

**WOODWARD HIGH SCHOOL REOPENING PHASE 2
MANDATORY REFERRAL NO. MR2023017
FOREST CONSERVATION PLAN NO. F20230360**

Description

Mandatory Referral review for Phase 2 construction of Charles W. Woodward High School including an addition on the north side of the main school building, the upper floor of a parking deck, athletic fields, and associated stormwater management.

Nos. MR2023017 &
F20230360

Completed: 8-28-2023

MCPB
Item No. 8
9-7-2023

Montgomery County
Planning Board
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LOCATION

11211 Old Georgetown Road, Rockville

MASTER PLAN, ZONE

1992 North Bethesda Garrett Park Master Plan, R-90 Zone

PROPERTY SIZE

27.31 acres

APPLICANT

Montgomery County Public Schools

ACCEPTANCE DATE

June 16, 2023

REVIEW BASIS

Md. Land Use Article, Section 20-301, et seq., Chapter 22A

Summary:

- Staff recommends approval of the Mandatory Referral and transmittal of comments to MCPS and approval with conditions of Forest Conservation Plan F20230360.
- The Planning Board review of a Mandatory Referral is advisory, but the associated Forest Conservation Plan is a binding regulatory approval.
- Phase 1 of the project is currently under construction and includes the high school building, the bus loop, the access road and run of retaining wall to support it, the on-grade parking, and the lower portion of the parking structure.
- Woodward High School is expected to reopen in the fall of 2026 with program capacity for 2,265 students.
- Staff has received correspondence from neighbors with concerns including tree removal around the perimeter of the property and resulting lack of privacy, and noise from the proposed stadium.

SECTION 1 – RECOMMENDATIONS AND CONDITIONS

Mandatory Referral

Staff recommends approval of the Mandatory Referral and the transmittal of the following comments to Montgomery County Public Schools (MCPS):

1. Comply with the approval conditions for Forest Conservation Plan F20230360.
2. Provide a formalized ADA compliant 8-foot wide hard-surface trail connecting the Property to an existing hard surface loop trail at Timberlawn Local Park. Construction of this trail will require an approved Park Construction Permit. A Pre-construction meeting must be held with Department of Parks Staff before any work on parkland can occur.
3. Should any Park fields be needed for school use in the future, MCPS will need to work with the Department of Parks to negotiate a permitting agreement and mitigation package, that will require approval by the Planning Board.
4. Construct the 16-foot breezeway along the frontage of Old Georgetown Road (MD 187) as shown on Mandatory Referral No. MR2020022, including the street trees, with the following changes:
 - a) Remove “to be completed by others” note on subsequent plan drawings.
 - b) Add signage or design features to alert drivers to yield to pedestrians and bicyclists and to clarify that vehicular access is prohibited on the breezeway.
 - c) Design the breezeway to include consistent materials and be in a flush condition over driveway crossings (i.e. no ramping).
 - d) Explore widening the pedestrian refuge in the porkchop at the entrance to Cedarwood Drive (south of the school Property on Old Georgetown Road), to align with the full width of the proposed breezeway.
 - e) Include gates at the northernmost access point and restrict access to peak times only.
5. Prohibit stadium lighting between 11pm and 7am, consistent with Section 59.6.4.4.C.5 of the Zoning Code.
6. Work with the Devonshire and Mains HOAs to provide sound barrier fencing or other sound mitigation measures, if feasible, between the stadium and the adjacent communities.

Forest Conservation Plan F20230360

Staff recommends approval with conditions of Final Forest Conservation Plan F20230360, which amends FFCP MR2020022 for Woodward High School Reopening Phase 1. 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 that apply to Woodward High School Reopening Phase 2:¹

1. 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.
2. The Applicant must comply with all tree protection and tree save measures shown on the approved 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.
3. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
4. Before the start of any demolition, clearing, grading, or construction for this development Application, whichever comes first, the Applicant must execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, including variance tree mitigation plantings, and landscape plantings credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff.
5. The Applicant must install the Afforestation/Reforestation landscape plantings for forest conservation credit, as shown on the approved FCP, in the first planting season following stabilization of the area to be planted.
6. Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings on the Subject Property as shown on the approved FCP. The variance tree mitigation plantings must be a minimum size of 3 caliper inches totaling 147 caliper inches, as shown on the approved FCP. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
7. The Applicant must construct the formalized ADA compliant 8-foot wide hard-surface trail connection to the existing asphalt path in Timberlawn Local Park as required in Resolution MCPB No. 20-097 for FFCP MR2020022. Completion of the trail construction must occur within one year following issuance of the sediment and erosion control permit for Woodward High School Reopening Phase 2.
8. Prior to certification of the Final Forest Conservation Plan, the Applicant must define the area of landscaping on the southern boundary of the site north of Cedarwood Drive that is being applied to fulfill the 0.16 acres of required afforestation/reforestation resulting from the off-

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.

site forest clearing on the Edson Lane forest, and make any technical corrections that might be identified by staff during their final review of the FFCP.

SECTION 2 - INTRODUCTION

Background

Charles W. Woodward High School operated at 11211 Old Georgetown Road for 21 years, from 1966 to 1987. In 1987, due to low student population, the remaining student body was merged with Walter Johnson High School, and Charles W. Woodward High School closed. The Property served as holding space for Tilden Middle School between 1991 and 2020 when Tilden recently relocated to its permanent new home at nearby Tilden Lane. The 168,597 square foot building was demolished in 2021.

Montgomery County Public Schools (MCPS) is currently constructing the new building and campus for the reopening of Charles W. Woodward High School with a projected opening date of fall of 2026 with program capacity for 2,265 students.² The proposed building will initially serve as swing space for Northwood High School from September 2024 through June of 2026, during the construction of the new Northwood High School facility on University Boulevard West. The new Woodward High School campus is being implemented in three phases:

- Phase 0 included the abatement and demolition of the existing Tilden Middle School building.
- Phase 1 is currently under construction and includes the construction of a comprehensive high school with parking for cars and buses, and tennis courts.
- Phase 2, the subject of the current Mandatory Referral and Final Forest Conservation Plan applications, includes the addition of full athletic facilities, a parking structure, and a special core program that will be housed in an addition to the comprehensive high school.

A prior application for a telecommunication facility on the subject property, designated Conditional Use No. CU202209, was withdrawn by the Applicant and there are currently no plans to construct the telecommunications facility on the subject property.

PROCESS

The Planning Board previously approved (with comments) Mandatory Referral No. MR2020022 on July 23, 2020 for Phase 1 construction of Charles W. Woodward High School. The Planning Board issued a comment letter to MCPS on August 12, 2020 (Attachment A). The letter includes recommendations for revisions necessary to achieve compliance with the County's Vision Zero Policy. The Planning Board's action on a Mandatory Referral is advisory.

² During the Phase 1 Mandatory Referral, No. MR2020022, MCPS anticipated a program capacity of 2,700 students. Capacity has since been reduced by MCPS to 2,265 students.

