

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 22-055
Site Plan No. 820220120
ELP Bethesda at Rock Spring Phase 1B
Date of Hearing: June 9, 2022

JUN 21 2022

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on February 9, 2022, ELP Bethesda at Rock Spring LLC (“Applicant”) filed an application for approval of a site plan for a 5,700-square foot building and a privately-owned linear park on 33.64 acres of CRF 1.5, C-0.75, R-1.5, H-150 zoned-land, located on Fernwood Road, 400 feet north of Democracy Boulevard, Lot N737 Rock Spring Park, Part of Parcels 6 and 12 (“Subject Property”), in the Rock Spring Sector Plan (“Sector Plan”) area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820220120, ELP Bethesda at Rock Spring Phase 1B (“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 May 26, 2022, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on June 9, 2022, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Rubin, seconded by Commissioner Cichy, with a vote of 5-0; Chair Anderson, Vice Chair Verma and Commissioners Cichy, Patterson, and Rubin voting in favor.

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Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820220120 for a 5,700-square foot building and a privately-owned linear park on the Subject Property, subject to the following conditions:¹

DENSITY AND HEIGHT

1. Density

The Site Plan is limited to a 5,700-square foot building consisting of up to 3,800 square feet of Residential Care Facility uses (for the marketing center) and 1,900 square feet of retail/restaurant uses.

2. Height

The development of the Phase 1B building is limited to a maximum height of 23 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

OPEN SPACE, FACILITIES AND AMENITIES

3. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the Commercial/ Residential and Employment Zones Incentive Density Implementation Guidelines (2017) for each one.

- a) Transit Proximity for confronting a master planned Bus Rapid Transit stop with a dedicated fixed path (Level 2).
- b) Quality Building and Site Design
 - i. Architectural Elevations- Final elevation design must be shown on the Certified Site Plan. The exterior architectural elements must be substantially similar to architectural elevations as shown on the Certified Site Plan and as determined by M-NCPPC Staff.
 - ii. Exceptional Design
 - iii. Public Open Space –The Applicant must provide a minimum of 5.37 acres (233,917.2 square feet) of public open space on the Property with Phase 1B. Prior to the final use and occupancy permit for Phase 1B, the public open space must be completed and open to the public. Within one growing season after issuance of the final use and occupancy permit for Phase 1B, all landscaping must be installed.
- c) Protection and Enhancement of the Natural Environment

¹ 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.

- i. Building Lot Terminations (BLTs) – Before issuance of the first building permit for Phase 1B, the Applicant must provide proof to the MCDPS and M-NCPPC staff of the purchase and/or payment of 0.0136 BLTs.
4. M-NCPPC Department of Parks
The Phase 1B building must contain restrooms that are available to users of the adjacent M-NCPPC Urban Park during the hours that the retail establishment is operational.
 5. Maintenance of Public Amenities
The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to sidewalks, walking path, trails, benches and landscaping.

ENVIRONMENT

6. Forest Conservation & Tree Save
 - a) The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
 - b) The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan (“FCP”). Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
 - c) Prior to certification of the Final Forest Conservation Plan, the Applicant must include the Variance Exhibit with the plans submitted for approval.
 - d) Prior to recordation of the plat for this development Application, the Applicant must record a Category I or II Conservation Easement over all areas of forest planting and environmental buffers as specified on the approved Final Forest Conservation Plan. The Category I or II Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed. The Book/Page for the easement must be referenced on the record plat. Demolition, clearing and grading are permitted within the easement prior to planting.
 - e) Prior to approving the first above-ground building permit for this development Application, the Applicant must submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the 3.11 acres of new forest planting and for the mitigation trees and maintenance, including invasive species management controls, credited toward meeting the requirements of the FCP.
 - f) Prior to approving the first above-ground building permit for this development Application, the Applicant must record an M-NCPPC approved Certificate of

Compliance in an M-NCPPC approved off-site forest bank within the Cabin John Creek watershed to satisfy the reforestation requirement for a total of 2.25 acres of mitigation credit. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase within the Cabin John Creek watershed or by making a fee-in-lieu payment if no forest mitigation bank credits are available.

- g) Prior to the initial planting acceptance inspection by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install permanent conservation easement fencing and signage along the perimeter of the conservation easements as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
- h) Prior to approving the first above-ground building permit for this development Application, the Applicant must execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, including variance tree mitigation plantings, and landscape plantings credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures. All proposed measures should be chosen with consideration of the proximity to the on-site stream and wetlands. The use of herbicides should be avoided where possible.
- i) The Applicant must install the Afforestation/Reforestation plantings for Planting Areas A and B (outside of the limits of disturbance (“LOD”)) as shown on the approved FCP, prior to the release of the first Use and Occupancy Permit for the Phase 1B building, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
- j) The Applicant must plant the variance tree mitigation plantings on the Subject Property with a minimum size of 3.5 caliper inches totaling at least 249.75 caliper inches as shown on the approved FCP. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
- k) Prior to the release of the first Phase 1A residential Use and Occupancy Permit, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings as shown on the FCP.
- l) The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.

7. Stormwater Management

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 January 7, 2022 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

TRANSPORTATION & CIRCULATION

8. Pedestrian & Bicycle Circulation

The Applicant must provide a minimum of one short-term bicycle parking space. The short-term space must be inverted-U racks (or approved equal) installed in a location convenient to the main entrance (weather protected preferred).

9. Fire Department Access

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 19, 2022 and hereby 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 amendments do not conflict with other conditions of Site Plan approval.

SITE PLAN

10. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by M-NCPPC Staff.

11. Lighting

- a) Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on all proposed fixtures to prevent excess illumination and glare.

- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

12. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, site furniture, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including storm drainage facilities, street trees and streetlights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

13. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

14. Certified Site Plan

Before 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 stormwater management concept approval letter, development program, and Site Plan resolution (and other applicable resolutions) on the approval or cover sheet(s).
- b) Include the Fire and Rescue Access Plan.

- c) Add the following notes:
 - i. “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
 - ii. “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
 - iii. “The Applicant must schedule a preconstruction meeting (“precon”), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan (CSP) conformance and compliance, upon approval of the Certified Site Plan. The precon must occur prior to any site work commencement and prior to any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the precon meeting with the DPS CSP staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times.”
- d) Modify data table and public benefit table to reflect development standards approved by the Planning Board, including the maximum building height of 23 feet.
- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) Change plan name to “ELP Bethesda at Rock Spring Phase 1B” on all plan sheets.
- g) Include a detail for benches in the Thomas Branch Stream Linear Park area.
- h) On cover sheet C-100, remove:
 - i. General Note No. 11, which indicates that the layout, parking, etc. is approximate and subject to change; and
 - ii. General Note No. 12, which indicates that building footprints, height, etc. are illustrative and will be finalized at site plan.
- i) Identify the specific location for a short-term bicycle space associated with the Phase 1B retail/restaurant use on the Certified Site Plan.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of ELP Bethesda at Rock Spring Phase 1B, Site Plan No. 820220120, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or 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 development satisfies any previous approval that applies to the site.

The Site Plan satisfies Sketch Plan No. 320210030 and Preliminary Plan No. 120210040. The Site Plan also satisfies the binding elements of Local Map Amendment LMA H-135 as follows:

1. Provide 1.5 acres of contiguous open space along Fernwood Road, to be improved as a park.

A 1.75-acre Urban Park, fronting on Fernwood Road, was approved with Phase 1A.

2. Provide a minimum of 5,000 square feet of retail space.

Phase 1B provides 1,900 square feet of retail/restaurant uses. Additional retail space must be provided in a future phase.

3. Provide at least one major public facility that meets master plan guidance, as defined in Section 4.7.3.A of the Zoning Ordinance, with details determined by the Montgomery County Planning Board at Sketch and Site Plan Review.

Two major public facilities, the Urban Park along Fernwood Road and the extension of the Fernwood Road diet/bike lane are provided with Phase 1A. The Applicant has proposed a job training partnership with M-NCPPC (Learn, Grow, Lead) that may qualify as a major public facility in a future phase.

4. The project will satisfy the use restrictions of the Residential Care Facility pursuant to Zoning Ordinance Section 3.3.2.E.

The Property will be developed as a Continuing Care Retirement Community ("CCRC"), which the Zoning Ordinance classifies as a Residential Care Facility.

2. The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

3. The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.

This section is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

4. The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.

- a. Development Standards

The Subject Property includes approximately 33.64 acres zoned CRF 1.5, C-0.75, R-1.5, H-150. The Application satisfies the applicable development standards as shown in the following data table:

Data Table
 CRF 1.5, C.75, R.1.5, H-150 Zone, Section 59.5.3.5

Development Standard	Permitted/ Required For Overall Project	Proposed for Overall Project	Approved for Phase 1B
Tract Area	n/a	36.02 acres/ 1,568,824 SF	36.02 acres/ 1,568,824 SF
Prior Dedication		2.37 acres/ 103,320 SF	2.37 acres/ 103,320 SF
Park Dedication		1.75 acres/ 76,230 SF	1.75 acres/ 76,230 SF
Site Area		31.90 acres/ 1,389,564 SF	31.90 acres/ 1,389,564 SF
Residential Density¹ (max)	1.5 FAR/ 2,353,236 SF	1.497 FAR/ 2,347,936 SF	3,800 SF (.002 FAR) for CCRC marketing center (No units provided with Phase 1B)
Independent Living Units	n/a	1,300	
Assisted Living Units	n/a	160-210	
Skilled Nursing Units	n/a	30-50	
Commercial Density (max)	0.75 FAR/ 1,176,618 SF	.003 FAR/ 5,300 SF	1,900 SF (.001 FAR)
Total Density (max)	1.5 FAR/ 2,353,236 SF	1.5 FAR/ 2,353,236 SF	5,700 SF (.004 FAR)
MPDU requirement (independent living units)	15%	15%	n/a
Building Height (max)	150 ft	150 ft	Up to 23 ft
Public Open Space (min)	10% / 3.36 acres	33% / 11 acres (including 1.75-acre park dedication)	5.37 acres (9.67 acres total for Phases 1A and 1B)
Minimum Setbacks			
Front (Fernwood Rd)	0	0	27
Side (I-270)	100	108	n/a ²
¹ Cumulative density for Phases 1A and 1B shown in the Overall Development Density Table.			
² The existing/retained parking garage is between I-270 and the Phase 1B building.			

