



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

MCPB No. 20-111  
Preliminary Plan No. 120200010  
809 Easley Street  
Date of Hearing: October 15, 2020

**NOV 04 2020**

**RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on October 29, 2019, Red Rock Films, Inc. ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 0.17 acres of land in the CRN-0.5, C-0.5 R-0.25 H-35 zone, located on the north side of Easley Street, approximately 300 feet east of Fenton Street ("Subject Property"), in the Silver Spring CBD Policy Area and *2000 Silver Spring CBD Sector Plan* ("Sector Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120200010, 809 Easley Street ("Preliminary 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 October 5, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 15, 2020, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing the Planning Board voted to approve the Application, subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120200010 to create one lot on the Subject Property, subject to the following conditions:<sup>1</sup>

<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.

**General Approval**

1. This Preliminary Plan is limited to one lot for 3,748 total square feet of commercial development.

**Adequate Public Facilities and Outside Agencies**

2. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of this Planning Board Resolution.

Outside Agencies

3. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated August 26, 2020 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
4. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
5. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated August 14, 2020 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section in its letter dated May 4, 2020 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

**Environment and Noise**

Forest Conservation

7. Prior to certification of Preliminary Plan, the Applicant must submit a revised Tree Save Plan that provides mitigation for the removal of the three onsite specimen trees. The mitigation plantings must be provided either on-site and/or elsewhere within Downtown Silver Spring CBD. The mitigation plantings that

when combined shall equal 30 caliper-inches; the final species and locations of which must be coordinated with M-NCPPC Staff.

## **Transportation**

### **Existing Frontage Improvements**

8. The Applicant must dedicate all land necessary to accommodate 30 feet from the existing pavement centerline along the Subject Property frontage for Easley Street and show that dedication on the record plat.
9. Prior to Use & Occupancy, the Applicant must install the 2019 Silver Spring Streetscape, as modified and approved by MCDOT in their letter dated August 26, 2020, to provide a six-foot wide tree lawn, five-foot wide sidewalk to tie in to existing sidewalks to the east and west of the property, and a one-foot maintenance strip along the property frontage, within the dedicated right-of-way on Easley Street, as shown on the Certified Preliminary Plan.

### **Transportation Demand Management**

10. The Applicant is required to allow the Montgomery County Department of Transportation (MCDOT) to promote alternative modes of transportation to employees in order to help meet Non-Auto Driver Mode Share (NADMS) goals for the Silver Spring Transportation Management District (TMD).

### **Offsite Parking Agreement**

11. Prior to recordation of the plat, the Applicant must record in the land records of Montgomery County an off-site joint parking agreement with the owner(s) of 625 Sligo Avenue. That agreement must run with the land and ensure adequate parking is available for use of the Applicant at 625 Sligo Avenue in Silver Spring (at least nine spaces). The Applicant must notify M-NCPPC in writing prior to termination of the agreement.
12. Prior to the release of any above-grade building permits for development on the site, exclusive of any sheeting and shoring permits, the Applicant must execute a Transportation Enhancement Agreement (TEA) with the Planning Board and MCDOT to provide a private shuttle service to the off-site parking location at 625 Sligo Avenue in Silver Spring.

### **Bicycle Parking**

13. Prior to the issuance of any occupancy permit the Applicant must provide one long-term and two short-term bicycle parking spaces.

## **Record Plats**

14. There shall be no clearing or grading of the site prior to recordation of plat.

Easements

15. The record plat must show necessary easements.

**Certified Preliminary Plan**

16. The Applicant must include all applicable agency letters and the Preliminary Plan Resolution on the approval or cover sheet(s).

17. The certified Preliminary Plan must contain the following note:

*Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*

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 layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The lot size, width, shape and orientation are appropriate for the location of the subdivision considering the recommendations in the Sector Plan and the type of development and use contemplated. The lot was reviewed under and found to be in compliance with the dimensional requirements for the CRN zone as specified in the Zoning Ordinance.

The lot was reviewed for compliance with the dimensional requirements for the CRN-0.5, C-0.5 R-0.25 H-35 zone as specified in the Zoning Ordinance. The lot as approved will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in the table below.

