

OURISMAN FORD AT MONTGOMERY MALL SITE PLAN AMENDMENT NO. 82009014C



Description

Request to 1) remove proposed sound barrier fence; 2) make minor adjustments to passive recreation area layout and planting design; 3) reconfigure private courtyard areas; 4) reconfigure walk-up unit entries, 5) remove one walk-up unit; 6) make minor revisions to architectural elevations; 7) eliminate four stormwater facilities; and 8) revise the stormwater facility footprint at the southeast corner of the building.

No. 82009014C

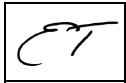
Completed: 2-13-2023

MCPB

Item No. 6
2-23-2023

Montgomery County
Planning Board
2425 Reedie Drive, Floor 14
Wheaton, MD 20902


Planning Staff



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LOCATION/ADDRESS

Northeast corner of the Motor City Drive and Westlake Terrace intersection

MASTER PLAN

2017 *Rock Spring Sector Plan*

ZONE

CRT-2.5 C-1.5 R-2.0 H-150

PROPERTY SIZE

4.08 acres

APPLICANT

RAE Titleholder LLC.

ACCEPTANCE DATE

10/26/22

REVIEW BASIS

Chapter 59



Summary:

- On October 5, 2018, the Planning Board approved Site Plan Amendment No. 82009014B to allow 355,822 square feet of residential development with 343 dwelling units in a multi-unit building. The building is currently under construction.
- Staff recommends approval of Site Plan Amendment No. 82009014C with an amended condition of approval.
- Despite the Applicant's diligent efforts, both MDOT SHA and Pepco have denied the Applicant's request to install sound fencing within either the MDOT SHA right-of-way adjacent to the Property or the Pepco easement on the Property.
- Staff recommends a waiver of the Noise Guidelines to allow noise levels in common outdoor activity spaces to exceed the 65 dba Ldn limit.
- Architectural treatments will attenuate the projected exterior noise levels to an interior level no greater than 45 dBA Ldn, as required by the Noise Guidelines.
- Staff spoke with an occupant of the adjacent office building who expressed concerns about traffic impacts of the approved Project and the condition of Motor City Drive.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

SITE PLAN AMENDMENT 82009014C

Staff recommends approval of Site Plan Amendment No. 82009014C to: 1) remove proposed sound barrier fence; 2) make minor adjustments to passive recreation area layout and planting design; 3) reconfigure private courtyard areas; 4) reconfigure walk-up unit entries, 5) remove one walk-up unit; 6) make minor revisions to architectural elevations; 7) eliminate four stormwater facilities; and 8) revise the stormwater facility footprint at the southeast corner of the building. All site development elements shown on the latest electronic version of the Site Plan, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required. The following Condition No. 10 modifies the prior Condition No. 10. All other conditions remain in full force and effect.

MODIFIED CONDITION

10. Noise Attenuation

- a) Before issuance of any building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatment that:
 - i) ~~The location of the noise mitigation techniques to attenuate current noise levels to no more than 65 dBA Ldn for the areas of common outdoor activity are adequate.~~
 - ii) The building shell for residential dwelling units affected by exterior noise levels projected above 65 dBA Ldn will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b) If the plan changes in any manner that affects the validity of the noise analysis dated ~~October 18, 2017~~ August 12, 2022 regarding acoustical certifications and noise attenuation features, the Applicant must conduct a new noise analysis to reflect the revised plans, and new noise attenuation features may be required.
- c) Before issuance of any Use and Occupancy Certificate for residents, the Applicant must certify that the noise impacted units have been constructed for an interior level not to exceed 45 dBA Ldn in accordance with the certification of the engineer that specializes in acoustical treatments.

SECTION 2: SITE DESCRIPTION

VICINITY

The Property is surrounded by a mix of existing commercial, institutional, multi-family residential, office, and retail uses. Immediately to the north of the Property is an existing multi-story office building with a surface parking lot. To the east across the I-270 spur is the Rock Spring Office Park. To the south across Westlake Terrace is the Westfield Montgomery Mall site including the Transit Center with Metrobus and Ride On buses. A United States Post Office and Home Depot store are located to the northwest and west, respectively. Further to the west, condominiums and townhouses are located on the west side of Westlake Drive, along with the entrance to the Cabin John Regional Park (Figure 1).



Figure 1 – Vicinity Map

PROPERTY DESCRIPTION

The Property is located at the northeast corner of the Motor City Drive and Westlake Terrace intersection and is the site of a former Ourisman Ford Automobile Dealership (Figure 2). It has a tract area of 117,911 square feet, or 4.08 acres, and is known as Parcel B of the Montgomery Mall Auto Park Subdivision, recorded in January 1980. A Pepco easement encumbers a 15-foot-wide area along the south side of the Property and an approximately 60-foot-wide area along the eastern (Interstate I-270) side of the Property. The Property slopes down from the southeast to the northwest and contains no significant environmental features. The multi-unit residential building approved by Site Plan No. 82009014B is currently under construction.



Figure 2 – Subject Property (outlined in red)

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

On October 2009, the Planning Board approved Site Plan No. 820090140 to allow a mixed-use development under the previous C-2 Zone for 340 dwelling units including 12.5% MPDUs, 42,000 square feet of retail, and 12,000 square feet of restaurant space in a 75-foot-high building with a 645-space parking garage. The Site Plan was never implemented.

An application for Site Plan Amendment No. 82009014A was submitted by a contract purchaser, but a final application was never accepted by the Planning Department.

In 2014, the Countywide Zoning Rewrite and subsequent District Map Amendment rezoned the Property from C-2 to CRT-2.5, C-1.5, R-2.0, H-75, and the Sectional Map Amendment associated with the 2017 *Rock Spring Sector Plan* rezoned the Property to CRT-2.5 C-1.5 R-2.0 H-150.

On January 22, 2018, the Planning Board approved Sketch Plan No. 320170100 (Resolution MCPB 17-104) allowing the Applicant to pursue entitlements under the CRT Zone.

On October 5, 2018 the Planning Board approved Site Plan Amendment No. 82009014B (Resolution MCPB No. 18-088) allowing 355,822 square feet of residential development with 343 dwelling units (12.5% MPDUs plus one additional MPDU) in a multi-unit building.

PROPOSAL

The Applicant requests approval of a site plan amendment to 1) remove proposed sound barrier fence; 2) make minor adjustments to passive recreation area layout and planting design; 3) reconfigure private courtyard areas; 4) reconfigure walk-up unit entries, 5) remove one walk-up unit; 6) make minor revisions to architectural elevations; 7) eliminate four stormwater facilities along the building's northern edge as approved by the Montgomery County Department of Permitting Services (MCDPS); and 8) revise the stormwater facility footprint at the southeast corner of the building as approved by MCDPS ("Amendment" or "Site Plan Amendment").

