

**Kaiser Permanente Silver Spring (West Farm Technology Park), Limited Site Plan Amendment 81989072A**

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Completed: 7/2/20

**Description**

Request to amend a previously approved Site Plan to increase vehicular parking by 106 spaces and related modifications to sidewalks, stormwater management and landscaping.

Location: 12201 Plum Orchard Drive.

Master Plan: *2014 White Oak Science Gateway Master Plan.*

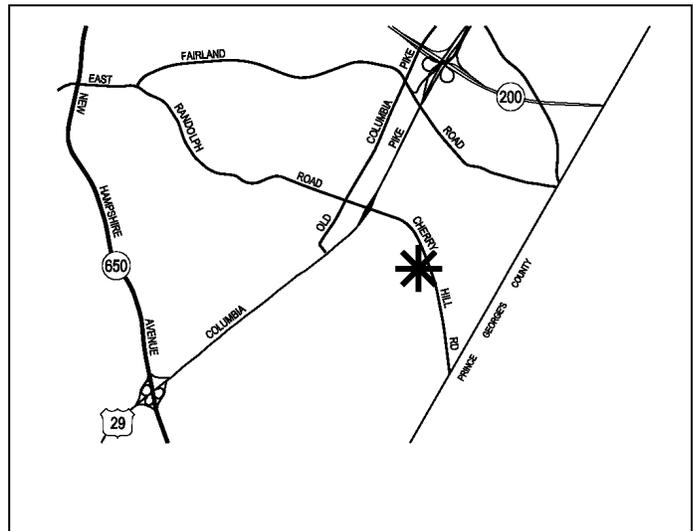
Zone: CR-0.75 C-0.75 R-0.25 H-75.

Property Size: 6.22 acres.

Applicant: Kaiser Foundation Health Plan of the Mid-Atlantic States.

Acceptance Date: April 8, 2020.

Review Basis: Chapter 59, Zoning Ordinance, and Chapter 22A, Forest Conservation Law.



**Summary**

- Staff recommends approval of Site Plan Amendment 81989072A with conditions.
- The Application meets the requirements of Chapter 59, the Zoning Ordinance and Chapter 22A, the Forest Conservation Law.
- The Property was previously developed under the I-3 zone but is currently zoned CR-0.75 C-0.75 R-0.25 H-75.
- The Site Plan includes the addition of 106 parking spaces and related modifications to sidewalks, stormwater management and landscaping.
- Pursuant to the grandfathering provision of Section 59.7.7.1.B.3 of the Zoning Ordinance, this Amendment was reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014.

## RECOMMENDATION & CONDITIONS

Staff recommends approval of Site Plan Amendment 81989072A to allow development of an additional 106 parking spaces with related sidewalks, landscaping, and other improvements. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required. All previous approved plans, findings, and conditions of approval remain in full force and effect, except as modified herein:

### Environment

7. Forest Conservation & Tree Save

The development must comply with the conditions of the approved Forest Conservation Exemption No. 42020133E, dated February 28, 2020.

8. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept letter dated March 25, 2020, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

### Site Plan

9. Landscaping

Prior to the end of the first planting season after the final sediment control device is removed, all landscape plant materials must be installed.

10. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, Sediment Control Permit, or Use and Occupancy Permit, the Applicant must enter into a Site Plan Surety or 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 materials, on-site lighting, site furniture, electric car charging stations, sidewalks, and associated improvements of development.
- c) The bond or surety must be posted before issuance of any building permit, Sediment Control Permit or Use and Occupancy Permit and will be tied to the development program. 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.

11. Development Program

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.

12. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter and other applicable agency letters, development program, and Site Plan resolutions.
- 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) Per 59-6.2.3.D, provide a minimum of three (3) car-share parking spaces.
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.

## CONTEXT & PROPOSAL

### Vicinity

The 6.22-acre Property (outlined in red in Figure 1) is zoned CR-0.75 C-0.75 R-0.25 H-75 and located at the northwest corner of the intersection of Cherry Hill Road and Broadbirch Drive in the 2014 *White Oak Science Gateway Master Plan* area.



