



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

MCPB No. 20-073
Site Plan No. 82005003E
Westfield Montgomery
Date of Hearing: July 16, 2020

SEP 23 2020

RESOLUTION

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

WHEREAS, on January 27, 2005, the Planning Board approved Site Plan 820050030, Westfield Shoppingtown Montgomery, Parcel A¹ to allow 1,542,172 gross leasable square feet of commercial retail space, subject to conditions, on 57 acres of C-2 zoned-land², located at the northeast quadrant of Democracy Boulevard and Westlake Drive ("Subject Property"), in the Potomac Subregion Master Plan ("Master Plan") area; and

WHEREAS, on September 20, 2007, the Planning Board approved an amendment to the site plan, Site Plan 82005003A (MCPB Resolution 07-193) for a 359,384 square foot addition of gross leasable area ("GLA") to the shopping center including the addition of the Westlake Crossing Shopping Center to the site plan, bringing the total Property size to 60.02 acres; and

WHEREAS, on January 12, 2012, the Planning Board approved an amendment to the site plan, Site Plan 82005003B (MCPB Resolution 12-02) to modify certain conditions of Site Plan 82005003A required for submission and approval of a certified site plan; and

WHEREAS, on November 8, 2012, the Planning Board approved an amendment to the site plan, Site Plan 82005003C (MCPB Resolution 12-116) to reconfigure

¹ The name of the project has been changed to Westfield Montgomery Mall.

² In 2014, Property was rezoned to the GR-1.5 H-45 and Regional Shopping Center Overlay Zones.

approximately 65,000 square feet of previously approved GLA and reconfigure circulation and parking on the Subject Property; and

WHEREAS, on July 22, 2015, the Planning Director approved an administrative amendment to the site plan, Site Plan 82005003D to install two interim monumental signs, and build interim improvements to the Transit Center; and

WHEREAS, on December 19, 2018, Unibail-Rodamco-Westfield ("Applicant") filed an application for approval of an amendment to the previously approved site plan(s) 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 development³, with up to 1,985,661 square feet of commercial up to 833,429 square feet of residential (717 dwelling units) on the Subject Property; and

WHEREAS, the application to amend the site plan was designated Site Plan No. 82005003E, Westfield Montgomery ("Site Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 6, 2020, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 16, 2020, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on July 16, 2020, the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Fani-Gonzalez, seconded by Commissioner Cichy, with a vote of 5-0; Commissioners Anderson, Cichy, Fani-Gonzalez, Patterson, and Verma voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82005003E for 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) on the Subject Property, subject to the following conditions, which supersede all prior conditions of approval:⁴

³ In prior approvals, density was established based on gross leasable area (GLA), but Site Plan Amendment 82005003E establishes density based on gross floor area (GFA) pursuant to the Zoning Ordinance in Effect on October 30, 2014.

⁴ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

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 to 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.
- 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 Westlake Terrace frontage between Westlake Drive and Motor City Drive.
- c) Westlake Terrace frontage improvements east of Motor City Drive must be coordinated with MCDOT and ELP Bethesda (owners of 10400 Fernwood Drive) and completed the later of:

- i. Prior to the final Use and Occupancy Certificate for the residential building in Phase 1; or
 - ii. Concurrently with frontage improvements along 10400 Fernwood Drive and across the I-270 bridge.
 - d) 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.
 - e) 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 located within the respective phase 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.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Westfield Montgomery Site Plan 82005003E, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

1. *The development satisfies any previous approval that applies to the site.*

The Site Plan Amendment supersedes all previous site plan approvals.

2. *The development satisfies 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.

