

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

MCPB No. 15-011
Site Plan No. 82012004A
North Bethesda Market II
Date of Hearing: January 15, 2015

FEB 12 2015

RESOLUTION

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


WHEREAS, under Section 59-7.7.1.B of the Zoning Ordinance, this site plan amendment is being reviewed under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, on April 9, 2012, the Planning Board, by Resolution MCPB No. 12-31, approved Site Plan No. 820120040, for 740,528 square feet of mixed-use development including up to 368,000 square feet of non-residential development and up to 414 residential units ("Site Plan") on approximately 4.41 gross acres of land located on the west side of Rockville Pike between Nicholson Lane and Executive boulevard ("Subject Property") split-zoned CR3.0 C1.5 R2.5 H150 and CR4.0 C3.5 R3.5 H300 in the White Flint Sector Plan ("Sector Plan"); and

WHEREAS, on August 26, 2014, The JBG Companies ("Applicant"), filed an application for approval to amend the previously approved site plan to allow the Applicant to build the development in three phases instead of one, with the third phase to be approved in a separate, future site plan amendment; to reallocate 100,000 square feet of the approved non-residential floor area to residential density; and to add an option in Phase One to not build a residential building; and

WHEREAS, Applicant's site plan amendment application was designated Site Plan No. 82012004A, North Bethesda Market II ("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 January 5, 2015, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

Approved as to
Legal Sufficiency:  1/28/15

WHEREAS, on January 15, 2015, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on January 15, 2015, the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Presley, seconded by Commissioner Wells-Harley, with a vote of 5-0; Commissioners Anderson, Dreyfuss, Fani-Gonzalez, Presley, and Wells-Harley voting in favor; and

WHEREAS, on January 29, 2015, prior to approving this Resolution, the Planning Board accepted a minor revision to the January 5, 2015 Staff memorandum.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan Amendment No. 82012004A for a maximum of 656,260 square feet of mixed-use development to be built in two phases, with up to 164,260 square feet of non-residential development (including 67,260 square feet of existing development) and up to 492,000 square feet of new residential development (470 residential units including a minimum of 12.5% MPDUs) if Option 1 is chosen for Building B, or, in the alternative, up to 175,260 square feet of non-residential development (including 67,260 square feet of existing development) and up to 407,000 square feet of new residential development (390 residential units including a minimum of 12.5% MPDUs) if Option 2 is chosen for Building B, subject to the following conditions, which supersede the conditions of approval for Site Plan No. 820120040:¹

1. Sketch Plan Conformance

The development must comply with the binding elements and conditions of approval for Sketch Plan 32011003A and any subsequent amendments.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 12012006A and any subsequent amendments.

3. Density Allocation

Prior to issuance of any building permits, the Applicant must obtain approval of a Staging Allocation Request under the Staging Allocation Request Regulations (COMCOR 50.35.02.01.A) in the *White Flint Sector Plan Implementation Guidelines* approved by the Planning Board.

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.

4. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the CR Zone Incentive Density Implementation Guidelines, as amended, for each one.

a. Transit Proximity

b. Neighborhood Services

Provide an updated list of the retail establishments located within ¼ mile radius of the project Site at Certified Site Plan.

c. Minimum/maximum Parking

The Applicant must provide at least 422 but no more than 632 parking spaces. Certified Site Plan must show a tabulation of maximum parking spaces allowed, minimum parking spaces required, and parking spaces provided.

d. Through Block Connection

Include one through-block connection between Woodglen Drive and Rockville Pike and another between Nicholson Lane and Executive Boulevard as shown on the Site Plan.

e. Wayfinding

Provide a wayfinding plan as part of the Certified Site Plan and coordinate with MDSHA and MCDOT the location of all signage for the wayfinding plan. The Wayfinding plan may include, but is not limited to, internal and external signage, banners, lighting, and design elements to be approved by M-NCPPC staff.

f. Structured Parking

Include the proportionate number of parking spaces for each phase in parking structures as shown on the Site Plan.

g. Tower Step-back

Step back the upper floors of the 300-foot tall residential building in Phase Two (Building D) by a minimum of six feet behind the base building above a height of less than 72 feet as shown on the Site Plan.

h. Public Art

At Certified Site Plan, the Applicant must determine whether the "grand staircase" and/or associated public artwork is included in Phase One or Two of the Project, and reflect this phasing in the Certified Site Plan. The Applicant must install the public art as presented to the Planning Board's Art Review Panel on November 12, 2014, and illustrated in the Site Plan.

