



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

**DEC 16 2021**

MCPB No. 21-110

Site Plan No. 820210120

Johns Hopkins Medical Office and Surgery Center at Belward

Date of Hearing: September 30, 2021

**CORRECTED RESOLUTION**

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, under Section 59-7.7.1.B.1, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014, including the zoning then in effect; and

WHEREAS, on March 26, 2021, Johns Hopkins Health System Facilities ("Applicant") filed an application for approval of a site plan for a ~~one (1) story~~ medical office building with a maximum of 126,200 gross square feet with parking facilities, public use space, a garden area and seating, with views of the historic Belward farmhouse and outbuildings, the Darnestown Promenade, a new private road, and other amenities on 11.18 acres of LSC-1.0 H-150 T zoned-land, located at 9951 Key West Avenue, Rockville, MD; more specifically, the southeast corner near the intersection of Darnestown Road and Key West Avenue, consisting of existing Parcel B, Block C ("Subject Property"), in the R & D Village Policy Area and 2010 *Great Seneca Science Corridor Master Plan* ("Master Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820210120, Johns Hopkins Medical Office and Surgery Center at Belward ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated September 17, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

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Approved as to

Legal Sufficiency: /s/ Matthew T. Mills

M-NCPPC Legal Department

WHEREAS, on September 30, 2021, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, on the motion of Commissioner Cichy, seconded by Commissioner Patterson, with a vote of 4-0; Chair Anderson, Commissioners Cichy, Patterson and Verma voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820210120 for a ~~one (1) story~~ medical office building with a maximum of 126,200 gross square feet with parking facilities, public use space, a garden area and seating, with views of the historic Belward farmhouse and outbuildings, the Darnestown Promenade, a new private road, and other amenities, the Subject Property, subject to the following conditions:<sup>1</sup>

### **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 74,952 square feet of public use space (15.3% 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

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

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:

- 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, and adjust the total Afforestation and Reforestation requirement, if needed.
- 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 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 Service (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. Department of Permitting Services-Right-of-Way

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Right-of-Way Permitting Section in its letter dated June 22, 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.

8. 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**

9. 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 Highway as illustrated on the Certified Site Plan in order to accommodate vehicular access for eastbound traffic and with final design subject to SHA approval.
- d) The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration ("SHA") in its email dated September 27, 2021 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA if the amendment does not conflict with any other conditions of the Site Plan approval.

10. 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.

11. 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, and subject to the requirements of SHA access permit, as applicable:
  - 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.

12. 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 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**

13. 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.

14. 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.

**15. 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.

**16. 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.

17. 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 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
  - v. Proposed eight-foot (8-ft.) Parking Lane on one-side
- 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.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Johns Hopkins Medical Office and Surgery Center at Belward Site Plan No. 820210120, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *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.*

#### Use and Development Standards of the LSC Zone

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 2004 Zoning Ordinance. 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. Based on the following data table, which sets forth the development standards approved by the Planning Board and binding on the Applicant, and based on other evidence and testimony of record, the Application meets all of the applicable requirements of the LSC-1.0 H-150 T Zone for area, frontage, width, and setbacks in the zones and accommodate the use.

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

	Required/Permitted	Approved & Binding
<b>Site</b>		
Tract Area	N/A	107.27 acres
Site Area (Overall Site)		4,672,681.2 square feet
Site Area (Site Plan)		11.18 acres (520,540.8 square feet)
Maximum Density of Development (Overall Site per Preliminary Plan approval) <i>Sec. 59-C-5.321</i>	1.0/ 4,737,77 square feet	0.30/ 1,4140,000 square feet
Maximum Density of Development (Subject Property) <i>Sec. 59-C-5.321</i>		126,200 gross square feet 9,060 square feet (mechanical) 117,140 square feet
<b>Public Use Space (min.)</b> <i>Sec. 59-C-</i>	839,800 square feet /	839,800 square feet / 20%



<b>5.32 (% of Overall Site)</b>	20%	(All phases; current & future)
<b>Public Use Space (Subject Property) Sec. 59-C-5.32</b>		74,952 square feet (15% of Site Plan – 1.72 acres)
<b>Lot Coverage (max.)</b>	N/A	40,061 sf./ 8.2%
<b>Lot Dimensions (min.)</b>		
<b>Building Height (max.) Sec. 59-C-5.31</b>	200 feet	80 feet
<b>Principal Building Setbacks (min.)</b>		
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)
<b>Tree Canopy</b>		
Tree Canopy - 30% of parking facility (195,331 square feet)	30% (58,599 square feet)	30% (58,796 square feet)
<b>Parking* &amp; Loading (Sec. 59.6.2.4 &amp; 59.6.2.3.B)</b>		
Standard Spaces	496 spaces	394 spaces <b>total**</b>
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 bike spaces
Off-street Loading Space	1 space	1 space

\*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."

