



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

MCPB No. 12-152
Project Plan No. 920130010
7100 Wisconsin Avenue
Date of Hearing: November 1, 2012

FEB 18 2013

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-2, the Montgomery County Planning Board ("Planning Board" or "Board") is authorized to review project plan applications; and

WHEREAS, on August 2, 2012, Washington Property Company ("Applicant"), filed an application for approval of a project plan for 159,584 square feet of mixed-use development comprised of up to 145 dwelling units and 7,000 square feet of retail on 0.58 acres of CBD-R2 zoned-land, located at 7100 Wisconsin Avenue in the northwestern quadrant at the intersection of Woodmont and Wisconsin Avenues ("Subject Property"), in the Bethesda CBD Sector Plan ("Master Plan") area; and

WHEREAS, Applicant's project plan application was designated Project Plan No. 920130010, 7100 Wisconsin Avenue ("Application" or "Project Plan"); and

WHEREAS, The Application consisted of two separate plans for the same amount of development, i) the *Proposed Development* illustrating a 90-foot tall building of uniform height, mass and form but with less on-site public use space, and ii) the *Alternative Plan* illustrating a building with a smaller footprint and more public use space, with height stepping from 120 feet predominately along Wisconsin Avenue to 45 feet along Woodmont Avenue and adjacent to the existing Bethesda Crescent building; 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 October 19, 2012, setting forth its analysis and recommendation for approval of the *Alternative Plan*, subject to certain conditions ("Staff Report"); and

Approved as to
Legal Sufficiency:

 2/4/13

WHEREAS, on November 1, 2012, the Planning Board held a public hearing on the Application, and at the hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on November 1, 2012, the Planning Board voted to approve the *Alternative Plan* as set forth in the Application¹, subject to conditions on motion of Commissioner Dreyfuss, 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 Planning Board APPROVES Project Plan No. 920130010 for 159,584 square feet of mixed-use development comprised of a maximum of 145 dwelling units and a minimum of 6,000 square feet of retail, including a waiver of the gross floor area to be devoted to retail or personal service commercial uses² on the Subject Property, subject to the following conditions:³

1. Development Ceiling

The development is limited to a maximum of 159,584 square feet of gross floor area, including a minimum of 6,000 square feet of non-residential and 153,584 square feet of residential uses.

2. Building Height and Mass

The development is limited to the building footprint as delineated in the Project Plan drawings submitted to the M-NCPPC dated September 24, 2012 for the Alternative Plan that steps down from a maximum of 120 feet at Wisconsin Avenue, to 100 feet in the center, and then to 45 feet on the west end, unless modified at site plan review.

3. Housing

The Applicant must provide a minimum of 15 percent of the total number of units as Moderately Priced Dwelling Units ("MPDUs"), in accordance with Chapter 25A of the Montgomery County Code.

¹ With the Planning Board's approval of the Alternative Plan, those provisions in the Application that are limited to the Proposed Development are deemed denied. Therefore, all references hereinafter to Application or Project Plan shall be to the Alternative Plan.

² The Planning Board approved a waiver pursuant to §59-C-6.234(iii)(A) of the Montgomery County Zoning Ordinance requiring a minimum of 5 percent or 7,979 square feet of the gross floor area to be retail or personal service commercial uses. The Planning Board approved the waiver for a minimum of 6,000 square feet of retail or personal service commercial uses.

³ 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.

4. LEED Certification

The Applicant must achieve a Leadership in Energy and Environmental Design (“LEED”) Certified rating certification at a minimum. The Applicant must make good faith efforts to achieve a LEED Silver rating. Before the issuance of any use and occupancy certificate, the Applicant must inform Staff of the LEED certification level for which they are applying. If this level is less than a Silver rating, before the issuance of the final use and occupancy certificate the Applicant must provide to Staff a written report for public record purposes only from the Applicant’s LEED consultant analyzing the feasibility of achieving a LEED-Silver rating, to include an affidavit from a LEED-Accredited Professional identifying the minimum additional improvements required to achieve the LEED Silver rating, including their associated extra cost. Submission of this report constitutes compliance with this condition.

