



**Site Plan Amendment 82005003C: Westfield Montgomery Mall**

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Completed: 10/26/12

**Description**

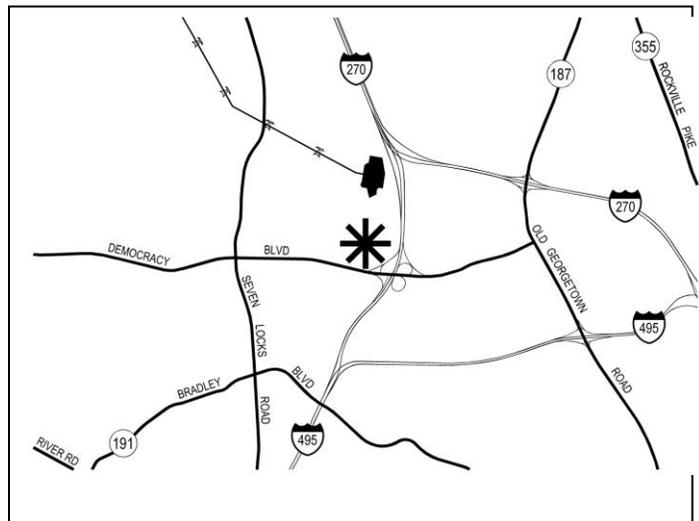
**Site Plan Amendment 82005003C: Westfield Montgomery Mall**

Request to reconfigure 65,000 square feet of retail and parking including a new movie theater on the third floor. Located in the northeast quadrant of the intersection of Democracy Boulevard and Westlake Drive, 60.02 acres, C-2 Zone, Potomac Subregion Master Plan

**Staff Recommendation:** Approval with conditions

**Submittal Date:** July 25, 2012

**Applicant:** Montgomery Mall, LLC c/o Westfield, Jim Agliata



**Summary**

- Reconfiguration of approved Gross Leasable Area (GLA) to construct a movie theater on top of the existing parking structure along Westlake Drive, resulting in an 83.5 foot tall structure, set back 258 feet from the nearest residential Zone. An 83.5 foot height is permissible under Section 59-C-4.351(c) approved by ZTA 04-20 allowing buildings up to 90 feet in height if they are a regional shopping center containing a movie theater and are set back three feet for each one foot of building height.
- New parking configuration, including the retention of an existing four level parking structure along Westlake Drive, and a reduction in size of the proposed five-level parking structure also along Westlake Drive.
- New vehicular and pedestrian circulation with changes to pedestrian access and ring road layout along the western and northern portion of the site.
- Changes to the Construction Phasing and Pedestrian Access Plan, splitting phase 1 into phase 1a and 1b.

## RECOMMENDATION AND CONDITIONS

Staff recommends approval with conditions of site plan amendment 82005003C, Westfield Montgomery Mall. All site development elements shown on the site and landscape plans stamped "Received" by the M-NCPPC on September 28, 2012 and updated on October 15, 2012 are required except as modified by conditions.

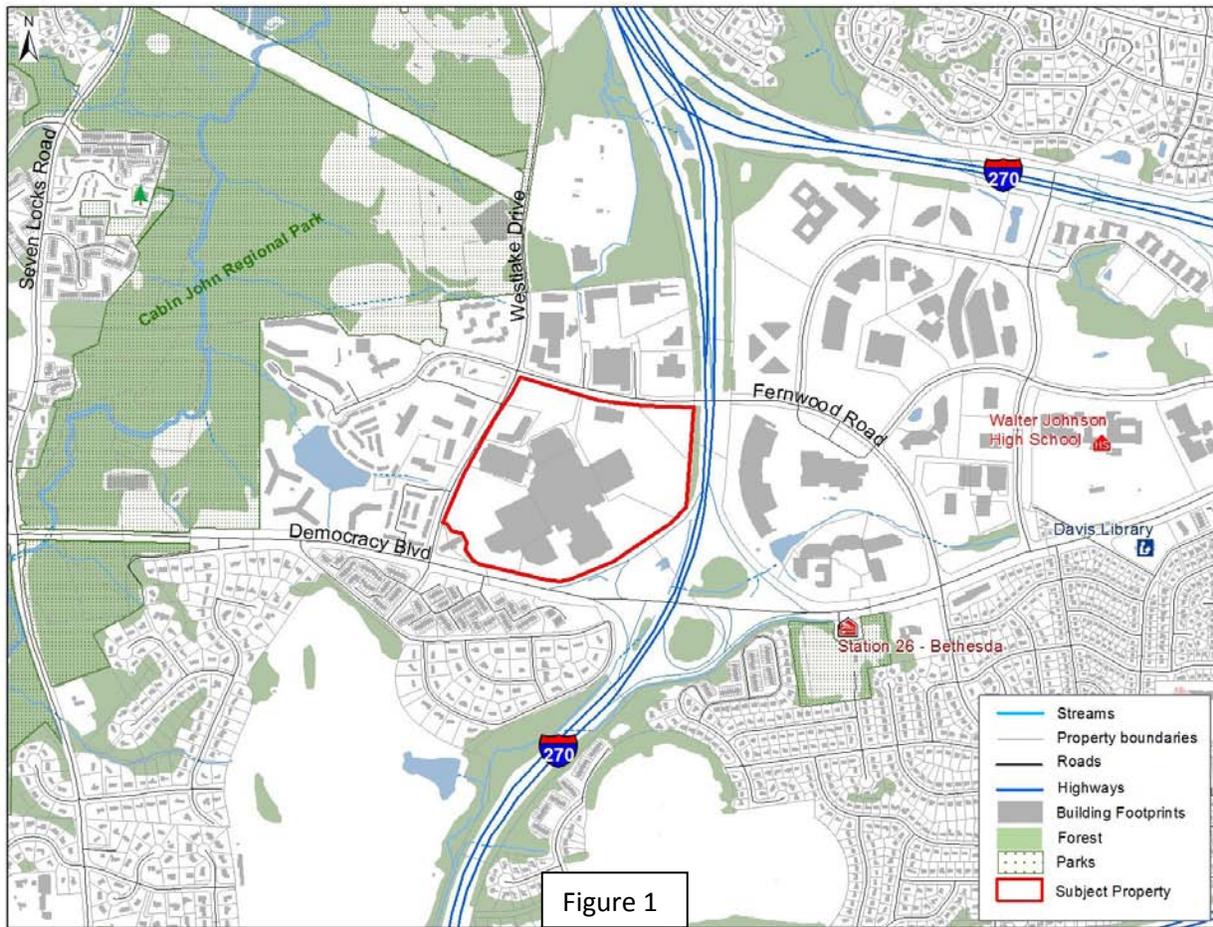
The Applicant and Staff propose changes to the following existing conditions. All other conditions of the previous site plan approvals are in full force and effect unless amended below.

1. Preliminary Plan Conformance  
The proposed development shall comply with the conditions of approval for Preliminary Plan 120050180A, ~~or~~ as amended ~~with the concurrent review~~.
2. Site Design
  - a. The total number of parking spaces on site shall ~~conform to the waiver request approved under site plan 82005003A, specifying include the original waiver request of 30 fewer spaces and the additional loss of 100 spaces resulting from changes to the garage structure. The waiver will allow~~ a parking ratio equivalent to 4.42 spaces for each 1,000 square feet of gross leasable area. Parking spaces and counts will be shown on the certified Site Plan.
6. Transportation  
The Applicant shall comply with the following conditions of approval from M-NCPPC-Transportation Planning in the memorandum dated September 7, 2007.
  - j. The Applicant must provide ~~20~~ 32 inverted U bike racks and have their locations be approved by Transportation Planning staff prior to certification of the Site Plan.
10. Certified Site Plan
  - g. Provide planning Staff a revised circulation plan specifically addressing the redesign of the new parking structure level 3 on sheet C1.13 resolving the potential conflicts with the ramps to levels 2 and 4, and the turning movements in the northwestern corner.
  - h. The Parking Provided detail on sheet C1.02A should reflect the parking locations and figures received by Staff on Friday October 19, 2012. The parking for New Deck – Macy’s NW (4 supported levels) should be 1,677, and the parking for New Deck Parking G+4 at NE Developer Tract should be 601.
  - i. Change the Development Plan Entitlement Amendment tables on sheet C1.02A to reflect the data presented in the Approvals table on page 6 of the Staff Report and the Project Data Table on page 11 of the Staff Report.
- ~~11. Certification  
The Applicant must submit the certified site plan for review within 3 months of the mailing date of the resolution. No building permit can be obtained for square footage over and above that which currently exists without an amendment to the site plan. Any future amendments may not be accepted by the M-NCPPC without a certified site plan of the latest amendment.~~
- ~~11.~~ 11. Prior to the release of a building permit for the new parking structure(s), the Applicant must submit a site plan amendment addressing security lighting, traffic control and wayfinding.

## SITE DESCRIPTION

### Vicinity

The subject property is 60.02 acres in size; zoned C-2 and located in the northeast quadrant of the intersection of Democracy Boulevard and Westlake Drive, bound on the north by Westlake Terrace, the west by Westlake Drive, the south by Democracy Boulevard and on the east by I-270 (“Property” or “Subject Property”)(Figure 1). The Property is located within the Potomac Subregion Master Plan (“Master Plan”). To the north of the Subject Property are multiple commercial retail and office properties in the C-2 Zone. To the east are multiple office buildings in the Rock Spring Office Park in the I-3 Zone. To the south is a residential townhouse community in the RT-8 Zone, and to the west are multi-family residential communities in the R-30, R-20 and R-H Zones (Figure 2). The interchange of Democracy Boulevard and I-270 west spur is off the southeastern portion of the Property.



