with the similar adjacent and confronting uses as well as with pending development plans. The structural footprints, circulation patterns, and landscape will accommodate further growth in line with the approved and adopted Great Seneca Science Corridor Sector Plan.

The structure itself, although larger than most nearby buildings, is a complementary scale and is located such that it will not adversely impact existing or proposed adjacent uses. This use and density has been anticipated by the Sector Plan and both the proposed heights and density are well below the maximums set in the LSC zone.

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

The proposed development is not subject to water resources protection or the requirements of forest conservation law.

The stormwater management concept consists of on-site water quality and quantity control and recharge via an existing pond, sand filters, bioretention structures, and a green roof.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board and 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 the date of this Resolution is JUL 29 2010 (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).

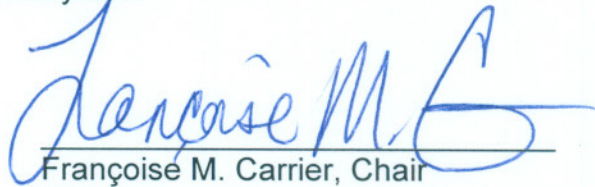
\* \* \* \* \*

#### 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 Alfandre, seconded by Commissioner Wells-Harley, with Chair Carrier and Commissioners Wells-Harley,



Alfandre, Dreyfuss, and Presley voting in favor of the motion, at its regular meeting held on Thursday, July 29, 2010, in Silver Spring, Maryland.



Françoise M. Carrier, Chair  
Montgomery County Planning Board

820100090  
National Cancer Institute

Johnson Bernat Associates, Inc.  
Kevin J. Johnson  
1395 Piccard Drive, Suite 350  
Rockville, MD 20850

Linowes & Blocher, LLP  
Barbara A. Sears  
7200 Wisconsin Avenue, Suite 800  
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JBG/Rockville  
NCI Campus, LLC  
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**FEB 23 2012**



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

**MCPB No. 11-114**  
**Preliminary Plan No. 11986115C**  
**Johns Hopkins University Montgomery County Medical Center**  
**Date of Hearing: November 10, 2011**

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, Preliminary Plan 119861150 was approved in April 1987 for the creation of one lot on 35.57 acres to allow 375,000 square feet of research and development related uses ("R&D related uses") in the Life Sciences Center (LSC) Zone; located on the south side of Key West Avenue between Broschart Road and Medical Center Drive, ("Property" or "Subject Property"), in the Great Seneca Science Corridor (GSSC) Master Plan ("Master Plan") area; and

WHEREAS, Preliminary Plan 11986115A was approved in October 2007 to allow an additional 519,636 square feet of R&D related uses for a total of 894,636 square feet of approved development on the Property; and

WHEREAS, Preliminary Plan 11986115B, was approved in March 2010 to allow changes to the timing of certain transportation related conditions; and

WHEREAS, on February 18, 2011, Johns Hopkins Real Estate ("Applicant"), filed an application for approval of a preliminary plan for another 169,071 square feet of R&D related uses for life sciences in addition to the 894,636 square feet of R&D related uses previously approved, for a total of 1,063,707 square feet of R&D related uses on the Property; and

WHEREAS, Applicant's preliminary plan amendment application was designated Preliminary Plan No. 11986115C, Johns Hopkins University Montgomery County Medical Center ("Preliminary Plan" or "Application"); and

Approved as to  
Legal Sufficiency:

8787 Georgia Avenue, Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

MNCPPC Legal Department  
[www.MCParkandPlanning.org](http://www.MCParkandPlanning.org) E-Mail: [mcp-chairman@mncppc.org](mailto:mcp-chairman@mncppc.org)

WHEREAS, Staff issued a memorandum to the Planning Board, dated October 28, 2011, setting forth its analysis and recommendation for approval of the Application subject to certain conditions (“Staff Report”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and the staff of other governmental agencies, on November 10, 2011, the Planning Board held a public hearing on the Application (the “Hearing”); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on November 10, 2011, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Anderson, seconded by Commissioner Dreyfuss, with a vote of 4-0: Commissioners Anderson, Carrier, Dreyfuss, and Wells-Harley voting in favor, with Commissioner Presley being absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board APPROVED Preliminary Plan No. 11986115C, subject to the following conditions:

1. Total development under the Preliminary Plan is limited to an additional 169,071 square feet of R&D office space for a total of 1,053,709 square feet of R&D office space and 9,998 square feet of retail space.
2. Applicant to comply with all conditions of approval of the Preliminary Forest Conservation Plan:
  - a. Mitigation up to the conservation threshold of 15% of the net tract area to be fulfilled through planting of 4.80 acres of forest or preservation of 9.60 acres of existing forest in an approved forest mitigation bank.
  - b. Submission of a Final Forest Conservation plan consistent with section 1.09(b) of the forest conservation regulations.
  - c. If Applicant is required to build facilities (roads, sidewalks, trails, utilities, etc.) in any of the 3.60 acres deducted from the net tract area on the worksheet, the affected area will be added back into the net tract area and mitigation requirements will likely increase at the time of Final Forest Conservation Plan approval.
3. The Applicant may install plantings or make payments of the fee in lieu pursuant to the approved Final Forest Conservation Plan on a pro-rata share basis with each site plan. Payment for the National Cancer Center (“NCI”) portion of the site may be made at the earlier of:
  - a. The date of the last site plan approval Resolution; or
  - b. 15 years from the date of the Preliminary Plan resolution.

4. The Applicant must satisfy the Local Area Transportation Review (“LATR”) test by providing the following intersection improvements:
  - a. Great Seneca Highway (MD 119) and Muddy Branch Road: Construct a second northbound left turn lane on Muddy Branch Road and a second westbound left-turn lane on Great Seneca Highway with the necessary traffic signal modifications.
  - b. Great Seneca Highway and Sam Eig Highway: Construct a third through lane on the eastbound approach of Great Seneca Highway with the necessary traffic signal modifications.
  - c. Key West Avenue-West Montgomery Avenue (MD 28) and Shady Grove Road: Extend three eastbound left turns on Key West Avenue.