Development Standards in the CRN-0.5, C-0.5 R-0.25 H-35 Zone

Standard	Required/Permitted	Approved
Tract Area	n/a	7,500 SF
Dedication Area	n/a	250 SF
Site Area	n/a	7,250 SF (0.17 acres)
Commercial Density	3,750 SF	3,750 SF (0.49 FAR)
Front setbacks	0 ft min	20 ft min
Side setbacks (CBD limit)	0 ft	4.4 ft min
Side setbacks (R-60 Zone)	1.5 x 7 ft = 10.5 ft min	10.5 ft min
Rear setbacks (R-60 Zone)	1.5 x 20 ft = 30 ft min	30 ft min
Min Lot Width at Front	0 ft	50 ft min
Max Building Height	35 ft max	35 ft
Open Space	0%	32% (0.05 acres)
Site Plan Required	No	No

*Division 6.8.1 Alternative Compliance*

*The applicable deciding body may approve an alternative method of compliance with any requirement of Division 6.1 through Division 6.6 if it determines this is a unique site, a use characteristic or a development constraint, such as grade, visibility, an existing building or structure, an easement or a utility line. The applicable decision body must also determine that the unique site, use characteristic or development constraint precludes safe or efficient development under the requirements of the applicable Division, and the alternative design will:*

- a. satisfy the intent of the applicable Division;*
- b. modify the applicable functional results or performance standards the minimal amount necessary to accommodate the constraints.*
- c. provide necessary mitigation alleviating any adverse impacts; and*
- d. be in the public interest*

The Applicant is seeking alternative compliance for Section 59.6.5.3.C.7 Screening requirements for a general building with a non-industrial use abutting a residential use in a Residential Zone. The Applicant is proposing an onsite loading space on the eastern side of the site. This side of the site abuts a single residential unit within the R-60 zone. Screening requirements per 6.5.3.C.7 requires a screening depth of eight-feet wide with two canopy trees, 2 understory or evergreen plantings, and six large, eight medium and eight small shrubs per 100 linear feet. Additionally, a four-foot tall fence is required. Due to the narrow width of the site, it would be impossible to provide the building, the loading space, pedestrian access from the loading space to the building and the required landscape planning along the 30 linear feet of the off-street loading facility.



Therefore, the Applicant will install a six-foot tall fence along the entire length of the east side of the property (abutting the R-60 zone) and planting the required landscaped screening the remaining length beyond the off-street loading facility. Providing a taller privacy fence than what is required for the entire length of the property satisfies the intent of the screening between the approved office use and the adjacent residential use. Providing the landscape screening where possible minimizes the standards to the greatest extent possible. Installing both the privacy fence and the landscaping where possible alleviates any potential adverse effects. Therefore, as approved in the Preliminary Plan, the Applicant satisfies the necessary findings for alternative compliance for Section 59.6.5.3.C.7.

*Section 59.6.2.10 Parking Waiver*

*The deciding body may waive any requirement of Division 6.2, except the required parking in parking Lot District under Section 59.6.2.3.H.1, if the alternative design satisfies Section 59.6.2.1. Any request for a waiver of the vehicle parking space requirement under Section 59.6.2.4.B. requires application notice under Section 59.7.5.2.D.*

The Applicant will provide an off-site parking location to accommodate the required number of off-street parking space requirements per Section 59.6.2.4.B. The Applicant owns 625 Sligo Avenue and has enough off-street parking capacity for both the approved office use at 809 Easley Street and the existing office use at 625 Sligo Avenue. Section 59.6.2.3. requires that off-site parking properties be located within one-quarter mile of the Site and 625 Sligo Avenue is located one half-mile from the Site. The approved off-site parking location will satisfy the intent of the requirements included in the Zoning Code because the Applicant will provide a private shuttle to transport people between the two locations. Additionally, the site is located immediately adjacent to Public Parking lot 29. Furthermore, the Silver Spring Transit Center, which is served by Metrorail, Metrobus, the MARC commuter train, RideOn bus and the future Purple Line, it is likely that a significant number of visitors and employees will access the Site by transit rather than private vehicle.

The Applicant has complied with all noticing requirements for the parking waiver.

*2. The Preliminary Plan substantially conforms to the Sector Plan.*

The Subject Property is located within the Fenton Village Revitalization area of the Sector Plan, but outside the Fenton Village Overlay Zone (Sector Plan, page 67). The goals for this area are “to heighten investor interest and improve the investment climate in Fenton Village; to strengthen the economic vitality of Fenton Village and the Silver Spring Central Business District; to position

Fenton Village to take advantage of the area's proximity to the development in the Urban Renewal Area; and to position Fenton Village to take advantage of the land use options supported by the current real estate market, while remaining sensitive to the transition between the commercial district and the adjacent single-family neighborhood" (Sector Plan, page 63). The Application provides a commercial use that is consistent with the Sector Plan recommendations in both density and form.

