



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

MCPB
ITEM #
9/20/07

MEMORANDUM

DATE: September 10, 2007

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Development Review Division

FROM: Catherine Conlon, Subdivision Supervisor (301-495-4542)
Development Review Division *CC*



REVIEW TYPE: Preliminary Plan Amendment

APPLYING FOR: Modification to combine the previously-approved expansion of this regional shopping mall with the acreage and use space on the adjoining local shopping center, Westlake Crossing.

PROJECT NAME: Westfield Shoppingtown, Montgomery

CASE NO.: 12005018A

REVIEW BASIS: Pursuant to Chapter 50, the Subdivision Regulations

ZONE: C-2

LOCATION: In the northeast quadrant of the intersection of Democracy Boulevard and Westlake Drive

MASTER PLAN: Potomac

APPLICANT: Montgomery Mall LLC

ATTORNEY: Furey, Dolan & Abell, LLP

ENGINEER: Dewberry and Davis

FILING DATE: June 7, 2007

HEARING DATE: September 20, 2007

Staff Recommendation: Approval of the proposed amendment to Preliminary Plan No. 120050180, subject to the following conditions:

- 1) Approval under this preliminary plan amendment is limited to a maximum of 1,767,177 square feet gross leasable area (sf gla) of general retail uses, which may include a multi-screen theater and a future hotel.
- 2) The Applicant must dedicate and provide public improvement easements (PIE) along Westlake Drive between Westlake Terrace and Democracy Boulevard as follows:
 - a. The Applicant must dedicate 10 feet minimum of right-of-way for the minimum recommended 45 feet from the centerline of Westlake Drive.
 - b. The Applicant must provide a 2-foot-wide PIE along eastern side of Westlake Drive for a 2-foot-wide offset from the proposed shared use path/off-road bike path.
 - c. The Applicant must approach the property owners along the western side of Westlake Drive to grant a PIE up to 5 feet wide, at no cost to either the County or the Applicant, to permit a landscape panel between the curb and sidewalk prior to certification of the site plan.
- 3) The Applicant must reconstruct Westlake Drive between Westlake Terrace and Democracy Boulevard with the following cross-section from east to west:
 - a. A 2-foot-wide offset from the shared use path/off-road bike path outside the public right-of-way within a PIE.
 - b. An 8-foot-wide shared use path/off-road bike path along the east side.
 - c. A 5-foot-wide landscaped panel with street trees and utilities on the east side adjacent to the curb, that may be different on the intersection approach to Democracy Boulevard.
 - d. An 11-foot-wide outer northbound through lane that includes a 1-foot-wide curb/gutter on the west side.
 - e. A 10-foot-wide inner northbound through lane.
 - f. An 8 foot-wide raised median with 1-foot curbs on each side or a 10-foot-wide center left-turn lane with a non-standard pavement treatment to delineate it from the through travel lanes, except on the intersection approach to Democracy Boulevard. This center median along Westlake Drive would restrict access from many of the side streets/drives on the west side to right-turns-in and right-turns-out.

- g. Two 10-foot-wide southbound through lanes.
- h. A 4-foot-wide on-road bike lane that includes the one-foot-wide curb/gutter on the west side.
- i. A 5-foot-wide sidewalk on the west side, unless the property owners along the western side of Westlake Drive agree to provide a PIE of up to 5 feet wide described in Recommendation No. 4c above. With the five-foot-wide PIE, the sidewalk can be relocated such that the cross-section should include a landscaped panel up to 5 feet wide with street trees (i.e., only if the PIE is a full 5 feet wide) and utilities between the bike lane and relocated sidewalk.

The detailed design of this cross-section must be reviewed by the Planning Board staff and approved by the Montgomery County Department of Public Works and Transportation (DPWT) prior to certification of the site plan.

- 4) To accommodate the Westlake Drive cross-section described in condition 3, the Applicant may reconfigure the right-most lane on the northbound Westlake Drive approach at the intersection with Westlake Terrace from a combined right-turn/through lane to right-turn lane; but only if approved by DPWT prior to certification of the site plan.
- 5) The Applicant must comply with the conditions of the DPWT letter dated August 30, 2007.
- 6) The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (DPS) stormwater management concept approval dated July 9, 2007.
- 7) The Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and DPWT to participate in the North Bethesda Transportation Management Organization (TMO). The TMAg must be signed and executed by all parties prior to certification of the site plan.
- 8) All other conditions of approval contained in the Planning Board Opinion dated April 28, 2005 remain in full force and effect, unless modified by the conditions above.

SITE DESCRIPTION and SURROUNDING AREA:

Westfield Shoppingtown Montgomery ("Subject Property") is located on the eastern edge of the Potomac Subregion abutting the West Spur of I-270 and confronting the Rock Spring Corporate Office Park to the east. It is connected to Rock Spring Park by Democracy Boulevard and by Westlake Terrace/Fernwood Road and is served by two freeway interchanges (see Attachment A). The property is zoned C-2 (General

Commercial) and confronts multi-family housing in the R-20, R-30 and RH zones on the west side of Westlake Drive, C-2 development on the north side of Westlake Terrace, and residential townhouse development in the RT-8 zone on the south side of Democracy Boulevard.

BACKGROUND

Westfield Shoppingtown Montgomery (formerly Montgomery Mall) has been operating on the Subject Property since 1968. The land included in the existing mall was originally recorded in the mid-60's. In August, 2004, the Applicant submitted a preliminary plan application to expand the size of the mall, and add the transit center recommended by the *Potomac Subregion* and *North Bethesda/Garrett Park Master Plans*. The preliminary plan application was presented to the Planning Board on January 27, 2005 for approval of a maximum of 1,742,172 square feet gross leasable area (sf gla) of general retail use. The Planning Board approval was granted subject to conditions as set forth in the Opinion of the Board dated April 28, 2005 (Attachment B). The site plan for the project (Site Plan #8-20050030) was reviewed and approved concurrently.

PROPOSED AMENDMENT

The subject preliminary plan amendment increases the acreage included in the application, from 57.72 to 60.02 acres, and requests a 25,005 square foot increase in the previously approved maximum square footage of general retail use (Attachment C). The additional acreage and retail square footage currently exist in the Westlake Crossing local shopping center on the east side of Westlake Drive adjoining the mall. This property has been acquired by Montgomery Mall, LLC (the "Applicant"), who wishes to redevelop the existing site and reserve the ability to use the existing square footage toward the mall's ultimate development. In the current redevelopment plans (as included in the site plan amendment 82005003A, which is being concurrently reviewed), the existing buildings within this shopping center will be removed.

STAFF ANALYSIS AND RECOMMENDATION

The analysis for the preliminary plan amendment is limited to its potential impact on the previously approved adequate public facilities finding with regard to roads and public transportation facilities. All other previous findings regarding the preliminary plan are still applicable to this amendment.

Adequacy of Roads and Public Transportation Facilities

As discussed below, staff's review of the preliminary plan amendment indicates that the preliminary plan will continue to provide safe and adequate access for vehicles and pedestrians. The Subject Property was reviewed per the Local Area Transportation Review (LATR) guidelines, and the studied intersections will operate within the applicable congestion standards with the roadway improvements required by the preliminary plan approval.

Prior Adequate Public Facility Approvals

The traffic impact of combining the Westlake Crossing property with the Westfield Montgomery Mall was accounted for in the prior adequate public facilities (APF) approvals (see Table 1, below and Attachment D). The APF reviews for both shopping centers were based on traffic studies submitted to satisfy Local Area Transportation Review (LATR) at the time each shopping center was approved. A traffic study was required to satisfy LATR, because the proposed land use on both shopping centers generated 50 or more peak-hour trips within the weekday morning (6:30 to 9:30 a.m.) and evening (4:00 to 6:00 p.m.) peak periods.