An associated Final Forest Conservation Plan (FFCP), No. MR2020022, was approved by the Planning Board on August 14, 2020 (MCPB No. 20-067, Attachment B). FFCP No. MR2020022 had a net tract area of 27.58 acres, and it approved the clearing of 2.68 acres of on-site forest. The total afforestation and reforestation requirement was 6.82 acres, with mitigation provided through the purchase of off-site banking credits. FFCP No. MR2020022 also included a variance approval to remove 27 priority trees and provide mitigation on site by planting 49 new native shade trees. The Planning Board's action on a Forest Conservation Plan is regulatory and binding.

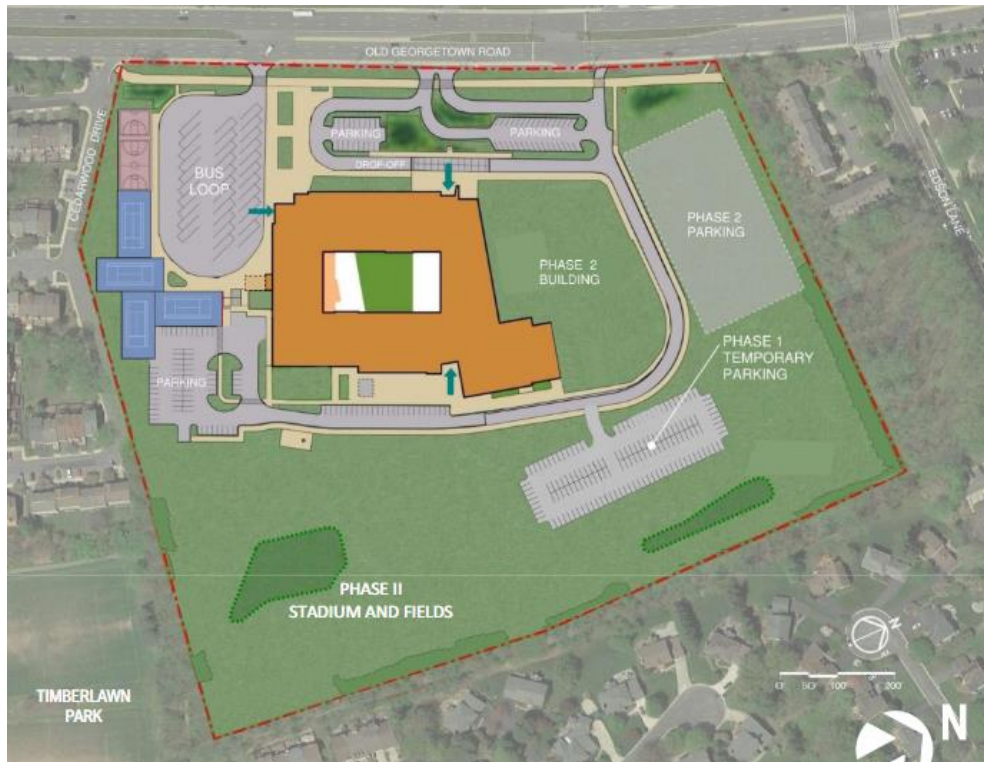


Figure 1: Illustrative Phase 1 Proposal³

On April 7, 2023, MCPS submitted Concept Plan No. 520230140 to the Planning Department, allowing County agencies to provide comments on the Phase 2 construction of Woodward High School. The Concept Plan gives County agencies an early opportunity to address master plan, design, transportation, and other site development concerns prior to the limited review time allocated by law for a Mandatory Referral review. Comments on the Concept Plan were provided to MCPS from the Development Review Committee and included requests for additional information about grading, stadium lighting, retaining walls, and landscape buffers between the proposed athletic facilities and the neighboring residential developments.

³Basketball courts in southwest corner are shown as tennis courts in Mandatory Referral No. MR2023017.

On June 16, 2023, MCPS submitted Mandatory Referral No. MR2023017 and Forest Conservation Plan No. F20230360 to allow Phase 2 construction of Charles W. Woodward High School. MCPS submitted revised application materials for Mandatory Referral No. MR2023017 a few days before the Staff Report posting date, and as a result, there was not sufficient time to review the revised application materials while maintaining the anticipated Planning Board hearing date of September 7, 2023. When Staff gave MCPS the option to have the revised submittal materials reviewed (and move the Planning Board hearing date) or hold the September 7th hearing date based on the review of the prior submittals, MCPS elected to withdraw the revised application materials. Therefore, this Staff Report is based on the Mandatory Referral No. MR2023017 submission dated 6/9/23 and the Forest Conservation Plan No. F20230360 dated 8/4/23.

SECTION 3 – PROJECT DESCRIPTION

Vicinity and Site Description

Charles W. Woodward High School (“Subject Property” or “Property” – shown in red in Figure 2) is located at 11211 Old Georgetown Road in Rockville, south of the intersection of Old Georgetown Road (MD 187) and Edson Lane. The Subject Property is bounded by Old Georgetown Road to the west, Cedarwood Drive and M-NCPPC property (Timberlawn Local Park) to the south, residential properties to the east, and the County-owned Edson Lane Property and residential properties to the north. The Property is zoned R-90 and the vicinity is largely residential with a mix of detached houses and townhomes. Vehicular access to the Property is from Old Georgetown Road and pedestrian paths provide access to the perimeter.



Figure 2: Vicinity (Property shown in red)

The Property slopes down from the west to a low point in the southeast corner, with a drop in elevation of approximately 30 feet. Prior to demolition and construction activities, the Property included two forest stands for a total of 2.68 acres of forest on site, with additional mature trees along the north, east, and west sides of the Property that buffered the adjoining residential neighborhoods from the school facilities. The Property also contained steep grades on the northeastern, eastern and southern boundaries of the Property. The Property contains no wetlands streams or stream buffers, known occurrences of Rare, Threatened or Endangered Species, or cultural features. The Property

drains to the Rock Creek watershed, which is classified as Use Class I by the State of Maryland, and to the Cabin John Creek watershed, which is classified as Use Class I-P. It is not within a Special Protection Area and does not lie in any mapped floodplain.

The forested Edson Lane Property that was proposed for inclusion with Phase 1 is no longer included as part of the Woodward Campus. However, a few trees within the Edson Lane Property will be impacted by grading for a retaining wall and are included in Forest Conservation Plan No. F20230360.



Figure 3: Aerial View of Property prior to demolition of original building

Phase 1 of the new high school, reviewed by the Planning Board as Mandatory Referral No. MR2020022, is currently under construction and includes the main high school building, the bus loop,

the access road and run of retaining wall to support it, surface parking, and the lower portion of the parking structure.



*Figure 4: South elevation of new school building
(from Cedarwood Drive- Mains HOA- facing north)*

Project Description

BUILDING ADDITION AND ATHLETIC FIELDS

The Subject Applications request approval to construct Phase 2 of the new Woodward High School Campus (“The School”). Phase 2 encompasses construction on the northern and eastern portions of the Property with a school building addition, athletic fields, stormwater management and associated site work.

On the northern portion of the Property, an approximately 52,656 square foot arts core building addition will be constructed directly adjacent to the 339,164 square foot Phase 1 building. The main building and the arts core addition will share a wall and will connect on each floor. The arts core addition includes a 600-seat auditorium with a balcony, an auxiliary gymnasium and their associated support spaces. A virtual reality lab, maker space, collaboration studio, small performance space, ensemble room, mixing studios, and practice rooms are also being provided to accommodate an arts-infused program.

