



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

OFFICE OF THE CHAIR

AUG 15 2013

MCPB No. 13-102  
Site Plan No. 820130230  
7100 Wisconsin Avenue  
Date of Hearing: July 11, 2013

**RESOLUTION**

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, by resolution dated February 8, 2013, the Planning Board approved Project Plan No. 920130010 for 159,584 square feet of mixed-use development consisting of up to 145 multi-family 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 uses on 0.58 acres in the CBD-R2 zone, located at 7100 Wisconsin Avenue at the intersection with Woodmont Avenue ("Subject Property") in the Bethesda Policy Area, Bethesda CBD master plan ("Master Plan") area; and

WHEREAS, on April 17, 2013, Wisconsin Project, LLC/7120 Wisconsin LLC ("Applicant"), filed an application for approval of a site plan for 159,584 square feet of mixed-use development for a maximum of 145 multi-family dwelling units, including 15 percent MPDUs, and 6,500 square feet of retail on 0.58 acres of CBD-R2 zoned-land, located at 7100 Wisconsin Avenue ("Subject Property") in the Bethesda Policy Area, Bethesda CBD Sector Plan ("Master Plan") area; and

WHEREAS, the application was designated Site Plan No. 820130230, 7100 Wisconsin Avenue ("Site Plan" or "Application"); 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 June 28, 2013, setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on July 11, 2013, 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

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Approved as to  
Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
MNCPPC Legal Department  
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

WHEREAS, at the hearing the Planning Board voted to approve the Application, subject to certain conditions, on motion of Commissioner Anderson, seconded by Commissioner Presley, by a vote of 4-0, Commissioners Anderson, Carrier, Presley, and Wells-Harley voting in favor, and Commissioner Dreyfuss absent;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820130230 for 159,584 square feet of mixed-use development with a maximum of 145 multi-family dwelling units, including 15 percent MPDUs and 6,500 square feet but no less than 6,000 square feet of retail, on the Subject Property, subject to the following conditions:<sup>1</sup>

**Conformance with Previous Approvals**

1. Project Plan Conformance

The Applicant must comply with the conditions of approval for Project Plan No. 920130010 as listed in the Planning Board Resolution, unless amended.

2. Preliminary Plan Conformance

The Applicant must comply with the conditions of approval for Preliminary Plan No. 120130200 as listed in the Planning Board Resolution, unless amended.

**Parks, Open Space, & Recreation**

3. Public Use Space, Facilities and Amenities

- a. The Applicant must provide a minimum of 23.2% 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.
- b. The Applicant must provide a minimum of 34.7% of the net lot area for public amenity space, including but not limited to the area along Woodmont Avenue.
- c. The public use and public amenity space must be easily and readily accessible to the general public and available for public enjoyment.
- d. The Applicant must install the art piece titled "the Dance" by Alan Binstock.

4. Recreation Facilities

- a. The Applicant must provide at least three picnic/sitting areas, pedestrian walkway system, indoor community space and indoor fitness facility to satisfy the M-NCPPC Recreation Guidelines.
- b. The Applicant must meet the square footage requirements for all of the applicable proposed recreational elements and demonstrate that each element is in conformance with the approved M-NCPPC Recreation Guidelines.

5. Maintenance of Publicly Accessible Amenities

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<sup>1</sup> 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.

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to, landscaping, walkways, lighting and benches.

## **Environment**

### **6. Noise**

- a. The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to, landscaping, walkways, lighting, and benches. Prior to certified site plan, provide noise analysis which includes current and projected noise contours (60 and 65 dBA Ldn) delineated for all noise generating roads, or other uses where noise levels will affect the proposed dwelling units and common outdoor activity (such as the pocket park).
- b. Prior to certified site plan, the Applicant must provide M-NCPPC staff with a certification from an engineer specialized in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn prior to certified site plan. The builder must commit to construct the units in accord with these design specifications, with any changes that may affect acoustical performance approved by the acoustical engineer in advance of installation.
- c. If the proposed use will generate noise that could impact adjacent uses (i.e., trash pickup, generators, etc.), appropriate onsite measures must be provided to avoid or minimize the impacts.
- d. After construction is complete, and prior to use and occupancy, the builder must provide M-NCCPC staff a certification from an engineer specialized in acoustics confirming that interior noise levels do not exceed 45 dBA Ldn.
- e. For all residential dwelling units constructed within identified noise impact areas, the Applicant/developer/builder shall disclose in writing to all prospective purchasers that they are located within an area impacted by current or future highway or railway noise. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures and promotional documents, including the *Illustrative Site Plan(s)* on display within any sales related office(s), as well as in Homeowner Association Documents, and by inclusion on all subdivision and site plans, and within all *Deeds of Conveyance*.