5. Transportation

- a. The Applicant must limit future development on the site associated with this Application to a maximum of 145 multi-family residential units and 6,000 SF of ground-floor retail

The Applicant must satisfy requirements of the APF test required under the regulatory requirements in effect at the time of the filing of the preliminary plan application.

- b. The Applicant must dedicate and show on the final record plat the following rights-of-way along the Subject Property frontage consistent with the Master Plan:
- i. Wisconsin Avenue – minimum of 57 feet from the roadway right-of-way centerline.
 - ii. Miller Avenue – minimum of 25 feet from the roadway right-of-way centerline.
 - iii. Woodmont Avenue – minimum of 40 feet from the roadway right-of-way centerline.
- c. The Applicant must provide corner truncation within the northwest corner of Wisconsin Avenue and Woodmont Avenue to the extent determined at the time of preliminary plan. If a full corner truncation is not required, then the full truncation area that would have otherwise been required may instead require a Public Improvement Easement (PIE) to implement any future modifications within this Wisconsin Avenue/Woodmont Avenue corner.
- d. The Applicant must enter into a Traffic Mitigation Agreement (“TMAg”) with the Planning Board and the Montgomery County Department of Transportation (“MCDOT”) to participate in the Bethesda Transportation

Management District ("TMD") and must execute the TMAg prior to the release of any new building permit for development on the site.

- e. The Applicant, as part of the TMAg or separately, must investigate locating a bike share station on the site or in close proximity to the site in coordination with MCDOT.

6. Public Use Space, Amenities and Facilities

- a. The Applicant must provide a minimum of 17.5% of the net lot area for on-site public use space and a minimum of 36.1% of the net lot area for off-site public use space for the enhancement of Eastham Park. The final design and details will be determined during site plan review.
- b. The Applicant must provide a minimum of 32.8 % of the net lot area for public amenity space, including but not limited to the area along Woodmont Avenue adjacent to the Crescent Plaza.
- c. The public use space must be easily and readily accessible to the general public and available for public enjoyment.
- d. The Applicant must present the final public artwork to the Art Review Panel for comment prior to approval of the site plan.
- e. Prior to the submittal of the site plan application, the Applicant must provide a letter of agreement from the Bethesda Crescent Condo Association Board for the use and redesign of their public use space.
- f. Prior to the submittal of the site plan application, the Applicant must provide a letter from Montgomery County agreeing to the enhancements to Eastham Park, which is in the County-owned right-of-way. The letter must also address the maintenance responsibilities of the County property.

7. Staging of Amenity Features

- a. The development will be completed in one phase. A detailed development program will be required prior to approval of the certified site plan.
- b. The Applicant must complete the on-site public use space improvements, including the implementation of the consolidated public use space improvements and the enhancements to Eastham Park, prior to issuance of the final residential use-and-occupancy permits, unless modified by the site plan development program.
- c. The Applicant must install the landscaping no later than the next growing season after completion of the building and site work.

8. Maintenance and Event Management Organization

Prior to issuance of use-and-occupancy permits, the Applicant must create and implement a maintenance plan for all on-site public use space unless an alternative arrangement is made with another entity.

9. Coordination for Additional Approvals Required Prior to Preliminary Plan and Site Plan Approval

- a. The Applicant must obtain written approval from MCDOT for the final design and extent of any and all streetscape improvements within the rights-of-way.
- b. The Applicant must present preliminary and final public art and amenity concepts to the Art Review Panel prior to approval of the site plan.
- c. On behalf of the Crescent Plaza, the Applicant must amend the site plan for the Crescent Plaza development for the modifications to the public use space. The amendment may be processed as an Administrative Amendment.

BE IT FURTHER RESOLVED that all elements of the plans for Project Plan No. 920130010, 7100 Wisconsin Avenue stamped received by M-NCPPC on September 24, 2012, are required except as modified by the above conditions of approval; and

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 Planning Board hereby adopts and incorporates by reference (except as modified herein), and having considered the entire record, all applicable elements of Section 59-D-2.42⁴, and the relevant provisions of Section 59-D-2.43, the Planning Board FINDS, with the conditions of approval, that:

- (a) *The development complies with all of the intents and requirements of the CBD-R2 zone.*

Intents and Purposes of the CBD Zones

Section 59-C-6.212, states the purposes that the CBD zones are designed to accomplish. The Project Plan conforms to these purposes as follows:

- (1) *"To encourage development in accordance with an adopted and approved master plan by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan and the site plan is approved on review by the Planning Board."*

The Application substantially conforms to the Master Plan with respect to height, affordable housing and density.