North of the arts core addition, the upper level of a parking structure is proposed. The upper deck is a single elevated precast parking deck with two stair towers and an elevator.

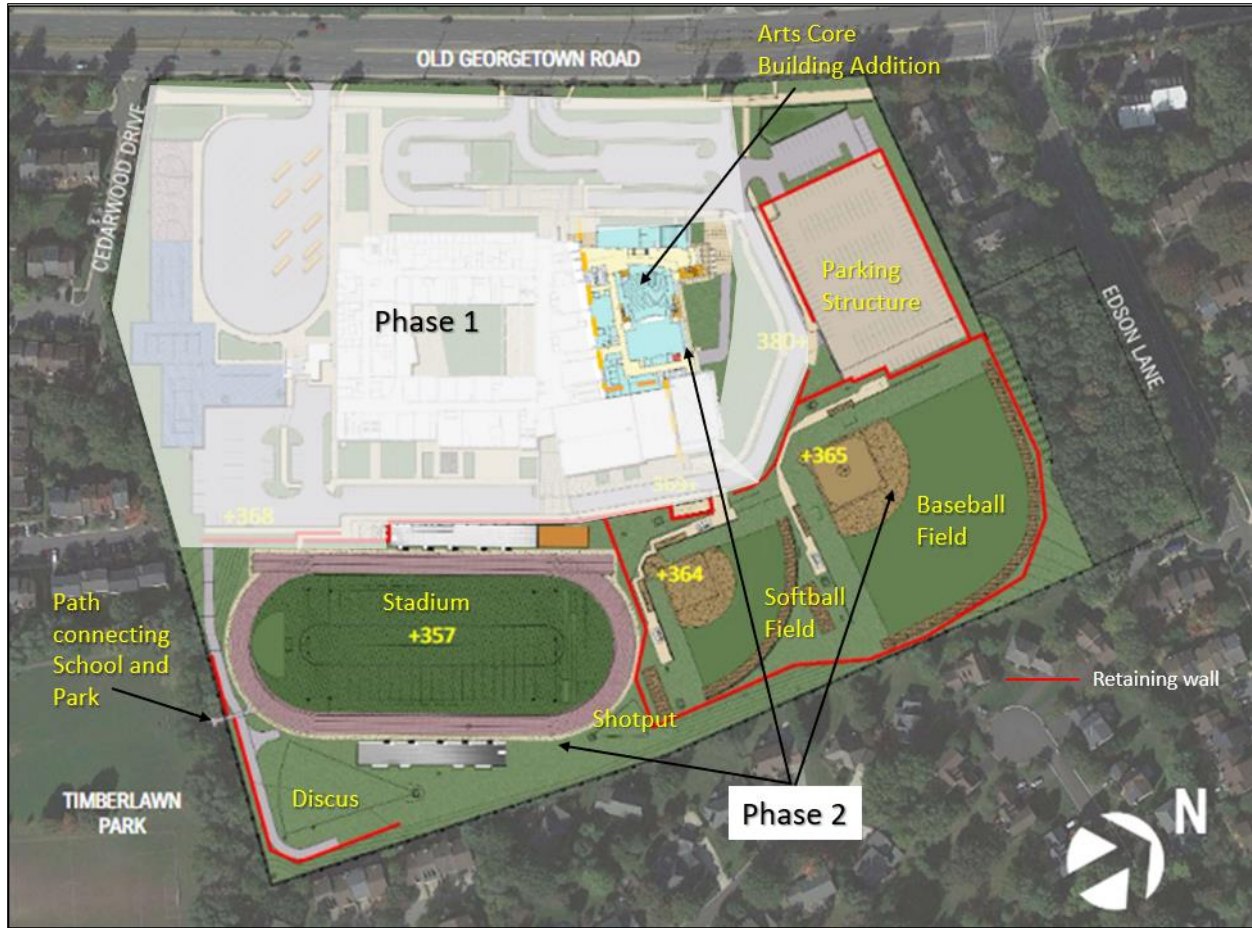


Figure 5: Phase 2 Proposal⁴



Figure 6: West Elevation (facing Old Georgetown Road)

Athletic fields are proposed on the eastern half of the Property. The facilities include a stadium with a synthetic turf field, an 8-lane track, two sets of bleachers, a concession building, and an access road for ambulances. Regulation-sized baseball and softball fields are proposed in the northeast quadrant

⁴ Basketball courts in southwest corner (Phase 1) are shown as tennis courts in Mandatory Referral No. MR2023017.

of the Property, and shotput and discus courts are in the southeast corner. Due to the topography, a number of retaining walls are proposed on the north, south, and east sides of the Property.

TRANSPORTATION

Transportation Vehicular Access and Circulation

Phase 1 developed the vehicular access to the Property. Phase 2 does not modify the vehicular access to or circulation within the Property, except for the addition of a parking deck on the parking lot located at the northwest corner of the site and the addition of the emergency access driveway to the stadium.

All vehicle access to the Property is made from the west via Old Georgetown Road (MD 187). The southern access on Old Georgetown Road (MD 187) is limited to school buses and serves a bus loop and bus parking area. The middle Old Georgetown Road (MD 187) access is signaled and serves as the primary ingress and egress to the Property, providing access to the parent drop-off and pick-up loop and the staff and visitor parking lots, including the new parking deck. A third right-out access is located on the north of the signaled access point, providing an additional egress point for vehicles going northbound on Old Georgetown Road (MD 187).

