

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 22-102
Sketch Plan No. 320220120
4405 East West Highway
Date of Hearing: November 3, 2022

JAN 06 2023

RESOLUTION

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

WHEREAS, on August 10, 2022, Persueus TDC (“Applicant”) filed an application for approval of a sketch plan for construction of up to 355,000 square feet of density of mixed-use development on 1.508 acres of CR-1.5 C-1.5 R-1.5 H-100, CRT-0.25 C-0.25 R-0.25 H-50, and Bethesda Overlay Zone zoned-land, located on the north side of East West Highway, approximately 100 feet east of its intersection with Pearl Street, and of three parcels; Parcel 224, Pritchetts Purchase subdivision, bearing tax account no. 07-00426370; Lots 3 and 4, Block A, Friendship Pafflows unrecorded subdivision, bearing tax account no. 07-00426368; and parts of Lots 6-10, including Pafflows subdivision (“Subject Property”) in the Bethesda CBD Policy Area and 2017 *Bethesda Downtown Sector Plan* area; and

WHEREAS, Applicant’s sketch plan application was designated Sketch Plan No. 320220120 4405 East West Highway (“Sketch 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 24, 2022, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions (“Staff Report”); and

WHEREAS, on November 3, 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 Hill, seconded by Commissioner Branson, with a vote of 4-0; Chair

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Approved as to

Legal Sufficiency: /s/ Matthew T. Mills
M-NCPPC Legal Department

Zyontz, Commissioners Branson, Hill and Presley voting in favor with Commissioner Piñero absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320220120, 4405 East West Highway for construction of up to 355,000 square feet of density of a mixed-use development on the Subject Property, subject to the following binding elements and conditions:¹

A. Binding Elements. The following site development elements are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. Density

The Sketch Plan is limited to a maximum total of 355,000 total square feet of development with up to 348,000 square feet of residential and up to 12,000 square feet of commercial development. The maximum total development includes 15 percent MPDUs, and up to 258,953 square feet of Bethesda Overlay Zone (BOZ) Density. Any given combination of commercial and residential density must not exceed 355,000 square feet.

2. Height

The development is limited to a maximum building height of 100 feet, as measured from the building height measuring point to be illustrated on the Certified Site Plan.

3. Park Contribution

At building permit, the Applicant must provide a financial contribution to the M-NCPPC Department of Parks for the implementation of the Sector-Plan-

¹ For the purpose of these binding elements and conditions, the term "Applicant" shall also mean the developer, the owner, or any successor(s) in interest to the terms of this approval.

recommended Bethesda-Chevy Chase Neighborhood Green. The amount and instrument of the contribution will be determined at Site Plan.

4. Incentive Density

The development must be constructed with the public benefits listed below unless modifications are made under Section 59.7.3.3.I. Total points must equal at least 100 and be chosen from at least four categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

- a) Connectivity and Mobility, achieved through providing fewer than the maximum number of parking spaces under the Zoning Ordinance;
- b) Diversity of Uses and Activities, achieved by providing accessible residential units that exceed ADA requirements;
- c) Quality of Building and Site Design, achieved through architectural elevations, exceptional design, and structured parking; and
- d) Protection and Enhancement of the Natural Environment, achieved through the purchase of building lot terminations, cool roof, energy conservation, and a recycling facility plan.
- e) Major Public Facilities points may be considered at the time of Site Plan without further Sketch Plan amendment.

5. Streetscape

The Applicant must install along the Site frontage the Bethesda Streetscape Standards or equivalent approved by MCDOT and Planning Staff, including but not limited to the undergrounding of utilities.

6. MCDOT Letter

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated October 6, 2022 and hereby incorporates them as conditions of the Sketch Plan approval. The Applicant must comply with each of the recommendations provided in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Sketch Plan approval.

7. MDOT SHA Letter

The Planning Board has reviewed and accepts the recommendations of the Maryland Department of Transportation State Highway Administration

(“MDOT SHA”) in its letter dated October 3, 2022 and hereby incorporates them as conditions of the Sketch Plan approval. The Applicant must comply with each of the recommendations provided in the letter, which may be amended by MDOT SHA provided that the amendments do not conflict with other conditions of the Sketch Plan approval.