Table 1. Previous APF Approvals

Shopping Center	Square Feet of Gross Leasable Area of General Retail Use
Existing Montgomery Mall	1,242,172
Approved Mall Expansion (approved on January 27, 2005)	+500,000
Existing Westlake Crossing approved as Building Permit No. 96-03-27-001 *	+25,005
Combined Total	1,767,177

* This building permit was approved by the Planning Board on May 23, 1996, on Parcel "B" Lakeview, in the C-2 zone. The APF review analyzed the traffic impact of converting a vacant 52,000-square-foot (Sears) office building into the existing shopping center.

Based on the analysis of site-generated traffic on the nearby signalized intersections included in the traffic studies, no specific roadway improvements were required for Westlake Crossing. The previous approval of Westfield Montgomery required the Applicant to provide the following intersection improvements:

1. Seven Locks Road and Democracy Boulevard: Add northbound and southbound right-turn lanes on the northbound and southbound Seven Locks Road approaches.
2. Seven Locks Road and Tuckerman Lane: Reconfigure the right-turn lane on eastbound Tuckerman Lane to have a combined right-turn/through lane for a second through lane.

3. Westlake Drive and Democracy Boulevard: Reconfigure the combination right-turn/through/left-turn lane and the left-turn lane on southbound Westlake Drive to have a right-turn lane and a combined right-turn/through/left-lane.

These roadway improvements remain in full force and effect with this amendment, and the impacts of vehicle trips generated by the combined square footage of retail use are addressed for this application.

Congestion Levels at Nearby Intersections

Twelve nearby intersections were analyzed as part of previous traffic studies and the three intersections discussed above were the only ones that failed to operate at acceptable congestion levels without improvement. If the operational improvement described in condition 4, above is constructed at the Westlake Drive/Westlake Terrace intersection, the critical lane volumes (CLVs) noted in the previous analysis (Attachment D) would change. For morning peak hour within the peak period between 6:30 and 9:30 a.m., the CLV increases from 925 to 976. For the evening peak hour within the peak period between 4:00 and 6:00 p.m., the CLV decreases from 1,226 to 1,101. These CLVs continue to be acceptable since they are less than the 1,475 congestion standard for an intersection located with the Potomac Policy Area.

Site Location and Vehicular Access Points

The only change to the original approved plan is consolidating the three original full-movement vehicular access points from Westlake Drive into one access point.

Pedestrian Internal and External Site Facilities

The differences from the original approved plan are as follows:

1. The sidewalk along the west side of Westlake Drive can be upgraded with a landscape panel between the curb and sidewalk if the property owners grant a 5-foot-wide PIE to the County.
2. The internal pedestrian circulation being reviewed as part of the site plan was revised to reflect a parking garage along Westlake Drive in the northwest corner of the site while providing a pedestrian connection to street-level retail uses for the local residents who previously patronized the Westlake Crossing shopping center.
3. A pedestrian mid-block crossing on Westlake Drive is being considered as part of the site plan review. The residents of the communities on the west side of Westlake Drive often walked across Westlake Drive to the Lakeview Crossing Shopping Center that served as their local shopping center. As an alternative, the applicant proposes street-level retail in the northwest corner of the site. To accommodate these pedestrians, a mid-block crossing of Westlake Drive between

Westlake Terrace and the street-level retail must include a raised median and should be considered only if it satisfies DPWT's design standards for pedestrian safety. Such a mid-block crossing would be located between Westlake Terrace and the vehicular access point along Westlake Drive.

North Bethesda Transitway

There are no changes from the original approved plan. Based on the *Potomac Subregion Master Plan* and the *North Bethesda/Garrett Park Master Plan*, the station was originally envisioned to be located in the northwest corner of the Mall. However, DPWT staff requested that the transit center be relocated in the northeast corner adjacent to I-270 to provide a better connection to a potential future Transitway/Metrorail link to Northern Virginia along I-270 and I-495. The Planning Board approved the location of the new and expanded transit center in its Resolution of April 28, 2005, for Preliminary Plan No. 12005018. The subject preliminary plan and site plan amendments do not alter that location.

North Bethesda Transportation Management District (TMD)

This site is located within the boundary of the North Bethesda TMD but outside the North Bethesda/Garrett Park Planning Area. The only change from the original recommendations is that the TMAg be signed and executed by all parties prior to certification of the site plan.

Master Plan Roadways and Bikeways

The *Countywide Bikeways Functional Master Plan* recommends a dual bikeway, DB-31 (shared use path and bike lanes) along Westlake Drive between Westlake Terrace and Democracy Boulevard, however, the County needs an additional 10 feet of right-of-way from the west side in order to accommodate the on-road bike lanes. The proposed cross section in condition 4, above will implement the southbound bike lane. The northbound bike lane will be implemented in the future if and when the additional right-of-way from the west side is dedicated to, or purchased by, the County.

CONCLUSION

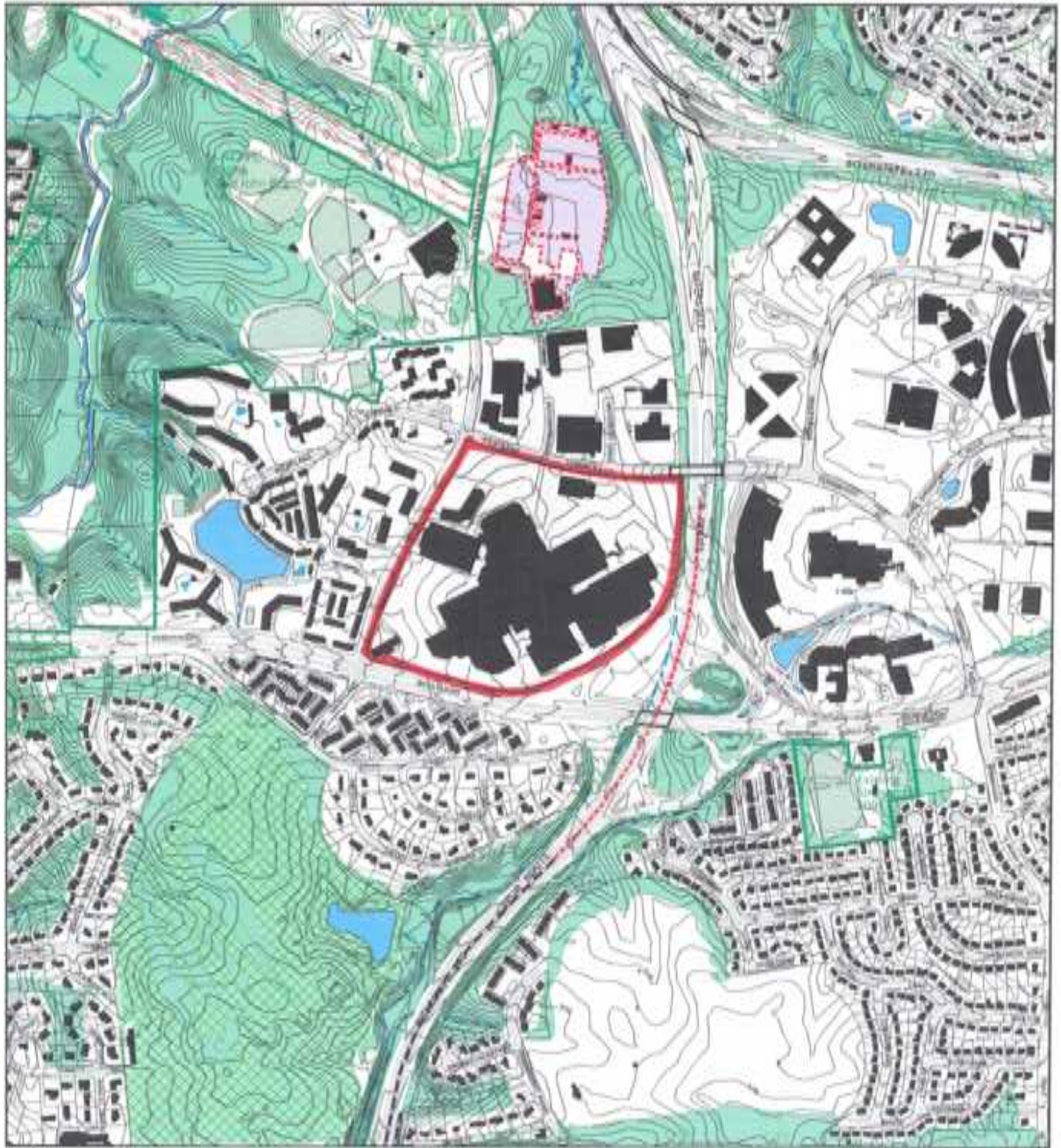
Based on the analysis above, staff recommends approval of the preliminary plan amendment to increase the acreage included in the application, and add 25,005 square feet to the previously approved maximum square footage of general retail use, with the conditions specified above. All other conditions of approval as contained in the Planning Board Resolution dated April 28, 2005 remain in full force and effect.