The Planning Board encourages the Applicant to incorporate the recommendations of the Art Review Panel as described in its letter dated November 26, 2014. Any significant changes to the concept must be presented to the Art Review Panel and be approved by M-NCPPC Staff prior to Certified Site Plan, and may require a Site Plan Amendment.

i. Public Open Space

Provide a minimum of 6,800 square feet of on-site public open space in addition to the minimum Public Use Space required, to be approved by M-NCPPC Staff at Certified Site Plan.

j. Exceptional Design

Construct the building and all Site features with visual and functional elements that enhance the character of the setting as shown on the Site Plan.

k. Building Lot Terminations (BLTs)

Prior to the issuance of any Use and Occupancy Certificate for each phase, provide proof of purchase and/or payment for a total of 1.43 BLTs to the Department of Permitting Services as follows: Phase One: 0.49 BLTs; and Phase Two: 0.94 BLTs.

l. Tree Canopy

Provide a minimum of 1,700 square feet of on-site tree canopy coverage at 15 years of growth through the planting of approximately 9 shade trees on the Certified Site Plan.

m. Vegetated Roof

Install a vegetated roof with a minimum solid depth of 4 inches covering at least 34,060 square feet of the buildings' roofs to be shown on the Certified Site Plan.

5. Transportation

The Applicant must provide a minimum of 220 bicycle parking spaces in accordance with the development program. The final count, location of all bicycle parking spaces, and facility details, must be approved by M-NCPPC Staff and shown on the Certified Site Plan. The private spaces must be in a secured, clearly marked, well-lit area dedicated to long-term bicycle parking. The public spaces must be provided with inverted-U racks installed in locations convenient to main building entrances.

6. Environment

The Applicant must comply with the Final Forest Conservation Plan (FFCP). Prior to any clearing or grading, the Applicant must pay the required Forest

Conservation fee-in-lieu.

7. Moderately Priced Dwelling Units (MPDUs)

Prior to the release of any building permits, the Applicant must execute an MPDU Agreement-to-Build with the Department of Housing and Community Affairs (DHCA) to provide at least 12.5 percent MPDUs in accordance with Chapter 25-A.

8. Recreation Amenities

- a. Prior to Certified Site Plan approval, the Applicant must meet the square footage requirements for all of the required recreation amenities for residential development and demonstrate to M-NCPPC Staff that each element meets the M-NCPPC Recreation Guidelines.
- b. Prior to issuance of any Use and Occupancy Certificate for each residential building, the Applicant must provide at least the following recreation amenities:

Phase One – Option 1 (residential option for Building B)

- i. 1 indoor fitness facility;
- ii. 2 picnic/sitting areas;
- iii. 1 pedestrian system (network of sidewalks and paths);
- iv. 1 wading pool

Phase Two

- i. 2 picnic/sitting areas;
- ii. 1 pedestrian system (network of sidewalks and paths);
- iii. 1 swimming pool;
- iv. 1 indoor community space;
- v. 1 indoor fitness facility

9. Maintenance of Public Amenities

Maintenance of all on-site public spaces and amenities is the responsibility of the Applicant. This includes maintenance of paving, plantings, lighting, benches, fountains, and public art. The Applicant is responsible for programming the public plaza throughout all seasons. Maintenance may be taken over by a governmental agency by agreement with the Applicant and applicable agency.

10. Architecture and Urban Design

The final exterior building design and character, proportion, materials, and articulation must be substantially similar to the schematic elevations, plans, and renderings shown on the submitted Site Plan architectural drawings and as approved by M-NCPPC Staff at Certified Site Plan.

11. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Service (MCFRS) Fire Code Enforcement Section in its letter dated February 27, 2012, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCFRS may amend if the amendments do not conflict with other conditions of Site Plan approval.

