



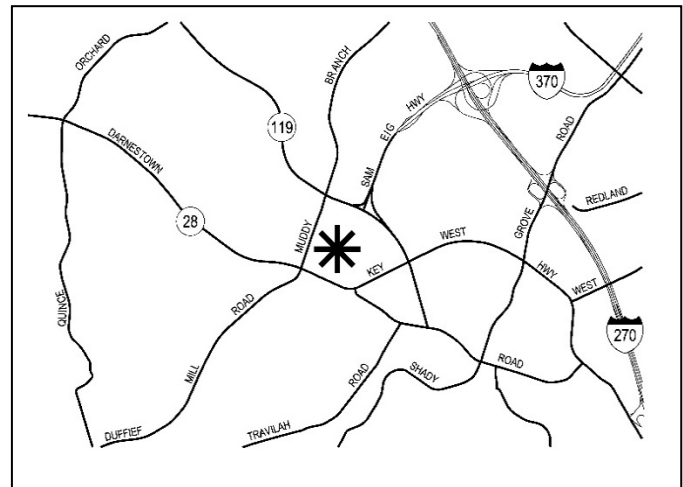
Johns Hopkins Medical Office and Surgery Center at Belward, Site Plan No. 820210120

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Completed: 9/16/21

Description

- **Proposal:** Request to develop Phase I of the Belward Farm Overall Site with a health care and surgery facility containing approximately 126,200 gross square feet, with parking facilities, public use space, and other amenities.
- **Location:** 9951 Key West Avenue, Rockville, MD; more specifically, the southeast corner near the intersection of Darnestown Road and Key West Avenue.
- **Sector Plan:** 2010 *Great Seneca Science Corridor Master Plan*.
- **Current use:** Overall Site is improved with the adjacent historic Belward farmstead.
- **Zone:** LSC-1.0 H-150 T
- **Size:** 11.18 acres developed out of an approximately 107-acre Overall Site.
- **Applicant:** Johns Hopkins Health System Facilities
- **Acceptance Date:** May 5, 2021.
- **Review Basis:** Chapters 22A; Section 59-7.7.1.b of the Zoning Ordinance in effect October 30, 2014 and Sections 59-C-5.3 and 5.477 of Zoning Ordinance in effect on October 29, 2014.



Summary

- Staff recommends approval with conditions.
- This Project is being reviewed under the previous LSC Zone development standards in effect on October 29, 2014, as permitted under Section 59-7.7.1.B.1 of the Zoning Ordinance.
- Section 59.7.7.1.B.3.b allows old code site plans to be reviewed under the current Zoning Ordinance for parking.
- The Planning Board previously approved Preliminary Plan No. 119961100 on March 6, 1997 and Preliminary Plan Amendment No. 11996110A under Resolution MCPB No. 11-72 on November 2, 2011.
- The Project includes a one (1) story medical building of 126,200 square feet, public use space, a garden area and seating, with views of the historic Belward farmhouse, the Darnestown Promenade, and a private road.
- The Final Forest Conservation Plan proposes 24.56 acres of forest clearing, 2.57 acres retained, a mitigation requirement of 38.57 acres, and 7.01 acres of forest plantings in the 200-foot wide Mission Hills Preserve.
- In accordance with Section 59.7.3.4.C of the Zoning Ordinance, the Planning Director extended the 120-day review period by 1 month, from September 2, 2021 to October 2, 2021.
- Staff has not received any public comments on this Application.

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SECTION 1: RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan No. 820210120 for the development of Phase I of the Belward Farm Overall Site (“Site Plan” or “Application”). The development must comply with the conditions of approval for Preliminary Plan No. 11996110A, as amended, as listed in the MCPB Resolution No. 11-72 dated November 2, 2011. 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 except as modified by the following conditions.¹

Density and Height

1. Density
The Site Plan is limited to a maximum of 126,200 gross square feet of total development on the Subject Property for one building with medical office uses.
2. Height
The development is limited to a maximum height of 80 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

Public Use Space, Facilities and Amenities

3. Public Use Space, Facilities, and Amenities
 - a. The Applicant must provide a minimum of 75,851 square feet of public use space (roughly 9% of the Site Plan) on-site.
 - b. Prior to issuance of the first Use and Occupancy Certificate, the Applicant must construct the streetscape improvements, including the undergrounding of new on-site utilities, along the Application frontage on Darnestown Road, as illustrated on the certified Site Plan.
 - c. Prior to issuance of the first Use and Occupancy Certificate, all public use space areas on the Application must be completed.
 - d. Within the first growing season after the issuance of the first Use and Occupancy Certificate, the landscape buffer located between the sidewalk and Darnestown Road and Road B-4, as shown on the Certified Site Plan, must be provided.
 - e. The record plat must reference the Public Use Space Covenant recorded at Book 28045 Page 578 (Covenant).
4. Maintenance of Public Amenities
The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to pedestrian scale lighting, tables, benches, and trash receptacles.

Environment

5. Forest Conservation
The development must comply with the Final Forest Conservation Plan subject to the following conditions:

¹ For the purposes 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.

- a) The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- b) The Applicant must comply with all tree protection and tree save measures shown on the approved Certified Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
- c) The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Certified Final Forest Conservation Plan.
- d) Prior to certification of the Final Forest Conservation Plan, the Applicant must adjust the LOD to match the LOD on the Site Plan, and eliminate extraneous LOD lines, grading lines, etc.
- e) Prior to certification of the Final Forest Conservation Plan, the Applicant must make certain that all off-site disturbance areas have been incorporated into the Net Tract Area, adjust the total Afforestation and Reforestation requirement, and make any minor technical changes identified by Staff.
- f) Prior to certification of the Final Forest Conservation Plan, the Applicant must show the planting locations and species of trees planted in mitigation for the removal of the variance trees. These plantings must total at least 27.35 inches caliper of native shade trees, and each tree must be at least 3 inches caliper.
- g) Prior to certification of the Final Forest Conservation Plan, the Applicant must add tree protection measures, such as tree protection fencing and root pruning, in the vicinity of existing trees and forest to be preserved.
- h) Prior to certification of the Final Forest Conservation Plan, the Applicant must indicate on the plans that the entire Mission Hills Preserve will be afforested as shown on the Certified Final Forest Conservation Plan.
- i) The Applicant must install the forest plantings in the 200-foot wide Mission Hills Preserve within two planting seasons following the release of the first sediment control permit associated with this Site Plan.
- j) Prior to the start of any demolition, clearing or grading associated with this Site Plan, the Applicant must provide financial surety to the M-NCPPC Planning Department for the 7.01 acres of new forest planting in the Mission Hills Preserve.
- k) Prior to the start of any demolition, clearing and grading associated with the first sediment control permit, the Applicant must record Category I Conservation Easements over all onsite retained forest and for the forest planted within the Mission Hills Preserve and abandon the 1.23-acre easement area as specified on the certified Forest Conservation Plan. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel and shall allow for necessary grading for roads and associated stormwater management facilities approved by the Preliminary Plan and any subsequent site plans or amendments, as illustrated on Final Forest Conservation Plan No. 820210120, must be recorded in the Montgomery County Land Records by deed, and the Liber and Folio for the easement must be referenced on the record plat.
- l) The Applicant must submit a five-year Maintenance and Management Agreement in a form approved by the M-NCPPC Office of General Counsel prior to the start of any demolition, clearing or grading on the Property. The maintenance and management agreement is required for all forest planting areas credited toward meeting the requirements of the Forest Conservation Plan, including the reforestation of environmental buffers and the planting of variance mitigation trees.

- m) The Applicant must use road construction design and construction techniques, such as bridging or bottomless culvert, to avoid disturbing the wetland and wetland buffer in the north central part of the site.
- n) Prior to certification of the Final Forest Conservation Plan, the Applicant must deduct 2.84 acres from the forest retention area in the worksheet, because this amount of forest retention on the eastern portion of the original Belward Property was never placed in an easement. The worksheet must adjust the off-site forest mitigation to be provided. The FFCP must show only the retention areas under easement on the eastern portion of the Property.

6. 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 August 2, 2021 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.

7. Underground Utilities

Prior to the issuance of the first Use and Occupancy permit for the medical office building, the undergrounding of new on-site utility lines along the Application frontage and within the Subject Property must be completed.

Transportation & Circulation

8. Transportation

- a) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated June 22, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.
- b) Before the issuance of the certified Site Plan, the Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Greater Shady Grove Transportation Management District (TMD).
- c) Prior to the issuance of the Use and Occupancy certificate, the Applicant must provide a left turn lane at the existing signalized intersection of Darnestown Road and Key West Avenue as illustrated on the Certified Site Plan in order to accommodate vehicular access for eastbound traffic and with final design subject to the Maryland State Highway Administration's (SHA) approval.

9. Private Roads

- a) The Applicant must provide Private Road B-4 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:
 - i. The record plat must show the Private Road in a Public Use Easement. The record plat must clearly delineate the Private Road and include a metes and bounds description of the boundaries of the Private Road.

- ii. The Private Road must be subjected by reference on the 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 to Paragraph 10 for gross negligence or willful misconduct by any of the Releasees (as previously approved in Site Plan No. 82010009B and reflected in a Declaration recorded in the Land Records at Book 55152, page 261), and the terms and conditions as required by the Montgomery County Code with regard to private roads set forth at § 50-4.3.E et seq. as applicable.
 - iii. Prior to issuance of the first above ground 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 construction permits for the Private Road will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified 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.
 - iv. A certification of reserves must be set aside for ongoing maintenance requirements with respect to the private roads, in an amount approved by M-NCPPC Staff.
- b) The Applicant must record a covenant prior to the issuance of the first building permit for the Property requiring the Applicant or its designee to construct the remaining portion of Private Road B-4 from its terminus as shown on the certified site plan to Belward Campus Drive when permits are issued for the construction of Belward Campus Drive along the Subject Property frontage. The covenant, which shall be reviewed and approved by the Commission's Office of the M-NCPPC General Counsel, shall be recorded among the land records and binding on the Applicant's successors and assigns.

10. Pedestrian & Bicycle Circulation

- a) The Applicant must provide twenty (20) long-term and four (4) short-term bicycle parking spaces.
- b) The long-term spaces must be in secured, well-lit parking areas, and the short-term spaces must be inverted-U racks (or approved equal) installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- c) The Applicant must provide the following master planned pedestrian and bicycle facilities, the exact location, design and construction of which must comply with requirements set forth by the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations, before right-of-way permit:
 - i. Darnestown Road Promenade: 60-foot-wide right-of-way with five-foot-wide sidewalks as shown on the Certified Site Plan.
 - ii. Darnestown Road: ten-foot-wide sidepath adjacent to the Darnestown Road Promenade.

11. Fire and Rescue

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section

in its letter dated September 10, 2021, 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.

Site Plan

12. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheets A0100 through A0300 of the submitted architectural drawings, as determined by M-NCPPC Staff.

13. Lighting

- a) Prior to 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).
- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on all proposed fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

14. Site Plan Surety and Maintenance Agreement

Prior to issuance of the first building permit, sediment control permit, or Use and Occupancy Certificate, 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 in effect on October 29, 2014, 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, on-site lighting, indoor and outdoor recreational facilities, site furniture, 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. The surety must be posted before issuance of the first building permit of development and will be tied to the development program.
- 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.

15. 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.

16. Certified Site Plan

Before submittal 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, development program, and Site Plan resolution (and other applicable resolutions) on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c) 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."
- d) Finalize the location and amount of ground cover and perennial plantings for the Darnestown Road Promenade.
- e) Provide the revised data table to reflect development standards approved by the Planning Board.
- f) Revise the Private Road B-4 cross section detail and plan view to include the following elements between the Property line and the roadway curb:
 - i. Proposed eight-foot (8-ft.) Sidewalk
 - ii. Proposed six-foot and six inches (6 ft.- 6 in.) Bicycle Lane
 - iii. Proposed nine-foot (9-ft.) Lawn Panel with Major Species Trees and Micro-bioretenention facilities
 - iv. Proposed thirteen-foot (13-ft.) Travel Lane
- g) Ensure consistency of all details and layout between Site and Landscape plans.
- h) Make additional adjustments to the lighting sheets to ensure that lighting levels adequately illuminate the sidewalks along proposed Private Road B-4, the asphalt walking path to the north of the building, and along the 60-foot-wide Darnestown Road Promenade.
- i) Provide the open space exhibit in the certified plan set.