Attachments:

Attachment A – Site Vicinity Map

Attachment B – Preliminary Plan Resolution dated 4/28/05
Attachment C – Amended Preliminary Plan
Attachment D – Previous Transportation Analyses
Attachment E – Referenced Agency Correspondence

WESTFIELD SHOPPINGTOWN MONT. (12005018A & 82005003A)



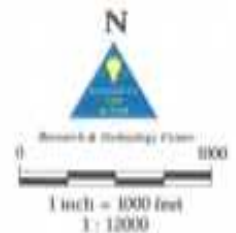
Map compiled on July 05, 2008 at 4:24 PM Site located on base sheet no - 213NW07

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ATTACHMENT B

**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

Date Mailed: APR 28 2005

Action: Approved Staff
Recommendation

Motion of Commissioner Bryant,
seconded by Commissioner
Wellington, with a vote of 5-0;
Chairman Berlage and
Commissioners Perdue, Bryant,
Wellington, and Robinson, voting
in favor.

MONTGOMERY COUNTY PLANNING BOARD**OPINION**

Preliminary Plan 1-05018

NAME OF PLAN: Westfield Shoppingtown Montgomery

The date of this written opinion is APR 28 2005 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court – State).

On 8/02/04, Montgomery Mall, LLC ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the C-2 zone. The application proposed to create 1 lot on 57.72 acres of land located at the northeast quadrant of the intersection of Democracy Boulevard and Westlake Drive, in the Potomac Master Plan area. The application was designated Preliminary Plan 1-05018. On 1/27/05, Preliminary Plan 1-05018 was brought before the Montgomery County Planning Board for a public hearing concurrently with Site Plan No. 8-05003. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning

Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the Applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application, prior to the Board's action following the public hearing; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

THE SUBJECT PROPERTY

The subject property ("Subject Property") is located on the west side of I-270, between Democracy Boulevard and Westlake Terrace. It is bounded by Westlake Drive to the west and served by two freeway interchanges to the east. The property confronts multi-family housing in the R-20, R-30, and RH zones on the west side of Westlake Drive and C-2 development on the north side of Westlake Terrace. Rock Spring Corporate Office Park is located across I-270 from the site to the east. Across Democracy Boulevard to the south are existing RT zoned townhouse communities. A small shopping center (Westlake Crossing) and a Texaco gas station are located between the Subject Property and Westlake Drive.

The 57-acre site is currently developed with a 1,242,172 square foot regional shopping center and associated parking. There are two vehicular access points on the Democracy Boulevard and Westlake Terrace frontages and three on Westlake Drive. A ring road links the entrance drives with all the parking facilities. A bus transit center is located in the northwestern portion of the Subject Property near the entrance drive off Westlake Terrace. There are no stream buffers, floodplains, or wetlands on the Subject Property. The Subject Property is entirely within the Cabin John Creek sub watershed (Use Class I) of the Middle Potomac watershed.

PROJECT DESCRIPTION

This application proposes to add 500,000 square feet of gross leasable area to the existing mall for a maximum of 1,742,172 square feet of gross leasable area of general retail use, including a multi-screen movie theater and future hotel. A site plan was concurrently reviewed for this project. The future hotel is not included in this site plan. A site plan amendment will need to be submitted and approved to determine the exact location of the future hotel and the appropriate amount of associated parking.

SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD

Development Review Staff ("Staff") recommended approval with conditions in its memorandum dated January 21, 2005 ("Staff Report"). Staff's testimony at the public hearing was consistent with the Staff Report.

The Applicant appeared at the hearing represented by legal counsel and testified that it generally agreed with Staff's recommendations but did have a few concerns. The Applicant informed the Board that it had concerns related to an agreement with DPWT regarding capping the costs of the design and construction of a sales kiosk inside the mall.

Following the Applicant, Jerry Garson, Co-Chair of the Seven Locks Civic Association, Inc., testified concerning traffic problems in the area. He commented that an additional through lane is needed for northbound Tuckerman. Mr. Garson also alerted the Board to the existence of a faulty loop detector at Angus Place and Cabin John Mall. Mr. Garson requested the Board's assistance in persuading DPWT to fix the problem. Mr. Garson stated that he has concerns regarding the need for a 300-spot park and ride at this location. He said that he thinks Shady Grove would be better place for the park and ride, and he mentioned that there is nothing in the Potomac Master Plan about a park and ride in the area of the Subject Property. Mr. Garson asked the Board to consider requiring the Applicant, as a part of its afforestation requirements, to replace missing trees in the Cabin John Regional Park. In addition, Mr. Garson referenced the exit from the I-270 southbound HOV lanes directly into the mall, commenting that greater public use of this access would relieve congestion on Democracy Boulevard. Mr. Garson suggested that the public should be educated about the use of the HOV lanes both to enter the Shoppingtown mall from the southbound lanes and to exit the mall using the northbound lanes.

William Durkin testified on behalf of the owners of Westlake Crossing Center, a shopping center that is surrounded on three sides by the Shoppingtown. He noted that his client was concerned with the proposed plans for the original design of the new parking structure for the Shoppingtown on the corner of Westlake Drive and Westlake Terrace. Because of an entrance to the parking structure proposed along Westlake Drive, there was concern that this may have created a blockage across the entrance to his shopping center. Mr. Durkin noted that he appreciated that Westfield had modified its plans to eliminate that entrance.

Mr. Durkin raised an additional concern: a notation on the current site plan provides pedestrian access to Westlake Crossing Center from the proposed parking structure. Mr. Durkin advised the Board that his clients are opposed to

such access because they fear that people accessing the Shoppingtown (and its new theaters) might use his clients' parking facilities if they "arrive at the last minute." With this concern, Mr. Durkin noted that he is otherwise happy with the redevelopment of the Shoppingtown. There followed discussion among Commissioners and staff regarding this access issue. Staff observed that, in its view, such pedestrian access would afford a mutual benefit in that people could park in the parking structure who are accessing Westlake Crossing Center and its retail establishments. Mr. Durkin advised the Board that his clients would rather ensure the protection of the spaces within his client's property. He further noted for the record his view that it may be well within his clients' rights to deny pedestrian access if there is evidence that the parking in his clients' shopping center was being abused by Shoppingtown customers.

In addition to their oral testimony, the Record contains written statements from both Mr. Durkin and Mr. Garson expressing the same basic concerns about which they testified.