Overall Development Density

Approval		Total	Commercial	Residential	
		Square Footage	Square Footage	Square Footage	Dwelling Units
Overall Approval	Sketch Plan 320210030	2,353,236 SF	5,300 SF	2,347,936 SF	--
	Preliminary Plan 120210040	--	5,300 SF	--	<ul style="list-style-type: none"> • 1,300 independent living units • 210 assisted living/memory care units • 50 skilled nursing units
Phase 1A Approval	Phase 1A: Site Plan 820210190	928,844 SF	--	928,844 SF	512 independent living units
Phase 1B Approval	Phase 1B: Site Plan 820220120	5,700 SF	1,900 SF	3,800 SF	0-
Future	Future Phases	1,418,692 SF	3,400 SF	1,415,292 SF	<ul style="list-style-type: none"> • 788 independent living units • 210 assisted living/memory care units • 50 skilled nursing units

Public Benefits

Public Benefit	Total Points Possible	Proposed for Overall Project	Approved Phase 1A	Approved Phase 1B	Approved Phases 1A&1B
Major Public Facilities					
Urban Park- 1.75 acres		10.4	10.97	-	10.97
Extension of Bike Path	70	8.05	8.53	-	8.53
Learn Grow Lead ¹		25	-	-	-
Transit Proximity	50	30	30	-	30
Diversity of Uses					
Enhanced Accessibility for Seniors or the Disabled	20	20	-	-	-
Quality Building and Site Design					
Architectural Elevations ²	10	5	5	-	5
Exceptional Design ²	10	5	5	-	5
Public Open Space	20	20	13.48	6.52	20
Structured Parking	20	13.33	9.71	-	9.71
Protection and Enhancement of the Natural Environment					
Building Lot Termination	30	30	3.09	0.12	3.21
Cool Roof	10	10	10	(5) ³	5
Vegetated Area	10	10	10	-	10
Total		186.78	105.78	1.64	107.42

¹ Job training partnership with M-NCPPC.

² The full number of points were granted for these public benefits in Phase 1A, but the public benefits will be conditioned and provided with all development phases.

³ During Site Plan review of Phase 1A, the Applicant planned to provide cool roofs on buildings in all phases, and all ten possible points for cool roofs were awarded at that time. The Applicant has since informed Staff that only the Phase 1A residential buildings will have cool roofs, so five of the previously awarded points for cool roofs are being removed with the Subject Site Plan to reflect this change.

*Sketch Plan 320210030 was amended with Site Plan 820210190 to remove the condition requiring the Applicant to provide the Retained Building public benefit. Although a significant portion of the parking garage will remain, it did not meet the criteria for granting public benefits.

In the CRF Zone, the Applicant is required to provide 100 Public Benefit points in four categories. In Phase 1A, the Planning Board approved 105.78 points in four categories, satisfying the public benefit requirement for the overall project. The Planning Board approves 1.64 points for Phase 1B for a total of 107.42 points for Phases 1A and 1B.

Quality Building and Site Design

- **Public Open Space:** Phase 1B devotes 5.37 acres of open space to public use in addition to the 4.3 acres of public open space approved in Phase 1A (the Urban Park is not included in the public benefit calculation). The public benefit calculation for the Phase 1B public open space is shown below:

$$(\text{Public open space}/\text{Net lot area}) * 100$$

$$(5.37 \text{ acres} / 31.9 \text{ acres}) * 100 = 16.38 \text{ points}$$

The calculation results in 16.38 points but the Zoning Ordinance allows a maximum of only 20 points for public open space. Since 13.48 points were granted in Phase 1A, the Planning Board approves 6.52 points for public open space in Phase 1B.

Protection and Enhancement of the Natural Environment

- **BLTs:** The Applicant must purchase 0.0136 building lot termination easements, which will generate 0.12 public benefit points according to the calculation below. The amount of density approved in Phase 1A exceeded the standard method density, so the BLTs for the remaining project density are calculated as follows:

$$(\text{Density} * 0.75) / 31,500$$

$$= (5,700 * 0.075) / 31,500$$

$$= 0.0136 \text{ BLTs} * 9 \text{ point per BLT} = 0.12 \text{ points}$$

b. General Requirements

i. Site Access

Consistent with the previous Phase 1A development program, the Applicant proposes to utilize existing vehicular access at three signalized intersections along the Fernwood Road property frontage. The Phase 1B building will have direct vehicle access at the signalized intersection of Rockledge Drive and Fernwood Road. Such vehicular access will connect to the existing 40 parking space surface lot currently located along Fernwood Road, which is proposed to remain temporarily until the construction of a future development phase.

Additionally, while the existing egress and ingress from the Rock Spring Drive signalized intersection will remain, a temporary turnaround will be constructed with Phase 1B due to the placement of the proposed marketing center which will sever its former connection to the surface parking area. In subsequent phases, the private street which will extend westwards from the Rock Spring Drive driveway, threading between future buildings, will be built to tie into a perpendicular private street, providing through access to the Rockledge Drive signalized intersection. The temporary surface parking area will be removed with the construction of buildings in future phases.

Pedestrian access will occur from frontage improvements approved as part of Phase 1A to the existing sidewalks located to the back of curb and gutter along Fernwood Road to a consistent six to seven-foot wide, with physical separation in the form of tree panels and/or separated bikeways. The Phase 1A "road diet" will repurpose an existing travel lane, providing sufficient space for the construction of a 10-foot separated bidirectional bikeway within the existing Fernwood Road/ Westlake Terrace public right-of-way. A new pathway is proposed south of the surface parking area to connect from Phase 1A to the marketing center and the Urban Park.

Phase 1A also included the relocation of a portion of the southern access road (proposed to be named Thomas Branch Way), which also provides access for the property to the south, by shifting it to the north, out of the stream valley buffer. Additionally, the private streets approved with Phase 1A will provide internal circulation for Phase 1B.

ii. Parking, Queuing, and Loading

Based on the number of vehicle parking spaces approved with Phase 1A, no additional parking is required for Phase 1B. The existing surface parking area closest to the Phase 1B building will temporarily provide 37 parking spaces, while the existing parking area further west will serve as a construction staging area. The existing surface parking lots will be removed during a subsequent phase of construction. Phase 1B does not require loading spaces.