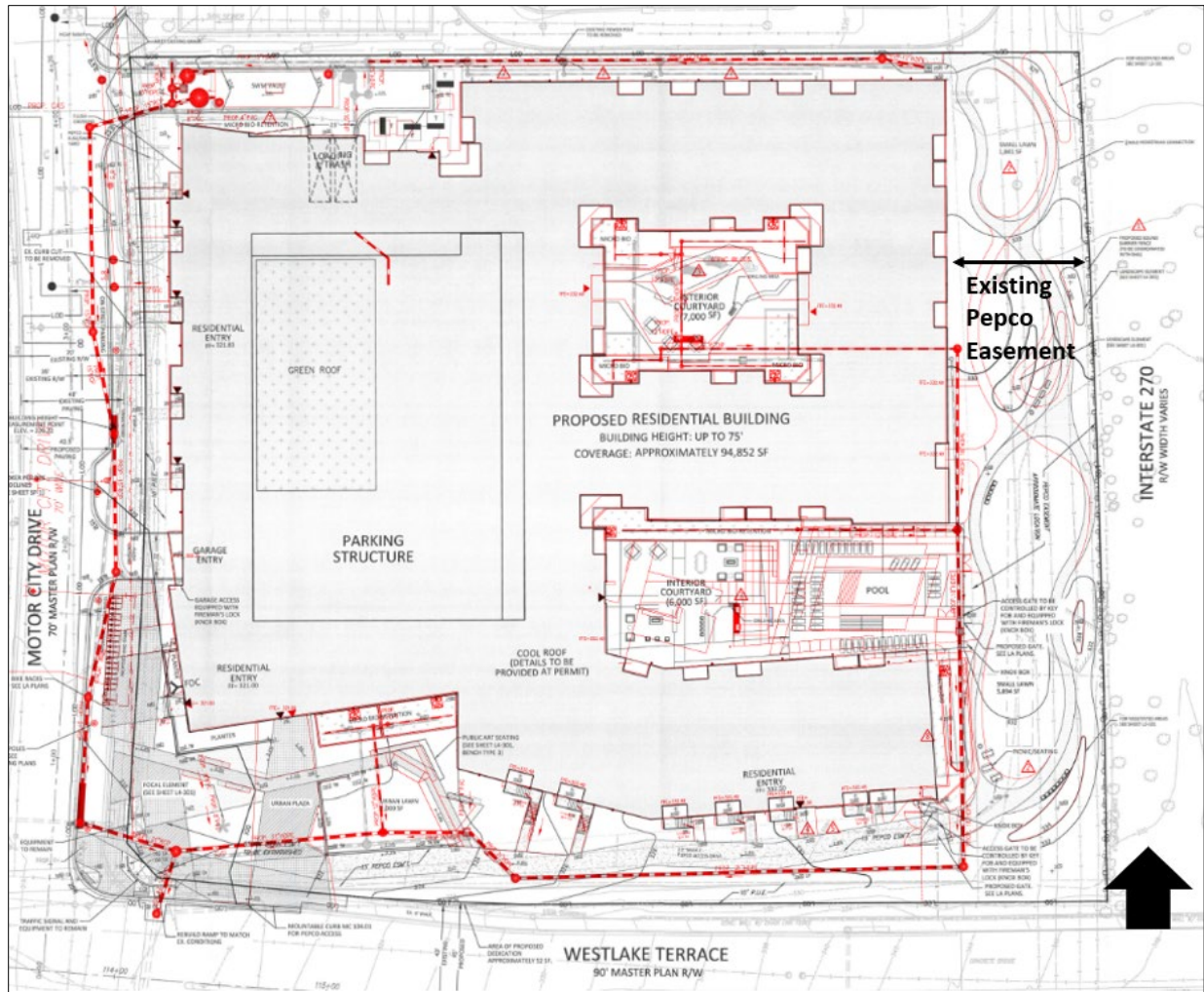


Figure 3 - Proposed Redline Changes Site Plan No. 82009014C

SOUND BARRIER FENCE

The Amendment seeks to remove the eight-foot noise barrier fence previously proposed along the eastern boundary of the Site between the building and I-270. The sound barrier was originally intended to mitigate noise in the Project's common outdoor areas. The Applicant team coordinated extensively with Pepco and the Maryland Department of Transportation State Highway Administration (MDOT SHA) following approval of the previous Site Plan application, however neither agency would allow installation of the sound fence within either the adjacent MDOT SHA right-of-way or the Pepco easement onsite. Pepco determined that there were insufficient vertical and horizontal clearances necessary to avoid conflicts between the proposed sound barrier fence's footers and the existing underground utility infrastructure (Attachment D). The MDOT SHA denied permission to install the fence within the adjacent MDOT SHA right-of-way because it would encroach on improvements included with the State's proposed traffic relief public private partnership (P3) project along I-270 (Attachment C).

PASSIVE RECREATION AREA AND COURTYARDS

The Applicant seeks approval of minor modifications to the shape, configuration, and planting design of the two building courtyards and the passive recreation area located to the east of the building. The number and quality of the features within each amenity area will be retained.

WALK-UP UNITS AND ARCHITECTURE

The Amendment includes the removal of one walk-up unit on the southeastern corner of the building. As previously approved, this unit would have an outside entrance directly into the bedroom instead of the living room, and the unit's patio would have been back-to-back with the adjacent unit. Some of the building's other proposed walk-up units have slightly reconfigured entryways with additional steps or minor reorientations.

In addition, the Amendment proposes minor architectural changes including adjustments to windows and balcony doors, while maintaining the overall design intent and quality of the building façade.

STORMWATER MANAGEMENT FACILITIES

Changes to the Project's stormwater management facilities were required by MCDPS during the permit review process. The changes approved by MCDPS have been incorporated into this Amendment.

SECTION 4: SITE PLAN AMENDMENT 82009014C FINDINGS AND ANALYSIS

The Planning Board approved Site Plan No. 82009014B (MCPB No. 18-088) for up to 355,822 square feet of residential development with 343 multi-family dwelling units.

Site Plan Amendment 82009014C requests to 1) remove the proposed sound barrier fence; 2) make minor adjustments to passive recreation area layout and planting design; 3) reconfigure private courtyard areas; 4) reconfigure walk-up unit entries, 5) remove one walk-up unit; 6) make minor revisions to architectural elevations; 7) eliminate four stormwater facilities; and 8) revise the stormwater facility footprint at the southeast corner of the building. The proposed Site Plan Amendment does not alter the intent of the previous findings, which remain applicable, except as modified below.

e) Satisfies the applicable requirements of:

ii. Chapter 22A, Forest Conservation.

NOISE

The Planning Department's *Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development* ("Noise Guidelines," Montgomery County Planning Board, 1983) establish guidelines for the evaluation and mitigation of excessive transportation noise impacts to sensitive developments such as residential buildings and neighborhoods. Noise studies are required to determine if exterior public spaces or building faces are exposed to excessive noise. The standard for what constitutes excessive noise depends on whether a development occurs in a rural, suburban, or urban area, or in an area near major transportation noise sources such as large highways. Due to its proximity to Interstate 270 and other high traffic volume roads, the Ourisman Ford site is evaluated under the urban standard, which recommends that public open spaces should be protected from noise levels exceeding 65 dBA Ldn when possible. Interior spaces are to be designed and constructed to keep interior noise levels at or below 45 dBA Ldn.