### Site Analysis

The Subject Property is currently developed with a 1,242,172 square foot regional shopping center and associated parking, known as Westfield Montgomery Mall “Mall”. The Mall has a total of five direct access points, two on Democracy Boulevard, two on Westlake Terrace and one on Westlake Drive. There is a separate 25,005 square foot neighborhood scale shopping center (Westlake Crossing) that is part of the larger Property and controlled by the Applicant, with two access points on Westlake Drive.

The main structure of the Mall sits southeast of this smaller center, with a ring road encircling the building, and multiple surface and structured parking facilities predominantly to the east, north and west of the building.

There are no streams, wetlands, steep slopes, forests, champion trees or environmental buffers on the Subject Property. The Property is almost completely developed, except for small areas of landscaping adjacent to the main building. The Property is in the Cabin John Creek sub-watershed of the Middle Potomac watershed.



## **PROJECT HISTORY**

### **Previous Approvals**

The original Montgomery Mall opened as a regional shopping center in March of 1968, pursuant to approval of a subdivision of Parcel F, Lakeview, recorded as plat No. 8390 (Attachment A). An addition to the mall was added in 1991 without a preliminary plan however adequate public facilities were addressed as part of the building permit process.

Preliminary Plan 120050180 was approved at a Planning Board hearing on January 27, 2005, Resolution dated April 28, 2005 for a total of 1,742,172 square feet of GLA, to accommodate up to 500,000 square feet of future expansion to the center.

Site plan 820050030, Westfield Shoppingtown Montgomery was approved at a Planning Board hearing on January 27, 2005, Resolution dated April 25, 2005 for a 300,000 GLA addition, for a total of 1,542,172 square feet. The Site Plan however, was never certified.

Preliminary Plan 12005018A was approved at a Planning Board hearing on September 20, 2007, Resolution No. 07-225 dated December 11, 2007 to incorporate the acquired Parcel B, Westlake Crossing lot, consisting of an existing 25,005 square feet of retail space into the overall Westfield Montgomery lot. This increased the total GLA to 1,767,177 square feet (Attachment B).

Site Plan 82005003A was approved was approved at a Planning Board hearing on September 20, 2007, Resolution No. 07-193 dated December 10, 2007 for a 359,384 square foot GLA addition to the shopping center. This approval continued with the 300,000 square feet previously approved under 820050030 but added the 59,384 square feet of GLA gained through the acquisition of the Westlake Crossing property. This amendment was not immediately certified.

Site Plan 82005003B, Westfield Montgomery Mall, was approved at a Planning Board hearing on January 12, 2012, Resolution No. 12-02 dated March 23, 2012 to modify conditions of the A amendment; specifically, certain design elements regarding way-finding and security lighting (Attachment C). The revisions to the conditions of the A amendment were requested because the Applicant knew another site plan amendment was imminent and the way-finding and security lighting plans would be changed. The B amendment was certified along with the A amendment on July 3, 2012.

A summary of these various plan approvals is found, listed chronologically in the following Approvals table.

### Approvals

Plan Number	Date of PB Approval	Total Approved GLA Prelim Plan	Total Approved GLA Site Plan	Built GLA	Notes
Prelim Plan 120050180	01/27/2005	1,742,172	N/A	1,242,172	500,000 sq ft expansion of general retail approved.
Site Plan 820050030	01/27/2005		1,542,172	1,242,172	300,000 sq ft expansion approved, built GLA is existing mall sq ft.
Prelim Plan 12005018A	09/20/2007	1,767,117	N/A	1,267,117	Incorporate Westlake Crossing (25,000 sq ft) to approved and built GLA.
Site Plan 82005003A	09/20/2007	N/A	1,601,556	1,267,177	Incorporate Westlake Crossing (25,000 sq ft) to approved and built GLA, and additional 34,379 sq ft. to approved GLA.
Site Plan 82005003B	01/12/2012	N/A	1,601,556	1,267,117	Modification to conditions of approval
Site Plan 82005003C		N/A	1,601,556	1,267,117	Change layout and phasing of previously approved expansions

#### Existing Approval

Currently, the Subject Property has approvals for a total of 359,384 square feet of expansion, to mostly be built on the northern and western portions of the existing main structure (Attachment D). This includes a concave shaped promenade of new retail/restaurant locations with their fronts facing out towards the parking lot along Westlake Terrace, and a major expansion of interior Mall space opposite the Nordstrom wing in the direction of Westlake Drive. The existing site plan approvals also includes a new parking structure along Westlake Drive to replace an existing parking structure and surface parking, and a combination of reconfigured surface parking and a new parking structure along Westlake Terrace, including a transit center. None of this construction has commenced.

Under the original phasing, phase 1 was to construct a new parking structure and transit center in the northeastern portion of the Subject Property, and construct a new parking structure along Westlake Drive. Phase 2 has the majority of the construction work focused on the concave shaped promenade of new retail space facing Westlake Terrace and the associated new parking lot. Phase 3 has the major expansion to the interior of the mall being constructed, opposite the Nordstrom wing.

## **PROJECT ANALYSIS**

### **Current Proposal (Amendment C)**

This Application requests a reconfiguration of the approved gross floor area, parking, and site circulation to accommodate a new movie theater and expanded food court. This Application does not change overall density (1,601,556 square feet), but it proposes changes to building height, building and parking layout, on-site circulation and landscaping. These changes are concentrated in the western portion of the Property along Westlake Drive (Attachment E).

Site Plan review is generally not required for sites considered to be a regional shopping center in the C-2 Zone, per Section 59-C-4.359. However, this Application is requesting additional building height under Section 59-C-4.351(c), which allows building heights up to 90 feet in regional shopping centers that meet certain conditions. These conditions allow additional height on a site with approval for over 1.2 million square feet of GLA, the approval or presence of a movie theater, provided setbacks of 3 feet for each 1 foot of building height from the nearest residential zone, and receive site plan approval. This Application proposes a building height of 83.5 feet in order to place a new movie theater on the top of the existing parking structure fronting on Westlake Drive. The theater will be 258 feet away from the nearest residential zone, opposite the site on Westlake Drive. No changes are proposed to the building layout, parking, circulation and landscaping along Westlake Terrace, including the promenade of shops and the transit center. There are also no direct changes proposed to the approved Development Program with this Application, however changes are made to two of the Site Plan sheets referenced in the Development Program; the Construction Phasing and Pedestrian Access Plan, and the Pedestrian Circulation Plan.

### Building and Parking Layout

The current Westlake Drive side of the Mall Property has an existing four level parking structure fronting along Westlake Drive, with surface parking on either side, and the Mall building set back behind the parking. The currently approved site plan would remove the existing parking structure and surface parking lots, and in their place construct a large five-level parking structure, and build a large expansion to the Mall building. The current Application proposes to retain the existing four level parking structure, and construct a smaller five-level parking structure to the south, providing vehicular connection between the two facilities. The horizontal extent of the previously approved Mall expansion will be reduced in size to accommodate the retention of the existing parking structure. The Application also proposes the construction of a new movie theater on the top of the southern half of the existing parking structure. The food court on level 2 is also proposed for expansion by moving the outside wall of the Mall about 50 feet, eliminating an existing loading dock and drive isle.

### Off Site Transportation

The Application proposes no change in the overall GLA or types of uses on the Subject Property, proposes no changes to site access, and does not change any previously approved transportation improvements. Montgomery County Department of Transportation ("MCDOT") has therefore determined it is not necessary to analyze the Local Area Transportation Review or Policy Area Mitigation Review guidelines or recommend any additional comments on transportation improvements. (Attachment F)

### On-Site Vehicular Circulation

The approved vehicular ring road that surrounds the Mall will be moved with this Application to accommodate changes in the parking and structure layout as described earlier. The ring road that circles the existing Mall is a circumferential route that generally follows the perimeter of the Mall building and parking facilities along Democracy Boulevard and the right-of-way for I-270, then traverses the parking facilities along the Westlake Terrace and Westlake Drive sides of the mall (Attachment G-1). The previously approved amendments (A and B) adjust the ring road along Westlake Drive and Westlake Terrace to follow closely the new outer edge of the main mall structure, with the proposed five-level parking structure along Westlake Drive and the parking lot along Westlake Terrace located outside of the ring road (Attachment G-2). With the current Application, the proposed modifications to the Mall structure and parking structures adjusting the ring road further on the side of the mall along Westlake Drive. The ring road will remain along the edge of the main mall structure in the vicinity of the Macy's wing, and around the scaled-back extension of the mall near the corner of Westlake Drive and Westlake Terrace. The ring road will be re-aligned in the vicinity of the retained parking structure, to align the new ring road, with the existing ring road alignment that currently runs through the ground floor of the existing parking structure (Attachment G-3).

### On-Site Pedestrian Circulation

The Application proposes changes to the pedestrian circulation on the Subject Property in the vicinity of the proposed movie theater and new parking structure 1. The pedestrian circulation along the Mall's building edge is changed with this Application because of a change in the layout of the Mall structure, parking facilities and vehicular circulation. Pedestrian access from Westlake Drive in the vicinity of the recently constructed mid-block crossing is unchanged, but the access sidewalks further south along Westlake Drive are changed to follow the edge of the access road and parking structure. The Mall entrance located near the food court will serve pedestrians coming from the existing parking structure and from the sidewalk along the access road. Pedestrians coming from the new five-level parking structure along Westlake Drive will have access to two new Mall entrances to be located on the Macy's wing of the Mall.

### **Environment**

As mentioned in the Site Analysis, there are no significant environmental features on the Subject Property, and this Application does not change any of the previous environmental findings.

