



APR 9 2012

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

MCPB No. 12-31
Site Plan No. 820120040
Project Name: North Bethesda Market II
Date of Hearing: March 1, 2012

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on August 12, 2011, the Planning Board approved sketch plan No. 320110030 (MCPB Resolution 11-07) ("Sketch Plan") establishing several binding elements, including a maximum density of up to 740,528 square feet of total density including a maximum of 368,000 square feet of non-residential development on 4.41 gross acres of land located on the west side of Rockville Pike between Nicholson Lane and Executive Boulevard ("Property" or "Subject Property") split-zoned CR3 C1.5 R2.5 H150 and CR4 C3.5 R3.5 H300 in the White Flint Sector Plan ("Sector Plan"); and

WHEREAS, on August 24, 2011, JBG/Nicholson Lane East, LLC ("Applicant"), filed an application for approval of a Site Plan for 740,528 square feet of mixed-use development including up to 368,000 square feet of non-residential development and up to 414 residential units ("Site Plan") on approximately 4.41 gross acres in the CR3 C1.5 R2.5 H150 and CR4 C3.5 R3.5 H300 zones, on a portion of the Property; and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820120040, North Bethesda Market II (the "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 17, 2012, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on March 1, 2012, the Planning Board held a public hearing on the Application (the "Hearing"); and

Approved as to
Legal Sufficiency:

Christina Sorrento 3/28/12
MNCPPC Legal Department

8787 Georgia Avenue, N.W., Washington, D.C. 20007-1010 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on March 1, 2012, the Planning Board approved the Application subject to conditions on the motion of Commissioner Presley, seconded by Commissioner Anderson, with a vote of 5-0; Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820120040 for 740,528 square feet of mixed-use development including up to 368,000 square feet of non-residential development and up to 414 residential units, subject to the following conditions:

1. Sketch Plan Conformance

The development must comply with the applicable binding elements and conditions of Sketch Plan No. 320110030 approved by the Planning Board by a Corrected Resolution dated August 12, 2011.

2. Preliminary Plan Conformance

The development must comply with the conditions of the approved Resolution for Preliminary Plan No. 120120060, unless amended and approved by the Planning Board.

3. Density Allocation

Building permits may only be issued after staging allocations granted under the Staging Allocation Request Regulations (COMCOR 50.35.02.01.A) in the White Flint Sector Plan Implementation Guidelines approved by the Planning Board.

4. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the CR Zone Incentive Density Implementation Guidelines, as amended, for each one. Each public benefit must be verified by M-NCPPC Staff to be complete as required by the submittals listed for each prior to issuance of any use-and-occupancy permit for the associated building, except as noted below. Any disagreement regarding the application or interpretation of the Public Benefits may be brought to the Planning Board for resolution.

a. Transit Proximity

- Submit revised calculation based on Metro Station portal on east side of Rockville Pike.

b. Neighborhood Services

- Revise table to show only 10 different basic services as defined by the approved incentive density guidelines.
 - c. Minimum Parking
 - Submit as-built drawings of parking garage for each building with tabulation of maximum parking spaces allowed, minimum parking spaces required, and parking spaces provided.
 - d. Through Block Connection
 - e. Way-Finding
 - Submit detailed schematics for at least 3 signs to be placed along Woodglan Drive, within the interior plaza, and along Fockville Pike. Final design and location to be approved by M-NCPPC Staff and any applicable agency controlling signage within rights-of-way.
 - f. Public Parking
 - Submit as-built drawings of parking garage showing public parking spaces and signage and documentation of facility use and access restrictions.
 - g. Structured Parking
 - h. Tower Step-back
 - i. Public Art
 - Provide supplemental plan to be presented to the Public Arts Trust Steering Committee prior to issuance of any core-and-shell building permit.
 - j. Public Open Space
 - k. Exceptional Design
 - l. BLTs
 - Purchase or payment for 1.61 Building Lot Terminations must be made prior to issuance of any building permit. Documentation to be provided to Staff.
 - m. Tree Canopy
 - Provide as-built landscape plan showing tree locations and species with 15 year coverage and tabulation of total open space under canopy; may be completed in phases for open space around individual buildings.
 - n. Vegetated Roof
 - Provide as-built roof plans showing coverage of roof that is vegetated and cross-section of planting detail, for each applicable building.
5. Transportation
The Applicant must provide a minimum of 175 bicycle parking spaces, including 10 publicly accessible bike spaces and 108 private, secure bike spaces for the residential building; 20 publicly accessible bike spaces for the non-residential buildings; and 1 private, secure bike space per 10,000sf in each of the non-residential buildings (37 total). Final location and facility details to be determined by Certified Site Plan.

