



**Westfield Montgomery Mall - Preliminary Plan Amendment 12005018C, Site Plan Amendment 82005003E**

-  Troy Leftwich, Planner Coordinator, Area 2 Division, [Troy.Leftwich@montgomeryplanning.org](mailto:Troy.Leftwich@montgomeryplanning.org), 301-495-4553
-  Emily Tettelbaum, Planner Coordinator, Area 2 Division, [Emily.Tettelbaum@montgomeryplanning.org](mailto:Emily.Tettelbaum@montgomeryplanning.org), 301-495-4569
-  Patrick Butler, Planning Supervisor, Area 2 Division, [Patrick.Butler@montgomeryplanning.org](mailto:Patrick.Butler@montgomeryplanning.org), 301-495-4561
-  Carrie Sanders, Chief, Area 2 Division, [Carrie.Sanders@montgomeryplanning.org](mailto:Carrie.Sanders@montgomeryplanning.org), 301-495-4653

**Completed: 7/6/20**

**Description**

Preliminary Plan Amendment: Request for approval of up to 2,896,731 square feet of development, with up to 2,063,302 square feet of commercial uses and up to 833,429 square feet of residential uses (717 dwelling units).

Site Plan Amendment: Request to redevelop surface parking lots, reconfigure existing retail, and add a 2-level parking deck for a total of up to 2,819,090 square feet of development, with up to 1,985,661 square feet of commercial up to 833,429 square feet of residential (717 dwelling units).

Location: northeast corner of the intersection of Democracy Boulevard and Westlake Drive.

Master Plan: 2017 *Rock Spring Sector Plan*.

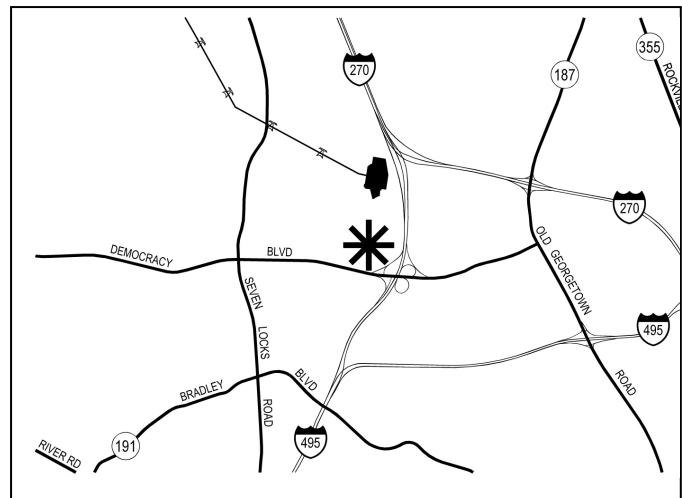
Zones: GR-1.5 H-45 and Regional Shopping Center Overlay.

Size: 59.45 acres.

Applicant: Unibail-Rodamco-Westfield.

Acceptance Date: 12/19/18

Review Basis: Chapters 50, 59.



**Summary**

- Staff recommends **approval with conditions**.
- The Applicant proposes a significant mixed-use development of existing surface parking lots on the northern side of the Property including 717 residential units, amenity-rich open spaces, bike lanes, streetscape improvements, and over 150,000 square feet of additional retail.
- The Application was granted two extensions of the regulatory review period due to the scope and complexity of the Application and the moratorium on development in the Walter Johnson cluster under the FY19 Schools Test.
- Staff has not received any correspondence about this Project.

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## **SECTION 1: RECOMMENDATIONS AND CONDITIONS**

### **Preliminary Plan Amendment 12005018C**

Staff recommends approval of Preliminary Plan Amendment 12005018C, subject to the conditions below. The conditions below supersede all prior conditions of Preliminary Plan approval.

1. This Preliminary Plan is limited to one (1) lot and a maximum of 2,896,731 square feet of development including a maximum of 833,429 square feet of residential uses (717 dwelling units) and a maximum of 2,063,302 square feet of commercial uses.

### **Adequate Public Facilities and Outside Agencies**

2. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for twelve-years (144) months from the date of mailing of this Planning Board Resolution, per Section 50.4.3.J.7.e.

### **Outside Agencies**

3. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated June 17, 2020, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
4. Before issuance of the first building permit for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
5. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated June 2, 2020, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section in its letter dated June 18, 2020, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
7. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (“DHCA”), in its letter dated August 6, 2019, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

## **Other Approvals**

### Concurrent Site Plan Approval

8. Before submitting a permit for any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of Site Plan No. 82005003E. The number and location of site elements including but not limited to buildings, dwelling units, on-site parking, site circulation, sidewalks and sidepaths is determined through site plan review and approval.
9. If an approved site plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the Site Plan Amendment.

## **Environment**

### Forest Conservation

10. A revised Final Forest Conservation Plan (FFCP) that substantially conforms to Preliminary Forest Conservation Plan 12005018C PFCP must be approved as part of the Site Plan approval process.

## **Transportation**

### Private Roads

11. The Applicant must provide Private Roads A, B, and C including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by either the Preliminary Plan or the subsequent Site Plan within the delineated Private Road Area (collectively, the "Private Road"), subject to the following conditions:
  - a) The Certified Preliminary Plan must clearly delineate the Private Road Area and include a Book and Page reference which describes the metes and bounds description of the boundaries of the Private Road.
  - b) Prior to Certified Preliminary Plan, the Declaration of Restrictive Modified Covenant for Private Roads must be accepted by M-NCPPC legal staff and recorded among the Land Records of Montgomery County.
  - c) The Private Road Area must be subjected by reference on the Certified Preliminary Plan to the Declaration of Restrictive Modified Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland, and the terms and conditions as required by the Montgomery County Code with regard to private roads set forth at § 50-4.3.E et seq, as modified.
  - d) Before issuance of building permit, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of

Maryland that the Private Area Road has been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Preliminary Plan or a subsequent Site Plan, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.

- e) A separate bond shall be set aside for ongoing maintenance requirements with respect to the private roads, in an amount approved by M-NCPPC Staff.

### **Certified Preliminary Plan**

- 12. The Applicant must include relevant agency approval letters and Preliminary Plan Resolution on the approval or cover sheet(s).

- 13. The certified Preliminary Plan must contain the following note:

*Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s) or site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*

- 14. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes to the cover sheet:
  - a) The maximum amount of residential allowed is 869,019 square feet (30% of proposed GFA).
  - b) Proposed open space is 10% of total site area (259,140 square feet).
  - c) Remove all references to office use.

## **Site Plan Amendment 82005003E**

Staff recommends approval of Site Plan Amendment No. 82005003E. The development must comply with the conditions of approval for Preliminary Plan No. 12005018C.

All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions, which supersede all prior conditions of approval.<sup>1</sup>

### **Density, Height & Housing**

1. Density

The Site Plan is limited to a maximum of 2,819,090 square feet of total development on the Subject Property, including 833,429 square feet of residential uses, for up 717 dwelling units, and 1,985,661 square feet of commercial uses.

2. Height

The development is limited to a maximum height of 150 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

3. Moderately Priced Dwelling Units (MPDUs)

- a) The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (MCDHCA) in its letter dated August 6, 2019 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.
- b) The development must provide 15 percent MPDUs or MCDHCA -approved equivalent consistent with the requirements of Chapter 25A and the applicable Master Plan.
- c) Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and the MCDHCA must be executed.

4. Phase 3 Site Plan Amendment

A site plan amendment must be approved prior to issuance of any building permit within Phase 3.

### **Open Space, Facilities and Amenities**

5. Amenity Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 259,140 square feet of amenity open space (10% of site area) on-site.

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<sup>1</sup> For the purposes 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.

- b) Prior to the Final Use and Occupancy Certificate for the residential building in Phase 1 (413 units), the Applicant must construct all streetscape improvements, including the undergrounding of utilities, along the property's frontage on Westlake Terrace frontage.
  - c) Before the issuance of the final use and occupancy certificate for each phase of development, all public amenity areas within that phase must be completed.
  - d) Plant material must be installed within one growing season after completion of each building.
6. Recreation Facilities  
Before the issuance of the final Use and Occupancy Certificate for each building containing residential dwelling units, the Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.
7. Maintenance of Public Amenities  
The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to public art, seating, landscaping, and lighting.

## **Site Plan**

8. Site Design  
The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations in the Certified Site Plan, as determined by M-NCPPC Staff.
9. Lighting
- a) Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
  - b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
  - c) Deflectors will be installed on proposed fixtures to prevent excess illumination and glare.
  - d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.
  - e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
  - f) On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

## **Environment**

10. Forest Conservation & Tree Save
- a) The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
  - b) The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final

Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.

- c) The Applicant must provide financial surety to the M-NCPPC Planning Department for the 1.91 acres of new planting prior to the start of any demolition, clearing, or grading on the Property.
- d) The Applicant must submit a two-year Maintenance and Management Agreement approved by the M-NCPPC Office of General Counsel prior to the start of any demolition, clearing or grading on the Property. The maintenance and management agreement is required for all planting areas credited toward meeting the requirements of the Forest Conservation Plan.

#### 11. Noise Attenuation

- a) Prior to the issuance of the first building permit, the Applicant/developer/builder must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatments that the building shell for residential dwelling units in Buildings A, E, and J affected by exterior noise levels projected at or above [65] dBA Ldn, will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b) Before the final inspection for any noise impacted residential units in Buildings A, E, and J, the Applicant must certify to M-NCPPC Staff that the units have been constructed in accordance with the certification of the engineer that specializes in acoustical treatments.
- c) Before issuance of any Use and Occupancy Certificate for any of the noise impacted units, the Applicant must certify to M-NCPPC Staff that the noise impacted units have been constructed in accordance with the certification of an engineer that specializes in acoustical treatments.

### **Transportation & Circulation**

#### 12. Transportation

- a) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Right of Way Plan Review Section in its letter dated May 12, 2020, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.
- b) The Applicant must provide Private Road A, B, and C including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by the Site Plan within the delineated Private Road Area (collectively, the “Private Road”), subject to the following conditions:
  - i. Before issuance of building permit, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Road has been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code MC-2005.02 and MC-2005.04, as modified on this Site Plan, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s)



for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.

- ii. A separate bond shall be set aside for ongoing maintenance requirements with respect to the private roads, in an amount approved by M-NCPPC Staff.
- c) If MCDOT determines that the valet on Private Road A creates queuing back-ups on the County roads, the Applicant must work with MCDOT to resolve the queuing issue, which may result in relocation or removal of the valet.
- d) Prior to issuance of the first right-of-way permit, the Applicant must confirm with MCDOT that the location of the temporary transit center and connectivity with mall facilities is acceptable.
- e) Before the release of any building permit, the Applicant must enter into an amended Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT.
- f) Prior to Issuance of the First Use and Occupancy Certificate in Phase 1, execute a loading management plan (LMP) with the Montgomery County Planning Department, detailing loading truck procedures and service times.
- g) Prior to issuance of the final Use and Occupancy Certificate the residential building in Phase 1 (413 units), all improvements within the Westlake Terrace right-of-way must be constructed as shown on the Certified Site Plan.
- h) When the site plan is amended prior to Phase 3, the Applicant must address details of the following in coordination with MCDOT and Planning:
  - i. Pedestrian safety at the intersection of the Woonerf and Westlake Drive, including but not limited to, the provision of a HAWK signal or full intersection signal.
  - ii. Relocation or removal of the existing pedestrian hybrid beacon (PHB or “HAWK”) as necessary.
  - iii. Construction within the existing right-of-way of an off-site shared use path along the gas station’s street frontages to connect with the shared use path along the applicant’s Democracy Boulevard and Westlake Drive street frontages.
  - iv. Reduction in the width of the gas station’s driveways on Democracy Boulevard and Westlake Drive.
  - v. Construction of a vegetated median on Westlake Drive, extending from Lakeview Drive/Woonerf to points south, tapering in the location of the existing gore striping, with the intent of preventing turns across multiple lanes of traffic and to create a tighter environment, encouraging slower speeds.
  - vi. Removal of the channelized right turn from Democracy Boulevard onto Westlake Drive and improvement of curb ramps and crosswalk markings as necessary.
  - vii. The cross section of Westlake Drive.