The Subject Property received approval for a stormwater concept on August 9, 2006. On-site stormwater management will need to be changed with the approval of this Application. Modifications to the approved stormwater management concept will be addressed by the building permit phase (Attachment H)

### **Development phasing**

No direct changes are proposed to the Development Program as part of this Application, including the timing element for the provisions of landscaping, amenities and safe circulation with each phase of construction. Part of the Development Program requires phasing to be "done in general conformance with the Construction Phasing and Pedestrian Access Plan ("Phasing Plan") included in this plan set." Changes are proposed to the Phasing Plan as part of this Application, specifically to split phase 1 into phase 1A and 1B, and minor changes to phase 2 and 3 to accommodate the changes implemented during phase 1A (Attachment I). With each phase on the Phasing Plan, the Applicant has demonstrated

how safe and adequate pedestrian and vehicular circulation will be maintained during construction, including way-finding signs and temporary walk and drive ways.

As mentioned, the previous Phase 1 has been split into two phases, Phase 1A and 1B. Phase 1A includes the construction of the new movie theater on the top of the existing four level parking structure along Westlake Drive, a temporary reconfiguration of the surface parking lot along the side of Macy's, and an expansion of the Mall's existing food court. Phase 1B includes all of the remaining improvements originally approved as Phase 1; the construction of a new five-level parking structure along the frontage of Westlake Terrace and construction of the Transit Center.

Phase 2 is not substantially changed with this Application, except the original plans to remove the four level parking structure along Westlake Drive is removed, slightly reducing the construction impact during this phase. Construction work during Phase 2 includes the relocation of the Sears Auto Center, and construction of a curved promenade of retail and parking along the Westlake Terrace side of the Mall.

Phase 3 is reduced in scale from the original plans. The expansion as currently approved would expand the Mall structure out in all directions along the existing wing with the Macy's Home store and Old Navy, including over top the location of the proposed movie theater. The new Phase 3 will construct a smaller addition to the Macy's/Old Navy wing that works around the existing four level parking structure and movie theater. Phase 3 also replaces the Westlake Crossing shopping center with parking, and constructs a smaller five-level parking structure along Westlake Drive.

## **COMMUNITY OUTREACH**

The Applicant has met all proper signage, noticing, and submission meeting requirements. The Applicant had a public meeting discussing the proposed changes to the approved site plan on June 12, 2012 at the Mall. Seven members of the community attended, and raised questions about lighting and signage on the Subject Property. According to the minutes of the meeting, the citizens' issues were addressed by the Applicant at the public meeting. Staff has received no citizen or community group comments regarding this Application.



Neither a development plan, diagrammatic plan, schematic development plan, nor a project plan were required for the subject site.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan Application meets the requirements of the C-2 Zone. As the project data table below indicates, the site plan meets all of the development standards of the zone. With respect to building height and setbacks, the proposed development meets or exceeds all of the standards for the C-2 Zone including Section 59-C-4.351(c) that allows for taller buildings with greater setbacks. The Application is below the maximum allowed density and provides for more than the minimum required green area. The parking provided is in excess of that required with the parking waiver approved in 2007.

**Project Data Table for the C-2 Zone**

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Previously Approved</b>	<b>Proposed for Approval</b>
<b>Building Height (feet)</b>	42/90*	42	83.5*
<b>Building Setbacks (feet)</b>			
Front (all public right-of-ways)	10	10	10
Nearest residential zone	30	35	35
Per 59-C-4.351(c)*	250.5	n/a	258
<b>Parking Spaces**</b>			
Existing (spaces to remain)	n/a	3,065	4,121
Westlake Drive Garage	n/a	2,768	2,008
Westlake Terrace Garage	n/a	603	601
New Surface lots	n/a	741	635
Total**	7,079	7,177	7,365
Parking spaces per 1,000 Sq Ft GLA	4.42	4.48	4.6
<b>Green Area (% of lot)</b>	10	15.6	15.4
<b>Building GLA (square feet)</b>	1,767,117	1,601,556	1,601,556

\* Section 59-C-4.351(c) accommodates a height increase to 90 feet for a building that includes a theater, on a site plan approval with over 1,200,000 square feet of GLA. Setback of 3 feet for each 1 foot of height.

\*\* Parking waiver approved under 820050030 permitting 4.42 stalls/1,000 GLA to be used for calculating the number of required spaces.

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

#### Buildings, Parking Structures

The proposed changes to building and parking structure locations in this Application have been reviewed by staff and are found to be adequate, safe and efficient. The new Application still provides for an increase in retail and entertainment space on the Subject Property in a way that reduces construction impacts and increases compatibility with surrounding uses. The retention of the existing parking structure and the construction of a theater on top of the parking reduces the need for major ground level site work, and reconfigures the GLA so that it's constructed on top of an already disturbed portion of the site, freeing up more ground level for landscaping, and circulation. The location of the new parking structure immediately to the south of the existing parking structure allows for circulation between the two structures both on the ground, and between upper levels.

#### Pedestrian & Vehicle Circulation

The pedestrian and vehicle circulation proposed with this Application is adequate, safe, and efficient. Multiple signed and paved routes provide safe pedestrian circulation to the Mall from the surrounding properties and on-site parking facilities. A pedestrian path to a Mall entrance will be provided through the parking facilities and over the vehicular ring road from the public sidewalks along Westlake Drive in the vicinity of the recently constructed mid-block crosswalk on Westlake Drive using crosswalks, sidewalks and signage. A second pedestrian sidewalk will be provided along an entrance road originating at the signalized intersection on Westlake Drive, providing access to internal sidewalks and the Mall. The Application also provides pedestrian connections to the continuous looping sidewalk that wraps around the entire exterior of the Mall, generally adjoining the Mall structure (Attachment J). Pedestrian safety is enhanced on the Property by the use of crosswalks at all pavement crossings and the use of sidewalks through landscaped areas. An off road bike path was approved in previous plans and retained in this Amendment along Westlake Drive.

The vehicular circulation design safely and efficiently provides connectivity between the Property's parking facilities and the surrounding public road network. The Application proposes modifications to the previously approved ring road in response to the proposed changes to the Mall structure and parking facilities. The proposed ring road alignment will maintain the existing alignment through the parking structure along Westlake Drive, and maintains the existing Property entrance along Westlake Drive. This proposed change to the ring road will allow the existing Property entrance from Westlake Drive to remain in a configuration similar to current conditions; replacing sharp bend in the entrance road approved in previous plans, and requiring less site work to construct. The existing ring road will tie into the previously approved ring road as it heads towards the proposed Mall expansion areas near the existing Macy's and Old Navy. Stop signs and crosswalks are provided at all major cross-drives such as the entrance points to the existing and planned parking structures, and at planned mid-block pedestrian crossings on either side of the existing parking structure to improve safety (Figure 4).



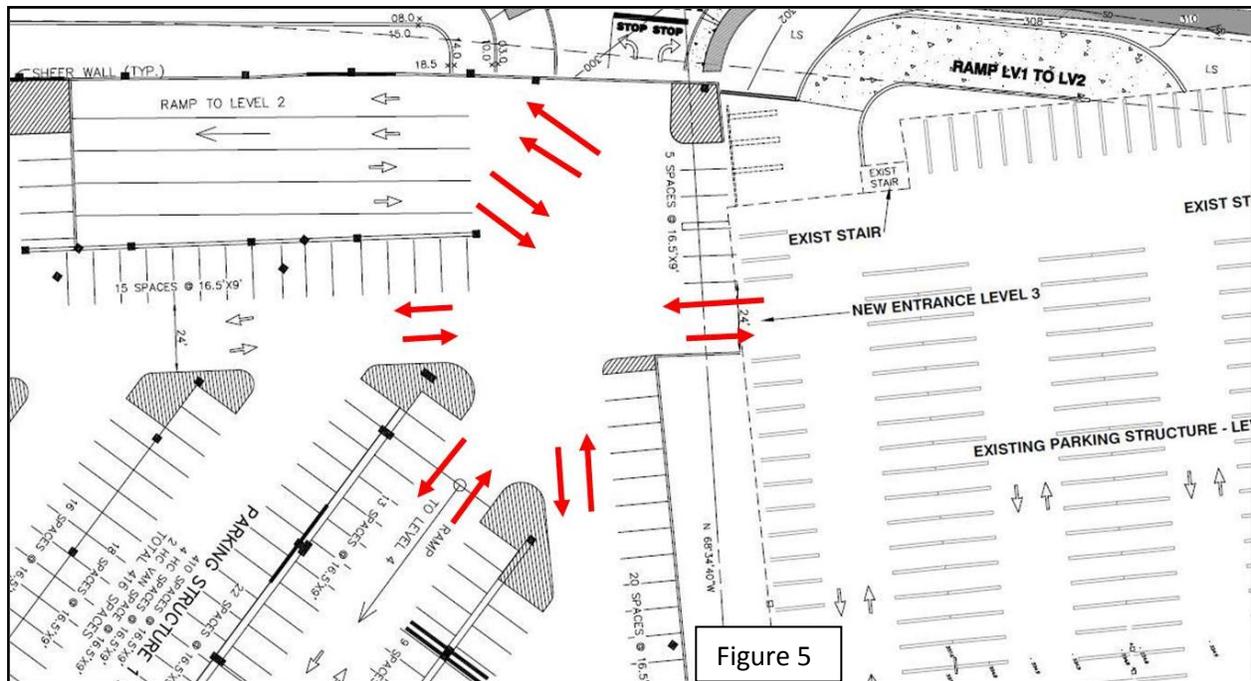


Figure 5

Landscaping, Lighting & Open Spaces

The landscaping proposed in this Application is adequate, safe and efficient for softening the views of the parking structures creating an attractive presence from Westlake Drive. The parking structures will be screened by a mix of evergreen trees and the use of three greenscreen panels which will be mounted to the side of the new parking structure as a façade treatment to the new parking structure, approved in previous plans and is retained with this Application. Each greenscreen panel is 30 feet wide and feature 10 planted vines, which will provide soft look to the wall when in combination with the other stone and metal features proposed for the façade. Retaining walls will be constructed along Westlake Drive along the frontage of the new parking structure with places for planting various types of trees, shrubs and grasses. A row of street trees are also proposed along Westlake Drive between the Property and the Bike Path to provide shade and further soften the Property visually from the street. The V shaped open area created by the new layout between the existing parking structure and the new Mall expansion (Figure 6) will be softened and enhanced with trees and sedums, with additional plantings in the sidewalk that is adjacent the Mall structure. The lighting proposed for the site was reviewed by Staff and found to be in compliance with lighting regulations. Light from the interior of the parking structures does not spill onto surrounding property and lighting on the roof was located in a way to minimize light shining over the sides of the garages.

