BAY VILLAGE
FOREST CONSERVATION PLAN
JUSTIFICATION STATEMENT
FOR
CLEARING BELOW THE BREAK EVEN POINT
AND
SPECIMEN TREE REMOVAL

The purpose of this justification statement is to provide supporting information for the applicant's Forest Conservation Plan (FCP) submittal to the City of Annapolis. The submitted FCP seeks approval for the clearing of existing forest below the Break Even Point for the overall subdivision tract and the utilization of public R/W planting and reforestation on-site to meet the letter and intent of the Forest Conservation Act. The following justification gives the supporting information on the design of the project, as well as documenting the planning, environmental, and zoning constraints that have resulted in our request. In addition, eight (8) specimen trees are being proposed for removal with this proposed project and the following justification also serves to support the need to remove these trees.

As background information on the site, it should be noted that this property was annexed into the City by Resolution No. R-7-96, adopted on June 10, 1996, as a split zoned PM-2 and R1 zoned tract of land. In 2007, a mixed-use, 4 lot subdivision known as "Bay Village" was approved by the City with Lots 1-3 located within the PM-2 portion of the site along Bay Ridge Road and Lot 4 located predominantly in the R1 zoning district in the rear of the property. A grading permit is active on the site for the development of Lot 1 (future office/restaurant) and Lot 3 has been improved with a CVS pharmacy. Lots 2 and 4 remain as vacant lots. As part of the subdivision, a forest conservation plan was approved by the City of Annapolis for the entire 10.34 acre tract which assumed total clearing of the front PM-2 zoned lots. The record plat contains a conservation note requiring that, with any development of Lot 4, the forest conservation requirements would be addressed prior to any permits being issued. Accordingly, with the proposed Lot 4 development plans, the attached Forest Conservation Plans are being submitted to address the City and State regulations for the entire subdivision.

The Bay Village project is located across Bay Ridge Road from the Giant Shopping Center and is accessed via Edgewood Road extended at its signalized intersection with Bay Ridge Road. As noted above, the only completed development to date is the CVS store which is located on Lot 2 of the Bay Village subdivision. Based on the Forest Conservation requirements for a 10.34 acre property, the Break Even Point (amount of forest that must be retained so that no mitigation is required) for all four (4) lots was calculated at 2.7 acres and was required by the subdivision approval to be met through the preservation of existing forest entirely on Lot 4 of the development.

The applicant is proposing the development of a 90 unit full-service assisted living facility on Lot 4 at Bay Village. At the time this property was annexed to Annapolis, city staff envisioned a small mixed-use village center bisected by a road through the property linking Edgewood and Georgetown Roads. The land between the proposed road and Bay Ridge Road was zoned PM2 (Professional mixed office district), and the land to the rear of the property was zoned R1 (Single-family residential). The proposed assisted living facility is a use allowed as a special exception in the R1 zone.

Lot 4 is a 6.3-acre parcel with three significant constraints: (1) it contains a large storm water management pond that was sized to manage the quantity portion of the storm water from the entire Bay Village subdivision,(2) the forest conservation requirements for the entire Bay Village project were proposed to be placed on Lot 4, (3) the presence of an isolated, non-tidal wetland pocket in the southwestern corner of the lot.

A Forest Stand Delineation Report and Plan, prepared by Wetland Studies and Solutions, Inc. and dated April 13, 2015, was considered "complete and correct" in a July 14, 2015 letter from the City of Annapolis Department of Neighborhood and Environmental Programs (DNEP). The Plan identified two separate forest stands, 12 specimen trees, and the isolated, non-tidal wetland pocket on the site. Neither of those existing forest stands was classified as a priority for retention, with the exception of that section of Stand 2 containing the non-tidal wetland pocket.