6. Environment

Applicant to submit and obtain approval of the forest conservation Certificate of Compliance for off-site forest banking prior to any clearing or grading occurring on site.

7. Moderately Priced Dwelling Units (MPDUs)

- a. The development must provide 12.5 percent MPDUs in accordance with an agreement to build with the Department of Housing and Community Affairs (DHCA).
- b. The MPDU agreement to build shall be executed prior to the release of any building permits.

8. Recreation Facilities

The Applicant must provide at least the recreation facilities, conforming to the Recreation Guidelines approved by the Planning Board in September 1992, shown on the Site Plan including:

- a. Indoor Community Space;
- b. Swimming Pool;
- c. Pedestrian System;
- d. Indoor Fitness Facility; and
- e. Four Picnic/Sitting Areas.

9. Maintenance

Maintenance of all on-site Public Use Space is the responsibility of the Applicant and subsequent owner(s). This includes maintenance of paving, plantings, lighting, benches, fountains, and artwork. Maintenance may be taken over by a governmental agency by agreement with the owner and applicable agency.

10. Architecture

The final exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by Staff.

11. Performance Bond and Agreement

Prior to issuance of first building permit within each relevant phase of development, Applicant must provide a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. Applicant must provide a cost estimate of the materials and facilities, which, upon Staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety shall include plant material, on-site lighting, recreational facilities, site furniture, and entrance piers within the relevant phase of development.

- c. Prior to issuance of the first building permit, Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d. Bond/surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

12. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Demolition of existing buildings may commence prior to approval of the Certified Site Plan.
- b. Street lamps and sidewalks adjacent to each building must be installed prior to release of any use-and-occupancy permit for the respective building. Street tree planting may wait until the next growing season.
- c. On-site amenities including, but not limited to, recreation amenities and public use space amenities adjacent to each building, must be installed prior to release of any use-and-occupancy permit for the respective building.
- d. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all applicable environmental protection devices.
- e. The development program must provide phasing for installation of on-site landscaping and lighting.
- f. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, and other features.

13. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the Final Forest Conservation Plan approval, stormwater management concept approval, development program, inspection schedule, and Site Plan Resolution on the approval or cover sheet.
- b. Add a note to the Site Plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading."
- c. Remove unnecessary sheets.
- d. Make corrections and clarifications to details, incentive density calculations, recreation facilities, labeling, data tables, and schedules.

- e. Ensure consistency of all details and layout between architecture, site, and landscape plans.

BE IT FURTHER RESOLVED, that all site development elements as shown on the North Bethesda Market II drawings stamped by the M-NCPPC on November 18, 2011, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the Hearing and in the Staff Report, which the Planning Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The Site Plan is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan. It is, however, subject to the binding elements and conditions of Sketch Plan No. 320110030, which may be modified at the time of site plan review under Section 59-C-15.43(d).

There are two modifications to the binding elements with the Site Plan.

- a. The change approved in uses and massing for Buildings A and B allow the residential uses to be placed nearer to the lower density edges of the Sector Plan area and to allow a signature office, retail, and entertainment building to be placed along Rockville Pike. Further, the stepping of the floor plates from south to north requires that the massing of the residential building, Building A, rise higher than the office building would have in the northwest corner. Regarding the necessary findings under Section 59-C-15.43(c), the buildings will continue to achieve compatible internal and external relationships between existing and approved nearby buildings, open space, and uses. The heights, densities, and uses are all similar in the reconfigured layout to what adjacent zoning would allow and create more effective and useful open spaces and commercial activity.
- b. Two public benefits, Streetscape and Dwelling Unit Mix, originally approved by the Sketch Plan have been removed because the details of the Site Plan show that the criteria for these benefits cannot be met. Without these two benefits, the project continues to meet the necessary criteria for public

benefits, with a minimum of 100 points from at least four categories. The Application does qualify, however, for two alternative public benefits that are more in keeping with the objectives of the Sector Plan to provide access to and information about open space, pedestrian and bicycle connections, and transit opportunities: Open Space above the minimum 10% public use space required and Way-Finding signage along trails and within open spaces. These changes, therefore, continue to meet the necessary findings regarding public benefits that must support the requested incentive density and are in keeping with the priorities of the Sector Plan.