### 13. Pedestrian & Bicycle Circulation

- a) The Applicant must provide bicycle parking spaces as follows:
  - i. Twenty (20) short-term existing spaces at the transit center.
  - ii. Ninety-five (95) long-term and five (5) short-term spaces for the residential portion of building A.
  - iii. Ninety-five (95) long-term and five (5) short-term spaces for the residential portion of building E.
  - iv. Fifty-six (56) long-term and one short-term) space for hotel/residential Building J.

- v. Eight (8) long-term and (42) short-term spaces for the retail portion of the Project.
- b) The long-term spaces must be in a secured, well-lit bicycle room adjacent to the covered parking area, and the short-term spaces must be inverted-U racks (or approved equal). The specific locations of the short-term bicycle racks must be identified on the Certified Site Plan.
- c) The Applicant must provide sidewalks as shown on the Certified Site Plan.
- d) Safe pedestrian access to the mall from Westlake Drive and Westlake Terrace must be provided during all construction phases.

#### 14. Site Plan Surety and Maintenance Agreement

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

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

#### 15. Development Program

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

#### 16. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, development program, Site Plan resolution, and other applicable resolutions on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c) Add 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."
- d) Modify data table to reflect development standards approved by the Planning Board.
  - i. The maximum amount of residential allowed must be changed to 845,727 sf (30% of proposed GFA).
  - ii. Clarify the proposed/approved building heights.

- iii. Proposed open space is 10% of total site area (259,140 square feet).
- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) Add a note to the Site Plan stating that "An on-site pre-construction meeting is required to be set up with the Department of Permitting Services (DPS), Zoning & Site Plan Enforcement Division before any building construction activity occurs on-site. The owner or his designee who has signature authority, and general contractor must attend the pre-construction meeting with the DPS Site Plan Enforcement inspector. A copy of the Certified Site Plan is required to be on-site at all times."
- g) Remove all references to office use.
- h) Revise the bicycle parking calculations to show a maximum of 100 residential bicycle parking spaces (95% long term) for Building A and for Building E.
- i) Show a bicycle parking room in each building with long-term bicycle parking sufficient to accommodate the required number internal spaces.

## SECTION 2: VICINITY AND SITE DESCRIPTION

### Vicinity

The subject property is 59.45 acres in size; zoned GR-1.5 H-45 and Regional Shopping Center (RSC) Overlay Zone 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). To the north of the Subject Property are multiple commercial retail and office properties in the CRT Zone. To the east are multiple office buildings in the Rock Spring Office Park also in the CRT 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 1).

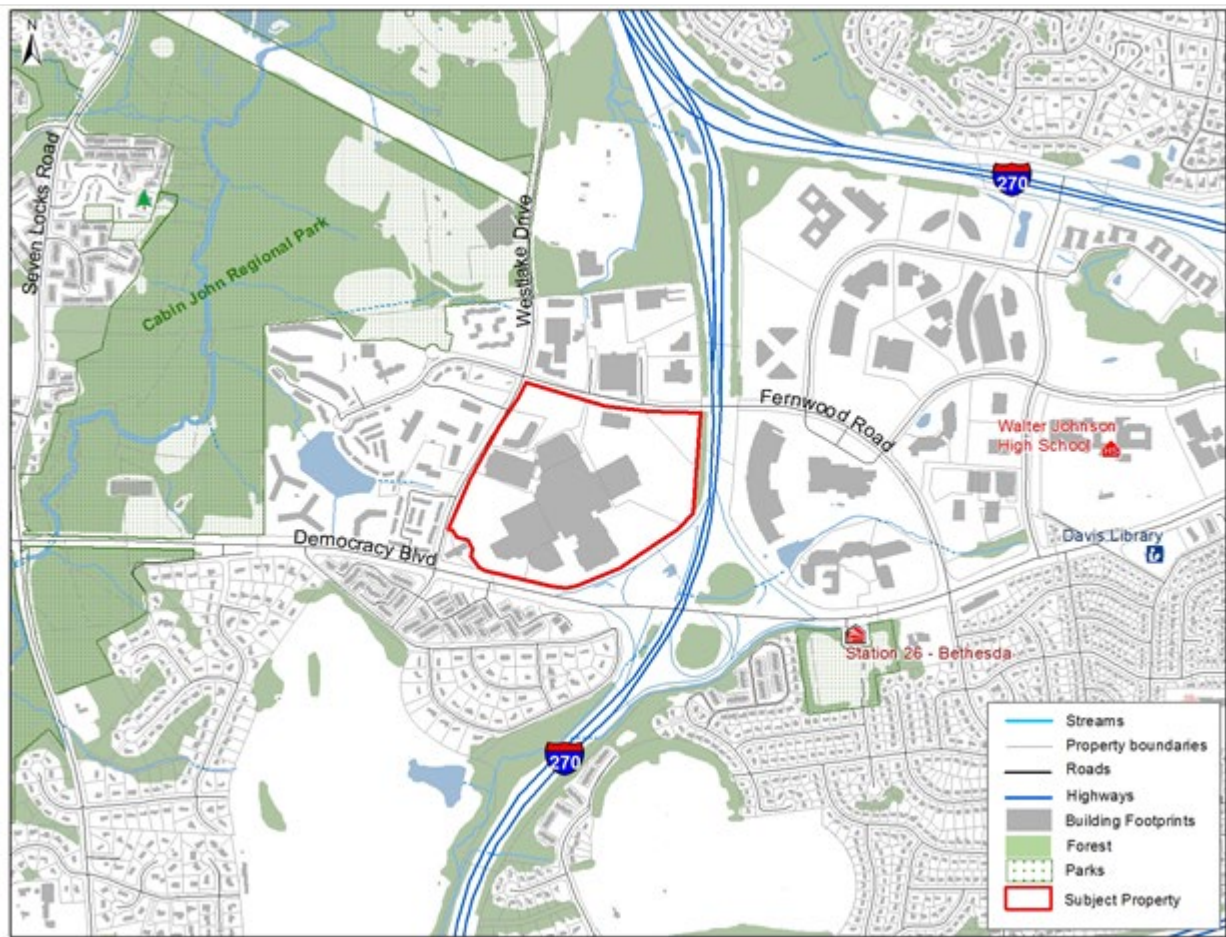


Figure 1: Vicinity

## **Site Analysis**

The Subject Property is currently developed with 1,539,183 square feet of retail gross floor area<sup>2</sup> and associated parking, known as Westfield Montgomery Mall ("Mall") and the adjacent 25,005 square foot Westlake Crossing Shopping Center (Figure 2). 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. A County-managed transit station occupies the northeast corner of the Property and includes six bus bays and three bus layover spaces. The Property was platted in 2013 (Lakeview, Parcel P, Plat No. 24655).

The Property has vehicular access via multiple curb cuts, including two curb cuts on Democracy Boulevard, six curb cuts on Westlake Drive (excluding the gas station curb cuts), and two intersections along Westlake Terrace, which function as extensions of the existing street grid.

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.

## **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. 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 (2,020,920 GFA), 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 (348,000 GFA) addition, for a total of 1,542,172 square feet (1,788,920 GFA). However, the Site Plan 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 (2,049,856 GFA).

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<sup>2</sup> Prior preliminary and site plan approvals for the Subject Property identified square footage in terms of gross leasable area (GLA). At Staff's request, GLA has been converted to gross floor area (GFA). To evaluate the existing Mall in terms of the non-GLA space, the Applicant included the mall concourses and back of house service areas and compared this area to the actual GLA areas to determine a 16 percent conversion factor. This conversion allows for an equitable comparison of existing, previously approved and proposed density given that maximum density for the GR zone is expressed in FAR, a calculation based on the GFA of all development on a Property. Except where otherwise stated in this report, all square footage reflects GFA.





Figure 2: Aerial View of Property

Site Plan 82005003A 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 (416,885 GFA) addition to the shopping center. This approval continued with the 300,000 square feet (348,000 GFA) previously approved under 820050030 but added the 59,384 square feet of GLA (68,885GFA) 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. The revisions to the conditions of the A amendment were requested because the Applicant knew another site plan amendment was imminent and the wayfinding and security lighting plans would be changed. The B amendment was certified along with the A amendment on July 3, 2012.

Site Plan 82005003C was approved by the Planning Board on November 8, 2012, Resolution No. 12-116 dated November 19, 2012, to reconfigure approved gross floor area, parking, and site circulation to accommodate a new movie theater and expanded food court. The amendment included changes to building height, building and parking layout, on-site circulation and landscaping, primarily in the western portion of the Property along Westlake Drive.

Preliminary Plan 12005018B was approved by the Planning Board on September 4, 2014, Resolution 14-70 dated September 8, 2014, to modify a condition of approval eliminating the requirement for a southbound right turn lane from Seven Locks Road to Democracy Boulevard.

Site Plan 82005003D was an administrative amendment approved by the Planning Director on July 22, 2015, to install two interim monumental signs, build an interim parking and circulation pattern adjacent to the new Transit Center, and provide an interim sidewalk and additional parking at the location of the existing Transit Center.

A summary of these various plan approvals is listed chronologically in Table 1. All prior approvals were under the Property's former C-2 zone. The Property was rezoned to the GR-1.5 H-45 and Regional Shopping Center Overlay Zones by District Map Amendment G-956 in 2014.

**Table 1: Previous Approvals**

<b>Plan Number</b>	<b>Date of Approval</b>	<b>Total Approved Prelim Plan</b>	<b>Total Approved Site Plan</b>	<b>Notes</b>
Prelim Plan 120050180	01/27/05	1,742,172 GLA (2,020,920 GFA)	N/A	500,000 sq ft expansion of general retail approved.
Site Plan 820050030	01/27/05	N/A	1,542,172 GLA (1,788,920 GFA)	300,000 sq ft expansion approved
Prelim Plan 12005018A	09/20/07	1,767,117 GLA (2,049,856 GFA)	N/A	Incorporate Westlake Crossing (25,005 sq. ft.) to approved and built GLA.
Site Plan 82005003A	09/20/07	N/A	1,601,556 GLA (1,857,805 GFA)	Incorporate Westlake Crossing (25,005 sq.ft.) to built GLA, and additional 59,384 sq. ft. to approved Site Plan GLA.
Site Plan 82005003B	01/12/12	N/A	1,601,556 (1,857,805 GFA)	Modification to conditions of approval
Site Plan 82005003C	11/8/12	N/A	1,601,556 (1,857,805 GFA)	Change layout and phasing of previously approved expansions
Prelim Plan 12005018B	9/4/14	1,767,117 (2,049,856 GFA)	N/A	Modify a condition of approval
Site Plan 82005003D	7/22/15	N/A	1,601,556 (1,857,805 GFA)	Install signage, interim parking/circulation

#### **Existing Approval**

The existing Preliminary Plan approval allows a total of 2,049,856 GFA of retail, while the Site Plan approval allows a total of 1,857,805 GFA of retail.

### SECTION 3: PROJECT DESCRIPTION

#### Preliminary Plan Amendment

The Applicant seeks approval for a total of 2,896,731 square feet of development (1.11 FAR) to accommodate the following:

- 833,429 square feet of residential development (717 dwelling units);
- A 247,860 square-foot hotel; and
- 1,815,442 square feet of retail<sup>3</sup> uses.