SECTION 2: VICINITY AND SITE DESCRIPTION

Vicinity

The Subject Property (“Subject Property” or “Property”- outlined in red in Figure 1 below) is situated to the west of I-270, between the city limits of Gaithersburg and Rockville, with access to Key West Avenue (MD 28).

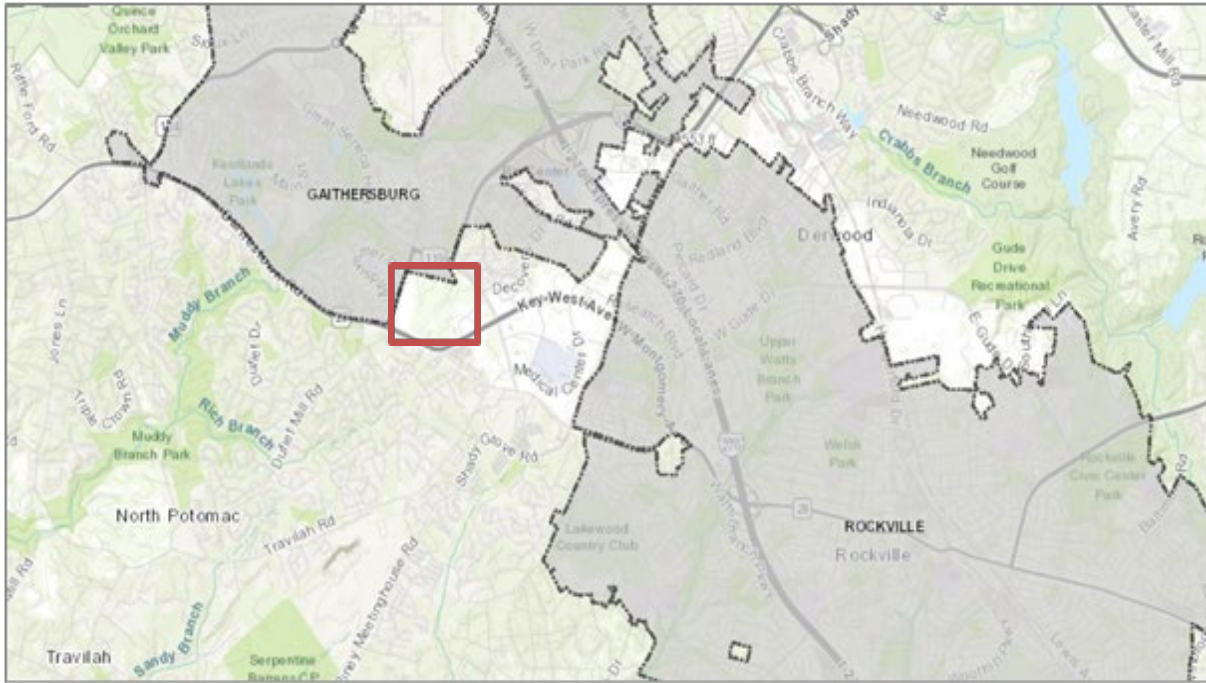


Figure 1: Project Situate (Subject Property vicinity outlined in red)

The Subject Property is located within the Life Sciences Center (LSC) of the Great Seneca Science Corridor (shown in Figure 2), and within one to two miles of various destinations including several early childhood centers and elementary schools, the Shady Grove Professional Center, the Traville Shopping Center, Johns Hopkins University, Universities at Shady Grove, the Shady Grove Adventist Hospital, and the former Public Safety Training Academy (PSTA) Site. In addition to commercial and institutional uses, the Subject Property is near residential communities including both townhomes south of Darnestown Road and single-family detached dwelling units west of Muddy Branch Road.

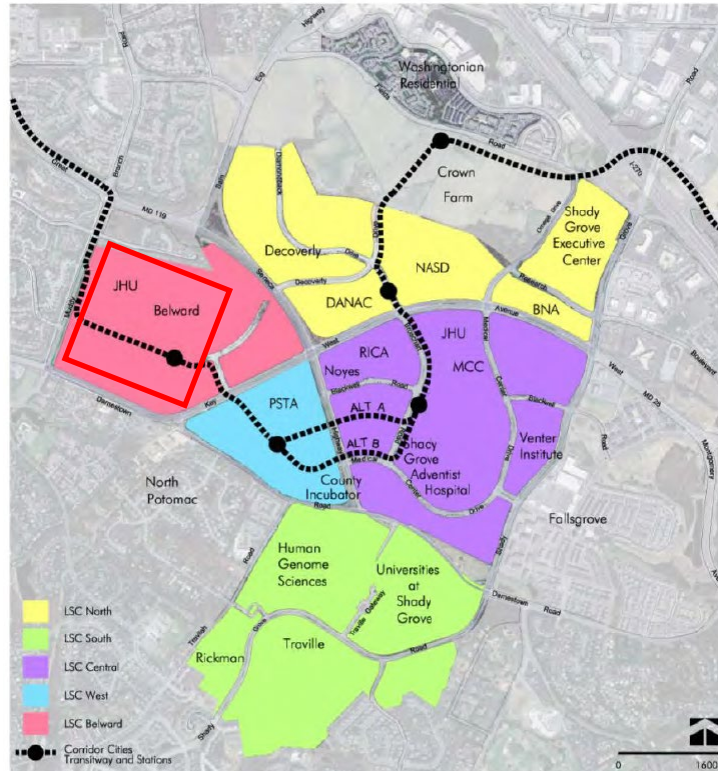


Figure 2: Life Sciences Center Districts (Subject Property highlighted in red)

The Johns Hopkins University Belward Research Campus subdivision (the “Overall Site”) is owned by Johns Hopkins University, is comprised of approximately 107 acres of land, and is generally bounded by Darnestown Road/Key West Avenue (MD 28) to the south, Muddy Branch Road to the west, the Mission Hills subdivision to the north, and the Johns Hopkins Belward Research Campus to the east. The Subject Property for this Site Plan Application is located in the southeast portion of the Overall Site and totals approximately 11.18 acres (Figure 3). The Subject Property is immediately west of Johns Hopkins Drive and a cluster of medical and biotechnology-based uses located along Key West Avenue (MD 28) and immediately east of the Belward Farm historic farmstead accessed from Darnestown Road (MD 28) which comprises the Overall Site.

Site Location

The Subject Property, located at 9951 Key West Avenue, consists of a tract area of 11.18 acres. The Property consists of existing Parcel B, Block C and is located within the LSC Belward District of the 2010 *Great Seneca Sciences Corridor Master Plan* (“GSSC Master Plan” or “Master Plan”). The LSC Belward District is recommended to be developed as a research campus with a limited amount of employee housing and includes a station for the future Corridor Cities Transitway (CCT).

The Overall Site, including the Subject Property, was previously used for agricultural uses and is comprised of open field areas and stream valleys. There is one existing access point onto the Overall Site, via a driveway from Darnestown Road, that provides access to the approximately 10-acre historic Belward farmstead. The Overall Site’s historic Belward Farm includes the 1891 farmhouse, barns, and outbuildings. A 6.98-acre environmental setting was established for the historic properties by the 1996 Preliminary Plan

approval. There is an existing five-foot-wide asphalt sidepath along the Property's Darnestown Road (MD 28) frontage.



Figure 3: Overall Site and Subject Property

Previous Approvals

Preliminary Plan

On March 6, 1997, the Planning Board approved Preliminary Plan No. 119961100 for up to 1.8 million square feet of office and R&D use with a density of 0.3 FAR in the R&D Zone on a 138-acre tract of land. The eastern portion of the Belward Research Campus, with access from Key West Avenue, was sold and developed and is now home to Automated Precision, Inc., Novavax, GlaxoSmithKline, and Nutricia. The remaining 107 acres is undeveloped.

An Amended Preliminary Plan, designated No. 11996110A, was approved by the Planning Board on November 2, 2011 for the redevelopment of the Overall Site with up to 1,410,000 square feet of development, subject to conditions enumerated in Resolution MCPB No. 11-72. The Amended Preliminary Plan also revised the previously approved lot (creating two (2) recorded parcels on the Property (Parcel A and Parcel B)) and roadway configuration in anticipation of future adequate public facility and preliminary plan approvals for an additional 3.3 million square feet of commercial development as permitted by the Master Plan and the LSC Zone (for a total of 4,710,000 square feet of development). As stated in the approved and amended Preliminary Plan No. 119961100, the Project will be served by adequate public facilities (APF), including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. In 2001, the Planning Board approved an amendment to the Initial Preliminary Plan. On September 23, 2010, the Planning Board granted an extension of the validity period of the adequate public facilities approval period from the original Preliminary Plan.

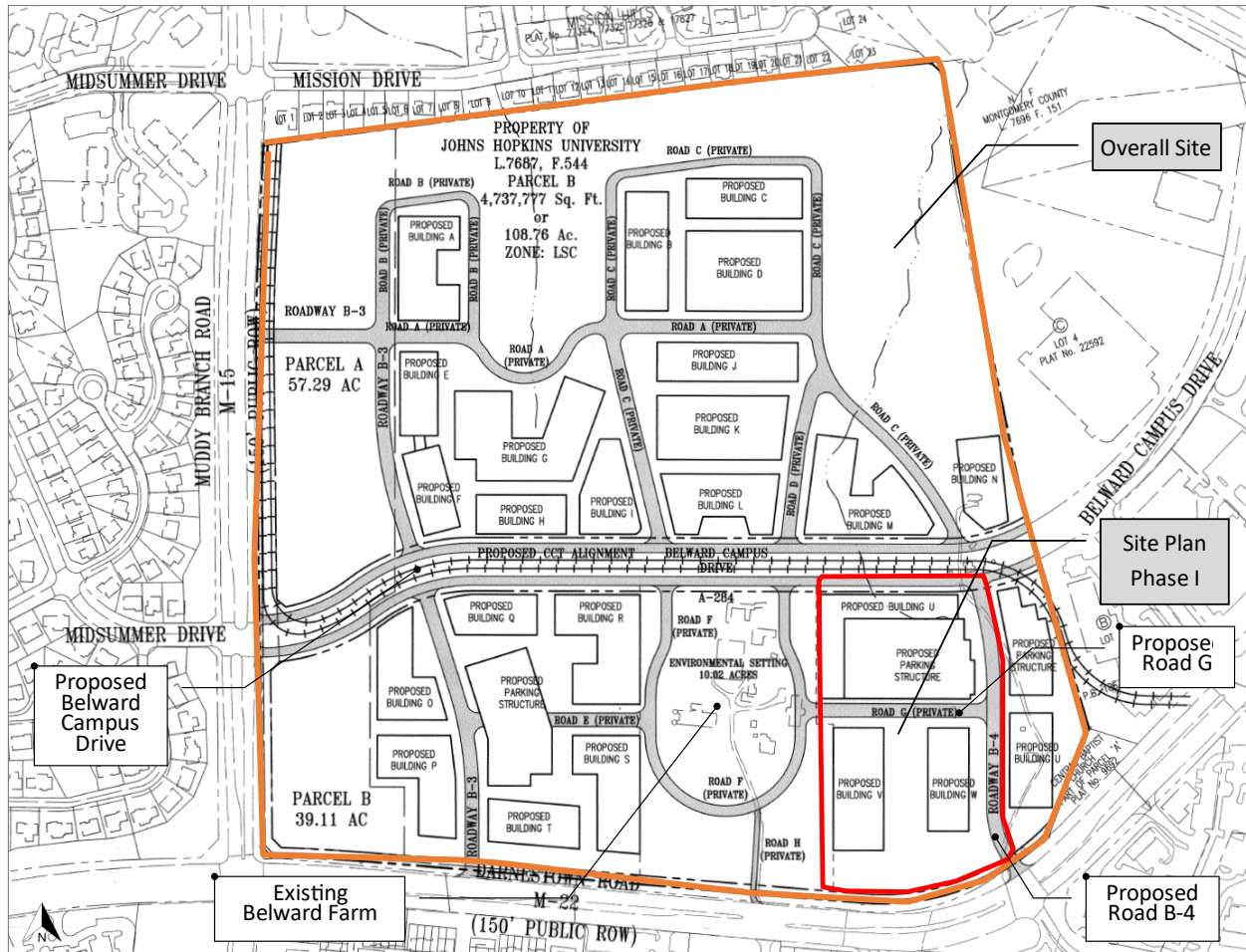


Figure 4: Approved Amended Preliminary Plan No. 11996110A

Concept Plan

The 2010 GSSC Master Plan requires the largest property owners (sites comprised of 20 acres or more) located at proposed CCT stations to submit a Concept Plan with the first Preliminary Plan Application to “address the Plan’s guidelines, including the CCT location, the highest densities and height at transit, preservation of the historic property and views of the farmstead, creation of a local street network and the LSC Loop, the open space system, neighborhood buffers, and connections from surrounding residential neighborhoods (pg. 45).” Accordingly, a Concept Plan for the Subject Property was reviewed as part of Preliminary Plan No. 11996110A.

