



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

MCPB No. 20-072
Preliminary Plan No. 12005018C
Westfield Montgomery
Date of Hearing: July 16, 2020

SEP 23 2020

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on January 27, 2005, the Planning Board conditionally approved Preliminary Plan No. 120050180, Westfield Shoppingtown Montgomery¹, for the creation of one lot for a maximum of 1,742,172 square feet of gross leasable area for general retail use, and to accommodate up to 500,000 square feet for future expansion on approximately 57.72 acres of C-2 zoned land² located at the northeast quadrant of the intersection of Democracy Boulevard and Westlake Drive ("Subject Property") in the Potomac Subregion Master Plan ("Master Plan") area; and

WHEREAS, on December 11, 2007, the Planning Board, by Resolution MCPB No. 07-225, approved an amendment to Preliminary Plan No. 12005018A to modify the previous acreage to 60.02 acres and increase the previously approved development by 25,005 square feet; and

WHEREAS, on September 4, 2014, the Planning Board approved an amendment to Preliminary Plan No. 12005018B (MCPB No. 14-70) to modify Condition No. 11 (a) of Preliminary Plan 120050180, which required Applicant to add both northbound and southbound turn lanes from Seven Locks Road to Democracy Boulevard. The Amendment would eliminate the requirement for the southbound right turn on the Subject Property; and

WHEREAS, on December 19, 2018, Unibail-Rodamco-Westfield ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan(s) to allow 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) on the Subject Property; and

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

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12005018C, Westfield Montgomery ("Preliminary 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 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 at which it 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 Preliminary Plan No. 12005018C to allow up to 2,896,731 square feet³ 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) on the Subject Property, by subject to the following conditions, which supersede all prior conditions of approval:⁴

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.

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.

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 revised July 14, 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 indicate that the Private Road Area within each phase will be subject to a Declaration of Restrictive Modified Covenant for Private Roads.
 - b) Prior to the issuance of any building permit for each phase, a Declaration of Restrictive Modified Covenant for Private Roads for the respective phase must be accepted by M-NCPPC legal staff and recorded among the Land Records of Montgomery County.
 - c) The Certified Preliminary Plan must be amended, pursuant to a Staff level approval, following the recordation of each Declaration of Restrictive Modified Covenant so that the Private Road Area is 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 Road Area 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, 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.

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 layout of the subdivision, including size, width, shape, orientation and density 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 lots were reviewed for compliance with the dimensional requirements for the GR Zone and RSC Overlay Zone, as specified in the Zoning Ordinance. The 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, and 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 Zoning Ordinance, applicable development standards for development of the Property in the GR Zone and RSC Overlay Zone are as follows:

Table 1: GR and RSC Overlay Zone Development Standards

	Required/Permitted	Approved
Sections 4.6.3.C and 4.9.12.C		
Density (max)	1.5 FAR (3,921,570 square feet GFA)	1.11 FAR (2,896,731 square feet GFA) (Preliminary Plan)
Density (FAR)		
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 Planning Board approves Private Roads A, B, and C. Per Section 50.4.3.4.c. The private roads must be built to the construction specifications of the corresponding

modified public road standards including paving detail and design data, surface depth, and structural design. The 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 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 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 Roads 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, and 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 for pedestrians 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 Project 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. 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). Based on the existing width of the adjacent segment, no dedication is required. The Preliminary Plan 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 Democracy Boulevard improvements are anticipated with the third phase of the 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 Property 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. It was determined 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. The 82-foot right-of-way will be maintained while including 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. 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 Westlake Terrace improvements will be provided 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 anticipates providing 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.

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

Transportation

Vehicular Circulation

The Property 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 existing access points will be retained 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 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 Board conditioned the Applicant to study safe and adequate pedestrian crossings across Westlake Drive, including a signal warrant analysis, to ensure safe operations at the Woonerf entry.

A curb cut will be added on Westlake Terrace, positioned between Westlake Drive and Auto Park Avenue. The new access point furthers the grid concept proposed in the *Parking Lots to Places: White Flint and Rock Spring Design Guidelines*. Additionally, the new curb cut allows for improved drop-offs and pick-ups adjacent to the hotel on the confines of private property.

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 development program locates building garage entryways close to the Westlake Terrace, which is not ideal; however, the 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.

The same condition is shown on the eastern side of building E; however, a median break is provided for “valet only” movements. The Planning Board finds the median break less than ideal. Despite the fact the garage entry is “entry only” individuals traversing Private Road Area A and B could make a left into the garage despite signage and markings. Such individuals and the valet service have the potential to negatively impact operations on Westlake Terrace. As such, the Applicant must work with MCDOT to resolve any queuing issues, which may result in relocation or removal of the valet, if MCDOT determines that the valet on Private Road A creates queuing back-ups on the County roads.

Loading

The mall will continue to be serviced by multiple trucks. In some of the loading areas, trucks must make backing movements across the Property’s internal circulatory roadways. 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 will provide a total of 232 residential, 50 retail, and 25 hotel bicycle parking spaces by the culmination of the third phase of the project. The Board

conditions 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 Project 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.

The Project 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 2.

Table 2: 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 3.

Table 3: 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	Westfield Montgomery Mall	Approximately 20 Minutes

	(Silver Spring)	Transit Center	
MetroBus J2	Paul S Sarbanes Transit Center (Silver Spring)	Westfield Montgomery Mall Transit Center	Approximately 10 Minutes

During Phase 1 of the Project, 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. 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, the Applicant 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, supersedes 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 approval 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 FY2021 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 was approved by the Planning Board 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 Planning Board approved 717 multi-family high-rise units.

Calculation of Student Generation

To calculate the number of students generated by the 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 4: Per Unit Student Generation Rates – Southwest Region

	Elementary School	Middle School	High School
SF Detached	0.186	0.109	0.151
SF Attached	0.167	0.085	0.111
MF Low-Rise	0.150	0.068	0.085
MF High-Rise	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 5: Students Generated by Project

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

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 6: 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 ⁵	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 7: 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

⁵ The projected Walter Johnson HS enrollment has been modified to estimate the impact of redistricting students to Woodward HS in September 2025.

in the last column, the estimated enrollment impacts of this application fall below the moratorium thresholds for both Ashburton ES and North Bethesda MS. 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 economic downturn, the APF validity period for the redevelopment of the Mall was previously extended to April 18, 2025.

Subject Approval

The Planning Board approves a twelve-year (144 months) APF validity period for the Subject Application. 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, while 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.

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 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.

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-bioretention 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).


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