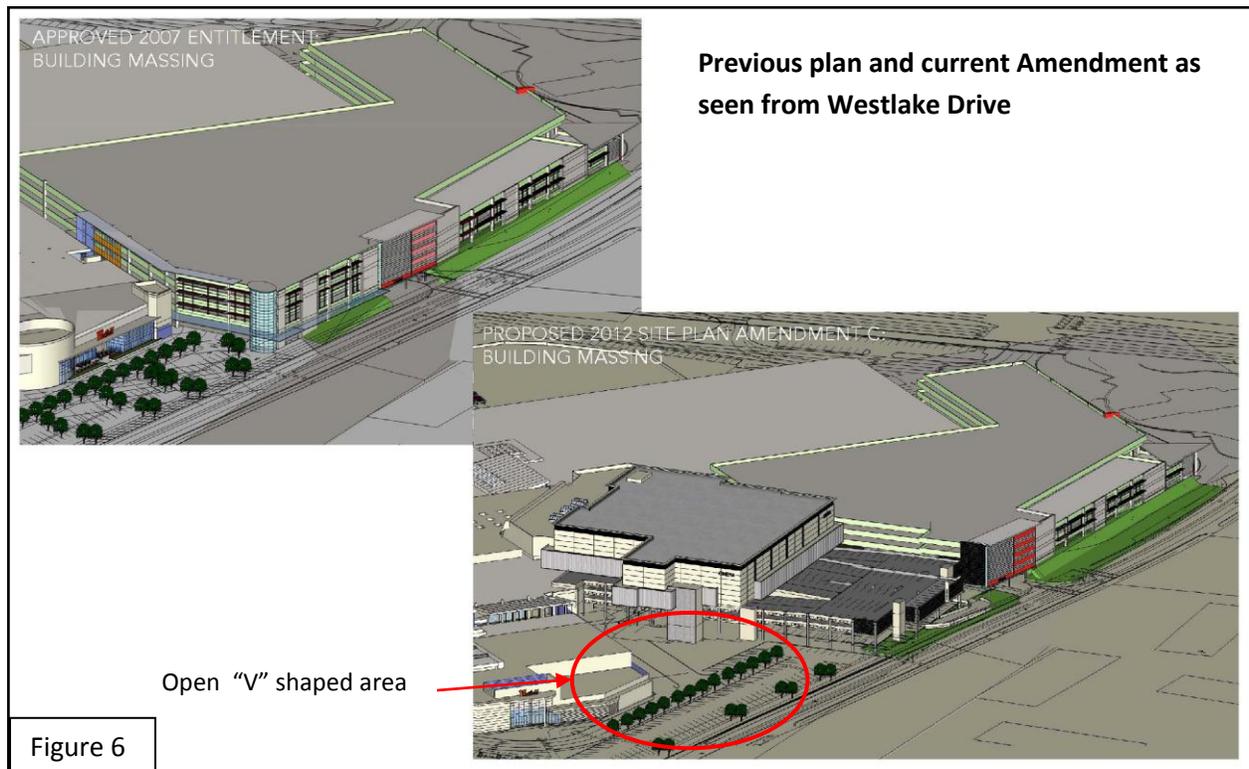
Open spaces proposed in the Application are adequate, safe and efficient for the Zone and the context of the site. The Subject Property is in the C-2 Zone, which has a minimum Green Area requirement of 10%. The open space that is provided is adequate and efficient for providing a visually appealing experience at the Mall, and exceeding the minimums set forth in the Zoning Code. The Application is providing for 15.4% Green Area across the entire Property, comprised of various uses including perimeter landscaping, foundation landscaping, pedestrian plazas, and gathering areas. The reconfiguration of the buildings with the current Application provides for a new

landscaped open area in a V shaped space between the existing parking structure and the Mall building. The Green Areas changed by this Amendment connect with the Green Areas across the Property forming an adequate and efficient network of improved spaces.

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

The proposed changes to the Mall building and parking structures on the Subject Property are compatible with the confronting properties across Westlake Drive, and with the other portions of the Mall building and parking on the Property. The amended plans scale down the mass of building and structure façade along Westlake Drive by turning two walls (new parking structure, Mall) into three (new parking structure, existing parking structure, Mall) providing an opportunity to for a variation in materials, wall articulation and landscaping. The design of the façade of the parking structures varies and includes stone, concrete, metal and living materials. The variation in materials in conjunction with landscaping will make for a pleasant experience for people on and across Westlake Drive.

The retention of the existing parking structure also provides for a wider and more welcoming view into the Mall site toward the theater, creating a V like shape between the existing parking/theater and the future Mall expansion (Figure 6). The location of the new five-level parking structure adjacent to the existing four level structure also allow for circulation between the two structures through connections being built between some of the levels.



The theater is proposed to be constructed on the rear (adjacent to the Mall) side of the parking structure, allowing the theater to meet setbacks required by section 59-C-4.351(c) in the Zoning Code. The referenced section requires a setback of 3 feet for each 1 foot of building height from the nearest residential zone, for any structure exceeding 42 feet and not exceeding 90 feet that is part of a regional shopping mall containing a movie theater. The proposed height of the theater is 83.5 feet requiring a setback of at least 250.5 feet from the nearest residential properties, located opposite the Mall on Westlake Drive. The Application proposes a 258 foot setback, exceeding the requirements of the code. With the theater addition being built on the rear portion of the parking structure, it will be nearly impossible to see the theater from the road except from side angles looking along the side of the parking structure.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The Subject Property is subject to the forest conservation law. There were no existing forests on site, therefore the forest conservation requirements were met through a combination of landscape credits and an off-site conservation bank. These requirements were presented and approved with previous site plan approvals.

The Property has an approved stormwater concept from the Department of Public Works (“DPS”) – stormwater division. The Applicant acknowledges that the approved concept will need to be amended and does not qualify for an administrative waiver, but has requested that the concept revisions be conditioned to occur prior to submittal for a building permit. DPS has agreed with this request (Attachment H).

## **CONCLUSION**

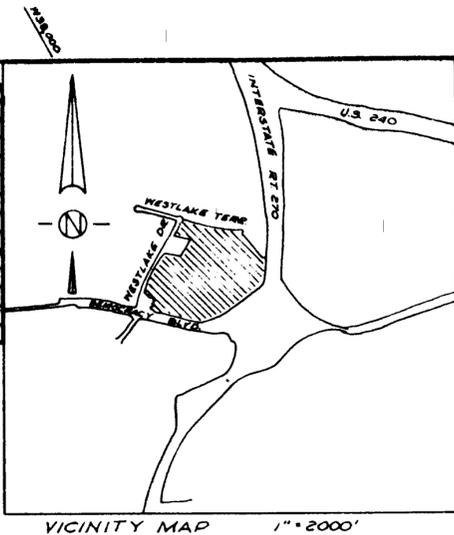
Staff recommends approval of the Site Plan amendment 82005003C, as conditioned. The Application has met all of the required site plan findings, and has been reviewed by MCDPS, MCDOT and Montgomery County Fire and Rescue (Attachment K) for continued compliance with their original findings.