The Applicant testified that it has taken advantage of the HOV Lane and did promote it in various areas. The Applicant stated that it will continue to promote use of the HOV lanes to access and egress. The Applicant proffered that it would upgrade signs to include reference to the exits to the interstate as well as including the Transit Center as a destination on the mall's wayfinding system.

In response to Board member questions concerning need for park-and-ride lots, a representative of the Montgomery County Administrative Commuter Services testified that the existing park-and-ride lot serves as both a marshalling area for car and van pools but also to enable people to use the existing transit facility. She testified that the future park-and-ride lot, which will adjoin the proposed transit center would serve the same purpose; and she advised the Board that she anticipates increased demand for a park-and-ride lot over time.

Concerning afforestation issues raised by speakers, Staff advised the Board of the Commission's policy against reforestation in Commission parks as part of meeting developers' requirements. Additionally, Staff testified that Cabin John Park does not have the area to perform such planting.

The Chairman stated that he would contact the Director of DPWT to alert him to the faulty loop detector at the intersection of Seven Locks Road and Tuckerman Lane.

There followed brief discussion among Commissioners and Staff, following which there was further inquiry regarding an amendment to Item 8 of the January 27, 2005 Montgomery County Department of Public Works and Transportation

Program of Requirement for Montgomery Mall Transit Center ("POR")¹, concerning a sales kiosk. Applicant's counsel read into the record certain language agreed to between a DPWT representative and the Applicant. Applicant's counsel stated that the language of Item 8 was acceptable to DPWT and the Applicant and that the following language would be inserted before the final sentence of Item 8: "Westfield's contribution for the above-described items will not exceed \$15,000; there will be no further contribution, direct or indirect (apart from ongoing utility costs), required from Applicant." The Applicant and DPWT also agreed to add language to Item 8 specifying that the kiosk location would be provided with no obligation to pay rent.

It was further agreed between the DPWT's representative and the Applicant that the following sentence shall be added at the end of the POR: "The conditions specified and contained herein constitute the sum of Applicant's obligations to the County under this Program of Requirement, to be memorialized and implemented in the memorandum of understanding to be executed by and between the Applicant and the Department of Public Works and Transportation."

The Record contains several letters from community members regarding the application. These letters included concerns about: the lack of handicap parking spaces near Entrance 5; Montgomery Mall no longer being "senior-friendly," and including too many upscale stores and not enough moderately priced stores, the need for more benches near mall entrances; the need for rentable wheelchairs; noise levels in the food court; safety both inside and outside the mall; the glare from existing exterior lights disturbing neighboring residents' enjoyment of their properties; increased traffic levels resulting from the expansion having the potential effect of disturbing the "peacefulness" of the area; and a potential increase in the risk of crime as more people visit the expanded mall.

The Record also contains an e-mail from Joseph Cutro, an engineer representing the owner of the Westlake Crossing shopping center. Mr. Cutro's email stated that while the ownership and management of Westlake Crossing supports Westfield's expansion, an improperly located driveway combined with localized traffic overload could have negative effects.

FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies²; the Applicant's position;

¹ The POR was the result of negotiations between the Montgomery County Department of Public Works and Transportation and the Applicant. A copy of the POR was attached to the Revised Staff Recommendation for Site Plan 8-05003, dated January 27, 2005, which was handed out to the Planning Board and entered into the record at the public hearing.

² The application was referred to outside agencies for comment and review, including the

and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds that:

- a) The Preliminary Plan No. 1-05018 substantially conforms to the Potomac Master Plan.
- b) Public facilities will be adequate to support and service the area of the proposed subdivision. This finding is made in light of testimony received at the hearing and based on evidence of record, including the Transportation Planning memorandum dated January 20, 2005. The Board observes that proffers by the Applicant to upgrade signage in the mall will assist in educating its customers about alternative ingress and egress points, which may have the effect of reducing traffic levels on nearby local streets.
- c) The size, width, shape, and orientation of the proposed lot is appropriate for the location of the subdivision.
- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. This finding is subject to the applicable condition(s) of approval.
- e) The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.
- f) The only contested issue in this application that is relevant to a preliminary plan of subdivision concerns traffic congestion, which issue is addressed through the Board's finding above that there exist adequate public facilities to support the proposed subdivision. The Board further finds that any objection (concerning a substantive issue) that was not raised prior to the closing of the Record is waived.

CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 1-05018 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning

Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

Board approves Preliminary Plan No. 1-05018, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to an increase of 500,000 square feet of gross leasable area (sf gla) for a maximum of 1,742,172 sf gla of general retail uses, which may include a multi-screen movie theater and a future hotel.
- 2) The Applicant shall dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan unless otherwise designated on the preliminary plan.
- 3) The Applicant shall construct all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By _____" are excluded from this condition.
- 4) No clearing, grading or recording of plats prior to site plan signature set approval.
- 5) Final approval of the number and location of buildings, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
- 6) Dedicate additional right-of-way for 45-feet from the centerline of Westlake Drive and Westlake Terrace in accordance with the *Potomac Master Plan*, which requires a total of 90 feet for this roadway. Provide proper right-of-way truncation at the Westlake Drive and Westlake Terrace intersection.
- 7) Construct a ten-foot-wide shared use path along Democracy Boulevard, extending from Westlake Drive to edge of previous SHA path improvements near I-270 West Spur. Make a good faith effort to negotiate with the adjoining property owner of the automobile filling station located in the southwest corner of the Mall to reconstruct the existing pedestrian path to provide for a ten-foot-wide shared use path along Westlake Drive and Democracy Boulevard without purchasing additional right-of-way.
- 8) Construct an eight-foot-wide shared use path on the east side of Westlake Drive with at least a two-foot-wide setback from the curb, extending from Democracy Boulevard to Westlake Terrace.
- 9) Upgrade the existing bike lanes on the south side of Westlake Terrace at the Mall access point/Auto Park Avenue where the existing eastbound right-turn lane is to be reconstructed.

- 10) Construct seven-foot-wide concrete sidewalks along Westlake Terrace from Westlake Drive to the east side of the Mall access point/Motor City Drive.
- 11) Satisfy Local Area Transportation Review by constructing the following intersection improvements:
 - a. Add a northbound and a southbound right-turn lane from Seven Locks Road to Democracy Boulevard.
 - b. Reconfigure the existing right-turn lane on eastbound Tuckerman Lane at Seven Locks Road into a combination of right and through lane that would provide two through lanes.
 - c. Reconfigure the two-lane southbound Westlake Drive approach at Democracy Boulevard to an exclusive right-turn lane and a combination right, through, and left lane (i.e., instead of the current combination right, through, and left lane and exclusive left-turn lane).
- 12) Place in reservation for future dedication of a 35-foot-wide transitway right-of-way (additional to the requirements of the right-of-way for this road as recommended in the North Bethesda-Garrett Park Master Plan) along Westlake Terrace from I-270 West Spur to the western edge of the relocated transit center in northeast corner of the Mall, approximately 190 feet. The 35-foot-wide transitway right-of-way west of Motor City Drive along Westlake Terrace is no longer needed where the right-of-way may differ from the specific language in the master plan but remains consistent with its intent.
- 13) Relocate existing transit center and replace with new and expanded facility including associated park and ride spaces, and provide necessary non-automobile transportation amenities to promote transit and bicycle use. Exact location and design of center, and appropriate amenities, shall be determined at site plan. Prior to release of any building permits for the proposed development, the Applicant shall enter into an access easement agreement with DPWT and WMATA to provide access for transit vehicles to and from the relocated transit center.
- 14) Prior to the release of any building permits for the proposed development, the Applicant shall enter into a Traffic Mitigation Agreement (TMA) with the Planning Board and DPWT to participate in the North Bethesda Transportation Management District as a large non-residential

development within its boundary. Participation would assist in achieving and maintaining the current traffic mitigation goal for Stage 2 of 39% non-auto-driver mode share for employees.

