



ATTACHMENT 4

MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

JAN 17 2014

MCPB No. 14-03
Staging Allocation Request No. 25800 (Site Plan No. 82012002A)
Pike & Rose Phase I
Date of Hearing: January 17, 2013

RESOLUTION

WHEREAS, under the Subdivision Staging Policy's White Flint Alternative Review Procedure, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review Staging Allocation Requests in the White Flint Sector Plan area; and

WHEREAS, on January 6, 2014, Federal Realty Investment Trust ("Applicant") sought confirmation from the Montgomery County Planning Department that it had excess staging capacity from Staging Allocation Request No. 25400, approved by MCPB Resolution No. 12-36, dated March 23, 2012, and that such staging capacity could be used for a 1,000 square foot addition to an existing building approved by the Planning Board in Site Plan Amendment No. 82012002A on December 9, 2013; and

WHEREAS, the excess staging capacity referenced in Staging Allocation Request No. 25400 was approved by the Planning Board, but was not perfected by the Department of Permitting Services' acceptance of a timely building permit application; it expired 180 days after the staging approval, and therefore the Planning Department treated the Applicant's January 6, 2014 filing as a new staging allocation request for 1,000 square feet of non-residential staging capacity; and

WHEREAS, Applicant's January 6, 2014 Staging Allocation Request application was designated Staging Allocation Request No. 25800, Pike & Rose Phase I ("SAR"); and

WHEREAS, following review and analysis, the Planning Department issued a memorandum to the Planning Board, dated January 14, 2014, setting forth its analysis, and recommendation for approval, of the SAR; and

WHEREAS, on January 17, 2014, the Planning Department presented the SAR to the Planning Board as a consent item for its review and action; and

Approved as to
Legal Sufficiency

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WHEREAS, under the Planning Board's Regulation on Implementing the Subdivision Staging Policy's White Flint Alternative Review Procedure, COMCOR 50.35.02.01, the Planning Board must approve an SAR if sufficient staging capacity is available under the White Flint Sector Plan to meet the entire SAR; and

WHEREAS, at the time of the hearing, the available non-residential staging capacity was 1,788,042 square feet;

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Board APPROVES an allocation of staging capacity for 1,000 square feet of non-residential development for the building expansion approved in Site Plan 82012002A; and

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations of its Staff as presented in the Staff Report, which the Board hereby adopts and incorporates by reference, that the Board finds there is sufficient capacity available in the White Flint Staging Plan; and

BE IT FURTHER RESOLVED that the Applicant must have all core and shell building permit applications associated with this SAR accepted by the Department of Permitting Services ("DPS") by no later than the close of business on the 90th day after the date of this Resolution, and that failure to meet this deadline will automatically void any staging capacity that has not been perfected by the timely acceptance by DPS of a core and shell building permit application; and

BE IT FURTHER RESOLVED that the Applicant must present evidence of DPS's acceptance of any core and shell building permit application associated with this staging allocation approval no later than 15 days after its acceptance; and

BE IT FURTHER RESOLVED that no later three years from the date of this Resolution the Applicant must obtain core and shell building permits from DPS for all buildings associated with this staging allocation approval, and that failure to meet this deadline will automatically void any staging capacity that has not been perfected by the timely issuance of a core and shell building permit; and

BE IT FURTHER RESOLVED that, for the purpose of these conditions, the term "Applicant" also means the developer, the owner or any successor(s) in interest to the terms of this approval.

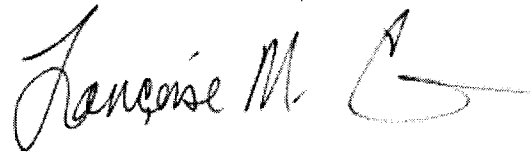
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 17 2014 (which is the date that this Resolution is mailed to all parties of record); and

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 Dreyfuss, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley voting in favor, and Commissioner Anderson absent, at a special teleconference meeting held on Friday, January 17, 2014.



Françoise M. Carrier, Chair
Montgomery County Planning Board