With the proposed development of Lot 4, forest retention will fall below the Break Even Point by 0.7 acre, such that 2.0 acres of forest will remain. As a result, the proposed project will have an overall reforestation requirement of 0.8 acres. As currently designed, the project is able to fully meet the requirements of the Forest Conservation Act on-site by conserving 2.0 acres of existing forest, by providing a reforestation area of 0.04 acres (which will be protected in a forest conservation easement), and by planting 0.92 acres of public R/W street trees and buffers on the site.

In order to understand why 2.7 areas of existing forest cannot be retained on Lot 4, it is important to comprehend that the functional aspects of assisted living, relative to the needs of the residents, dictate the form of the facility itself, in particular the necessity of providing a predominately single-story structure to the extent practicable. Additional aspects of the design of the Bay Village Assisted Living Facility were generated in response to the requirements that gerontologists have identified as necessary for successful assisted living environments.

Assisted living provides housing for seniors who are often frail and/or confused and require, in many cases, 24 hour oversight and assistance. Typically, stays at these facilities are between six months and three years until the resident either passes on or moves to a nursing home. Because of the condition of these residents, it is important to provide them with an environment that is not only therapeutic for their physical and mental limitations, but also spiritually uplifting and socially and intellectually stimulating.

There is a strong preference among seniors to live on the ground floor of assisted living residences. There are a number of reasons for this, including the fear of not being able to find a quick safe exit in the event of a fire, the proximity to dining rooms, medical areas, craft and activity rooms and the need to have outdoor space that can easily be accessed from the ground floor for gardening tracking and other therapeutic activities. In a number of studies, it has been shown that seniors, especially frail seniors, are able to track and find their way better when living on a single floor, rather than on multiple levels that require an elevator to connect then to common facilities such as dining rooms and activities areas. This is due to the fact that elevators require them to re-orient themselves each time the doors open and close on a different floor, often resulting in confusion and anxiety.

The first floor of the proposed facility will include a memory care wing with 18 residential rooms. This requires the construction of separate, unit specific, dining, activity and medical areas in close proximity to the rooms and also a large private exterior space that is used for senior tracking within a closed community. Tracking is a side effect of sun-downing syndrome, which most memory care residents suffer from. It encourages them to want to walk in continuous loops so as to reduce stress and to prepare them for periods of sleep which are not directly tied to the day or night time hours. For that reason, memory care units must always be located on the ground floor and have adjacent fenced outdoor tracking areas that allow seniors free access from the interior to the exterior of the building.

Bay Village will also provide two additional therapeutic, exterior courtyards that engage residents in horticulture; both gardening for vegetables as well as flowers and shrubs. These activities obviously need to happen at grade. These areas will be adjacent to the crafts room and the formal day room or living room and will provide the site with green space additional to the exterior landscaped areas of the entire site. Covered outdoor porches are also a very popular and beneficial part of the exterior socialization and interaction of the assisted living community

In an effort to minimize the building intrusion on the site and forest, the kitchen, storage, trash collection and recycling, mechanical equipment areas, employee lounge, laundry areas and the entire 60 car parking lot of the project have been located below grade to minimize the building footprint.

Included in the proposed facility is a 12-unit second floor residential area, which will be occupied only by the most active and mobile residents. These rooms have been tied to an outdoor roof deck and green space and a separate terrace dining area for their use has also been provided. The barbershop and hair style salon, fitness center and administrative offices have been located on the second floor, further reducing the building footprint and the intrusion into the forest land behind the building.

In addition to the memory care rooms that must be located on the first floor, there will be 60 level two residential units on the ground floor which represents a typical ratio between level two residents and the more active level one residents who will occupy the

second floor. The medical, psychological and physical needs of these level two residents make it imperative that they be located at grade.

In addition to the landscaped, therapeutic exterior space at the front of the building, there are also two exterior courtyards at the rear of the building with a view into the forested area. These courtyards on either side of the main dining room provide opportunities for exterior dining, game playing and relaxation. Given the fact that Annapolitans prefer to spend a great deal of their lives engaged in outdoor activities, this project will respond to that preference of our future, local residents by allowing at-grade access to landscaped courtyards which add to the total green area of the project, as well as providing a higher quality of living for them.