The recommended intersection improvements above should be constructed with the required length as determined by the Montgomery County Department of Transportation (MCDOT) and the Maryland State Highway Administration (“SHA”), and will be based on their required supplemental SYNCHRO/traffic simulation analyses. The Applicant must submit a Letter of Intent to confirm the plan to create, fund, and privately operate a Road Club. The specific intersection improvements must be identified by the “Road Club” and permitted and bonded by the Montgomery County Department of Permitting Services (“DPS”) and SHA prior to release of any building permit. The construction of these intersection improvements must be complete and open to traffic prior to issuance of any use and occupancy permit.

5. The Applicant must satisfy the Policy Area Mobility Review (“PAMR”) test by contributing to the County \$11,300 per trip for each of the 47 new peak-hour trips for a total of \$531,100. The pro-rata share of the Applicant’s costs of the off-site LATR intersections listed above may be credited against the total PAMR cost of \$531,100. The construction of two (2) southern lanes of the four (4) Blackwell Road travel lanes is currently estimated to equate to 2,698 linear feet of travel lanes which equates to 66 PAMR eligible trip credits as off-site improvements subject to MCDOT approval. The 2,698 linear feet for Blackwell Road is based upon the additional two outside lanes adjacent to NCI and the two outside lanes from that section west to Broschart Road. If the pro-rata share of the Applicant’s costs of the LATR improvements is less than \$531,000, the Blackwell Road PAMR eligible trip credits may also be applied to meet the remaining PAMR funding requirements. Any remaining PAMR funds should be paid to MCDOT for master-planned Life Science Center roadway and/or intersection improvements prior to the issuance of the relevant Use & Occupancy permit.
6. The Applicant must submit a letter from the Maryland Transit Administration (“MTA”) to MCDOT and the Planning Department indicating that they are coordinating with MTA, and their plan reflects the latest alignment and design of the Corridor City Transitway (CCT) along Broschart Road and its proposed station south of Blackwell Road. The Applicant’s plan must show the CCT along the east side of Broschart Road and include the necessary vehicular access

controls to minimize conflicting movements with CCT vehicles while permitting safe through east-west movements on the master-planned business road, B-7 across Broschart Road.

7. Within the Master Plan recommended rights-of-way, the Applicant must address the following pedestrian and bicycle improvements shown on the preliminary plan. The final extent, delineation, and alignment of these improvements shall be determined and provided at the time of the relevant site plan:
  - a. A dual bikeway (LB-1) on Medical Center Way, including a 10-foot-wide shared use path on the west side and wide outside lanes for a signed-shared roadway.
  - b. A dual bikeway (LB-4) on Blackwell Road, including a 10-foot-wide shared use path on the north side and wide outside lanes for a signed-shared roadway.
  - c. A 10-foot-wide shared use path, SP-66 on the east side of Broschart Road.
  - d. The necessary pedestrian crosswalks, handicapped ramps, and other pedestrian infrastructure improvements to be determined with the plan details provided at the relevant site plan.
  - e. One bicycle parking space per 20 proposed vehicular parking spaces to accommodate short term and long term parking. The spaces must be a combination of inverted-U bike racks near the main entrances of the JHU-MCC buildings and secured key-access bike storage and/or lockers in the two garages in a well-lit area near the elevator. Work with transportation planning staff regarding the types, distribution, and locations prior to the relevant site plan to provide the best practices for the proposed campus.
8. The Applicant must dedicate their portion of, and the record plat must reflect the master-planned recommended 150-foot right-of-way for Broschart Road (A-261b) as shown on the preliminary plan that includes the 50-foot wide Corridor Cities Transitway (CCT) and the associated shared use path.
9. At the time of the relevant site plan, the Applicant must construct (i.e., permitted and bonded) the portion of Blackwell Road, including the shared use path necessary to serve the development included in that site plan.
10. The Applicant must dedicate, and the record plat must reflect an additional 20-foot of right-of-way where needed along Key West Avenue, between Broschart Road and Medical Center Drive as shown on the preliminary plan, to provide the master-planned minimum right-of-way width of 200 feet (100 feet from centerline), and construct the shared use path at the time of the relevant site plan.
11. The Applicant must dedicate, and the record plat must reflect an additional 25-foot of right-of-way where needed along Broschart Road, between Key West Avenue and Blackwell Road as shown on the Preliminary Plan, to provide the master-planned minimum right-of-way width of 150 feet, and construct the bikeway in accordance with Road Code standard no. 2004.09 and Median

- Transitway Standard No. MC-225.02 at the time of the relevant site plan.
12. The Applicant must dedicate, and the record plat must reflect an additional 37-foot to 100-foot of right-of-way where needed along Blackwell Road as shown on the Preliminary Plan, to provide the master-planned minimum right-of-way width of 100 feet (50 feet from centerline), and construct the sidewalk and shared use path in accordance with Road Code standard no. 2005.03 at the time of the relevant site plan.
  13. The Applicant must design, construct, maintain, and provide a public use easement for the recommended 70-foot right-of-way for business district street B-8, as shown on the Preliminary Plan, and the boundary of the easements must be shown on the record plat. The roads must be constructed to public standards and in accordance with the Road Code standard no. 2005.02, including sidewalks and amenities, unless modifications are approved by MCDOT and the Planning Board at the time of site plan. The final extent, delineation and alignment of these roads shall be determined at the time of the relevant site plan. The easements must be approved by the Planning Board and MCDOT, and must include, at a minimum, provision for the following:
    - a. Public easements must be granted along all these master-planned roads as approved by MCDOT and DPS for connectivity and consistency with the *Great Seneca Science Corridor Master Plan*.
    - b. These master-planned roads must comply with the County's Road Code standards for similar public roads, the *Great Seneca Science Corridor Master Plan*, and the Master Plan's Urban Design Guidelines.
    - c. Installation of public utilities must be permitted within the public easement.
    - d. These master-planned roads must not be closed for any reason unless approved by MCDOT.
    - e. The public easement must be volumetric to accommodate uses above and below the designated easement area.
    - f. The public easement must grant the County the right to construct and install appropriate traffic control devices, if not required to be installed by the Applicant.
    - g. Maintenance and Liability Agreements for each easement area must be entered into by the Applicant. These agreements must identify the Applicant's responsibility to maintain all the improvements within the easement areas in good fashion and in accordance with applicable laws and regulations.
  14. The Applicant must design, construct, maintain, and provide a public use easement for the recommended 60-foot right-of-way for business district street B-7, and the boundary of the easement must be shown on the record plat. The road must be constructed to public standards and in accordance with the Road Code standard no. 2005.01, including sidewalks and amenities, unless modifications are approved by MCDOT and the Planning Board at the time of site plan. The final extent, delineation, and alignment of these roads shall be determined at the