The Applicant submitted a revised noise study dated August 12, 2022, to account for the removal of the proposed sound fence along the Property's eastern line due to the infeasibility of installing fencing within the Pepco easement or MDOT SHA right-of-way. The revised noise study shows exterior noise levels that exceed the 65 dBA Ldn limit of the Noise Guidelines. Noise levels within the private courtyard, however, will remain below 65 dBA Ldn. In addition, a relatively small portion of the larger private courtyard/pool area will have noise levels above 65 dBA Ldn, and the impacted area only contains a path of egress and maintenance shed.

Under Section 2.2.2 of the Noise Guidelines, a waiver of the noise guidelines is appropriate if exterior attenuation is not feasible due to site-related constraints of size, shape, or topography. In this case, the size of the Property and the approximately 60-foot-wide Pepco easement preclude installation of the fence on the Property, and MDOT SHA will not allow installation of the fence within the right-of-

way. Installation of the sound fencing is therefore infeasible on this Property and a waiver of the exterior noise guidelines is appropriate.

Enhanced building materials must be incorporated into the building materials to mitigate interior noise levels to meet the 45 dBA Ldn standard.

SECTION 5: COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements. As of the date of this report, Staff has not received any written correspondence, but an occupant of the adjacent office building called Staff to express concerns about traffic impacts of the approved Project and the condition of Motor City Drive. In response, Staff provided follow-up information to the neighbor about the prior approval and related traffic analysis, and the Applicant's plan to repave Motor City Drive along the Property frontage. There are no changes to the previously approved transportation impact or Motor City Drive improvements associated with the Subject Site Plan Amendment.

SECTION 6: CONCLUSION

With the modified condition and finding, Site Plan Amendment 82009014C continues to satisfy the findings under Sections 7.3.4 and the applicable standards of the Zoning Ordinance and substantially conform to the recommendations of the *Rock Spring Sector Plan*. Therefore, Staff recommends approval of Site Plan Amendment 82009014C with the modified condition specified at the beginning of this report.

ATTACHMENTS

Attachment A: Site Plan Amendment

Attachment B: Prior Approvals

Attachment C: Correspondence from MDOT SHA

Attachment D: Correspondence between Applicant and Pepco



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OURISMAN
FORD
ONTGOMERY
MALL

10TH ELECTION DISTRICT
MONTGOMERY COUNTY,
MARYLAND
WSSC GRID: 213NW07
TAX MAP:GP343

SITE PLAN

DRAWN BY: JDC
 DESIGNED BY: GK
 DATE ISSUED: 03/13/18
 SUBJECT: VM1470F
 AGENCY: 82009014C
 SET NO. SP-3

ATTACHMENT B



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

MCPB No. 18-088
Site Plan No. 82009014B
Ourisman Ford at Montgomery Mall
Date of Hearing: September 6, 2018

OCT 05 2018

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 September 17, 2009, the Planning Board, by Resolution MCPB No. 09-123, approved Site Plan No. 820090140, for 340 dwelling units, including 43 MPDUS (12.5%), 42,000 gross square feet of retail use, and 12,000 gross square feet of restaurant space on 4.08 acres of C-2 zoned-land, located in the northwest quadrant of the intersection of Motor City Drive and Westlake Terrace ("Subject Property"), in the North Bethesda/Garrett Park Master Plan area¹; and

WHEREAS, on March 29, 2018, FP Whitro Westlake, LLC ("Applicant") filed an application for approval of an amendment to the previously-approved site plan to pursue development approvals under the CRT-2.5 C-1.5 R-2.0 H-150 Zone and the 2017 *Rock Spring Master Plan*, including the elimination of retail uses, an increase of four dwelling units, and a revised site design on the Subject Property; and

WHEREAS, the application to amend the site plan was designated Site Plan No. 82009014B, Ourisman Ford at Montgomery Mall ("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 August 27, 2018 setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

¹ Site Plan Amendment 82009014A was previously submitted by a contract purchaser, but a final application was never accepted. The contract has since expired and the contract purchaser no longer has authorization to file the application.

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
M-NCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

WHEREAS, on September 6, 2018, 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 September 6, 2018, the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Cichy, seconded by Commissioner Fani-Gonzalez, with a vote of 3-1; Commissioner Anderson voting in favor, Commissioner Patterson voting against, and Commissioner Dreyfus absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82009014B for 355,822 square feet of residential development with 343 dwelling units by superseding all previous site plan conditions with the following conditions:²

Density, Height & Housing

1. Density

The Site Plan Amendment is limited to a maximum of 355,822 square feet of residential development with 343 dwelling units.

2. Height

The development is limited to a maximum height of 75 feet, as measured from the building height measuring point and as illustrated on the Certified Site Plan.

3. Moderately Priced Dwelling Units (MPDUs)

The Planning Board accepts the recommendations of the Department of Housing and Community Affairs (DHCA) in its letter dated July 13, 2018 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 DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

- a) The development must provide 12.5 percent MPDUs, plus one additional MPDU, on-site consistent with the requirements of Chapter 25A.
- b) Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and the Department of Housing and Community Affairs (DHCA) must be executed.

² 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.

Open Space, Facilities and Amenities

4. Public Open Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 17,786 square feet of public open space (10% of net lot area) on-site.
- b. Before the issuance of a Use and Occupancy certificate for the final residential unit, all public open space areas on the Subject Property must be completed to specifications.

5. Public Benefits

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

a) Major Public Facilities

Before the issuance of the Use and Occupancy certificate for the final residential unit, the Applicant must provide a bike-share station as shown on the Certified Site Plan.

b) Transit Proximity

c) Connectivity between Uses, Activities, and Mobility Options

Minimum Parking – The Applicant must not construct more than 373 parking spaces.

d) Diversity of Uses and Activities

Enhanced Accessibility for the Disabled –The Applicant must construct seven dwelling units that satisfy American National Standards Institute A117.1 Residential Type A standards or an equivalent County standard.

e) Quality Building and Site Design

Structured Parking – The Applicant must provide all on-site parking spaces within an above-grade structure.

f) Protection and Enhancement of the Natural Environment

- i. Cool Roof – The Applicant must provide a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.
- ii. Vegetated Area – The Applicant must install plantings in a minimum of 12 inches of soil, covering a minimum of 5,045 square feet of the site.

6. Common Open Space Covenant

Before the release of any building permit, the Applicant must execute and record among the Land Records of Montgomery County the Common Open Space Covenant recorded at Liber 28045 Folio 578 (Covenant).

7. Recreation Facilities

The Applicant must provide, at a minimum, the recreation facilities as shown on the Certified Site Plan.