The CBD-R2 zone allows for a height of 143 feet and a 5.0 floor area ratio ("FAR"); however, the Master Plan recommends a maximum 3.0 FAR and a maximum height of 75 feet for the Subject Property. The Zoning Ordinance

⁴ Unless otherwise indicated, Section references are to the Montgomery County Zoning Ordinance.

permits an increase in FAR and building height is permitted by providing additional affordable housing.

The Master Plan recommendation of 75 feet reflects the overall Master Plan concept for urban form that directs the tallest buildings to be located in the center of the central business district ("CBD"). Height is then to step down outward to the edges of the CBD as it approaches the adjacent existing one-family neighborhoods.

The building starts at a height of 45 feet along the Woodmont Avenue frontage, then increases to 100 feet and then to 120 feet facing Wisconsin Avenue. The increase in height reduces the overall length of the building, effectively eliminating volume and mass in one place and shifting it to another. This creates a more compatible relationship with the existing one-family homes, as well as the existing Crescent Plaza residential building, and allows more light, air and privacy for residents of the Crescent Plaza and of the future residents of the 7100 Wisconsin building.

The Planning Board approved the Application for a building with a maximum height of 120 feet because the building configuration successfully achieves the intended goals and objectives of the Master Plan. The Master Plan recommends 75 feet for several blocks along south Wisconsin Avenue, in order to accommodate a step down from the core to the edge. The Application still achieves a general stepping down with the taller height closer to the Core and its lowest portions closest to the existing one-family neighborhood outside the CBD diagonally across Woodmont Avenue. The Project Plan achieves greater compatibility with the Crescent Plaza building next door by rearranging the same yield using different volumes.

The inclusion of 15% MPDUs contributes to the additional housing choices in the CBD.

(2) *"To permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of workers, shoppers and residents."*

The Project Plan directly responds to the current market for multi-family units by providing them where the infrastructure, public facilities, and amenities already exist to support their incorporation into the community.

The additional density of the optional method provides an incentive by contributing to a variety of land uses and activities; specifically by providing retail at the street level of a residential building, and by providing highly visible art that enhances the public realm. The Project Plan also provides enhancements to space within the public right-of-way to create a more inviting environment for activities in the public realm. This includes the enhancements to Eastham Park which is located in the County owned public right-of-way.

- (3) *"To encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas."*

The Alternative Plan design encourages a desirable relationship between the proposed building and the existing building, Crescent Plaza. The Application currently shows a separation between the existing building and the new building of 30 feet. The Project Plan will provide enhancements in the form of streetscape and undergrounding of utilities that will improve the pedestrian circulation system by increasing its attractiveness and the ease of use. It will provide an appropriate transition from the edge of the CBD where it is located, to the existing one-family neighborhood in an adjacent area which is diagonally across Woodmont Avenue to the southwest. The design will enhance bicycle circulation by providing bike lanes or a marked shared roadway on Woodmont Avenue between County Parking Lot 31 and the crossing of Wisconsin Avenue. Moreover, the Application will improve vehicular circulation by eliminating the existing two access points on Wisconsin Avenue and thereby avoiding conflicts with vehicles travelling south on Wisconsin Avenue. Pedestrian circulation will be improved by creating an uninterrupted pedestrian route on Wisconsin Avenue and by providing the full 20 foot curb to building setback that is appropriate.

- (4) *"To promote the effective use of transit facilities in the central business district and pedestrian access thereto."*

The Application promotes the effective use of transit facilities within the CBD. The Subject Property is approximately 1,600 feet from the Bethesda Metro Station, with easy access to Wisconsin Avenue and the bus routes. There is a bus stop on the next block of Wisconsin Avenue. The future Purple Line Station and the future south entrance to the Metro Station are two blocks away.