- time of the relevant site plan. The easement must be approved by the Planning Board and MCDOT, and must include, at a minimum, provision for the following:
- a. Public easements must be granted along all these master-planned roads as approved by MCDOT and DPS for connectivity and consistency with the *Great Seneca Science Corridor Master Plan*.
  - b. These master-planned roads must comply with the County's Road Code standards for similar public roads, the *Great Seneca Science Corridor Master Plan*, and the Master Plan's Urban Design Guidelines.
  - c. Installation of public utilities must be permitted within the public easement.
  - d. These master-planned roads must not be closed for any reason unless approved by MCDOT.
  - e. The public easement must be volumetric to accommodate uses above and below the designated easement area.
  - f. The public easement must grant the County the right to construct and install appropriate traffic control devices, if not required to be installed by the Applicant.
  - g. Maintenance and Liability Agreements for each easement area must be entered into by the Applicant. These agreements must identify the Applicant's responsibility to maintain all the improvements within the easement areas in good fashion and in accordance with applicable laws and regulations.
15. The Applicant must enter into a Traffic Mitigation Agreement with the MCDOT and the Planning Board to participate in the Greater Shady Grove Transportation Management District. The Traffic Mitigation Agreement must be executed prior to certified site plan for the first building and modified as needed prior to certified site plan for the successive buildings.
  16. All private internal roadways must be constructed in accordance with the Design Guidelines and Road Code cross-section requirements as modified to satisfy the Master Plan recommendations. Future site plans must determine the extent and timing of construction of the internal private roads necessary to support the development proposed by the relevant site plan.
  17. The record plat must reflect a public use and access easement over all private streets and adjacent parallel sidewalks. This easement must be recorded by deed prior to the first building permit after each site plan is approved.
  18. The Applicant must comply with the conditions of approval of the Montgomery County Fire and Rescue ("MCF&R") letter dated September 16, 2011. These conditions may be amended by MCF&R, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
  19. The Applicant must comply with the conditions of approval of the MCDOT letter dated October 6, 2011. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.



20. The Applicant must comply with the conditions of approval of the SHA letter dated September 21, 2011. These conditions may be amended by MDSHA, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
21. The Applicant must comply with the conditions of the DPS stormwater management concept approval letter dated July 29, 2011. These conditions may be amended by DPS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
22. The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s), as applicable.
23. The Applicant must provide a ten-foot public utility easement parallel, contiguous and adjacent to the rights-of-way of Key West Avenue, Broschart Road, Blackwell Road, Medical Center Drive, and Master Planned Roads B-7 and B-8 unless an alternative alignment is agreed upon by the applicable utility companies at the request of the M-NCPPC prior to certification of the relevant site plan and recordation of the plat.
24. No clearing, grading, or recording of plats prior to the relevant certified site plan approval.
25. Final approval of the number and location of buildings, on-site parking, site circulation, sidewalks, and bikepaths will be determined at the relevant site plan.
26. In the event that a subsequent site plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or right-of-way location, width, or alignment, the Applicant must obtain approval of a preliminary plan amendment prior to certification of the relevant site plan.
27. As required by the Master Plan, a Concept Plan is being approved as part of this Preliminary Plan. Any subsequent site plan must generally conform to the approved Concept Plan.
28. Open Space Areas shown on the Concept Plan must be provided as part of subsequent site plans as recommended in the Master Plan.
29. The certified preliminary plan must contain the following note: "Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."

30. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution<sup>1</sup>.
31. All necessary easements must be shown on the Record Plat.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff as presented at the Hearing and as set forth in the Staff Report (as revised at the Hearing), which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

#### Great Seneca Science Corridor Master Plan

The Life Sciences Center (“LSC”) in the GSSC Master Plan area includes five districts. The Subject Property is located within the Central District. The applicable Master Plan recommendations include a CCT station on Broschart Road near Blackwell Road, and that those streets should be enlivened with activating uses. Future development, in its design and use, should be carefully planned to take advantage of transit and contribute to creating a vibrant LSC hub. The Preliminary Plan allows portions of the block surrounded by Broschart Road, Medical Center Drive, Great Seneca Highway, and Blackwell Road to be redeveloped. Currently, this area is developed with low-density, low-scale uses. With a transit station along Broschart Road, portions of this block could redevelop to higher densities with a mix of housing, retail, and employment uses.

#### Property Recommendations and Concept Plan

The Land Use & Zoning Recommendations for the LSC Central District of the Master Plan require submittal of “a Concept Plan prior to approval of any future individual development projects for Johns Hopkins University (“JHU”) to address the Plan’s guidelines, including the location of the CCT, the highest densities and height at transit, the mix of uses, creation of a local street network, and provision of open spaces” (page 36). The Applicant submitted a Concept Plan as part of the Preliminary Plan as required by the Master Plan. Each of these issues is addressed by topic below.

#### CCT Location

The Plan recommends that the CCT route travel along the Property on the east side of Broschart Road. A station is recommended on the adjoining Shady Grove Adventist Hospital site.

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<sup>1</sup> The APF approval for development under Preliminary Plans 119861150 and 11986115A are not affected by this Resolution.

The Applicant's Preliminary Plan and Concept Plan reflect the general alignment recommended in the Master Plan. Final alignment of the transitway will be determined during site plan review when the detailed site layout is designed. The MTA believes the CCT can be accommodated within the eventual 150-foot right-of-way of Broschart Road as shown on the Preliminary Plan. During site plan review, the final alignment should maximize pedestrian and transit user comfort and usability, and optimize access to the open spaces and circulation system.

#### *Density & Height Near Transit*

The Master Plan recommends the LSC zone with a density limit of 1.5 FAR for the Subject Property. Maximum building heights are recommended at 110 feet on the eastern half of the Property (bisected by business district street B-8) and 150 feet on the western half of the Property, which is closer to transit. Street walls are suggested by the "build-to lines" on the Master Plan illustrations.

