



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

AUG 10 2020

MCPB No. 20-070
Site Plan No. 81989072A
Kaiser Permanente Silver Spring (West Farm Technology Park)
Date of Hearing: 7/16/2020

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

WHEREAS, the Planning Board, by MCPB Opinion dated June 14, 1990, approved Site Plan No. 819890720 for a maximum of 46,300 square feet of medical clinic on 6.22 acres of CR-0.75 C-0.75 R-0.25 H-75 zoned-land identified as Parcel W in the West Farm Technology Park subdivision, located in the northwest corner of the intersection of Cherry Hill Road and Broadbirch Drive ("Subject Property"), in the 2014 White Oak Science Gateway Master Plan ("Master Plan") area; and

WHEREAS, on April 8, 2020, Kaiser Foundation Health Plan of the Mid-Atlantic States ("Applicant") filed an application for approval of an amendment to the previously approved site plans for the addition of 106 parking spaces and related modifications to sidewalks, stormwater management and landscaping on the Subject Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 81989072A, Kaiser Permanente Silver Spring (West Farm Technology Park) ("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 2, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 16, 2020, Staff presented the Amendment to the Planning Board as a consent item for its review and action, at which time the Planning Board voted to approve the Amendment subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 81989072A for the addition of 106 parking spaces and related modifications to sidewalks, stormwater management and landscaping on the Subject Property. All previous approved plans, findings, and conditions of approval remain in full force and effect, except as modified herein:¹

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-

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.

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, subject to review and approval by Staff, before 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.

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 Kaiser Permanente Silver Spring (West Farm Technology Park), Site Plan Amendment No. 81989072A, 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:

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site, and all findings not specifically addressed remain in effect.

- 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 Property.

- 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.

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.:

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

Building and Structures

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.*

The Site Plan Amendment meets the requirements of the Montgomery County Forest Conservation Law, the County's Environmental Guidelines, and the County's Stormwater Management Requirements.

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.

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 10 2020 (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).

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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 Vice Chair Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, July 16, 2020, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board