## **ATTACHMENTS**

- A. Plat 8390
- B. Resolution 07-225
- C. Resolution 12-02
- D. Composite Site Plan 82005003B
- E. Composite Site Plan 82005003C
- F. Transportation Letter
- G. G-1 existing ring road; G-2 approved ring road; G-3 proposed ring road
- H. Stormwater Letter
- I. Development Phasing Plan
- J. Pedestrian Circulation Plan
- K. Fire and Rescue Letter

# Attachment A

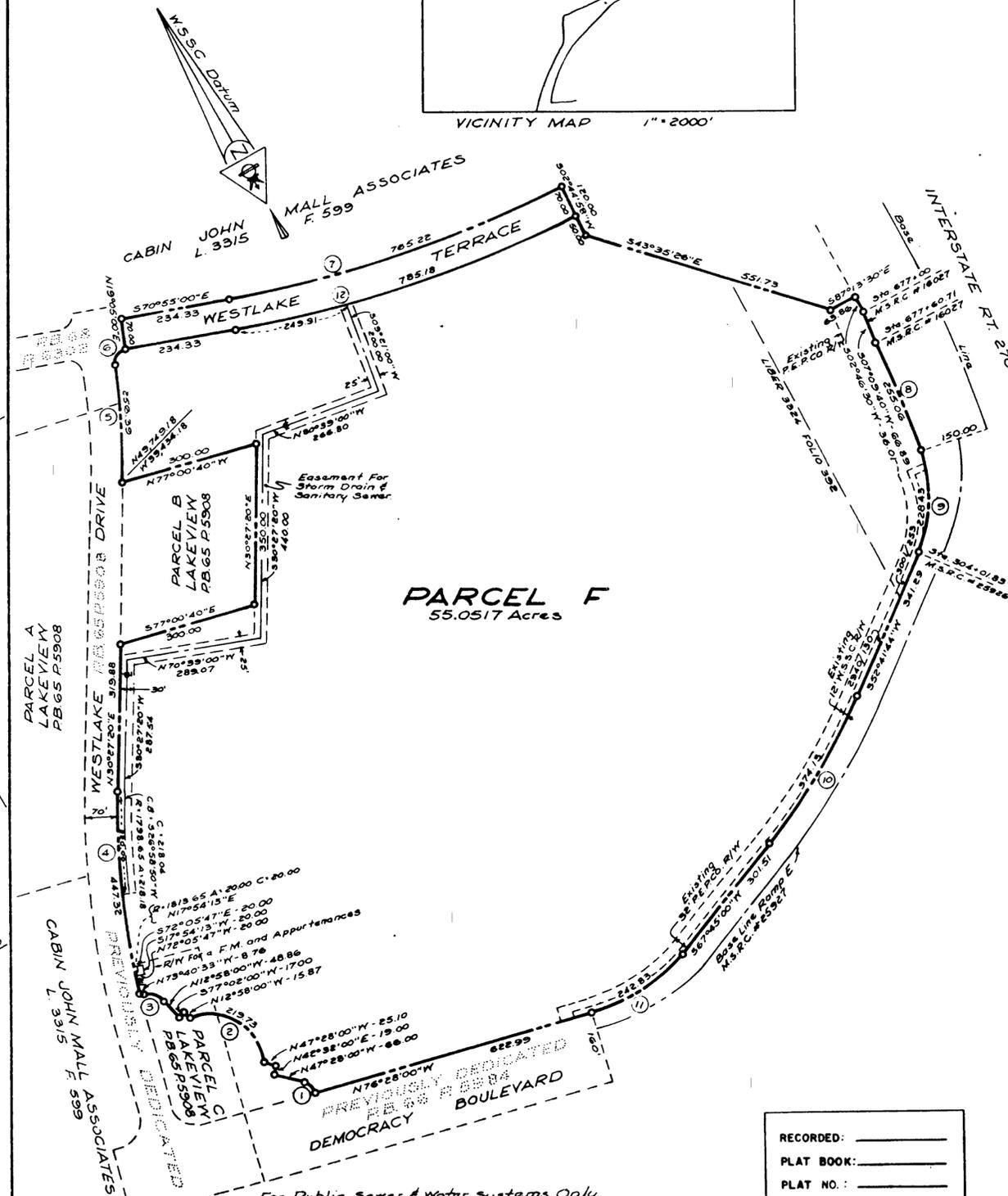
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2	116.58	107°59'28"	219.73	160.43	188.62	N29°22'51"W
3	45.00	60°42'33"	47.68	26.35	45.48	N43°19'16"W
4	1813.65	14°07'53"	447.32	224.80	446.18	N23°23'24"E
5	1613.31	09°06'20"	256.39	128.47	256.12	N25°54'10"E
6	30.00	87°44'00"	45.94	28.84	41.58	N65°13'00"E
7	2684.24	16°20'02"	765.22	385.22	762.64	S79°05'01"E
8	3124.05	04°40'40"	255.06	127.60	254.98	S06°18'46"W
9	297.16	44°02'38"	228.43	120.19	222.85	S30°40'25"W
10	1423.91	15°03'16"	374.13	188.15	373.08	S60°13'22"W
11	388.81	35°47'00"	242.83	125.52	238.90	S85°38'30"W
12	2754.24	16°20'02"	785.18	395.27	782.52	S79°05'01"E



## OWNERS DEDICATION

We, STROUSE, GREENBERG & Co., Trustees, owners of the property shown and described hereon, hereby adopt this plan of subdivision, establish the minimum building restriction lines, dedicate Westlake Terrace to public use, establish easements and rights of way as shown for the construction, reconstruction, operation and maintenance of storm drains, water mains and sanitary sewers and establish slope easements 20 feet wide along all streets as required by Montgomery County Ordinance # 4-115. Slope easements granted hereon shall be terminated after all required public improvements abutting said easements have been lawfully completed and have been accepted for maintenance by Montgomery County, Maryland. There are no suits of action, leases, liens or trusts on the property included in this plan of subdivision.

July 4, 1966.  
*Russell W. Robinson* Witness  
*Sydney N. Greenberg* SYDNEY N. GREENBERG, Trustee



## SURVEYORS CERTIFICATE

I hereby certify that the plan shown hereon is correct, that it is a subdivision of part of the land conveyed by Aletha L. Golden, unmarried to Strouse, GREENBERG & Co., Trustee by deed dated July 29, 1965 and recorded in Liber 3389 at Folio 77 among the Land Records of Montgomery County, Maryland. Iron pipes marked thus (O) and monuments marked thus (■) have been set where indicated. The total area of this plat is 2468,719 square feet or 56.6704 Acres of Land of which 70,667 square feet or 1.6223 Acres is dedicated to public use.

July 14, 1966.

*Rodney L. Hanson*  
 RODNEY L. HANSON  
 Registered Land Surveyor, Md. # 3084

Addendum To Surveyors Certificate  
 \*and also being a resubdivision of Parcel C, Lakeview as recorded in Plat Book 65, Plat 5908

RECORDED: \_\_\_\_\_  
 PLAT BOOK: \_\_\_\_\_  
 PLAT NO.: \_\_\_\_\_

10<sup>TH</sup> ELECTION DISTRICT  
**PARCEL F**  
**LAKEVIEW**  
 MONTGOMERY COUNTY, MARYLAND  
 SCALE: 1"=200'  
 JULY, 1966  
**HANSON & ASSOCIATES**

THE MARYLAND NATIONAL CAPITAL PARK & PLANNING COMMISSION  
 MONTGOMERY COUNTY PLANNING BOARD  
 APPROVED: *[Signature]* DATE: **JULY 13, 1966**  
 M.N.C.P.P.C. RECORD FILE NO. **197-67**

MONTGOMERY COUNTY, MARYLAND  
 DEPARTMENT OF PUBLIC WORKS  
 APPROVED: **SEPT. 23, 1966**  
 As to road and street grades  
 BY: *[Signature]* DEPUTY DIRECTOR OF PUBLIC WORKS

LAND SURVEYORS  
 LAND PLANNING CONSULTANTS  
 172 ROLLINS AVE., ROCKVILLE, MD.  
 Phone • 427-7670

406A1  
 197-67



# Attachment B



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

JEC 11 2007

**MCPB No. 07-225**  
**Preliminary Plan No. 12005018A**  
**Westfield Montgomery, Parcel A**  
**Date of Hearing: September 20, 2007**

## MONTGOMERY COUNTY PLANNING BOARD

### RESOLUTION<sup>1</sup>

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review Preliminary Plan applications; and

WHEREAS, on June 7, 2007, Montgomery Mall LLC ("Applicant"), filed an Application for approval of an amendment to the previous approval of a Preliminary Plan of subdivision for 60.02 acres of land located in the northeast quadrant of the intersection of Democracy Boulevard and Westlake Drive ("Property" or "Subject Property"), in the Potomac and Vicinity Master Plan area ("Master Plan"); and

WHEREAS, the proposed amendment includes modification of the previous acreage included in the Application, from 57.72 acres to 60.02 acres, and a 25,005 square foot increase in the previously approved maximum square footage of general retail use; and

WHEREAS, Applicant's Preliminary Plan Amendment Application was designated Preliminary Plan No. 12005018A, Westfield Montgomery, Parcel A ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated September 10, 2007, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on September 20, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD  
JEC 11 2007  
M-NCPPL

<sup>1</sup> This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on September 20, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Bryant; seconded by Commissioner Robinson; with a vote of 5-0, Chairman Hanson and Commissioners Bryant, Cryor, Lynch, and Robinson voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 12005018A on 60.02 acres of land located in the northeast quadrant of the intersection of Democracy Boulevard and Westlake Drive ("Property" or "Subject Property"), in the Potomac and Vicinity Master Plan area ("Master Plan"), subject to the following conditions:

- 1) Approval under this Preliminary Plan amendment is limited to a maximum of 1,767,177 square feet gross leasable area ("sf gla") of general retail uses, which may include a multi-screen theater and a future hotel.
- 2) The Applicant must dedicate and provide Public Improvement Easements (PIE) along Westlake Drive between Westlake Terrace and Democracy Boulevard as follows:
  - a. The Applicant must dedicate a ten foot minimum right-of-way for the minimum recommended 45 feet from the centerline of Westlake Drive.
  - b. The Applicant must provide a two-foot-wide PIE along eastern side of Westlake Drive for a two-foot-wide offset from the proposed shared use path/off-road bike path. If approved by the Montgomery County Department of Public Works and Transportation ("DPWT") and the Montgomery County Department of Permitting Services ("DPS"), Applicant will provide a wider PIE (approximately five feet in width) to accommodate a three foot wide bike lane with a one foot shoulder on the road along the eastern (mall) side of Westlake Drive. Doing so will require the Applicant to relocate utility poles along the mall property. Any modification to the proposed onsite landscaping in this area, to be reviewed and approved by Planning Board staff at time of certified Site Plan.
  - c. The Applicant must approach the property owners along the western side of Westlake Drive to grant a PIE up to five feet wide, at no cost to either the County or the Applicant, to permit a landscape panel between the curb and sidewalk prior to certification of the site plan.