The Applicant's Concept Plan follows the Master Plan guidelines regarding density and height. As shown within the building envelopes of allowed height, the 1.5 FAR is dispersed between lower buildings to the east of B-8, and higher buildings to the west side of B-8. The Master Plan recommends that Adventist Health Care and JHU design the east side of Broschart Road as an urban street lined with buildings and activating street level uses. The lot and street layout of the Preliminary Plan will accommodate the Master Plan's vision for this density and lively street edge.

#### *Circulation System & Links to Adjacent Neighborhoods*

The Master Plan recommends numerous circulation and mobility improvements for LSC Central. These include:

- Construction of the CCT and station,
- Extension of Blackwell Road,
- Creation of a network of streets within the site,
- Creation of a pedestrian network,
- Implementation of the LSC Loop,
- Design of Broschart Road as an urban street,
- Connection of recreational trails and bikeways,
- Road improvements.

The Applicant's Preliminary Plan and Concept Plan addresses each of these recommendations and illustrates them in their circulation plan, which shows the CCT alignment and station, extension of Blackwell Road, pedestrian sidewalks and paths, LSC Loop Connection, and Broschart Road, which is represented as an urban street with the proposed CCT alignment and significant building frontage.

The internal streets, which form an urban-scale network of blocks, will have sidewalks that connect to adjacent properties and open spaces proposed within the site. These sidewalks will connect to master-planned paths, including the LSC Loop, that run with the major roads along the periphery of the Subject Property.

Dedication of the CCT right-of-way, Blackwell Road right-of-way, and expansion of the rights-of-way for Key West Avenue and Broschart Road will allow for the recommended vehicular and transit improvements. All other internal roads will be built to public road standards, maintaining the mobility and design objectives of the Master Plan but maintained privately with public access easements over the right-of-way width that would otherwise be required.

#### Open Space System

The Master Plan requires that properties in the LSC Central provide the following public open spaces:

- LSC Loop,
- Stream buffers,
- Urban square at the CCT station, and
- Urban promenade to connect between buildings and public spaces.

All of the applicable master-planned open spaces are provided in the Applicant's Preliminary Plan and Concept Plan as required.

Therefore, the Board finds the Preliminary Plan to be in substantial conformance with the GSSC Master Plan, including the submission of a conforming Concept Plan as required.

#### *2. Public facilities will be adequate to support and service the subdivision.*

#### Master Plan Roadway, Corridor Cities Transitway, and Right-of-way

The Master Plan recommends a minimum right-of-way width of 200 feet for Key West Avenue; a 150-foot right-of-way for Broschart Road; and a 100-foot right-of-way for Blackwell Road and Medical Center Drive. The Broschart Road right-of-way is also designated to accommodate the Corridor Cities Transitway (CCT). All of the dedications above are shown on the Preliminary Plan, and are included as conditions of approval.

The Master Plan identifies three business district rights-of-way on the Subject Property. Roadway B-7 on the western portion of the Subject Property provides a connection from Broschart Road to roadway B-8, which bisects the Property. Roadway B-11 on the western portion of the Subject Property provides a connection from Medical Center Drive to roadway B-8. According to the Master Plan, business district streets B-7 and B-

11 are to be constructed as 60-foot wide rights-of-way, while business district street B-8 is to be constructed as a 70-foot wide right-of-way.

Although the Master Plan envisions these roadways to be dedicated to public use, the Board finds that the business district roads developed as private roads with public access easements granted to the County is in substantial conformance with the Master Plan, with the following conditions:

- a. Public easements must be granted along all these business district rights-of-way as approved by MCDOT and DPS for connectivity and consistency with the *Great Seneca Science Corridor Master Plan*.
- b. The design of these business district rights-of-way must comply with the County's Road Code standards for similar public roads, the *Great Seneca Science Corridor Master Plan*, and the Master Plan's Urban Design Guidelines.
- c. Installation of public utilities must be permitted within the public easement.
- d. These business district rights-of-way must not be closed for any reason unless approved by MCDOT.
- e. The public easement must be volumetric to accommodate uses above and below the designated easement area.
- f. The public easement must grant the County the right to construct and install appropriate traffic control devices, if not required to be installed by the Applicant.
- g. Maintenance and Liability Agreements for each easement area must be entered into by the Applicant. These agreements must identify the Applicant's responsibility to maintain all the improvements within the easement areas in good fashion and in accordance with applicable laws and regulations.

The Board conditionally approved the private, business district roads due to the unique circumstances of the JHU Montgomery County Medical Center site. The JHU site is being developed and maintained as a campus research environment, and JHU will retain ownership of the land in order to control the overall design, appearance, and character of this campus. These internal roads, unlike the perimeter roads (i.e., Key West Avenue, Broschart Road, Blackwell Road, and Medical Center Drive), are not essential to the primary connecting network for the Master Plan area. As private roads with public access easements, they will still provide alternate route options for pedestrians, cyclists, and vehicles. Also, the roads will be constructed to the public road standards identified in the Master Plan and Design Guidelines, and public access easements reflecting the master-planned right-of-way widths specified for B-7 and B-8 will be recorded on the plat. B-11 was approved and constructed as part of the previous preliminary plan amendment and site plan for the National Cancer Institute, and the cross section is actually much wider than the minimum 60 feet required by the Master

Plan. Therefore, in this instance the master-planned roads B-7, B-8, and B-11 will essentially function as public roads in a dedicated right-of-way. However, JHU will be responsible for maintenance of the roads.

#### Site Access and Vehicular/Pedestrian Circulation

The site is located on the south side of Key West Avenue between Broschart Road and Medical Center Drive with four vehicular access points from Key West Avenue, Medical Center Drive, Broschart Road, and Blackwell Road. The access points and the vehicular circulation system shown on the Preliminary Plan are adequate to provide sufficient capacity for safe and efficient circulation into and from the site. In particular, parking and driveways are sufficiently separated for through movement and safe maneuvering. The Applicant will upgrade the pedestrian and bicycle facilities along the fronting roadways and the internal roadways to ensure easy and safe access for pedestrians to and from the site. Detailed circulation will be decided at later phases as subsequent site plans are submitted for review, but should generally conform to what is approved in this Preliminary Plan.

#### Transportation Management District

The site is located within the boundary of the Greater Shady Grove Transportation Management District (TMD) and therefore, the Applicant must participate with the TMD and assist the County in achieving and maintaining its non-auto driver mode share goals.