## **Transportation & Circulation**

### **7. Transportation**

- a. The development is limited to a maximum of 145 multi-family dwelling units and 6,500 square feet of retail.
- b. 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 the development on the site.

- c. The Applicant must construct the streetscape improvements within the Woodmont, Wisconsin and Miller Avenues in accordance with the Bethesda Streetscape standards, except as those deviations from the Bethesda Streetscape standards as shown on the Site Plan and Landscape Plans, including the undergrounding of utilities.

### **Density & Housing**

#### **8. Moderately Priced Dwelling Units (MPDUs)**

- a. The development must provide 15 percent MPDUs on-site in accordance with the letter from the Department of Housing and Community Affairs dated June 17, 2013 (Attachment B).
- b. The MPDU agreement to build must be executed prior to the release of any building permits.
- c. All of the required MPDUs must be provided on-site.
- d. The Planning Board has accepted the recommendations of the Montgomery County Department Housing and Community Affairs ("MCDHCA") in its letter dated June 17, 2013, and does hereby incorporate them as conditions of the Site Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.

### **Site Plan**

#### **9. Site Design**

- a. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings dated June 3, 2013, as determined by Staff.

#### **10. Private Lighting**

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential development.
- b. All onsite down-light fixtures must be full cut-off fixtures.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on any perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
- e. The height of the light poles must not exceed the height specified on the Certified Site Plan.

#### **11. Surety**

Prior to issuance of the first building permit, excluding the sheeting and shoring permit, within each relevant phase of development, the 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. The 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, artwork, site furniture, the street and alleys, sidewalks, and entrance piers within the relevant phase of development.
- c. Prior to issuance of the first building permit, excluding the sheeting and shoring permit, the 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. The bond/surety must 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. Prior to release of building permits, the Applicant must provide documentation to M-NCPPC Staff that any required soil remediation and/or removal of underground storage tanks has been appropriately completed.
- b. Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- c. On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, recreation facilities and bicycle facilities must be installed prior to release of the final residential use and occupancy permit.
- d. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Sediment Control Plan, and M-NCPPC inspection and approval of all protection devices.
- e. The development program must provide phasing for installation of on-site landscaping and lighting.
- f. Community-wide pedestrian pathways and public use space and amenity areas, including benches, landscaping, artwork and hardscape, must be completed prior to issuance of the final residential use and occupancy permit.
- g. Improvements to Eastham Park must be completed prior to the final use and occupancy permit.
- h. The development program must provide phasing of stormwater management and sediment and erosion control.

**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 forest conservation exemption, stormwater management concept approval, development program, inspection schedule, and Site Plan Resolution on the approval or cover sheet.
- b. Modify data table to reflect development standards enumerated in the Staff Report as needed.
- c. Ensure consistency off all details and layout between Site Plan and landscape plan.
- d. Update the recreation calculations for the final number of units.
- e. Correct the overall square footage in the data table to match what was approved in the project plan.
- f. Label all deviations from the Bethesda Streetscape standards on the Site Plan and Landscape Plans.

BE IT FURTHER RESOLVED that all site development elements as shown on 7100 Wisconsin Avenue drawings stamped by the M-NCPPC on June 3, 2013 shall be 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 Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the 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 Application complies with all of the conditions of approval for Project Plan 920130010. The Application is providing a total of 145 multi-family units, including 15 percent MPDUs and a maximum of 6,500 square feet but no less than 6,000 square feet of retail in accordance with the waiver granted by the Board during the project plan. Consistent with the project plan, the building height 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. The Application increases the amount of public use space by approximately 6 percent from 86.3 to over 93% when off-site public facilities are included. As conditioned, the Application is providing a PIE in-lieu-of truncation at the intersection of Wisconsin/Woodmont to accommodate the typical requirement for dedication. Finally, the Crescent Plaza Condominium provided a letter regarding future coordination, and

MCDOT provided a letter supporting the modifications to the public use space and for the improvements to Eastham Park. Both letters were required as part of the project plan approval.