2. *The Site Plan meets all of the requirements of the zones in which it is located.*

There are several requirements of the CR zones that must be met by this Application:

- Uses;
- General Requirements;
- Development Standards; and
- Special Regulations for the Optional Method of Development (Public Benefits).

a. Uses

The approved uses – residential, retail, restaurant, theater, and office – are permitted uses in the zone. There are no limited or special exception uses in the approved Site Plan.

b. General Requirements

The Site Plan is substantially consistent with the White Flint Sector Plan and White Flint Urban Design Guidelines:

- North Bethesda II is within the NoBe District within the Approved and Adopted (2010) *White Flint Sector Plan*. In accord with the recommendations of the Sector Plan, the approved development will provide opportunities for new mixed-uses and public use spaces while maintaining residential and office uses and ensuring a buffer for existing residential communities.
- Building heights up to 300 feet are approved in the northwest corner of the Property, away from the residential neighborhood to the southwest, while a mid-rise office building will continue the streetwall established by the North Bethesda Market I project to the south; finally, lower buildings along the southern edge of the Property provide a varied skyline transitioning to the south and east and protect the internal open spaces.
- The highest density will be located along Nicholson Lane and Rockville Pike as allowed by the zoning and envisioned by the Sector Plan.

- The Site Plan street network is consistent with the Sector Plan recommendation for private streets creating a more fine-grained grid and with the layout approved in the Sketch Plan.
- The public use space provides the open spaces approved by the Sketch Plan that implement the recommendations of the Sector Plan with open spaces along and between blocks adjacent to activating retail, restaurant, and entertainment uses.
- The Sector Plan establishes several recommendations to create an environmentally sustainable district. The Site Plan will minimize carbon emissions by providing a pedestrian environment and more balanced jobs/housing ratio; it will reduce energy consumption through site design and energy-efficient buildings meeting a minimum of LEED certification; it will improve air and water quality by implementing tree canopy, vegetated roofs, landscape area, and environmental site design stormwater management facilities.
- The Approved White Flint Urban Design Guidelines provide specific recommendations for each district, including building design and public open space. The design guidelines recommend that buildings be located without significant setbacks along streets, as shown by the approved building layouts. Way-finding signage and activating uses along sidewalks are primary goals of the Design Guidelines that will be achieved through the Site Plan.

c. Development Standards

The Site Plan is split zoned between the CR3 C1.5 R2.5 H150 zone and the CR4 C3.5 R3.5 H300 zone on 191,925sf of gross tract area. The following tables show the Application's conformance to the development standards of the zone and the approved Sketch Plan; minimum setbacks are not applicable on this site.

Maximum Density of Development (square feet per gross tract)			
	Total (CR)	Non-Residential (C)	Residential (R)
Allowed by the Zones	740,528	617,393.5	644,565.5
Approved with Sketch Plan	740,528	368,000	372,528 ¹
Approved and Binding on the Applicant	740,528	368,000 ²	392,000

¹ Although this number was provided in the data table, the Resolution approved by the Planning Board did not set a particular limit on the residential density, only the commercial density up to 368,000sf.

² Any non-residential floor area above 348,528 square feet (up to a maximum of 368,000 square feet) must be accompanied by an equal reduction in residential floor area such that the total floor area does not exceed 740,528.

Maximum Height (feet)		
	CR3.0 C1.5 R2.5 H150	CR4.0 R3.5 R3.5 H300
Allowed by the Zones	150	300
Approved with Sketch Plan	150	300
Approved and Binding on the Applicant with Phase 1		
Building A (Residential)	n/a	300
Building B (Office, New)	n/a	175
Building C (Retail, New)	n/a	50
Building D (Office, Existing)	50	n/a

Minimum Public Use Space (% of 160,942sf net lot)	
Required by the Zones	10 (16,100sf)
Approved with Sketch Plan	10 (16,100sf)
Approved and Binding on the Applicant	16.1 (26,000sf)

Minimum Residential Amenity Space (square feet per market rate unit ³)		
	Required	Approved and Binding on the Applicant
Indoor Amenity Space	5,000	7,700
Outdoor Amenity Space	5,000	10,400

Minimum Bicycle Parking Spaces & Shower/Change Facilities				
Use	Required		Approved and Binding on the Applicant ⁴	
	Minimum Publicly Accessible	Minimum Private & Secure	Public	Private
414 Residential Units	10	100	10	108
368,000sf Non-Residential	20	37	20	37

Parking (spaces, may be provided off-site)			
	Minimum Required	Maximum Allowed	Approved and Binding on the Applicant
Estimate at Sketch Plan	458	1,082	694 Min/976 Max

³ Amenity space is not required to be calculated for MPDUs within a Metro Station Policy Area.

⁴ As conditioned.