The amount of retail requested with the Preliminary Plan Amendment includes the demolition of 233,019 square-feet of vacant retail space (the Sears Department Store and the Sears Tire Store) and 276,259 square feet net new retail, as demonstrated in Table 2.

#### Site Plan Amendment

The Site Plan Amendment requests approval for 2,819,090 total square feet of development (1.08 FAR) to accommodate the following:

- 833,429 square feet of residential development (717 dwelling units including 108 MPDUs);
- A 261 room (247,860 square feet) hotel, including 35,000 square feet of amenity space; and
- 1,737,801 square feet of retail uses.

This amount of retail within the Site Plan Amendment includes the demolition of 233,019 square-feet of vacant retail space (the Sears Department Store and the Sears Tire Store) and construction of 198,618 square feet net new retail (Table 2).

**Table 2: Existing and Proposed Retail GFA**

	Preliminary Plan (Proposed)	Site Plan (Proposed)
Existing Built GFA (Preliminary Plan 12005018A) (Site Plan 82005003C)	1,539,183	1,539,183
Demolition GFA	(233,019)	(233,019)
New Retail GFA	509,278	431,637
Net New Retail GFA	276,259	198,618
Total Retail GFA	1,815,442	1,737,801

The Subject Applications will allow Westfield Montgomery Mall to demolish existing retail spaces and redevelop surface parking lots into a pedestrian friendly mixed-use outdoor shopping area (Project). The majority of the redevelopment will occur on the northern side of the Mall Property along Westlake Terrace, which is currently occupied by surface parking lots, the vacant Sears Department store, and the

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<sup>3</sup> For the purposes of this report, retail includes retail/service establishments, restaurants, fitness centers, recreation/entertainment, and other commercial establishments associated with a regional mall.



Sears Tire store. The Project also includes the relocation of the Macy's Home Store and construction of a parking deck between Macy's and Nordstrom (Figure 3).

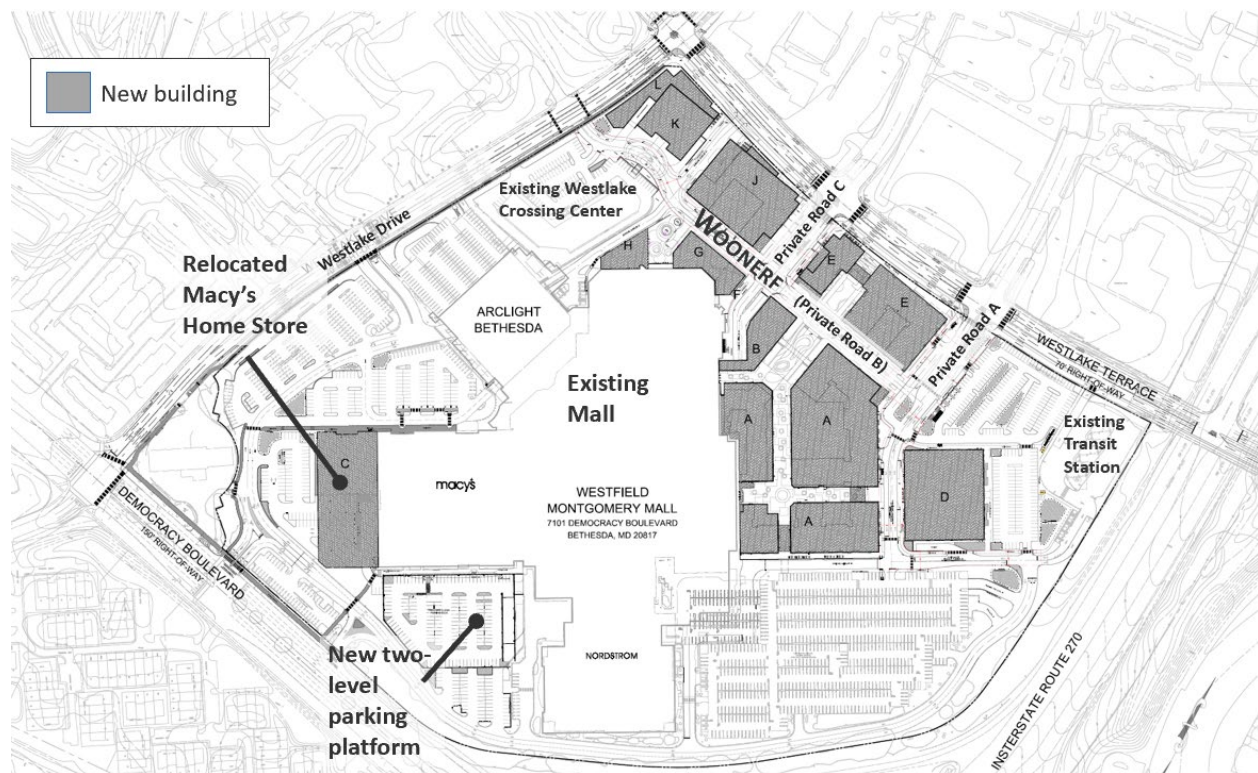


Figure 3: Site Plan

The major component of the Project is a mixed-use development focused around a woonerf framed by buildings with ground floor retail and restaurant uses. A woonerf is a "living street" where all modes of transportation, including automobiles, bicycles, and pedestrians, are given equal priority. The Project also proposes buildings fronting on Westlake Terrace with uses such as lobbies and pocket parks to engage the public realm along this frontage. The buildings will be set back 10 to 30 feet from the Westlake Terrace right-of-way to provide a comfortable pedestrian experience. The streetscape will be improved with enhanced landscape and hardscape to promote activation. The new development includes retail, residential, a large fitness center, and a hotel.

Construction will proceed in three phases (Figure 4). This Site Plan approval covers Phases 1 and 2; Phase 3 is conceptual at this time and a site plan amendment will be required before the Applicant can proceed with the third phase of development. The Applicant also anticipates a subsequent amendment for a fourth phase at some point in the future to utilize the remaining density requested under the Subject Preliminary Plan Amendment. The Gross Floor Area (GFA) associated with Phases 1 through 3 are summarized in Table 3. The Project will commence with the demolition of the vacant Sears stores.

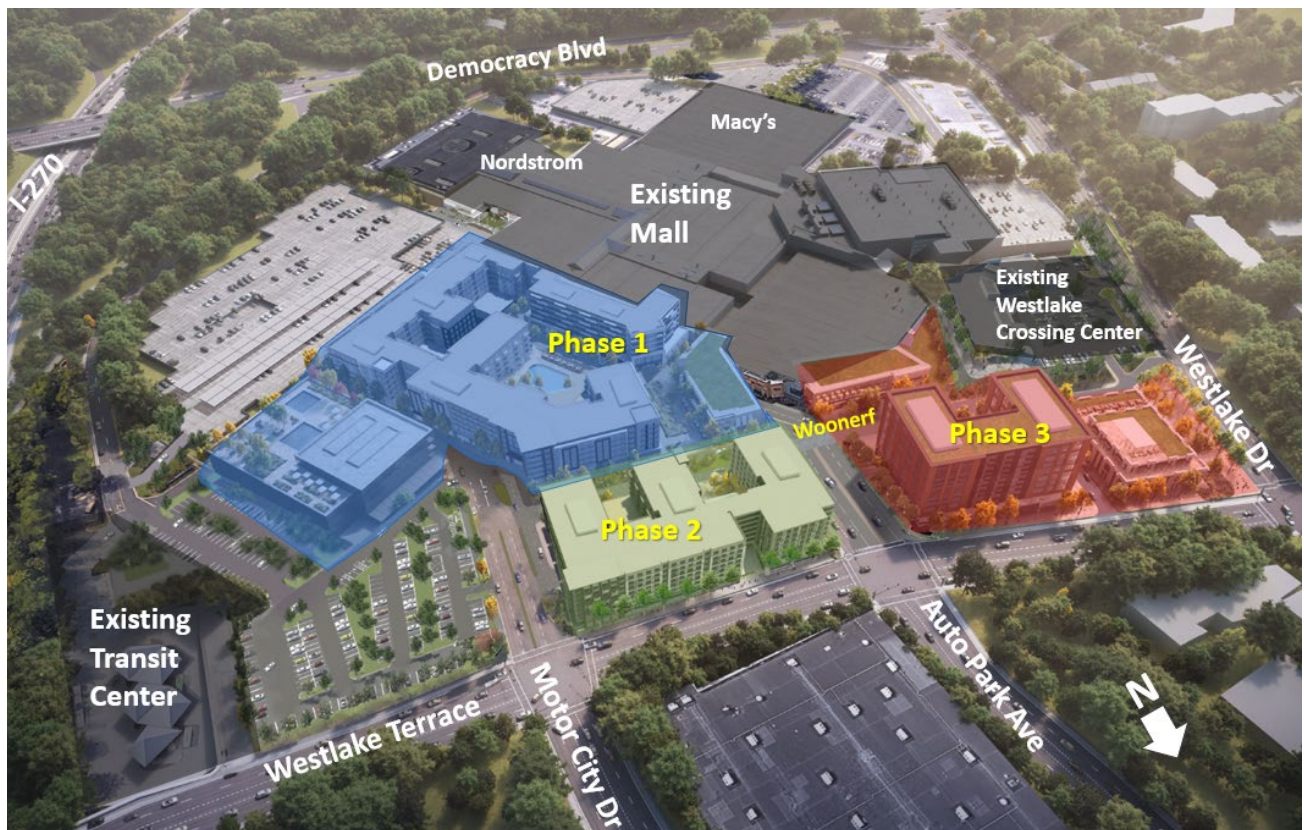


Figure 4: Illustrative View of phased development on north side of Property

#### Phase 1:

The proposed first phase of development includes construction of the eastern portion of the woonerf, which will serve as the Project's defining feature, and the majority of the development fronting on the south side of the woonerf (Figure 5). Phase 1 includes construction of:

- 127,800 square feet of retail located external to the mall located along open-air plazas or the woonerf
- A four-level, 135,942 square foot fitness center on the eastern portion of the Property, southwest of the Transit Center
- 413 residential units including 15% MPDUs located above ground floor retail within a 100-foot tall building
- Heritage Plaza Open Space (0.5-acre southern portion)
- Public art and seating
- Westlake Terrace separated bike path and sidewalk along the Property frontage from Westlake Drive to Motor City Drive.

Phase I also includes the reconstruction of the former platform parking structure located in the “elbow” between the Macy's and Nordstrom anchor stores in the southwest corner of the Property. The prior one level parking platform will be replaced with a two-level platform.

A valet service area will be provided at the entrance to the woonerf. The valet will serve the increasing number of people relying on driving services, and the Applicant expects it will be heavily used by Mall patrons, residents and residents' visitors.

The Transit Center will be temporarily relocated during Phase 1 as the circulation surrounding the existing Transit Center is reconfigured. Upon completion of Phase 1, the Transit Station will be reinstated at the existing location.