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

The site is zoned CBD-R2, and is governed by the development standards in Section 59-C-6.23 of the Montgomery County Zoning Ordinance. The site plan meets the intent of the CBD-R2 zone by providing high density residential development in the Bethesda Central Business District. The minimum lot size of 18,000 square feet for optional method projects is met. There is no maximum building coverage for optional method projects, but there is a requirement to devote a minimum of 20% of the net lot area to be devoted to public use space. The Application satisfies their public use space requirement by providing a small amount of public use space on-site coupled with enhancements to off-site public spaces within the pedestrian areas of public right of way. The maximum FAR for optional method projects in the CBD-R2 Zone is 5 FAR; however, the Sector Plan recommends a 3 FAR. The proposal is for 3.63 FAR incorporating a 22 percent density bonus, which is well within the range of the zone and supported by the Sector Plan.

The only other development standard for a CBD-R2 optional method project is building height, which normally limits height to 143 feet but may be increased to 200 feet under Section 59-C-6.235(b) of the Montgomery County Zoning Ordinance which states "[if] approved by the Planning Board in the process of site plan ... as not adversely affecting surrounding properties." Height and density may be increased above that recommended in a Sector Plan to accommodate MPDUs and any bonus density associated with them. This site is recommended in the Sector Plan for 3.0 FAR. However, with the provision of 15% MPDUs, the development qualifies for bonus density of 0.63 FAR.<sup>2</sup> Therefore, the height of the building may increase to accommodate MPDUs on site plus the number of bonus density units. The additional height does not adversely affect the surrounding properties.

As the data table shows, all of the requirements of the zone are met by the subject site plan. Because this project is within a Parking Lot District, parking spaces are not

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<sup>2</sup> 59-D-2.42 (1) to permit the construction of all MPDUs under Chapter 25A, including any bonus density units, on-site in zones with a maximum permitted density more than 39 dwelling units per acre or a residential FAR more than .9, a project plan may exceed:

(A) any dwelling unit per acre or FAR limit recommended in a master plan or sector plan, but must not exceed the maximum density of the zone; and

(B) Any building height limit recommended in a master plan or sector plan, but must not exceed the maximum height of the zone. The additional FAR and height allowed by this subsection is limited to the FAR and height necessary to accommodate the number of MPDUs built on site plus the number of bonus density units."

required to be provided on site. Nevertheless, parking calculations have been estimated and will be finalized at certified site plan.

Development Standard	Permitted/Required	Approved with Project Plan	Proposed for Site Plan
Max. Building Height (feet)	143	120 <sup>3</sup>	120
Min. Setback (feet)			
▪ East Property Line Wisconsin Avenue	n/a	5	7
▪ North Property Line at Crescent Plaza	n/a	14	16
▪ North Property Line at Miller Lane	n/a	0	0
▪ West Property Line from Crescent Plaza near Miller Lane	n/a	5	5
▪ South Property Line Woodmont Avenue	n/a	0	0
Site Area (square feet)			
Net Tract Area	n/a	21,414	21,414
Dedications	n/a		
▪ -Previous dedication:	n/a	18,694	18,694
▪ -Future dedication:	n/a	3,915	3,915
Gross Tract Area	18,000	44,023	44,023
Max. Density 59-C-6.234(b)iii			
▪ Floor Area Ratio	5.0 <sup>4</sup>	3.63	3.63
▪ Square Footage (sf)		159,584	159,584
▪ Dwelling Units	n/a	145	145
MPDUs (as percent of final unit count)	12.5	15	15
Max. Non-Residential Use	1.0 FAR	1.0 FAR	1.0 FAR
Retail or personal service commercial uses (sf)	7,979 (5% of GFA)	6,000 <sup>5</sup> (3.8% of GFA)	6,500 (4% of GFA)
Public Use Space (%/SF)			
On-Site Public Use Space	20% 4,283	17.5% 3,752 SF	23.2% 4,965 SF

<sup>3</sup> The Planning Board approved a maximum height of 120 feet stepping down to 45 as consistent with the Bethesda CBD Sector Plan

<sup>4</sup> However, the Bethesda CBD Sector Plan recommends 3 FAR.