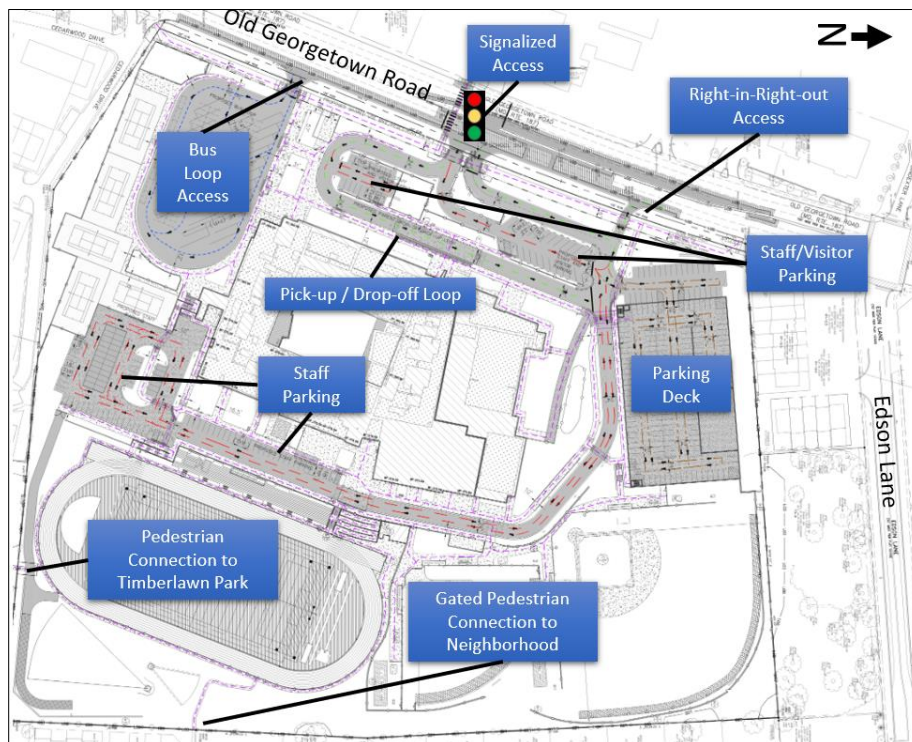


Figure 7: Site Circulation

Pedestrian and Bicycle Facilities

Pedestrian and bicycle facilities serving the Property were primarily determined in Phase 1. There are no major modifications to the Phase 1 conditions in Phase 2. However, the 16-foot breezeway that MCPS proposed to construct in the Phase 1 Mandatory Referral is shown on the Phase 2 Mandatory Referral within a future public utility easement with the facility “to be completed by others.” As recommended, the “to be completed by others” note should be removed from subsequent plan drawings and should be completed by MCPS prior to completion of the Phase 2 improvements. In its transmittal letter dated August 12, 2020, the Planning Board recommended that the Breezeway be required as a frontage improvement to satisfy the Bicycle Master Plan recommendation.

A breezeway prioritizes higher speed bicycle travel between major activity centers and provides separated space for both pedestrians and bicyclists. The breezeway network is identified in the 2018 *Bicycle Master Plan*. Breezeways provide fixed and continuous separation from traffic. The minimum bikeway width is 11-feet, and the minimum pedestrian width is 5-feet, leading to an overall width of 16-feet. Since the Phase 1 Mandatory Referral was approved, the Maryland Department of Transportation State Highway Administration (MDOT SHA) has installed bike lanes with temporary bollards along Old Georgetown Road. The Phase 2 Mandatory Referral shows no changes to the existing sidewalk which is located adjacent to the curb (Figure 8).



Figure 8: Old Georgetown Road Property frontage (from Cedarwood Drive facing north)

Per the August 12, 2020 Mandatory Referral No. MR2020022 letter for Phase 1, an ADA complaint eight-foot-wide hard surface trail connecting the Property to the existing hard surface loop trail at Timberlawn Local Park must be made. This connection has not yet been made. Construction of this trail will require an approved Park Construction Permit.

Public Transit Service

Local bus service is available by Ride On route 26, with a bus stop located on the east side of Old Georgetown Road (MD 187) at the northern Property boundary. Ride On route 26 provides Monday-Sunday service between Glenmont Metro Station and the Montgomery Mall Transit Center and serves Layhill, Aspen Hill, Twinbrook, North Bethesda and Rock Spring.

Ride On routes 37 and 96 provide additional service near the site at the intersection of Old Georgetown Road (MD 187) and Tuckerman Lane south of the site. Route 37 provides weekday peak hour service only between the Wheaton Metro Station and Potomac Community Center. Route 96 provides weekday only service between Grosvenor Station and the Montgomery Mall Transit Center.

Parking

Parking to serve the site was largely addressed as part of Phase 1. However, as part of Phase 2, the upper level of the parking structure will be constructed, adding 129 parking stalls to the Property. The parking structure is located along the northern lot line on the west side of the Property. In total, the Property will have 485 parking spaces.

ENVIRONMENT/SUSTAINABILITY

FFCP No. F20230360 amends FFCP No. MR2020022 to cover the additional Forest Conservation requirements of the second phase of the Mandatory Referral, which includes the construction of a building addition, ballfields and a football stadium. Construction of these facilities includes an off-site disturbance that removes 0.18 acres of forest on the Edson Lane property to the north of the Woodward High School Property. This results in an additional afforestation and reforestation mitigation requirement of 0.16 acres, with mitigation provided on site through landscaping credits. It also includes a new variance request to authorize the removal of an additional 16 priority trees with mitigation trees provided on site.

The proposed School is registered and will receive a rating of two Green Globes in conformance with the Green Globes for new construction 2013 through the Green Building Initiative. The project will be registered and certified for two Green Globes or higher rating in conformance with the rating system through Green Building Initiative (GBI). The Project will also comply with the Montgomery County Amendments to the International Green Construction Code (IgCC). Some of the sustainability features incorporated into the Project are installation of water-conserving, low-flow plumbing fixtures; optimization of the energy performance of the building by providing highly energy-efficient building envelopes, lighting systems, heating; and use of construction materials that are recycled and regionally manufactured.

SECTION 4 - COMMUNITY OUTREACH

Community Meetings

According to the Project website⁵, MCPS has conducted community meetings concerning the reconstruction of Woodward High School since the summer of 2019. Meetings focused on Phase 2 are listed as follows:

- September 14, 2021: Phase 2 Worksession 1
- September 30, 2021: Phase 2 Worksession 2
- October 21, 2021: Phase 2 Worksession 3
- November 16, 2021: Northwood High School PTA meeting
- November 17, 2021: Newport Mill Middle School, Sligo Middle School & Associated Base Area Elementary Schools Work Session
- March 9, 2022: Phase 2 Site and Building Recommendation Community Meeting
- April 6, 2022: Community Engagement Sessions Q&A

Correspondence

After Staff accepted the Mandatory Referral for review, Montgomery Planning notified local civic and homeowners' associations and other interested parties of this proposal. Staff have received emails and phone calls from neighbors, primarily abutting property owners, seeking information and expressing concerns about the Woodward High School Project (Attachment F).

INCOMPATIBILITY WITH RESIDENTIAL NEIGHBORS

The overarching concern from neighboring Property owners is that the proposed athletic facilities and an emergency access road will be incompatible with the adjacent residential communities to the south and east. The mature trees along the southern and eastern lot lines of the Property have been removed, or are planned for removal, and the athletic facilities are proposed in relatively close proximity to the existing homes in the Devonshire East and Mains residential communities. As such, residents have requested the following:

- Preservation of remaining mature trees onsite.

⁵ <https://www2.montgomeryschoolsmd.org/departments/facilities/construction/project/woodwardhs>

- Addition of visual and sound barriers between the proposed athletic facilities and the adjacent residential communities including more substantial tree barriers.
- Reduction in the size of athletic facilities given the constrained size of the campus, stormwater management issues and climate change.
- Limitation on outdoor events and stadium lighting.

Staff Response: The preservation of onsite trees is precluded by the grading necessary for the proposed school and athletic facilities. Staff has worked with the Applicant to provide additional trees along the residential property lines where feasible. Staff encourages MCPS to explore options for sound barrier fencing between the stadium and the adjacent residences, particularly along the southern property line with Devonshire HOA properties that will be at a higher elevation than the stadium and especially subject to stadium noise. Staff recommends prohibiting stadium lighting between 11 pm and 7pm, consistent with Section 59.6.4.4.C.5 of the Zoning Code.