Figure 1: Vicinity (Property outlined in red)

### Existing Conditions

The Property is currently developed with a 46,300 square foot medical office building, and there are 212 existing off-street surface parking spaces located at the north side of the building. All vehicular access is from a single entrance on Plum Orchard Drive. The Property straddles the Little Paint Branch and Paint Branch watersheds but is not within a Special Protection Area. There are no forest, wetlands, streams, floodplains, or associated buffers on the Property. There are also no known historic properties or features on site.



## Community Outreach

The Applicant has met all proper signage, noticing, and submission meeting requirements. Staff has received a phone call from a community representative who was concerned about the initial notification process but had no issues with the proposed plan.

## FINDINGS

Per Section 7.7.1.B.3.b of the current Zoning Ordinance, this Amendment was reviewed under the provisions of the Zoning Ordinance in effect prior to October 30, 2014. Section 59-D-3.4 (c) of the Zoning Ordinance in effect prior to October 30, 2014, states: *In reaching its decision the Planning Board must require 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 were 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 existing medical office building continues to meet all applicable zoning requirements and previous conditions of approval. The Applicant is not proposing to modify the structure or previous approvals, except to increase the number of parking spaces, improve the efficiency and layout of the parking lot, and update the parking facility to current standards.

## Parking Development Standards

The Applicant is updating the parking lot to current standards, and the Property is zoned CR and is located outside a parking lot district and reduced parking area. Thus, the following data table indicates the changes in the development's compliance with the applicable Parking Standards of 59.6.2.3. and 59.6.2.4.:

<b>Development Standard</b>	<b>Minimum</b>	<b>Proposed</b>
<b>Minimum Parking Spaces</b> Sec. 59.6.2.4.B		
Total proposed and existing parking 4.00/1000 SF of GFA	212 spaces	318 spaces
<b>Minimum Bicycle Parking</b> Sec. 59.6.2.4.C 1 bicycle/5000 SF of GFA	10 spaces	11 spaces
<b>Minimum Motorcycle Parking</b> Sec. 59.6.2.3.C 2% of total vehicle spaces (10 max)	8 spaces	8 spaces
<b>Minimum Electric Charging Space</b> Sec. 59.6.2.3.E 1 EC/100 parking spaces	4 spaces	4 spaces
<b>Minimum Accessible Parking</b>	8 spaces	22 spaces

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

As seen in Figure 2, the proposed additions and modifications to the existing surface parking lot provide safe, easy access to the building with associated sidewalks and integrates the new parking lot into the existing development. Furthermore, the parking lot will be upgraded to current standards, including current stormwater management practices and providing better tree canopy coverage to reduce heat island effect. The existing development, with the modifications, remains 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.*

There are no new structures proposed for this development, and the existing structures remain compatible with adjacent development.

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.*

#### **Environmental Guidelines**

Staff approved a Natural Resources Inventory/Forest Stand Delineation (No. 42020133E) on February 18, 2020. The simplified NRI shows no streams, wetlands, 100-year floodplains, hydraulically adjacent steep slopes, or known occurrences of rare, threatened, or endangered species on the Property. The project complies with the Guidelines for Environmental Management of Development in Montgomery County (Environmental Guidelines).

#### **Forest Conservation**

The Property is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code) but is exempt from Article II, per Section 22A-5(t). Staff approved a Forest Conservation Exemption on February 18, 2020 (Exemption No. 42020133E).

#### **Stormwater Management**

The Montgomery County Department of Permitting Services (DPS) Stormwater Management Section issued a letter accepting the stormwater management concept approval on March 25, 2020. Stormwater treatment will be accomplished through the use of micro bioretention facilities.