- (5) *"To improve pedestrian and vehicular circulation."*

Vehicular circulation around the site will be improved due to the elimination of vehicular ingress and egress from Wisconsin Avenue and a consolidated access point from Woodmont Avenue. The development is limited to a right turn in and right turn out on Woodmont Avenue. Left turns into the site from Woodmont Avenue will be prevented by the lengthening of the median on Woodmont Avenue. Pedestrian circulation will be improved by way of enhancements to the pedestrian realm of the public right-of-way. In addition, the Capital Crescent Trail is nearby as is a north south bikeway that runs along Strathmore Street to Wisconsin Avenue. The addition of up to 145 dwelling units in this location and the enhancements to the pedestrian realm by way of streetscape and undergrounding utilities will improve pedestrian and vehicular circulation.

- (6) *"To assist in the development of adequate residential areas for people with a range of different incomes."*

The Application provides a variety of housing options, which will attract a range of residents with diverse incomes, including 15% of the total number of units as MPDUs, and a mix of unit types ranging from one to two-bedroom units.

- (7) *"To encourage land assembly and most desirable use of land in accordance with a sector plan."*

The project will ultimately combine three separate parcels representing the remainder of the block bound by Wisconsin Avenue, Woodmont Avenue, and Miller Avenue into one recorded lot. The Project Plan will develop as high rise multi-family units, the most desirable use of the land on this block as recommended in the Master Plan.

Requirements of the CBD-R-2 zone

The data table below lists the required development standards approved by the Planning Board and binding on the Applicant. The Planning Board finds that the Application meets all of the applicable requirements of the optional method of development in the CBD-R2 zone.

DATA TABLE

| Development Standard | Permitted/ Required | Approved by the Planning Board and Binding on the Applicant |
|---|--------------------------------|--|
| Max. Building Height (feet) | 143' 200 ⁵ | 120' |
| Min. Setback (feet) | | |
| ▪ East Property Line Wisconsin Avenue | n/a | 5 |
| ▪ North Property Line at Crescent Plaza | n/a | 14 |
| ▪ North Property Line at Miller Lane | n/a | 0' |
| ▪ West Property Line from Crescent Plaza near Miller Lane | n/a | 5' |
| ▪ South Property Line Woodmont Avenue | n/a | 0 |
| Site Area (square feet) | | |
| Net Tract Area | n/a | 21,414 |
| Dedications | n/a | |
| ▪ -Previous dedication: | n/a | 18,694 |
| ▪ -Future dedication: | n/a | 3,914 |
| Gross Tract Area | 18,000 SF | 44,023 |
| Max. Density 59-C-6.234(b)iii | | |
| ▪ Floor Area Ratio | 5.0 ⁶ | 3.63 |
| ▪ Square Footage (sf) | | 159,584 |
| ▪ Dwelling Units | n/a | 145 |
| MPDUs as percent of final unit count | 12.5% | 15% |
| Max. Non-Residential Use | 1.0 FAR ⁷ | 7,000 |

⁵ —If approved by the Planning Board in the process of site plan or combined urban renewal project plan approval as not adversely affecting surrounding properties, height may be increased to: 200'.

⁶ However, the Bethesda CBD Sector Plan recommends 3 FAR.

⁷ Footnote No. 3 of the Zoning Ordinance requires that... "In order to provide services to residents and continuity of retail street frontage activity, at least 5 percent of the gross floor area must of retail or personal service commercial uses. The Planning Board may waive a portion of this requirement during the course of project plan approval upon a finding that full compliance with this requirement is not practical, feasible, or would result in such uses being required on other than the ground or first floor. A hotel or motel up to FAR 1 is permitted. A hotel or motel with up to 3 FAR may be allowed where recommended as appropriate in the relevant sector plan.

| Development Standard | Permitted/ Required | Approved by the Planning Board and Binding on the Applicant |
|---|------------------------|---|
| Retail or personal service commercial uses (sf) | 7,979 (5% of GFA) | 7,000 (4.4% of GFA) ⁸ |

*Project Data Table for the CBD-R2 Zone for Required Public Use Space,
 also showing Additional Open Space and Enhancements*

| | Required | Approved |
|--|-----------------|--------------------|
| Public Use Space (%) ⁹ | | |
| On-Site Public Use Space | 20% 4,283 | 17.5% 3,752 SF |
| Off-Site Public Use Space (Enhanced Eastham Park) | N/A | 36.1% 7,725 SF |
| Total Public Use Space | 20% 4,283 SF | 53.6% 11,477 SF |
| Off-site Public Amenity Space | N/A | 32.8% 7,018 SF |
| Total Public Use Space and Public Amenity Space | 20% | 86.3% 18,495 SF |

Under Section 59-C-6.215(b)) a further requirement of optional method projects is the provision of additional public amenities:

“Under the optional method greater densities may be permitted and there are fewer specific standards, but certain public facilities and amenities must be provided by the developer. The presence of these facilities and amenities is intended to make possible the creation of an environment capable of supporting the greater densities and intensities of development permitted.”