8. Future Coordination for Preliminary and Site Plan

In addition to any other requirements for Preliminary Plans under Chapter 50 and Site Plans under Chapter 59, the Applicant must address the following in subsequent applications:

- a. The final design, alignment and dimensions of the single vehicular access point will be determined at the time of Preliminary Plan, subject to MDOT SHA approval.
- b. The sidepath will be required to provide an ADA accessible transition between the Site and the adjacent properties to the east and west. The final design of the sidepath will be determined at the time of Site Plan.
- c. Stormwater Management concept approval consistent with Chapter 19 of the Montgomery County Code.
- d. At the time of Site Plan, the Applicant must provide a minimum 35% of site area on site as green cover as described in Section 2.4.1 of the *Bethesda Downtown Sector Plan* and utilize tree species and canopy sizes at 20-year maturity per the *M-NCPPC Approved Trees Technical Manual*.
- e. Address the SITES & LEED recommendations of the Sector Plan, specifically related to energy efficiency and building design features.
- f. SWM concept approval which also addresses the recommendations of the *Bethesda Downtown Sector Plan* Water Quality Section (2.4.2.B).
- g. Address Bird-Safe Design per the *Bethesda Downtown Sector Plan Design Guidelines*;
- h. At time of Preliminary Plan, provide a noise analysis, or a waiver per Section 2.2.2 of the 1983 Noise Guidelines.
- i. The Applicant must continue to coordinate with MCDOT, MDOT SHA, MCDPS, and Planning staff on the design of the frontage improvements which will include a street buffer, a sidepath (interim condition of the

ultimate master-planned two-way separated bike lane), pedestrian/bicycle buffer, sidewalk, and frontage zone.

- j. The Applicant shall continue to coordinate with the Department of Parks, and Planning staff, regarding contributing to the Bethesda-Chevy Chase East Neighborhood Green.
- k. At the time of Site Plan, further enhance the architecture of the western façade of the proposed building.
- l. At the time of Site Plan, explore the opportunity to provide a minimum quantity of non-residential density.

9. Validity

A site plan must be submitted within 36 months after the mailing date of the resolution.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations of Staff as presented at the hearing and/or provided in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

- 1. *The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.*

The Sketch Plan meets the development standards of Section 59.4.5.4 as shown in the following Data Table:

Development Standard	Permitted/ Required	Proposed
Tract Area (sq. ft. / acres)		65,707 sf (1.508 acres)
CR-1.5 C-1.5 R-1.5 H-100		63,697 sf (1.462 acres)
CRT-0.25 C-0.25 R-0.25 H-50		2,010 sf (0.046 acres)
Prior Dedication ¹	n/a	5,887 sf (0.135 acres)
Proposed Dedication ¹	n/a	5,921 sf (0.136 acres)

Site Area	n/a	53,899 sf (1.237 acres)
Mapped Density CR-1.5 C-1.5 R-1.5 H-100		
Residential (GFA/ FAR)	95,545 sf (1.5)	95,545 sf (1.5)
Commercial (GFA/FAR)	95,545 sf (1.5)	
CRT-0.25 C-0.25 R-0.25 H-50		502 sf (0.25)
Residential (GFA/ FAR)	502 sf (0.25)	
Commercial (GFA/FAR)		
MPDU requirement	15%	15%
BOZ Density	n/a	258,953 sf
Total GFA/FAR	96,047 sf (1.46)	355,000 sf (5.4)
Residential	96,047 sf (1.46)	348,000 sf (5.3) ²
Commercial	96,047 sf (1.46)	12,000 sf (0.18) ²
Building Height, max average	100 ft	100 ft
Public Open Space (min sf)	0	0

¹ Prior and proposed dedications are associated with the portion of the Site within the CR-1.5 C-1.5 R-1.5 H-100 Zone only.

² Proposed Residential and Commercial densities reflect “up to” amounts. However, the combination of each will not exceed 355,000 square feet.

The final number of vehicle parking spaces will be determined at Site Plan based on the residential units and final mix of uses.

The Sketch Plan conforms to the intent of the CR Zone as described below:

- a. *Implement the recommendations of applicable master plans.*

As conditioned, the project substantially conforms to the applicable recommendations of the 2017 Bethesda Downtown Sector Plan. The Site is within the Pearl District and is identified as part of site 195 on page 121. The Sector Plan recommended rezoning of the Site to the CR-1.5 C-1.5 R-1.5 -100 Zone to promote infill redevelopment with a mix of uses. The Pearl District is the eastern gateway to the Sector Plan area and is characterized by a mix of office and residential uses in a variety of building types constructed before the 1976 Bethesda Central Business District Sector Plan. For the Pearl District, the Sector Plan envisions the creation of an active and welcoming mixed-use environment with improved pedestrian connectivity and new public space opportunities. The proposed project

addresses the following applicable goals for the Pearl District as outlined in the Sector Plan:

- *Create a gateway to Bethesda along East-West Highway and a gateway to the Metro Core District at Pearl Street through public art, landscaping and architecture.*

The architecture of the proposed building and improvements to the streetscape of East West Highway will help create a gateway into downtown at the Site. The building façade includes enhanced treatments along its eastern and southern facades, which will be highly visible to those traveling westbound into Bethesda.