8. Public Amenities

- a) The Applicant is responsible for maintaining all publicly-accessible amenities including, but not limited to, an urban plaza, benches, and pedestrian connections.
- b) Before issuance of any building permit, the Applicant must submit the final design for the focal element and public art seating in the urban plaza for Staff review and approval.

Environment

9. Forest Conservation

Before any land disturbing activities, the Applicant must pay the required fee-in-lieu to meet the Forest Conservation mitigation requirement.

10. Noise Attenuation

- a) Before issuance of any building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatment that:
 - i. The location of the noise-mitigation techniques to attenuate current noise levels to no more than 65 dBA Ldn for the areas of common outdoor activity are adequate.
 - ii. The building shell for residential dwelling units affected by exterior noise levels projected above 65 dBA Ldn will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b) If the plan changes in any manner that affects the validity of the noise analysis dated October 18, 2017 regarding acoustical certifications and noise

attenuation features, the Applicant must conduct a new noise analysis to reflect the revised plans, and new noise attenuation features may be required.

- c) Before issuance of any Use and Occupancy Certificate for residents, the Applicant must certify that the noise impacted units have been constructed in accordance with the certification of the engineer that specializes in acoustical treatments.

11. Stormwater Management

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept letter dated April 10, 2018 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

Transportation & Circulation/ Adequate Public Facilities (APF)

12. Transportation

- a) Before the release of any building permit the Applicant must:
 - i. Enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the North Bethesda Transportation Management District (TMD).
 - ii. Execute a deed of dedication for a total of 45 feet from centerline along the Property frontage on Westlake Terrace. The deed must be reviewed and approved by the Commission's Office of General Counsel and the Montgomery County Department of Permitting Services (DPS), and must be recorded among the Land Records of Montgomery County.
 - iii. To satisfy the Policy Area Review (PAMR) test pursuant to the 2009 APF approval, the Applicant must contribute \$120,000 to the Montgomery County Department of Transportation (MCDOT) for ADA - compliant Accessible Pedestrian Signals (APS) at the following intersections:
 - i. Rock Spring Drive- Fernwood Road and Marriott Driveway; and
 - ii. Rock Spring Drive and Rockledge Drive.

13. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 102 long-term and 6 short-term bicycle parking spaces.
- 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 equivalent) installed in a location convenient to the main entrance (weather-protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- c) The Applicant must provide a sidewalk and tree panel that are each at least seven-feet wide along the Property's Motor City Drive frontage.

14. Validity

The Adequate Public Facility Review (APF) will remain valid until November 15, 2022, per the original resolution dated October 15, 2009.

15. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated July 16, 2018, 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 Preliminary Plan approval.

16. Right-of-Way (ROW) Permit

All non-standard pavers in the public ROW are subject to review and approval by MCDPS at the time of ROW permit (and MCDOT lab for testing). If approved, a maintenance and liability agreement is required.

Site Plan

17. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by M-NCPPC Staff.

18. 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 fixtures.
- c) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads and residentially developed properties.
- d) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- e) On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

19. 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, trash enclosures, retaining walls, fences, railings, private sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of any building permit of development and 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.

20. 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.

21. 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, and Sketch Plan and Site Plan 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.
- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) Include the knox box and extra stairway on the plans per the approved fire access plan.
- g) Identify the location of the focal element and public art seating in the urban plaza.
- h) Revise all sheets as necessary to indicate the approval of 343 dwelling units.
- i) The Applicant must send a copy of the draft deed of dedication to Planning Board staff reflecting dedication for a total of 45 feet from the centerline of Westlake Terrace. The deed must be in a form acceptable to the Commission's Office of General Counsel.
- j) The Applicant must provide a sidewalk and tree panel that are each at least seven-feet-wide along the Property's Motor City Drive frontage.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged, and in full force and effect.

BE IT FURTHER RESOLVED that all site-development elements shown on the latest electronic version of Ourisman Ford at Montgomery Mall Site Plan No. 82009014B, 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 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 previous Site Plan approval (820090140) will be superseded by this Site Plan Amendment. The Subject Application satisfies Sketch Plan 320170100, approved by the Planning Board on November 20, 2017. The Site Plan Amendment implements the approved Sketch Plan by adhering to the binding elements for maximum density and height; approximate location of lots and public dedications; general location and extent of public open space; general location of vehicular access points; and public benefit schedule.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

This finding is not applicable as this Property is not subject to a development plan or schematic development plan.

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.*

This finding is not applicable because the Property's 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. Development Standards

The Subject Property includes approximately 4.08 acres zoned CRT-2.5 C-1.5 R-2.0 H-150. The Application satisfies the applicable development standards as shown in the following data table:

Data Table

Development Standard	Permitted/ Required	Approved
Tract Area	n/a	177,911 sf (4.084 ac)
Dedication-Westlake Terrace	n/a	52 sf (0.001 ac)
Site Area	n/a	177,859 sf (4.083 ac)
Density (max)		
Total Density	444,647/2.5 FAR	355,822 sf/2.0 FAR
Residential Density	355,822 sf/2.0 FAR	355,822 sf/2.0 FAR
Commercial Density	266,788/1.5 FAR	n/a
Building Height (max)	150 ft	75 ft
Public Open Space (min)	10% (17,786 sf)	10% (17,786 sf)
Minimum Setbacks	Established at site plan	10 ft

b. Public Benefits

Public Benefit Points		
Public Benefit Categories/Amenities	Max Points Allowed	Points Approved
59-4.7.3.A: Major Public Facilities		
Bikeshare Station	40	5
59-4.7.3.B: Transit Proximity		
Level 2 Transit Proximity	25	15
59-4.7.3.C: Connectivity and Mobility		
Minimum Parking	10	5
59-4.7.3.D: Diversity of Uses and Activities		
Enhanced Accessibility	20	6
59-4.7.3.E: Quality Building and Site Design		
Structured Parking	20	10
59-4.7.3.F: Protection and Enhancement of the Natural Environment		
Cool Roof	10	5
Vegetated Area	10	5
TOTAL		51

Major Public Facility

Bikeshare Station: The Project includes a 19-dock bikeshare station and the Planning Board approves five points, which is consistent with the amount granted for bikeshare stations approved with comparable projects.

Transit Proximity

The Property is located across Westlake Terrace from the Westfield Montgomery Mall Transit Center, a future stop for the master planned Bus Rapid Transit Corridor that will run along Westlake Terrace. The

Zoning Ordinance classifies this type of stop as Level 2 transit proximity. In the CRT Zone, a Property that confronts a Level 2 transit stop may be granted 15 points.