#### On-Site Parking

Given the close proximity to a planned future CCT station, the Board approved the requested parking waiver of 721 spaces to reduce the required 5,298 spaces to 4,577 spaces. The total number of parking spaces and the number of parking spaces waived will be revisited and finalized as part of the future site plan reviews.

#### Available Transit Service

The following three Ride-on routes operate along the roads fronting the site:

- Ride-On route 74 along Key West Avenue between Diamondback Drive and Omega Drive;
- Ride-On route 66 along Broschart Road between Key West Avenue and Medical Center Drive;
- Ride-On routes 43 and 66 along Medical Center Way between Broschart Road and Key West Avenue.

#### Corridor Cities Transitway

The Maryland Transit Administration's ("MTA") preferred alignment of the CCT is along the east side of Broschart Road with a proposed station south of the intersection with Blackwell Road. The Applicant must coordinate with the MTA's CCT project manager

regarding MTA's latest alignment and design of the CCT. The *Master Plan* reflects the CCT alignment as being on the east side of Broschart Road. The MTA – while acknowledging alignments could be modified as the project proceeds through additional engineering - is showing the alignment on the same east side of Broschart Road. The Plans submitted by the Applicant dated September 23, 2011 as part of this application show the CCT alignment on the east side of Broschart Road within the 150-foot master-planned right-of-way.

#### Master-Planned Roadways and Bikeways

In accordance with the *Master Plan* and the 2005 approved and adopted *Countywide Bikeways Functional Master Plan*, the classified roadways and bikeways are provided as follows:

1. Key West Avenue is designated as a six-lane major highway, CM-22, with a recommended 200-foot right-of-way and a dual bikeway (bike lanes and a share use path on the north side), DB-43. The required right-of-way is shown on the Preliminary Plan.
2. Broschart Road is designated as a four-lane major highway, A-261b, with a recommended 150-foot right-of-way, CCT, and a shared use path on the east side, SP-66. The required right-of-way is shown on the Preliminary Plan.
3. Blackwell Road is a four-lane business road, B-1, with a recommended 100-foot right-of-way and a dual bikeway, LB-4, with a shared use path on the north side and a signed shared roadway. The required right-of-way is shown on the Preliminary Plan.
4. Medical Center Drive is a four-lane arterial, A-261d, with a recommended 100-foot right-of-way and a dual bikeway, LB-1, with a shared use path on the west side and a signed shared roadway. The required right-of-way is shown on the Preliminary Plan.
5. Road "F" or master-planned business district road, B-7, with a recommended two-lane 60-foot right-of-way. The right-of-way may be placed in a public use and access easement as shown on the Preliminary Plan.
6. Road "J" or master-planned business district road, B-11, with a recommended two-lane 60-foot right-of-way. This road was approved and constructed in its current configuration as part of the previous preliminary plan and site plan approvals for NCI.
7. Road "G" or master-planned business district road, B-8, with a recommended two-lane 70-foot right-of-way. The right-of-way may be placed in a public use and access easement as shown on the Preliminary Plan.

#### Pedestrian and Bicycle Facilities

The pedestrian and bicycle facilities will be adequate with some additional improvements required at the time of site plan review.

Local Area Transportation Review (LATR)

The additional R&D space is limited by the available remaining commercial development of 169,071 square feet in the Master Plan Stage I development. The table below shows the number of peak-hour trips to be generated during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.):

	Square Footage	Peak-Hour Trips	
		Morning	Evening
Previously Approved & Proposed Land Uses	788,707	216	190
Previously Approved by Preliminary Plan No. 11986115B	519,636	355	331
Net Increase by Preliminary. Plan No. 11986115C	169,071	134	119

The Applicant submitted a traffic study to satisfy the LATR test because the proposed land use generates 30 or more peak-hour trips within the weekday morning and evening peak periods. The table below shows the calculated Critical Lane Volume (CLV) values from the traffic study at the analyzed intersections for the following traffic conditions:

1. Existing: Existing traffic conditions as they exist now.
2. Background: The existing condition plus the trips generated from approved but un-built nearby developments.
3. Total Not Improved: The background condition plus the site-generated trips.
4. Total Improved: The Total Not Improved condition analyzed with intersection improvements described in Condition No 4.



Analyzed Intersection	Weekday Peak Hour	CLV Congestion Standard	Traffic Condition			
			Existing	Background	Total	
					Not Improved	Improved
Great Seneca Highway (MD 119) and Muddy Branch Road	Morning	1,425	1,407	1,595 <sup>1</sup>	1,632 <sup>1</sup>	1,492 <sup>1,4</sup>
	Evening		1,615	1,740 <sup>1</sup>	1,780 <sup>1</sup>	1,690 <sup>1,4</sup>
Great Seneca Highway and Sam Eij Highway	Morning	1,450	1,223	1,394 <sup>2</sup>	1,514 <sup>1,2</sup>	1,276 <sup>2</sup>
	Evening		1,480	1,393 <sup>2</sup>	1,433 <sup>2</sup>	1,433 <sup>2</sup>
Darnestown Road (MD 28) and Muddy Branch Road	Morning	1,450	1,454 <sup>1</sup>	1,582 <sup>1</sup>	1,586 <sup>1,3</sup>	Not Required <sup>3</sup>
	Evening		1,280	1,347	1,349	
Key West Avenue (MD 28) and Darnestown Road	Morning	1,450	1,030	1,108	1,118	---
	Evening		1,020	1,177	1,198	---
Key West Avenue and Great Seneca Highway	Morning	1,450	1,230	1,348	1,422	---
	Evening		1,122	1,255	1,363	---
Key West Avenue (MD 28) and Broschart Drive-Diamondback Drive	Morning	1,450	1,260	1,264 <sup>2</sup>	1,349 <sup>2</sup>	---
	Evening		1,088	1,189 <sup>2</sup>	1,270 <sup>2</sup>	---
Key West Avenue and Omega Drive-Medical Center Drive	Morning	1,450	1,112	1,391	1,430	---
	Evening		1,110	1,316	1,362	---
Key West Avenue - West Montgomery Avenue and Shady Grove Road	Morning	1,450	1,117	1,249 <sup>2</sup>	1,352 <sup>2</sup>	1,352 <sup>2</sup>
	Evening		1,302	1,598 <sup>1,2</sup>	1,680 <sup>1,2</sup>	1,534 <sup>1,2,4</sup>
Shady Grove Road and Research Boulevard	Morning	1,450	879	918	946	---
	Evening		990	1,137	1,237	---
Shady Grove Road and Corporate Boulevard	Morning	1,450	889	949	1,040	---
	Evening		1,046	1,225	1,343	---
Darnestown Road and Travilah Road	Morning	1,450	970	1,047	1,077	---
	Evening		995	1,167	1,190	---
Great Seneca Highway and Darnestown Road	Morning	1,450	1,035	1,067	1,078	---
	Evening		1,077	1,185	1,225	---
Darnestown Road and Traville Gateway Drive	Morning	1,450	993	1,016	1,022	---
	Evening		645	712	726	---
Shady Grove Road and Darnestown Road	Morning	1,450	1,061	1,131	1,161	---
	Evening		1,019	1,140	1,188	---
Darnestown Road and Glen Mill Road	Morning	1,500	931	972	999	---
	Evening		893	1,108	1,150	---
Shady Grove Road and Medical Center Way-Falls Grove Blvd	Morning	1,450	708	879	1,112	---
	Evening		807	881	1,000	---