Parking Table for Phases 1A and 1B

	Required/Allowed	Approved for Phases 1A&1B
Vehicle Parking (min/max) CCRC ¹ Retail/Restaurant (1,900 sf)	314/570	1,041 ² (1,011 spaces provided in existing parking garage, 30 spaces on-street)
Motorcycle spaces	2% (10 max)	10
Electric vehicle ready	1 per 100 vehicle spaces	100
Accessible spaces	As required by state law	21
Car-share	5	5
Bicycle Parking	48 long-term spaces, 3 short-term spaces	48 long-term spaces, 3 short-term spaces
Loading Spaces	4	3 ⁴
¹ Based on 512 independent living dwelling units + 100 employees + 1900 sf restaurant. ² The Planning Board approved a parking waiver with Phase 1A, Site Plan No. 820210190 to exceed the maximum number of parking spaces allowed in Phase 1A. An additional 37 spaces in an existing surface parking lot will be temporarily available adjacent to the marketing center. This parking lot will be removed in a subsequent phase of development. ³ One short-term space must be provided adjacent to the Phase 1B building. ⁴ The Planning Board approved a parking waiver with Phase 1A, Site Plan No. 820210190, to provide one fewer loading space than required with Phase 1A		

iii. Open Space and Recreation

Two of the CCRC's major public open space components, the Urban Park and the Woodland Hill Open Space, will be delivered with Phase 1A. Phase 1B includes the 5.37-acre Thomas Branch Linear Park, a privately owned space that will be open for use by the public with a walking path and seating areas. Improvements to this area include stream restoration, and an enhanced riparian stream buffer, slope stabilization, removal of invasive species, afforestation, landscaping and construction of a nature lookout area. Phase 1A and 1B will comprise 9.67 acres of public open space and will provide residents, visitors and the general public with spaces for active and passive recreation experiences.

Since Phase 1B does not include residential development, analysis of recreational facilities is not required at this time.

iv. General Landscaping and Outdoor Lighting

Landscaping and lighting, as well as other site amenities, will enhance the streetscape along Fernwood Road and the internal private roads. The facilities will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The landscape design both connects the development to the neighborhood while providing clear transitions from public spaces to private areas. The on-site lighting will limit the necessary light levels to streets and sidewalks, providing safe lighting at a pedestrian scale.

5. The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on January 7, 2022. The plan will meet stormwater management requirements through the use of micro-bioretenment and planter boxes.

b. Chapter 22A, Forest Conservation

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

Natural Resource Inventory/Forest Stand Delineation

A Natural Resources Inventory/Forest Stand Delineation (No. 420200260) was approved on November 8, 2019. The Thomas Branch stream runs along the southern boundary of the Property, which also contains areas of wetland and FEMA designated floodplain. There are no forested areas onsite, but the Property contains a number of specimen trees.

The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property. The environmentally constrained area is 7.12 acres of regulated environmental buffers, which includes 2.25 acres of 100-year floodplain, 1.19 acres of wetlands and 1.83 acres of wetland buffers. There are areas of steep slopes 25% and greater located primarily on the south and west portions of the Property.

There are no known occurrences of rare, threatened, or endangered species on the Property.

Environmental Guidelines

An entry road constructed for the former Marriott Headquarters currently lies within the stream buffer to the north of the stream. The first portion of the entry road is shared with a property to the south of this site.

Planning staff met with the Applicant for a Concept Plan review and during the review of rezoning application No. H-135. During this time, the Applicant worked with staff to move the existing southern entry road north out of the stream buffer beyond the shared access to the neighboring property. A paved pedestrian path will be permitted within a portion of the stream buffer to provide an opportunity for residents to walk safely around the stormwater pond and connect to existing paths that loop to the other side of the pond. The Planning Department's Environmental Guidelines permit "small amounts of clearing and grading for other purposes within the stream buffer on a case-by-case basis so long as the modification is consistent with a comprehensive approach to protecting areas that are critical to preserving or enhancing streams, wetlands, and their ecosystems (Section V.A.1.e) under criteria detailed in the Guidelines, including that "the plan design provides compensation for the loss of buffer function."

The Applicant has been working with staff and other agencies to design measures that will enhance stream buffer function and stream water quality. The Phase 1B work includes stream restoration work on the Thomas Branch stream channel, including removal of concrete channel sections, the creation of riffles and pools, bank and bench stabilization, and installation of rock sills and a plunge pool to dissipate the energy of erosive flows. Additional work to improve stream buffer function and water quality includes invasive plant species control, afforestation, and landscaping of sections of the stream buffer. The design will also incorporate a walking path, benches, and a nature lookout area to create the Thomas Branch Linear Park, which not only enhances water quality and habitat, but also serves as an amenity for the residents. With these treatments and improvements, the submitted plans are in conformance with the Planning Department's Environmental Guidelines.

Forest Conservation Plan

The Preliminary Forest Conservation Plan H-135 was approved by Planning Board Resolution MCPB 20-020, dated April 3, 2020, during the review of the re-zoning of the Property, which included a Development Plan. A Final Forest Conservation Plan (FFCP) was approved by the Planning Board with Site Plan No. 820210190 on March 10, 2022 (Planning Board Resolution MCPB 22-014). FFCP No. 820220120 has been submitted for approval with this Site Plan application. FFCP No. 820220120 will supersede all previously approved Final Forest Conservation Plans.

The Subject Property is zoned CRF 1.5, C-0.75, R-1.5, H-150 and is classified as Mixed-Use Development as defined in Section 22A-3 of Chapter 22A of the Montgomery County Forest Conservation Law ("FCL") and specified in the Trees Technical Manual. This

results in an afforestation requirement of 15% of the net tract area and a conservation threshold of 20%. The Net Tract Area is 35.15 acres. There is no forest on the site; therefore, the forest mitigation requirement is for 5.27 acres of afforestation.