- *Promote more mix of land uses to enhance 24-hour activity in the district.*

The proposed mixed-used development and associated streetscape improvements will replace a single-use office structure and surface parking lot. The Proposal includes up to 12,000 square feet of commercial uses to be created proximate to the building lobby and East West Highway. This mix of uses and provision of wider sidewalks and sidepath will help to promote activity in the district.

- *Encourage attractive, compatible redevelopment and infill development on properties with low densities.*

The Proposal redevelops an existing office building and surface parking on an infill site within walking distance to the Bethesda Metrorail Station. The existing density on the Site is approximately 1.1 FAR and the proposed project provides a mixed-use development with a maximum density of 5.4 FAR.

- *Enhance pedestrian connectivity throughout the district.*

The proposed project will redevelop the Site's frontage to include the standard Bethesda streetscape as well as a portion of a master-planned sidepath. Existing pedestrian facilities are limited to a sidewalk abutting the curb of East West Highway. The proposal will enhance pedestrian connectivity by providing a wider sidewalk that is buffered from vehicular traffic by street trees and a sidepath. The final design of the transition between the sidepath on the Site and the existing sidewalk along the adjacent properties on either side will be evaluated and finalized at the time of Site Plan. Given the Site's proximity to schools and public

transportation, the proposed improvements to the pedestrian realm at this location are significant.

- *Expand the network of public open spaces.*

The 2017 Bethesda Downtown Sector Plan calls for the creation of a 1/3-acre Bethesda-Chevy Chase East Neighborhood Green, an “urban park that serves new development in the area between Bethesda-Chevy Chase High School and the Pearl Street and East-West Highway intersection” which includes the area of the subject Site. The Sector Plan does not provide details on a more specific location for a future Bethesda-Chevy Chase East Neighborhood Green within the block.

If a single redevelopment proposal was to be evaluated for the entirety of this block, the Neighborhood Green could be located and completely provided for at that time (including dedication of the property required). However, as this block is redeveloping in pieces, the Department of Parks recommends that each development proposal for this block (the subject Application being the first) make a proportional financial contribution to support the creation of a future Bethesda-Chevy Chase East Neighborhood Green, as conditioned above. The intent of this recommended approach to fulfilling the vision of the master plan is to provide a mechanism for this, and future applicants, to support the creation of the Neighborhood Green, which will serve the new developments, without unduly burdening any individual Applicant. This conditioned contribution is in addition to a separate Park Impact Payment (PIP) the proposal will be obligated to make to utilize BOZ density.

- b. Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.*

The Proposal will replace the existing low-rise office building and surface parking lot with a larger building, to include residential and commercial uses.

- c. Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.*

The Proposal will provide up to 350 residential units, to include studios, one-bedroom and two-bedroom units, and up to 12,000 square feet of commercial uses. The existing site includes surface parking between the existing building and street. The Proposal will replace this condition with a consolidated access point for parking and loading areas internal to the site and will implement the Bethesda

streetscape between the building and street. Parking will be prohibited between the building and street, and the Proposal will enhance the public realm on its frontage with pedestrian and bicycle features, street trees, and landscaping. The new building will include a mix of residential unit types and 15 percent MPDUs, as well as ground level commercial uses. The Site's location is within walking distance of multiple public transit options.

- d. Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.*

The project proposes to provide a mixed-use building of appropriate height and massing for the desired character of infill development within the Pearl District. The existing development located on East West Highway proximate to the Site is a mix of lower-height offices, single-family dwellings used for commercial uses, and taller office and residential buildings that reach approximately 10-12 stories. The proposed building will have a maximum height of 100 feet, which is similar in height to the existing office and residential buildings across East West Highway, directly south of the Site.

- e. Integrate an appropriate balance of employment and housing opportunities.*

The Project will provide new high-density residential housing and ground-level commercial opportunities in a mixed-use building in proximity to the existing commercial and employment areas in and around downtown Bethesda.

