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. Once completed, the Forest Conservation Plan for our project on Lot 4 will exceed the State Forest Conservation requirements by 0.09 acres for the entire 10.34-acre subdivision (Lots 1-4).

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, seven (7) 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.

BACKGROUND

These 10.34 acres are 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. 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 in 2009 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.

Based on the 2009 Forest Conservation requirements for this 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. This acreage was required by the subdivision approval to be met through the preservation of existing forest entirely on Lot 4 of the development.

BAY VILLAGE ASSISTED LIVING PROJECT

The applicant is proposing the development of an 88-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, Lot 4, 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 was prepared by Wetland Studies and Solutions, Inc. and dated April 13, 2015, with final revision dated June 19, 2015. It 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 High Priority for retention, with the exception of that section of Stand 2 containing the non-tidal wetland pocket.

In order to meet the City's current desire for the most protective application of forest conservation standards, the proposed development of Lot 4 uses a High-Density Residential Forest Conservation Threshold of 20%. With this high-density residential factor, the forest retention for the entire subdivision increased from approximately 2.7 acres to 3.16 acres.

Major efforts were taken to respond to feedback from the City, as well as other stakeholders. This collaboration has reduced the footprint by almost 50% from its original concept and by 33% from the site design in our first FCP submission in September 2015. This increased the retained forest on the site from 1.3 acres for the original concept, to 1.98 acres in our September FCP submission, to 2.54 acres in our current site design and revised FCP submission.

Our Bay Village Assisted Living design has shrunk and improved considerably but still falls below the Break Even Point by 0.62 acres. As a result, the proposed project will have an overall reforestation requirement of 1.3 acres.

It should be noted here that 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. While certainly a sound design decision for Bay Village and its customers, this public right-of-way did consume a great deal of land that, if it had not been required, might have remained in a forested state and significantly reduced, if not obviated, the need for this justification.

In summation, nevertheless, with the major changes made as a result of City and other stakeholder feedback, the project is able to fully meet the requirements of the Forest

Conservation Act <u>on-site</u> by conserving 2.54 acres of existing forest, by providing a reforestation area of 0.47 acres (both of which will be protected in a 3.0-acre forest conservation easement), and by planting 0.92 acres of public R/W street trees on the site.

ASSISTED LIVING NEEDS

In order to understand why 3.16 acres of existing forest (Break Even Point) cannot be retained on Lot 4, it is important to comprehend that 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.

In addition to functional needs and preferences of seniors, 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, to the greatest extent practicable, will assure the safety of the residents and greatly enhance the services that they will receive at Bay Village.

The Bay Village Assisted Living Facility will strike a balance between the needs and preferences of the residents, the importance of high-quality care, the health-promoting and uplifting setting of a natural environment, and the environmental protection and stewardship requirements of the City and needs of its neighbors. This will be done through a two-story structure designed to balance the ratio of Level-One, Level-Two and Memory Care residents, whose health and safety needs increase, respectively.

Of the 56 units planned for the first floor of the proposed facility, approximately 18 residential rooms will be devoted to Memory Care residents who need the greatest level of health and safety

care. 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.

In addition to the Memory Care rooms that must be located on the first floor, there will be 38 Level-Two residential units on the ground floor for those residents who need a higher level of care compared to the most active residents of such facilities. The medical, psychological and physical needs of these Level-Two residents make it imperative that they, also, be located at grade.

In our efforts to find the right balance and minimize the building intrusion on the site and forest, additional residential units and some service amenities have been added to the 2nd floor since our first submission. Currently, the proposed facility will have 32-units on the second floor, which will be occupied only by the most active and mobile residents who require only Level-One care. These rooms have been tied to an outdoor roof deck and green space. Additionally, 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.

As part of integrating the facility with its surrounding environment, Bay Village will provide two therapeutic, exterior courtyards that engage all capable and interested 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 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.

In further effort to collaborate with the City and meet the needs of stakeholders, portions of the kitchen, storage, trash collection and recycling, mechanical equipment areas, employee lounge, laundry areas and the entire 68 car parking lot of the project have been located below grade to minimize the building footprint.

As discussed above, the ideal assisted living facility has distinct and discreet needs that dictate the form of the building. However, after considering City of Annapolis staff comments and internal discussions regarding resulting changes in management and staffing, the footprint of the building has been reduced and a more balanced and environmentally sensitive design has been achieved. The project improvements made and the balancing required to meet the needs of the aged clearly support the need that this project go below the Break Even Point for Forest Conservation given the High-Residential Forest Conservation Factor applied. Nevertheless, once this project is completed, the applicant will fully meet the Forest Conservation requirements on-site, as previously discussed.

SPECIMEN TREES

Seven (7) specimen trees are being proposed for removal with this proposed project. In our September 2015 submission, we requested the removal of eight (8) trees, but in response to a community request and through our site redesign, we have been able to protect one (1) specimen tree and remove it from removal list.

The applicant proposes a planting plan including groves of larger trees that also serve as buffers and specimen tree replacements. A minimum of 80 trees will be planted on the lot to mitigate for the removal of trees greater than or equal to 24" DBH and 7 specimen trees, all of which are in poor to fair condition.