- 3) The Applicant must reconstruct Westlake Drive between Westlake Terrace and Democracy Boulevard with the following cross-section from east to west:
- a. A two-foot-wide offset from the shared use path/off-road bike path outside the public right-of-way within a PIE. Per condition 2b above, Applicant will increase PIE as necessary (up to five feet wide) to accommodate an additional on-street bike lane on the eastern side of Westlake Drive if it is acceptable to all governmental agencies.
  - b. An eight-foot-wide shared use path/off-road bike path along the east side.
  - c. A five-foot-wide landscaped panel with street trees and utilities on the east side adjacent to the curb, that may be different on the intersection approach to Democracy Boulevard.
  - d. A four-foot-wide on-road bike lane that includes the one-foot-wide curb/gutter on the east side, if approved by DPWT and DPS.
  - e. A ten-foot-wide outer northbound through lane on the west side.
  - f. A ten-foot-wide inner northbound through lane.
  - g. An eight-foot-wide raised median with one-foot curbs on each side or a ten-foot-wide center left-turn lane with a non-standard pavement treatment to delineate it from the through travel lanes, except on the intersection approach to Democracy Boulevard. This center median along Westlake Drive would restrict access from many of the side streets/drives on the west side to right-turns-in and right-turns-out.
  - h. Two ten-foot-wide southbound through lanes.
  - i. A four-foot-wide on-road bike lane that includes the one-foot-wide curb/gutter on the west side.
  - j. A five foot-wide sidewalk on the west side, unless the property owners along the western side of Westlake Drive agree to provide a PIE of up to five feet wide described in Recommendation No. 2c above. With the five-foot-wide PIE, the sidewalk can be relocated such that the cross-section should include a landscaped panel up to five feet wide with street trees (i.e., only if the PIE is a full five feet wide) and utilities between the bike lane and relocated sidewalk.

The detailed design of this cross-section must be reviewed by the Planning Board staff and approved by the DPWT prior to certification of the Site Plan.

- 4) To accommodate the Westlake Drive cross-section described in condition 3, the Applicant may reconfigure the right-most lane on the northbound Westlake Drive approach at the intersection with Westlake Terrace from a combined right-turn/through lane to right-turn lane; but only if approved by DPWT prior to certification of the Site Plan.
- 5) The Applicant must comply with the conditions of the DPWT letter dated August 30, 2007.
- 6) The Applicant must comply with the conditions of DPS' stormwater management concept approval dated July 9, 2007.
- 7) The Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and DPWT to participate in the North Bethesda Transportation Management Organization (TMO). The TMAg must be signed and executed by all parties prior to certification of the Site Plan.
- 8) Revise previous condition 11(c) in the Planning Board Opinion dated April 28, 2005 to read:

Provide a payment to the DPWT "CIP Intersection Improvement Fund" in an amount equal to the cost of reconfiguring the two-lane southbound Westlake Drive approach at Democracy Boulevard to an exclusive right-turn lane and a combination right, through, and left lane (i.e., instead of the current combination right, through, and left lane and exclusive left-turn lane), for their use if future County monitoring confirms that this improvement is necessary.

- 9) All other conditions of approval contained in the Planning Board Opinion dated April 28, 2005 remain in full force and effect, unless modified by the conditions above.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *Roads and transportation facilities will continue to be adequate to support and service the area of the proposed subdivision.*

The Planning Board finds that roads and transportation facilities will be safe and adequate to support and service the Property. The impacts of vehicle trips generated by combining the acreage and general retail square footage of the adjacent Westlake Crossing property with the Westfield Montgomery Mall are fully addressed by the previous Adequate Public Facilities (APF) approvals. The APF reviews for both shopping centers were based on traffic studies submitted to satisfy Local Area Transportation Review (LATR). A traffic study was required to satisfy LATR, because the proposed land use on both shopping centers generated 50 or more peak-hour trips within the weekday morning (6:30 to 9:30 a.m.) and evening (4:00 to 6:00 p.m.) peak periods. The results of these analyses indicate that roads and transportation facilities will be safe and adequate to support and service the proposed development with the required roadway improvements.

2. *All previous conditions remain in full force and effect.*

The Planning Board further finds that the Preliminary Plan Amendment does not affect the previous findings of the Board regarding the Preliminary Plan, and all other previous conditions of approval remain in full force and effect.

BE IT FURTHER RESOLVED, that the Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in connection with the originally approved Preliminary Plan; and

BE IT FURTHER RESOLVED, that the date of this Resolution is DEC 11 2007 (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).

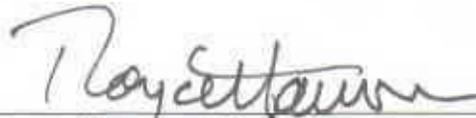
\* \* \* \* \*

**CERTIFICATION**

At its regular meeting, held on Thursday, December 6, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Commissioner Bryant, seconded by Vice Chairman Robinson, with Commissioner

MCPB No. 07-225  
Preliminary Plan No. 12005018A  
Westfield Montgomery, Parcel A  
Page 6

Bryant, Vice Chairman Robinson, Chairman Hanson, and Commissioners Cryor and Lynch present and voting in favor. This Resolution constitutes the final decision of the Planning Board, and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan No 12005018A, Westfield Montgomery, Parcel A.



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Royce Hanson, Chairman  
Montgomery County Planning Board

# Attachment C



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

MAR 23 2012

MCPB No. 12-02  
Site Plan No. 82005003B  
Project Name: Westfield Montgomery Mall  
Hearing Date: January 12, 2012

## MONTGOMERY COUNTY PLANNING BOARD

### RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on April 25, 2005, the Planning Board approved Site Plan 820050030, Westfield Shoppingtown Montgomery, Parcel A<sup>1</sup> to allow 1,542,172 gross leasable square feet of commercial retail space on 60.02 gross acres in the C-2 zone, subject to conditions; and

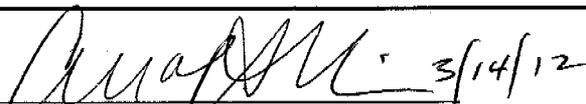
WHEREAS, on December 10, 2007, the Planning Board approved an amendment to the site plan, Site Plan 82005003A (MCPB Resolution 07-193) to i) increase the approved gross leasable square feet of commercial retail space by 59,384 square feet for a total of 1,601,556 gross leasable square feet of commercial retail space; ii) approve a parking waiver to allow a parking ratio of 4.42 spaces for each 1,000 square feet of gross leasable area; and iii) to allow modification of the size of angled parking spaces and the width of the drive aisles in a parking structure, subject to conditions, including submission and approval of a certified site plan prior to any clearing or grading; and

WHEREAS, on December 5, 2011, Montgomery Mall LLC ("Applicant"), filed a site plan amendment application designated Site Plan 82005003B, Westfield Montgomery Mall (the "Amendment") to modify certain conditions of Site Plan 82005003A required for submission and approval of a certified site plan; and

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staff of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated December 21, 2011, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

<sup>1</sup> The name of the project has been changed to Westfield Montgomery Mall

Approved as to  
Legal Sufficiency:

  
M-NCPPC Legal Department

WHEREAS, on January 12, 2012, Staff presented the Amendment to the Planning Board at a public hearing on the Amendment (the "Hearing") where the Planning Board heard testimony and received evidence submitted for the record on the Amendment; and

WHEREAS, on January 12, 2012, the Planning Board approved the Amendment, subject to conditions, on the motion of Commissioner Anderson, seconded by Commissioner Presley, with a vote of 5-0; Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board hereby APPROVES the Amendment, subject to the following conditions<sup>2</sup>:

1. Preliminary Plan Conformance  
The proposed development shall comply with the conditions of approval for Preliminary Plan 120050180, or as amended with the concurrent review.
2. Site Design
  - a. The total number of parking spaces on site shall include the original waiver request of 30 fewer spaces and the additional loss of 100 spaces resulting from changes to the garage structure. The waiver will allow a parking ratio equivalent to 4.42 spaces for each 1,000 square feet of gross leasable area.
  - b. Provide additional planting within the Transit Center site.
  - c. The garage structure façade on Westlake Drive shall include the following elements:
    - 1) Step back the façade approximately 60 feet on the upper level along the southwest edge, requiring the loss of 100 parking spaces.
    - 2) Articulation of the garage parapet, including but not limited to awnings, handrails, and variations of the structural concrete finishes.
    - 3) Provide natural stone materials along the baseline of the parking deck.
    - 4) Add a covered walkway running parallel to Westlake Drive with lighting from the existing mid-block pedestrian crossing to the Mall, from the garage entrance, to allow pedestrian passage from Westlake Drive into the Mall.
    - 5) Provide rooftop planting, where feasible and as approved by Staff.
3. Landscaping  
Replace the non-native/invasive plant material from the plant schedule.
4. Lighting

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<sup>2</sup> All the conditions of Site Plan 82005003A, amended in accordance with the approval of Site Plan 82005003B are included for ease of reference.

- a. Cumulative light levels from the parking structure on Westlake Drive shall be less than 0.5 footcandles at the right of way line on the east side of Westlake Drive.
- b. Pedestrian level lighting shall be provided on all walks to the mall from adjacent roads.
- c. The height of the on-site light poles associated with the surface parking facilities shall be limited to 18 feet, including the mounting base.

5. Pedestrian Circulation

Pedestrian access to the mall from Westlake Drive and Westlake Terrace shall be provided during all construction phases. A Pedestrian Circulation Plan, including signage and phasing, shall be included as part of the certified Site Plan indicating alternative pedestrian routes during the construction phases.

