



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

MCPB No. 16-044
 Adequate Public Facilities Determination
 Home2 Suites
 Date of Hearing: April 21, 2016

APR 26 2016

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 8-31(b), the Montgomery County Department of Permitting Services (“MCDPS”) may issue a building permit only if the Planning Board has made a timely determination that public facilities will be adequate to serve the proposed development encompassed by the permit application; and

WHEREAS, this provision applies to each applicant for a building permit on a recorded lot for which no valid finding of adequate public facilities (“APF”) has been made, including any recorded lot for which an original finding of adequate public facilities has expired; and

WHEREAS, no preliminary plan approval is required for this development because the Property is a recorded lot, Parcel 23, without a current APF; and

WHEREAS, on February 15, 2016 Hillandale Hospitality, L.L.C. (“Applicant”) filed an application for approval of an APF determination for a 62,000-square-foot hotel with 100 rooms replacing an existing 20,831-square-foot office building on approximately 1.44 acres zoned CRT-1.5, C-1.0, R1.0, H-75, located at 1701-1729 Elton Road, Silver Spring on Parcel 23 between Elton Road and the Capital Beltway (I-495) approximately 500 feet east of New Hampshire Avenue (MD 650) (“Property”) in the White Oak Policy Area and the 2014 White Oak Science Center Master Plan (“Master Plan”) area; and

WHEREAS, Applicant’s application for the APF determination was designated Adequate Public Facilities Test No. APF201602 (“Application”); and

WHEREAS, Planning Board staff (“Staff”) issued a memorandum to the Planning Board, dated April 11, 2016, setting forth its analysis and recommendation for approval of the Application subject to certain conditions (“Staff Report”); and

WHEREAS, on April 21, 2016, 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 at which time the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below.

APPROVED AS TO LEGAL SUFFICIENCY


 M-NCPPC Legal Department

Date 4/14/16

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board adopts the Staff's recommendation set forth in the Staff Report and hereby approves the Adequate Public Facilities determination subject to the following conditions¹:

- 1) This APF determination is limited to a 62,000-square-foot hotel with 100 rooms.
- 2) Prior to release of any building permit, the Applicant must make the Transportation Policy Area Review ("TPAR") payment to MCDPS equal to 50% of the development impact tax. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code based on the net floor area increase between the existing office building and the proposed hotel.
- 3) The Applicant must pay a Local Area Transportation Review ("LATR") fee for new additional peak-hour trips generated by the proposed hotel's square footage increase over the existing building, in accordance with *Amendment #14-02 to the 2012-2016 Subdivision Staging Policy regarding the White Oak Policy Area* (Council Resolution 18-107). The amount and timing of the payment will be determined by the MCDPS.
- 4) Prior to release of the Use and Occupancy Certificate, the Applicant must enter into a Traffic Mitigation Agreement with the Planning Board and the Montgomery County Department of Transportation ("MCDOT") to participate in the White Oak Policy Area's Transportation Management Organization ("TMO") when established, to assist in achieving the 25% Non-Auto Driver Mode Share (NADMS) goal established by *Amendment #14-02 to the 2012-2016 Subdivision Staging Policy regarding the White Oak Policy Area* (Council Resolution No. 18-107). The Applicant must submit a copy of the application for the Certificate of Use and Occupancy for the hotel to Planning Staff within two business days of the filing of such application with MCDPS.
- 5) The Applicant must upgrade the existing sidewalk along the Property's Elton Road frontage, generally conforming to the section in existence at the neighboring 10001 New Hampshire Avenue property.

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and 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 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.

1. *Both the roadway and transit are inadequate to meet the project needs, and therefore, the Applicant must make a transportation mitigation payment equal to 50% of the transportation impact tax.*

The County Council adopted Resolution No. 17-601 "2012-2016 Subdivision Staging Policy" on November 13, 2012, to establish the Transportation Policy Area Review test of the roadway and transit adequacy of each policy area. Council Resolution No. 17-1203 amended this original resolution adopted on July 29, 2014, to create the White Oak Policy Area. If inadequate, the applicant must make a transportation mitigation payment equal to 25% of the transportation impact tax if either the roadway or transit are inadequate or 50% if both are inadequate. As presented to the Board on February 2, 2015, as part of the Subdivision Staging Policy TPAR Area Review Update, the results for both Roadway and Transit tests in the White Oak Policy Area are inadequate.

2. *In accordance with the 2012-2016 Subdivision Staging Policy regarding the White Oak Policy, the Applicant must pay a LATR fee for all new trips generated by the project.*

The County Council sitting as the District Council adopted Council Resolution No. 18-107 (*Amendment #14-02 to the 2012-2016 Subdivision Staging Policy regarding the White Oak Policy Area*) on April 14, 2015, established in the *White Oak Policy Area the following* the LATR process under this Section TL4.7(a):

*"The Board may approve a subdivision in the White Oak Policy Area conditioned on the applicant paying a fee to the County commensurate with the applicant's proportion of the cost of a White Oak Local Area Transportation Improvement Program, including the cost of design, land acquisition, construction, site improvements, and utility relocation. The proportion is **based on a subdivision's share of net additional peak-hour vehicle trips** generated by all master planned development in White Oak Policy Area approved after January 1, 2016."*

Furthermore, a section of the Council's Resolution No. 17-601 states: *"if use and occupancy certificates for 75% of the originally approved development were issued more than 12 years ago... the traffic study must be based on the increased number of peak-hour trips rather than the total number of peak-hour trips."* The new hotel will replace the existing 20,831 square-foot office building, which received its Use and Occupancy Certificate more than 12 years ago.

3. *The NADMS goal is applicable to the entire new development of 62,000 square feet.*

The Montgomery County Council adopted Resolution No. 18-26 on January 20, 2015, to establish the Transportation Management District (“TMD”) for the White Oak Policy Area. Although the Transportation Management Organization (“TMO”) has not yet been funded, Council Resolution 18-107 established a NADMS goal of 25% for Hillandale Center (which includes this Property) for all new development approved after January 1, 2016. Thus, as conditioned, the Applicant will enter into a Traffic Mitigation Agreement to assist in achieving the 25% NADMS goal so that its participation will occur soon as the TMO for the White Oak Policy Area is funded and operational. The NADMS goal, cited in the White Oak Science Gateway Master Plan (p. 65), is for all new development. Unlike the LATR payment, no express credit was provided for existing development being replaced. Therefore, the 25% NADMS goal is applicable to the entire 62,000 square feet of the proposed new development.

BE IT FURTHER RESOLVED, that this Adequate Public Facilities determination will remain valid for 85 months from the date of this Resolution, and that prior to the expiration of this validity period, a request for an extension must be filed; and

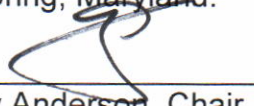
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is APR 26 2016 (which is the date that this Resolution is mailed to all parties of record); and

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 Presley, seconded by Commissioner Dreyfuss, with Chair Anderson and Commissioners Dreyfuss and Presley voting in favor, and Vice Chair Wells-Harley and Commissioner Fani-González absent, at its regular meeting held on Thursday, April 21, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board