TECHNICAL MANUAL EFFORT DEMONSTRATION

Forest Stand Delineation recently approved by DNEP for Bay Village Lot 4 identified most of existing forest only as a Moderate Priority for Retention. The only forest identified as a High Priority for Retention is the isolated wetland pocket and this area is being preserved and protected in this development. Nevertheless, in the spirit of the State Forest Conservation Law the applicant has responded with our justification for removal of some of the Moderate Priority Forest.

As outlined in Section 3.1 of the 1997 State Forest Conservation Technical Manual, if clearing is proposed within priority forests, the applicant must demonstrate the following:

- ***a. All techniques for retention of these areas have been exhausted;***
- ***b. Why these areas cannot be left undisturbed; and***
- ***c. How reforestation will be accomplished, and, where on the site in priority areas, afforestation or reforestation will be located.***

a. All techniques for retention of these areas have been exhausted;

The majority of the existing forest has been designated as Moderate Priority. The applicant is proposing to preserve 100% of the High Priority forest located in the southwest corner of the site, and fifty-nine and one-half (59.5) percent of the overall forest is being retained under the

current plan. The applicant has exhausted all techniques for retention of the remaining areas of Moderate Priority Forest.

The applicant has utilized the following measures to considerably reduce the development footprint by almost 50% and to minimize forested impacts as follows:

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

2. A wing of the building was removed from the design to significantly reduce the length of the building.

3. The building was 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 allow preservation of the forested area along the westerly property line as well as allow additional regraded pond areas to be planted as reforestation.

4. 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.

5. The building was redesigned, reduced from 90 to 88 units with numerous residential units relocated to the second floor area to reduce the building footprint in width.

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

7. The need for a perimeter hard surface fire access around the building was eliminated since the smaller footprint can be accessed from each end of the building per City Fire fighting requirements for fire hose coverage.

8. Several SWM measures have been taken to allow the size of the existing SWM pond to be reduced (i.e., provide SWM under garage/building, regrading, and 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 and western 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 in excess of 120 feet.

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 120 foot forested buffer for lot 4 and the residential properties to the south.

b. Why these areas cannot be left undisturbed;

As previously noted, the site contains 4.27 acres of mostly Moderate Priority Forest, of which 2.54 acres (59.5%) are retained, including the High Priority non-tidal wetland area. The protected forest has almost doubled compared to the original site concept as a result of listening to City and other stakeholders and making significant site design changes. It is difficult to see how additional forest retention of any significance can be accomplished and still keep the project viable.

To preserve the entire Moderate Priority Forest would create an unwarranted hardship for the applicant by preventing any development of the property and would not be consistent with similar type projects throughout the State of Maryland.

Furthermore, a requirement to preserve all of the Moderate Priority Forest will create a future hardship on local residents as well. The specific service provided by this development is in very short supply in Annapolis and the need for assisted living by residents of the Annapolis Neck and their family members, as well as the broader City of Annapolis will only intensify with each passing year moving forward.

c. How reforestation will be accomplished, and, where on the site in priority areas, afforestation or reforestation will be located

Because proposed clearing is 0.62 acres more than the forest conservation break-even point, reforestation is required for this project. The applicant proposes to reforest 0.47 acres and to plant street trees for an additional 0.92 acre of reforestation credits as part of the current plan. The reforestation will occur in areas that are contiguous with existing forest, and will be done in accordance with the requirements of the City of Annapolis. The bulk of the proposed reforestation will occur on the northern and eastern property lines of Lot 4 further expanding and enhancing the wildlife corridor and/or greenway. Only native plant material approved by the City of Annapolis will be used in the reforestation areas.

Looking at final numbers once construction and reforestation is complete, the final forested acreage on Lot 4 will be 3.01 acres, which will be protected under a conservation easement. The end result will be that the final forest will only be 1.29 acres or 30% smaller than what exists on Lot 4 currently.

Lastly, while addressing retention of the Moderate Priority Forest and reforestation, it is important to note that this development will actually leave the remaining forest in better shape than it is now. Significant construction debris and as many as 1000 used tires have been illegally dumped on Lot 4. These wastes will be carefully removed during the construction phase and adequate measures will be taken to ensure that future dumping by residents to the south and/or west can no longer take place.

CONCLUSION

Despite 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, and even though the Bay Village Assisted Living project is taking the most conservative approach by applying the High-Residential Forest Conservation Threshold of 20%, the development complies fully with the Forest Conservation Act by a combination of preservation, reforestation, and by planting street trees in the rights of way throughout the site. Diligent site design improvements and open communication has allowed us to meet Forest Conservation Act requirements completely on-site, without the need for off-site mitigation.

Furthermore, other important qualities of the proposed project help make-up for clearing beyond the Break Even Point, including its minimal traffic impact, gold level LEED building design, the fulfillment of a demonstrated need for an assisted living facility for the local community and far improved aesthetics of the entire Bay Village sub-division through the planting of dozens right-of-way trees that have never been completed.

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.

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COMAR 08.19.06.01)