Connectivity and Mobility

Minimum Parking: The Planning Board approves points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale up to a maximum of 10 points for providing no more than the minimum number of required parking spaces on-site. The minimum required number of on-site spaces is 323 and the Applicant is proposing 373 parking spaces. The Planning Board approves five points in this subcategory using the calculation below from the Commercial/Residential and Employment Zones Incentive Density Implementation Guidelines (CR Guidelines).

$$\begin{aligned} & [423 \text{ (maximum allowed spaces)} - 373 \text{ (approved spaces)}] / \\ & [423 \text{ (maximum allowed spaces)} - 323 \text{ (minimum spaces required)}] * 10 = 5 \end{aligned}$$

Diversity of Uses and Activities

Enhanced Accessibility for Seniors or the Disabled: Seven of the ground-level units will be constructed with interiors that satisfy American National Standards Institute A117.1 Residential Type A standards, or an equivalent County standard. The Planning Board approves six points, consistent with the following formula in the CR Guidelines:

$$7(\text{ANSI 117.1 units}) / (343 \text{ total units}) * 300 = 6.1$$

Quality Building and Site Design

Structured Parking: All off-street parking will be provided in an above-grade parking garage, which will be wrapped on all sides with residential units. The Planning Board grants 10 points in this subcategory, consistent with the CR Guideline formula:

$$(373 \text{ (above grade spaces)}) / 373 \text{ (total spaces)} * 10 = 10$$

Protection and Enhancement of the Natural Environment

Cool Roof: The Planning Board approves five points for constructing any roof area (that is not covered by a vegetated roof) with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12. The C/R Guidelines indicate that five points are appropriate for development on sites greater than one acre.

Vegetated Area: The Planning Board approves 10 points for the installation of plantings on the eastern portion of the site in a minimum of 12 inches of soil that covers 5,045 square feet. The C/R Guidelines indicate that 5 points are appropriate for a vegetated area that covers at least 5,000 square feet and does not include vegetated roofs or stormwater management facilities.

c. General Requirements

i. *Parking, Queuing, and Loading*

Parking Requirements (Division 6.2)			
	Minimum Spaces Required	Maximum Spaces Allowed	Spaces Provided
Vehicle Parking (Reduced Parking Area)¹			
Efficiency (38 market rate; 5 MPDUs ²)	41	41	
1 BR (157 market rate; 22 MPDUs)	168	211	
2 BR (106 market rate; 16 MPDUs)	114	171	
Total Vehicle Spaces	323	423	373
Bicycle Parking			
344 du	100 (95 long term)	n/a	102 long-term, 6 short-term
Loading Spaces	1	n/a	1

¹ Spaces for electric vehicles, car-share and motorcycles are provided as required in Section 6.2.3.

² The Applicant is using a 0.5 adjustment factor for MPDUs as allowed under Section 6.2.3.I.I.

ii. *Open Space and Recreation*

The Project's 17,786 square feet designated as public open space (the urban plaza) adheres to the requirements of Division 6.3 (Open Space and Recreation). This area only contains allowed features and does not contain any prohibited improvements per

Section 59.6.3.3 of the Zoning Ordinance. Furthermore, the public open space abuts public sidewalks, includes areas for pedestrian circulation, landscaping, seating, shade, artwork and recreation, is in a contiguous space that abuts other public open space, sidewalks, or pedestrian routes, and is neither fragmented nor disconnected. The tabulations included in the Application also demonstrate compliance with recreation facility guidelines. Recreation facilities include an outdoor pool, a pedestrian connection/trail system, and a grilling area.

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

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on April 10, 2018.

b. Chapter 22A, Forest Conservation

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

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

Parking and Circulation Patterns

Vehicles will access the Project's above-grade structured-parking facility via a dedicated entrance off Motor City Drive near the signalized intersection at Westlake Terrace. The parking structure is designed to be shielded from view as it sits below the roofline and is entirely wrapped by the Project's residential uses. The Project incorporates a separate loading and service area, which is appropriately located in the rear of the Property and accessed via a drive aisle off Motor City Drive in order to prevent any conflicts with resident and visitor traffic accessing the parking garage entrance. The Project accommodates proper circulation for fire and emergency vehicles. An existing traffic signal at the intersection of Westlake Terrace and Motor City Drive will facilitate vehicle movements to and from the Property and to Interstate 270.

Enhanced landscaping, as well as the inclusion of a bikeshare station, will encourage pedestrian and cyclist activity. The Project's open spaces, including the entry plaza at the corner of Westlake Terrace and Motor City Drive and the "leisure trail," as well as improved streetscaping along both street frontages will facilitate pedestrian and bicycle movement around the entire perimeter of the

Property. Existing crosswalks with countdown pedestrian signals at the intersection of Westlake Terrace and Motor City Drive also promote safe circulation to the Transit Center, the Westfield Montgomery Mall, the nearby retail uses, and Cabin John Regional Park.

Building Massing

The building is designed with the entry plaza as a focal point for the development with chamfered corners framed by the Project's interior residential amenities. The building's incorporation of walk-up units with ground floor entries and stoops along both Motor City Drive and Westlake Terrace promote street level activity and connections with surrounding development. Building facades are highly articulated and include balconies to provide visual interest along all street frontage.

Open Space and Amenities

The Project's public open space entry plaza is sited in a central location with art, trees, landscaping, benches, an open lawn area, and pathways to offer a welcoming gathering area and encourage connections to nearby uses. The open areas extend around the building's southern and eastern boundary to provide space for walking trails, swaths of plantings, picnic areas, seating areas with moveable furniture, and a game lawn to promote both active and passive recreation. Two contrasting courtyards will provide additional private amenity areas for residents: one with a lounge, grilling area, and swimming pool with deck that is open to the "leisure trail," and the other enclosed with a terrace, plantings, and seating for quieter activities.

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 Property is within the "Rock Spring West/Mixed-Use Regional Marketplace" District of the 2017 Rock Spring Master Plan, and the approved development satisfies one of the Plan's overarching goals to create opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses and public spaces (p 18). The Master Plan includes the Property in the discussion of pipeline development in the area and describes how these approved but unbuilt projects would support the "central spine" concept in the Master Plan by delivering "a mix of uses and improvements to the public realm that will start to reshape the Plan area into a connected, cohesive community that is more pedestrian and bicycle friendly for employees, residents, students, and visitors" (pgs 16 and 17).

The Applicant has incorporated the following applicable design guidance from the Rock Spring Master Plan in the Site Plan:

Buildings (p22)

- Concentrate development intensity along Westlake Drive and Westlake Terrace and proximate to the Transit Center on the West Side. To the extent possible, activate the frontage of Westlake Terrace.
- Implement quality building and site design considerations, such as building orientation to take advantage of passive heating, lighting, and ventilation.
- Prioritize consolidation of frontage along the central spine, and the introduction of residential uses to balance existing commercial uses.

The Project establishes a gateway into the Rock Spring district and begins the transformation of this area at a highly visible location along the “Central Spine”. The Project adds new housing along Westlake Terrace across the street from the Transit Center and provides a plaza and the main building entrance along Westlake Terrace that will activate this street. At the Sketch Plan stage, the Applicant conducted a solar study to demonstrate that the building orientation will maximize solar gain in the winter months and provide shade for the interior courtyards and the pool area in the summer. The Project will bring residential units to a predominantly commercial area directly across the street from the Transit Center and transform a former automobile dealership site into a block with urban street frontages and public and private open spaces.