STORMWATER MANAGEMENT AND FLOODING

Neighbors expressed concerns about stormwater management/ flooding on Mains HOA Property and the use of astroturf for the proposed stadium. A neighbor has alerted Staff to a lawsuit filed by WSSC against companies that knowingly polluted the environment with per- and polyfluoroalkyl substances (PFAS), also known as “forever chemicals” that have been known to be used to construct turf fields.

Staff response: The Montgomery County Department of Permitting Services approved a Revised Combined Stormwater Management Concept/Site Development Stormwater Management Plan on August 1, 2023 for the addition of Phase 2 to the Project. Staff recommends that MCPS review their turf policy in the context of the Montgomery County Office of Legislative Oversight’s (OLO) FY2024 project comparing the costs and benefits associated with artificial turf versus natural grass playing fields.⁶

INCOMPLETE APPLICATION MATERIALS

One community member has repeatedly expressed concerns that the Mandatory Referral and Forest Conservation applications were accepted by the Planning Department before they were complete, according to laws and regulations.

Staff response: Staff has acknowledged that the Applications were deficient and should not have been accepted by Planning Department as complete. Staff has required the Applicant to correct all application deficiencies prior to the Planning Board hearing. Staff does not have any concerns about the notice provided with the Applications and was able to complete a thorough review of the Applications.

⁶ <https://www.montgomerycountymd.gov/OLO/Resources/Files/Work%20Programs/FY24WorkProgram.pdf>

PATH BETWEEN WOODWARD HIGH SCHOOL AND TIMBERLAWN PARK

Some neighbors object to the pedestrian connection between the school and the park because it could encourage students to disturb their neighborhood. Another neighbor has expressed support for the connection.

Staff response: This path is critical for students who live in the adjacent neighborhood and walk to school.

SECTION 5 – MANDATORY REFERRAL ANALYSIS

Mandatory Referral review is guided by the Montgomery Planning Mandatory Referral Review Uniform Standards (December 2022), and the authority granted through the Maryland Land Use Article, Section 20-301, et.seq. As set forth in Sections 20-301 and -302, the Montgomery County Planning Board has jurisdiction over mandatory referral projects presented by Montgomery County government and Montgomery County Board of Education/Montgomery County Public Schools, for (i) acquiring or selling land; (ii) locating, constructing or authorizing a road, park, public way or ground, public building or structure, or public utility; or (iii) changing the use of or widening, narrowing, extending, relocating, vacating or abandoning any of the previously mentioned facilities. The Planning Board must review such projects and transmit comments on the proposed location, character, grade and extent of the activity.

As described in the Uniform Standards, the Planning Board considers all relevant land use and planning aspects of the proposal including, but not limited to, the following:

- 1. whether the proposal is consistent with the County’s General Plan, functional plans such as the master plan of highways, environmental guidelines, the approved and adopted area master plan or sector plan, and other public plans, guidance documents, or programs for the area;***

Thrive Montgomery 2050 (“Thrive”), the County’s Approved and Adopted General Plan, recognizes the need for high-performing schools to help achieve many County goals, including maintenance and expansion of the County’s economic competitiveness. The reopening of Woodward High School addresses the County’s need for additional modern, high quality educational space and associated facilities.

Thrive includes environmental policies emphasizing compact growth, minimizing imperviousness, protecting and enhancing forests and other natural habitats, and protecting watersheds. The Project will implement modern stormwater management and green infrastructure practices while redeveloping a school site. Although the redesigned Woodward campus satisfies a County need for another modernized high school in this area, the site design compromises on some of Thrive’s environmental goals, particularly concerning the protection of existing onsite tree canopy.

The Property is within the boundaries of the 1992 *North Bethesda Garrett Park Master Plan* (Master Plan). At the time of the Master Plan, the Woodward facility was being used to house Tilden Middle School. The Master Plan states that the Board of Education programs new schools, modernizations, expansions, etc. through the Capital Improvement Program and that the timing of additions and modernizations are evaluated annually.

The 2018 *Bicycle Master Plan* (Bicycle Plan) requires a 16-foot-wide bicycle and pedestrian breezeway along the Property’s Old Georgetown Road frontage. At the time of Mandatory Referral No. MR2020022, the Applicant agreed to construct the breezeway facility as part of Phase 1 of the Project. However, this facility has not been constructed, and the Phase 2 Mandatory referral application shows the breezeway in a future public utility easement “to be constructed by others.” While the MDOT SHA bike lanes currently provide a buffer between the sidewalk and the vehicle travel lanes, this treatment consists of flex posts and paint with no permanent elements. If MDOT SHA removes the bike lanes, this would leave the sidewalk directly adjacent to fast-moving traffic on Old Georgetown Road (Figure 9). The current bike lanes are also not the ultimate bike facilities envisioned in the 2018 *Bicycle Master Plan*.



Figure 9: Existing sidewalk along the Property frontage without the temporary MDOT SHA bike lanes

To support the County’s Vision Zero goal, the breezeway must be constructed along the Old Georgetown Road frontage to provide a permanent buffer for bicyclists and pedestrian safety. As noted in the Phase 1 Mandatory Referral letter, design modifications are necessary to the previously designed breezeway, particularly where it intersects with the Property access points to increase the safety of pedestrians and bicyclists as well as achieve compliance with the Bicycle Plan. In locations where the breezeway intersects with the Property access points, Staff encourages the Applicant to:

- Add signage or design features to notify drivers that they must yield to pedestrians and bicyclists and that vehicular access is prohibited on the breezeway.

- Design the breezeway to remain flush and include consistent material over driveway crossings (i.e. no ramping).
- Align the breezeway with the porkchop points south at Cedarwood Drive. It would be ideal if the pedestrian refuge in the porkchop could be widened to the full extent of the breezeway.
- Include gates at the northernmost access point and restrict access to peak times only.

2. whether the proposal is consistent with the intent and the requirements of the zone in which it is located;

The Subject Property is zoned R-90, a detached residential zone, and was analyzed for conformance with the applicable development standards of the zone, as shown in Table 1 below.

Table 1: Applicable Development Standards – R-90 Zone (Section 59-4.4.8.B)

Development Standard	Required	Provided
Lot (min)		
Lot Area	9,000 sq. ft.	1,265,979 sq. ft. (27.03 AC)
Lot Width at Front Building Line	75 ft	1,188 ft
Lot Width at Front Lot Line	25 ft	1,030 ft
Lot Coverage (max)	30%	13%
Principal Building Setbacks (min)		
Front	30 ft.	215 ft.
Side	8 ft.	270 ft/338 ft
Sum of Sides	25 ft	608 ft
Rear	25 ft.	375 ft
Accessory Structure Setbacks (min)		
Front	60 ft	629 ft (concession); 91 ft (parking)
Side	5 ft	585 ft/589 ft (concession); 36 ft/949 ft (parking)

Development Standard	Required	Provided
Rear	5 ft	318 ft (concession); 397 ft (parking)
Building Height (max)		
Principal Building	35 ft	70 ft 8 in
Accessory Structure	20 ft	22 ft 4 in (concession); 25 ft (parking)
Parking	N/A	485

3. *whether the nature of the proposed site and development, including its size, shape, scale, height, arrangement, design of structure, massing, setback(s), site layout, and location(s) of parking is compatible with the surrounding neighborhood and properties;*

With the construction and reopening of Woodward High School campus, the Subject Property will continue the public school use that has generally been in place since the original school campus was constructed in 1965. The scale and extent of the new school building, bus loop, parking lot, and vehicular circulation system take up substantially more space than the demolished facilities and were evaluated with the Phase 1 Mandatory Referral. Providing the typical MCPS academic and athletic program on this relatively size-constrained Property necessitates locating the athletic fields and parking deck on the perimeter, closer to neighboring residential developments.