It is a proven fact in the assisted living industry that better care is given to residents that reside on a single floor plane. It has also been shown that staff can better share duties, respond to emergencies and provide more comprehensive services when all staff members are on the same floor. Incorporating this single level, main floor feature in this facility will assure the safety of the level two residents and greatly enhance the services that they will receive at Bay Village.

As discussed above, the ideal assisted living facility has distinct and discreet needs that dictate the form of the building. However, after considering planning staff comments and internal discussions regarding resulting changes in management and staffing, the footprint of the building has been reduced by including residential units and amenities on a second floor..

It is critical to understand that actions by the City resulted in the need for this request. When this property was annexed and subdivided, City officials required that the site provide a public right-of-way to link Edgewood and Georgetown Roads to serve a mixed-use village center and neighboring properties. This public way consumed a great deal of land that, if it had not been required, might have remained in a forested state and obviated the need for this justification. The 87 street trees which the applicant proposes to plant will enhance and beautify that public way and provide mitigation.

As a result of the forgoing and in order to allow for reasonable development of the site, forest preservation below the Break Even Point is required for this project. Nevertheless, the applicant is able to fully meet the Forest Conservation requirements on-site as previously discussed. The applicant has utilized the following measures to considerably reduce the development footprint and to minimize forest impacts:

1. Surface parking was removed and all parking for the facility was placed under the building. Service loading areas and trash pick-up will also occur under the building.

2. The building was redesigned and shifted as close to the lot edge and as far to the east as possible with portions of the building being placed over the existing storm

water pond (which will be redesigned) to preserve the forested area along the westerly property line.

3. To create the desired urban streetscape along Bay Village Drive, the building was shifted as close to the road as possible allowing a greater preservation area of existing trees along the southern boundary.

4. 12 units were relocated to a second floor area to reduce the building footprint.

5. Outdoor recreation areas for the residents were reduced to the extent practicable..

6. The need for a perimeter hard surface fire access was eliminated.

7. Several SWM measures have been taken to allow the size of the existing SWM pond to be reduced (i.e, added walls, re-routed access roads)

The applicant is proposing to preserve the most environmentally sensitive area of the site, that being the forest along the southern property line which also contains the non-tidal wetland pocket. The proposed development will be located on the north side of the forest preservation area, significantly reducing potential shading effects from the buildings. In addition, preservation of this swath of forest will provide an environmental corridor to existing forest on adjacent properties and a buffer to the residential uses to the south.

The City's Comprehensive Plan designates this area as an 'opportunity' area and recommends Urban Center Low Development that combines development with preservation, especially the preservation of a forested buffer for the residential properties to the south along Old Annapolis Neck Road. This proposal meets both of these goals. The proposed assisted living facility creates an activity center; the architecture creates an urban edge along the new road; and the unified plan for development creates a minimum 70 foot forested buffer for lot 4 and the residential properties to the south.

With regards to the specimen trees, the applicant proposes a planting plan including groves of larger trees that also serve as buffers and specimen tree replacements. A minimum of 87 trees will be planted on the lot to mitigate for the removal of 8 specimen trees, all of which are in poor to fair condition.

Finally, the fact that all of the forest conservation requirements, as well as the storm water management requirements, for the entire Bay Village subdivision were placed on Lot 4 more than justifies the relief requested. The proposed project more than mitigates for clearing beyond the Break Even Point through its minimal traffic impact, gold level LEED building design, and the fulfillment of a demonstrated need for an assisted living facility for the local community. The development complies fully with the Forest Conservation Act by reforesting and by planting street trees in the rights of way

throughout the site. It is essential to note that the development does meet the forest conservation and afforestation thresholds for mixed-use development and that proposed planting and reforestation is being provided to fully meet planting requirements onsite without the need for any offsite mitigation. For the reasons given, it is respectfully requested that the proposed forest conservation plan and specimen tree removal waiver request, as submitted for this project, be approved by the City of Annapolis.