12. Site Plan Surety and Maintenance Agreement

Prior to issuance of the first building permit for each phase of development, the Applicant must provide one or more performance bonds or other form of surety for the applicable phase in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a. For each phase of development, the Applicant must provide a cost estimate of the materials and facilities, which, upon Staff approval, will establish the phase's surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to, any plant material, on-site lighting, recreation amenities, site furniture, public art, trash receptacles, retaining walls, railings, private roads, paths, and associated improvements within the relevant phase of development.
- c. Each surety must be provided in accordance with the development program, and completion of plantings and installation of particular materials and facilities covered by the surety will be followed by inspection and, with Staff approval, reduction of the surety.
- d. With the provision of each surety, the Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of the General Counsel that outlines the responsibilities of the Applicant and incorporates the applicable cost estimate.

13. Development Program

The Applicant must construct the development in accordance with a development program reviewed and approved by the M-NCPPC Staff at Certified Site Plan.

14. Certified Site Plan

The Certified Site Plan must include the following revisions and/or information subject to Staff review and approval:

- a. Final Forest Conservation Plan approval letter, all agency approval letters for this set of amendments, development program, and all original and subsequently amended Planning Board resolutions for Sketch Plan, Preliminary Plan, and Site Plan.
- b. A note stating that "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."
- c. Modified data table to reflect development standards approved by the Planning Board.
- d. Ensure consistency of all details and layout between Site and Landscape plans.
- e. The final count, location, and facility details for all bicycle parking spaces, and the location of a bike sharing station.
- f. Architectural elevations and other relevant details of Phase One, options 1 and 2 for Building B.
- g. Location of all public amenities, and all recreation amenities provided per the Recreation Guidelines.
- h. Cross-sections and design standards for all private roads in the project.
- i. Lighting and landscaping treatment for the grand staircase if the public art is not installed along the grand staircase in Phase One.

BE IT FURTHER RESOLVED, that all site development elements as shown on the latest electronic version of North Bethesda Market II drawings submitted to M-NCPPC as of the date of the Staff Report, January 5, 2015, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

This Site Plan Amendment is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan. It is, however, subject to the binding elements and conditions of Sketch Plan Amendment 320120030A, which was approved concurrently with this Site Plan Amendment. This Site Plan

Amendment is not modifying any conditions or binding elements of the Sketch Plan Amendment 320120030A.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

Sector Plan and Urban Design Guidelines Conformance

The Site Plan substantially conforms to the Sector Plan and the *White Flint Urban Design Guidelines*. The vision of the Sector Plan includes establishing “policies for transforming an auto-oriented suburban development pattern into an urban center of residences and business.” The Site Plan implements this vision by replacing auto-oriented office and retail buildings surrounded by surface parking lots into an urban, mixed-use community with emphasis on the pedestrian experience in an improved public realm. The Site Plan supports the goals and objectives of the Sector Plan by:

- Creating compact building footprints and a mix of uses in a walkable environment;
- Providing up to 470 residential units including 12.5% MPDUs in a place where no units currently exist; and
- Providing retail space for local retail and commercial services for existing and new residents within walking distance and close to Metro.

The Subject Property is within the NoBe District (Block 2) in the Sector Plan. The Sector Plan notes the “significant redevelopment opportunity north of Executive Boulevard that could include retail, residential, and offices uses,” which the Application facilitates through the inclusion of residential and non-residential uses. The Sector Plan also states that “building heights may be less than 150 feet to achieve compatibility with the residential development southwest of this block.” The approved building heights of 60 and 70 feet for nonresidential buildings, and 150 and 300 feet for residential buildings, are consistent with the Sector Plan’s building height recommendations; the 300-foot residential tower is located in the northwest corner of the site, away from the existing low-rise residential development southwest of this block.

The Sector Plan envisions a compact, walkable, and green community that includes the use of roofs and green spaces to filter stormwater and purify the air. The Site Plan provides green roofs on all of its buildings in order to manage stormwater. The Site Plan will also create a compact and walkable community with various neighborhood services located within a short distance.