- f. Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.*

The Project will provide the required 100 public benefit points from a minimum of 4 categories to achieve the desired incentive density above the standard method limit. Final determination of public benefit points will be determined at the time of Site Plan.

- 2. Substantially conforms to the recommendations of the applicable master plan.*

As conditioned, the proposal substantially conforms to the recommendations of the 2017 Bethesda Downtown Sector Plan as discussed in Finding 1.a. The proposed project will redevelop an existing low-rise office building and surface parking with a new mixed-use building with 15 percent MPDUs and streetscape improvements. In addition to the recommendations discussed in Finding 1.a, the Sector Plan and the 2018 Master Plan of Highways and Transitways envision a total right-of-way width for East West Highway of 120 feet between Pearl Street and Montgomery Avenue.

According to Plat 7945 and 329, the existing total width of the East-West Highway right-of-way adjacent to the Site is 90 feet. At the time of Preliminary Plan, additional dedication of 30 feet along the Site frontage beyond the current property line will be required.

The 2017 Bethesda Downtown Sector Plan recommends the study of potentially changing the existing the one-way traffic operations on East-West Highway, Old Georgetown Road, Woodmont Avenue and Montgomery Lane/Avenue to two-way traffic flow. If the study concludes that converting the traffic operations to two-way for motorists is not desirable or feasible, the 2017 Bethesda Downtown Sector Plan recommends studying a potential road diet. As of the time of preparation of this Resolution, the one-way conversion study had just begun and is unlikely to conclude before the approval of a Preliminary Plan for the Site. The Applicant and agency review staff are following the progress of the study to ensure that the frontage improvements to be constructed as part of 4405 East West Highway's redevelopment will not preclude future potential changes to the traffic operations along the roadway. The Applicant will continue to coordinate with MDOT SHA, MCDOT, MCDPS ROW and Planning Staff to finalize the proposal for frontage improvements for this project at the time of Preliminary Plan.

The 2018 Bicycle Master Plan envisions a two-way separated bike lane along the north side of East-West Highway between Wisconsin Avenue and Montgomery Avenue. As shown on the Sketch Plan, the Applicant will construct the interim condition, which consists of a buffered sidepath (to be converted to a two-way separated bike lane in the ultimate condition), a pedestrian/bicycle buffer and a sidewalk.

As conditioned, the Application meets the recommendations of the applicable master plans.

3. *Satisfy any development plan or schematic development plan in effect on October 29, 2014;*

The Sketch Plan is not subject to a development plan or schematic development plan.

4. *For a property where the zoning classification on October 29, 2014, was the result of a Local Map Amendment, satisfy any green area requirement in effect on October 29, 2014; any green area under this provision includes and is not in addition to any open space requirement of the property's zoning on October 30, 2014;*

The zoning classification of the property is not the result of a Local Map Amendment; therefore, this requirement is not applicable to this Sketch Plan.

5. *Achieve compatible internal and external relationships between existing and pending nearby development;*

The proposal will achieve compatible relationships with existing nearby development. The proposed building will include uses that are existing in the neighborhood and be of a height and massing which are compatible with buildings to the south, which are 10-12 stories in height. This proposal is one of the first in this portion of the Pearl District and is consistent with the Sector Plan's vision for the area.

6. *Provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;*

All vehicular access will be provided by a consolidated driveway on East-West Highway. The final alignment and dimensions of the driveway will be determined at the time of Preliminary Plan and are subject to MDOT SHA approval. Vehicular parking will be located within a subsurface structured parking garage, internal to the Site. The Project also includes two loading bays, satisfying the minimum requirements of Section 59-6.2.8.B.1. Pedestrian and bicycle access will be improved by the frontage improvements, which consist of an 8-foot street buffer, 11-foot sidepath, 6-foot vegetated pedestrian and bicycle buffer, and a 15-foot sidewalk, as master planned by the 2018 Bicycle Master Plan and in compliance with the 2021 Complete Streets Design Guide.

7. *Propose an outline of public benefits that supports the requested incentive density and is appropriate for the specific community;*

Taking into account the considerations in Section 59.4.7.1.B, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the Site, as described below.

