



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

MCPB No. 15-122
Preliminary Plan No. 12002096B
Howard Hughes Medical Institute
Date of Hearing: October 8, 2015

NOV 25 2015

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on November 4, 2004, the Planning Board approved (by Resolution dated January 19, 2005) a revised Preliminary Plan 12002096R and associated Forest Conservation Plan (FCP) to add 75,000 square feet of administrative office space to the campus, located in the southwest quadrant of the intersection of Jones Bridge Road and Connecticut Avenue ("Subject Property"), in the Bethesda-Chevy Chase master plan area ("Master Plan") area; and

WHEREAS, on October 20, 2005, the Planning Board approved (by Resolution dated November 18, 2005) Preliminary Plan Amendment 12002096A to address the abandonment of a minor portion of unused ROW which was found to overlap the Subject Property; and

WHEREAS, on November 18, 2014, Howard Hughes Medical Institute ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan(s) to revise the Final Forest Conservation Plan to address the SHA condemnation of a portion of the Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12002096B, Howard Hughes Medical Institute ("Preliminary Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated September 25, 2015, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 8, 2015, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

Approved as to
Legal Sufficiency

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WHEREAS, on October 8, 2015, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Fani-Gonzales, seconded by Commissioner Presley, with a vote of 5-0; Chair Anderson, Commissioners Dreyfus, Fani-Gonzales, Presley and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 12002096B to address the forest conservation impacts associated with the SHA condemnation of portions of Subject Property by adding/modifying the following conditions:¹

- 1) The Final Forest Conservation Plan must be revised to address the following items subject to MNCPPC Staff approval:
 - a. Coordinate with Staff regarding necessary clarifications/corrections of the plan notes and specifications.
 - b. Clarify/correct plan tables to demonstrate the previous and current FCP requirements.
 - c. Delete the revised worksheet and restore the originally approved worksheet.
 - d. Eliminate the "removed" symbols for trees that are beyond the scope of the current amendment.
 - e. Provide up to 12 additional one- to two- inch caliper native plantings as needed to appropriately fill any resulting gaps within the easement area. Final quantities and locations to be determined by the Planning Department Forest Conservation Inspector.
- 2) Condition 9 of Preliminary Plan No. 12002096R is amended to allow modification of the Category I Easement area by deed instead of record plat.
- 3) The fee-in-lieu payment or certificate of compliance to use an off-site forest mitigation bank that satisfies the 0.40 acre mitigation requirements must be approved by M-NCPPC Staff prior to any clearing or grading within the project area.
- 4) No clearing or grading within the existing Category I Easement area will be permitted until the abandonment and new onsite easement areas are recorded.

BE IT FURTHER RESOLVED that all other preliminary plan conditions of approval for this project remain valid, unchanged and in full force and effect.

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

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:

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan as revised by previous amendments, and all findings not specifically addressed remain in effect.

1. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The amended forest conservation plans and associated easement boundaries continue to meet the requirements of the forest conversion law and regulations. Specifically in that additional sections of new Category I easement areas were strategically placed to maximize the width of the remaining easement area which continues to meet the forest definition. Since the net loss of forest easement area is 0.20 acres, the offsite mitigation is allowable under Section 22A-12.(g)(2)(E) because the reforestation requirements are less than 0.5 acres. The Applicant will satisfy the 0.40 acres of mitigation requirements by either paying an in-lieu fee or buying credits in a forest conservation bank.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is NOV 25 2015 (which is the date that this Resolution is mailed to all parties of record); and

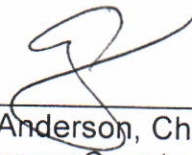
BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Presley and Fani-González voting in favor of the motion, and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, November 19, 2015, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board