<sup>5</sup> 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. During the Project Plan hearing, the Planning Board waived a portion of this requirement 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. The Board required a minimum of 6,000 square feet of retail.



<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Approved with Project Plan</b>	<b>Proposed for Site Plan</b>
Off-Site Public Use Space (Enhanced Eastham Park)	N/A	36.1% 7,725 SF	36.1% 7,725 SF
Total Public Use Space	20% 4,283 SF	53.6% 11,477 SF	59.3% 12,690 SF
Off-site Public Amenity Space	N/A	32.8% 7,018 SF	34.7% 7,420 SF
Total Public Use Space and Public Amenity Space	20%	86.3% 18,495 SF	93.90% 20,110 SF
<b>Parking</b>			
<b>Retail</b> (6,500 sf)	33 spaces @5/1,000		
-15% reduction per §59-E-3.32	4 spaces		
Retail Subtotal	29 spaces		
<b>Residential</b>			
Studio @1 sp/du (7 x 1 du)	7		
1 Bedroom @ 1.25 sp/du (75 x 1.25)	94		
2 Bedroom @ 1.5 sp/du (34 x 1.5)	51		
3 Bedroom @ 2 sp/du (2 x 2)	4		
MPDU Studio @ 0.5 sp/du (0.5 x 1 du)	1		
MPDU 1 Bedroom @ 0.625 sp/du (13 x 0.625)	9		
MPDU 2 Bedroom @ 0.75 sp/du (7 x 0.75)	6		
-15% reduction per §59-E-3.33	25		
Residential Subtotal	147		
Total Required/Provided	176		86 <sup>6</sup>

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

The multi-family building is situated on the site in a manner that provides urban character for the street fronts along Wisconsin and Woodmont Avenues and provides for a compatible relationship with the adjacent Crescent Plaza building on the block. The location of the building is adequate and efficient, meets the aesthetic concerns of the area, and does not pose any safety concerns.

Open space areas are provided along the building edge on Wisconsin, Woodmont and Miller Avenues. The building edge provides an urban character allowing outdoor seating, dining and street activity. The primary on-site public use space is located on

<sup>6</sup> Site is within the Bethesda Parking Lot District and will pay the PLD tax for the remainder of the spaces.

the west side of the building nestled between the adjacent Crescent Plaza building the western end of this site. The public space will visually expand the green space between the two buildings with direct access from Woodmont Avenue. A commissioned art piece by Alan Binstock is located near the intersection with Woodmont and Wisconsin Avenue to signify the gateway into the CBD from the southern end. These open and public use space areas will be available for recreation for the residents of the proposed development and the surrounding neighborhood. Eastham Park, a remnant of a county right-of-way is also being improved as an off-site amenity. Street trees and lighting are provided to enhance the pedestrian environment. The undergrounding of utilities will provide for a safer pedestrian experience on all three public streets. Interior lighting will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties.

Recreation facilities provided for this site plan include picnic/sitting areas in the public use space and along the street, an improved pedestrian system on all property frontages, an indoor community space and indoor fitness facility for the residents. The recreation calculations show compliance with the Recreation Guidelines for the maximum number of units. The Applicant is meeting their demand points through credits from a multi-age playground at Norwood Recreational Park.

