



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

OCT 10 2013

MCPB No. 13-137
Site Plan No. 820130240
Bethesda Commerce
Date of Hearing: September 19, 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, on September 19, 2013, Bethesda Commerce, LLC ("Applicant") filed an application for approval of a site plan for a mixed-use, high-rise building at the intersection of Commerce Lane and Old Georgetown Road in the Bethesda Metro Core District. The proposed optional-method development will include up to 120 residential units and up to 5,000 square feet of general retail space, and 143 feet in height measured from Commerce Lane, on 0.67 acres of CBD-2 zoned land.¹ The property is on Plat 4718, Lot 10, at the southeast corner of Old Georgetown Road and Commerce Lane. The address is 7535 Old Georgetown Road, Bethesda, Maryland ("Subject Property"), in the Bethesda CBD Approved and Adopted Sector Plan, 1994 plan ("Master Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820130240, Bethesda Commerce ("Site Plan" or "Application"); and

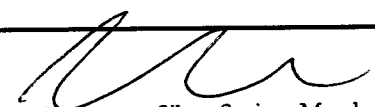
WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated September 6, 2013, setting forth its analysis of and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on September 19, 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

WHEREAS, on September 19, 2013 the Planning Board voted to approve the Application subject to conditions, on motion of Commissioner Dreyfuss, seconded by

¹ The platted lot is 0.32 acres. However, including dedications the gross tract area for this project is 0.67 acres.

Approved as to
Legal Sufficiency


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Commissioner Wells-Harley, by a vote of 4-0, Commissioners Anderson, Carrier, Dreyfuss, and Wells-Harley voting in favor, and Commissioner Presley absent;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820130240 for one building with a maximum of 120 residential units, a maximum of 5,000 square feet of general retail space, and 12.5 percent moderately priced dwelling units, subject to the following conditions:²

1. Project Plan Conformance

The Applicant must comply with the conditions of approval for Project Plan No. 920130030 listed in the Planning Board Resolution dated April 17, 2013, as amended.

2. Preliminary Plan Conformance

The development must comply with the conditions of the approved Resolution for Limited Preliminary Plan No. 120130240, as amended.

Public Use Space, Facilities and Amenities, and Recreation Facilities

3. Public Use Space, Facilities and Amenities

- a. The Applicant must provide a minimum of 22.9% of the net lot area for on-site public use space, and 25.4% for off-site amenities and facilities.
- b. The public use and public amenity space must be easily and readily accessible to the general public and available for public enjoyment.
- c. The Applicant must provide the streetscape improvements consistent with the Bethesda CBD Streetscape Standards, or as shown on the site or landscape plans, including the undergrounding of public utilities along the property's frontage on Old Georgetown Road and Commerce Lane.
- d. The Applicant must obtain an easement from Lot 15 "Sunnyside" (Parcel 301, P.B. 138 P.N. 15971) and construct the improvements labeled "Alt A" on sheet L-302 of the Landscape Plans that extend the paving treatment and design onto Lot 15. If an easement is not granted by Lot 15 for these improvements, then "Alt. B" improvements must be constructed. If granted, the easement must be provided to the M-NCPPC and the improvements must be completed by the time of the Use and Occupancy Permit.

4. Public Art

The Applicant must provide for and install a central sculpture in the public plaza consistent with the recommendations of the Art Review Panel on May 15, 2013. Final details of the sculpture must be provided on the certified site plan.

² 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.

5. Recreation Facilities

- a. At a minimum, the Applicant must provide 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.

6. Maintenance of Publicly Accessible Amenities

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

Environment

7. Noise

- a. Prior to the issuance of the above-grade building permit, 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 commits 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.
- b. 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.
- c. Prior to the issuance of the above-grade building permit, the details for and location of noise mitigation techniques to attenuate current noise levels to no more than 65 dBA Ldn for areas of common outdoor activity (such as the pocket park) must be approved by Staff.
- 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, as pursuant to the recommendations in the noise analysis provided.
- 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.

8. LEED Certification

Before issuance of any use and occupancy certificate, the Applicant must inform M-NCPPC staff of the LEED certification level that they are applying for. 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 the 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.

9. Stormwater Management

The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") Water Resources Section in its letter June 6, 2013, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS provided that the amendments do not conflict with the other conditions of the Site Plan approval.

Adequate Public Facilities

10. Schools

The Subject Property is within the Bethesda-Chevy Chase School Cluster area. The Applicant must make a school facilities Payment to the Montgomery County Department of Permitting Services (MCDPS) at the high school level at the applicable unit rate for which a building permit is issued and a School Facilities Payment is applicable for a new residential unit. The timing and amount of the payment must be in accordance with Chapter 52 of the Montgomery County Code.