⁸ The Applicant has submitted a waiver request for an amount less than the 5%

⁹ As a percentage of the net lot area after dedication

To this end, the Application is proffering the following package of public use space, amenities and public facilities:

1. Streetscape on Wisconsin Avenue and Woodmont Avenue.
2. 3,752 square feet of on-site public use space adjacent to Crescent Plaza and along the Wisconsin Avenue frontage. The public use space will expand Crescent Plaza green space and widen the sidewalk in front of the building.
3. Enhancements to public property including Eastham Park, which is County-owned right-of-way totaling 7,725 square feet, which qualifies as public amenity space¹⁰.
4. Eastham Park maintenance in perpetuity through contributions to the Bethesda Urban Partnership.
5. Public art:
 - a. At the corner of the site at Woodmont and Wisconsin Avenues
 - b. Facing Woodmont Avenue on the roll up garage doors.
6. Undergrounding of utilities.

(b) The development conforms to the Master Plan.

The Application substantially conforms to the adopted 1994 Bethesda CBD Sector Plan with respect to height, affordable housing and density.

Although the Master Plan recommends that the height of buildings on this site be limited to 75 feet to address compatibility with the neighboring one-family detached community to the south; an increase in height is permitted when an increase in the number of MPDUs is provided. The Master Plan recommends 75 feet for several blocks along south Wisconsin Avenue, in order to accommodate a step down from the core to the edge. The Planning Board approved the Application for a building with a maximum height of 120 feet. The increase in

¹⁰ **Public facilities and amenities:** Those facilities and amenities of a type and scale necessary to provide an appropriate environment or to satisfy public needs resulting from, or related to, the development of a particular project, or to support County or State government programs or services. Facilities and amenities may include, but are not limited to:

- (a) green area or open space which exceeds the minimum required, with appropriate landscaping and pedestrian circulation;
- (b) streetscaping that includes elements such as plantings, special pavers, bus shelters, benches, and decorative lighting;
- (c) public space designed for performances, events, vending, or recreation;
- (d) new or improved pedestrian walkways, tunnels, or bridges;
- (e) features that improve pedestrian access to transit stations;
- (f) dedicated spaces open to the public, such as museums, art galleries, cultural arts centers, community rooms, recreation areas;
- (g) day care for children or senior adults and persons with disabilities;
- (h) public art; and
- (i) A publicly owned or operated government facility.

Public facilities and amenities may be recommended or identified in an approved and adopted master or sector plan. Public amenities do not include road improvements or other capital projects that are required under the Adequate Public Facilities Ordinance (APFO) to serve the property.

height reduces the overall length of the building, effectively eliminating volume and mass in one place and shifting it to another. The building, as a result, starts at a height of 45 feet along the Woodmont Avenue frontage, then increases to 100 feet and then to 120 feet facing Wisconsin Avenue.

The increase in height along Wisconsin reflects the overall Sector Plan concept for urban form that directs the tallest buildings to be located in the center of the CBD. The height steps down outward to the edges of the CBD as it approaches the adjacent existing one-family neighborhoods.

- (c) Because of its location size, intensity, design, operational characteristics and staging, the development is compatible with and not detrimental to existing or potential development in the general neighborhood.*

The Project Plan is for a building that starts at a height of 45 feet, then increases to 100 feet and then to 120 feet facing Wisconsin Avenue. Height and massing predominately located on Wisconsin Avenue, while offering a lesser degree of massing along Woodmont Avenue creates a compatible relationship with the existing Crescent Plaza residential building, and allows more light, air and privacy for residents of the Crescent Plaza, and of the future residents of 7100 Wisconsin Avenue.