The Site Plan’s street network is also consistent with the Sector Plan recommendations. The Application provides all dedications necessary to meet the master-planned rights-of-way for all abutting public streets, including space

needed to accommodate the improved pedestrian sidewalks, on-road bicycle accommodations, and bus priority lanes recommended by the Sector Plan and 2013 Countywide Transit Corridors Functional Master Plan for Rockville Pike. Internal vehicular circulation will be provided by Private Street 'A' (east-west) and the 'Paseo' (north-south), which are internal local streets consistent with the Sector Plan's recommendation for local streets that "provide access into the interior of the blocks and can have special features to distinguish the different enclaves of development from each other, such as distinctive paving materials." Additionally, the internal streets will serve as an extension to the recreation loop recommended by the Sector Plan.

The Site Plan is also consistent with the *White Flint Urban Design Guidelines*. In addition to the features described above, the approved structures provide pedestrian-oriented blocks, appropriate massing with street walls along sidewalks, and density near transit facilities. The Site Plan provides a network of sidewalks complemented by a variety of pedestrian-scaled open spaces and more centralized, adaptable, larger open spaces that will provide passive and active areas for a number of activities.

Development Standards

The approved residential, retail and office use are permitted uses in the CR4.0 C3.5 R3.5 H300 and the CR3.0 C1.5 R2.5 H150 Zones.

All development standards are based on the Zoning Ordinance in effect on October 29, 2014, except for the parking requirements. Under Section 7.7.1.B.3.b of the current Zoning Ordinance, "[a]n applicant may apply for a minor site plan amendment to amend the parking requirements of a previously approved application in a manner that satisfies the parking requirements of Section 6.2.3 and Section 6.2.4." At the Applicant's request, the Board reviewed the parking requirements of this Amendment under Section 59-6.2.4.

Based on the following data table, which sets forth the development standards approved by the Planning Board and binding on the Applicant, and based on other evidence and testimony of record, the Application meets all of the applicable requirements of the Commercial/Residential Zone:

Project Data Table-Development Standards

Section 59-C	Development Standards	Permitted/Required	Approved for this Site Plan Amendment (Phases One and Two)
	Total Gross Tract Area (sf)		191,925
	CR4.0, C3.5, R3.5, H300'		164,753
	CR3.0, C1.5, R2.5, H150'		27,172

Section 59-C	Development Standards	Permitted/Required	Approved for this Site Plan Amendment (Phases One and Two)
	Total Net Lot Area		158,900
15.71	Maximum Density (sf)		
	<i>CR4.0 portion (164,753 x 4.0)</i>	659,012	589,000
	<i>CR3.0 portion (27,172 x 3.0)</i>	81,516	67,260
	Total maximum density	740,528	656,260
	Maximum density with option 1 and 2 for Building B:		
	Option 1:		
	<i>Non-residential CR4.0 portion (164,753 x 3.5)</i>	576,635.5	97,000
	<i>Non-residential CR3.0 portion (27,172 x 1.5)</i>	40,758	67,260
	Total maximum non-residential	617,394	164,260
	<i>Residential CR4.0 portion (164,753 x 3.5)</i>	576,635.5	492,000
	<i>Residential CR3.0 portion (27,172 x 2.5)</i>	67,930	0.0
	Total maximum residential	644,565.5	492,000
	Option 2:		
	<i>Non-residential CR4.0 portion (164,753 x 3.5)</i>	576,635.5	108,000
	<i>Non-residential CR3.0 portion (27,172 x 1.5)</i>	40,758	67,260*
	Total maximum non-residential	617,394	175,260
	<i>Residential CR4.0 portion (164,753 x 3.5)</i>	576,635.5	407,000
	<i>Residential CR3.0 portion (27,172 x 2.5)</i>	67,930	0.0
	Total maximum residential	644,565.5	407,000
15.71	Maximum Building Height (ft)		
	<i>CR4.0 Portion</i>	300	300
	<i>CR3.0 Portion</i>	150	150
15.72	Minimum Setback	n/a	
15.73	Minimum Public Use Space	10%	10%
15.74	Residential Amenity Space		
	Minimum indoor	5,000	7,700 if Option 1 chosen for Building B 6,300 if Option 2 chosen for