<sup>1</sup> The CLV values exceed the intersection's congestion standard

<sup>2</sup> The CLV values calculated with the intersection improvement(s) required of the JHU-National Cancer Institute and the Crown Farm background developments.

<sup>3</sup> The increase in CLV is 5 or less and, thus, an intersection improvement is not required because the Applicant is required to provide at least one improvement in accordance with Section TL1 of the 2009-11 Growth Policy.

<sup>4</sup> The CLV value still exceeds the intersection's congestion standard, but the Total Improved CLV value is less than the Background CLV value.

The CLV values for the background, total not improved, and total improved traffic conditions were analyzed with the following intersection improvements:

1. Required of the developer of Site Plan No. 820100090, JHU-National Cancer Institute:

- a. Great Seneca Highway/Sam Eig Highway intersection: Construct a third westbound through lane on Great Seneca Highway from Sam Eig Highway to Muddy Branch Road.
  - b. Key West Avenue and Broschart Drive-Diamondback Drive: Convert the inside through lane on the southbound approach of Diamondback Drive to a combined through second left-turn lane and modify the traffic signal timing on the north/south approaches from a concurrent to a split phase.
  - c. Key West Avenue-West Montgomery Avenue/ Shady Grove Road: Construct a third left-turn lane on the eastbound Shady Grove Road approach.
2. Required of the developer of the Crown Farm in the City of Gaithersburg:
- a. Great Seneca Highway/Sam Eig Highway: Construct a third through lane on the westbound approach and a third receiving through lane on eastbound approach on Great Seneca Highway.

The LATR test is satisfied at four analyzed intersections where the CLV values in the total traffic condition exceed the intersections' congestion standards as follows:

1. Great Seneca Highway/ Muddy Branch Road intersection: The evening CLV value in the total Improved traffic condition still exceeds the intersection's congestion standard, but the CLV value in the total Improved traffic condition is reduced below the CLV value in the background traffic condition with the intersection improvements described in Condition No. 4.
2. Great Seneca Highway/Sam Eig Highway intersection: The CLV value in the total Improved traffic condition is reduced below its congestion standard of 1,450 with the intersection improvements described in Condition No. 4.
3. Darnestown Road/Muddy Branch Road intersection: The increase in morning CLV values from the background traffic condition to the total not Improved traffic condition is 5 or less. In accordance with Section TL1 of the *2009-11 Subdivision Staging Policy*, an improvement at this intersection is not required because the Applicant is required to provide at least one improvement at another off-site location.
4. Key West Avenue - West Montgomery Avenue/Shady Grove Road intersection: The evening CLV value in the total Improved traffic condition still exceeds the intersection's congestion standard, but the CLV value in the total Improved traffic condition is reduced below the CLV value in the background traffic condition with the intersection improvements described in Condition No. 4.

#### Policy Area Mobility Review (PAMR)

Since the Application was filed in February 2011, the trip mitigation requirements under the FY 11 *Subdivision Staging Policy* must be satisfied. *The FY 11 PAMR test* requires the Applicant to mitigate 47 or (35% of the 134) new peak-hour trips generated by the

additional R&D office space within the weekday morning and evening peak periods. To satisfy the PAMR test, the Applicant will contribute \$11,300 per trip for each of the 47 trips or \$531,100 towards the off-site LATR intersection improvements as required in Condition No. 5.

Therefore, with the conditions of approval, the Board finds the LATR and PAMR tests are satisfied.

#### Other Public Facilities and Services

The site will be served by public water and sewer. Gas, electric and telecommunications services are also available to serve the Property. Police stations, firehouses, health services, and schools were found to be operating within the standards set by the Subdivision Staging Policy Resolution in effect. The Application was reviewed and approved by the MCF&R which has determined that the Property has adequate access for emergency vehicles. The Property is within a school cluster that currently requires a school facilities payment; however, the Preliminary Plan does not include any residential uses.

- 3. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

The lot has been reviewed for compliance with 50-29(a) of the Subdivision Regulations. The Planning Board finds that the size, shape, width, and area of the lot is appropriate for its location within the subdivision.

- 4. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

#### Environmental Inventory

An Existing Conditions Plan, containing roughly the same information as a simplified NRI/FSD, was approved by Staff on October 11, 2011. The site contains no forest, floodplain, wetlands, streams, stream buffers, or rare, threatened or endangered species.

The Property is located within the Muddy Branch watershed. This portion of the Muddy Branch watershed has been assessed as being in fair condition based on biological monitoring indicators. Muddy Branch is classified a Use Class I stream by the State of Maryland. This site does not lie within a Special Protection Area.

Therefore, the Board finds this plan complies with the Montgomery County Environmental Guidelines.

Forest Conservation

A Preliminary Forest Conservation Plan (#11986115C) was approved by Staff on October 12, 2011. No forest exists on the site; therefore only the afforestation requirement applies. As submitted, the net tract area is 31.97 acres, including deductions taken for road and sidewalk dedications. The afforestation requirement is 4.8 acres of forest planting or 9.6 acres of forest preservation at an approved forest conservation bank. These requirements may increase at the time of Final Forest Conservation Plan approval if the Applicant is required to add areas that were deducted for right-of-way dedication back into the net tract area. The Applicant will meet all of their afforestation requirements off-site. Based on the approved Preliminary Forest Conservation Plan, the Board finds that the Preliminary Plan is in compliance with Chapter 22A, Forest Conservation.