The Project Plan provides an appropriate transition from the edge of the CBD where it is located, to the existing one-family neighborhood in an adjacent area which is diagonally across Woodmont Avenue to the southwest. The Project Plan also improves vehicular and pedestrian circulation around the site and to the nearby retail services and transportation hubs.

The proposal for residential also compliments the surrounding residential uses including 15% MPDUs, which contributes to housing choices and is more compatible with the general neighborhood.

- (d) The development does not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under Chapter 42A, Article II, is subject to a traffic mitigation agreement that meets the requirements of that article.*

Project Plan approval is conditioned on Applicant's entry into a TMAg with the Planning Board and MCDOT to participate in the Bethesda TMD prior to the release of any new building permit for development on the Subject Property. The

Application will not overburden existing public services. Public facilities exist on or near the site and no expansion or renovation of these services will be required to be completed by the County. Further, requirements for public safety and fire will be minimally impacted due to the nature of the land use and must be approved by the respective agencies prior to preliminary plan approval.

- (e) *The development is more efficient and desirable than could be accomplished by the use of the standard method of development.*

A standard method project would allow a density of 1.0 FAR (59-C-6.234(a) ¹¹ on this site, a significant change in total density permitted at the zone limit of 5 FAR. The project will develop to 3.63 FAR, which is closer to the 3 FAR recommended in the Master Plan. The requirement for public amenities would be absent and the public use space requirement would be reduced by one-half under a standard method of development. The optional method of development is much more desirable and more efficient for this site because infill development and density at transit hubs is a core value of smart growth.

- (f) *The development includes moderately priced dwelling units in accordance with Chapter 25A of the Montgomery County Code.*

The Application will provide 15% MPDUs which exceeds the 12.5% MPDUs required by Chapter 25A. A final agreement between the Applicant and the Department of Housing and Community Affairs will be required at the time of site plan review.

- (g) *When a Project Plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from one lot to another or transfer densities within a lot with two or more CBD zones, the Project Plan may be approved by the Planning Board based on the following findings:*

The Project Plan is located on one existing lot and does not propose any transfers involving public open space or development density.

- (h) *The development satisfies any applicable requirements for forest conservation under Chapter 22A of the Montgomery County Code.*

Applicable requirements for forest conservation will be finally determined at site plan. The project received an exemption from preparing a forest conservation

¹¹ ¹¹¹¹ The zoning ordinance says that The total FAR for mixed-use development may be exceeded under the special regulations of Sec. 59-C-6.2354

plan; however, a reassessment will be made at the time of site plan review to evaluate the limit of disturbance with greater accuracy, including the offsite improvements, which may result in a requirement for a forest conservation plan.

- (i) *The proposed development satisfies any applicable requirements for water quality resources protection under Chapter 19 of the Montgomery County Code.*

The project is exempt from Chapter 19 water quality resources protection requirements.

A stormwater management concept has been submitted for review by the Montgomery County Department of Permitting Services and their ultimate approval during the site plan review will address best management practices for on-site runoff and treatment according the County stormwater regulations.

- (j) *Any public use space or public facility or amenity to be provided off-site is consistent with the goals of the Bethesda CBD Sector Plan and serves the public interest better than providing the public use space or public facilities and amenities on-site.*

While the final details of the public open space and amenities will be determined during the review of the site plan, the components and amounts are determined at the time of Project Plan. The Applicant proffered the public use space, amenities and public facilities as discussed above.

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

BE IT FURTHER RESOLVED that this Project Plan shall remain valid as provided in Montgomery County Code § 59-D-2.7; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board and that the date of this Resolution is ~~FEB 8 2013~~ (which is the date that this Resolution is mailed to all parties of record); and

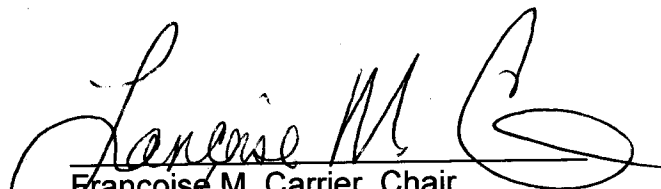
BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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

* * * * *

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 Vice Chair Wells-Harley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion at its regular meeting held on Thursday, January 31, 2013, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board