**Table 3: Summary of Phases 1-3**

Square Footage per Building (GFA), By Use, Per Phase									
	No. Stories Above Grade	Retail GFA	Office GFA	Hotel GFA	Hotel Keys	Residential GFA	Total Residential Units	MPDU	
EXISTING BUILDINGS									
Existing Mall	3	1,539,183							
Sears Demo		-233,019							
Total GFA after Demolition		1,306,164							
PHASE 1									
Existing Mall		1,306,164							
Building A	6	100,000	0	0	0	456,926	413	62	
Building B	2	27,800	0	0	0		0	0	
Building D	4	135,942	0	0	0		0	0	
Subtotal added in Phase 1		263,742	0	0	0	456,926	413	62	
GFA at end of Phase 1		1,569,906	0			456,926	413	62	
PHASE 2									
Existing Mall		1,569,906	0	0	0	456,926	413	62	
Building E	7	27,000	0	0	0	255,363	240	36	
Subtotal added in Phase 2		27,000	0	0	0	255,363	240	36	
Cumulative GFA at end of Phase 2		1,596,906	0			712,289	653	98	
PHASE 3									
Existing Mall		1,596,906	0			712,289	653	98	
Building C	1	50,000	0	0	0		0	0	
Building F	1	6,500	0	0	0		0	0	
Building G	1	9,000	0	0	0		0	0	
Building H	1	7,600	0	0	0		0	0	
Building J	12	13,200	0	247,860	261	121,140	64	10	
Building K	3	42,295	0	0	0		0	0	
Building L	1	12,300	0	0	0		0	0	
Subtotal added in Phase 3		140,895	0	247,860	261	121,140	64	10	
Cumulative GFA at end of Phase 3		1,737,801	0	247,860	261	833,429	717	108	





Figure 5: Illustrative View of Phase 1

## Phase 2

The framing of Westlake Terrace will begin with the development of Phase 2's 85-foot mixed-use building, which will also frame the woonerf facing the Phase 1 buildings (Figure 6). The proposed building will provide 240 residential units, including 36 MPDUs, and 27,000 square feet of ground floor retail.

Phase 2 will also complete the 0.15-acre northern portion of Heritage Plaza and provide additional pedestrian connections from Westlake Terrace to the woonerf and Heritage Plaza/Paseos.



Figure 6: Illustrative View of Phase 2

### Phase 3

As previously discussed, Phase 3 is conceptual at this time and details will be confirmed during a subsequent site plan amendment. The development of Phase 3 will complete the framing of Westlake Terrace and the woonerf (Figure 7). Phase 3 includes a total of 140,895 square feet of retail comprised of:

- A three-level stand-alone retail store at the corner of Westlake Drive and Westlake Terrace that will anchor the overall Project and highlight the predominantly retail nature of the Mall Property.
- The 50,000 square foot extension of the Macy's department store that is located on the western portion of the Property to accommodate the Macy's Home Store.
- Ground floor retail along both sides of the woonerf.

Phase 3 also includes a 150-foot tall hotel/residential building. The proposed building has 261 hotel rooms and 35,000 square feet of amenity space on floors 1-7; and 64 residential units, with 10 MPDUs, on floors 8-12. The hotel and residential lobbies are located on the second floor and the ground floor will be devoted to retail to provide street activation.

The following improvements are anticipated to be included with Phase 3, but final details and timing will be determined at a subsequent site plan amendment:

- Pedestrian safety improvements at the intersection of the Woonerf and Westlake Drive, including but not limited to, the provision of a HAWK signal or full intersection signal.



- Relocation or removal of the existing pedestrian hybrid beacon (PHB or “HAWK”) as necessary to coordinate with new pedestrian crossing signalization at the intersection of the Woonerf and Westlake Drive.
- Construction of an off-site shared use path along the gas stations street frontages to connect with the shared use path along the Applicant’s Democracy Boulevard and Westlake Drive street frontages.
- Reduction in the width of the gas station’s driveways on Democracy Boulevard and Westlake Drive.
- Construction of a vegetated median on Westlake Drive.
- Removal of the channelized right turn from Democracy Boulevard onto Westlake Drive and improvement of curb ramps and crosswalk markings as necessary.



Figure 7: Illustrative View of Phase 3

#### Urban Design/Architecture

The Applicant submitted an Urban Design Diagram to illustrate the key proposed urban design elements of the Project. Proposed events include terminated gateways, vistas/focal elements, public spaces, prominent corners, and activated frontages (Figure 8). The Project’s proposed architecture will contain classic materials such as brick and stone in addition to contemporary elements. Scale and textural experience will be emphasized with the design.

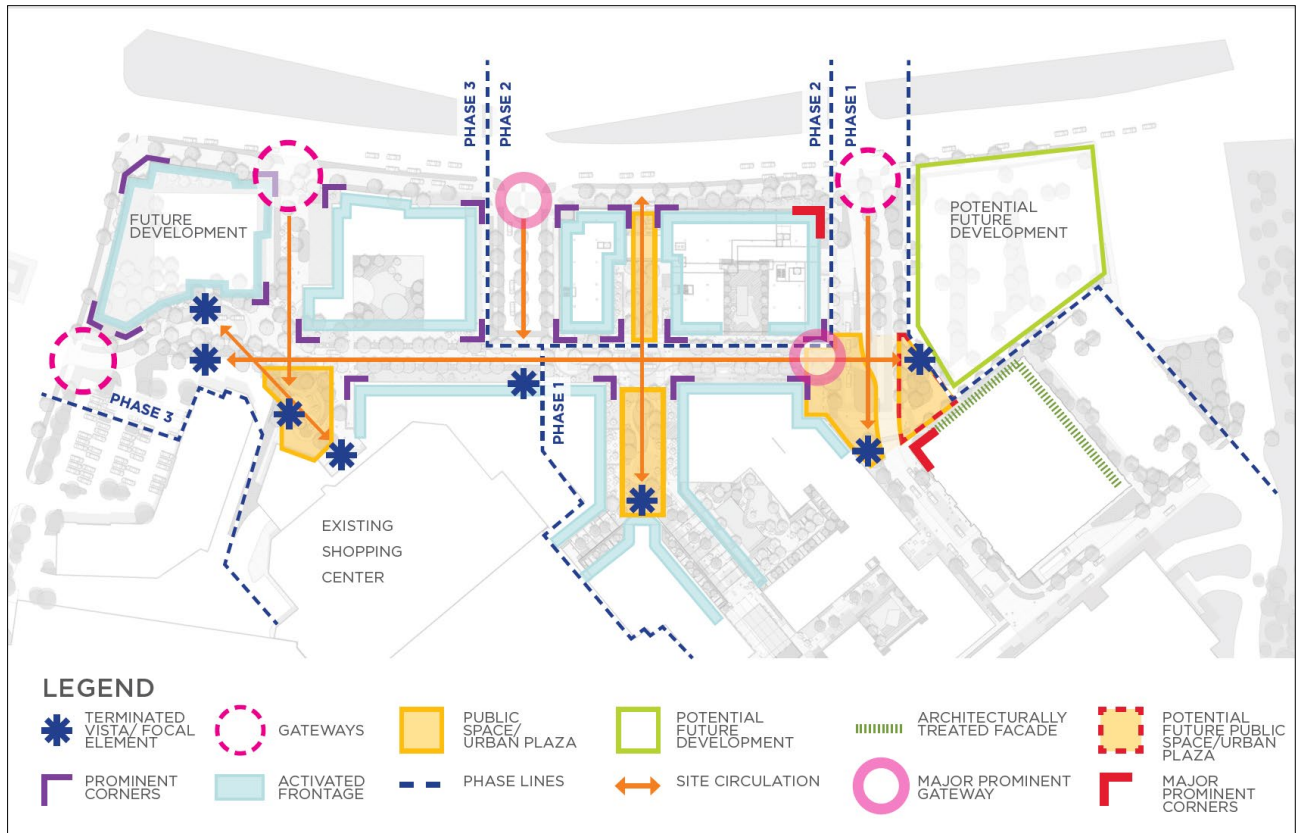


Figure 8: Urban Design Diagram



Figure 9: Illustrative view of Westlake Terrace: Phase 1 and 2





Figure 10: Illustrative view of entrance into Heritage Court from Westlake Terrace



Figure 11: Illustrative view of defined corner of residential building



### Open Space

The Project provides two primary open spaces- the woonerf and the Heritage Court/Paseos in addition to smaller pocket parks and landscape plantings throughout the Property.

#### Woonerf

The central unifying feature of the Project is the proposed woonerf (Figure 12). The woonerf extends from the valet area adjacent to the Transit Center parking area to Westlake Drive and will be lined with retail, restaurants, residences, and the hotel to create an inviting pedestrian-friendly environment. The woonerf will create opportunities for a variety of open space features and will be lined with shade trees and planting areas and will feature textured paving, amenity seating zones, and café patios. The Statement of Justification describes the reason the woonerf is especially suited for this project:

*In the case of Montgomery Mall, the woonerf solves a design challenge, unique to the Property. As noted, the impetus for the Project is to reinvigorate a very significant asset - - the retail mall. For this reason, any additional development must be carefully integrated into the existing development and work to encourage access to, and interaction between, the new and old assets. ... For this reason, it was important that the new development did not “turn its back” on the existing Mall or unintentionally serve as a barrier to access.*



Figure 12: Rendering of the Woonerf

#### Heritage Court/Paseos

Heritage Court and Paseos intersect with the Woonerf at the very center of the Project and will function as the main hub for outdoor recreation (Figure 13). These outdoor plazas are approximately 40,000 square feet in size and will be available for year-round use. The spaces include an open lawn area, hardscape and ornamental plantings. The design offers opportunities for diverse forms of public recreation (e.g., ice skating, yoga classes, live music concerts, etc.).



Figure 13: Heritage Court and Paseo

#### Access/Circulation

The Applicant proposes to maintain its existing access points with minor modifications, one major modification, and one additional curb cut. The major modification is proposed during the third phase of development, in which the proposed Woonerf will be extended to Westlake Drive to align opposite to Lakeview Drive, a private road, creating a four-legged intersection. The Applicant proposes an additional curb cut on Westlake Terrace, positioned between Westlake Drive and Auto Park Avenue.

The ring road around the mall will continue to function as the primary circulation road for vehicular traffic, while the “grid-style” roadways to the northwest of the site will function as complementary roadways generally designed to facilitate traffic into and out of the site.

#### Community Outreach

The Applicant has met all proper signage, noticing, and submission meeting requirements. The Applicant held two community meetings. The initial meeting, which occurred on May 24, 2018 included the leaders and representatives from the neighborhoods surrounding the Mall property. The more expansive meeting with the community, as required by the Zoning Ordinance, was held on June 20, 2018. Staff has received no citizen or community group comments regarding this Application.

## SECTION 4: PRELIMINARY PLAN ANALYSIS AND FINDINGS

*1) The layout of the subdivision, including size, width, shape, orientation and diversity of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The proposed lots were reviewed for compliance with the dimensional requirements for the GR Zone and RSC Overlay zone, as specified in the Zoning Ordinance. The proposed lot dimensions, size, width, shape and orientation are appropriate for the location of the subdivision and this type of development and will meet all dimensional requirements for the area, frontage, width, and setbacks in the GR Zone and RSC Overlay Zone. The application represents infill development in an appropriate location near a future public school. The proposal is consistent with the intent of the GR Zone and RSC Overlay Zone.

Pursuant to Sections 4.6.3.C and 4.9.12.C of the current Zoning Ordinance, applicable development standards for a development of the Property in the GR Zone and RSC Overlay Zone are as follows:

**Table 4: GR and RSC Overlay Zone Development Standards**

PLAN DATA	Required/Permitted	Proposed
<b>Sections 4.6.3.C and 4.9.12.C</b>		
<b>Density (max)</b>		
Density (FAR)	1.5 FAR (3,921,570 square feet GFA)	1.11 FAR (2,896,731 square feet GFA) (Preliminary Plan)
Amenity Open Space	10% (258,968 square feet)	10% (259,140 square feet)
Height	150 ft max	150 ft max

### Private Roads - Section 50-4.3.E.4

The Applicant proposes Private Roads A, B, and C. Per Section 50.4.3.4.c., in requesting private roads, the Applicant agrees, per the conditions of approval, that the proposed private roads must be built to the construction specifications of the corresponding, modified public road standards including paving detail and design data, and surface depth and structural design. The proposed private roads must be fully accessible to the public; accessible to fire and rescue vehicles, as needed; and designed to the modified public road standards.