Therefore, with the conditions of approval, the Board finds the Preliminary Plan satisfies the requirements of the Forest Conservation Law.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the MCDPS that the Stormwater Management Concept Plan approval meets MCDPS' standards.*

DPS accepted the stormwater management concept for this project on July 29, 2011. The stormwater management concept proposes the use of environmentally Sensitive Design (ESD) approaches, including biofiltration, to treat runoff from the site. Any runoff not treated by the ESD systems will be treated by the existing regional pond on the northeast corner of the Property.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed; and

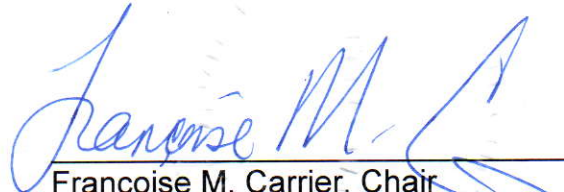
BE IT FURTHER RESOLVED, that the date of this Resolution is FEB 23 2012 (which is the date that this Resolution is mailed to all parties of record); and

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 Anderson seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss present and voting in favor of the motion, and with Commissioner Presley abstaining, at its regular meeting held on Thursday, February 2, 2012, in Silver Spring, Maryland.

  
\_\_\_\_\_  
Françoise M. Carrier, Chair  
Montgomery County Planning Board

**MR. RICHARD BRUSH, MANAGER  
MCDPS-WATER RES. PLAN REVIEW  
255 ROCKVILLE PIKE,  
2<sup>ND</sup> FLOOR  
ROCKVILLE, MD 20850**

**MR. ATIQ PANJSHIRI  
MCDPS  
RIGHT OF WAY PERMITTING  
255 ROCKVILLE PIKE  
2<sup>ND</sup> FLOOR  
ROCKVILLE, MD 20850**

**MS. CHRISTINA CONTRERAS  
MCDPS-LAND DEVELOPMENT  
255 ROCKVILLE PIKE  
2<sup>ND</sup> FLOOR  
ROCKVILLE, MD 20850**

**MR. ALAN SOUKUP  
MCDEP  
WATER RESOURCE PLANNING  
255 ROCKVILLE PIKE  
1<sup>ST</sup> FLOOR  
ROCKVILLE, MD 20850**

**PHRA  
THOMAS L. OSBORNE, SR., AICP  
VICE PRESIDENT  
8818 CENTRE PARK DRIVE  
SUITE 200  
COLUMBIA, MD 21045**

**LINOWES & BLOCHER  
BARBARA SEARS  
7200 WINCONSIN AVENUE  
SUITE 800  
BETHESDA, MD 20814**

**MR. GREG LECK  
MCDOT  
100 EDISON PARK DRIVE  
4<sup>TH</sup> FLOOR  
GAITHERSBURG, MD 20878**

**MR. EHSAN MOTAZEDI  
MCDPS-SITE PLAN ENFORCEMENT  
255 ROCKVILLE PIKE  
2<sup>ND</sup> FLOOR  
ROCKVILLE, MD 20850**

**MR. GENE VON GUNTEN  
MCDPS-WELL AND SEPTIC  
255 ROCKVILLE PIKE  
2<sup>ND</sup> FLOOR  
ROCKVILLE, MD 20850**

**MR. RICHARD BRUSH, MANAGER  
MCDPS-SEDIMENT/STORMWATER  
INSPECTION AND ENFORCEMENT  
255 ROCKVILLE PIKE,  
2<sup>ND</sup> FLOOR  
ROCKVILLE, MD 20850**

**THE TRAFFIC GROUP  
TRAFFIC ENGINEERS & TRANSPORTATION  
PLANNERS  
CORPORATE OFFICE: BALTIMORE  
WES, GUCKERT, PTP, PRESIDENT  
SUITE H  
9900 FRANKLIN SQUARE DRIVE  
BALITMORE, MD 21236**

**MS. LISA SCHWARTZ  
DHCA  
100 MARYLAND AVENUE  
4<sup>TH</sup> FLOOR  
ROCKVILLE, MD 20850**

**MS. SUSAN SCALA-DEMBY  
MCDPS-ZONING  
255 ROCKVILLE PIKE  
2<sup>ND</sup> FLOOR  
ROCKVILLE, MD 20850**

**MR. CHRISTOPHER ANDERSON  
DHCA  
MDPU MANAGER  
100 MARYLAND AVENUE  
4<sup>TH</sup> FLOOR  
ROCKVILLE, MD 20850**

**JOHNS HOPKINS  
INSTITUTIONS  
DAVID M. MCDONOUGH  
JOHNS HOPKINS REAL ESTATES  
JOHNS HOPKINS AT EASTERN  
1101 E. 33<sup>RD</sup> STREET, SUITE E100  
BALTIMORE, MD 21218**

**PHRA  
PATRICIA MONDAY  
12850 MIDDLEBROOK ROAD  
GERMANTOWN, MD 20876**

Preliminary Plan 11986115C JHU Montgomery County Medical Center

Item #5

November 10, 2011

Speaker Sign-up Sheet

No.	Name & Phone Number	Email	Organization & Address	Time
1	Barbara Sears David M. McDonough Thomas L. Osborne, Sr. Wes Guckert <b>Applicants</b>		Johns Hopkins Institution PHRA Engineers The Traffic Group	
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12			<b>TOTAL</b>	<b>0</b>

# SIGN-UP SHEET TO TESTIFY BEFORE THE PLANNING BOARD

## INSTRUCTIONS AND IMPORTANT INFORMATION

1. To testify on an item on the Planning Board's agenda, please fill out this form and give it to the Planning Board assistant at the end of the dais.
2. Copies of testimony presented orally or copies of correspondence will not be distributed at the hearing.
3. All materials (PowerPoint and other electronic presentations, letters, photos, maps, etc.) that are shown during the Planning Board's public hearings will be entered into the official record and will not be returned to you.
4. Ceding time to others is no longer permitted under the Planning Board's Rules of Procedure. Those who wish to request additional time to speak at a hearing must do so by contacting the Planning Board Chair's office at least 48 hours before the hearing.
5. Time allotted to speakers on non-regulatory items is at the Chair's discretion. Public testimony is not generally taken on reconsideration requests, awarding of contracts, work sessions and roundtable discussion items.