At 22.3 feet, the proposed height of the parking structure is compatible with the adjacent residential neighborhood to the north, but the size of the structure is somewhat out of scale with the adjacent townhouses given the close proximity (25 feet) to property line. Neighbors located south and east of the Property are particularly concerned about the location of the stadium and the removal of existing mature vegetation that has buffered residential properties from the school facilities for decades. The track around the stadium field is located approximately 50 feet from the nearest property line shared with a residential community (Devonshire East Condos). However, the main bleachers are located over 200 feet away from the Property lines shared with residential neighbors. Staff recommends that MCPS work with the neighbors adjacent to the proposed stadium to provide sound barrier fencing, or other sound mitigation measures, if feasible.

The submitted photometric drawing shows that the illumination at the Property lines adjacent to the stadium will be a maximum of 0.31 footcandles. This level of illumination is

consistent with Zoning Code requirements that require illumination to be 0.5 footcandles or less at the lot line (Section 59-6.4.4.D.). Staff recommends prohibiting stadium lighting between 11pm and 7am, consistent with Zoning Code Section 59-6.4.4.C.5). Trees will be replanted along the perimeter of the Property where it abuts residential development.

Although the Project's site layout is not ideal in terms of compatibility with the neighboring residential Properties, it is generally compatible with the overall neighborhood, particularly given the use of the Property as a public school for many decades.

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

The Arts Core building addition proposed with Phase 2 is a logical extension of the main school building. The concession building is located to provide efficient services to the stadium, while the parking structure provides additional parking directly adjacent to the school. As previously noted, the location of the parking deck and athletic fields in close proximity to the residential neighbors is not ideal. However, the location and scale of these facilities are adequate, safe and efficient for the layout of the School campus. Tree plantings are proposed along the south, east, and northern property lines. While the proposed tree plantings are located in an appropriate location to help buffer the residential neighbors, more substantial plantings would enhance the compatibility between the two uses. The layout of the athletic facilities and the underground stormwater management vault, however, preclude wider planting areas.

The pedestrian and vehicular circulation around the Property was largely established by the Phase 1 Mandatory Referral. Phase 2 provides pedestrian circulation to the athletic fields and emergency ambulance access to the stadium. In Phase 1, MCPS agreed to construct an ADA compliant eight-foot pedestrian connection between the school and the hard surface trail around Timberlawn Local Park to provide a safe and efficient connection with the neighboring community. This connection requires a Park Permit.

A Local Area Transportation Review (LATR) study was previously conducted as part of Phase 1. The analysis, dated April 23, 2020, reviewed the impact of the 2,700-student high school on the transportation facilities near the Property⁷. As noted in the Phase 1 staff report, the LATR study was not deemed adequate as the Maryland Department of Transportation State Highway Administration (MDOT SHA) required further coordination regarding the intersection of Old Georgetown Road (MD 187) and Tuckerman Lane. This additional coordination did

⁷ MCPS has since reduced the student capacity to 2,265.

occur and per the letter dated July 17, 2020, MDOT SHA concurred with the LATR findings for the project.

- 5. whether the proposal has an approved NRI/FSD and a preliminary SWM concept plan, and meets the requirements of the Forest Conservation Law (Chapter 22A of the County Code). Forest Conservation Plan, if applicable, must be approved by the Planning Board, either before or at the time of the Board's mandatory referral review and action on the project. Unlike the mandatory referral review by the Board, the conditions of the Forest Conservation Plan are binding on all county projects and require a Resolution of Approval.***

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD No. 420200230) for this Property on October 4, 2019. Included with the Forest Conservation Plan is a request for a tree variance for impacts and removal of subject trees. The Final Forest Conservation Plan complies with the Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned and described in Section 6.

The Montgomery County Department of Permitting Services approved a Revised Combined Stormwater Management Concept/Site Development Stormwater Management Plan on August 1, 2023 for the addition of Phase 2 to the Project. Required stormwater management goals will be met via the use of permeable pavement and micro bioretention.

- 6. whether a Preliminary or a Final Water Quality Plan has been reviewed by the Planning Board if the project is located in a Special Protection Area. In addition, for a Water Quality Plan for a project on public property, the Board must determine if the plan meets the standards of Article V. WATER QUALITY REVIEW IN SPECIAL PROTECTION AREAS, of the County Code (pursuant to Section 19-65(d)(4));***

Not Applicable; the project is not located in a Special Protection Area.

- 7. whether or not the site would be needed for park use if the proposal is for disposition of a surplus school.***

Not applicable; the proposal is not a disposition of a surplus school.

- 8. whether alternatives or mitigation measures have been considered for the project if the proposal is inconsistent with the General Plan or other plans and policies for the area, or has discernible negative impacts on the surrounding properties or neighborhood, the transportation network, the environment, historic resources (including burial sites) or other resources.***

The Project is generally consistent with Thrive 2050 and the 1992 *North Bethesda Garrett Park Master Plan*. However, residents who live adjacent to the Property have valid concerns about visual, sound, and light intrusion from the nearby athletic facilities.

During the design and outreach phase of the Project, MCPS explored alternatives to the proposed configuration of athletic facilities. MCPS described to Staff prior discussions with the community about the possibility of Woodward students using the athletic facilities at Walter Johnson High School in lieu of building facilities onsite. That proposal was met with opposition by the school community and was ultimately rejected. In addition, MCPS considered alternative configurations for the on-site athletic facilities, but the athletic fields were relatively proximate to residential properties in all alternatives.⁸

To help mitigate neighbor's concerns, Staff has worked with MCPS to provide additional trees along the Property's east and south lot lines to the greatest extent possible given the proposed athletic program and underground stormwater management facilities.

⁸ Powerpoints dated September 14, 2021 and September 30, 2021.

<https://www2.montgomeryschoolsmd.org/departments/facilities/construction/project/woodwardhs>

SECTION 6- FOREST CONSERVATION ANALYSIS AND FINDINGS

Final Forest Conservation Plan (FFCP) F20230360 amends FFCP MR2022022, which was approved with Woodward High School Reopening Phase 1. FFCP MR 2022022 approved the removal of the 2.68 acres of forest existing on site at the beginning of the project. Required mitigation was to be provided by acquiring 6.82 acres of equivalent credit in an approved off-site forest bank. FFCP MR2022022 included a variance request to impact 31 specimen trees on the site. Twenty-seven of these trees were approved for removal. The required mitigation for specimen tree removal was to replant 49 native shade trees on site, using planting stock of no less than 3 inches caliper.