## **CONCLUSION**

Based on the review by Staff and other relevant agencies, and the analysis contained in this report, Staff finds that the proposed Site Plan Amendment meets all the required findings and complies with the applicable Zoning Ordinance standards. Staff recommends approval of this Site Plan Amendment No. 81998072A, subject to the conditions at the beginning of this report.

**ATTACHMENTS**

1. 119820680 Opinion
2. 819890720 Opinion
3. 81989072A Site Plan
4. Agency Letters

## MONTGOMERY COUNTY PLANNING BOARD

## OPINION

Preliminary Plan 1-82068  
 NAME OF PLAN: WESTFARM

On 04-29-82, WESTFARM ASSOC. INC. , submitted an application for the approval of a preliminary plan of subdivision of property in the I3 zone. The application proposed to create 23 lots on 142.19 ACRES of land. The application was designated Preliminary Plan 1-82068. On 10-21-82, Preliminary Plan 1-82068 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing , the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-82068 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-82068, subject to the following conditions:

- . Dedication along East Randolph Road (relocated) and Cherry Hill Road in accordance with master plan
- . Record plat to show 100 year flood plain and 25' building restriction line
- . Denied access to relocated East Randolph Road
- . Site plan to show appropriate buffer along stream, south of Broadbirch Drive
- . Necessary slope and drainage easements
- . Plan to meet conditions of Transportation Memo dated 10/5/82
- . No clearing or grading or recording of plats prior to approval of site plan for streets and buffer area by Montgomery County Planning Bd
- . DOT requirements in connection with relocated East Randolph Road



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD  
OPINION

Site Plan Review #8-89072  
Project: Westfarm Technology Park

Date Mailed: June 14, 1990

Action: (Motion was made by Commissioner Floreen, seconded by Commissioner Hewitt, with a vote of 4-0, Commissioners Keeney, Floreen, Henry, and Hewitt voting for and no Commissioner voting against. Commissioner Bauman was absent.)

On October 17, 1989, Kaiser Permanente submitted an application for the approval of a site plan for property in the I-3 zone. The application was designated Site Plan Review #8-89072.

On June 7, 1990, Site Plan Review #8-89072 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented by the staff and on the staff report with modifications to the conditions hereby adopted by the Montgomery County Planning Board, which is attached hereto and made a part hereof, the Montgomery County Planning Board finds:

1. the Site Plan meets all of the requirements of the zone in which it is located;
2. the locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient; and
3. each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

The Montgomery County Planning Board approves Site Plan Review #8-89072 as follows:

46,300 square feet - medical clinic

subject to the following conditions:

1. Submit a Site Plan Enforcement Agreement and Development Program for review prior to approval of the initial building permit. The Site Plan Enforcement Agreement must include a trip reduction agreement in accordance with the Transportation Planning Division memo dated June 1, 1990, as revised by the Planning Board.

2. Recordation in the land records of Montgomery County, Maryland, of a Trip Reduction Agreement executed by Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc., dated May 14, 1990, or a substantially similar agreement.
3. Tree-save areas and protection devices to be inspected by staff prior to any clearing or grading. The tree-save line must be shown on the approved sediment and erosion control plan.
4. Provide a fence to screen loading areas.
5. Provide a bus shelter adjacent to the site in a location to be determined by MCDOT.
6. The following information must be clearly shown on the signature set of site and landscape plans:
  - a. Limit of disturbance line;
  - b. Methods of tree protection;
  - c. Note stating that M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
  - d. The development program inspection schedule.