6. Transportation

The Applicant shall comply with the following conditions of approval from M-NCPPC- Transportation Planning in the memorandum dated September 7, 2007.

- a. The square footage of the subject preliminary plan and site plan must be equal to the previously-approved square footage of commercial development under Preliminary Plan No. 1-05018 and Site Plan No. 8-05003 on Parcels F and P587 plus the recently-acquired adjoining Westlake Crossing, Parcel "B" Lakeview. Limit the maximum square footage of general retail use as follows:
  - 1) The Preliminary Plan revision must be limited to a maximum of 1,767,177 sf of gla ("gross leasable area") of general retail uses.
  - 2) The Site Plan Amendment must be limited to a maximum of 1,601,556 sf of gla of general retail uses.
- b. The Applicant must dedicate and provide public improvement easements (PIE) along Westlake Drive between Westlake Terrace and Democracy Boulevard as follows:
  - 1) The Applicant must dedicate 10 feet minimum of right-of-way for the minimum recommended 45 feet from the centerline of Westlake Drive.
  - 2) The Applicant must provide a two-foot-wide Public Improvement Easements ("PIE") along the eastern side of Westlake Drive for a two-foot-wide offset from the proposed shared use path/off-road bike path. If approved by the Montgomery County Department of Transportation ("MCDOT") and the Montgomery County Department of Permitting Services ("DPS"), Applicant will provide a wider PIE (approximately 5 feet in width) to accommodate a three-foot-wide bike lane with a one-foot-wide shoulder on the road along the eastern (mall) side of Westlake Drive. Doing so will require the Applicant to relocate utility poles along the mall property. The landscape design elements along Westlake Drive bordering the Westlake Garage (including evergreen plantings) will remain as per the submitted plans, except with respect to that area within the additional three feet to be included in the PIE. Any modification to

- the proposed onsite landscaping in this area must be reviewed and approved by Planning Board staff at the time of Certified Site Plan.
- 3) The Applicant must approach the property owners along the western side of Westlake Drive to grant a PIE up to 5 feet wide at no cost to the County or the Applicant to permit a landscape panel between the curb and sidewalk prior to certification of the site plan.
- c. The Applicant must reconstruct Westlake Drive between Westlake Terrace and Democracy Boulevard with the following cross-section from east to west:
- 1) A two-foot-wide offset from the shared use path/off-road bike path outside the public right-of-way within a PIE. Per condition 6(b)(2) above, Applicant will increase the PIE as necessary (up to five feet wide) to accommodate an additional on-street bike lane on the eastern side of Westlake Drive, if acceptable to all governmental agencies.
  - 2) An eight-foot-wide shared use path/off-road bike path along the east side.
  - 3) A five-foot-wide landscaped panel with street trees and utilities on east side adjacent to the curb that may be differ on the intersection approach to Democracy Boulevard.
  - 4) A four-foot-wide on-road bike lane that includes the one-foot-wide curb/gutter on the east side, if approved by MCDOT and DPS.
  - 5) If MCDOT approves the Montgomery Mall Citizens Advisory Panel's (MMCAP) request for a mid-block pedestrian crossing by time of Certified Site Plan, the Applicant will provide such a crossing and will move the exterior stair along the north side of the Westlake Drive garage deck to align with such crossing. The Applicant will provide queue studies as requested by MCDOT to review the MMCAP request for median/pedestrian refuge.
  - 6) A ten-foot-wide outer northbound through lane on the west side.
  - 7) A ten-foot-wide inner northbound through lane.
  - 8) An eight-foot-wide raised median with one-foot curbs on each side or a ten-foot-wide center left-turn lane with a non-standard pavement treatment to delineate it from the through travel lanes, except on the intersection approach to Democracy Boulevard. This center median along Westlake Drive would restrict access from many of the side streets/drives on the west side to right-turns-in and right-turns-out.
  - 9) Two ten-foot-wide southbound through lanes.
  - 10) A four-foot-wide on-road bike lane that includes the one-foot-wide curb/gutter on the west side.
  - 11) A five-foot-wide sidewalk on west side, unless the property owners along the western side of Westlake Drive agree to provide a PIE of up to five feet wide. With the five-foot-wide PIE, the sidewalk can be relocated such that the cross-section should include a

landscaped panel up to five feet wide with street trees (i.e., only if the PIE is a full 5 feet wide) and utilities between bike lane and relocated sidewalk.

- 12) The detailed final cross-section must be approved by the Planning Board staff and MCDOT and in consideration of the community's needs prior to certification of the site plan. Westlake has committed to putting in the median if approved by MCDOT or provide an alternative means of providing safe passage.
- d. The Applicant must continue consideration of the request of the adjacent homeowners groups for a possible pedestrian mid-block crossing of Westlake Drive between Westlake Terrace and the shopping center's proposed consolidated site access point. Such a mid-block crossing must include a raised median to function as a pedestrian refuge and satisfy MCDOT's design standards for pedestrian safety. If satisfying MCDOT design requirements, the mid-block must be shown on the plans prior to certification of the Site Plan.
- e. The Applicant must relocate the pedestrian access to the street-level retail along Westlake Drive in the northwest corner of the site to better align with the pedestrian mid-block crossing, if it satisfies MCDOT design requirements. The relocated pedestrian access must be shown on the plans prior to certification of the Site Plan.
- f. To accommodate the proposed Westlake Drive cross-section above, the Applicant could reconfigure the right-most lane on the northbound Westlake Drive approach at the intersection with Westlake Terrace from a combined right-turn/through lane to right-turn lane only if approved by MCDOT prior to certification of the Site Plan.
- g. The Applicant must provide adequate traffic control for the eastbound ring road approach of the shopping center's access point at Democracy Boulevard as required by DPS.
- h. The Applicant must relocate the steps outside the right-of-way for the intersection truncation at the southeast corner of Westlake Drive and Westlake Terrace. The relocated steps must be shown on the plans prior to certification of the Site Plan.
- i. The Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the North Bethesda Transportation Management Organization (TMO). The TMAg must be signed and executed by all parties prior to certification of the Site Plan.
- j. The Applicant must provide 20 inverted U bike racks and have their locations be approved by Transportation Planning staff prior to certification of the Site Plan.
- k. Revise previous condition 11(c) in the Planning Board Opinion dated April 28, 2005 to read:  
Provide a payment to the MCDOT "CIP Intersection Improvement Fund" in an amount equal to the cost of reconfiguring the two-lane southbound

Westlake Drive approach at Democracy Boulevard to an exclusive right-turn lane and a combination right, through, and left lane (i.e., instead of the current combination right, through, and left lane and exclusive left turn lane), for their use if future County monitoring confirms that this improvement is necessary.

- i. The Applicant must retain all transportation-related conditions of approval in the Planning Board's opinion as described in the Transportation Planning staff memorandum dated January 20, 2005, unless modified by the recommendations above.

7. Transit Center

The Applicant shall comply with the conditions of approval in the memorandum from the Department of Public Works and Transportation in the letter dated August 30, 2007, specifically the program of requirements listed in the January 27, 2005 letter for the Montgomery Mall Transit Center.

8. Development Program

Applicant shall construct the proposed development in accordance with the Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the Certified Site Plan. The Development Program shall include a phasing schedule as follows:

- a. The proposed new or relocated sidewalks and bike paths along Democracy Boulevard, Westlake Drive, and Westlake Terrace shall be completed prior to occupancy of any new retail store in the third phase of development.
- b. Street tree planting shall progress as the proposed sidewalk/bike path is completed, but no later than six months after completion of the sidewalk/bike path.
- c. The proposed new Transit Center shall be completed by the Applicant and accepted by the Montgomery County Department of Public Works and Transportation prior to removal of the existing on-site transit facility.
- d. Landscaping, lighting and pedestrian pathways associated with each parking facility/structure and building shall be completed as construction of each facility is completed.
- e. Provide each phase of the development with required parking spaces, excluding the impact during the construction period.
- f. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- g. Provide each section of the development with necessary roads.
- h. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.

9. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of the Certified Site Plan.

10. Certified Site Plan

Prior to approval of the Certified Site Plan, the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, Site Plan index, and Site Plan resolution.
  - b. The correct number of parking spaces shall be confirmed.
  - c. Limits of disturbance.
  - d. Resolution of all transportation issues.
  - e. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
  - f. Details of the conditions of approval for Site Design.
11. Certification  
The Applicant must submit the certified site plan for review within 3 months of the date of the resolution. No building permit can be obtained for square footage over and above that which currently exists without an amendment to the Site Plan. Applicant shall not submit any further amendments to the Site Plan until a certified site plan for this Amendment has been submitted and approved by Staff.
12. Prior to the release of a building permit for the parking structure(s), the Applicant must submit an amendment to the Site Plan addressing security lighting, traffic control and wayfinding.