For this subdivision, the proposed private internal streets are all located above an underground parking structure, which provides service and access to the ground floor retail internal to the site and meets the minimum standards necessary for their approval. The private area roads will be constructed to the minimum public road structural standards, will have a minimum 20-feet of pavement width and adequate turning radii where needed for emergency access, an appropriate paving cross-section elsewhere for private vehicles, and an appropriate circulation and turnaround pattern. The Private Road Area will modify public road standards MC-2005.02 and MC-2005.04. The private roads will be located

within a separate private road area boundary, with the Book and Page numbers recorded on the Certified Preliminary and Site Plans. A covenant will ensure the private roads are adequately maintained and remain fully accessible to the public.

The Private Road Areas are intended to provide necessary flexibility in right-of-way width and road design, that cannot be achieved under Chapter 49, to provide enhanced sidewalk, curb and crosswalk design features that promote pedestrian circulation. Private Road Area B, the woonerf, will include a 20-foot wide area for vehicular circulation and 23 feet on either side of the vehicular circulation area including seating, planters, and other street furniture. Because the area is intended to function as a shared street, delineation will be minimal, which will slow vehicular traffic.

*2) The preliminary plan substantially conforms to the master plan.*

The 2017 Rock Spring Sector Plan (the "Sector Plan") identifies areas of opportunities for growth and improvement. The Property is located within the Rock Spring West/Mixed-Use Regional Marketplace cluster, which includes properties located west of the Interstate-270 spur and north and south of Westlake Terrace. The Sector Plan confirmed the GR-1.5, H-45 zone, and supported an amendment to the Regional Shopping Center Overlay zone to include residential uses and an increase in the maximum allowable height for residential uses and hotels to 150 feet.

*Establish a redevelopment framework that provides a greater mix of uses and amenity options for businesses and their employees, as well as residents, both in the long and short term. (p.18)*

The Project will provide a variety of retail/service establishments such as restaurants, and upscale shopping, as well as other amenity options including the Heritage Court and Paseos, which will all work in tandem to help establish a recreation destination for patrons of Montgomery Mall and residents. Other uses such as the comprehensive fitness center and hotel will draw visitors beyond the immediate vicinity and will give the Property a potentially greater market reach than it currently enjoys.

Rock Spring West/Mixed-Use Marketplace Cluster

Likewise, the Project complies with the following redevelopment guidelines specific to the Rock Spring West/Mixed-Use Marketplace cluster:

*Focus new development intensity along available areas on Westlake Terrace to prioritize its transition into a pedestrian-friendly environment. (p.35)*

The Project will provide a variety of retail/service establishments such as restaurants, and upscale shopping, as well as other amenity options including the Heritage Court and Paseos, which will all work in tandem to help establish a recreation destination for patrons of Montgomery Mall and residents.

*Enhance the existing intersections along Westlake Terrace and Westlake Drive to improve crossing conditions for pedestrians, improve access to Cabin John Regional Park, and improve connectivity between north and south areas of this cluster. (p.36)*

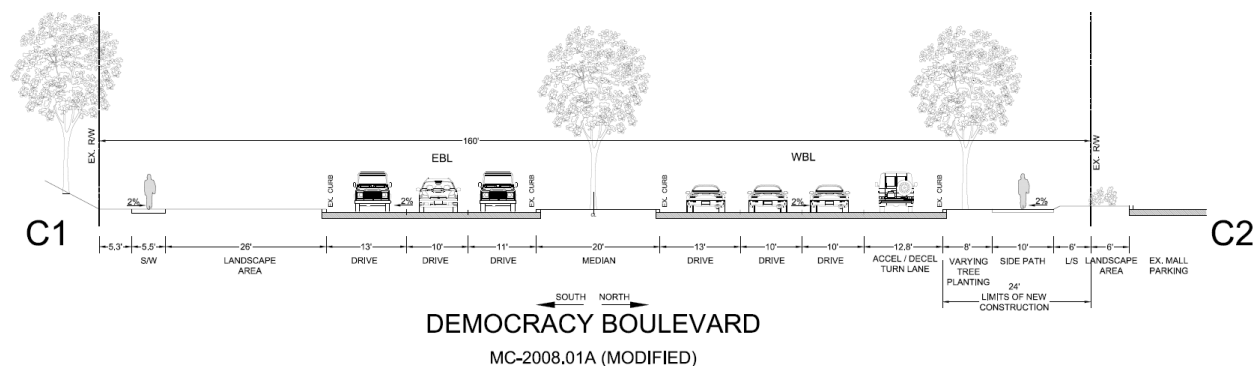
Westlake Drive will be improved to include new bikeable shoulders and a shared use path connecting Democracy Boulevard to North Westlake Drive towards Cabin John Park. The intersection of Westlake Drive and Westlake Terrace will also be improved to provide safe pedestrian and bicycle access across and through this intersection.

#### Master Planned-Roadways and Bikeways

The Westfield Montgomery Mall site is bounded by four master-planned roadways within the Rock Spring Sector Plan Area: Democracy Boulevard to the south, Westlake Drive to the west, Westlake Terrace to the north, and Interstate 270 to the east. This staff report excludes a discussion of I-270 as no changes are proposed for I-270 and no direct access is available to the mall from the highway. Staff notes that the State's managed lanes project may provide toll lane access at the interchange located on Westlake Terrace; however, no formal decision has been made at this time.

Four (4) relevant documents inform the widths and number of proposed lanes for master-planned roadways in the Applicant's development program. In 2017, the *Rock Spring Master Plan* was approved, which in turn informed the 2018 *Bicycle Master Plan* and subsequent 2018 *Master Plan of Highways and Transitways* technical update. Following these efforts, the *Parking Lots to Places: White Flint and Rock Spring Urban Design Guidelines (Guidelines)* document was developed, complete with roadway sections, to help encourage streets in scale and character with the projected development. The sections in the *Guidelines* serve as the main points of reference for the Applicant's master-planned street design.

***Democracy Boulevard:*** Democracy Boulevard is classified as a 150-foot divided six (6) lane major highway (M-5) (Figure 14). Based on the existing width of the adjacent segment, no dedication is required. The applicant shows 24 feet of new construction, which includes an eight (8) foot landscape buffer, a ten (10) foot sidepath, and approximately six (6) feet of landscaping behind the sidepath. The portion of the sidepath that was previously constructed will remain; however, it will be continued from its existing termination point and carried to the corner of Westlake Drive. Staff recommends that the Board condition the Applicant's approval on the provision of flush, continuous crossings where bicycle facilities cross driveway access points (i.e. no ramping) down to the driveway level, including the two driveways located on Democracy Boulevard. The improvements proposed for Democracy Boulevard are anticipated with the third phase of the Applicant's development program and details of frontage improvements will be finalized at a subsequent Site Plan Amendment.



**Westlake Terrace:** Westlake Terrace is classified as a 90-foot two-lane Business District Street. The existing section has four (4) lanes; however, the *Rock Spring Master Plan* recommends that the segment adjacent to the site reduce its number of travel lanes from four (4) to two (2) while maintaining the 90-foot width recommendation. The additional space is intended to support high-quality bicycle facilities and sufficiently wide separation from the roadway.

Due to concerns about through-movements during the mall's peak hour of operation, the Applicant undertook a supplementary study, which projected excessive delay and queuing during the Saturday peak hour of operation. As such, staff agreed that four lanes could be maintained; however, the Applicant agreed to reduce the width of the roadway between the edge of each curb in order to allocate more space to non-vehicular facilities as well as slow traffic. This will require the Applicant to restripe Westlake Terrace. A section for the proposed roadway is shown in Figure 15. The Applicant proposes to maintain the 82' right-of-way and is able to achieve the non-vehicular elements recommended by the *Parking Lots To Places: White Flint and Rock Spring Design Guidelines (Guidelines)* including a ten-foot wide master-planned bidirectional separated bicycle lanes facility and the *Guidelines*-recommended easement, which will provide additional space for pedestrian circulation and furnishings.

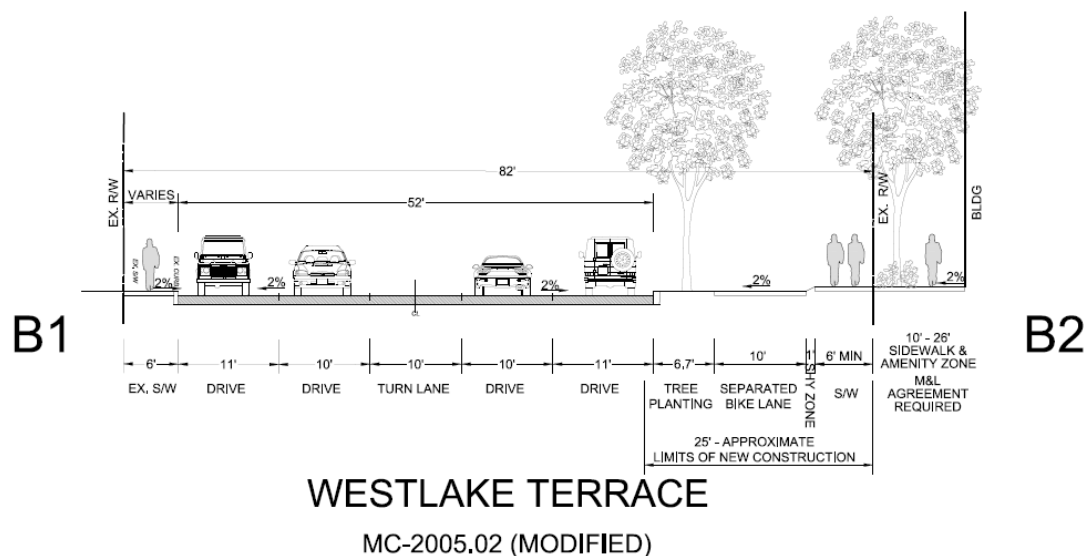


Figure 15: Proposed Westlake Terrace Section

The master-planned ten-foot sidepath will be provided between Westlake Drive and Motor City Drive. East of Motor City Drive, the roadway gradually elevates to span over Interstate 270. As the Applicant is not responsible for improvements beyond its frontage, the Applicant proposes to transition the bidirectional separated bicycle lanes into a twelve-foot sidepath, facilitating both pedestrians and bicyclist circulation. Staff supports the proposal and agrees that future transitions should be coordinated with any capital improvements or development-related improvements to the bridge.

Because the separated bicycle lanes cross multiple intersections, the Applicant has agreed to provide protected intersection elements for the relevant intersection legs per the 2018 *Bicycle Master Plan* at Motor City Drive, Auto Park Avenue, and Westlake Drive. The separated bicycle lanes and pedestrian

facilities will be held flush at sidewalk level (i.e. no ramping down) where the facilities cross the driveway proposed between Westlake Drive and Auto Park Avenue.

The improvements proposed for Westlake Terrace are anticipated with the first phase of the Applicant's development program.

*Westlake Drive:* Westlake Drive is classified as a four (4) lane 90-foot wide arterial. The *Parking Lots to Places: White Flint and Rock Spring Design Guidelines* depicts a section that includes the 2018 *Bicycle Master Plan's* recommended four-foot bikeable shoulder and ten-foot sidepath. Today, the existing sidewalk fronting the Applicant's property is adjacent to the roadway, which is not ideal from a safety perspective.

Improvements to Westlake Drive will occur during Phase 3 and the Westlake Drive cross-section will be finalized as part of the Phase 3 Site Plan Amendment. At this time, the Applicant proposes to provide a seven-foot wide landscape buffer to separate the roadway (including the 4-foot bikeable shoulder) from the ten-foot sidepath. The Applicant's frontage along Westlake Drive is currently encumbered by a five-foot wide Public Infrastructure Easement (PIE), which makes up approximately five (5) feet of the proposed sidepath facility. Following reconstruction, the roadway will need to be restriped as appropriate. Figure 16 depicts the Westlake Drive section, but the final cross-section will be determined at a subsequent Site Plan Amendment.