The Applicant will fulfill their forest conservation mitigation by planting 3.11 acres of forest on site, primarily within the stream buffer. The 2.16-acre remainder of the requirement will be fulfilled by off-site options. The hierarchy of fulfillment is to provide the off-site portion through planting forest off-site in the same watershed, if possible; to provide afforestation elsewhere in the County if no opportunities exist in the same watershed; or to pay a fee-in-lieu if there are no off-site forest planting opportunities available.

All of the planted forest and the environmental buffer areas will be protected by Category I and II Easements. Category II Easements are being used in areas where higher levels of maintenance are anticipated to control invasive species. Easements cannot be established in significant portions of the stream buffer that are already encumbered with easements from other agencies.

Forest Conservation Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone ("CRZ") requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise, such resources must be left in an undisturbed condition. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion tree; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Variance Request - The Applicant submitted a variance request in a letter dated March 16, 2022. The Applicant will remove 23 (twenty-three) trees that are 30 inches or greater DBH, that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law, and to impact, but retain six additional trees. Four additional trees (Numbers 15, 16, 17, and 18) were approved for removal under a variance approved with PFCP H135.

Protected Trees to be Impacted

Tree Number	Species	DBH Inches	% CRZ Impacts	Status
7	Willow Oak (<i>Quercus phellos</i>)	40.1"	12%	Fair condition.
22	Black Cherry (<i>Prunus serotina</i>)	32.5"	14%	Fair condition.
45	Red Mulberry (<i>Morus rubra</i>)	36",24", 18",26"	11%	Fair condition.
55	Willow Oak (<i>Quercus phellos</i>)	40.5"	9.5%	Good condition.
56	Willow Oak (<i>Quercus phellos</i>)	30.5"	13.7%	Fair condition.
64	Willow Oak (<i>Quercus phellos</i>)	34.1"	5%	Fair condition.

Protected Trees to be Removed

Tree Number	Species	DBH Inches	% CRZ Impacts	Status
1	Willow Oak (<i>Quercus phellos</i>)	37.6"	100%	Very Good condition.
2	Willow Oak (<i>Quercus phellos</i>)	31"	100%	Fair condition.
3	Willow Oak (<i>Quercus phellos</i>)	33.1"	100%	Good condition.
4	Willow Oak (<i>Quercus phellos</i>)	41.8"	100%	Good condition.
5	Willow Oak (<i>Quercus phellos</i>)	35.6"	100%	Fair condition.
6	Willow Oak (<i>Quercus phellos</i>)	34.2"	100%	Fair condition.
12	Red Maple (<i>Acer rubrum</i>)	30.7"	100%	Good condition.
13	Red Maple (<i>Acer rubrum</i>)	38.4"	100%	Good condition.
15	Willow Oak (<i>Quercus phellos</i>)	39.6"	100%	Previously approved for removal in variance included with PFCP H135
16	Willow Oak (<i>Quercus phellos</i>)	35"	100%	Previously approved for removal in variance included with PFCP H135

Tree Number	Species	DBH Inches	% CRZ Impacts	Status
17	Willow Oak (<i>Quercus phellos</i>)	33.3"	100%	Previously approved for removal in variance included with PFCP H135
18	Willow Oak (<i>Quercus phellos</i>)	36.4"	100%	Previously approved for removal in variance included with PFCP H135
19	Willow Oak (<i>Quercus phellos</i>)	36.8"	100%	Good condition.
20	Willow Oak (<i>Quercus phellos</i>)	35.6"	100%	Good condition.
33	Northern Red Oak (<i>Quercus rubra</i>)	32.8"	100%	Fair condition.
37	Northern Red Oak (<i>Quercus rubra</i>)	31.8"	100%	Poor condition.
49	Willow Oak (<i>Quercus phellos</i>)	38.8"	100%	Fair condition.
50	Willow Oak (<i>Quercus phellos</i>)	33.9"	100%	Good condition.
51	Willow Oak (<i>Quercus phellos</i>)	35.3"	100%	Good condition.
52	Willow Oak (<i>Quercus phellos</i>)	44.5"	100%	Good condition.
53	Willow Oak (<i>Quercus phellos</i>)	35.1"	100%	Good condition.
54	Willow Oak (<i>Quercus phellos</i>)	40.8"	100%	Fair condition.
57	Willow Oak (<i>Quercus phellos</i>)	44"	100%	Fair condition.
58	Willow Oak (<i>Quercus phellos</i>)	43.5"	100%	Fair condition.
61	Willow Oak (<i>Quercus phellos</i>)	37.3"	100%	Good condition.
62	Willow Oak (<i>Quercus phellos</i>)	39.8"	100%	Good condition.
63	Willow Oak (<i>Quercus phellos</i>)	42.3"	100%	Fair condition.

Unwarranted Hardship Basis

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of its property. In this

case, the unwarranted hardship is caused by the requirements of the zone and the Rock Spring Sector Plan, which require that the buildings be pulled up to the street frontage, and that master-planned frontage improvements, including sidewalk improvements and bicycle facilities, be constructed on the street side of the property. If these requirements are not met, the submitted plan will not be in compliance with either the zoning requirements or the Rock Spring Sector Plan. These requirements result in extreme damage to trees 37, 49, 51, 52, 53, 54, 57, 58, 61, 62, and 63, and necessitates their removal. These requirements also create unavoidable impacts to trees 7, 55, and 56. Trees 1, 2, 3, 4, 5, 6, and 50 are in the existing front parking lot that is to be removed to make room for two new buildings, the underground parking garage, and the marketing center and retail building on the site. This disturbance also impacts tree 64. Trees 19 and 20 are within the courtyard on the south side of the existing building that is to be demolished to clear space for a substantial part of the development. Trees 12 and 13 are within the area being disturbed to implement the stream restoration project. Tree number 33 is within the demolition zone on the west side of the existing building. Tree 22 will sustain minor impacts from construction of the walking path along the western boundary of the site. Between the frontage improvement requirements, the zoning requirements, and the demolition of the existing building, the impacts of the development will make it impossible to avoid impacts to these trees and still develop the site as intended by the zoning and the Rock Spring Sector Plan.