3. *The development satisfies 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.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

a. Use Standards

The Project's non-residential uses, 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 residential development, 833,429 sf of GFA, is less than 30% of the total amount of GFA, 2,819,090 sf, approved for the Site Plan Amendment, so the limited use standard is satisfied.

b. Development Standards

The Subject Property includes approximately 60.02 acres zoned GR-1.5 H-45 and Regional Shopping Center Overlay Zone. The Application satisfies the applicable development standards as shown in the following data table:

| DEVELOPMENT STANDARDS GR-1.5 H-45 and Regional Shopping Center Overlay Zone (Section 59- 4.6.3.C and Section 59-4.9.12.C) | | |
|---|------------------------|--------------------------|
| Development Standard | Permitted/ Required | Approved |
| Tract Area | n/a | 60.02 ac (2,614,381 sf) |
| Site Area Prior Dedication Proposed Dedication | n/a | 0.57 ac (24,703 sf) 0 |
| Site Area (Tract Area – Dedications) | | 59.45ac (2,589,678 sf) |
| Commercial/Non-Residential Density (max) | 3,921,570 sf (1.5 FAR) | 1,985,661 sf (0.76 FAR) |

| | | |
|--|----------------------------|----------------------------|
| Residential Density (max) | 845,727 sf (30% of GFA) | 833,429 sf (0.32 FAR) |
| Total Density (max) | 3,921,571.5 sf (1.5 FAR) | 2,819,090 sf (1.08 FAR) |
| MPDUs | 15% | 15% |
| Building Height (max) -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 |
| Amenity Open Space (min) | 10% (258,968 sf) | 10% (259,140 sf) |
| Minimum Setbacks -From Westlake Drive -From Westlake Terrace -From Democracy Blvd | 0 | 10 ft 10 ft 130 ft |

c. General Requirements

i. *Site Access*

The Applicant will maintain the existing access points with minor modifications, one major modification, and one additional curb cut. The major modification will occur during the third phase of development, in which the 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 will add a 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.

ii. *Parking and Loading*

As conditioned and demonstrated by the tables below, the Application satisfies the Zoning Ordinance parking and loading requirements.

Vehicle Parking

| Parking Tabulation by Phase (Within a Reduced Parking Area) | | | | | | |
|--|-----------|---------------|---------|---------|---------|-----------|
| Demolition in Phase 1 | | | | | | |
| | Existing | (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)

Loading

| Loading Space Tabulation per Phase | | | | | | |
|------------------------------------|-----------|-------------------------------------|---------|---------|---------|-----------|
| | Existing | Base Areas for Calculation | | | | |
| | | Demolition in Phase 1 (Incl. Sears) | Phase 1 | Phase 2 | Phase 3 | Total |
| 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 |

| Loading Spaces Provided Per Phase | | | | | |
|-----------------------------------|------------------|----------|----------|----------|-----------|
| | Maximum Required | Phase 1 | Phase 2 | Phase 3 | Total |
| | | Provided | Provided | Provided | Provided |
| Retail Loading Spaces* | 4 | 25 | 1 | 1 | 27 |
| Residential Loading Spaces** | 1 | 2 | 1 | 1 | 4 |
| Hotel Loading Spaces**** | 1 | 0 | 0 | 1 | 1 |
| Total Loading Spaces | | | | | 32 |

* 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

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 |
| Total | 307 spaces | 307 spaces |

iii. *Open Space and Recreation*

The Amendment includes 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. 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.

iv. *General Landscaping and Outdoor Lighting*

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.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

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).

b. Chapter 22A, Forest Conservation

The Board finds that as conditioned the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

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.

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

Parking is well integrated, primarily via an underground parking garage located at the intersection of Westlake Terrace and Auto Park Avenue below the 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.

7. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable 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 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. The Board has conditioned 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. Four lanes will be maintained; however, the width of the roadway between the edge of each curb will be reduced in order to allocate more space to non-vehicular facilities as well as slow traffic. This will require the Applicant to restripe Westlake Terrace. The Applicant will maintain the 82-foot right-of-way and will 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.

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 will 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 sidepath facility. Following reconstruction, the roadway will need to be restriped as appropriate. The final Westlake Drive cross-section will be determined at a subsequent Site Plan Amendment.

8. *The development 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.*

Preliminary Plan Amendment 12005018C, approved concurrently with this Site Plan Amendment, demonstrates that the development will be served by adequate public services and facilities.

9. *The development 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 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 Project's scale and building height will be 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.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is SEP 23 2020 (which is the date that this resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Fani-González, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, September 10, 2020, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board