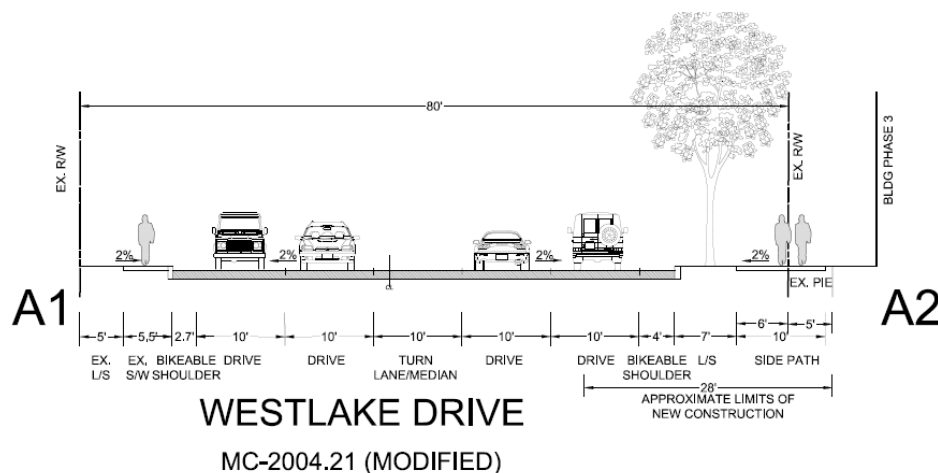


Figure 16: Proposed Westlake Drive Section

3) *Public facilities will be adequate to support and service the area of the subdivision.*

## Transportation

### Vehicular Circulation

The site is accessible today via multiple curb cuts, including two (2) curb cuts on Democracy Boulevard, six (6) curb cuts on Westlake Drive (excluding the gas station curb cuts), and two (2) intersections along Westlake Terrace, which function as extensions of the existing street grid. The Applicant proposes to maintain its access points with minor modifications, one major modification, and one additional curb cut. The major modification is proposed during the third phase of development, in which the proposed



Woonerf will be extended to Westlake Drive to align opposite to Lakeview Drive, a private road, creating a four-legged intersection. Improvements are shown, comparing the second and third phases of development, in Figure 17. The Woonerf will function as a two-way street, allowing vehicles to enter and exit. Staff recommends that the Board condition the Applicant to study safe and adequate pedestrian crossings, including a signal warrant analysis, to ensure safe operations at the Woonerf entry.

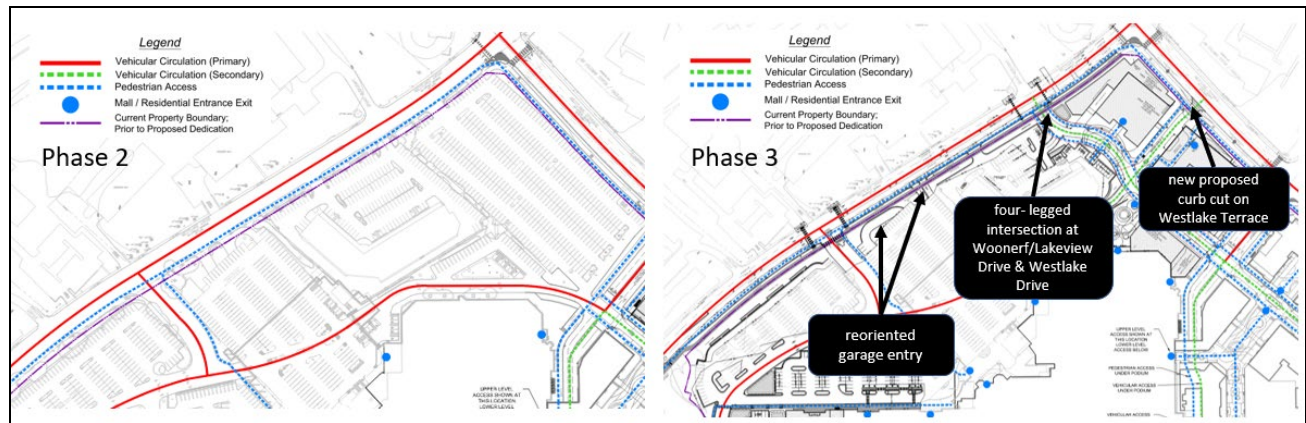


Figure 17: Westlake Drive Access Improvements

The Applicant proposes an additional curb cut on Westlake Terrace, positioned between Westlake Drive and Auto Park Avenue. While staff generally prefers to limit new vehicular access points on public roadways, the new access point furthers the grid concept proposed in the *Parking Lots to Places: White Flint and Rock Spring Design Guidelines*. Additionally, Staff rejected the Applicant's request to facilitate hotel loading and pick-ups along the Westlake Terrace as it is a public street, and the proposed curb cut allows for improved drop-offs and pick-ups adjacent to the hotel on the confines of private property. The proposed curb cut is also shown in Figure 17.

The ring road around the mall will continue to function as the primary circulation road for vehicular traffic, while the "grid-style" roadways to the northwest of the site will function as complementary roadways generally designed to facilitate traffic into and out of the site.

The Applicant's proposed development program locates building garage entryways close to the Westlake Terrace, which is not ideal; however, as shown in Figure 18 below, the proposed entries for Buildings J and E are separated by a median, preventing left turns. The right-in, right-out condition combined with the length of the garage ramp, which allows for additional stacking, reduces potential for spillback from Building J onto Westlake Terrace.







Figure 19: Valet Operations Proximate to Building E

### Loading

The mall will continue to be serviced by multiple trucks. In some of the proposed locations, trucks must make backing movements across the Site's internal circulatory roadways. While Staff typically prefers front-in, front out truck maneuvers, the internal streets will remain private road areas and such movements are allowable per the discretion of the property owner. Regardless, the Applicant will need to enter into a loading management plan (LMP) as larger trucks entering the site must pull into the center lanes in order to have enough space to complete a turn. Other movements are also constrained. For example, exiting vehicles must pull into the dedicated right-through lanes on Street A in order to make a left turn out of the site. The loading management plan will dictate appropriate times of day to service the site, as well as appropriate safety operations/precautions to ensure trucks can operate without conflict.

### Bicycle Parking

The Applicant proposes to provide a total of 232 residential, 50 retail, and 25 hotel bicycle parking spaces by the culmination of the third phase of the project. Staff recommends the Board condition the Applicant to supply a bicycle parking room in each building with residential units sufficient to accommodate the required number of internal spaces.

### Pedestrian Facilities

The applicant includes significant pedestrian facilities both fronting and within the site. Internal pedestrian paths are designed to provide separation from vehicular travel paths where possible.

Within the site, the woonerf will serve as a major site connector and will function as a two-way shared street. Each travel mode will be given equal priority; however, paving and the location of street furniture such as benches and planters will help make vehicular paths of travel more legible for drivers. The woonerf will be accessible via the main access on Westlake Drive or site connections positioned along Westlake Terrace. A proposed stairwell is positioned on Westlake Terrace and will function as a “gateway” pedestrian facility. Ramps are included with the facility to ensure accessibility up to the main common open space area and woonerf.

Improvements to the Property’s Westlake Drive and Democracy Boulevard frontages will occur during Phase 3 and the details will be finalized during the Site Plan Amendment required prior to any Phase 3 development. Staff identified several pedestrian improvements that should be made along the site frontages in support of the County’s Vision Zero policy along the Property’s Democracy Boulevard and Westlake Drive frontages. The Applicant will be responsible for addressing the following prior to approval of the Phase 3 Site Plan Amendment:

- Pedestrian safety at the intersection of the Woonerf and Westlake Drive, including but not limited to, the provision of a HAWK signal or full intersection signal.
- Relocation or removal of the existing pedestrian hybrid beacon (PHB or “HAWK”) as necessary.
- Construction of an off-site shared use path along the gas station’s street frontages to connect with the shared use path along the applicant’s Democracy Boulevard and Westlake Drive street frontages.
- Reduction in the width of the gas station’s driveways on Democracy Boulevard and Westlake Drive within the existing right-of-way.
- Construction of a vegetated median on Westlake Drive, extending from Lakeview Drive/Woonerf to points south, tapering in the location of the existing gore striping, with the intent of preventing turns across multiple lanes of traffic and to create a tighter environment, encouraging slower speeds.
- Removal of the channelized right turn from Democracy Boulevard onto Westlake Drive and improvement of curb ramps and crosswalk markings as necessary.

These improvements are intended to ensure that pedestrian demand generated by the reinvigorated mall can be safely accommodated.

#### Transit Service

The site is served by multiple bus lines and contains the Montgomery Mall Transit Center. The Ride On 42 And 47 lines provide service along Westlake Drive and Westlake Terrace (Ride On 42, 47). Termini and headways are shown in Table 5.

**Table 5: Local Transit Service**

Line	Service Area Terminus 1	Service Area Terminus 2	Peak Hour Morning Headways
Ride On 42	White Flint Metro Station	Westfield Montgomery Mall Transit Center	Approximately 30 Minutes
Ride On 47	Rockville Metro Station	Bethesda Metro Station	Approximately 25 Minutes

Bus stops for these two routes are located at:

- Westlake Drive and Democracy Boulevard
- Westlake Drive and Arizona Circle
- Westlake Drive and Lakeview Drive
- Westlake Terrace and Auto Park Avenue
- The Montgomery Mall Transit Center

The Montgomery Mall Transit Center currently serves five (5) additional bus lines beyond the two (2) aforementioned local lines, including Ride On routes 6, 26, and 96, MetroBus routes J2 and J3. Termini and headways for these lines are shown in Table 6.

**Table 6: Additional Lines Serving the Westfield Mall Transit Center**

Line	Service Area Terminus 1	Service Area Terminus 2	Peak Hour Morning Headways
Ride On 6	Parkside	Westfield Montgomery Mall Transit Center	Approximately 30 Minutes
Ride On 26	Glenmont Metro Station	Westfield Montgomery Mall Transit Center	Approximately 20 Minutes
Ride On 96	Grosvenor Metro Station	Grosvenor Metro Station	Approximately 15 Minutes
MetroBus J1	Paul S Sarbanes Transit Center (Silver Spring)	Westfield Montgomery Mall Transit Center	Approximately 20 Minutes
MetroBus J2	Paul S Sarbanes Transit Center (Silver Spring)	Westfield Montgomery Mall Transit Center	Approximately 10 Minutes

It should be noted that the above routes and headways reflect non-pandemic levels of service. Ride On and MetroBus are both operating reduced schedules during the Covid-19 pandemic.

During Phase 1 of construction, the existing transit center will be moved to account for construction. The transit center will be returned to its original location upon completion of Phase 1 of construction.

#### Traffic Study Assessment

The Applicant was not required to perform a Local Area Transportation Review (LATR) study. In 2004, the Applicant undertook a trip generation study in support of its proposed 1,767,177 square-foot retail development plan. During this period, the Department used its own internal trip generation rates to establish the magnitude of a site's impacts. The study associated with the approved 2004 development plan establishes a "vehicle trip cap" of 1,590 morning peak hour trips and 5,832 evening peak hour trips.

Today, the Department's *Local Area Transportation Review Guidelines* dictate that the Institute of Transportation Engineers' *Trip Generation Manual* should be employed with applicable policy area adjustment factors based on local research. It is generally a best practice in transportation engineering to use consistent methodologies when comparing trip impacts. As such, Staff requested the Applicant to use the Department's new LATR Guidelines to establish the cap. However, following extensive discussion with the Applicant's two separate transportation consultant teams, Staff permitted the use of 2004 study to establish the "trip cap" based on the Applicant's previous investments of over 8 million dollars' worth of road improvements based on the 2004 rates.