SECTION 3: PROJECT DESCRIPTION

Proposal

The Subject Application is the first Site Plan implementing a portion of Amended Preliminary Plan No. 11996110A for the Overall Site. The Application seeks to redevelop the Subject Property with a 126,200-square foot medical office building with a maximum height of 80 feet, with surface parking, open spaces, lighting, landscaping, and other amenities.

The Project anticipates providing solely outpatient services in an ambulatory setting, such as imaging, radiation oncology, medical oncology, primary care, specialty care, ambulatory surgery, infusion, as well as a laboratory and pharmacy. The Project's building will have two points of access that include a main entry with a highly visible drop off area with canopy, as well as a lower entry in the building's rear that is intended to serve as a dedicated entrance for patients. Per the Master Plan, the Project will attain 30% tree canopy and will provide sustainability features such as green roofs.

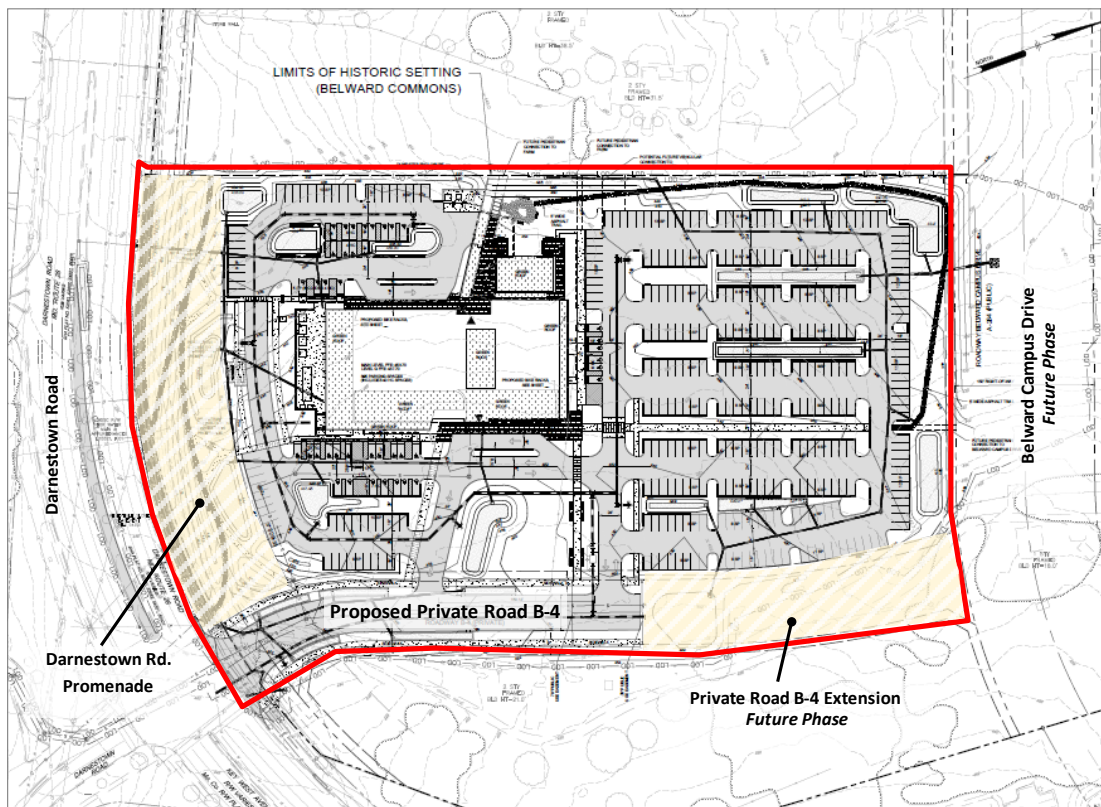


Figure 5: Proposed Site Plan (Subject Property outlined in red)



Figure 6: Illustrative Site Plan



Figure 7: Proposed East Building Elevation

Phasing

The Overall Site is comprised of approximately 107 acres; 11.18 acres of which will be redeveloped as part of the subject Site Plan application. Per the Preliminary Plan, the Overall Site will be developed in multiple phases that may occur in any order or may be combined, with the various plan elements to be determined at the time of each Site Plan. As demonstrated below on the submitted Potential Future Phase Exhibit (Figure 8), the surface parking lot, located to the rear of the Subject Property, may be replaced with an ambulatory building and associated structured parking garage in a future phase. If the Applicant pursues this future phase on the Subject Property, a Site Plan Amendment will be required. Future development on the Subject Property, or on confronting or adjacent properties will include the construction of Belward Campus Drive as the main pedestrian and vehicular street envisioned in the Master Plan and as conditioned in the Preliminary Plan.

Preliminary Plan Condition No. 13 states that at the time of each relevant Site Plan, the Applicant must construct the portion of Belward Campus Drive (as highlighted in Figure 8 below), including the shared use path, necessary to serve the development included in that site plan. This new extension will create a new corridor facing Belward Farm and the future transit hub on Belward Campus Drive. This future phase is envisioned to coincide with more density and activity on the Site and to address growing commercial activation. As conditioned, the Applicant is required to record a covenant prior to the issuance of the building permit for the Subject Property requiring the construction of the remaining portion of Private Road B-4 from its terminus as shown on the Site Plan to Belward Campus when permits are issued for the construction of Belward Campus Drive.

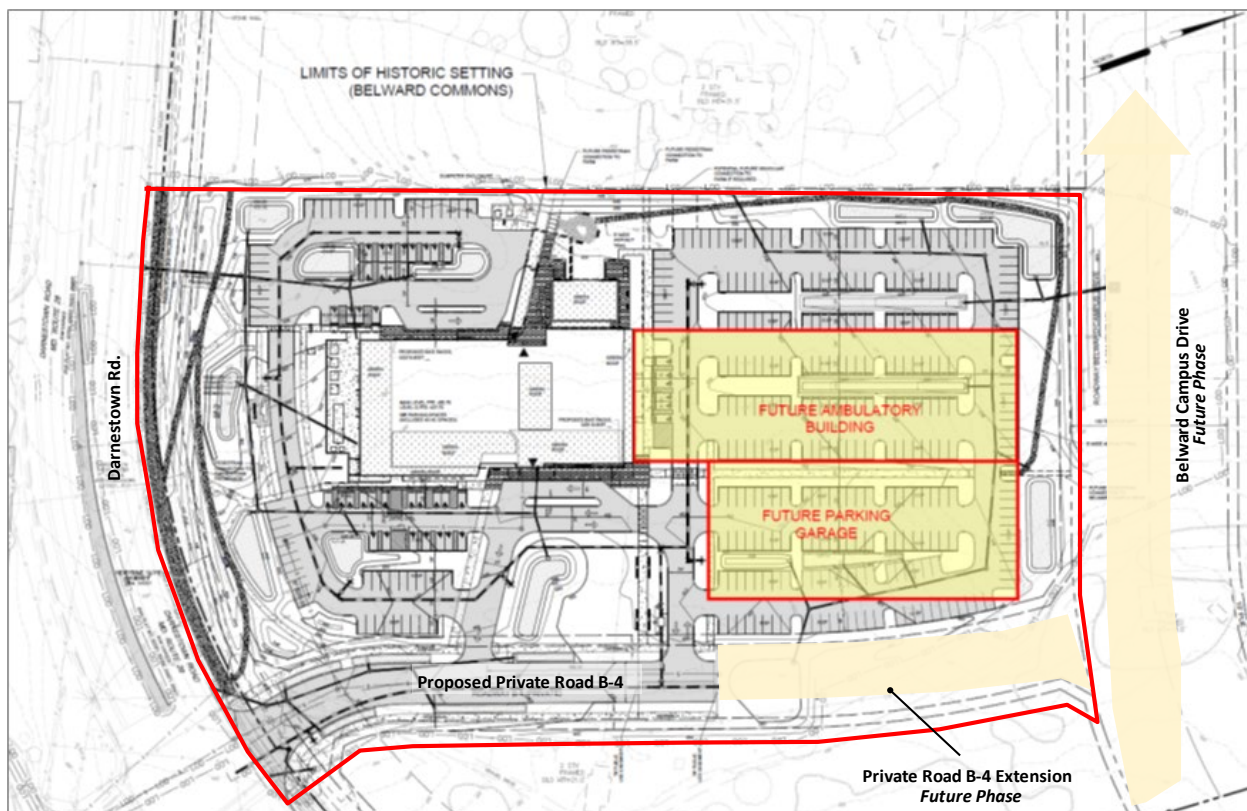


Figure 8: Potential Future Phase for the Subject Property

Height Requirements

The Subject Property falls within the LSC-1.0 H-150 T zone with a maximum building height of 110 feet, as limited by the Preliminary Plan. The proposed building will have a maximum height of 80 feet, as shown on the Certified Site Plan.

Access and Circulation

The Applicant proposes to construct a new street connection at the Darnestown Road and Key West Avenue (MD 28) intersection to create a four-leg signalized intersection. Consistent with the approved Preliminary Plan No. 11996110A, vehicular access in this first phase of the overall Johns Hopkins University Belward Research Campus is proposed to be provided from Private Road B-4 north from Darnestown Road, with access from Belward Campus Drive (A-284) and Muddy Branch Road (M-15) proposed to be built in future phases. As part of this Application, all access into the Subject Property is proposed from the construction of Private Road B-4, with two driveways providing separate ingress and egress along the western frontage of the new road connection. Private Road B-4 will be constructed as a private road to business district road standards with a 70-foot wide street parcel with two vehicular travel lanes.

As conditioned, the Applicant will provide a revised road cross-section prior to the certification of the Site Plan that includes eight-foot (8-ft.) sidewalks, six-foot and six inches (6 ft.-6 in.) bicycle lanes, two (2) thirteen-foot (13-ft.) travel lanes, and nine-foot (9-ft.) lawn panels with major species trees and micro-bioretenention facilities.

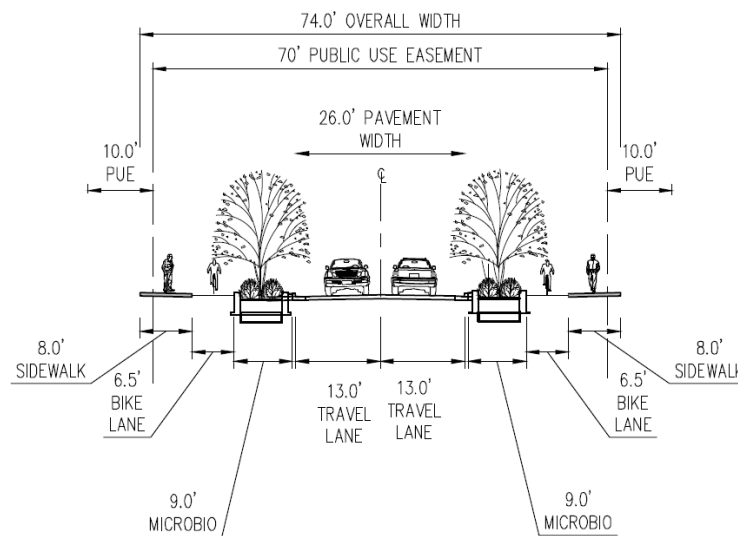


Figure 9: Proposed Road Cross Section for Private Road B-4

In anticipation of the future construction of the Decoverly Drive Extension that is highlighted in the GSSC Master Plan (see Figure 13 on page 32), the Applicant will construct Private Road B-4 as a temporary dead end street that will connect to the Decoverly Drive Extension once it is built to the existing Belward Campus Drive right-of-way to the east. This vehicular and pedestrian access to the Subject Property will be provided by a 500-foot long segment that does not extend to the proposed Belward Campus Drive to the north. The Applicant intends for a future Site Plan to include the remainder of the proposed Private Road B-4 that was approved in the Preliminary Plan.