11. The Adequate Public Facilities Ordinance (APFO) review for the site plan will remain valid for eighty-five (85) months from the date of mailing of this resolution.

Transportation and Circulation

12. Agreements and Agency Approvals

a. The Applicant must enter into a Traffic Mitigation Agreement ("TMAg") with the Planning Board and MCDOT to participate in the Bethesda Transportation Management District and must execute the TMAg prior to the release of any building permit for development on the site exclusive of any sheeting and shoring permit. The TMAg must include trip mitigation measures recommended by MCDOT.

- b. The Planning Board has accepted the recommendations of the Maryland State Highway Administration ("SHA") in its letter dated May 29, 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 SHA provided that the amendments do not conflict with other conditions of the Site Plan approval.
- c. The Planning Board has accepted the following recommendations of MCDPS, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS provided that the amendments do not conflict with other conditions of Site Plan approval.
 - i. The loading space must have a roll-up door with a 24/7 locked gate.
 - ii. Access to the loading dock or freight elevator must be provided, with prior authorization from the leasing office.
 - iii. Exit out of the loading space is limited to left turns only.
 - iv. On-site vehicles must be limited to a maximum size of SU-30.
 - v. Proper signage in accordance with MCDPS standards for the loading operations and vehicle size must be shown on the certified site plan.
 - vi. No truck waiting on Commerce Lane is permitted at any time.
 - vii. The Applicant must provide a safe and adequate refuge island between the loading space entrance and the garage entrance.
 - viii. The MCDPS approval does not negate approvals from other agencies including but not limited to the Fire Marshall.
 - ix. The Applicant must record a private open space covenant prior to recordation of the plat.

13. Pedestrian and Bicycle Facilities

- a. The Applicant must install at least two bicycle racks along the retail frontage to provide a minimum of two bicycle parking spaces per rack. Bicycle racks along Old Georgetown Road must avoid conflict with the pedestrian safety barrier/ landscape panel. No bicycle racks may be placed along Commerce Lane.
- b. The Applicant will comply with 59-E-2.3(a) of the Zoning Ordinance by providing 30 secured bicycle parking spaces or bike lockers that are well-lit, and easily accessed. The final location and details must be determined by Certified Site Plan.

Density & Housing

14. Moderately Priced Dwelling Units (MPDUs)

- a. The development must provide 12.5 percent MPDUs on-site in accordance with the letter from the Department of Housing and Community Affairs dated August 7, 2013.
- b. An Agreement to build between the Applicant and DHCA must be executed prior to the release of any building permits.

15. Architecture

The final exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings dated August 16, 2013, as determined by Staff.

16. 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 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 16.10 feet in height as specified on the Certified Site Plan.
- f. The height of the light fixtures on the roof terrace must not exceed 67-inches or 5.58 feet.

17. Financial Security and Agreement

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.

18. 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, 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 applicable environmental protection devices exclusive of sheeting and shoring.
- 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. The detailed development program must provide phasing of dedications, stormwater management, sediment and erosion control and other features, as applicable.

19. 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. Ensure consistency of all details and layout between Site Plan and landscape plan.
- c. Label all modifications from the Bethesda Streetscape standards on the Site Plan and Landscape Plans to accommodate the continuous planter requested by MCDOT and the paver design requested by the Applicant or referenced in the landscape sheet.

BE IT FURTHER RESOLVED, that all site development elements as shown on Bethesda Commerce drawings stamped by the M-NCPPC on August 16, 2013 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 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 No. 920130030 with respect to density, public use space, and conformance with Sector Plan recommendations. The Application is providing up to a total of 120 multi-family units, including 12.5 percent MPDUs and up to 5,000 square feet of retail space, as approved by the project plan. Consistent with the approved project plan, the building height is 143 feet measured along Commerce Lane. The Application minimally increases the amount of on-site public use space from 22.6 percent to 22.9 percent, with the off-site public facility and amenity space decreasing from 25.7 percent to 25.4 percent.

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

Requirements of the CBD-2 Zone

Based on the following data table, which sets forth the development standards approved by the Planning Board and binding on the Applicant, and based on other evidence and testimony of record, the Application meets all of the applicable requirements of the CBD-2 Zone.

Data Table for the CBD-2, Optional Method of Development

Development Standard	Zoning Ordinance Permitted/ Required	Project Plan 920130030	Proposed for Approval
Site Area (square feet)			
Gross Tract Area	18,000 sf	29,084 sq.ft.	29,084 sq.ft.