Although the Sector Plan recommended retaining the CBD-0.5 Zone, the Property was rezoned through the 2014 Zoning Ordinance rewrite to CRN-0.5, C-0.5 R-0.25 H-35 Zone. The intent of the CRN Zone was for pedestrian-scale, neighborhood-serving mixed-use centers and transitional edges. The Application will be a commercial use limited to 29 feet in height, which satisfies the intent of the CBD-0.5 Zone and the current CRN Zone.

#### General Recommendations

For the general goals of the Sector Plan, the vision for Silver Spring's future is "to create a development environment that invites revitalization" (page 28). The Sector Plan outlines six themes: transit-oriented downtown, commercial downtown, residential downtown, green downtown, civic downtown and pedestrian friendly downtown that guide the vision for the Silver Spring CBD, four of which apply to the Application, as outlined further below.

#### *Transit-Oriented Downtown*

The Site is situated midblock between Fenton Street and Grove Street, the eastern boundary of the Silver Spring CBD. The Sector Plan's transit-oriented downtown theme strives to balance the needs of commuter and local traffic, of walkers and drivers and to maximize the investment in Silver Spring's transit infrastructure. "Creating a transit-oriented community is not only a transportation effort, but also a land use effort" (Sector Plan, page 16). The Sector Plan further states that transportation choices go beyond the car to link local and regional buses, trains, bikes and foot travel. The Property is just over one-half mile of the Silver Spring Metro Station and is served well by transit that includes Metro, Metrobus, RideOn, the VanGo Circulator and future Purple Line. No vehicular parking will be provided on-site. The required minimum parking spaces will be accommodated at 625 Sligo Avenue in Silver Spring, and the Application will provide a private van shuttle for both employees and visitors between the two locations.

Furthermore, as conditioned, the development will create an attractive pedestrian environment by widening the sidewalk and introducing a new landscaped buffer along Easley Street. A small on-site private landscaped

plaza will effectively transition the mixed-use activity along the Fenton Street Corridor to the Silver Spring Park residential neighborhoods.

*Commercial Downtown*

The Sector Plan states, “Commercial activity—a mutually supportive mix of office, stores, and other business enterprises—is the defining feature of a successful downtown” (Sector Plan, page 18). The Application is approved for 3,748 square feet of office to a block with both commercial, retail, and residential uses, thereby contributing to the mix of uses on the block and within the Fenton Village Revitalization Area.

*Green Downtown*

The green downtown theme of the Sector Plan envisions shaded, tree-lined streets and well-placed green parks and plazas, creating a comprehensive system of open spaces that provide economic, environmental and aesthetic benefits throughout downtown. The Sector Plan states, “Landscaped plazas are incorporated into building and site design to create visual and physical respite, to create formal and informal gathering places, and to complement street and building design” (Sector Plan, page 23).

The Application will provide on-site Environmental Site Design (ESD) Facilities to effectively treat and reduce the stormwater runoff from the approved development. In accordance with 2010 MDE Stormwater Management Regulations, the Application will implement a green roof, rain garden, and micro-bioretenion practices to the maximum extent practicable. Additionally, the streetscape along Easley Street will be upgraded as necessary with vegetation, paving, and lighting to improve the pedestrian experience and to interact with their neighbors. The Application transitions the higher-density CBD to the lower-density residential neighborhoods by providing a building no taller than 35 feet and providing plantings and a privacy fence for screening.

*Pedestrian-Friendly Downtown*

The pedestrian-friendly downtown theme of the Sector Plan encourages the development of active streets and sidewalks, busy with people walking to shop, commute, or for pleasure. The Sector Plan states, “An urban area’s greatest economic asset and strongest physical definition comes from its pedestrian environment” (Sector Plan, page 24).

Furthermore, in the pedestrian-friendly downtown theme, the Sector Plan states, “The design of the pedestrian-scaled environment combines buildings and streets, active sidewalks, and open spaces detailed with street furniture and landscaping to provide a safe, pleasant and interesting environment” (Sector Plan, page 14). The theme encourages sidewalks and streets scaled to



walkers and safe street crossings and access for pedestrians. The Application will provide improvements to the streetscape and the absence of on-site parking will encourage employees and visitors to walk to the site, to and from transit facilities, and to other destinations within and near the Central Business District.