As conditioned, the full-extent of Private Road B-4 along the Subject Property frontage shall be constructed to start the implementation of an interconnected grid network as recommended in the 2010 *Great Seneca Science Corridor Master Plan*. Additional discussion is under the Findings in Section 5 of this Report.

The internal driveways emanating from Private Road B-4 will provide circulation for the storage of emergency and private vehicles, pickup/drop-off, deliveries, as well as other short-term parking needs. Vehicular and loading access to the building and surface parking areas are proposed to occur via the internal driveway network, preventing the addition of new access points onto Darnestown Road, in support of circulation goals in the GSSC Master Plan. Two curbside pickup/drop-off areas are proposed to the east and west of the building. The rear parking area has been configured to facilitate east-to-west movement across the Site and preserving the historic Belward Farm vista identified on the approved Preliminary Plan. Proposed Road G is shown on the amended Preliminary Plan as a private road connection that bisects the Subject Property (refer to Figure 4 on page 12 in Section 2 and Figure 13 on page 32 in Section 5). Although Road G will not be implemented as a Private Road at this time, the Site Plan preserves its alignment as the primary drive aisle of the surface parking lot and does not preclude a future connection to the historic Belward farmstead, if needed in the future.

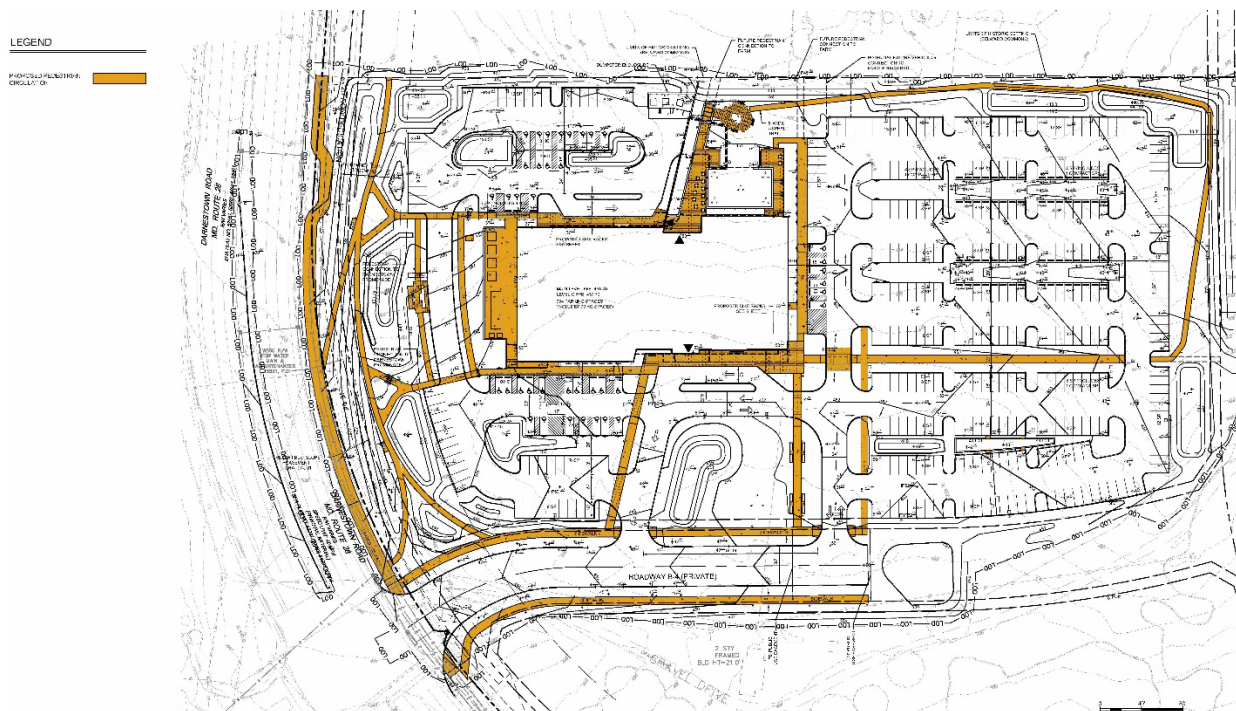


Figure 10: Proposed Pedestrian Circulation Plan

In accordance with Section 59.7.7.1.B.3 of the Zoning Ordinance, which permits the Applicant to use Sections 59.6.2.3 and 59.6.2.4, the Project will provide 394 vehicular spaces within a surface parking lot, four (4) car sharing spaces, and five (5) electric vehicle charging spaces. A loading dock is located off of the proposed driveway loop on the west side of the building, which meets requirements set forth in Section 59.6.2.8.B of the Zoning Ordinance. A left turn lane will be provided at the existing signaled intersection of Darnestown Road and Key West Avenue in order to accommodate vehicular access for eastbound traffic.

Pedestrian and Bicycle Facilities

Consistent with prior approvals and the Master Plan, the Project accommodates pedestrian access by constructing the Darnestown Road Promenade along the Subject Property's Darnestown Road frontage. The GSSC Master Plan states that the:

“Darnestown Promenade will include a three-acre landscaped buffer (60-foot wide) along Darnestown Road that maintains vistas to the historic farmstead, includes the landmark sign (boulder and plaque), and creates a tree-lined pedestrian path that connects to the on-site path system as well as the LSC Loop. The buffer will be significantly deeper on the western portion of the Site where it merges with the Muddy Branch Park. In addition, a countywide bikeway (DB-16) must be completed along Darnestown Road (page 43).”

The Promenade will offer five-foot-wide sidewalks, pedestrian scale lighting, micro-bioretenion swales, seating, and a pedestrian short-cut from Darnestown Road through the parking lot to the building through sidewalks with landscaped areas.

Located adjacent to the Darnestown Road Promenade, the Project proposes to construct a ten-foot wide sidepath and street buffer along the Darnestown Road Property frontage from proposed Private Road B-4 to the frontage of the historic Belward Farm. Both the Promenade and the sidepath provide access to the new bus stop pad located along the Property's Darnestown Road frontage. Consistent with the Preliminary Plan approval, the extension of the sidepath and the Darnestown Road Promenade will eventually be completed to the Muddy Branch Road intersection through future Site Plan applications for the Overall Site. Conventional striped bike lanes which are currently located along both flanks of Darnestown Road are proposed to be maintained as part of this Project.

Other pedestrian facilities include tree-lined access from Private Road B-4 to the Project's main entry, as well as a pathway from the Project's lower entry connecting the medical office building to landscaped gardens with public seating and the Belward farmhouse and outbuildings. The sidewalk along the northern edge of the building serves an important visual and pedestrian connection to the historic farm and will be buffered from the parking areas and will have adequate landscaping.

The Project also includes buffered sidewalks along proposed Private Road B-4. A proposed pathway system extends along Private Road B-4 to provide opportunities for patients, visitors, and area residents to benefit from walking and exploring various parts of the Subject Property and the larger Overall Site. The Project will provide a five-foot-wide asphalt walking loop around the northern surface parking lot that connects back to the western plaza and connects Private Road B-4 and the future Belward Campus Drive. There is also a proposed sidewalk through the surface parking lot that connects into this walking loop. The south western edge of the Site is constrained and a walking path in this area is expected to be provided as part of future expansion of the historic farm parcel with education, social, or cultural uses that complement the community as prescribed by the Master Plan.

Open Space

Per the GSSC Master Plan and the previously approved Preliminary Plan, the full buildout of the Overall Site, or Belward Tract, will include a minimum of 20% of the Site Area (or 839,800 square feet) for open space. Accordingly, the Applicant proposes to provide roughly 9% of the 20% or 75,851 square feet of open space with the Subject Application. The Subject Property includes roughly 1.74 acres of public use space spread across the front entry area off of Private Road B-4, the farm plaza/garden area to the west, and the Promenade and plaza with amenities located to the south of the building. At its western façade,

the Project offers a garden area and seating, with views of the Belward farmhouse and outbuildings, that is available to the public by travelling through the building. The Project also contains a private garden for patients. Another open space area is located along the building's south façade, which contains shade trees, open lawn area, and other landscaping. The remainder of the overall 20% public use space will be delivered in future Site Plan phases.

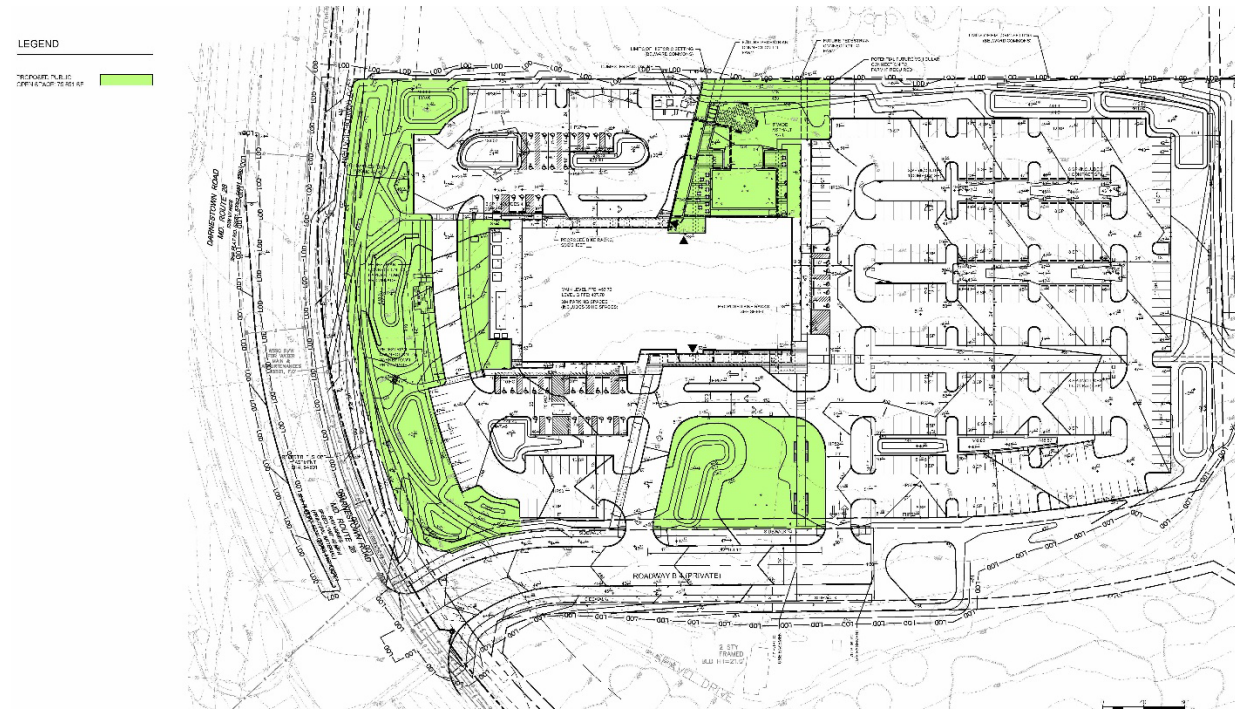


Figure 11: Proposed Public Use Space

Environment

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) for the Subject Property was approved on June 17, 1996 (No. 419962470). Wetlands and their buffers occur on Site within the boundaries of the environmental buffers. The Site contains no 100-year floodplains, or known habitats of rare, threatened, and endangered species. The Property drains to the Muddy Branch watershed, which is not in a Special Protection Area or Primary Management Area. A total of 29.8 acres is forested. The Amended Preliminary Plan required the Applicant to submit a Final Forest Conservation Plan (FFCP) for the entire Overall Site to be approved with the first Site Plan submitted. The FFCP proposes 24.56 acres of forest clearing, with 2.57 acres retained, and a forest mitigation requirement of 38.57 acres. Additional details are outlined in Section 5 of this Report.