		(gross) 0.67 acres	(gross) 0.67 acres
Previously Dedicated Area	n/a	15,049 sq.ft.	15,049 sq.ft.
Net Lot Area	n/a	14,035 sq.ft.	14,035 sq.ft.
Density			
Max. Commercial (FAR) [59-C-10.3.4]	5.0 (145,345 sf.)	5.0 (145,345 sf.)	5.0 (145,345 sf.)
Max. Total FAR - residential	5.0	5.0 140,345 sq.ft. 120 dwelling units	5.0 140,345 sq.ft. 120 dwelling units
- commercial		5,000 sq.ft.	5,000 sq.ft.
MPDUs [Chapter 25A] %	12.5	12.5 %	12.5 %
Min. Public Use Space			
On-Site Public Use Space(%)	20	22.6 %	22.9 %
Off-Site Amenity Space (%)	0	25.7 %	25.4 %
Max. Building Height (ft)			
For a main building	143	143 ft. as measured from Commerce Lane	143 ft. as measured from Commerce Lane
Parking Spaces (59-E)			
Residential		103 spaces	103 ^(a)
Retail spaces		0 spaces	0 spaces
ADA Parking	5 for 101-150 spaces	5 spaces	5 spaces
Van Parking	1 per 8 ADA spaces	3 spaces	3 spaces
Bicycle Parking (number of spaces)			
	6	44	30
Min. Building Setbacks (ft) [59-C-10.3.8]			
Front Setback (Commerce Lane)	0-foot minimum	5 ^(b)	5 ^(b)
Front Setback (Old Georgetown)	0-foot minimum	0	0
Side Setback (East)	0-foot minimum	0	0
Side Setback (South)	0-foot minimum	0	0
(a) The site is located in the Bethesda Parking Lot District (PLD) and is permitted to provide all or part of the parking requirement. An ad valorem tax is assessed for any part of the requirement not provided.			

A concurrent Limited Preliminary Plan is under review for the elimination of an existing 5-foot building restriction line (BRL) along Commerce Lane.

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.*

a. Buildings and Structures

The building and structures of the proposed development are located such that they balance efficiency of operation with neighborhood compatibility. This location provides easy access to the building from adjoining sidewalks, streets, the Bethesda Metro Center, and neighboring public parking facilities. The locations of the building and structures are adequate and efficient, while addressing the aesthetic concerns of the area and do not pose any safety concerns on the site.

b. Open Spaces

The open spaces, landscaping, and site details adequately and efficiently address the needs of the proposed use and the recommendations of the Sector Plan, while providing a safe and alluring gathering place for the community. The Plan proposes a 3,172 square foot public plaza (22.9 percent) with seating, curved masonry sidewalks and pathways leading through and around the site. The plaza is perpendicular to the Metro station and will provide a prominent and enticing area for local commuters and residents of the building. Outdoor seating with herbaceous species and canopy trees will soften the urban landscape to draw visitors as well as residents.

There will be integrated stormwater features, and a contemporary sculpture symbolic of nature and our connection to it. The prominent sculpture (approx. 14ft. wide x 22 ft. long x 9 ft. tall) will be located within the pocket park along the southern edge of the property. It will be clearly seen from the Bethesda Metro and is designed to draw people in to explore the art and elements within the park plaza. The sculpture will take on a leaf shape showing the veins and cells filled with the one of a number of materials including translucent glazing (glass or polycarbonate), vegetated soil, or photovoltaic panels. The leaf will serve as shelter from the weather, transmit light, channel and absorb water travel down the veins to irrigate the proposed plantings (e.g. ornamental grasses). Seating is also provided along the planted edge. The sculpture also encloses the emergency exit from the underground parking garage. It will be fully illuminated at night from the interior lights of the parking garage.

The rooftop contains additional private open space for the residents with seating, a lounge, gathering area, entertainment space, and a green roof around three sides of the perimeter with an aesthetic palette of plants.

c. Landscaping and Lighting

The landscape plan includes a mix of shrubs, canopy trees, perennials and grasses that provide four season attraction. The herbaceous species selected are not only appropriate but require little irrigation while providing pollination and bird food potential. The landscape will draw visitors and transform the present barren landscape into an urban green space.

The lighting will include Bethesda Globe luminaries. They are decorative posts fixtures, cylindrical in shape with an overall height of 42.1 inches. They will be posted along the plaza, the art feature, and the frontage along Old Georgetown Road and Commerce Lane. The plan meets all lighting standards to provide safe pedestrian and vehicular circulation.

d. Pedestrian and Bicycle Facilities

Pedestrian access from the adjacent sidewalks adequately and efficiently integrates this site into the surrounding area. Safety is enhanced by several improvements including new and upgraded sidewalks. The vehicular circulation design efficiently directs traffic into the building with minimal impacts to pedestrian circulation.