## YOUR INFORMATION

- APPLICANT
  COMMUNITY ASSOCIATION REPRESENTATIVE
  ABUTTING PROPERTY OWNER
  INDIVIDUAL
  GOVERNMENT OFFICIAL

AGENDA ITEM NUMBER: 5
 DATE: 11/10/2011

YOUR NAME: BARBARA SEARS
 IF GROUP YOU ARE REPRESENTING (IF ANY):

**JOHNS HOPKINS**  
 INSTITUTIONS

**Johns Hopkins Real Estate**  
 Johns Hopkins at Eastern  
 1101 E. 33rd Street, Suite E100  
 Baltimore MD 21218  
 443-997-3737 / Fax 443-997-3773  
 Direct Phone 443-997-3726  
 Mobile 410-491-3746 / Fax 443-997-3773  
 E-mail dmcdonough@jhu.edu

David M. McDonough  
 Senior Director  
 Development Oversight

STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

Time on all regulatory issues before the Planning Board:

10 minutes (total)

Thomas L. Osborne, Sr., AICP  
 Vice President



Traffic Engineers & Transportation Planners  
**Corporate Office: Baltimore**  
 Suite H  
 9900 Franklin Square Drive  
 Baltimore, Maryland 21236  
 410.931.6600 fax: 410.931.6601  
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 www.trafficgroup.com



8818 Centre Park Drive, Suite 200  
 Columbia, Maryland 21045  
 T 410.997.8900  
 F 410.997.9282  
 C 410.241.6857  
 Toll Free 800.989.7624  
 E Thomas.Osborne@phra.com

atives

Property Owners

Engineers Surveyors, Planners, Landscape Architects.

(Chair's discretion)

**Wes Guckert, PTP**  
 President  
 wguckert@trafficgroup.com



# ATTACHMENT 5



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

## MEMORANDUM

**TO:** Piera Weiss, Deputy Director

**VIA:** Glenn Kreger, Chief  
Joshua Sloan, Supervisor  
Area 2 Planning Division

**FROM:** Lori Shirley, Planner Coordinator  
Area 2 Planning Division

**SUBJECT:** National Cancer Institute  
SITE PLAN #82010009A

**DATE:** August 24, 2012

Pursuant to Montgomery County Code Division 59-D-3.7 (Minor Amendments), the Planning Director may approve in writing certain applications for an amendment to the Certified Site Plan. Administrative or "Director Level" Amendments are modifications to the approved Certified Site Plan that are considered minor in nature and do not alter the intent and objectives of the plan.

A Pre-Application meeting with the community/public/parties of record is not required. A Pre-Submittal meeting with the DARC Intake Section is also not required; however, submittal of the application to DARC is applicable. Administrative Amendments must satisfy the noticing and posting requirements as identified in Sections 4.C and 4.D (a) (ii) of the Development Manual and require approval of the Planning Director.

On July 24, 2012, the National Cancer Institute ("Applicant") filed a site plan amendment application designated Site Plan No. 82010009A ("Amendment") for approval of the following modifications:

1. Substitute asphalt for the walking path at the courtyard radius wall and remove reference to a concrete segment of this path.
2. Enlarge the bio-retention facility to encompass the entire width of the courtyard and include a fountain feature and modify the two adjacent stair access locations.
3. Modify the loading dock ramp at the North/South wall and locate vehicle barriers down the middle of the ramp.

Approval signatures

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4. Accurately depict the generator pit that originally included a pad area for the FLS generator.
5. Add street trees along Campus Way and revise sidewalks; add plantings in the East median.
6. Add a seating area in front of the relocated retail space.
7. Lower the bike locker count from 42 to a total of 20 (the latter total is the minimum required).
8. Modify garage parking in the northwest corner for: striping, count, motorcycle, and handicapped spaces.
9. Reconfigure the location of proposed retail space and add a trash room to the garage.
10. Modify the entrance to Shady Grove Adventist to reflect a recent preliminary plan.
11. Add monumental signage.
12. Add a green screen to the West elevation of the parking garage.
13. Revise bike racks/benches/trash cans/etc. (site furnishing details).
14. Modify the fire lane.
15. Show the location of the transformers.
16. Revised site lighting locations, number, and types.
17. Remove the auditorium area from the NCI building (interior revision).

A notice regarding the subject site plan amendment was sent to all parties of record by the Applicant on July 10, 2012. The notice gave the interested parties 15 days to review and comment on the contents of the amended site plan. Staff did not receive any correspondence from the parties of record.

The proposed amendment is consistent with the provisions of Section 59-D-3.7 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved site plan.

This Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8. The Applicant is responsible for submitting a certified site plan after approval by the Director for the specific modifications.

ACCEPTED & APPROVED BY:

Piera Weiss

Piera Weiss, Deputy Director

8/24/2012

Date Approved

## ATTACHMENT 6



**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

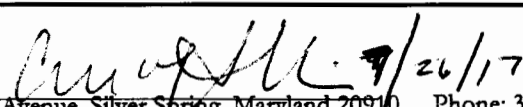
WHEREAS, on February 23, 2012, the Planning Board approved Preliminary Plan No. 1198611158C for an additional 169,071 square feet of development on the JHU Campus, however, this Application (as defined below) falls within the development envelope established by the prior preliminary plans, and therefore 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:

 7/26/17  
8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
MNCPPC Legal Department  
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

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:<sup>1</sup>

### **Conformance with Previous Approvals**

---

<sup>1</sup> For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

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 <sup>2</sup>
Maximum Building Height (feet)	100 <sup>3</sup>	62 (max)
Maximum Building Setbacks (feet)		
Blackwell Road	N/A <sup>4</sup>	60 <sup>5</sup>
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)

<b>Maximum Floor Area Ratio (FAR)</b>	0.5	0.45
<b>Building Area (square feet)</b>	387,357	314,971
<b>Minimum Parking Facility Internal Landscaping (%)</b>	5	15
<b>Minimum Parking Spaces</b>	1,934	1,955
<b>Minimum Handicap Spaces</b>	39	44
<b>Minimum Bicycle parking spaces</b>	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.

  
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Casey Anderson, Chairman  
Montgomery County Planning Board

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