\*\*The types of parking spaces below are subsumed within the total parking count.

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

The layout of the development and 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.

a. **Buildings and Structures**

In keeping with 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 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.

b. Public Use Space and Site Amenities

The Applicant is providing Public Use Space based on requirements for building types within the LCS zone per Section 59-C-5.32 of the former Zoning Code. The placement of the medical office building allows the Site Plan to provide approximately 1.72 acres 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 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.

c. Landscaping and Lighting

Section 59-E.2.6 and Section 59-E.2.7 of the 2004 Zoning Code provides minimum standards for quantity, size, location, and installation of landscaping and outdoor lighting on private property. The landscaping and lighting satisfy all applicable design guidelines and streetscape standards. All new 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 DPS). The Application will provide light fixtures

throughout the surface parking lot and wall packs mounted on the building. However, as conditioned, additional adjustments must be made prior to certification of the Site Plan to ensure lighting levels adequately illuminate the sidewalks along 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 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.

d. Vehicular and Pedestrian 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 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 found that the intersection meets 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). Therefore, 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) is not necessary at this time.

#### Vehicular Access and Circulation

Vehicular access for the new building will be provided via Private Road B-4 which will begin to improve connectivity and access points into the abutting developments. The required off-street parking will be provided and is intended to not dominate the streetscape. The Project is in line with the general site access requirements such as reducing conflicts between vehicular and non-motorized travel along 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 surface parking areas meet the parking requirement per the current 2014 Zoning Ordinance by providing 394 vehicle spaces. The Site Plan reduces as much as functionally possible the amount of vehicular parking visible from Darnestown Road, with the majority of the parking spaces located to the rear of the building. 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 driveway loop west of the medical office building, which meets requirements set forth in Section 59-E-1.4 of the 2004 Zoning Ordinance.

##### Bicycle Parking

The Site Plan is subject to Section 59.6.2.4.C and Section 59.6.2.6. of the County's Zoning Ordinance for long-term and short-term bicycle parking. The Site Plan 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 pedestrian and bicycle accommodations along Darnestown Road and new walking paths and pedestrian crossings will be installed throughout the Site. The 2018 *Bicycle Master Plan* identifies a sidepath along the Applicant's northern frontage of Darnestown Road. The Applicant will 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 Darnestown Promenade is located 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-bioretenction swales, seating, and a pedestrian short-cut from Darnestown Road through the parking lot to the building through sidewalks with landscaped areas.*

The extension of the Darnestown Road sidepath and the Darnestown Promenade will be completed to the Muddy Branch Road intersection under future phases. Conventional striped bike lanes which are currently located along Darnestown Road will 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, providing connectivity to the remainder of the JHU Campus and the LSC Loop Trail as part of future Site Plan(s). 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.

#### 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. With the exception of a requested lead walk to the existing bus stop and improving it with a larger ADA compliant landing pad and a 4-foot bench, additional transit improvements are anticipated in future Site Plan phases. 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 the 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.

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

The 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*, 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 Subject Property is within the Belward Farm District. The GSSC Master Plan lays out both general recommendations for the plan area and specific recommends for the Belward Site.

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 Project's density and building heights are consistent with the GSSC Master Plan's recommendations. The 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.

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 Amended 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. The Applicant will provide roughly 9.8% of the 20% or 74,952 square feet of public use space with the Site Plan. The Subject Property includes roughly 1.72 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.

The Site Plan also implements the beginning of new internal pathway systems with the construction of the Darnestown 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.

#### 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 recommendations such as: 1) the creation a local street network that avoids impact to natural resource areas as much as possible (see page 53), 2) the 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, and 3) where possible, use required forest and tree planting to enhance and expand existing resources.

The GSSC Master Plan also lays out specific recommends 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 provides 30 percent (58,796 square feet) tree canopy.