For the proposed development, the Zoning Ordinance requires a minimum of 100 public benefit points in four categories be provided. The Sketch Plan provides the required outline of public benefit categories and points to be further refined at the time of Site Plan review. The Applicant proposes to exceed the 100-point requirement utilizing four categories, demonstrating the project's ability to meet the requirement as illustrated in the table below:

Public Benefit	Maximum Points Allowed	Proposed
Connectivity and Mobility		
Minimum Parking	20	14.8
Diversity of Uses and Activities		
Enhanced Accessibility	20	10
Quality Building and Site Design		
Architectural Elevations	30	15
Exceptional Design	30	15
Structured Parking	20	20
Protection and Enhancement of the Natural Environment		
Building Lot Terminations (BLT)	30	6.9
Cool Roof	15	5
Energy Conservation and Generation	25	15
Recycling Facility Plan	10	10
Total Points	100 minimum	111.7

Connectivity and Mobility

Minimum Parking: The Applicant requests 14.8 points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points for providing the maximum allowable number of on-site spaces to 20 points for providing no more than the minimum numbers of spaces on-site. The Planning Board supports the subcategory at this time.

Diversity of Uses and Activities

Enhanced Accessibility: The Applicant requests ten points for exceeding the requirements for the Americans with Disabilities Act (ADA) by providing 11 units that satisfy the American National Standards Institute A117.1 Residential Type A standards, or equivalent County code. The Planning Board supports the subcategory at this time with final calculations to be determined at the time of Site Plan.

Quality Building and Site Design

Architectural Elevations: The Sketch Plan is conceptual in nature, with an emphasis on building density, massing, and height. The Applicant requests 15 points for providing architectural elevations as part of the Certified Site Plan showing particular elements of the design such as minimum amounts of transparency, maximum separation between doors, and other design priorities of the Sector Plan’s design guidelines. At this time the Applicant has agreed to be bound by the following elements of design:

- Minimum amount of transparency on the first floor
- Maximum separation between doors
- Awning provisions
- Sign restrictions
- Lighting parameters
- Design priorities of the Sector Plan

The Planning Board supports the subcategory at this time, with details to be refined at the time of Site Plan.

Exceptional Design: The Applicant requests 15 points for exceptional design by providing a building that will enhance the character of Bethesda's Pearl District in furtherance of the Sector Plan's vision for the neighborhood as an emerging center of activity. At its May 25, 2022 meeting, the Design Advisory Panel (DAP) voted that the Project is on track to receive the minimum ten design excellence points, with comments regarding building massing and architectural treatments to be refined at time of Site Plan review. The Planning Board supports the subcategory at this time, with final review at Site Plan.

Structured Parking: The Applicant requests 20 points for providing structured parking. The Planning Board supports the subcategory at this time.

Protection and Enhancement of the Natural Environment

Building Lot Terminations: The Applicant requests 6.9 points for the purchase of BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5 percent incentive density floor area. Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance. The Planning Board supports the subcategory at this time.

Cool Roof: The Applicant requests five points for proposing to provide a cool roof that will collectively meet or exceed a solar reflective index (SRI) of 75. The Planning Board supports the subcategory at this time with details to be addressed at the time of Site Plan.

Energy Conservation and Generation: The Applicant requests 15 points for proposing to exceed energy efficiency standards by 17.5 percent. Points are granted based on the percentage exceeding the efficiency standard. The Planning Board supports the subcategory at this time with details to be addressed at time of Site Plan.

Recycling Facility Plan: The Applicant requests ten points for providing a recycling plan, to be approved at time of Site Plan for development in accordance with Montgomery County Executive Regulation 15-04AM or Montgomery County Executive Regulation 18-04. The Planning Board supports the subcategory at this time.

Major Public Facilities

Bethesda-Chevy Chase East Neighborhood Green: The Applicant may request additional public benefit points at the time of Site Plan review in this category for contributing to the Sector Plan's vision for the creation of the Bethesda-Chevy Chase East Neighborhood Green. The Planning Board supports the category at this time with details to be addressed at time of Site Plan.

8. *Establish a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The Project is proposed to be built in one phase.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the 2017 Bethesda Downtown Sector Plan, or other requirements; and

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 all binding site development elements shown on the latest version of 4405 East West Highway, Sketch Plan 320220120 received by 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 this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 06 2023 (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Commissioner Branson, with a vote of 4-0-1; Chair Zyontz, Commissioners Branson, Hill, and Presley voting in favor of the motion, with Commissioner Piñero abstaining, at its regular meeting held on Thursday, December 22, 2022, in Wheaton, Maryland and via video conference.



Jeffrey Zyontz, Chair
Montgomery County Planning Board



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