Stormwater Management

The Application includes environmental site design (“ESD”) techniques that will filter and retain stormwater on-site such as micro-bioretention areas, bioswales, micro-bioretention planter boxes, permeable pavement, and green roofs. Plantings approved by MCDPS will also be used in ESD’s to the greatest extent practicable. The Applicant submitted a stormwater concept to MCDPS which was reviewed and approved with conditions on August 2, 2021.

SECTION 4: COMMUNITY CORRESPONDENCE

The Applicant has met all proper signage, noticing, and pre-submission meeting requirements under the Zoning Ordinance and the Manual of Development Review Procedures for Montgomery County.

Pre-Submittal Meeting

The Applicant held a virtual community meeting for the Project on March 18, 2021, for the Site Plan. The presentation materials for the meeting were made available for viewing and download on March 11, 2021. A total of 35 members from the community and interested parties attended the virtual community meeting.

Public concerns and questions were raised about the following issues:

- Details of historic and zoning restrictions for the Site.
- Preservation details for the Belward farm site and existing large trees.
- Details for changes to existing roads and construction of new roads.
- Concerns about traffic impacts from this development and noise from air handlers.
- Impacts of reduced transit funding on future development plans.
- Details of the path to the Belward farmstead.
- COVID-19 impacts to the delivery of medical care.
- Request for 24-hour JHU police patrol.
- Number of higher education opportunities, internships, and jobs anticipated from this development.
- Sustainability goals for the Project including solar roof installation and LEED certification.
- Types of additional development expected in the future; how many total buildings will be constructed.
- The construction schedule for this phase and subsequent phases.

Some of the public questions and concerns are beyond the regulatory framework and have been acknowledged by the Applicant, such as private safety patrols, educational opportunities through the new development, and delivery impacts due to the latest public health crisis. Several other concerns have been addressed during the regulatory review process. Staff Report Sections 3 and 5 provide details for the proposed road construction, adequacy of the transportation network including from the standpoint of traffic generation, forest conservation requirements and impacts to existing trees, and the preservation of the existing Belward Farm and its historic setting. Historic features are adjacent to this Site Plan but are not a part of this Application. Section 3 briefly covers the potential future Phase II of the Subject Property, in which the timing and full details are uncertain at this time. Likewise, the details and timing of future phases of the remaining Overall JHU Campus are unknown beyond what was approved in the Preliminary Plan. Sustainability features such as tree canopy and green roofs are included with the Subject Application. Additional sustainability features are anticipated with future development.

Staff has not received any correspondence from the community regarding this Application.

SECTION 5: SITE PLAN ANALYSIS AND FINDINGS

Section 59.7.7.1.B.1 of the 2014 Zoning Ordinance states that:

“Any development plan, schematic development plan, diagrammatic plan, concept plan, project plan, sketch plan, preliminary plan, record plat, site plan, special exception, variance, or building permit filed or approved before October 30, 2014 must be reviewed under the standards and procedures of the property’s zoning on October 29, 2014, unless an applicant elects to be reviewed under the property’s current zoning. [...] The approval of any of these applications or amendments to these applications under Section 7.7.1.B.1 will allow the applicant to proceed through any other required application or step in the process within the time allowed by law or plan approval, under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014.”

The Application complies with this section and accordingly, the Applicant seeks approval of the Site Plan under the standards of Section 59-C-5.3 of the Zoning Ordinance in effect on October 29, 2014.

Site Plan Findings

In accordance with Section 59-D-3.4(C) of the Zoning Ordinance in effect on October 29, 2014, the following Necessary Findings must be satisfied:

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 Property or the Overall 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 primary purpose of the Life Sciences Center (LSC) Zone is to promote research, academic, and clinical facilities that advance the life sciences, health care services, and applied technologies. The proposed use is allowed in the LSC Zone and the Site Plan fulfills the purposes of the zone and the Application complies with the LSC Zone development standards per Section 59-C-5.3 of the Zoning Ordinance in effect on October 29, 2014. The proposal was reviewed for compliance with the dimensional requirements as applicable per the Zoning Ordinance standards and requirements of the LSC zone in effect on May 17, 2010. As shown in Table 1, the proposed development will meet all the dimensional requirements for area, frontage, width, and setbacks in the zones and accommodate the proposed use.

Table 1: Development Standards in the LSC Zone (prior to October 30, 2014)

	Required/Permitted	Proposed
Site		
Gross Tract Area	N/A	107.27 acres
Net Lot Area (Entire Site)		4,672,681.2 square feet
Net Lot Area (Phase I Site Plan)		11.18 acres (520,540.8 square feet)
Maximum Density of Development (Overall Site per Preliminary Plan approval) Sec. 59-C-5.321	1.0/ 4,737,77 square feet	0.30/ 1,4140,000 square feet
Maximum Density of Development (Subject Property) Sec. 59-C-5.321		126,200 gross square feet 9,060 square feet (mechanical) 117,140 square feet
Public Use Space (min.) Sec. 59-C-5.32 (% of Overall Site)	839,800 square feet / 20%	839,800 square feet / 20% (All phases; current & future)
Public Use Space (Subject Property) Sec. 59-C-5.32		75,851 square feet (1.74 acres)
Lot Coverage (max.)	N/A	40,061 sf. / 8.2%
Lot Dimensions (min.)		
Building Height (max.) Sec. 59-C-5.31	200 feet	80 feet
Principal Building Setbacks (min.)		
Front setback from public street	N/A	158 feet (Darnestown Rd.)
Side street setback	N/A	165 feet (B-4)
Side setback	N/A	N/A
Rear setback	N/A	134 feet (farm)
Tree Canopy		
Tree Canopy - 30% of parking facility (195,331 square feet)	30% (58,599 square feet)	30% (58,796 square feet)
Parking² (Sec. 59-6.2.4)		
Standard Vehicle Spaces	496 spaces	394 spaces
Motorcycle Spaces	8 spaces	8 spaces
Car Sharing Spaces	4 spaces	4 spaces
Electric Vehicle Spaces	4 spaces	9 spaces
Bicycle Parking Spaces	24 spaces	24 spaces

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

The layout of the development and proposed medical office building is in substantial conformance with the character envisioned by the GSSC Master Plan. The public use spaces, landscaping, street trees, lighting, and other site amenities adequately and efficiently address the needs of the use and the recommendations of the Master Plan.

Public Use Space and Site Amenities

The Applicant is providing Public Use Space based on requirements for building types within the LSC zone per Section 59-C-5.32 of the Zoning Code in effect on October 29, 2014. The placement of the proposed medical office building allows the Site Plan to provide approximately 1.74 acres

² According to Section 7.7.1.B.3.b of the current Zoning Ordinance, "An applicant may apply to amend the parking requirements of a previously approved application (listed in Section 7.7.1.B.1 or 7.7.1.B.2) in a manner that satisfies the parking requirements of Section 6.2.3 and Section 6.2.4."

of public use space spread across the Subject Property which will feature new trees that yield environmental benefits and new amenities for passive and contemplative activities. Site amenities such as benches are included within the public use spaces which are centrally located and accessible to the broader surrounding community. Therefore, opportunities for passive recreation and contemplation in the proposed garden areas can occur throughout the Property. Other site amenities will enhance the streetscape along the Subject Property’s frontage with sidewalks, pedestrian scale lighting, and landscaping. A Public Access Easement will be provided for both public use spaces that are visible from abutting public roads and include landscaping and lighting.

Building Massing and Architecture

In keeping with the character of the surrounding neighborhood, architectural plans for the Subject Property address key features such as building placement, drop-off/pick-up placement, building fenestration, and buffered pedestrian walkway. From an architectural standpoint, the position of the proposed building on the Subject Property, its massing, and material articulations are all designed to complement the Belward farmhouse and outbuildings, as well as the remaining portions of the Overall Site. The footprint of the structure allows the foundations to retain a small hill, providing a ground floor entry on the west side. This elevated position allows the main entry to bisect the main public floor above, with a pedestrian link to the Belward historic environmental setting and structures. The base of the building is clad in terra cotta to reference the clay dairy farm soils and the upper building is clad in glass to contrast this clay plinth with light and reflection. The gap between the lower and upper levels are cantilevered from each other at the farmhouse/outbuildings path. According to the Applicant, this interaction between the medical office building’s lobby and the adjacent historic environmental setting and structures is the most important gesture of the Project architecturally and gives the Project its sense of place and links to other agricultural structures.

Transportation and Circulation

Local Area Transportation Review

Preliminary Plan No. 11996110A amended the original approval for the campus master plan, modifying the originally requested density. As part of the previous approval the Planning Board approved a total density of 1,800,000 square feet, including a maximum of 126,200 gross square feet (117,140 net square feet) for a surgery and outpatient building on the area covered by the Subject Site Plan application. The Subject Application remains within the previously approved density, as amended, for the Johns Hopkins Belward Research Campus; therefore, no additional transportation analysis is required. A Traffic Statement was submitted with the Application to demonstrate that the Subject Application will utilize 117,140 square feet of the remaining 1,410,000 square feet. The proposed trip generation for this Project for this surgery and outpatient building does not exceed the trips from the original approval.

Table 2: Comparative Trip Generation for the Subject Property

R&D Office Space	Square Footage	Site-Generated Peak Hour Trips	
		AM Peak	PM Peak
Unbuilt Approved	1,410,000	592	693
Proposed	-126,200	-53	-62
Remaining	1,283,800	539	631

Intersection Queuing Analysis

Per Condition No. 21 of Preliminary Plan No. 11996110A, an Intersection Queuing Analysis was required along Darnestown Road to measure operational and access requirements in accordance with the Maryland State Highway Administration’s critical lane volume and Highway Capacity Manual standards. The analysis submitted with the Subject Application was provided by the Applicant, in which the intersection was found to meet an acceptable measure of free-flowing traffic (Level of Service “A”) during the morning and evening peak hours. The queuing analysis indicates that constructing Private Road B-4 as a new fourth leg approach to the intersection will not cause detrimental impacts to the operation of the existing signalized intersection and provides recommendations for a new eastbound left turn lane into the Site along Darnestown Road (MD 28). A summary shared by the Applicant is provided below:

Table 3: Intersection Queuing Analysis (CLV Methodology)

Critical Lane Volume	AM	PM
Critical Lane Volume (Standard)	1,450	1,450
Critical Lane Volume (Existing)	-458	-525
Critical Lane Volume (Proposed Total)	-635	-754
Remaining Capacity	815	696

(Source: MDOT SHA, from Applicant’s Traffic Statement)

Table 4: Intersection Queuing Analysis (HCM Methodology)

HCM Control Delay (In seconds)	AM	PM
Highway Capacity Manual (Standard)	55	55
Delay (Existing)	10	19
Delay (Proposed Total)	27.5	33.8

(Source: MDOT SHA, from Applicant’s Traffic Statement)

As such, Condition No. 21 of Preliminary Plan No. 11996110A is met and additional vehicular traffic mitigation for the Darnestown Road and Key West Avenue (MD 28) intersection is not necessary at this time.

Vehicular Access and Circulation

Proposed vehicular access for the new building will be provided via Private Road B-4. The construction of Private Road B-4 will begin to improve connectivity and access points into the abutting developments. The required off-street parking will be provided with the new building structure. Staff has coordinated with the Applicant to reduce the number of vehicular access points and driveway conflicts as a means to encourage travel by foot for staff, patients, and their visitors to the Site. The surface parking is intended to provide adequate parking without dominating the streetscape. The Project is in line with the general site access requirements such as reducing conflicts between vehicular and non-motorized travel along proposed Private Road B-4 and allowing vehicles to safely enter and exit the parking area.

Parking, Queuing, and Loading

Vehicular Parking and Loading

The intent of the vehicle and bicycle parking, queuing, and loading requirements is to ensure that adequate parking is provided in a safe and efficient manner. The total number of parking spaces in the proposed surface parking areas meet the requirement per the current 2014 Zoning

Ordinance by providing 394 vehicle spaces. Staff has coordinated with the Applicant to reduce as much as functionally possible the amount of vehicular parking visible from Darnestown Road, with the majority of the parking spaces to be located to the rear of the proposed structure. As previously noted, the surface parking area to the rear is proposed to be replaced with an ambulatory building and associated structured parking garage at a future time. The off-street parking provided is appropriate for the nature of the use and intensity and is easily accessible from the abutting roads.