BE IT FURTHER RESOLVED, that the Planning Board adopts the Staff's recommendation and analysis as presented at the Hearing and set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, and FINDS that the Amendment is consistent with the provisions of § 59-D-3.7 of the Zoning Ordinance and that the Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in connection with the originally approved site plan, and that all findings remain in effect; and

BE IT FURTHER RESOLVED that all site development elements as shown on Westfield Montgomery Mall drawings stamped by the M-NCPPC on June 11, 2009, shall be 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 and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this Resolution is MAR 23 2012 (which is the date that this Resolution is mailed to all parties of record); and

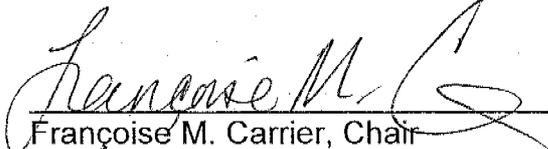
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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 Anderson, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss voting in favor of the motion, and with Commissioner Presley absent, at its regular meeting held on Thursday, March 22, 2012, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board





# Attachment F



**Dewberry**

203 Perry Parkway  
Suite 1  
Galliersburg, Maryland 20877

301 948 8300  
301 663 3679 fax  
www.dewberry.com

September 7, 2012

Mr. Atiq Panjshiri, Manager  
ROW Plan Review,  
Division of Land Development Services  
Montgomery County  
Department of Permitting Services  
255 Rockville Pike  
Rockville, Maryland 20850

**RE: Westfield Montgomery  
Site Plan Amendment C (82005003C)**

Dear Mr. Panjshiri:

In 2005, Westfield obtained a preliminary plan of approval for addition of 500,000 square feet of new retail area ("GLA"), to include a multi-screen theater and possibly a hotel, at Westfield Montgomery. The original preliminary plan was approved April 28, 2005 and became effective 30 days thereafter, or May 28, 2005. The preliminary plan was amended on December 11, 2007, to incorporate an adjoining parcel of land on which there is a local shopping center, Westlake Crossing, improved with 25,005 square feet of GLA, and which the developer had recently acquired.

The Site Plan (820050030) was approved by the Planning Board on April 25, 2005. Site Plan Amendment A (82005003A) was approved December 10, 2007. Site Plan Amendment B (82005003B) was approved by the Planning Board January 12, 2012. Amendment B modified some existing conditions.

The proposed limited Amendment C concerns a discrete area of the mall along Westlake Drive where the developer proposes to enlarge the existing food court on the second level of the mall, and add a third level to the existing Westlake Drive parking structure to house a multi-screen theater. The previously certified approved site plan called for the removal of the existing Westlake Garage with a new, larger and longer garage running along Westlake Drive and turning the corner onto Westlake Terrace. Instead of tearing down and replacing the existing garage, however, the developer now proposes to leave this garage intact, place a theater on its top level. There will be minimal site work required to allow the theater entrance to work better.

As we discussed at our September 6<sup>th</sup> meeting at the Department of Transportation, the developer is not proposing at this phase to change any access points or do road improvements.

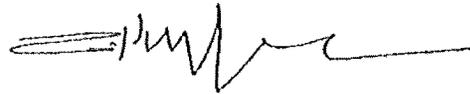
Dewberry & Davls LLC

With your signature below you are confirming your support for the limited site plan amendment (Amendment C).

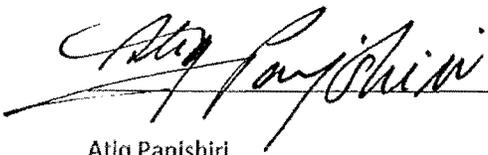
Should you need any further information, please contact me at (301)337-2866 or [pokafor@dewberry.com](mailto:pokafor@dewberry.com).

Very truly yours,

DEWBERRY & DAVIS LLC



C. Peter Okafor, P.E.  
Associate Vice President



Atiq Panjshiri

9/10/2012

Date



**Dewberry**

203 Perry Parkway  
Suite 1  
Gaithersburg, Maryland 20877

301 948 8300  
301 663 3679 fax  
www.dewberry.com

September 7, 2012

Mr. Gregory Leck, Manager  
Development Plan Review,  
Division of Traffic Engineering and Operations  
Montgomery County  
Department of Transportation  
100 Edison Park Drive  
Gaithersburg, Maryland 20878

**RE: Westfield Montgomery  
Site Plan Amendment C (82005003C)**

Dear Mr. Leck:

In 2005, Westfield obtained a preliminary plan of approval for addition of 500,000 square feet of new retail area ("GLA"), to include a multi-screen theater and possibly a hotel, at Westfield Montgomery. The original preliminary plan was approved April 28, 2005 and became effective 30 days thereafter, or May 28, 2005. The preliminary plan was amended on December 11, 2007, to incorporate an adjoining parcel of land on which there is a local shopping center, Westlake Crossing, improved with 25,005 square feet of GLA, and which the developer had recently acquired.

The Site Plan (820050030) was approved by the Planning Board on April 25, 2005. Site Plan Amendment A (82005003A) was approved December 10, 2007. Site Plan Amendment B (82005003B) was approved by the Planning Board January 12, 2012. Amendment B modified some existing conditions.

The proposed limited Amendment C concerns a discrete area of the mall along Westlake Drive where the developer proposes to enlarge the existing food court on the second level of the mall, and add a third level to the existing Westlake Drive parking structure to house a multi-screen theater. The previously certified approved site plan called for the removal of the existing Westlake Garage with a new, larger and longer garage running along Westlake Drive and turning the corner onto Westlake Terrace. Instead of tearing down and replacing the existing garage, however, the developer now proposes to leave this garage intact, place a theater on its top level. There will be minimal site work required to allow the theater entrance to work better.

As we discussed at our September 6<sup>th</sup> meeting at the Department of Transportation, the developer is not proposing at this phase to change any access points or do road improvements. *[PER DISCUSSION*

*IN THE 9/6/12 MEETING, PREVIOUSLY REQUIRED PUBLIC IMPROVEMENTS WILL BE IMPLEMENTED BY THE APPLICANT DURING FUTURE PHASE(S) OF THE SITE REDEVELOPMENT; TIMING OF SAME SUBJECT TO AGREEMENT BETWEEN THE APPLICANT, THE DEPARTMENTS OF PERMITTING SERVICES & TRANSPORTATION, AND THE MARYLAND-NATIONAL CAPITAL DEWBERRY & DAVIS LLC PARK & PLANNING COMMISSION (AS APPROPRIATE).]*

*gme*

With your signature below you are confirming your support for the limited site plan amendment (Amendment C).

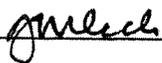
Should you need any further information, please contact me at (301)337-2866 or [pokafor@dewberry.com](mailto:pokafor@dewberry.com).

Very truly yours,

DEWBERRY & DAVIS LLC



C. Peter Okafor, P.E.  
Associate Vice President

 9/27/12

Gregory Leck

Date

C: ATIQ PANJSHIRI  
ROBERT KRONENBERG  
SANDE BRECHER  
JIM AGLIATA  
DAVID ADAMS



# Attachment H



**Dewberry**

203 Perry Parkway  
Suite 1  
Gaithersburg, Maryland 20877

301 948 8300  
301 663 3679 fax  
www.dewberry.com

August 28, 2012

Mr. Richard Brush, Manager  
Water Resources Section  
Division of Land Development Services  
Montgomery County  
Department of Permitting Services  
255 Rockville Pike  
Rockville, Maryland 20850

**RE: Westfield Shoppingtown Montgomery  
Stormwater Management Clarification  
Amendment C  
SM File#: 212644**

Dear Mr. Brush:

This letter is a request for a clarification of the stormwater management requirements for Westfield Shoppingtown Montgomery Amendment C.

The stormwater management concept for this site was originally approved by MCDPS on June 1, 2004. A new concept was approved August 9, 2006

In 2005, Westfield obtained a preliminary plan of approval for addition of 500,000 square feet of new retail area ("GLA"), to include a multi-screen theater and possibly a hotel, at Westfield Montgomery. The original preliminary plan was approved April 28, 2005 and became effective 30 days thereafter, or May 28, 2005. The preliminary plan was amended on December 11, 2007, to incorporate an adjoining parcel of land on which there is a local shopping center, Westlake Crossing, improved with 25,005 square feet of GLA, and which the developer had recently acquired.

The Site Plan (820050030) was approved by the Planning Board on April 25, 2005. Site Plan Amendment A (82005003A) was approved December 10, 2007. Site Plan Amendment B (82005003B) was approved by the Planning Board January 12, 2012. Amendment B modified some existing conditions.

The proposed limited Amendment C concerns a discrete area of the mall along Westlake Drive where the developer proposes to enlarge the existing food court on the second level of the mall, and add a third level to the existing Westlake Drive parking structure to house a multi-screen theater. The previously certified approved site plan called for the removal of the existing Westlake Garage with a new, larger and longer garage running along Westlake Drive and turning the corner onto Westlake Terrace. Instead of tearing down and replacing the existing garage, however, the developer now proposes to leave this garage intact, place a theater on its top level. There will be minimal site work required to allow the theater entrance to work better.

As we discussed the proposed changes reflect an area much smaller than what was shown on the previously approved stormwater concept. However it does involve a change to the previously approved layout. Therefore this particular proposed work at Westfield Shoppingtown Montgomery does not qualify for an administrative waiver. Prior to submittal of permit drawings a new stormwater management concept will be submitted to MCDPS for approval of this proposed work. This concept will address the proposed disturbed area under the currently existing stormwater management regulations.

With your signature below you are confirming our understanding of the stormwater requirements under proposed under Amendment C.

Should you need any further information, please contact me at (301) 337-2856 or [jcheck@dewberry.com](mailto:jcheck@dewberry.com). Thank you.

Very truly yours,

**DEWBERRY**



Joanne M. Check, PE, LEED Green Associate



Richard Brush

8/28/12  
Date





# Attachment K



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## FIRE MARSHAL COMMENTS

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**DATE:** 26-Oct-12  
**TO:** Kevin Mack - kmack@dewberry.com  
Dewberry  
**FROM:** Marie LaBaw  
**RE:** West Montgomery Mall Expansion  
82005003C

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### PLAN APPROVED

1. Review based only upon information contained on the plan submitted **26-Oct-12** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.