Connectivity and Open Space (p.23)

- Improve the public realm along existing connections with wider sidewalks and landscaped areas to enhance pedestrian access between developing properties, the central spine, and adjacent communities.
- Consolidate the areas designated for public open space as part of the development process into usable, substantial, active, programmed, and accessible spaces.

The Project includes a public plaza at the corner of Westlake Terrace and Motor City Drive, which will also act as the main pedestrian entrance to the building. This space will be an attractive addition to the network of sidewalks and other open spaces in the surrounding neighborhood. Further, the Project will improve the pedestrian experience along Westlake Terrace and Motor City Drive with landscaped areas and wider sidewalks. The Project also improves an existing PEPCO easement along I-270 to provide a walking loop around the site that will connect to the network of public sidewalks in the area.

The Project also satisfies several of the Master Plan’s environmental and sustainability goals by increasing the tree canopy and reducing the amount of

impervious surface on a site that is almost completely covered with asphalt. The Project offers opportunities to reduce reliance on single-occupant vehicles by locating housing close to a bus transit hub.

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.*

The Resolution for the original site plan for this Property (No 820090140), adopted by the Planning Board on October 15, 2009, found that there were adequate facilities to serve the development. Although the resolution did not specify a specific expiration of the Adequate Public Facilities (APF) validity period, the minimum APF validity period at the time was seven years for any plan approved on or after April 1, 2009, but before April 1, 2017. After factoring in the 30-day appeal period, the Planning Board's APF finding as part of its Site Plan approval would have expired on November 15, 2016. Subsequent to the original APF approval, the County Council passed three separate automatic two-year extensions of all valid plans, adding another six years of validity to the original approval. Thus, the Planning Board's finding of APF made in the original Site Plan Resolution remains valid until November 15, 2022.

Since the prior APF is still valid, the Subject Application is only evaluated based on the change in use approved in this amendment – the elimination of the commercial uses and the addition of four residential units. As discussed in detail below, the Project falls within the Ashburton Elementary School service area, which is in moratorium. An additional three units would fall within the de minimis exemption; therefore, the Planning Board approves this application with a maximum of 343 dwellings units rather than the requested 344 units.

Schools

Cluster Service Area Status and Adequacy

The project is located in the Walter Johnson High School (WJ) Cluster service area, which for FY19 is conditionally open for new residential development. The student enrollment and capacity projections from the FY19 Annual School Test for the WJ Cluster are noted in the following table:

School Level	Projected Cluster Totals, September 2023			Moratorium Enrollment Threshold
	Enrollment	Program Capacity	% Utilization	
Elementary	4,586	4,541	101.0%	5,450
Middle	2,333	2,429	96.0%	2,915
High	2,718 ³	2,330	116.7%	2,797

The Moratorium Enrollment Threshold identified in the table is the enrollment at which the 120% utilization threshold is exceeded, resulting in a cluster-wide residential development moratorium. Current projections for the cluster fall within the threshold at each level, therefore the cluster service area remains open to new residential development.

School Service Area Status and Adequacy

The project is located within the North Bethesda MS and the Ashburton ES service areas. For FY19, the North Bethesda MS service area is open for new residential development; however, the Ashburton ES service area is under a residential development moratorium. As such, no development application or amendment that exceeds the de minimis threshold of three units can be approved within the Ashburton ES service area.

Based on the FY19 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

School	Projected School Totals, September 2023				Moratorium Enrollment Thresholds	
	Enrollment	Program Capacity	% Utilization	Surplus/ Deficit	120% Utilization	Surplus/ Deficit
Ashburton ES	943	770	122.5%	-173	925	880
No. Bethesda MS	1,188	1,229	96.7%	+41	1,475	1,409

Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120% and if the school seat deficit meets

³ The projected cluster high school enrollment of 3,118 has been modified to reflect the estimated impact of a future boundary change that will reassign students from Walter Johnson HS to a reopened Charles W. Woodward HS prior to September 2023.

or exceeds 110 seats for the elementary school or 180 seats for the 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 enrollments at which the 120% utilization threshold and the seat deficit threshold are exceeded. The projected enrollment falls below both applicable moratorium thresholds for North Bethesda MS. The projected enrollment at Ashburton ES, however, exceeds both applicable moratorium thresholds, therefore the school's service area is under a residential development moratorium for FY19.

Analysis Conclusion

Due to the residential development moratorium currently in place in the Ashburton ES service area, the Planning Board limits this approval to a net of three additional dwelling units (bringing the project's total to 343 dwelling units) under the moratorium's de minimis exemption, which allows approval of applications or amendments with a net effect of three units or less.

Transportation

Master-Planned Roadways, Bikeway, and Transitway

The master-planned transportation facilities are designated below in accordance with the following:

- *2017 Rock Spring Master Plan*
- *2005 Countywide Bikeways Functional Master Plan*
- *Draft Bikeways Master Plan*
- *2013 Countywide Transit Corridors Master Plan*

Westlake Terrace is designated as a business district street, B-3, in the *Rock Spring Master Plan* with a recommended 90-foot right-of-way. There is currently less than 45 feet from Westlake Terrace's centerline along one segment of the roadway where up to nine feet of additional right-of-way must be dedicated by a deed of dedication.

The *Rock Spring Master Plan* and the draft *Bikeways Master Plan* recommend a separated bikeway with two-way bike lanes on the south side of Westlake Terrace. Westlake Terrace currently has striped bike lanes on both sides of the roadway that will remain in the interim until the bikeway is constructed on the south side of the road.

The *Countywide Transit Corridors Functional Master Plan* recommends a Bus Rapid Transit route (Corridor 6 North Bethesda Transitway) that includes a segment along the Property's Westlake Terrace frontage, with a stop at the Transit Center across the street.

The I-270 West Spur is designated as a freeway, F-1a, with a recommended 300-foot right-of-way.

Motor City Drive is designated as a business district street with a 70-foot right-of-way in the *Rock Spring Master Plan*.

Transit Service

The following bus routes operate along the site frontage of Westlake Terrace and stop at the Montgomery Mall Transit Center located on the opposite side of Westlake Terrace:

- Ride-On route 6 operates between the Grosvenor Metrorail Station and the Montgomery Mall Transit Center with half-hour headways on weekdays only.
- Ride-On route 26 operates between the Glenmont Metrorail Station and the Montgomery Mall Transit Center with half-hour headways on weekdays and weekends.
- Ride-On route 42 operates between the White Flint Metrorail Station and the Montgomery Mall Transit Center with half-hour headways on weekdays and Saturdays.
- Ride-On route 47 operates between the Rockville Metrorail Station and the Bethesda Metrorail Station with half-hour headways on weekdays and weekends.
- Ride-On route 96 operates between the Grosvenor Metrorail Station and the Montgomery Mall Transit Center with half-hour headways on weekdays only.
- Metrobus routes J2 and J3 operate between the Silver Spring Metrorail Station/Paul Sarbanes Transit Center and the Montgomery Mall Transit Center with half-hour headways on weekdays and weekends.