Conditions as revised by  
Planning Board on 6/7/90

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

June 1, 1990

MEMORANDUM

TO: Urban Design Division  
FROM: Transportation Planning Division  
SUBJECT: Site Plan Review #8-89072  
Kaiser Medical Center

The Transportation Planning Division recommends the following transportation-related conditions of approval for the proposed Kaiser Medical Center:

The Site Plan Enforcement Agreement for the subject property shall include a trip reduction program having, at a minimum, the following provisions:

A. The Traffic Mitigation Club/Program

1. Pursuant to Site Plan Review #8-84088 (the "Westfarm Streets Only Plan"), Kaiser shall participate pro-rata in a traffic mitigation club (the "Club") with other property owners that must implement area-wide incentives for the Westfarm area at such time as fifty percent of certain recorded lots zoned I-3 in the Westfarm subdivision are constructed. The Club shall include all other property owners subject to this requirement, which membership must develop a Traffic Mitigation Program prior to occupancy of any structure on the lot which triggers the "fifty percent" requirement. The membership must memorialize their requirements in the Program by an enforceable agreement running to the Planning Board (the "Agreement"). The incentives shall include a personalized Share-A-Ride rideshare matching program, bus shuttle services, and any other reasonable primary and back-up measures to help achieve Kaiser's trip reduction goal, subject to the approval of the Planning Board.

2. Kaiser's trip reduction goal is to reduce the building's standard trip generation rate by ten percent, which currently translates to a rate of no more than 2.23 vehicle trips per 1,000 gross square feet of occupied building floor area entering the site in the morning peak hour and exiting the site in the evening peak hour.
3. The Agreement must include, among other components, primary and backup means to achieve the trip reduction goal, accounting procedures and the developer's payment for auditing costs, enforcement and security mechanisms, and the creation of joint and severable liability. The Agreement must be approved by the Planning Board.

B. Current On-site Measures

1. Commencing with initial occupancy of the building on the subject property, Kaiser shall offer all employees in the building the following on-site incentives, which can contribute toward achieving the trip reduction goal:
  - a) a discount of at least 25 percent on vanpool and transit fares, in addition to any discounts, if any, provided by MCDOT;
  - b) sufficient reserved parking spaces for all carpoolers and vanpoolers, as close to the building entrance as possible; and
  - c) free ~~taxi~~ rides in cases of occasional family emergencies for carpoolers, vanpoolers, and transit users.
2. Commencing with initial occupancy of the building on the property, Kaiser shall designate a transportation coordinator who shall be responsible for administering the trip reduction program.
3. Prior to acceptance of the building's initial use and occupancy permit, Kaiser shall install a bus shelter at a bus stop on Cherry Hill Road in the vicinity of the site. The shelter location shall be subject to MCDOT approval. The shelter shall be equipped with a wooden bench and shall otherwise conform with bus shelter specifications approved by MCDOT.

AH:kcw/b:kaiser.ah





## DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Hadi Mansouri  
Acting Director

March 25, 2020

Mr. Ghassan Khouri  
VIKA Maryland, LLC  
20251 Century Boulevard, Suite 400  
Germantown, MD 20874

Re: **COMBINED STORMWATER MANAGEMENT  
CONCEPT/SITE DEVELOPMENT  
STORMWATER MANAGEMENT PLAN** for  
Kaiser Permanente Silver Spring Additional  
Parking  
Preliminary Plan #: 81989072A  
SM File #: 285611  
Tract Size/Zone: 6.11  
Total Concept Area: 1.27 Acres  
Lots/Block: 15244  
Parcel(s): W  
Watershed: Paint Branch III

Dear Mr. Khouri:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via installation of 4 Microbioretention practices.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to



255 Rockville Pike, 2<sup>nd</sup> Floor, Rockville, Maryland 20850 | 240-777-0311  
[www.montgomerycountymd.gov/permittingervices](http://www.montgomerycountymd.gov/permittingervices)

*Mr. Ghassan Khouri*  
*March 25, 2020*  
*Page 2 of 2*

reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Andrew Kohler at 240-777-6275 or by email at [Andrew.Kohler@montgomerycountymd.gov](mailto:Andrew.Kohler@montgomerycountymd.gov).

Sincerely,

*Mark Etheridge*

Mark C. Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

MCE: 285611

cc: N. Braunstein  
SM File # 285611

ESD: Required/Provided 5204 cf / 5318 cf  
PE: Target/Achieved: 1.78"/1.82"  
STRUCTURAL: N/A cf  
WAIVED: N/A ac.