Section 59-C	Development Standards	Permitted/Required	Approved for this Site Plan Amendment (Phases One and Two)
			Building B
	Minimum outdoor @ 411 market rate units	8,220**	10,400
59-6.2.4	Parking		
	Minimum/Maximum	422/1198	422/632 (for both options for Building B)
15.62	Bicycle Parking (based on the higher number of required spaces for Option 1 for Building B)		
	Total Required Public Spaces	45 (28 phase 1, 17 phase 2)	70, (32, 38)
	Total Req. Private Spaces	146 (42 in phase 1, 104 in phase 2)	150 (50 in phase 1, 100 in phase 2)

*The existing non-residential square footage exceeds the maximum permitted non-residential floor area in the CR3.0 portion. The approved project utilizes the provisions of Section 59-C-15.122, density averaging, which allows permitted density to be averaged between 2 or more directly abutting or confronting lots or parcels in one or more CR Zones.

**At least 400 square feet must adjoin or be directly accessible from the indoor amenity space.

Special Regulations for the Optional Method of Development (Public Benefits)

The Application meets all the requirements for Optional Method Developments in the applicable Zones as shown in the following public benefits data table:

Public Benefits Calculations

Public Benefit		Incentive Density Points				
		Max. Allowed	Requested	Approved	Phase One	Phase Two
59-C-15.852	Transit Proximity					
		50	36.88	36.88	18.44	18.44
59-C-15.853	Connectivity and Mobility					
Neighborhood Services		10	7.5	7.5	3.75	3.75
Minimum Parking		10	8.83	8.61	4.0	4.61
Through-Block Connection		20	15	15	10	5
Way-Finding		10	5	5	5	0

59-C-15.855 Quality and Building Site Design					
Structured Parking	20	17.31	17.31	10	7.31
Tower Step-Back	10	5	5	0	5
Public Art	10	10	10	0	10
Public Open Space	20	4.28	4.28	3	1.28
Exceptional Design	10	10	10	4	6
59-C-15.853 Protection & Enhancement of the Natural Environment					
Building Lot Terminations	5	5	5	5	0
Tree Canopy	15	10	10	5	5
Vegetated Roof	15	10	10	5	5
TOTAL	205	144.8	144.58	80.69	63.89

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a. Buildings and Structures

Option 1:

The locations of the buildings and structures are adequate, safe, and efficient. The approved structures provide pedestrian-oriented blocks, appropriate massing with street walls along sidewalks, and density near transit facilities.

Option 2:

The locations of the buildings and structures are adequate, safe, and efficient. The buildings in Option 2 provide pedestrian-scaled streetscapes, seasonal landscaping, retail along the ground floor, and public spaces and public art that enhance the overall experience for visitors throughout the Subject Property.

b. Open Spaces

The locations of the open spaces are adequate, safe, and efficient. They meet the recommendations of the White Flint Sector Plan and White Flint Urban Design Guidelines to provide a network of sidewalks complemented by a variety of pedestrian-scaled open spaces and more centralized, adaptable, larger open spaces that will provide passive and active areas for sitting, relaxing, dining, strolling, and social engagement. The Site Plan will provide a

public plaza that is integrated into the rest of the development and provides outdoor seating near restaurant space. Through multi-programming, an interactive fountain, and proximity to the surrounding retail, the plaza will function as a gathering space to draw passersby from the surrounding area into the interior blocks. Its location also makes it well integrated into the surrounding uses and streetscape. There is no difference in the approved open spaces between Options 1 and 2 for Building B.

c. Landscaping and Lighting

The landscaping and lighting will be safe, adequate, and efficient for year-round use and enjoyment by patrons, employees, and residents. Site furnishings, shade, color, special features such as artwork, interactive fountains, and seasonal landscaping will be integrated within the Site to create an interesting place. There is no difference in the approved landscape and lighting plan between Options 1 and 2 for Building B.

d. Recreation Facilities

The approved development will provide the following recreation amenities in accordance with the M-NCPPC Recreation Guidelines. The approved recreation amenities will be adequate, safe, and efficient and enable the residents to lead an active and healthy life.