An off-street loading dock is located off of the proposed driveway loop west of the proposed medical office building, which meets requirements set forth in Section 59-E-1.4 of the Zoning Ordinance in effect on October 29, 2014.

Bicycle Parking

The Site Plan is subject to Section 59.6.2.4.C and Section 59.6.2.6. of the 2014 Zoning Ordinance for long-term and short-term bicycle parking. The Property requires twenty (20) long-term bike spaces and four (4) short-term bike spaces which will be located in a highly visible area at the south side of the building. Future Site Plan(s) must include additional required bicycle parking.

Pedestrian and Bike Access and Circulation

Currently, there are bicycle and pedestrian accommodations along the existing section of Darnestown Road. The 2018 *Bicycle Master Plan* identifies a sidepath along the Applicant's northern frontage of Darnestown Road. The Applicant is proposing to construct the ten-foot wide sidepath and street buffer along the Property frontage from Private Road B-4 to the frontage of the historic Belward Farm. The extension of the sidepath and the Darnestown Road Promenade will be completed to the Muddy Branch Road intersection under future phases. Conventional striped bike lanes which are currently located along Darnestown Road are proposed to be maintained as part of this Project.

Per the Bicycle Master Plan, separated bikeways are the default facility for new Business Streets in the LSC Zone on streets that do not have specific recommendations and therefore, are recommended along both sides of Private Road B-4 between Darnestown Road and Decoverly Drive Extended. As conditioned, separated off-street one-way bikeways will be reviewed for eventual connection to the Decoverly Drive Extension (see Figure 13), providing connectivity to the remainder of the JHU campus and the LSC Loop Trail as part of future Site Plan(s) for that portion of the campus master plan. The Bicycle Master Plan identifies separated bikeways along both sides of Decoverly Drive Extended and will be built in conjunction with the future construction of the roadway as part of future phases.

Walking paths and pedestrian crossings are proposed throughout the Site, setting the bar for future phases of the Overall Site as a model of healthy living and walkable access to high frequency transit. The Application proposes to construct the walking paths along Darnestown Road and throughout the Subject Property, eventually integrating with future structures as part of future Site Plan(s).

Transit

The Subject Property is serviced by Montgomery County Ride On with existing bus stops located within a ½ mile of the property along Darnestown Road and Muddy Branch Road. The nearest public transit routes are as follows:

- Ride On Route 56 operates along Darnestown Road providing service between the Lakeforest Mall Transit Center, the NIST, and the Rockville Metrorail Station.
- Ride On Route 67 operates along Muddy Branch Road providing service between the Traville Transit Center, Muddy Branch Shopping Center, and Shady Grove Metrorail Station.

The Corridor Cities Transitway (CCT) is planned along the northern frontage of the Subject Property, with the route planned to provide service along Decoverly Drive Extended (Belward Campus Drive). A future bus rapid transit stop is planned along Decoverly Drive Extended, adjacent to the historic Belward Farm.

Thus, with the conditions of approval, the Site Plan provides safe, well-integrated parking, vehicular and pedestrian circulation patterns, open spaces, site amenities and building massing/architecture.

General Landscaping and Outdoor Lighting

Section 59-E.2.6 and Section 59-E.2.7 of the Zoning Ordinance in effect on October 29, 2014 provides minimum standards for quantity, size, location, and installation of landscaping and outdoor lighting on private property. The proposed landscaping and lighting satisfy all applicable design guidelines and streetscape standards. All proposed trees and plant materials meet the minimum required caliper and height at the time of planting, and some of the site landscaping elements contribute to stormwater management measures (where approved by MCDPS). The Application proposes light fixtures throughout the surface parking lot and wall packs mounted on the building. Pedestrian walkways receive little to no spillover light. As conditioned, additional adjustments must be made prior to certification of the Site Plan to ensure lighting levels adequately illuminate the sidewalks along proposed Private Road B-4, the asphalt walking path to the north of the building, and along the Darnestown Road Promenade. Following design requirements for lighting, the shielded light fixtures are appropriately spaced and oriented to reduce light glare. Overall, the proposed Site Plan meets the intent of these general development requirements and will not have adverse impacts on the existing community character but will rather enhance safety on various public and private roads within the Site.

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

The proposed development is in substantial conformance with the recommendations of the GSSC Master Plan as well as compatible with the adjacent and confronting uses and pending developments.

Master Plan Compliance

The Site Plan substantially conforms to the recommendations within the 2010 *Great Seneca Science Corridor Master Plan* ("Master Plan"), as outlined below for various areas of emphasis. Further, as development implemented through a previously approved and valid Preliminary Plan

with a valid determination of adequate public facilities, the Project is not subject to the Master Plan's staging requirements. Per the GSSC Master Plan, in Stage 1 the Plan provides for the current 10.7 million commercial square feet (existing development and the approved pipeline), plus an additional increment of 400,000 square feet. Health care services are exempt from the requirements of Stage 1 (page 76).

Land Use

The GSSC Master Plan lays out both general recommendations for the plan area and specific recommendations for the Belward Site. Generally, the Master Plan provides a blueprint for the future that will transform the Life Sciences Center (LSC) into a vibrant place served by transit and enhanced by activating uses, open spaces, and amenities. The Subject Property is within the Belward Farm District. Below is a relevant passage describing the Master Plan's intent for this district:

LSC Belward: A new Science and Research Community (pg. 42)

"This Plan recommends increased density on the Belward property (1.0 FAR), served and supported by a CCT transit station. The Plan recommends that both the 107-acre undeveloped Belward property as well as the developed, eastern portion, be rezoned from the R&D Zone to the revised LSC Zone to allow higher densities and height focused at the CCT station. Development on the Belward property may include housing for the employees and/or visiting researchers. Plan recommendations allow a concentrated and compact form of development for Belward that is centered around transit. This denser building pattern (with structured parking) creates opportunities for an extensive open space system. Previous plans for Belward were a conventional suburban office park model with sprawling, low-density, auto-dependent development, vast amounts of surface parking lots, and few community amenities intended for use by residents or workers not on the Belward campus. Compatible transitions and buffers for the adjacent single-family neighborhoods are critical".

Per the Master Plan recommendation, the Overall Site was previously rezoned to the Life Sciences Center (LSC) zoning district, one of the County's several employment zones that permit non-residential uses including office, technology, and general commercial uses with limited residential use at varying densities and heights. The Site Plan includes non-residential uses that will be centered around future transit improvements. The ultimate build-out of the Subject Property will include the currently proposed surface parking lot to be transformed into another medical pavilion and structured parking garage. The edges of the Project include non-motorized facilities that provide connectivity to adjacent sites that are either existing or to be constructed. Therefore, the Site Plan substantially conforms to the vision of the *2010 Great Seneca Science Corridor Master Plan* ("Master Plan") and contemplates major elements of the plan vision, while also complying with the requirements of the zoning district.

Density and Building Height

The Subject Application density and building heights are consistent with the GSSC Master Plan's recommendations. The proposed medical office building is within the 110-foot height limit and the Project's overall density is within the Master Plan's density recommendations.

Open Space and Pathways

The GSSC Master Plan recommends a series of open spaces provided in both residential and commercial development projects to provide recreational facilities, open spaces, and trail connections that shape the public realm and to serve existing and future employees and residents.

Below is a passage describing the Master Plan’s intent for the Belward District (page 43):

“The open space system for the Belward District includes an extensive network of passive and active recreation linked by an internal path system with connections to the LSC Loop and the surrounding communities. By concentrating density in a compact form (with a limited amount of taller buildings and parking garages), substantial amounts of open space can be created. Placing parks and open spaces around the edges of Belward provides compatible transitions and buffers for the adjacent single-family neighborhoods”.

The GSSC Master Plan states that *“redeveloped sites must provide at least 20 percent of the net tract area as public use space.”* Additionally, the Master Plan states that the open space system will include: 1) an extensive open space network on the Belward property with a variety of passive, active, and cultural experiences, 2) the completion of the Muddy Branch Trail Corridor along the western edge of the Belward property, and 3) Mission Hills Preserve will create a 200-foot wide buffer between the rear property line of the nearest Mission Hills homes and any buildings on the northern side of Belward.

In accordance with the Master Plan requirements and conditions of the Preliminary Plan, the redevelopment of the 107-acre Belward tract must provide a minimum of 20%, or 839,800 square feet, of the Overall Site for public use space (shown in Figure 12). The Applicant proposes to provide roughly 9% of the 20% or 75,851 square feet of public use space with the Site Plan. The Subject Property includes roughly 1.74 acres of public use space spread across the front entry area off of Private Road B-4, the farm plaza to the west, and the Promenade and plaza with amenities located to the south of the building. The remainder of the public use space will be delivered in future Site Plan phases.

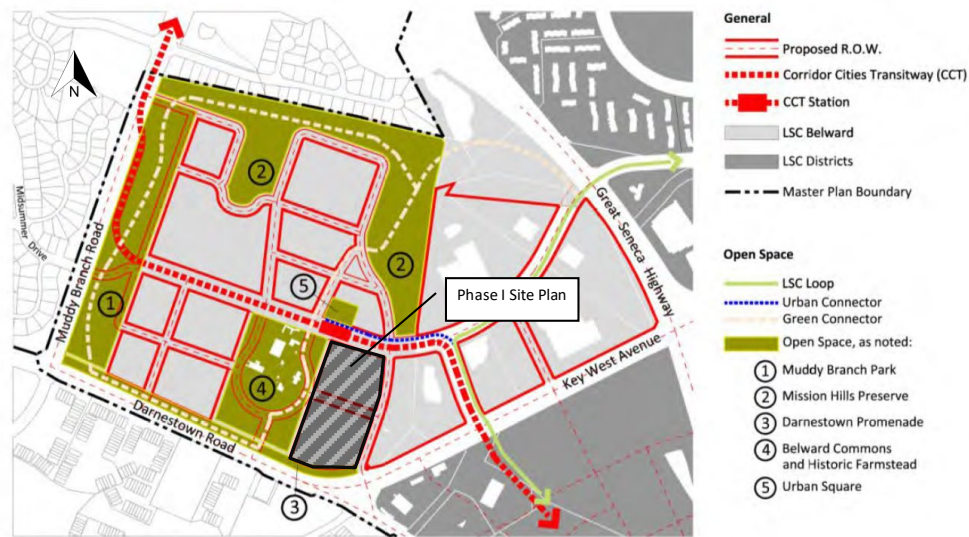


Figure 12: GSSC Master Plan Open Space Recommendation for Belward Tract

The Application also implements the beginning of new internal pathway systems with the construction of the Darnestown Road Promenade, the ten-foot-wide sidepath, and the five-foot wide asphalt pathway that connects the northern terminus of Private Road B-4 and wraps around the northern length of the Subject Property. Prescribed open space and trail improvements envisioned for the western edge of overall Belward tract will be delivered in the future, including the continuation of the Darnestown Road Promenade. Additionally, the entire Mission Hills Preserve (7.01 acres) will be afforested as shown on the Certified Final Forest Conservation Plan as previously discussed under the findings for Chapter 22A, Forest Conservation.

Environment

The GSSC Master Plan provides broad environmental sustainability recommendations, including preserving natural resources, improving water and air quality, and reducing carbon emissions.

Resource Protection and Preservation

The GSSC Master Plan recommends ways to restore environmental functions in the Life Sciences Center as it undergoes redevelopment. To preserve and enhance natural resources and their associated functions, the Plan calls for the following:

- Creates a local street network that avoids impact to natural resource areas as much as possible (see page 53).
- Recommends that facility plans for any new roads minimize impacts to existing resources.
- Recommends creation of the Life Sciences Center Loop (pg. 32). Existing natural resource areas are preserved through the Planning Board's Environmental Guidelines and connected by the LSC Loop.
- Where possible, use required forest and tree planting to enhance and expand existing resources.

The GSSC Master Plan also lays out specific recommendations for the Belward Site. The Master Plan states that the Belward Campus, with its specialized institutional use and protection of existing natural resources, should have minimum canopy coverage of 30 percent. The Site Plan proposes 30 percent (58,796 square feet) tree canopy.