Site Plan Requirement	422	1,198	720 ⁵
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d. Public Benefits

The Site Plan will provide numerous public benefits with proportional incentive density points. These public benefits have been considered according to:

- The recommendations, objectives, and priorities of the Sector Plan;
- The CR Zone Incentive Density Implementation Guidelines and the White Flint Urban Design Guidelines;
- The size and configuration of the tract;
- The relationship of the site to adjacent properties;
- The presence or lack of similar public benefits nearby; and
- Enhancements beyond the elements listed in the individual public benefit descriptions or criteria that increase public access to or enjoyment of the benefit.

The approved public benefits fulfill the priority recommendations of the Sector Plan, meet the criteria of both the Implementation and Design Guidelines; are appropriate for the size and configuration of the tract; enhance the Property's relationship to adjacent properties; provide benefits that are not provided nearby; and are not appropriate for increased points for enhancements beyond the elements and criteria established by the Zoning Ordinance or the Implementation Guidelines. The Applicant will provide public benefits from at least 4 categories equal to or greater than 100 points, the final numbers will be determined prior to approval of the certified site plan.

Public Benefit	Proposed Points [Sketch Plan] ⁶	Criteria	Points Awarded for Site Plan 820120020
Transit Proximity Category			
Site split within ¼ mile and ½ mile of transit	40 [40 at sketch plan]	Per the conditions of approval, to be recalculated with approximately 60% of the site within ¼ mile of a Level 1 transit portal.	Approx. 36.00
Connectivity & Mobility Category			
Neighborhood Services	10.00 [10.00]	Site within ¼ mile of 10 different basic services.	10.00
Minimum Parking	10.00 [10.00]	720 spaces out of 1,194 allowed.	5.86

⁵ May be adjusted at building permit if within minimum and maximum range and if public benefit for minimum parking and public parking still applies and does not decrease public benefit points below 100.

⁶ The total points have been adjusted during detailed site design and review but are substantially similar and allowed under the conditions of Sketch Plan approval in the approved resolution.

Through-Block Connection	20.00 [15.00]	Meets minimum criteria and will have windows along facing walls, provides additional open space and amenities, and will have integrated activating uses and artwork. Access to Nicholson Lane is not ADA accessible.	15.00
Public Parking	10.00 [6.40]	120 public parking spaces.	10.07
Way-Finding	10.00 [0.00]	As conditioned, design and installation of 3 signs indicating locations of nearby open space, recreation and cultural facilities, trails, and transit services.	5.00

Public Benefit	Proposed Points [Sketch Plan]	Criteria	Points Awarded for Site Plan 820120020
Diversity of Uses & Activities Category			
Dwelling Unit Mix	0.00 [5.00]	No longer meets criteria.	0.00
Quality Building & Site Design Category			
Structured Parking	20.00 [14.60]	Approximately 601 spaces below grade; approximately 96 spaces above grade. Revise with certified site plan	Approx. 18.03
Tower Step-Back	10.00 [5.00]	Tower step-backs of at least 6 feet from first floor façade at or below 72 feet.	5.00
Public Art	15.00	Public art provided that meets at least 5 goals established by Incentive Density Guidelines to be reviewed by the PATSC.	10.00
Public Open Space	20.00 [0.00]	9,900sf of open space above minimum public use space required	6.15
Exceptional Design	10.00 [10.00]	Open space and building design that meets the six criteria in the Incentive Density Guidelines:	10.00
		<ul style="list-style-type: none"> Provides innovative solutions in response to the immediate context (stepped floor plates, terraced open space and pedestrian connections); Creates a sense of place and serves as a landmark (unique open space and landmark building); Enhances the public realm in a distinct and original manner (complete integration of buildings and pedestrian-focused open space); Introduces new materials, forms, or building methods (stepped floor plates, "table-top" street and sidewalk integration, and amphitheater steps and open space); Uses design solutions to make compact infill development living, working, and shopping environments more pleasurable and desirable (activating uses, minimized vehicular/pedestrian conflicts, integrated office/retail/entertainment/housing layout; integrated public/private open spaces, and buildings as bridges over pedestrian connections); and Integrates low-impact development methods into the overall design of the site and 	

building (solar exposure to south, integrated LEED components and ESD facilities, efficient floor plate width and glazing features, low buildings to south of open space, and pedestrian-focused open space).			
Protection & Enhancement of the Natural Environment Category			
BLTs	5.00 [5.00]	1 BLT per 20,000sf of 5% of incentive density.	5.00
Tree Canopy	15.00 [10.00]	6,750sf tree canopy (26% of on-site open space).	10.00
Vegetated Roof	15.00 [10.00]	34,060 vegetated roof (36% of roof area).	10.00
Total			Approx. 156.11

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a. Locations of buildings and structures