Importantly, not all the previously conditioned improvements have been completed. This approval, with new conditions, would supersede previously conditioned improvements that were not satisfied, and includes more improvements that are focused on Vision Zero, pedestrian safety, and implementation of the Bicycle Master Plan.

Because the subject application supersedes the previous approval, any future amendment to the “trip cap” should be based on a consistent comparison using the most up to date methodology. In other words, the trip cap and impacts should be established using the same methodology.

### **Schools**

Based on the following school cluster and individual school capacity analysis performed using the FY2020 Annual School Test, there is adequate school capacity for the amount and type of development proposed by this application.

#### Overview and Applicable School Test

Preliminary plan application #12005018C for Westfield Montgomery is scheduled to come before the Planning Board for review on July 16, 2020. Therefore, the FY21 Annual School Test, approved by the Planning Board on June 25, 2020 and effective July 1, 2020 is applicable. The application proposes development of 717 multi-family high-rise units.

#### Calculation of Student Generation

To calculate the number of students generated by the proposed development, the number of dwelling units is multiplied by the applicable regional student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low-to mid-rise multifamily unit, or high-rise multifamily unit. The subject property is located in the southwest region of the County.

**Table 7: Per Unit Student Generation Rates – Southwest Region**

	<b>Elementary School</b>	<b>Middle School</b>	<b>High School</b>
<b>SF Detached</b>	0.186	0.109	0.151
<b>SF Attached</b>	0.167	0.085	0.111
<b>MF Low-Rise</b>	0.150	0.068	0.085
<b>MF High-Rise</b>	0.041	0.018	0.025

With a net of 717 multi-family high-rise units, the proposed project is estimated to generate the following number of students:

**Table 8: Students Generated by Project**

<b>Type of Unit</b>	<b>Net Number of Units</b>	<b>ES Generation Rates</b>	<b>ES Students Generated</b>	<b>MS Generation Rates</b>	<b>MS Students Generated</b>	<b>HS Generation Rates</b>	<b>HS Students Generated</b>
<b>MF High-Rise</b>	717	0.041	29.397	0.018	12.906	0.025	17.925
<b>TOTAL</b>	<b>717</b>		<b>29</b>		<b>12</b>		<b>17</b>

This project is estimated to generate 29 new elementary school students, 12 new middle school students, and 17 new high school students.

#### Cluster Adequacy Test

The project is located in the Walter Johnson High School Cluster. The student enrollment and capacity projections from the FY21 Annual School Test for the cluster are noted in the following table:

**Table 9: Projected Cluster Totals**

School Level	Projected Cluster Totals, September 2025			Moratorium Threshold	Estimated Application Impact
	Enrollment	Program Capacity	% Utilization		
Elementary	4,607	4,579	100.6%	888	29
Middle	2,494	2,449	101.8%	444	12
High <sup>4</sup>	2,127	2,321	91.6%	658	17

The Moratorium Threshold identified in the table is the number of additional projected students that would cause the projected utilization to exceed the 120% utilization threshold and therefore trigger a cluster-wide residential development moratorium. As indicated in the last column, the estimated enrollment impacts of this application fall below the moratorium thresholds at all three school levels. Therefore, there is sufficient capacity at the elementary, middle and high school cluster levels to accommodate the estimated number of students generated by this project.

#### Individual School Adequacy Test

The applicable elementary and middle schools for this project are Ashburton ES and North Bethesda MS, respectively. Based on the FY21 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

**Table 10: Projected School Totals, September 2025**

School	Projected School Totals, September 2025				Moratorium Threshold	Estimated Application Impact
	Enrollment	Program Capacity	% Utilization	Surplus/ Deficit		
Ashburton ES	900	789	114.1%	-111	47	29
North Bethesda MS	1,301	1,233	105.5%	-68	179	12

Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120% and the school seat deficit meets or exceeds 110 seats for an elementary school or 180 seats for a middle school. If a school's projected enrollment exceeds *both* thresholds, then the school service area is placed in a residential development moratorium.

The Moratorium Enrollment Thresholds identified in the table above are the numbers of additional projected students that would cause the projected utilization to exceed the 120% utilization threshold and the seat deficit threshold. As indicated in the last column, the estimated enrollment impacts of this application fall below the moratorium thresholds for both Ashburton ES and North Bethesda MS.

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<sup>4</sup> The projected Walter Johnson HS enrollment has been modified to estimate the impact of redistricting students to Woodward HS in September 2025.

Therefore, there is sufficient anticipated school capacity to accommodate the estimated number of students generated by this project.

#### Analysis Conclusion

Based on the school cluster and individual school capacity analysis performed, using the FY2021 Annual School Test, there is adequate school capacity for the amount and type of development proposed by this application.

#### **Other Public Facilities**

The proposed development will be served by public water and sewer systems. The Montgomery County Department of Permitting Services Fire Department Access and Water Supply Section has reviewed the application and has determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services including police stations, firehouses and health care are currently operating in accordance with the Subdivision Staging Policy and will continue to be sufficient following construction of the project. Electric, gas and telecommunications services are available and adequate.

#### **Adequate Public Facilities Validity Period Request for 12 years**

##### Prior Approvals

In April 2005, the Planning Board approved Preliminary Plan No. 12005018 for the development of 500,000 square feet of retail square footage and a hotel, to allow for a maximum of 1,742,172 square feet of GLA (2,020,920 GFA) on the Property. The Preliminary Plan was subsequently amended to allow for an additional 25,005 square feet, for a total of 1,767,177 square feet of GLA (2,049,856 GFA). The approved APF validity period was 144 months. Pursuant to Subdivision Regulation Amendments 9-01, 11-01, 13-01 and 15-01 each of which extended the regulatory APF validity period to respond to the economic downturn, the APF validity period for the redevelopment of the Mall was extended to April 18, 2025.

The Applicant is requesting a twelve-year (144 months) APF validity period from the standard 5 year (60 months) for the proposed development. Section 50.4.3.J.7.e of the Subdivision Regulations provides that the Planning Board has the authority to extend a determination of adequate public facilities once for up to 12 more years beyond the otherwise applicable validity period if the Board finds that:

- i. The preliminary plan for the development required a significant commitment of funds by the applicant, amounting to at least \$3 million as adjusted annually by the consumer price index, to comply with specified infrastructure conditions.*
- ii. The applicant has met or exceeded the required infrastructure conditions during the original validity period; and*
- iii. The applicant's satisfaction of the required infrastructure conditions provides a significant and necessary public benefit to the County by implementing infrastructure goals of an applicable master plan.*

The 120050180 Preliminary Plan approval identified a series of transportation improvements required as conditions of approval to be constructed in connection with each phase of the development. Despite the improvements being tied to the individual development phases, the Applicant made all of the

improvements, except for the frontage improvements along Westlake Drive and Westlake Terrace (which will occur as a part of this application). The completed improvements account for 70 percent of the total value of improvements in connection with the development, only 17 percent of the total square footage approved under the Preliminary Plan has been developed. More specifically, the Applicant expended over \$8 million of the total \$12.5 million required for transportation improvements (the remaining \$4.5 million attributable to the Westlake Drive and Westlake Terrace improvements not yet required) while at the same time constructing only 90,000 square feet of the 525,025 square feet approved by the Preliminary Plan. See the detailed list of the improvements attached (Attachment 4).

The APF validity period is to ensure that the public facilities are adequate to support and service the subdivision. In this instance, starting in 2013 when the first transportation improvements were completed, through May 2016 with the completion of the transit center, the surrounding area has had the benefit of front-loaded transportation improvements. The Applicant made certain transportation improvements required by the proposed development on the Property to support the traffic to be generated by the development, but the development did not occur. Extending the APF period by 12 years will allow the Applicant to benefit from the investment that they have made in the surrounding area as a result of the front-loaded improvements. Also, this project is a multi-phased project with a high level of complexity. The additional time is much needed to ensure the project is successful. Section 50.4.3.J.7.e does not take into consideration additional extraneous factors due to the complications and uncertainties associated with the pandemic.

#### Recommendation

Planning Staff recommends the Planning Board approve the APF validity period for 12 years, based on the findings outlined within this staff report, per Section 50.4.3.J.7.e.

*4) All Forest Conservation Law, Chapter 22A requirements are satisfied.*

#### Environmental Guidelines

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved for this site on August 3, 2006. The NRI/FSD documented no streams or their buffers, wetlands or wetland buffers, hydraulically adjacent steep slopes, 100-year floodplains, or known occurrences of rare, threatened, or endangered species. The site drains to the Cabin John Creek watershed, which is a State Use Class I stream, and not within a Special Protection Area. This plan is in compliance with the *Environmental Guidelines*.

#### Preliminary Forest Conservation Plan

There is no forest on the site. The original Preliminary Forest Conservation Plan for the property (Number 120050180) resulted in a forest mitigation requirement for 8.59 acres of afforestation. This Amendment adds 0.54 acres of off-site disturbance, increasing the net tract area and resulting in an additional mitigation requirement of 0.49 acres of afforestation, and a total afforestation requirement of 9.08 acres.

#### Forest Conservation Variance

Section 22A-12(b)(3) of the County Code identifies certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within



the tree's critical root zone (CRZ), requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County code. The Code requires no impact to trees that: measure 30 inches or greater, dbh; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion tree; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

#### Variance Request

The applicant submitted a variance request on March 16, 2020 to request permission to disturb the Critical Root Zones of two trees that are considered high priority for retention under Section 22A-12(b) of the County Code. However, because the Limits of Disturbance are not changing from previous approved plans in the area of these trees, no new variance approval is required. The two trees are being retained.

#### Summary

The plan as submitted is in compliance with Chapter 22A, Forest Conservation, and in conformance with the *Environmental Guidelines: Guidelines for Environmental Management of Development in Montgomery County*.

*5) All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

The Applicant received approval of their stormwater management concept from the Montgomery County Department of Permitting Services, Water Resources Section on September 30, 2019 and received a reconfirmation of approval on June 2, 2020. The concept proposes to meet required stormwater management goals using a combination of Environmental Site Design to the Maximum Extent Practicable (ESD to the MEP) in surface and planter box micro-bioretenention facilities and green roof. Volume not able to be treated in on-site ESD measures will continue to receive treatment via extended detention in an existing downstream pond (the Lakeview Townhomes Homeowners Association SWM facility).

## SECTION 5: SITE PLAN ANALYSIS AND FINDINGS

To approve a site plan under Section 59-7.3.4.E, the Planning Board must find that the proposed development<sup>5</sup>:

- a. *satisfies any previous approval that applies to the site;*

When approved, the Subject Application will supersede previous site plan approvals.

- b. *satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

Not applicable: the Property was not subject to a development plan or schematic development plan in effect on October 29, 2014.

- c. *satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

Not applicable: the zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

- d. *satisfies applicable use standards, development standards, and general requirements under this Chapter;*

### Use and Development Standards

The non-residential uses proposed for the Project including retail/service establishments (any size), restaurants, theater complexes, and fitness centers, are permitted uses in the GR/Regional Shopping Center Overlay Zones with no applicable use standards. Multi-unit living is a limited use in the GR Zone with a requirement that the gross floor area of all Household Living uses is limited to 30% of the gross floor area (GFA) on the subject site. The proposed amount of residential development, 833,429 sf of GFA, is less than 30% of the total amount of GFA, 2,819,090 sf, proposed for the Site Plan Amendment, so the limited use standard is satisfied.

The Application satisfies the applicable development standards for the GR-1.5 H-45 and Regional Mall Overlay Zones as demonstrated in Table 11.