The Application will improve the Site's street frontage on Easley Street by providing an enhanced pedestrian environment. Loading will be located on-site to not interfere with access and travel on Easley Street.

#### Circulation Systems Recommendations

The Sector Plan recommends creating a system of trails and bike routes, implementing streetscape improvements to create a safe and pleasant pedestrian environment, and where appropriate, reuse public parking facilities, and to make circulation improvements to local roads. (Page 93)

The Application will provide streetscape improvements along Easley Street which will create an inviting pedestrian environment that will activate the street and support the commercial use as approved. As conditioned, the Application conforms to the Sector Plan recommendations for Circulation Systems.

The Application is consistent with the goals and objectives of the 2000 *Silver Spring CBD Sector Plan*.

3. *Public facilities will be adequate to support and service the area of the subdivision.*

Access to the site for all travel modes is provided on Easley Street. Easley Street is classified as a Secondary Residential Street and has a paved width of 22 feet. Parking is restricted on both sides of Easley Street. Municipal surface parking lot 29 (Bonifant and Easley) is immediately adjacent to the Site on the west side.

A continuous sidewalk is present on the north (Site) side of Easley Street between Fenton Street and Grove Street. Along the site frontage the sidewalk is four and one-half-feet wide with a two-and one-half-foot wide tree lawn. The Site will provide one curb cut on the eastern side of the property to provide one off-street loading facility for loading, deliveries, and private shuttle/van access.

No on-road bicycle facilities are planned on Easley Street.

#### *Transit Connectivity*

The immediate area is well served by transit that includes the Red Line Silver Spring Metrorail Station (located approximately 1,850 feet to the southwest of

the Site), Metrobus, RideOn, the VanGo Circulator and future Purple Line. Specific transit routes near the Site include:

1. RideOn Bus Routes 8, 9, 12, 13, 14, 21, 22,
2. WMATA Metrobus Routes J5, Q1, Q2, Q4, Y2, Y7, Y8, Z2, Z6, Z7, Z8, Z11

*Master Plan Roadways and Pedestrian/Bikeway Facilities*

The 2000 *Silver Spring CBD Sector Plan*, the 2013 *Countywide Transit Corridors Functional Master Plan*, and the 2018 *Bicycle Master Plan* recommend the following master plan facilities along the Property's frontage:

1. Easley Street, south frontage, as Secondary Residential Street with a minimum right-of-way width of 60 feet (30 feet from centerline).
2. No bikeways are identified in the 2018 *Bicycle Master Plan* along Easley Street between Fenton Street and Grove Street.

*Approved public transportation infrastructure*

The Applicant will dedicate an additional 5-feet of right-of-way from the property to satisfy the roadway design standards for a secondary residential roadway as specified in 49.32.c.3.d.3. of the County Code.

The Application will provide a modified Silver Spring Streetscape Standard along the Property's Easley Street frontage, within the dedicated right-of-way. The modifications are necessary to provide an accessible transition from the existing sidewalk immediately to the west of the Site, in front of the MCDOT public parking lot and have been approved by the Planning Board. The sidewalk in front of the MCDOT parking lot is 10 feet wide and immediately abuts the street without a buffer or a tree panel. A fence along the eastern side of the parking lot district vertically separates the Site from the adjacent public parking lot, and MCDOT has no plans to remove or modify the fence. On the east side of the Site, is a four-foot sidewalk with a two-and-one-half-foot grass buffer. Redevelopment of the MCDOT parking lot to the west of the site and the adjacent residential property to the east of the site is unlikely in the near term. Furthermore, the boundary of the Silver Spring Streetscape Standards is congruent with the eastern Site property line and therefore all lots to the east of the Site will not be held to the same design standard. Therefore, to maintain a comfortable and accessible pedestrian pathway along the entire northern side of 809 Easley Street, the modified streetscape moves the existing sidewalk back three and one-half-feet and is widened to five feet. The existing two-and-one-half-foot buffer will be widened to six feet. The Planning Board approved deviation from the standard streetscape to achieve the intent of the Streetscape design standards which is to provide an accessible travel zone for pedestrians of all abilities.

Transportation access is adequate to serve the approved development by this Preliminary Plan.