#### *Stream Buffer and Water Quality*

To protect water quality, the Master Plan recommendations include the following: 1) Site design and construction options that minimize imperviousness, such as reduced parking requirements and the use of structured parking, 2) 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, and 3) the use of vegetated roofs and walls and increasing tree canopy.

These goals are met by combining forest conservation requirements with street trees and landscaping plantings which includes native species. The Site Plan will

incorporate Environmental Site Design to the maximum extent practical with the use of micro-bioretenment 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 providing sustainable features to enhance the development in the form of green roofs to further the Master Plan's recommendations.

#### Housing

The 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 several specific recommendations regarding Belward Farm including: 1) 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 and 2) 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 will not impact the Belward Farm Master Plan Site and will 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.

#### Master Planned Roadway

Generally, the 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 will dedicate 25-feet to the existing right-of-way along the Property's frontage to meet the full 150-foot requirement. Additionally, the Applicant will implement the 60-foot Darnestown 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. 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. 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. As previously noted, the new street B-4 will be constructed along the entire frontage of the Property, 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. 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.

*Decoverly Drive Extended:* Decoverly 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. 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 Decoverly Drive is identified on the Subject Property, from the existing



terminus of Belward Campus Drive, westwards to its planned intersections with Road B-3 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 defers construction of the Decoverly 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.

The 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 medical office building supports the potential usage of the drive aisle as a future private street upon construction of the future ambulance and parking garage.

#### 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*. The Applicant is building within the public right-of-way the master planned 10-foot-wide sidepath and associated buffer from vehicular traffic. The sidepath will be located adjacent to the Darnestown Promenade. Therefore, the Site Plan is in substantial conformance with the GSSC Master Plan.

#### Existing and Proposed Adjacent Development

The Project's 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 Site Plan also provides compatibility with existing neighboring properties and highways. The 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 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 LCS 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-bioretenment areas, green roofs, and bioswales.

- ii. *Chapter 22A, Forest Conservation*

- A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

Environmental Guidelines

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved for this Site on June 17, 1996. The Overall 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 Site 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 PFCP Amendment No. 1996110A 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 2010 *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 No. 11996110A that pertain to environmental requirements:

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

2. 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.
3. 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.
4. The Applicant must install the remaining forest plantings within one year of issuance of the sediment control permit for the second Site Plan.
5. The Applicant must submit and obtain approval of the forest conservation financial security instrument prior to any clearing or grading occurring on site.
6. 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.
7. 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.
8. Final disposition of a Category II Easement on the environmental setting of Belward Farm to be at time of Final Forest Conservation Plan approval.
9. 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.
10. 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) was filed with this Site Plan and 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.

During the Site Plan 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 will 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.

#### B. Forest Conservation Variance

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law identifies certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone ("CRZ"), requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise such resources must be left in an undisturbed condition.

This Application will require the removal of three (3) and CRZ impact to two (2) Protected Trees as identified in the Staff Report.

While much of the Overall 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 use of the Property for a medical office building and the Master Plan facilities, is significant and reasonable and requires granting of the variance.

Specific justification for trees that must be removed was provided in the variance request letter and is summarized below:



*Specimen Trees for Removal*

- 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 Planning Board finds that the tree cannot survive this much impact and approves 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 Planning Board finds that the tree cannot survive this much impact and approves for removal.

*Specimen Trees to be Disturbed but Retained*

Two (2) 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.

In accordance with Section 22A-21(a), the Applicant has requested a Variance and the Board agreed that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance.

The Board made the following findings necessary to grant the Variance:

1. *Granting the Variance 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 GSSC 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. The Planning Board 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. *The need for the Variance 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. *The need for the Variance is not based on a condition related 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. *Granting the Variance 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 (3) trees that will be removed with 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 mitigation trees must be overstory trees native to the Piedmont Region of Maryland on the installed on the Subject Property outside of any rights-of-way and/or utility easements. No mitigation is required for the two (2) Protected Trees impacted but retained that are located within forest stands.

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

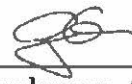
BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution remains October 21, 2021, (which was the date that the original resolution was mailed to all parties of record); and

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Patterson, with Chair Anderson and Commissioners Cichy and Patterson voting in favor of the motion, Commissioner Rubin abstaining, and Commissioner Verma absent at its regular meeting held on Thursday, December 2, 2021, in Wheaton, Maryland.

  
\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board