Therefore, the Planning Board concurs that the Applicant has a sufficient unwarranted hardship to justify a variance request.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted.

The Board makes the following findings necessary to grant the Variance:

1. Granting the Variance will not confer on the Applicant a special privilege that would be denied to other applicants.

Granting the variance will not confer a special privilege on the Applicant as the impacts to the trees is due to the location of the trees and necessary site design requirements. The Applicant will remove of 23 trees with mitigation. Mitigation will also be provided for the four trees previously approved for removal under the variance associated with PFCP H135. Therefore, the Planning Board finds that the granting of this variance is not a special privilege that would be denied to other applicants.

2. The need for the Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions and the zoning, master plan and design requirements of this project.

3. The need for the Variance is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property.

The requested variance is a result of the existing conditions and not as a result of land or building use on a neighboring property.

4. Granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.

The variance will not violate State water quality standards or cause measurable degradation in water quality. The Application will provide mitigation for the removal of these 23 trees by planting large caliper trees on-site.

There are 23 trees approved for removal in this variance request and another four trees previously approved for removal in a variance associated with the PFCP approved at the time of rezoning, resulting in a total of 999 inches of DBH being removed. The FCP includes mitigation at a rate that approximates the form and function of the trees removed. These trees will be replaced at a ratio of approximately one-inch caliper for every four inches removed using trees that are a minimum of three inches caliper in size. This results in a total variance tree mitigation requirement of 249.75 inches. The Applicant will fulfill this mitigation requirement with the installation of 72 3.5-inch caliper trees. These planting locations and species of these trees are shown on the Variance Exhibit submitted with Final Forest Conservation Plan.

6. The development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.

An existing surface parking lot provides temporary vehicle parking for the Phase 1B building. The surface parking lots will be removed during a subsequent phase of construction. Upon removal of the surface parking lots, ample parking will be provided along the private roads and in structured parking garages.

The Phase 1B building will be directly accessed by the ingress and egress at the signalized intersection of Rockledge Drive and Fernwood Road. Such vehicular access will connect to the existing surface parking lot currently located along Fernwood Road, which will remain temporarily until the construction of future Phase 2. Additionally, while the existing egress and ingress from the Rock Spring Drive signalized intersection will remain, a temporary turnaround will be constructed with Phase 1B due to the

placement of the Phase 1B building which will sever its former connection to the 40-space surface parking area.

Phase 1B is a one-story building with a retail/restaurant use that will help activate the Fernwood Road frontage and the nearby Urban Park. Phase 1B includes the 5.37-acre Thomas Branch Linear Park, a privately owned space that will be open for use by the public with a walking path and seating areas. Improvements to this area include stream restoration, and an enhanced riparian stream buffer, slope stabilization, removal of invasive species, afforestation, landscaping and construction of a nature lookout area. Phase 1A and 1B will comprise 9.67 acres of public open space and will provide residents, visitors and the general public with spaces for active and passive recreation experiences. The Applicant provides a rich array of amenities in Phases 1A and 1B to future residents of the CCRC and to the surrounding area including the public park, extensive landscaping, and site furnishings.

7. The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.

The Project substantially conforms with the recommendations of the 2017 Rock Spring Sector Plan (Sector Plan or Plan) and Parking Lots To Places: Urban Design Guidelines for Rock Spring & White Flint 2 Sector Plans (Design Guidelines). The Sector Plan recognizes the history of the Rock Spring area from its heyday as one of Montgomery County's premier office parks in the 1980s through early 2000s to the increasing vacancy rates in the late 2000s and Marriott International's plans to relocate its headquarters to a transit proximate location (page 7). According to the Plan, the relocation of Marriott would increase the office park's vacancy rate to 39%, absent other changes. The development addresses the large gap that will be left in Rock Spring by the departure of the Marriott headquarters.

The CCRC and retail space is consistent with the Sector Plan's overall vision to encourage the evolution of the area into, "a well-integrated, amenity-rich district for existing employers and future residents" (p. 17). The Project will help fulfill the overall vision by accomplishing the following overarching Plan goals:

- Adding a new type of residential infill development to area's existing mix of uses, helping to reshape the area into a more well-integrated community.
- Increasing publicly accessible green spaces within the Plan area by providing a 1.75-acre Park, a walking trail open to the public, and an enhanced streetscape for pedestrians and bicyclists.

- Concentrating new activity along the “central spine” (Fernwood Road/Rock Spring Drive) as the proposed buildings and the Park will line the Property frontage along Fernwood Road.
- Helping to create a safe, low stress pedestrian and bicycle network with proposed streetscape improvements along Fernwood Road. (p. 20)

The Sector Plan includes the Property within the Rock Spring Central/Mixed-Use Business Campus District, identified as a traditional suburban format office park built primarily in the 1970s and 1980s. The Plan recommended the CR zone to provide options and flexibility for infill or redevelopment in the future should circumstances change for the office buildings. The relocation of Marriott Headquarters to downtown Bethesda provides the opportunity to introduce a greater mix of uses into the area.

The Sector Plan provides design and connectivity guidance for redeveloping properties within the central Rock Spring area. The Project directly addresses the following recommendations (p.36):

- Prioritizing the central spine as a pedestrian-friendly environment.
- Introducing a mix of uses and pedestrian-friendly amenities that can promote and enhance walkability to and from the central spine.
- Promote sustainable building and site development practices with a variety of interconnected open spaces and high levels of internal connectivity.