The locations of the buildings and structures are adequate, safe, and efficient for an infill development site that is envisioned by the Sector Plan and White Flint Urban Design Guidelines to provide pedestrian-oriented blocks, street walls along sidewalks, and taller buildings and density near transit facilities.

b. Open Spaces

The open spaces are adequate, safe, and efficient for an infill development site that is envisioned by the Sector Plan and White Flint Urban Design Guidelines to concentrate on sidewalks complemented by strategically placed, unique, small open spaces and more centralized, adaptable, larger open spaces that will provide passive and active spaces for sitting, relaxing, dining, strolling, and social engagement.

c. Landscaping and Lighting

Landscaping and lighting, as well as other site amenities, will be provided to ensure that landscaping, lighting, and site amenities will be safe, adequate, and efficient for year-round use and enjoyment by patrons, employees, and residents. Site furnishings, shade, color, special features such as artwork and fountains, and specialty lighting will be integrated within the site to create a unique and interesting place and ensure accessibility and comfort.

d. Recreation Facilities

The Site Plan is exceeding the active and passive recreation space required by the zone as shown in the data tables above. The Site Plan will provide the following on-site recreation facilities:

- 4 picnic/sitting areas;
- 1 pedestrian system;

- 1 swimming pool;
- 1 indoor community space;
- 1 indoor fitness facility.

The development can also take advantage of the nearby recreational facilities at Wall Park, including:

- 1 multi-age playground;
- 1 pedestrian system;
- 1 indoor community space; and
- 1 indoor swimming pool.

The Site Plan exceeds the required supply of recreation facilities based on the calculation methods in the M-NCPPC Recreation Guidelines. As reflected in the outline and data tables above, the Site Plan will provide adequate, safe, and efficient recreation facilities to allow residents to lead an active and healthy life.

e. Pedestrian and Vehicular Circulation Systems

Vehicular circulation will be enhanced through increased on-street parking, consolidated loading and garage entrances, and smaller blocks. Access to and through the Property will be provided near the center of each road frontage except for Nicholson Lane creating a T-intersection within the Property. New parking garage and loading access points will be located on Woodglen Drive, Nicholson Lane, and Executive Boulevard. These circulation routes, access points, and loading movements have been reviewed to ensure minimal conflicts with pedestrians and that full build-out will be in line with the Sector Plan and code requirements.

Pedestrian circulation, conversely, will be greatly improved along the street frontages and within the site. The new grid network of sidewalks and open spaces envisioned for this area will begin to be realized and bicycle and pedestrian amenities, such as benches, handicapped access, bike racks, shade trees, and bike lanes will be greatly improved. This new network of sidewalks and through-block connections in and around smaller pedestrian-scaled blocks will provide adequate, safe, and efficient pedestrian and vehicular circulation systems.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The mixed-use buildings are compatible with existing uses regarding scale, massing, and height as reflected in the urban design and zoning recommendations of the Sector Plan and White Flint Urban Design Guidelines. There are no pending site plans adjacent to the Subject Property.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

a. Forest Conservation

The net tract area of the site is 4.41 acres. Based on the Mixed-use Development Area land use category, the required afforestation is 0.66 acres. The Preliminary and Final Forest Conservation Plans propose to satisfy this requirement with a combination of 0.21 acres of credit for on-site landscaping, and 0.45 acres of off-site reforestation credit to be fulfilled at an approved forest conservation bank.

b. Stormwater Management

A stormwater management concept plan was approved by the Montgomery County Department of Permitting Services on August 31, 2011. The concept plan proposes to meet stormwater management requirements through a variety of Environmental Site Design techniques, including the use of green roofs and micro-biofilters. Runoff not treated in these facilities will be treated in proprietary underground filter systems before being discharged to the existing storm drain system.

BE IT FURTHER RESOLVED that for the purpose of this Resolution, the term "Applicant" shall also mean the developer, the owner or any successor in interest to the terms of this approval.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this Resolution is ~~APR 9 2012~~ (which is the date that this Resolution is mailed to all parties of record); and

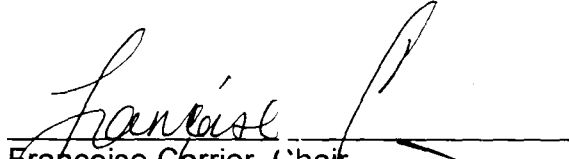
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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 an Order adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley voting in favor of the motion, and Commissioner Anderson absent at its regular meeting held on Thursday, April 5, 2012, in Silver Spring, Maryland.



Françoise Carrier, Chair
Montgomery County Planning Board