### General Requirements

#### *Site Access*

The Applicant proposes to maintain the existing access points with minor modifications, one major modification, and one additional curb cut. The major modification is proposed during the third

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<sup>5</sup> The findings under Section 59-7.3.4.E.3 and Section 59-7.3.4.E.4 are not applicable to this Application and are not included in this report.

phase of development, in which the proposed Woonerf will be extended to Westlake Drive to align opposite to Lakeview Drive, a private road, creating a four-legged intersection. The Woonerf will function as a two-way street, allowing vehicles to enter and exit. The intersection of the Woonerf and Lakeview Drive will be subject to a more detailed analysis when the site plan is amended prior to Phase 3.

The Applicant proposes an additional curb cut on Westlake Terrace, positioned between Westlake Drive and Auto Park Avenue. While staff generally prefers to limit new vehicular access points on public roadways, the new access point furthers the street grid concept proposed in the *Parking Lots to Places: White Flint and Rock Spring Design Guidelines*.

<b>TABLE 11: DEVELOPMENT STANDARDS</b> <b>GR-1.5 H-45 and Regional Shopping Center Overlay Zone</b> <b>(Section 59- 4.6.3.C and Section 59-4.9.12.C)</b>		
<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Proposed</b>
<b>Tract Area</b>	n/a	60.02 ac (2,614,381 sf)
<b>Site Area</b> Prior Dedication Proposed Dedication	n/a	0.57 ac (24,703 sf) 0
<b>Site Area</b> (Tract Area – Dedications)		59.45ac (2,589,678 sf)
<b>Commercial/Non-Residential Density (max)</b>	3,921,570 sf (1.5 FAR)	1,985,661 sf (0.76 FAR)
<b>Residential Density (max)</b>	845,727 sf (30% of proposed GFA)	833,429 sf (0.32 FAR)
<b>Total Density (max)</b>	3,921,571.5 sf (1.5 FAR)	2,819,090 sf (1.08 FAR)
<b>MPDUs</b>	15%	15%
<b>Building Height (max)</b> -Hotel -Apartment, Multi-use with residential -Building including a Theater or Free-standing building with Health Club	150 ft 150 ft 90 ft	150 ft 100 ft 85 ft
<b>Amenity Open Space (min)</b>	10% (258,968 sf)	10% (259,140 sf)
<b>Minimum Setbacks</b> -From Westlake Drive -From Westlake Terrace -From Democracy Blvd	0	10 ft 10 ft 130 ft

### Parking and Loading

As conditioned and demonstrated by Tables 12, 13, and 14, the Application satisfies the Zoning Ordinance parking and loading requirements.

**Table 12: Vehicle Parking**

Parking Tabulation by Phase (Within a Reduced Parking Area)						
	Existing	Demolition in Phase 1 (incl. Sears)	Phase 1	Phase 2	Phase 3	Total
Residential Units		0	413	240	64	717
Retail GLA	1,342,550	1,109,531	252,576	24,840	133,623	1,520,570
Office GFA	-	0	0	0	0	0
Hotel Keys	-	0	0	0	261	261
Hotel Amenity Space GFA	-	0	0	0	35,000	35,000
Residential (Market) Parking req'd	-	0	351	204	54	609
Residential (MPDU) Parking req'd	-	0	31	18	5	54
Retail Parking req'd*	5,370	4,438	1,010	99	534	6,082
Office Parking req'd**	-	0	0	0	0	0
Hotel Parking req'd***	-	0	0	0	130.5	131
Hotel Amenity Parking req'd****	-	0	0	0	210	210
Total Required Parking	5,370	4,438	1,392	321	934	7,086
Parking Provided (See Table)	5,689	4,712	1,434	103	46	6,295
Cumulative Required	5,370	4,438	5,830	6,152	7,086	
NADMS Reduction percentage applied			0.0%	0.0%	-11.2%	
Cumulative Provided	5,689	4,712	6,146	6,249	6,295	
Cumulative Delta Provided /Required			316	97	-791	

\* Required Retail Parking calculated at 4 spaces/1000 sf of retail GLA (per Section 4.9.12.E)  
 \*\* Required Office Parking calculated at 2.25 spaces/1000 sf of office GFA  
 \*\*\* Required Hotel Parking calculated at 0.5 spaces/guest room  
 \*\*\*\* Required Hotel Amenity Parking calculated at 6 spaces/1000 sf of amenity gross area  
 Required Residential Parking calculated at 1 space/unit, 0.5 space/MPDU (Reduced Parking Area)

**Table 13: Bicycle Parking**

	Requirement	Provided
Transit Station (existing)	n/a	20
Retail	50 (15% long term)	50 (42 short-term, 8 long-term)
Residential	232 (95% long term)	232 (221 long-term)
Hotel	25 (100% long term)	25 long term
<b>Total</b>	<b>307 spaces</b>	<b>307 spaces</b>

**Table 14: Loading Spaces**

<b>Loading Space Tabulation per Phase</b>						
	<b>Existing</b>	<b>Base Areas for Calculation</b>				
		<b>Demolition in Phase 1 (incl. Sears)</b>	<b>Phase 1</b>	<b>Phase 2</b>	<b>Phase 3</b>	<b>Total</b>
Residential Units	0		413	240	64	717
Retail GFA	1,539,183	1,306,164	263,742	27,000	140,895	1,737,801
Office GFA	0	0	0	0	0	0
Hotel GFA	0	0	0	0	247,860	247,860

<b>Loading Spaces Provided Per Phase</b>					
	<b>Maximum Required</b>	<b>Phase 1</b>	<b>Phase 2</b>	<b>Phase 3</b>	<b>Total Provided</b>
		<b>Provided</b>	<b>Provided</b>	<b>Provided</b>	
Retail Loading Spaces*	4	25	1	1	27
Residential Loading Spaces**	1	2	1	1	4
Hotel Loading Spaces****	1	0	0	1	1
<b>Total Loading Spaces</b>					<b>32</b>

\* Required Retail Loading calculated at 4 spaces for 350,001 sf and above of retail GFA

\*\* Required Residential Loading calculated at 1 space for 50 DU and above

\*\*\*\* Required Hotel Loading calculated at 1 space for 25,001 to 250,000 sf of GFA

***Open Space and Recreation***

The Application proposes 10% of the Property as amenity open space, defined as an outdoor area providing recreational and natural amenities for the use and enjoyment of employees and visitors. The amenity open space is concentrated on the north side of the Property surrounding the redevelopment centered around the woonerf. The open spaces include meaningful areas such as Heritage Court and Paseos that will be richly landscaped and contain seating and dining areas and space that can be programmed for seasonal events.

Recreation facilities are required for each of the three buildings containing residential dwelling units. Proposed recreation facilities for each of the three buildings meet the requirements of the Recreation Guidelines according to the Recreation Facilities Data tables provided with the Application. The recreation facilities include components of the amenity open spaces such as landscape formations and urban plazas and facilities exclusive to the residential buildings including fitness rooms, resident lounges, interior courtyards, outdoor pools, ornamental gardens, and seating areas.

***Landscaping and Outdoor Lighting***

Proposed landscaping and lighting, as well as other site amenities, will enhance the Woonerf, Heritage Court and Paseos, Westlake Terrace, and other outdoor components of the Project. The Project will transform the existing streetscape along Westlake Terrace with new street trees and improved, wider sidewalks and street lighting. The on-site lighting will limit the necessary light levels to streets and sidewalks.

e. *satisfies the applicable requirements of:*

ii. *Chapter 19, Erosion, Sediment Control, and Stormwater Management; and*

The Applicant received approval of their stormwater management concept from the Montgomery County Department of Permitting Services, Water Resources Section on September 30, 2019 and received a reconfirmation of approval on June 2, 2020. The concept proposes to meet required stormwater management goals using a combination of Environmental Site Design to the Maximum Extent Practicable (ESD to the MEP) in surface and planter box micro-bioretenion facilities and green roof. Volume not able to be treated in on-site ESD measures will continue to receive treatment via extended detention in an existing downstream pond (the Lakeview Townhomes Homeowners Association SWM facility).

iii. *Chapter 22A, Forest Conservation.*

The Site Plan complies with Chapter 22A, Forest Conservation, and the *Environmental Guidelines: Guidelines for Environmental Management of Development in Montgomery County*.

Environmental Guidelines

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved for this Site on August 3, 2006. The NRI/FSD documented no streams or their buffers, wetlands or wetland buffers, hydraulically adjacent steep slopes, 100-year floodplains, or known occurrences of rare, threatened, and endangered species. The site drains to the Cabin John Creek watershed, which is a State Use Class I stream, and not within a Special Protection Area. This Project is in compliance with the *Environmental Guidelines*.

Final Forest Conservation Plan

There is no forest on the Site. The original Final Forest Conservation Plan for the property (Number 820050030) resulted in a forest mitigation requirement for 8.59 acres of afforestation. This Amendment adds 0.54 acres of off-site disturbance, increasing the net tract area and resulting in an additional mitigation requirement of 0.49 acres of afforestation, and a total afforestation requirement of 9.08 acres.

The Applicant has previously obtained off-site forest banking credit for 7.20 acres of afforestation in an approved forest bank. To satisfy the remaining 1.88 acres of afforestation required for this Plan, the Applicant is retaining 0.17 acres (7,453 square feet) of existing tree canopy, and planting 173 new native shade trees with a total estimated canopy of 1.91 acres (83,270 square feet) at 20 years growth, for a total on-site afforestation credit of 2.08 acres. The total mitigation provided is 9.28 acres. This is 0.20 acres more than required for this Plan. All on-site plantings are interior to the site, and not within existing or proposed rights-of-way.

f. *provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

The Project provides parking that is well integrated, primarily via an underground parking garage located at the intersection of Westlake Terrace and Auto Park Avenue below the proposed buildings. The circulation patterns are intended to promote efficient vehicular movement throughout the Property and to facilitate a pedestrian-friendly environment along Westlake Terrace, into the Project via the seven north-south pedestrian paths located along the Westlake Terrace frontage, and along the woonerf. As recommended by the Sector Plan, the development concentrates a significant amount of the new development along Westlake Terrace, to frame the street. The height and massing of the Project is appropriate given the existing development on the Property and the surrounding development. The Project satisfies the 10 percent amenity open space requirement and provides meaningful gathering spaces with a variety of amenities such as the Paseos and the Heritage Court.

- g. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

The Project substantially conforms with the recommendations of the *Rock Spring Sector Plan* and associated Design Guidelines as described in Preliminary Plan Analysis and Findings Section of this report.

- h. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

The Project will be served by adequate public services and facilities as described in Preliminary Plan Analysis and Findings Section of this report.

- i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

Not applicable; the Property is not in a Rural Residential or Residential Zone.

- j. on a property in all other zones, is compatible with existing and approved or pending adjacent development.*

The Project expands the existing regional mall by converting surface parking lots into a new, mixed-use center that will increase the vitality and public amenities in the surrounding area. The proposed development will complement the existing adjacent commercial and residential development by providing new uses and amenities and a more pedestrian friendly streetscape along Westlake Terrace and Westlake Drive. The scale and proposed building heights are consistent with the approved, but unbuilt, Ourisman Ford project located on the opposite side of Westlake Terrace and the proposed Erickson Continuing Care Retirement Community located along Westlake Terrace/Fernwood across the I-270 bridge.

## **SECTION 6: CONCLUSION**

Staff recommends approval of Preliminary Plan Amendment 12005018C and Site Plan Amendment 82005003E, as conditioned. The Applications have met all of the required preliminary and site plan findings in Chapters 50 and 59, respectively, and substantially conform with the recommendations of the 2017 *Rock Spring Sector Plan*. All relevant County agencies have reviewed the Plans and recommend approval.