<b>Recreation Calculations</b>						
	<b>D1</b>	<b>D2</b>	<b>D3</b>	<b>D4</b>	<b>D5</b>	<b>Totals</b>
	<b>Tots</b>	<b>Children</b>	<b>Teens</b>	<b>Adults</b>	<b>Seniors</b>	
<b>Demand Points (per 100 du)</b>	4	4	4	77	46	
-For 145 hi-rise apartments	5.80	5.80	5.80	111.65	66.7	195.75
<b>Supply Points</b>						
-Picnic/Sitting Area (3)	3.0	3.0	4.5	15.0	6.00	31.50
-Pedestrian System	0.58	1.16	1.74	50.24	30.02	83.74
-Indoor Community Space	0.58	0.87	1.74	33.50	26.68	63.37
-Indoor Fitness Facility	0.00	0.58	0.58	22.33	10.01	33.50
<b>Total On-Site Supply</b>	<b>4.16</b>	<b>5.61</b>	<b>8.56</b>	<b>121.07</b>	<b>72.71</b>	<b>203.68</b>
<b>Off-Site Amenities (max. 35% credit)</b>						
-Multi-age Playground (Norwood Rec. Center)	2.03	2.03	2.03	7.0	1.0	14.09
<b>Total Supply Points</b>	<b>6.19</b>	<b>7.64</b>	<b>10.59</b>	<b>128.07</b>	<b>73.71</b>	<b>226.20</b>
<b>% Demand Met</b>	<b>107%</b>	<b>132%</b>	<b>183%</b>	<b>115%</b>	<b>109%</b>	

The open spaces, landscaping, and site details adequately and efficiently address the needs of the proposed use and the recommendations of the Master Plan, while providing a safe and comfortable environment.

Vehicular circulation around the site will be improved because the two access points currently serving the former gas station from Wisconsin Avenue, and to the surface parking lot, will no longer be needed to this site will be consolidated and limited to one location on 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 Lane 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 support this finding. "To improve pedestrian and vehicular circulation."

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

The Application is compatible with the Crescent Plaza building and with surrounding adjacent development. This is achieved by reducing the height of the building that faces the south side of Crescent Plaza and by shortening the building to create more open space. This opens up views and provides more light and air. The building mass rises up to 120 feet with its height and massing predominately located on Wisconsin Avenue, while offering a lesser degree of massing along Woodmont Avenue. As a result, the Woodmont Avenue section starts with a height of 45 feet, then increases to 100 feet and then to 120 feet facing Wisconsin Avenue. This creates a more 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 7100 Wisconsin building. This configuration also allows a greater number of residents of the Crescent Plaza to maintain views to the south of nearby neighborhoods. The average height along the Woodmont Avenue frontage is 87 feet.

Additional design features include distinct volumes that produce a better relationship with Crescent Plaza and hold the corner of Wisconsin and Woodmont Avenues as a gateway into the southern area of Bethesda. The façade on Wisconsin Avenue is glazed and organized by a series of bay windows and balconies. The retail storefronts along Wisconsin will activate the streetscape. The Woodmont Avenue façade is broken into three segments: a base, middle section and top to mitigate the perceived height of the building and to allow for views from the existing building. The design solution maximizes natural light and breaks up the sun/shade patterns on the nearby uses.

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.

The design provides a desirable relationship between the proposed building and the existing building, Crescent Plaza. The proposal currently shows a separation between the existing and the new building of 30 feet. The Application provides an appropriate transition from the edge of the Central Business District where it is located, to the existing one-family neighborhood in an adjacent area which is diagonally across Woodmont Avenue to the southwest. The proposal also improves vehicular and pedestrian circulation around the site and to the nearby retail services and transportation hubs.

*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 exemption was confirmed for the property on June 14, 2012 and is still valid for the project as currently proposed. The project qualifies for a small property exemption under section 22A-5(s)(1) of the Montgomery County Forest Conservation Law as an activity occurring on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion tree for which the afforestation requirements would not exceed 10,000 square feet.

The MCDPS Stormwater Management Section approved the stormwater management concept on October 8, 2012. A stormwater management concept has been submitted for review by the Montgomery County Department of Permitting Services and will address best management practices for on-site runoff and treatment according to the County stormwater regulations.

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 Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is AUG 5 2013 (which is the date that this resolution is mailed to all parties of record); and

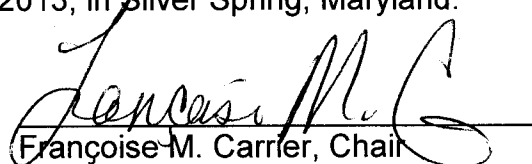
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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 Commissioner Casey Anderson, seconded by Commissioner Amy Presley, with Chair Carrier, and Vice Chair Wells-Harley present and voting in favor of the motion, and Commissioner Norman Dreyfuss (absent) at its regular meeting held on Wednesday, July 31, 2013, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board