

## ATTACHMENT 7



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

FEB 17 2016

MCPB No. 16-016

Staging Allocation Request No. 26400 (Site Plan No. 820130120)

Pike & Rose-Phase II

Date of Hearing: February 11, 2016

#### RESOLUTION

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

WHEREAS, on December 10, 2015, Federal Realty Investment Trust ("Applicant") filed an application for approval of a multi-building Staging Allocation Request (SAR) associated with Site Plan No. 820130120 (Pike & Rose-Phase II), which is approved for up to 645,976 square feet of residential development and 1,122,960 square feet of non-residential development on 13.21 acres of land located on Grand Park Avenue, north of Old Georgetown Road (MD 187) and west of Rockville Pike (MD 355) in the White Flint Sector Plan area; and

WHEREAS, Applicant's Staging Allocation Request application was designated Staging Allocation Request No. 26400, Pike and Rose-2A ("SAR"); and

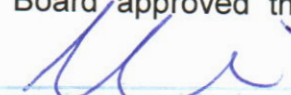
WHEREAS, following review and analysis, the Planning Department issued a memorandum to the Planning Board, dated January 28, 2016, setting forth its analysis, and recommendation for approval of the SAR; and

WHEREAS, on February 11, 2016, the Planning Department presented the SAR to the Planning Board as a consent item for its review and action; and

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

WHEREAS, at the time of the hearing, the available staging capacity was 1,612, 360 square feet non-residential floor area and 2,139 residential dwelling units; and

WHEREAS, at the hearing, the Planning Board approved the Application in accordance with the vote as certified below.

  
Approved for legal sufficiency  
M-NCPPC Office of General Counsel

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Board APPROVES an allocation of staging capacity for 75,000 square feet of non-residential development for Buildings 3A, 4 and a Park Kiosk<sup>1</sup> as approved in Site Plan No. 820130120; and

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

BE IT FURTHER RESOLVED that the Applicant must have all core and shell building permit applications associated with this SAR accepted by the Department of Permitting Services ("DPS") by no later than the close of business on the 180<sup>th</sup> day after the date of this Resolution, and that failure to meet this deadline will automatically void any staging capacity that has not been perfected by the timely acceptance by DPS of a core and shell building permit application; and

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

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

BE IT FURTHER RESOLVED that, for the purpose of these conditions, the term "Applicant" also means the developer, the owner of any successor (s) in interest to the terms of this approval; 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 FEB 17 2016 (which is the date that this Resolution is mailed to all parties of record); and

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<sup>1</sup>On April 16, 2015, the Planning Board, via MCPB No. 15-46 (SAR No. 26200), approved 160,705 square feet of non-residential floor area for Buildings 1A, 3A, 4 and 8. However, the Applicant received approval from the Department of Permitting Services for 99,682 square feet of non-residential development for Buildings 1A and 8 only. Therefore, per the Planning Board White Flint Implementation Guidelines, COMCOR 50.35.02 (B)(4), the Staging Allocation approval for the remaining square feet has expired.

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

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**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Presley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor at its regular meeting held on Thursday, February 11, 2016, in Silver Spring, Maryland.

A handwritten signature in dark ink, appearing to be 'Casey Anderson', is written over a horizontal line.

Casey Anderson, Chair  
Montgomery County Planning Board