Pedestrian and Bicycle Facilities

The Applicant will upgrade the existing sidewalks along the Property's Motor City Drive frontage and the Westlake Terrace/Motor City Drive intersection including dual handicap ramps at the northeast corner of the intersection and other pedestrian improvements. The improvements are necessary to provide a safe pedestrian connection from the Property to Westfield Montgomery Mall and the Transit Center located on the opposite side of Westlake Terrace. The existing five to six-foot sidewalk along the retaining wall on Westlake Terrace will

remain, but the sidewalk will be upgraded at the corner of the intersection with Motor City Drive.

The Applicant is providing a 19-dock bikesharing station on the site in addition to six short-term inverted-U bike racks, or approved equivalent, and 102 long-term bicycle parking spaces in a bike room in the garage.

Transportation Demand Management

The Property is located within the western limits of the North Bethesda Transportation Management District (TMD). The Applicant must enter into a Traffic Mitigation Agreement with the Planning Board and MCDOT to participate in the North Bethesda Transportation Management District (TMD) in order to assist the County in achieving and maintaining the 41% non-auto-driver mode share for residential trips as recommended in the *Rock Spring Master Plan*.

Adequate Public Facilities (APF) Test for Prior Site Plan Approval

The 2009 Site Plan (820090140) approval limited the development to 340 mid-rise apartment units and 50,869 square feet of general retail/restaurant uses under the *2009-2011 Growth Policy*. A traffic study was submitted with Site Plan No. 820090140 to satisfy the Local Area Transportation Review (LATR) test because the land uses would generate 30 or more peak-hour vehicular trips within the weekday morning (6:30-9:30 am) and evening (4:00-7:00 pm) peak periods. Based on the results of the 2009 traffic study, the CLV values at all ten studied intersections were less than their congestion standard and, thus, the LATR test was satisfied.

A Policy Area Mobility Review (PAMR) test was also required for the 2009 APF approval. To satisfy the PAMR test, the Applicant was required to mitigate new site-generated peak-hour trips within the weekday evening peak hours by providing pedestrian improvements at three intersections connecting the Transit Center at Montgomery Mall and the office buildings in Rock Spring Park (Table 4).

Intersection Improvements Required by 2009 APF PAMR Approval					
Intersection	Dual Handicap Ramps	Accessible Pedestrian Signal Pushbutton s	Pedestrian Crosswalks & Stop Bars	Pedestrian Countdown Signal Heads	Trips Mitigated
Rockledge Drive & Rock Spring Drive	8 ramps at 2 of the 4 corners	At all 4 corners	Not Needed	Not Needed	32
Rockledge Drive- Marriott's driveway & Fernwood Road	8 ramps at 2 of the 4 corners	At all 4 corners	On each intersection leg	In the southeast corner	32
Rock Spring Drive- Marriott's driveway & Fernwood Road	8 ramps at 2 of the 4 corners	At all 4 corners	Not Needed	Not Needed	32
Trips Mitigated	72	24	0	0	96

All of the handicap ramps were upgraded by the County. Accessible Pedestrian Signals (APS) were installed in 2014 at the intersection of Rockledge Drive-Marriott Driveway and Fernwood Road. At the intersection of Rockledge Drive & Rock Spring Drive and the intersection of Rock Spring Drive - Marriott's driveway & Fernwood Road, the County has APS improvements included in the Capital Improvements Program (CIP).⁴ To satisfy the 2009 PAMR test, the Applicant must contribute to the CIP project, with the amount to be determined by MCDOT.

LATR for Subject Application

The changes in land use will result in a net reduction in the number of peak-hour trips and, thus, a traffic study is not required to satisfy the LATR.

⁴ CIP Project No. 507154, Traffic Signals Account Code 405/50522/60530.

Other Public Facilities

The development will be served by public water and sewer systems. Fire and Rescue 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 the construction of the Project. Electric, gas and telecommunications services will also be available and adequate.

9. The development is compatible with existing and approved or pending adjacent development.

The Project is compatible with existing and pending nearby development. The Project's building strongly defines the street edge and introduces urban-inspired design on a highly-visible corner in an area that is transitioning from an auto-centric built environment. A public open space plaza at the intersection of Westlake Terrace and Motor City Drive, the inclusion of ground level walk-up units with stoops and patios, the incorporation of significant landscaping along street frontages, and the Property's location directly across the street from the Transit Center all encourage increased pedestrian and cyclist activity around the Property. The Project's landscape design, which includes new green areas and open spaces for recreation and relaxation, effectively buffers the Property from Interstate 270 and takes advantage of the adjacent tree line. The Project's building height of up to 75 feet is appropriate vis-a-vis nearby structures. The building type and use is also compatible with the anticipated redevelopment of the Westfield Montgomery Mall confronting the Property to the south.

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 OCT 05 2018 (which is the date that this resolution is mailed to all parties of record); and

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

this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Commissioner Cichy, with Chair Anderson and Commissioners Fani-González, Cichy, and Patterson voting in favor, and Vice Chair Dreyfuss absent at its regular meeting held on Thursday, September 27, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

May 11, 2022

Mr. Steve Findley
Planner Coordinator, Area 2 Planning Division
M-NCPPC, Montgomery County Planning Department
2425 Reddie Drive, 14th Floor
Wheaton, MD 20902

RE: Ourisman Ford Site - 10401 Motor City Drive

Dear Mr Findley,

The Maryland Department of Transportation, State Highway Administration (MDOT SHA) received a request from the developers of the Ourisman Ford Site for construction of a noise mitigating fence within state rights of way. It is our understanding, the installation of this noise barrier is a condition of the residential site development plan because of its proximity to Maryland Interstate 270.

The developer's site engineer is unable to place the fence within the Ourisman Ford property boundary due to the presence of several existing underground Pepco transmission vaults. Based on our review of right of way needs and active projects in the area, it was determined the location of the fence would encroach on improvements proposed by the P3 Team. MDOT SHA is unable to permit the placement of this fence or any improvement within the state right-of-way.

If you have any questions or would like to discuss this further, please feel free to contact me directly at 301-513-7467 or via email cmyers1@mdot.maryland.gov.