- 15) Prior to release of any building permits for the proposed development, the Applicant shall modify the Memoranda of Understanding begun in 1984 with subsequent amendments with the Montgomery County Department of Permitting Services (DPS) to:
 - a. Continue to provide 300 off-site employee parking spaces during the peak holiday shopping period from Thanksgiving to Christmas.
 - b. Obtain a waiver of the required parking ratio to reduce the required number of parking spaces, as part of site plan approval.
- 16) Prior to the release of any building permits, Applicant shall sign a memorandum of understanding with MCDPWT regarding the Applicant's and MCDPWT's responsibilities for the construction of the transit center canopy.
- 17) Compliance with the conditions of approval of the MCDPWT letter dated January 20, 2005, unless otherwise amended.
- 18) Compliance with the conditions of the MCDPS stormwater management concept approval dated June 1, 2004.
- 19) Compliance with the conditions of approval for the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- 20) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for one hundred forty-four (144) months from the date of mailing of the Planning Board opinion.
- 21) Other necessary easements.

This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.

APPROVED AS TO LEGAL SUFFICIENCY

123

M-NCPPC LEGAL DEPARTMENT

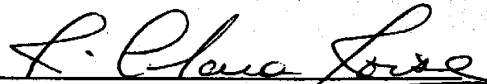
DATE

4/14/05

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

CERTIFICATION OF BOARD VOTE ADOPTING OPINION

At its regular meeting, held on Thursday, April 21, 2005, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent, ADOPTED the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan # 1-05018, Westfield Shoppingtown Montgomery**. Vice Chair Wendy Perdue was absent.



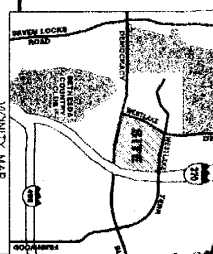
Certification As To Vote of Adoption
Technical Writer

ARCHITECT: **LEE | INDEX**
EXISTING
FIRST LEVEL PLAN
SECOND LEVEL PLAN
SECTION VIEW FROM WESTLASE TERRACE
WESTLASE DRIVE GARAGE NO. 1
WESTLASE DRIVE GARAGE NO. 1 ELEVATION
SOUTHEAST GARAGE NO. 1 PERSPECTIVE
WESTLASE DR. GARAGE NO. 1 PERSPECTIVE
GARAGE NO. 1 ENTRANCE PERSPECTIVE
VERSALOR
PROPOSED R.W.
DEDICATION LINE

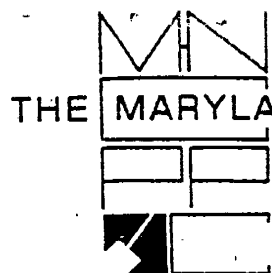
C1.04

C1.01

Q1.10



ATTACHMENT D



5-23-96

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

May 15, 1996

MEMORANDUM

TO: Montgomery County Planning Board

FROM: Ed Axler for the Planning Department, 495-4525 EA

SUBJECT: Adequate Public Facilities Review for Non-Registered Loophole Property
Westlake Crossing, Parcel "B" Lakeview
10301 Westlake Terrace, Bethesda, in the Potomac Policy Area
Building Permit BP 96-03-27-0061

RECOMMENDATIONS

Transportation Planning staff recommends release of this building permit subject to the applicant entering into an agreement with the Planning Board to satisfy the following Adequate Public Facilities (APF) conditions:

1. Limit the property to 25,005 total square feet of general retail use.
2. Any further change or additional development must undergo another APF review.

SITE LOCATION

The proposed retail development is located on the west side of Westlake Drive approximately 1,000 feet south of Westlake Terrace. Refer to the attached vicinity maps.

BACKGROUND

The building permit was not registered as a loophole property. Thus, a full APF review is required prior to release of this building permit. The property is zoned C-2. The Sears office building of 52,000 square feet exists on the site but has been unoccupied for over a year. No credit was claimed by the applicant for trips for existing Sears office building for the APF test.

OTHER COUNTY ISSUES

Site Access

The two points of access on Westlake Terrace have been approved by the Montgomery County Department of Public Works and Transportation (DPWT).

Parking

The number of parking spaces has been approved by the Montgomery County Department of Environmental Protection (DEP). The applicant provided 170 parking spaces and this meets the County code requirement. A parking variance was granted by DEP for the setback from Westlake Drive.

Interior Landscaping

The interior landscaping has been approved by DEP.

TRANSPORTATION MANAGEMENT DEMAND

Although the site is not located in the North Bethesda Policy Area, it is within the North Bethesda Transportation Management District (TMD) boundary. The TMD boundary extends westward from I-270 into the Potomac Policy Area between Tuckerman Lane and Democracy Boulevard almost to Seven Locks Road (or into the new traffic zone 149.) The TMD boundary is shown on the attached map. Voluntary participation is encouraged in the TMD. The specific nature of the proposed specialty retail uses might present opportunities for cooperative promotion of alternative transportation modes with the TMD.

However, the mandatory fee is not required since the applicant filed for subdivision (or used an optional method) prior to October 31, 1995, under County Executive Regulation 25-95 amended. Filing after that date would require paying the Transportation Management Fee. Even if the fee is paid, participation in the TMD would be encouraged but not required. The North Bethesda Transportation Action Partnership will be under contract with DPWT to operate the TMD.

LOCAL AREA TRANSPORTATION REVIEW

The Transportation Analysis for Parcel "B" Lakeview, dated August 1995, was submitted for the proposed retail development.

Total versus Pass-by and Diverted Site Trips

Total trips include new, pass-by and diverted trips. Some vehicle trips are for a secondary trip purpose (as a pass-by or diverted trip) on the way to and from a primary (new) trip, such as a work place. Other vehicle trips are primary or new trips.

Site-Generated Traffic

A general retail development of 25,005 square feet would generate 77 vehicle trips during the AM peak hour and 309 vehicle trips during the PM peak hour. The trip-generation rates provided in the Local Area Transportation Review Guidelines were used in the calculation of peak-hour trips. No credit was claimed for trips for the "Sears" office building of 52,000 square feet.

Requirements to Submit a Traffic Impact Study

The proposed development would generate more than 50 total peak-hour trips. Therefore, the traffic impact study would be required to analyze the impact of site-generated traffic on the adjacent roadways and intersections for Local Area Transportation Review (LATR) in the typical policy area.

As discussed under section II.D. of the Local Area Transportation Review Guidelines (see attached page 4), the normal requirements for LATR differ in four policy areas, including Potomac. In the Potomac Policy Area, only the developments contributing traffic to seven specific intersections are subject to LATR.

The site's nearest major intersections -- Westlake Drive/Democracy Boulevard, Westlake Drive/Westlake Terrace, and Westlake Drive/Tuckerman Lane -- are three of those specified intersections. For Adequate Public Facilities Review, the applicant would have to submit a traffic impact study to satisfy LATR.

Congestion Levels along Westlake Drive

From the Transportation Analysis for Parcel "B" Lakeview, the calculated critical lane volumes and corresponding levels of service at the nearby intersections are:

<u>Intersection</u>	<u>Peak Period</u>	<u>Traffic Condition</u>		
		<u>Existing</u>	<u>Background</u>	<u>Total</u>
Westlake Drive & Democracy Blvd	AM	1,107/B	1,187/C	1,208/C
	PM	1,046/B	1,288/C-D	1,323/D
Westlake Drive & Westlake Terrace	AM	755/A	1,362/D	1,402/D
	PM	1,003/A-B	1,368/D	1,435/D-E
Westlake Drive & Tuckerman Lane	AM	1,077/B	1,092/B	1,103/B
	PM	1,148/B-C	1,225/C	1,244/C

All calculated critical lane volumes are less than 1,525, which is the LATR congestion standard for the Potomac Policy Area.