The Phase 2 construction requires removal of 0.18 acres of offsite forest. This results in a new reforestation requirement for 0.16 acres of forest mitigation if planted within the same watershed, or 0.25 acres of forest mitigation if planted outside the watershed. The temporary construction easement that will cover that forest removal is to be converted into a permanent maintenance easement for the required maintenance of the retaining wall. Although this portion of the Edson Lane forest will be replanted to forest, due to the maintenance easement over the area, forest conservation credit cannot be granted for the forest replanting on this property.

The Forest Conservation Law establishes priorities for forest mitigation to ensure that the mitigation plantings go to the places where they are most needed. Section 22A-12(e)(3), *Priority areas and plantings*, states that “Afforestation and reforestation should be directed to stream buffer areas, connections between and additions to forested areas, topographically unstable areas, and land use and road buffers.” While there are not areas on site that contain stream buffers, or where forest areas could be connected or expanded, there are areas where steep slopes along the edge of the site need to be stabilized, and where adjacent residential land uses need to be buffered from the school uses.

And, while the Forest Conservation Law includes a preferred sequence for reforestation and reforestation that prioritizes on-site forest planting, then off-site forest planting, forest enhancement, supplemental planting, off-site forest bank credits, fee-in-lieu, and landscaping with an approved plan, Section 22A-12 (e) (1)(C) says that the preferred sequence may be modified for a specific project to achieved the objectives of a master or sector plan or other County land use policies. Objective 2.6(A)(1) of the North Bethesda/Garrett Park Master Plan is to “Protect and reinforce the integrity of exiting residential neighborhoods.” Objective 2.6(A)(8) is to “Preserve and expand green areas and greenways, including institutional open space, for environmental protection, wildlife sanctuary, recreation, and visual relief.”

The Forest Conservation Regulations establish requirements that permit the use of landscaping to fulfill required forest conservation mitigation. Section 22A.00.01.08(G)(1) of the Forest Conservation Regulations (“Credit Toward Afforestation and Reforestation for Landscaping and Tree Save”) states that “The Planning Board or Planning Director, as applicable, must find that all opportunities for establishing forest have been incorporated into on-site afforestation and reforestation plans before any credit for landscaping or tree save area is applied.” Since this site is constrained by size and

topography, the new high school and all of its required facilities take up all available space on the site, leaving no room to establish new forest on the property. However, small areas around the perimeter of the site can accommodate landscaping that will help meet the objectives of the Forest Conservation Law to prioritize directing afforestation and reforestation to buffer other land uses, and help meet the objectives of the *North Bethesda/Garrett Park Master Plan*.

Therefore, Staff is requiring that the 0.16 acres of new reforestation mitigation be fulfilled on-site by applying at least 0.16 acres of the landscaping area on the southern boundary of the school site and north of Cedarwood Drive, as shown on the landscaping plans accompanying the Mandatory Referral, to fulfil the mitigation requirement, and to buffer the adjacent residential communities and expand green areas for environmental protection and visual relief.

Forest Conservation Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection (“Protected Trees”). Any impact to these trees, including removal of the subject tree or disturbance within the 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. 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 Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; 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

On August 4, 2023, the Applicant submitted an amended variance request in association with the FFCP (Attachment G). As stated, the amendment updates the disturbance of the root zones to include an additional nineteen (19) specimen trees. Sixteen (16) of the impacted trees will be required to be removed and are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law. The Applicant proposes to impact, but save, an additional three (3) trees that are 30 inches or greater DBH, that are considered high priority for retention (Tables 2 & 3).

Table 2: Protected Trees to be Impacted

Tree Number	Species	DBH Inches	% CRZ Impacts	Status and Notes
43	Black walnut (<i>Juglans nigra</i>)	32"	14%	Good condition.
43A	Yellow poplar (<i>Liriodendron tulipifera</i>)	35"	10%	Good condition.
14E	Yellow poplar (<i>Liriodendron tulipifera</i>)	52"	11%	Good condition.

Table 3: Protected Trees to be Removed

Tree Number	Species	DBH Inches	% CRZ Impacts	Status and Notes
14	Black locust (<i>Robinia pseudoacacia</i>)	45"	n/a	Impacted by sewer utility and grading.
15	Black cherry (<i>Prunus serotina</i>)	30"	n/a	Impacted by sewer utility and grading.
16	Black locust (<i>Robinia pseudoacacia</i>)	35"	n/a	Impacted by grading.
23	White pine (<i>Pinus strobus</i>)	35"	n/a	Impacted by grading.
25	White pine (<i>Pinus strobus</i>)	30"	n/a	Impacted by grading.
27	White pine (<i>Pinus strobus</i>)	33"	n/a	Impacted by grading.
29A	White pine (<i>Pinus strobus</i>)	31"	n/a	Impacted by grading.
29D	White pine (<i>Pinus strobus</i>)	31"	n/a	Impacted by grading.
30	White pine (<i>Pinus strobus</i>)	30"	n/a	Impacted by grading.
41	Willow oak (<i>Quercus phellos</i>)	41"	n/a	Impacted by grading.
45	Yellow poplar (<i>Liriodendron tulipifera</i>)	35"	n/a	Impacted by grading.
46	Yellow poplar (<i>Liriodendron tulipifera</i>)	55"	n/a	Impacted by grading.
47	Yellow poplar (<i>Liriodendron tulipifera</i>)	50"	n/a	Impacted by grading.
48	Yellow poplar (<i>Liriodendron tulipifera</i>)	38"	n/a	Impacted by grading.
49	White oak (<i>Quercus alba</i>)	41"	n/a	Impacted by grading.
64	White pine (<i>Pinus strobus</i>)	30"	n/a	Impacted by grading.