Sincerely,



Claudine Myers
Assistant District Engineer
District 3 – Project Development

cc: Mr. Ghassan Khouri, PE Vice President, VIK A Maryland, LLC
Matthew Folden, AICP, Regulatory Supervisor - MNCPPC
Emily Tettelbaum, Planner Coordinator - MNCPPC
Mark Loeffler, District Utility Engineer, MDOT SHA
Kwesi Woodroffe, Regional Engineer - Access Management Division, MDOT SHA
Catherine Robbin, Consultant Team Leader - Office of Planning and Preliminary Engineering, MDOT SHA

ATTACHMENT D

Tettelbaum, Emily

From: Ghassan Khouri, P.E. <Khouri@vika.com>
Sent: Monday, February 6, 2023 3:04 PM
To: Hummel, Phillip A.
Cc: Cassie Schupp; Dori Farley
Subject: [EXTERNAL] FW: Ourisman Sound Wall - Test Pit Results Review

[EXTERNAL]

On Mar 27, 2018, at 9:53 AM, Angus, Tat-Lin:(PEPCO) <tangus@pepco.com> wrote:

D'Angelo,

Below are the comments from engineering. Please make the necessary revisions.

The existing electric lines are not shown correctly on the submitted drawing. Based on the test pit report they had provided, at the closest point (next to the existing manholes) the duct bank is about 2.5' from the existing fence line. Elsewhere the duct bank is about 6.3' from the existing fence. They are showing the proposed sound wall about 3'-4' west of the existing fence which practically puts the sound wall right on top of the duct bank in the area close to the manhole and within 1'-2' of the duct bank elsewhere (not the min 10.5' called out on the plan). **None of those conditions are acceptable.** The standard minimum horizontal clearance between the edge of the duct bank and the edge of the footing for the sound wall is 5 feet. They need to show accurately the actual location of the electric lines (duct banks), the accurate proposed location of the sound wall and its foundations, and show accurately how much clearance is being provided.

Regarding the engineer certification, I expect a signed and sealed report that demonstrates (with calculations and cross sections) that the existing duct bank and a potential trench that may need to be excavated to do any repair on the duct bank will not be in the influence zone of the proposed wall foundations or otherwise what impact of the proposed wall and foundations will be on the duct banks and their future maintenance.

Tat-Lin Angus

Pepco | Real Estate

701 Ninth Street N.W. | Washington, DC 20068

Ph: 202-872-3453 | Fax: 202-872-3579

tangus@pepco.com | pepco.com

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From: D'Angelo Woods [<mailto:dwoods@davisutilityconsulting.com>]
Sent: Friday, March 23, 2018 12:35 PM
To: Angus, Tat-Lin:(PEPCO) <tangus@pepco.com>
Cc: Marcus Davis <marcus@davisutilityconsulting.com>
Subject: [EXTERNAL] RE: Ourisman Sound Wall - Test Pit Results Review
Importance: High

Thanks Tat-Lin.

Please see attached for a scaled site plan showing the requested features. How should we submit certification from the engineer (formal letter, email, etc.)?

From: Angus, Tat-Lin:(PEPCO) [<mailto:tangus@pepco.com>]
Sent: Thursday, March 22, 2018 4:09 PM
To: D'Angelo Woods
Subject: RE: Ourisman Sound Wall - Test Pit Results Review

D'Angelo,

Our engineers requested you submit a site plan showing the location of the designated ductbanks/pipe transmission lines, the proposed location of the noise barrier and its foundations and the horizontal clearance between the power lines and these foundations as well as any other structure or permanent feature they are proposing within and adjacent to the Pepco easement. The design engineer of record should certify that:

- The minimum horizontal clearance is provided. (standard minimum horizontal clearance is 5 ft)
- The foundations do not exert any vertical or lateral load on the electric lines
- Under no loading conditions (e.g. strong winds, etc.) the foundations will not tilt or overturn such that it may damage to the adjacent electric line
- Excavation to repair the transmission lines to a depth at least one ft below the bottom of the duct bank does not compromise the integrity of the fence /foundation. The extent of such excavation may be up to 5 feet out from the face of the duct bank.

Tat-Lin Angus

Pepco | Real Estate

701 Ninth Street N.W. | Washington, DC 20068

Ph: 202-872-3453 | Fax: 202-872-3579

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From: D'Angelo Woods [<mailto:dwoods@davisutilityconsulting.com>]
Sent: Wednesday, March 21, 2018 3:48 PM
To: Angus, Tat-Lin:(PEPCO) <tangus@pepco.com>
Subject: [EXTERNAL] RE: Ourisman Sound Wall - Test Pit Results Review
Importance: High

Tat-Lin,

Could you give us an estimate on the remaining review time for this? Is early next week a reasonable timeframe?

From: D'Angelo Woods
Sent: Monday, March 19, 2018 7:54 AM
To: 'Angus, Tat-Lin:(PEPCO)'
Subject: FW: [EXTERNAL] Automatic reply: Ourisman Sound Wall - Test Pit Results
Good Morning Tat-Lin,
Sent this late Friday and didn't want it to get buried in your inbox.

From: D'Angelo Woods
Sent: Friday, March 16, 2018 4:29 PM
To: 'Angus, Tat-Lin:(PEPCO)'
Subject: RE: [EXTERNAL] Automatic reply: Ourisman Sound Wall - Test Pit Results
Tat-Lin,
Please see attached file for your review.

From: Angus, Tat-Lin:(PEPCO) [<mailto:tangus@pepco.com>]
Sent: Monday, March 12, 2018 9:11 AM
To: D'Angelo Woods
Subject: RE: [EXTERNAL] Automatic reply: Ourisman Sound Wall - Test Pit Results

Correct. Thank you.

From: D'Angelo Woods [<mailto:dwoods@davisutilityconsulting.com>]
Sent: Monday, March 12, 2018 9:03 AM
To: Angus, Tat-Lin:(PEPCO) <tangus@pepco.com>
Subject: [EXTERNAL] RE: [EXTERNAL] Automatic reply: Ourisman Sound Wall - Test Pit Results
Good Morning Tat-Lin,
I'm looking into getting these converted for you asap. To confirm, it's the file named "MD18-015 Ourisman Test Hole Scatter Plot" that you need, right?

From: Angus, Tat-Lin:(PEPCO) [<mailto:tangus@pepco.com>]
Sent: Thursday, March 08, 2018 11:05 AM
To: D'Angelo Woods
Subject: Re: [EXTERNAL] Automatic reply: Ourisman Sound Wall - Test Pit Results
Can you convert to DGN (Microstation) format or a Standard (older) version of DWG? We're having issues opening the document.
Get [Outlook for iOS](#)

From: D'Angelo Woods <dwoods@davisutilityconsulting.com>
Sent: Wednesday, March 7, 2018 6:01 PM
Subject: [EXTERNAL] Automatic reply: Ourisman Sound Wall - Test Pit Results
To: Angus, Tat-Lin:(PEPCO) <tangus@pepco.com>

Greetings,

I'll be out of the office from [March 5th - March 9th](#) and will return on [Monday, March 12th](#).
Please contact Damien Hicks if there are any questions or issues on DC-MD projects during my absence.

Damien Hicks

703.887.5467

damien@davisutilityconsulting.com

Please contact Marcus Davis for any urgent matters:

Marcus Davis

571.334.8717

marcus@davisutilityconsulting.com

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