Adequacy of Traffic Counts

The traffic counts were collected in the month of June when traffic volumes tend to be lower because most schools are closed and more people take time off from work. However, the resultant critical lane volumes are sufficiently less than the LATR congestion standard of 1,525. The closest critical lane volume is at 1,435 (or within 90) for the PM total traffic condition at Westlake Drive/Westlake Terrace.

Volume Adjustments for the Opening of Fernwood Bridge

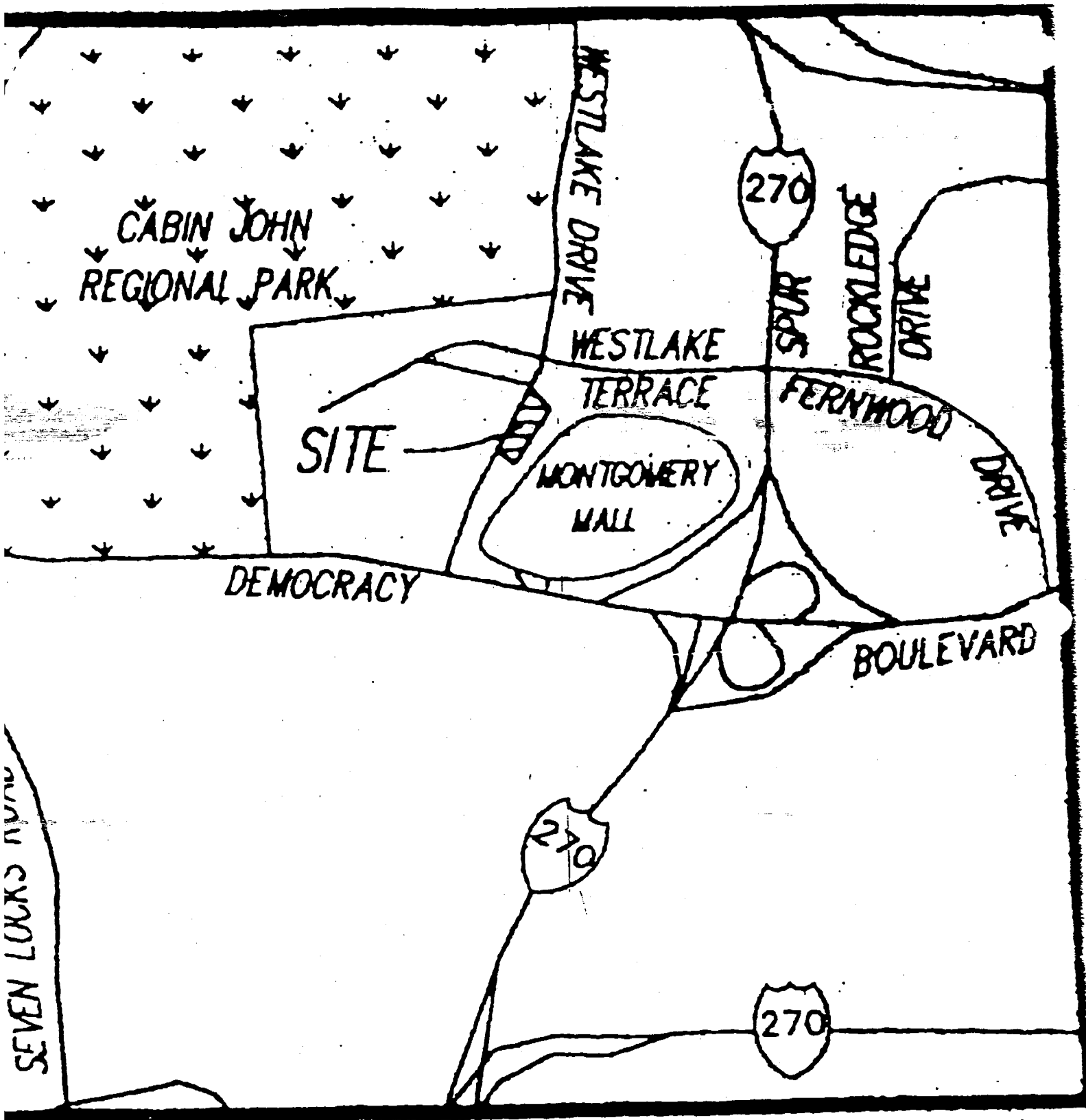
At the time the traffic counts were collected in June 1995, the Fernwood Road Bridge was not open to traffic. This bridge connects Fernwood Road (east of I-270) with the terminus of Westlake Terrace (west of I-270). This new connection provides an alternative east-west route between Rock Spring Park and Westlake Drive in lieu of using Democracy Boulevard. For the background and total traffic conditions, the appropriate existing traffic was re-distributed to reflect the changing travel patterns with the Fernwood Bridge open.

POLICY AREA REVIEW/STAGING CEILING CONDITION

As of April 30, 1996, the remaining capacity is 2,022 jobs under the FY 96 Annual Growth Policy transportation staging ceilings. However, even though staging ceilings are shown in the Annual Growth Policy, the Potomac Policy Area is controlled by zoning, water, and sewer constraints per the Potomac Subregion Master Plan.

EA:jda
Attachments

cc: Joe Davis
Kathleen Easley
Tom Robertson
Darren Robinson
Lonnie Rorie
Scott Wainwright
Dreck Wilson
Tom Poque
Peggy Schwartz
Todd Brown
David Gantt
Chris Jones
Lee Cunningham



VICINITY MAP

SCALE: 1" = 2000'



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

January 20, 2005

MEMORANDUM

TO: Catherine Conlon, Acting Supervisor
Development Review Division

Michael Ma, Supervisor
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning

FROM: Ed Axler, Planner/Coordinator *EA*
Charles S. Kines, Planner/Coordinator
Transportation Planning

SUBJECT: Preliminary Plan No. 1-05018 and Site Plan No 8-05003
Westfield Shoppingtown Montgomery Mall
Potomac Policy Area

This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review of the subject Preliminary Plan and Site Plan to expand the existing regional shopping mall ("Mall") by 308,225 square feet in a C-2 zone. The preliminary plan was reviewed under the *FY 2005 Annual Growth Policy* (AGP) because it was filed after July 1, 2004.

RECOMMENDATIONS

Transportation Planning staff recommends the following conditions as part of the transportation-related requirements to approve this Preliminary Plan and Site Plan:

1. Limit the development to the following:
 - a. Preliminary Plan to an increase of 500,000 square feet of gross leasable area (sf gla) for a maximum of 1,742,172 sf gla of general retail uses including a multi-screen movie theater and a future hotel.
 - b. Site Plan to an increase of 300,000 sf gla for a maximum of 1,542,172 sf gla of general retail uses including a multi-screen movie theater but excluding the hotel at this time.