The Site Plan prioritizes the establishment of the central spine as a pedestrian-friendly environment by orienting development towards it. Phase 1A and 1B include residential uses, a retail/restaurant space, a public park, and a publicly accessible walking path.

Open Spaces

The Sector Plan includes open space recommendations specific to the Subject Property:

- If the Marriott site redevelops, the Plan recommends public civic gathering/green open spaces, plazas, and active recreation spaces at this location. Of the approximately 3.3 acres of required open space, one of the spaces should include a civic green of one to two acres of usable open space to accommodate large community gatherings and events. The civic green should include a large lawn area to support multiple uses including markets, festivals, and recreational uses.
- The Plan recommends creating and continuing a greenway with a walking trail along the existing tributary. (p. 60)

Phase 1B includes the 5.37-acre Thomas Branch Linear Park, a privately owned space that will be open for use by the public with a walking path and seating areas. Improvements to this area include stream restoration, and an enhanced riparian stream buffer, slope stabilization, removal of invasive species, afforestation, landscaping and construction of a nature lookout area. Phase 1A and 1B will comprise 9.67 acres of public

open space and will provide residents, visitors and the general public with spaces for active and passive recreation experiences. The Applicant includes a rich array of amenities in Phases 1A and 1B to future residents of the CCRC and to the surrounding area including the public park, extensive landscaping, and site furnishings.

Public Benefits

The Plan prioritizes the public benefits as follows:

- Dedication of land for needed school site is the highest priority public benefit.
- Providing 15% MPDUs is the highest priority public amenity for new residential development, unless the Property is required to dedicate land for a school or athletic field.
- Other major public facilities including land for parks and school athletic fields, dedications for the North Bethesda Transitway, a library, a recreation center, County service center, public transportation or utility upgrade.
- Diversity of uses and activities.
- Connectivity and mobility.
- Reuse of existing building. (p. 81)

The Sector Plan further states that any application for a CRF Zone must include major public benefits (p. 35). This requirement was a binding element of the Local Map Amendment H-135 approval. The approved Phase 1A Site Plan provides the following major public benefits to fulfill this requirement: the construction and dedication of a 1.75-acre multi-generational park to M-NCPPC and streetscape improvements beyond the Property frontage. A future phase will provide a partnership with Montgomery County Public Schools (MCPS) on a workplace training program.

Staff reached out to the MCPS early in the regulatory process to discuss the Application in the context of the Master Plan recommendations for a school site. MCPS did not pursue acquisition of the Property through the Subject Application. Fifteen percent of the CCRC's independent living units will be provided as MPDUs.

Environment and Sustainability

A major component of Phase 1B is the restoration of the Thomas Branch Stream and the creation of the Linear Park. The restoration will involve a number of environmental measures including removal of invasive species, replanting, afforestation, creation of bioretention areas and slope stabilization.

Sector/Master-Planned Roadways

The Property fronts on Fernwood Road, which turns into Westlake Terrace heading west towards the bridge over the I-270 spur. Fernwood Road is 80 feet wide and transitions into the 90-foot-wide Westlake Terrace to accommodate the bridge crossing over I-270.

The Sector Plan reclassified both Fernwood Road (B-2) and Westlake Terrace from arterial to business district streets, with the number of lanes reduced from four to two to accommodate a two-way separated bicycle lane and replacing the center left turn lanes with a single two-way left turning lane. The reduction of lanes is also known as a “road diet.”

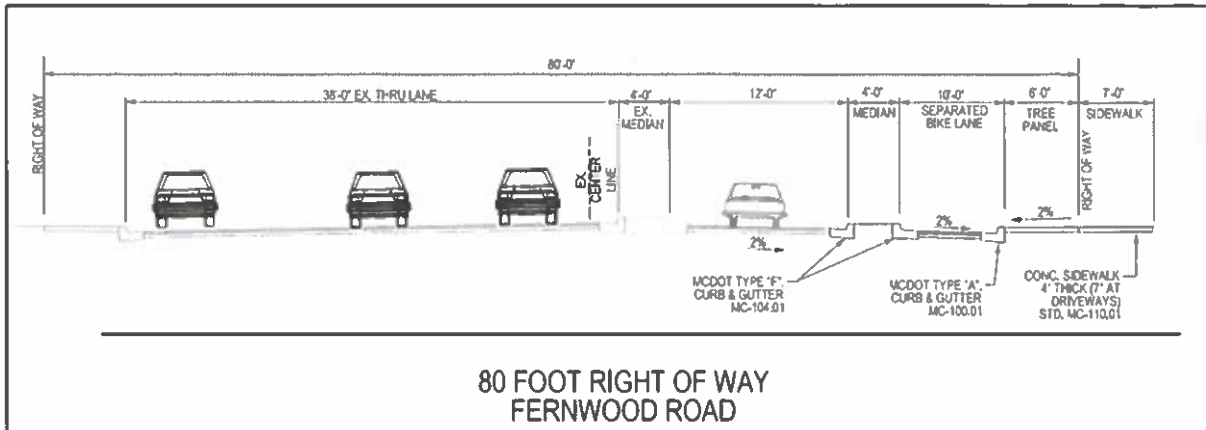
Approved under the aforementioned Phase 1A, repurposed space will be used for a two-way separated bike lane on the south/west side of Fernwood Road and Westlake Terrace, currently under construction along the Property frontage.