Phase One – Option 1 (Residential option for building B)

- i. 1 indoor fitness facility;
- ii. 2 picnic/sitting areas (plaza; grand stairs);
- iii. 1 pedestrian system (network of sidewalks and paths);
- iv. 1 wading pool

Phase Two

- i. 2 picnic/sitting areas;
- ii. 1 pedestrian system (network of sidewalks and paths);
- iii. 1 swimming pool;
- iv. 1 indoor community space;
- v. 1 indoor fitness facility

The development can also take advantage of the nearby recreation facilities at Wall Park, including:

- i. 1 multi-age playground;
- ii. 1 pedestrian system (network of sidewalks and paths);
- iii. 1 indoor community space; and
- iv. 1 indoor swimming pool.

In addition to the recreation amenities provided pursuant to the Recreation Guidelines, the approved project will also provide Public Use Space and other open spaces and public amenities pursuant to Section 15-C-15.8.

e. Pedestrian and Vehicular Circulation

Pedestrian and vehicular circulation will be adequate, safe, and efficient. Vehicular circulation and traffic calming will be enhanced through increased on-street parking, consolidated loading and garage entrances, and smaller blocks. Pedestrian and vehicular access to and through the Subject Property will be provided along Woodglen Drive and Executive Boulevard. New parking garage and loading access points will be located on Woodglen Drive, Nicholson Lane, and Executive Boulevard. These circulation routes, access points, and loading movements will create minimal conflicts with pedestrians.

Pedestrian circulation on and around the Subject Property will be greatly improved along the street frontages and within the Subject Property through paved crosswalks at all curb cuts within the approved project, a raised intersection at the Paseo and Private Street A, and sidewalks. The new network of sidewalks, open spaces and bicycle and pedestrian amenities, such as benches, handicapped access, bike racks, shade trees, bike lanes, and through-block connections will provide adequate, safe, and efficient pedestrian and vehicular circulation systems. The new bike network will become the White Flint Sector Plan's envisioned Recreation Loop Extension.

4. *Each structure and use is compatible with other uses and other site plans and with existing and approved adjacent development.*

North Bethesda Market I is located to the immediate south of the approved development. The previously approved Saul Center project located to the immediate north, and the nearby Pike and Rose project, will provide compatible structures with mixed-uses as well. There are no pending site plans adjacent to the approved development.

This Site Plan approves two options for Building B:

a) Under Option 1, Building B will be 150 feet high and contain approximately 7,000 square feet of retail on the ground floor and up to 85,000 square feet of residential use above (up to 80 dwelling units) for a total of 92,000 square feet. If the Applicant chooses Option 1 for Building B, each structure and use in this Site Plan is compatible with adjacent existing and proposed buildings regarding scale, massing, and height.

b) Under Option 2, Building B will be a 50-foot high, 18,000-square-foot retail building without residential units above. If the Applicant chooses Option 2 for

Building B, each structure and use in this Site Plan is compatible with adjacent existing and proposed buildings regarding scale, massing, and height.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 of the County Code, regarding water resource protection, and any other applicable law.*

a. Forest Conservation

The net tract area of the Site is 4.41 acres. Based on the land use category of Mixed-use Development Area, the required afforestation is 0.66 acres. The previously approved Final Forest Conservation Plan (FFCP) satisfied the afforestation requirement with 0.21 acres of landscaping credit and 0.45 acres of off-site forest banking. Staff reviewed an amended FFCP to alter the composition of the approved landscape plantings for afforestation credit as part of this Site Plan Amendment. The amount of landscape credit requested remains at 0.21 acres, with the balance of the afforestation requirement now to be met through payment of a fee-in-lieu. The amended FFCP satisfies all the requirements of the forest conservation law.

b. Stormwater Management

The Montgomery County Department of Permitting Services (MCDPS) approved a stormwater management concept plan on August 31, 2011, and reconfirmed it in a letter dated November 21, 2014. The plan meets stormwater management requirements through a variety of Environmental Site Design techniques, including the use of green roofs and micro-biofilters. Runoff not treated in these facilities will be treated in proprietary underground filter systems before being discharged to the existing storm drain system.

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-D-3.8; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is FEB 12 2015 (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

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 Fani-Gonzalez, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioner Fani-Gonzalez voting in favor of the motion, and Commissioners Dreyfuss and Presley temporarily absent at its regular meeting held on Thursday, February 5, 2015, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board