Stream Buffer and Water Quality

To protect water quality, the Master Plan recommendations include the following:

- Site design and construction options that minimize imperviousness, such as reduced parking requirements and the use of structured parking.
- Recommends the use of bioswales, planter beds, rain gardens, pervious pavement, the incorporation of non-paved areas into open spaces, and similar techniques included in Environmental Site Design.
- The use of vegetated roofs and walls and increasing tree canopy.
- Landscaping with native plants that are adapted to grow in our area.

These goals are met by combining forest conservation requirements with street trees and landscaping plantings which includes native species. The Site Plan also proposes to incorporate Environmental Site Design to the maximum extent practical with the use of micro-bioretenion areas and other techniques to assist with filtering and retaining water on-site. The Site Plan meets the intent of the Forest Conservation law, the Environmental Guidelines, and the GSSC Master

Plan. Additionally, the Applicant is pursuing sustainable features to enhance the development such as green roofs to further the Master Plan's recommendations.

Housing

The current Application does not include any residential uses. However, any future phases of development for the Overall Site with residential uses must address requirements of the Master Plan and the Chapter 25A of the County Code.

Historic Property

The Master Plan has four specific recommendations regarding Belward Farm:

- Preserve views of the farmstead, to the extent practicable, from Darnestown Road and residential neighborhoods to the south and west, consistent with other Master Plan objectives for this site.
- Step new buildings down to 60 feet (four stories) adjacent to the Belward Farm.
- Use the site, including the house and barns, for recreational, educational, social, or cultural uses that complement the community and new development.
- Preserve open space and mature trees surrounding the farmstead. Retain an environmental setting large enough to convey the agricultural character of the historic resource, between 10 and 12 acres.

The Project proposes to maintain significant views of the Farm with the construction of the new medical office building. The Project's garden areas on the west of the building and pedestrian pathways create an appropriate transition between the building and the Belward farmhouse and outbuildings and offer views into the adjacent historic environmental setting. The expansion of the Belward Farm tract will occur under future applications.

Master Planned Roadway

Generally, the proposed Site Plan adequately addresses the recommendations of several existing and proposed roadways associated with the development.

Darnestown Road: Darnestown Road is classified as a 150-foot wide six-lane divided Major Highway, M-90, with an existing 125-foot wide public right-of-way. The existing roadway is built to the full six (6) lanes, with an existing center median dividing opposing lanes of travel. The Applicant proposes to dedicate 25-feet to the existing right-of-way along the Property's frontage to meet the full 150-foot requirement. Additionally, as part of this Site Plan the Applicant proposes to implement the 60-foot Darnestown Road Promenade identified in the Preliminary Plan, which will foster active travel and preserve viewsheds of the historic Belward Farm. A ten-foot-wide sidepath will be constructed adjacent to the Promenade.

Private Road B-4: Private Road B-4 (identified as Road C in the *Great Seneca Science Corridor Master Plan*) is a planned Business District Street with a planned right-of-way width of 70-feet. As shown in Figure 13, it is prioritized in the *Great Seneca Science Corridor Master Plan* as a means of facilitating the construction of new multimodal connections to support the street grid network within the LSC Belward district to the east, with walkable access to high frequency transit. The proposed construction of Private Road B-4 is identified in the Master Plan on the Subject Property, from the Darnestown Road and Key West Avenue intersection, northwards to the planned Private Road B-4 and Belward Campus Drive intersection (Arterial (Planned) with planned BRT A-284 in Figure 13). Construction and dedication of the Business Street will be reviewed by MCDOT prior

to issuance of the right-of-way permit and will be open to public use prior to issuance of the final use and occupancy certificate associated with the approximately 126,200 gross square foot building which is shown in this Application.

This new road will offer safe and efficient access from the Property to abutting streets and adequately serve emergency vehicles. Pursuant to Condition No. 17 of the Preliminary Plan No. 11996110A MCPB Resolution No. 11-72 and the Master Plan of Highways and Transitways, recommends the construction of the Master Planned street "Private Road B-4" from Darnestown Road to its intersection with the Master Planned street "Road A-284 (Belward Campus Drive)." Furthermore, enhanced connectivity through a street grid to create a development pattern of compact, interconnected, walkable blocks is a central tenet of the GSSC Master Plan. The Applicant must construct the new street B-4 along the entire frontage of the property and connecting it to the existing Belward Campus Drive to the east to start the implementation of an interconnected grid network as recommended in the GSSC Master Plan in Phase I of the redevelopment of the Overall Site. The Preliminary Plan deferred the final decision on the length of Private Road B-4 to the Site Plan phase. Preliminary Plan Condition No. 20 states that "...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". Therefore, future Site Plan(s) will include the remainder of proposed Private Road B-4 that will serve additional uses on the Belward tract to the north and west of the Subject Property.

Discoverly Drive Extended: Discoverly Drive Extended (identified as Road A-284 in the 2010 *Great Seneca Science Corridor Master Plan*) is an Arterial (Planned) with planned BRT, with a planned right-of-way width of 100- to 150-feet. As shown in Figure 13, it is prioritized in the GSSC Master Plan as a means of facilitating the construction of the Corridor Cities Transitway (CCT) as well as new multimodal connections to support the overall Belward Campus and neighboring street grid network within the LSC Central district to the east. Portions of the overall Arterial have been built and renamed as Belward Campus Drive to the east as part of the Johns Hopkins Belward Research Campus. The limits of the proposed extension of Discoverly Drive is identified on the Subject Property, from the existing terminus of Belward Campus Drive, westwards to its planned intersections with Road B-3 (Planned Business Street on Figure 13) and Muddy Branch Road. Construction and/or dedication of right-of-way for the new Arterial with planned BRT will occur during a future phase of the overall campus master plan as it relates to future engineering and design of the alignment of the roadway. While this Site Plan requests to defer construction of the Discoverly Drive extension to Belward Campus Drive and Muddy Branch Road, construction of the surgery and outpatient center will not preclude construction and subsequent dedication of right-of-way for the roadway.

While the Applicant proposes to not move forward with the aforementioned east-to-west "Road G" connection as part of this Application, the proposed surface parking area has been configured in a manner consistent with the intent of the internal street network within the approved Preliminary Plan. The orientation of the east-to-west drive aisle and placement of the proposed surgery and outpatient building supports the potential usage of the drive aisle as a future private street upon construction of the future ambulance and parking garage.

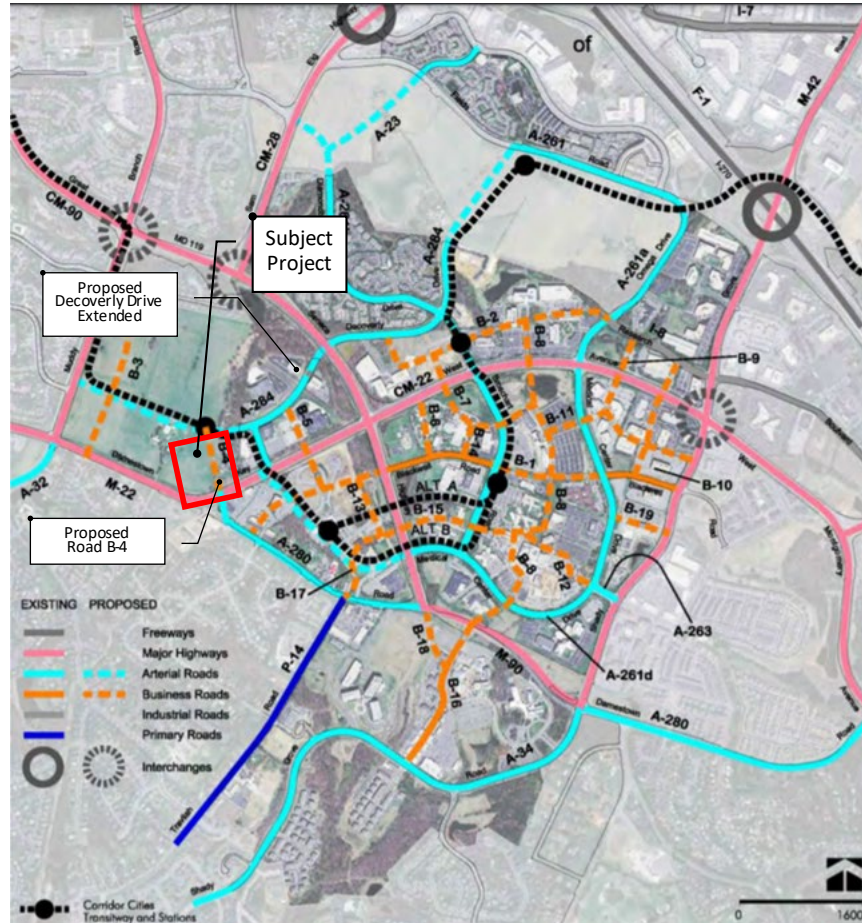


Figure 13: Life Sciences Center Circulation with planned street grid network and CCT

Master Planned Bikeway

As recommended by the 2010 *Great Seneca Science Corridor Master Plan* and 2018 *Bicycle Master Plan*, a sidepath is planned for Darnestown Road, which is consistent with Boulevard and Downtown Boulevard standards within the draft *Complete Streets Design Guide*. As shown in Figure 14, the Applicant is building the master planned sidepath and associated buffer from vehicular traffic. The sidepath will measure a minimum of ten feet and be placed within the public right-of-way, adjacent to the Darnestown Road Promenade area. Therefore, the proposed Site Plan is in substantial conformance with the GSSC Master Plan.

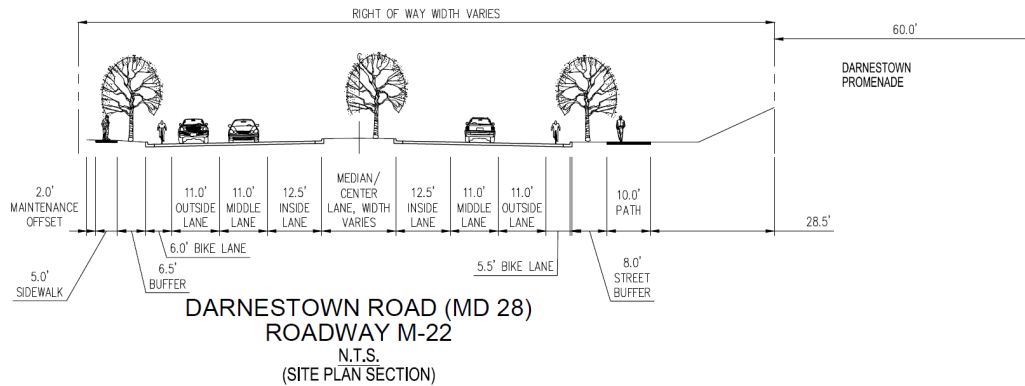


Figure 14: Proposed Darnestown Road Cross Section

Existing and Proposed Adjacent Development

The proposed use is compatible with existing uses in nearby developments. The Subject Property is close to numerous health care facilities, including Adventist HealthCare Shady Grove Medical Center, the National Cancer Institute, and other medical office buildings offering outpatient treatment in an ambulatory setting. As confirmed in the Preliminary Plan, the proposed Site Plan also provides compatibility with existing neighboring properties and highways. The Phase I Project conforms with reduction of the building height toward the existing Belward Farm and environmental setting to establish a compatible relationship with the farm’s existing structures. The proposed layout of the medical office building establishes a compatible relationship with the abutting Belward Farm by taking advantage of the Subject Property’s gently sloping grade to reduce bulk, massing, and create uniformity. Additionally, the Project will be separated from the abutting existing roadway and residential uses to the south by a proposed 60-foot-wide Promenade with a landscaped buffer along the length of the Darnestown Road frontage.

Compatibility will be achieved via multi-modal connections between the Phase I Property, future development phases, and existing adjacent development. The Site Plan includes a portion of the master planned Private Road B-4. When the entire segment of Private Road B-4 is completed it will create a new north/south connection between Key West Avenue/Darnestown Road (MD 28) and the future Belward Campus Drive and include additional segments of sidewalk.