*On-site Loading Requirement*

The Applicant is proposing fewer than 25,000 square feet of office use and therefore is not required to provide on-site loading. Based on the operations of the use and the approved use of a shuttle service to transport employees and visitors from the off-site parking site, the Application will provide an off-street loading facility that will be 10 feet wide and 30 feet long. Screening is approved to meet the requirements for a general non-residential building with a non-industrial use abutting a property that is improved with a residential use (Section 59.5.3.C.7). Due to the constrained width of the site it was not feasible to provide the eight-foot landscape screening alongside the off-street loading facility, and therefore a six-foot privacy fence will extend along the entire eastern property line to provide screening for the adjacent residential property.

*Approved off-site parking*

No parking is provided on-site. Instead, the Applicant is choosing to use excess parking capacity at an off-site property, 625 Sligo Avenue, which is also owned by the Applicant. Two parking spaces are required for the existing 1,770 square feet of commercial use and seven spaces are required for the approved 3,750 square feet of office use. The approved off-site parking site at 625 Sligo Avenue has 11 parking spaces, which is enough to cover the combined minimum number of parking spaces. The Applicant will provide a private shuttle service to transport employees and visitors parked at 625 Sligo Avenue to the Site.

*Local Area Transportation Review (LATR)*

The transportation impact of Preliminary Plan No. 120200010 was evaluated in accordance with the 2016-2020 Subdivision Staging Policy and the 2017 LATR Guidelines. The new estimated trips generated by the Site in the morning peak hour is five and evening peak hour is five. Since the Subject Application generates fewer than 50 new peak hour trips, the Application is not required to conduct a transportation impact study. As a result, adequate public facilities exist to serve the Subject Property.

*Transportation Demand Management*

As an Application consisting of fewer than 40,000 square feet of development within the Silver Spring CBD, a Red Policy Area under the 2016-2020 Subdivision Staging Policy, there are no Transportation Demand Management (TDM) requirements per County Code 42A-26. However, the Application is required to allow the Montgomery County Department of Transportation (MCDOT) to promote alternative modes of transportation to employees in order to help meet Non-Auto Driver Mode Share (NADMS) goals for the Silver Spring Transportation Management District (TMD).

*Other Public Facilities and Services*

Public facilities and services are available and will be adequate to serve the approved development. The property will be served by public water and sewer systems. Water, sewer, and other utilities are located within the adjacent public roadways. Connections (one or multiple connections) off one or more of these roads adjoining the Property will service the Property, the final design of which will be finalized at building permit. The Application was reviewed by Montgomery County Department of Permitting Services, Fire Department Access and Water Supply Section and emergency vehicle access has been deemed adequate. Local health clinics, police stations and fire stations are all operating within acceptable levels as established by the Subdivision Staging Policy.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

***Technical Review 50.4.3.K***

A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

*Forest Conservation*

This Application 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)(2) of the Forest Conservation Law because the approved activity occurs on a tract of land less than one acre that will not result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen or champion tree, and reforestation requirements would not exceed 10,000 square feet.

There are three specimen trees located on the Subject Property that the Application has been approved to remove. The subject trees are one 55" diameter at breast height (DBH) Red Maple, one 34" DBH Yellow Poplar, and one 30" DBH Black Locust. The removal of the specimen trees triggers the tree save plan provision of the Forest Conservation Law under 22A-6(b), which states an activity or development that would be exempt under 22A-5, except that the approved activity involves clearing of a specimen or champion tree, requires the approval of a tree save plan, which may require tree preservation or mitigation for loss of individual trees. The planting requirements must be based on the size and character of the trees to be cleared. Therefore, the Planning Board approves replacement at a ratio of approximately 1-inch caliper for every 4 inches DBH removed, using trees that are a minimum of 3 caliper inches in size. This Application will remove 120 inches in DBH, resulting in a mitigation requirement of 30 caliper inches of planted, native, canopy trees with a minimum size of 3-inch caliper. The mitigation tree plantings must occur on-site

or within the Silver Spring CBD.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

This finding is based upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards.

The Preliminary Plan Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from MCDPS water resources division on August 14, 2020. The Application will meet stormwater management goals through a variety of techniques including ESD to the MEP via the use of a green roof and a micro-bio retention planter box.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; 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 NOV 04 2020 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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### CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, October 15, 2020, in Wheaton, Maryland.



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Casey Anderson, Chair  
Montgomery County Planning Board