The Application includes a 6.9-foot wide sidewalk at its narrowest width along Commerce Lane. This is an increase of over 3.5-feet to today's existing sidewalk width. The proposed sidewalk along Old Georgetown Road is wide and includes a planting bed to deter pedestrians from crossing in the middle of Old Georgetown Road. The pedestrian walkway will be just below 9-feet wide. Both sidewalks will be improved, ADA compliant, and provide linkages to the Discovery Trail, Metro station, and local shopping venues.

There will be 30 free indoor bicycle stations for the residents and two bicycle racks along Old Georgetown Road. The Applicant will provide bicycle storage area in a secure weatherproof, well lit location within the lobby. Additionally, two bicycle racks along Old Georgetown Road providing bicycle locking station for four bicycles. No bicycle racks are allowed along Commerce Lane as per MCDOT's requirement to retain sight distance for commercial and residential vehicles.

e. Recreation Facilities

The Applicant is providing seating areas, a pedestrian system, indoor community space and indoor fitness facility to comply with the M-NCPPC Recreation Guidelines. The Applicant is providing all of their facilities on site without having to receive off-site credit as shown in the table below.

Recreation Calculations					
Number of units: 120	D1	D2	D3	D4	D5
	Tots	Children	Teens	Adults	Seniors
Recreation Demand	4.80	4.80	4.80	92.40	55.20
Required to provide 90% demand	4.32	4.32	4.32	83.16	49.68
Supply Points					
Picnic/Sitting Area	4.80	4.80	7.20	462.0	11.40
Pedestrian System	0.48	0.96	0.96	41.58	24.84
Indoor Community Space	0.48	0.72	1.44	27.72	22.08
Indoor Fitness Facility	0.48	0.48	1.44	27.72	22.08
Total On-Site Supply	6.24	6.96	11.04	559.02	80.40

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

The surrounding, developed properties in the immediate area to the Plan include CBD-2 zoned properties to the north, east and south, CBD-R2 to the west, and CBD-3 to the south across Old Georgetown Road in the Metro station quadrant. Most are limited to 143 feet in height, with the limited opportunity to reach 200 feet. The Property will be similar in height blend to the surrounding skyline, and be consistent with the surrounding urban fabric.

The Project represents infill development for mixed use residential and commercial property to complement the community and providing improved livelily and housing options.

The building strengthens the existing urban form by improving and reinforcing the districts and transitional areas, open spaces and gathering places, landmarks

and focal points as highlighted in the Master Plan. The building has been designed to respond to views and vistas within the CBD, to create focal points and landmarks that improve the orientation and strengthen the perception of existing centers.

This open space and the associated public art will be able to serve as both landmark and focal point for thousands of people arriving from Metro and coming up the escalator or steps to street level. People will look in the direction of the site as they reach the landing at the top. The design of the building, open space and public art for this site will be able to enhance the walk to Woodmont Triangle from the Metro Station.

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.*

This development is subject to the Chapter 22A, Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(1) because the proposed activity occurs on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements are not in excess of 10,000 square feet.

The MCDPS Stormwater Management Section approved the stormwater management concept on April 1, 2011. According to the approval letter, the stormwater management concept consists of on-site storm water management using grass swales and proprietary structural filtering devices. Environmental site design was limited due to requirements of the special exception site plan.

6. *Public facilities are adequate to support the approved development.*

Transportation

The project will generate 39 peak-hour trips during the weekday morning peak period and 49 peak-hour trips during the weekday evening peak period, resulting in a net increase of 34 peak-hour trips during the morning peak period and 26 peak-hour trips during the evening peak period.

A Critical Lane Volume analysis for the weekday morning and evening peak-hour periods shows that the intersections studied will remain within the policy area congestion standard of 1,800 CLV. Therefore, the Application satisfies the LATR requirements of the APF test.

Because this project is within the Bethesda CBD Policy Area, it is exempt from both the roadway and transit tests set forth in the 2012-2016 Subdivision Staging Policy. As a result, the proposed development is not required to pay transportation impact tax to satisfy the TPAR requirement.

Other Public Facilities

Other public facilities and services are available and will be adequate to serve the Subject Property. The site is currently served by public water and sewer. Other utilities including electric and telecommunications services are adequate to serve the Subject Property. Montgomery County Department of Fire and Rescue Service has determined that the Subject Property has adequate access for fire and rescue vehicles. The Preliminary Plan is within the Bethesda-Chevy Chase Schools Cluster, and must make a school facilities payment at the time of building permit.

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

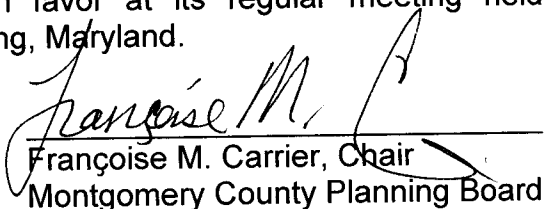
BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is OCT 10 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 Anderson, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, September 26, 2013, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board