The Project is compatible with approved adjacent development and pending developments. Pending development in close proximity includes the former Public Safety Training Academy (PSTA) Site to the southeast of the Subject Property. Connectivity between the Subject Application and the PSTA Site is confirmed in the GSSC Master Plan as stated: “The LSC Loop will link activity centers and community facilities, including the planned high school on the Crown Farm (in the City of Gaithersburg), the historic Belward Farm, and the [PSTA] civic green and retail center on LSC West”. The Site Plan includes pathways that once expanded will eventually tie into the broader LSC Loop alignment. Therefore, the Site Plan for the medical office building at Belward Campus is compatible with existing and approved or pending 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.

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

The Stormwater Management Section of the Montgomery County Department of Permitting Services (MCDPS) issued a letter accepting the stormwater management concept dated August 2, 2021 (SM File No. 239332). Stormwater management will be implemented through an environmental site design (ESD) plan that includes micro-bioretenion areas, green roofs, and bioswales.

ii. *Chapter 22A, Forest Conservation*

Environmental Guidelines

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved for this Site on June 17, 1996. The Site contains two intermittent streams, one in the north center of the Site with an environmental buffer of approximately 3.5 acres, and one in the northeast part of the property with an environmental buffer of approximately 3.7 acres. Wetlands and their buffers occur on site within the boundaries of the environmental buffers. The Site contains no 100-year floodplains, or known habitats of rare, threatened, and endangered species. The property drains to the Muddy Branch watershed, which is not in a Special Protection Area or Primary Management Area. Muddy Branch is a Maryland State Use Class I-P stream. No structures are proposed for construction within the environmental buffers. There is one proposed road crossing of a wetland that is part of the environmental buffers. The Applicant is required to employ construction techniques such as spans or bottomless culverts to minimize disturbance to this wetland. The submitted plan is in conformance with the Montgomery County Planning Department's Environmental Guidelines.

Previous Preliminary Forest Conservation Plan

A Preliminary Forest Conservation Plan (PFCP) was approved as a part of the review and approval of Preliminary Plan No. 119961100 and amended with Preliminary Plan Amendment No. 11996110A. The net tract area for the PFCP and amendment is 138.15 acres, including approximately 30 acres already developed east of the Belward Farm. The Preliminary Forest Conservation Plan showed 29.8 acres of existing forest. The most recently approved plan, PFCP Amendment No. 11996110A, showed 25.13 acres of forest clearing resulting in a forest mitigation requirement of 34.37 acres. Most of the forest clearing has already occurred during the development of the eastern 30 acres of the original site. The conditions of approval for PFCP No. 11996110A specifically require that the 200-foot Mission Hills Preserve at the north end of the Property be afforested with the approval of the first Site Plan on the property (Resolution No. MCPB 11-72); therefore, this will be a requirement of this Site Plan approval. The Mission Hills Preserve is a requirement of the *Great Seneca Science Corridor Master Plan* and is designed to protect the existing Mission Hills single-family neighborhood to the north of the Belward Farm. The remaining on-site afforestation of stream buffers, plus the remaining off-site mitigation, will be required as a condition of the second Site Plan approval.

Following are the Binding Conditions of Resolution MCPB No. 11-71 from Preliminary Plan 11996110A that pertain to environmental requirements:

2. The Applicant must submit a Final Forest Conservation Plan for the entire Preliminary Plan site to be approved with the first Site Plan submitted.

3. The Applicant must plant and record Category I Conservation Easements over all onsite retained and planted forest prior to any clearing or grading occurring on the site.

4. *The Applicant must install the forest plantings in the 200-foot wide Mission Hills Preserve within two planting seasons following the release of the first sediment control permit associated with the first Site Plan.*
5. *The Applicant must install the remaining forest plantings within one year of issuance of the sediment control permit for the second Site Plan.*
6. *The Applicant must submit and obtain approval of the forest conservation financial security instrument prior to any clearing or grading occurring on site.*
7. *If a forest mitigation bank is to be used to meet the offsite plantings, a certificate of compliance to use a forest mitigation bank must be accepted by the Planning Department Associate General Counsel's office and recorded in the Montgomery County Land Records prior to any clearing or grading occurring on site.*
8. *If the Applicant chooses to plant forest at an offsite location the location must be identified per section 109.B(2)(f) of the forest conservation regulation and forest planted within one year of issuance of the sediment control permit for the second site plan.*
9. *Final disposition of a Category II Easement on the environmental setting of Belward Farm to be at time of Final Forest Conservation Plan approval.*
10. *The total amount of on-site vs. off-site forest planting to be done to be determined at time of Final Forest Conservation Plan approval.*
11. *Applicant must use a road construction design and construction techniques such as bridging or bottomless culvert to avoid the wetland and wetland buffer in the north central portion of the site.*

As conditioned, the submitted Final Forest Conservation Plan will be in conformance with the conditions of Resolution MCPB No. 11-71.

Final Forest Conservation Plan

A Final Forest Conservation Plan (FFCP) has been filed for approval with this Site Plan. The FFCP is in substantial conformance with the previously approved PFCP. The submitted FFCP included minor changes to the plan, resulting in 24.56 acres of forest clearing (most of which was previously cleared) and a forest mitigation requirement of 33.23 acres. Among the changes from the PFCP is an abandonment of a 1.23-acre portion of an existing Category I Forest Conservation Easement. The easement area being removed is being replaced at 1:1 on-site within the expanded easement incorporating the Mission Hills Preserve and stream valley buffer areas, so no additional mitigation is required for the abandonment. This has been reflected in the calculations for the total forest retained, forest cleared, and afforestation and reforestation requirements for the FFCP.

During the review, it was determined that only 2.57 acres of a proposed 5.41 acres of forest retention on the eastern 30-acre portion of the property had been protected in forest conservation easements; therefore, credit cannot be granted for the remaining 2.84 acres of proposed forest retention. The 2.84 acres not protected must be counted as cleared, which will increase the total mitigation requirement to 38.57 acres. These changes must be reflected in the Certified Final Forest Conservation Plan. The Applicant proposes to fulfill the mitigation requirement through 17.67 acres of new on-site planting, leaving a remaining planting requirement of 20.9 acres to be fulfilled through acquiring off-site forest banking credits (20.9

acres for new forest planting, or 41.8 acres of forest preservation) or payment of a fee-in-lieu if off-site forest banking credits are not available. As noted above, the Mission Hills Preserve must be afforested as a condition of approval for this Site Plan. All forest planted or retained for forest conservation credit must be protected by recording a Category I Forest Conservation Easement.

Variance

Forest Conservation Variance

Section 22A-12(b) (3) of County code identifies certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ) requires a variance. An Applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Code. The Code requires no impact to trees that: measure 30 inches dbh or greater; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion tree; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Variance Request

The Applicant submitted a variance request on April 2, 2021 because the plan would create an impact to the CRZ of five (5) trees that are considered high priority for retention under Section 22A-12(b) of the County code. Three of these trees will be removed; the other two (2) trees will be impacted but retained. A copy of the variance request letter, specifying the amount of critical root zone disturbance for the trees to be saved, is appended to this Staff Report (Attachment C).

Variance Justification:

The GSSC Master Plan recommendations and zoning have identified the Johns Hopkins Belward Farm property primarily for research and development and medical uses. The Master Plan also includes substantial services and infrastructure for this Property, including Master Plan roads, right-of-way for the proposed Corridor Cities Transitway and the LSC Loop trail, and park and recreation facilities. While much of the existing site is unforested, a number of specimen trees occur along the eastern entrance driveway and within existing forest areas on the eastern side of the property. The master planned roads and utilities and the grading to accommodate them will impact five specimen trees. Denying the variance request would interfere with efficient development of the Property, provision of required street grids, and the infrastructure needed to support the development. The proposed use of the Property for a medical office building and the Master Plan facilities, is significant and reasonable and requires granting of the variance.

Denial of the variance would constitute a hardship to the Applicant. This finding must be met when determining whether or not to consider a variance for the project. Based on this finding, a variance can be considered.

Table 5: Protected Trees to be Impacted

Tree Number	Species	DBH Inches	% CRZ Impacts	Status
74	Red Oak (<i>Quercus rubra</i>)	31.6"	15%	Good condition.
77	Tulip Poplar (<i>Liriodendron tulipifera</i>)	39.7"	3%	Good condition.

Table 6: Protected Trees to be Removed

Tree Number	Species	DBH Inches	% CRZ Impacts	Status
88	White Oak (<i>Quercus alba</i>)	35.3"	40%	Fair condition.
96	White Oak (<i>Quercus alba</i>)	34.6"	47%	Good condition.
97	White Oak (<i>Quercus alba</i>)	39.5"	100%	Fair condition.

Specimen Trees Proposed for Removal

Specific justification for trees that must be removed was provided in the variance request letter. A summary of that justification cited in the variance request is included below:

- Tree No. 97 is within the alignment of master-planned Private Road B-4. The road alignment cannot reasonably be realigned to save this tree.
- Tree No. 96 lies along the eastern edge of the alignment for master-planned Private Road B-4 and the accompanying sidewalk and stormwater management. Forty-seven percent (47%) of the tree’s CRZ will be disturbed by the construction and grading. The tree cannot survive this much impact and should be approved for removal.
- Tree No. 88 also lies along the eastern edge of the alignment for master-planned Private Road B-4 and the accompanying sidewalk and stormwater management. Forty percent (40%) of the tree’s CRZ will be disturbed by the construction and grading. The tree cannot survive this much impact and should be approved for removal.

Specimen Trees to be Disturbed but Retained

Two trees, Nos. 74 and 77, will be slightly impacted by grading necessary to construct the parking lot and associated stormwater management facilities. Tree No. 74 will sustain 15 percent (15%) CRZ disturbance, and Tree No. 77 will have three percent (3%) of its CRZ disturbed. The minimal disturbance will allow both trees to be preserved.

Section 22A-21 of the County code sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determinations that granting the requested variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Impacts to specimen trees are a result of the Master Plan and zoning recommendations for the site, especially the requirement to provide master-planned Private Road B-4, as well as for infrastructure needed to support the development. Staff has determined that the impacts to the trees subject to the variance requirement cannot be avoided. Therefore, the granting of this variance is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the applicant, but on required plan elements.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is not a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The Variance will not violate State water quality standards or cause measurable degradation in water quality. The Protected Trees being impacted are not located within a stream buffer, wetland, or a special protection area. Additional trees will be planted on the Subject Property as part of the forest conservation requirements.

Mitigation for Trees Subject to the Variance Provision

There are three trees proposed for removal in this Variance request resulting in a total of 109.4 inches of DBH being removed. The FCP includes mitigation at a rate that approximates the form and function of the trees removed. These trees will be replaced at a ratio of approximately one-inch caliper for every four inches removed using trees that are a minimum of inches caliper in size. This results in a total mitigation of 27.35 inches with an installation of 10 three-inch caliper trees. These planting locations and species of these trees must be shown on the Certified Final Forest Conservation Plan.

Although these trees will not be as large as the trees lost, they will provide some immediate benefit and ultimately replace the canopy lost by the removal of these trees. These mitigation trees must be overstory trees native to the Piedmont Region of Maryland and installed on the Subject Property outside of any rights-of-way and/or utility easements. It has been M-NCPPC policy not to require mitigation for specimen trees removed within forest stands since the removal of the forest stand is compensated for through the Forest Conservation Worksheet.

Variance Recommendation

Staff recommends that the approval of the variance.

SECTION 6: CONCLUSION

This Application meets all the applicable requirements established in the Montgomery County Code, Chapter 59 , the Montgomery County Zoning Ordinance per Section 59.7.7.1.B.1 and 2 and the prior Code in effect on October 29, 2014 found at 59-C-5.3 et seq. of the Zoning Ordinance in effect on October 29, 2014 applicable to the LSC Zone, and Chapter 22A, Forest Conservation Law, and substantially conforms with the recommendations of the applicable Master Plan. This Application has been reviewed by other applicable County agencies, all of which have recommended approval of the application with conditions. Staff recommends approval of this Site Plan No. 820210120 with the conditions listed at the beginning of the Staff Report.

ATTACHMENTS:

- A. Previous Approvals
- B. Final Forest Conservation Plan
- C. Tree Variance Request
- D. Agency Letters
- E. Extension request