



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

MCPB No. 19-099
Site Plan No. 82010009C
9615 Medical Center Drive
Date of Hearing: June 20, 2019

JUL 24 2019

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, including the zoning then in effect; and

WHEREAS, by Preliminary Plan Nos. 119861150, 11986115A and 11986115B, 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. 11986115C 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. 11986115C, 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, on 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:

Christa Sout 7/11/19

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

WHEREAS, on July 27, 2017, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82010009B (MCPB No. 17-077), 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; Private Road B-8; and the extension of Blackwell Road to create an improved intersection on the Subject Property; and

WHEREAS, on January 24, 2019, JBG/NCI Campus II, LLC (“Applicant”) filed an application for approval of an amendment to the previously approved site plans 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 on the Subject Property; and

WHEREAS, Applicant’s application to amend the site plan was designated Site Plan No. 82010009C, 9615 Medical Center Drive (“Site Plan,” “Amendment,” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated June 3, 2019, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on June 20, 2019, the Planning Board held a public hearing on the Application and received evidence submitted for the record on the Application; and

WHEREAS, on June 20, 2019, the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Cichy, seconded by Commissioner Patterson, with a vote of 4-0; Commissioners Anderson, Cichy, Dreyfuss and Patterson voting in favor, with Commissioner Fani-Gonzalez being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82010009C for removal of parking and reconfiguration of landscaping on the east side of Private Road B-8, increasing the distance between pedestrian walkway and the building; modification of the north parking lot area to remove surface parking and expand entry plaza; modification of the southern access from Blackwell Road, and

modification of the loading area and generator area by modifying the following conditions:¹

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

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

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 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.

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.

Department of Permitting Services Right-of-Way

14. 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.

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, 82010009C, 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 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. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan as revised by previous amendments, and all findings not specifically addressed remain in effect.*
- (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. The 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	Approved 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 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 building.

Pedestrian Circulation

Pedestrian circulation is enhanced by the reconfiguration of the parking lot to the north of the 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.

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

(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.

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

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

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 24 2019 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of

this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Patterson, with Chair Anderson and Commissioners Cichy and Paterson voting in favor of the motion, and Vice Chair Dreyfuss and Commissioner Fani-González absent, at its regular meeting held on Thursday, July 18, 2019, in Silver Spring, Maryland.



Casey Anderson, Chairman
Montgomery County Planning Board