2. Dedicate additional right-of-way for 45 feet from the centerline of Westlake Drive and Westlake Terrace in accordance with the *Potomac Master Plan*, which requires a total of 90 feet for this roadway.
3. Construct a ten-foot-wide shared-use path along Democracy Boulevard, extending from Westlake Drive to the edge of the previous SHA path improvements near the I-270 West Spur. Make a good faith effort to negotiate with the adjoining property owner of the automobile filling station located in the southwest corner of the Mall to reconstruct the existing pedestrian path to provide for a ten-foot-wide shared-use path along Westlake Drive and Democracy Boulevard.
4. Construct an eight-foot-wide shared-use path on the east side of Westlake Drive with at least a two-foot-wide setback from the curb, extending from Democracy Boulevard to Westlake Terrace.
5. Upgrade the existing bike lanes on the south side of Westlake Terrace at the Mall access point/Auto Park Avenue where the existing eastbound right-turn lane is to be reconstructed.
6. Construct seven-foot-wide concrete sidewalks along Westlake Terrace from Westlake Drive to the east side of the Mall access point/Motor City Drive.
7. Satisfy Local Area Transportation Review by constructing the following intersection improvements:
 - a. Add a northbound and a southbound right-turn lane from Seven Locks Road to Democracy Boulevard.
 - b. Reconfigure the existing right-turn lane on eastbound Tuckerman Lane at Seven Locks Road into a combination right and through lane that would provide two through lanes.
 - c. Reconfigure the two-lane southbound Westlake Drive approach at Democracy Boulevard to an exclusive right-turn lane and a combination right, through, and left lane (i.e., instead of the current combination right, through, and left lane and exclusive left-turn lane).
8. Place in reservation for future dedication an additional 35-foot-wide transitway right-of-way (additional to the requirements of the right-of-way for this road as recommended in the North Bethesda-Garrett Park Master Plan) along Westlake Terrace from the I-270 West Spur leading to the location of the relocated transit center in the northeast corner of the Mall east of Motor City Drive. The 35-foot-wide transitway right-of-way west of Motor City Drive along Westlake Terrace is no longer needed where the right-of-way may differ from the specific language in the master plan but remains consist with its intent.

9. Provide the following non-automobile transportation amenities to promote transit and bicycle use in accordance with the attached Montgomery County Department of Public Works and Transportation (DPWT) Program of Requirements, and conceptual drawing dated January 8, 2005. ~~The summary of those recommendations~~ is as follows:
- a. Relocate, provide space for, connect utilities (i.e., for telephone service, lighting, security cameras, and kiosk information signs), and construct the relocated transit center foundation, pad, and related infrastructure in the northeast corner of the site during the first phase of Mall reconstruction in accordance with the attached DPWT Program of Requirements. Include in the transit center design six bus bays, two layover locations, a bus ramp up to Westlake Terrace for eastbound buses exiting the transit center, safe and adequate access horizontally and vertically for the transit riders, and independent access for each bus.
 - b. Construct one large canopy structure covering passenger-waiting areas with other transit-friendly amenities that would make the transit center a more attractive option to drivers of single-occupant vehicles. Include adequate lighting and a connection for future real-time transit information signs. *changed*
 - c. Provide ~~a location~~ for transit information kiosks with display panels and the necessary electrical and cable conduit connections for future real-time transit information signs, ~~closed-circuit security cameras~~, and/or variable message boards located at the transit center as well as at the Mall's customer service desk and/or at a comfortable waiting area inside the Mall (possibly in food court). Final locations to be mutually agreed upon with DPWT and the applicant prior to site plan signature set. ~~The kiosks are to be manned by County-provided personnel.~~
 - d. Provide bike racks to accommodate up to 32 bikes at locations mutually agreed upon by M-NCPPC, DPWT and the applicant prior to site plan signature set and weather-protected where possible.
 - e. Provide three taxicab stands in proximity to the transit center.
 - f. Provide and prepare a conceptual design for 250 commuter parking spaces in close proximity to the transit center as currently provided, with between 25 and 50 spaces located on the east side of the transit center within the SHA I-270 West Spur right-of-way.
10. Enter into an access easement agreement with DPWT and WMATA to provide access for transit vehicles to and from the relocated transit center as described in Recommendation No. 9a above.

11. Enter into a Traffic Mitigation Agreement (TMA) with the Planning Board and DPWT prior to release of building permits to participate in the North Bethesda Transportation Management District (TMD) as a large non-residential development within its boundary. Participation would assist in achieving and maintaining the traffic mitigation goal for Stage 2 of 39% non-auto-driver mode share for employees.
12. Modify the Memoranda of Understanding starting in 1984 with subsequent amendments with the Montgomery County Department of Permitting Services (DPS) to:
 - a. Continue to provide 300 off-site employee parking spaces during the peak holiday shopping period from Thanksgiving to Christmas.
 - b. Obtain a waiver for the required parking ratio to reduce it to 4.5 parking spaces per 1,000 sf gla, as part of this site plan approval.

DISCUSSION

Site Location and Vehicular Access Points

The site is located within the area bordered by I-270 West Spur to the east, Democracy Boulevard to the south, Westlake Drive to the west, and Westlake Terrace to the north. The current vehicular access points are as follows:

- Democracy Boulevard: One right out only onto eastbound and westbound Democracy Boulevard and one westbound right-turn entrance only.
- Westlake Drive: Three full-movement access points.
- Westlake Terrace: Two full-movement access points opposite Auto Park Avenue and Motor City Drive.

There are no direct access points from I-270.

For the proposed preliminary plan, the changes in the access point are as follows:

- The northernmost full-movement access point from Westlake Drive would be closed to reduce conflicting turning movements from the adjoining shopping center.
- A new right-turn-only for transit vehicles is proposed from the transit center to eastbound Westlake Terrace.

Pedestrian Internal and External Site Facilities

The existing pedestrian network is being upgraded for better internal and external circulation. The path system along Westlake Drive and Westlake Terrace will be upgraded as mutually agreed upon by M-NCPPC, DPWT, and DPS staffs with the applicant as described in Recommendations No. 2 through 6 and reflected in the current preliminary plan and site plan drawings.

Parking Waiver Request

The requested waiver for a parking ratio of 4.5 spaces per 1,000 sf gla as discussed in Recommendation No.12b would be representative of other regional shopping centers nation-wide and in the Washington metropolitan area. Refer to the attached letter dated January 18, 2005. Table 1 below summarizes the occupancy ratio to the number of parking spaces available at this Mall compared with other regional shopping centers in the Washington metropolitan area:

TABLE 1: RESULTS OF PARKING SURVEYS

Day & Date of Mall Parking Survey or Other Malls	Square Feet of Gross Leasable Area (sf gla)	Percent Occupancy*	Parking Ratio: Occupied Spaces per 1,000 sf gla	Multi-Screen Theaters
At Westfield Shoppingtown Montgomery Mall				
Saturday, Jul. 10, 2004	1,242,172	57.8%	3.0	3-Screens
Friday, Nov. 26, 2004	1,242,172	87.1%	4.47	3-Screens
Saturday, Nov. 27, 2004	1,242,172	79.7%	4.09	3-Screens
In Comparison with Other Recently-Expanded Large Regional Shopping Malls				
Wheaton Plaza	1,440,244	N/A	4.15	11-Screens
Tysons Corner, Virginia	2,444,648	N/A	4.21	16-Screens
Annapolis Mall	1,178,355	N/A	4.00	(# not known)
In Comparison with Recognized Standards:				
Urban Land Institute	Over 600,000		4.5	N / A

* Parking occupancy equals the number of occupied parking spaces divided by the total available spaces where Montgomery Mall currently has 5,557 parking spaces on site.

As shown in Table 1 above, regional shopping centers with over 1,000,000 sf gla have parking ratios below 4.5 because customers tend to park for a longer time period and spend more time shopping in these centers. These larger shopping centers have a wider range of different types of retail activities compared with the limited number of stores in the typical neighbor shopping center.

Proposed Transit Facilities On Site

The existing transit center is located on the northwest side of the Mall with three bus bays, a layover area, and an adjacent commuter parking area with 250 spaces. The existing transit center is served by Metrobus routes J-1, J-2, J-3, & N-7 and Ride-On routes 6, 26, 38, 47, & 96. The transit center currently is experiencing the second highest ridership in the County for a non-Metro Station location. Twenty-eight buses per hour during peak period currently enter and exit the station. DPWT estimates that by 2025, the number of buses will increase to thirty-eight with no rail connection and forty-three buses with a future rail connection. The relocated transit center should have three more bus bays for a total of six bays to adequately serve the projected number of buses and their anticipated frequencies.