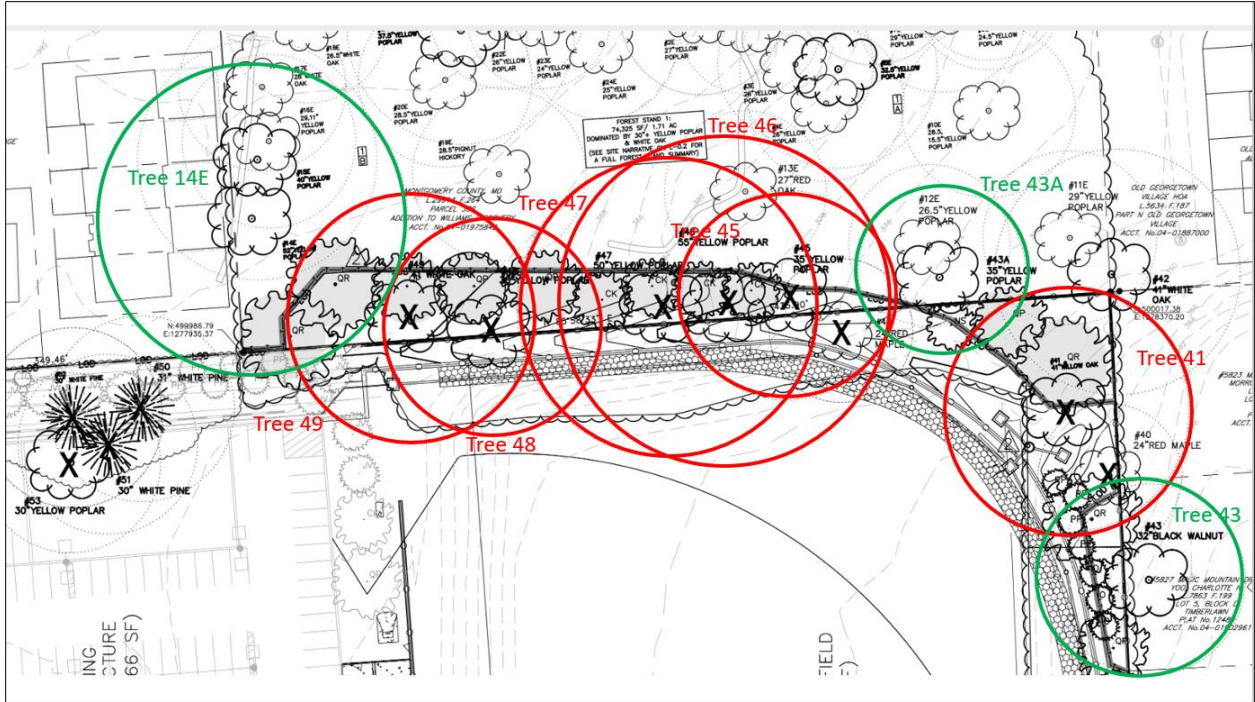


Figure 10: Variance Tree Removals and Preservation. Trees to be removed in red, trees to be preserved in green.



Figure 11: Variance Tree Removals. Trees to be removed in red.



Figure 12: Variance Tree Removals. Trees to be removed in red

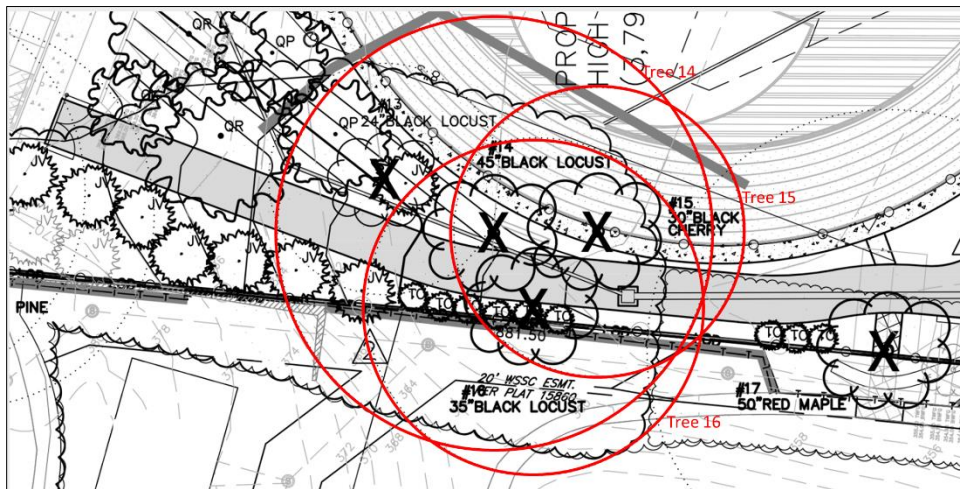


Figure 13: Variance Tree Removals. Trees to be removed in red.

Unwarranted Hardship Basis

Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of its property. In this case, the unwarranted hardship is caused by the necessary layout of the proposed development on the Property which is dictated by the existing site constraints, including site size, topography requiring grading to create building pads and stabilize steep slopes, required school facilities, Montgomery County agency requirements including stormwater management, and required utilities. Trees No. 14E, 41, 43, 43A, 45, 46, 47, 48, and 49 are located near the northern site boundary where they are being impacted by construction of a new baseball diamond, a retaining wall and associated grading. Trees No. 23, 25, 27, 29A, 29D, 30 and 64

are located along the eastern site boundary, and are impacted by ballfield and stadium construction, retaining walls, grading and stormwater management. Trees No. 14, 15, and 16 are located along the southern site boundary where they are impacted by grading and a required ambulance access road to the stadium. The inability to remove these trees would potentially render portions of the site undevelopable for this project. Therefore, there is a sufficient unwarranted hardship to justify a variance request because the Applicant would otherwise be unable to provide the athletic facilities required to serve the high school student population, which is a reasonable and significant use of the Property, which is being dedicated to construction of a high school and its associated facilities.

Section 22A-21 of the County Forest Conservation Law 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 in the review of the variance request and the proposed Forest Conservation Plan:

Variance Findings

Staff has made the following determination based on the required findings that granting of the requested variance:

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

Granting the variance will not confer a special privilege on the Applicant as the removal and disturbance to the specified trees are due to the development of the Property, location of the trees, site constraints, and necessary site design requirements. The Property contains numerous large trees located within or in close proximity to the developable area of the site. Granting a variance to allow development of the site is not unique to this Applicant. Staff believes that 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. The requested variance is based upon the existing site conditions and constraints, and necessary design requirements of this Application, including fire department access and stormwater management requirements.

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 a result of the existing conditions and constraints and the proposed site design and layout of the Subject Property, and not as 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 removed are not located within a stream buffer, wetland or Special Protection Area. The Application proposes mitigation for the removal of these trees by planting larger caliper trees on-site. These trees will replace water quality functions that may be lost by the removed trees. Therefore, Staff concurs that the Application will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provision

There are 16 Protected Trees proposed for removal in this variance request, resulting in a total of 590 inches of DBH being removed. The Applicant proposes mitigation at a rate that approximates the form and function of the trees removed. These trees will be replaced at a ratio of approximately 1-inch caliper for every four inches removed using trees that are a minimum of three caliper inches in size. This results in a total mitigation of 147 inches with the installation of 49 3-inch caliper overstory trees native to the Piedmont Region of Maryland on the Property outside of any rights-of-way and outside of any utility easements. The locations of these plantings must be shown on the certified Final Forest Conservation Plan. Although these trees will not be as large as the trees lost, they will be planted on the Subject Property and provide some immediate benefit, ultimately replacing the canopy lost by the removal of these trees. There is some disturbance within the CRZ of three trees; however, they will receive adequate tree protection measures, their roots will regenerate, and the functions they currently provide will continue. Therefore, no mitigation is recommended for trees that are impacted but retained. It has been M-NCPPC policy not to require mitigation for Protected Trees removed within forest stands since the removal of the forest is accounted for through the Forest Conservation Worksheet. As conditioned, the mitigation trees will be protected as part of a 5-year maintenance and management agreement.

Variance Recommendation

Staff recommends approval of the variance request.

SECTION 7 - CONCLUSION

Staff recommends approval of the Mandatory Referral No. MR2023017 with transmittal of comments to Montgomery County Public Schools and approval of the FFCP No. F20230360 with conditions.

Attachments

Attachment A: Letter from Planning Board re: Mandatory Referral No. MR2020022 (Phase 1)

Attachment B: Forest Conservation Plan No. MR2020022 Resolution

Attachment C: Mandatory Referral No. MR2023017

Attachment D: Forest Conservation Plan No. F20230360

Attachment E: Agency Letters

Attachment F: Correspondence

Attachment G: Variance Request

Attachment H: Decision Memo from MCDGS