Westlake Terrace: Westlake Terrace is classified as a 90-foot two-lane Business District Street with Planned Bus Rapid Transit. The existing section has four (4) lanes; however, the Sector Plan recommends that the segment adjacent to the Property reduce its number of travel lanes from four (4) to two (2) while maintaining the 90-foot width recommendation.

A 40-foot transit easement is identified on the north side of Westlake Terrace to accommodate the future North Bethesda Transitway, which will provide frequent transit service from the Westfield Montgomery Mall Transit Center to either the White Flint or Grosvenor-Strathmore Metrorail stations, pending recommendations of the Transitway study.

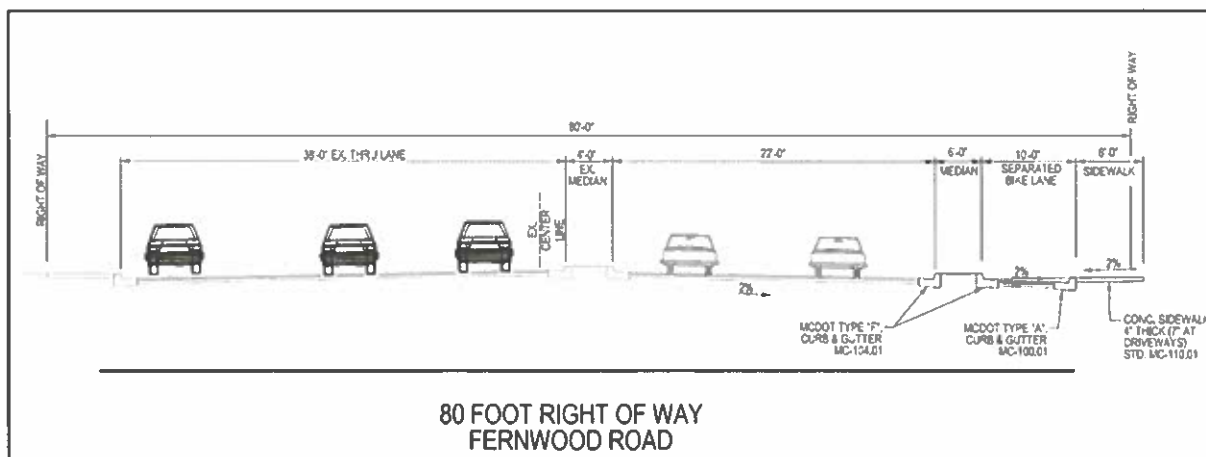
The Westlake Terrace improvements were approved with the Phase 1A site plan.

Fernwood Road: Fernwood Road is designated as a Business Street with planned Bus Rapid Transit, B-2, with a recommended 80-foot right-of-way from Rockledge Drive to Rock Spring Drive. The Applicant dedicated right-of-way to meet a consistent 80-foot along the entirety of the Fernwood Road frontage. In accordance with the Parking Lots to Places: Urban Design Guidelines for Rock Spring and White Flint 2 Sector Plans, the Applicant is in the process of constructing a ten-foot separated bike lane protected by a four-foot median. The segment of Fernwood Road directly adjacent to the marketing center is under construction to accommodate a six-foot planting strip between the bikeway and a seven-foot sidewalk, to facilitate the planting of street trees.



Approved Fernwood Road Section along Marketing Center Frontage (from Rockledge Drive to Rock Spring Drive)

Approved as part of Phase 1A, from Rock Spring Drive to the existing ingress along the Camalier property to the south of the overall property, the Applicant will maintain the existing six-foot sidewalk as a means to avoid cutting down existing mature trees along the property frontage. The Applicant will repurpose space currently utilized by a deceleration lane that ties into the driveway entrance into the Urban Park which will tie directly to the public right-of-way. Pathways emanating from the sidewalk along Fernwood Road will meander through the Park and will encourage and facilitate all users to the open space area while also preserving the existing mature tree canopy in the Park.



Approved Fernwood Road Section along Urban Park and Thomas Branch Linear Park frontages (from Rock Spring Drive to Camalier property entrance)

This segment of Fernwood Road is identified as a Business Street (B-2) with a recommended 80-foot right-of-way in the 2017 Rock Spring Sector Plan area. It is important to also note that repurposing of the existing deceleration lane for

accommodation of the bidirectional bikeway prevents any expansion of impervious surfaces into the Thomas Branch Linear Park. People walking alongside the stream restoration area, parallel to Fernwood Road will be protected by the 10-foot bikeway and its associated 6-foot raised barrier.

Finally, the Applicant will extend the bikeway route southwards from the Camalier property entrance to the Fernwood Road and Democracy Boulevard intersection. The segment of the Fernwood Road property frontage currently under construction includes the two-way separated bicycle lanes that will transition into an off-street ten-foot sidepath south of the Subject Property, to the Fernwood Road-Democracy Boulevard intersection. The ten-foot sidepath will be protected with concrete barriers that then transition into the existing six-foot sidewalk to the south, as an interim design before implementation of separated bicycle lanes along Fernwood Road and the extension of the Democracy Boulevard sidepath occur as part of a future redevelopment or capital project.

8. The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

The approval of Preliminary Plan No. 120210040 established that the development will be served by adequate public services and facilities.

9. The development is compatible with existing and approved or pending adjacent development.

The building is one-story and will be lower in scale and compatible with all the surrounding development. The overall CCRC development will complement the evolution of the Rock Spring area from a commercial office park to a mixed-use community.

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 § 59-7.3.4.H; 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 JUN 21 2022 (which is the date that this resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Verma, seconded by Commissioner Rubin, with a vote of 5-0; Chair Anderson, Vice Chair Verma, and Commissioners Cichy, Patterson, and Rubin voting in favor at its regular meeting held on Thursday, June 16, 2022 in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