North Bethesda Transitway

The *Potomac Subregion Master Plan* and the *North Bethesda/Garrett Park Master Plan* recommend designation of a 35-foot-wide right-of-way for a transitway on the south side of Westlake Terrace from the I-270 west spur to Westlake Drive with a station terminus on the mall property. The station was originally envisioned to be located in the northwest corner of the Mall. DPWT staff requested that the transit center be relocated in the northeast corner to provide a better connection to potential future Transitway/Metrorail link to northern Virginia along I-270 and I-495. As a result, the County does not require the 35-foot right of way transitway along Westlake Terrace from Motor City Drive to Westlake Drive.

The Mall was approved for an expansion in 1990 as a registered "loophole property" that included paying a required Transportation Improvements Fee. Part of that fund was used to design and construct the existing transit center as specified in the Local Area Transportation Review Exemption Agreement dated January 26, 1990. The new relocated transit center would be constructed by this applicant in the northeast corner of the site adjacent to I-270 as a master-planned element.

North Bethesda Transportation Management District (TMD)

This site is located within the boundary of the North Bethesda TMD but outside the North Bethesda/Garrett Park Planning Area. The applicant of this non-residential development would be required to submit a traffic mitigation plan for the North Bethesda TMD, pay the Transportation Management Fee (i.e., upon County Council re-establishment of that Fee), and participate in the following:

1. Conducting the employee surveys.
2. Appointing a transportation coordinator.
3. Promoting alternative transportation modes to employees on the site.

Participation of the applicant in this effort would assist them in achieving and maintaining the Stage II goal of 39% non-auto-driver mode share for employees (and 30% non-driver mode-share goal for multi-family residents) within the North Bethesda TMD boundary as recommended in the Master Plan. The Transportation Action Partnership, a private nonprofit organization, operates the North Bethesda TMD under contract to DPWT.

Master Plan Roadways and Bikeways

In accordance with the recommendations of *Potomac Subregion Master Plan*, the nearby roadways and bikeways are:

1. I-270 West Spur (along the east side of the site) is designated as a six-lane-divided freeway (F-1a) with a right-of-way width of 300 feet.
2. Democracy Boulevard (along the south side of the site) is designated as a six-lane-divided major highway (M-5) with a right-of-way width of 150 feet. Construction of a Class I

bikeway (SP-2) is recommended on this road in the May 2004 Planning Board Draft of the *Countywide Bikeways Functional Master Plan*.

3. Westlake Drive (to the west of the site) is designated as a four-lane arterial roadway (A-85) with a right-of-way width of 90 feet. A dual bikeway, DB-31 (shared use path and bike lanes) is recommended on this road in the May 2004 Planning Board Draft of the *Countywide Bikeways Functional Master Plan*. However, the County needs an additional ten feet of right-of-way from the west side in order to accommodate the bike lanes. In the interim, the applicant is required to build the shared-use path within the master-planned right-of-way along the property frontage and connections to Democracy Boulevard and Westlake Terrace.
4. Westlake Terrace (to the north of the site) is designated as a four-lane arterial roadway (A-85) with a right-of-way width of 90 feet. The May 2004 Planning Board Draft of the *Countywide Bikeways Functional Master Plan* recommends bike lanes (BL-4) on both sides of the road. These bike lanes currently exist and the applicant will maintain them. Applicant will also upgrade the bike lane on the south side where it passes through the newly re-designed westernmost mall entrance as shown on the site plan, per agreement of M-NCPPC and DPWT.

Other On-Going Transportation Study

SHA's I-270/US 15 Major Investment Study is an on-going study on infrastructure improvements that includes non-single-occupancy-vehicle transportation mode facilities (i.e., HOT lanes, rapid bus lanes, etc.) from the Beltway (I-495) to the City of Frederick.

Site-Generated Traffic

Table 2 below gives the number of peak-hour trips generated by the existing regional shopping mall and its proposed expansion during the weekday morning peak-period (6:30 am to 9:30 am) and the evening peak-period (4:00 pm to 7:00 pm). Under the *Local Area Transportation Review Guidelines*, a traffic study was required to analyze the impact by the site-generated trips on the local transportation network because the existing and proposed expansion of this Mall would generate 30 or more peak-hour trips during the weekday morning and evening peak-periods. The submitted traffic study was analyzed for the proposed preliminary plan expansion of up to 500,000 sf gla that included 200,000 sf gla for a hotel.

TABLE 2: SITE-GENERATED PEAK-HOUR TRIPS

	Square Feet of Gross Leasable Area	Peak-Hour Trips			
		Morning		Evening	
		Total	New	Total	New
Existing Mall	1,244,648	1,120	1,042	4,107	3,409
Proposed Mall Expansion for the Site Plan	+300,000	270	251	990	882
Total after Site Plan Expansion	1,542,172	1,390	1,293	5,097	4,231
Proposed Mall Expansion/Hotel for the Preliminary Plan	+200,000	180	167	660	548
Proposed Mall/Site Plan & Hotel Expansion	+500,000	450	418	1,650	1,370
Total after Preliminary Plan Expansion	1,744,648	1,570	1,460	5,757	4,779

Total trips include the new trips as well as pass-by and diverted trips. New trips have their origins or destinations at the Mall, while pass-by and diverted trips have different origins and destinations. Pass-by trips occur along the same routes that stop at the Mall, while the diverted trips change their routes to travel to the Mall.

Permitted Hotel included in the Preliminary Plan Only

The County Council adopted Zoning Text Amendment No.04-20 effective December 14, 2004, that would permit a hotel as part of a regional shopping center in the C-2 zone. The peak-hour trips generated by 200,000 sf gla of a regional shopping center (i.e., shown on the 4th row of Table 2 above) is conservatively more than the peak-hour trips generated by a 247-room hotel, i.e., 138 and 146 peak-hour trips during the weekday morning and evening peak periods, respectively.

Congestion Levels at Nearby Intersections

The traffic study analyzed twelve nearby intersections to determine the impact of the site-generated trips on these intersections. The total traffic condition represents the site-generated trips added to the existing and background (i.e., trips from approved, but not-fully-built-out developments). The results of the congestion analysis is shown in Table 3 below with the applicable Critical Lane Volume (CLV) congestion standard and the calculated CLV values for each intersection during morning and evening peak hours.

TABLE 3: SUMMARY OF THE RESULTING CLV CONGESTION LEVELS

Intersections	CLV Congestion Standard	Traffic Conditions					
		Morning Peak Hour			Evening Peak Hour		
		Existing	Background	Total	Existing	Background	Total
1. Tuckerman Lane/ Seven Locks Road	1,475 Potomac	1,452	1,535* 1,376 ¹	1,568* 1,409 ¹ 1,330 ²	1,411	1,496* 1,441 ¹	1,576* 1,521* ¹ 1,223 ²
2. Tuckerman Lane/ Westlake Drive	1,475 Potomac	1,134	1,155	1,164	1,164	1,210	1,256
3. Westlake Drive/ Westlake Terrace	1,475 Potomac	893	952	977	947	1,033	1,105
4. Westlake Terrace/ Auto Park Avenue-Mall Access	1,475 Potomac	392	429	465	604	662	720
5. Westlake Terrace/ Motor City Drive-Mall Access	1,475 Potomac	419	453	537	659	717	937
6. Fernwood Drive/ Rock Spring Drive	1,550 North Bethesda	620	620	655	645	645	821
7. Democracy Boulevard/ Seven Locks Road	1,475 Potomac	1,110	1,147	1,156 1,053 ³	1,439	1,500	1,542* 1,413 ³
8. Democracy Boulevard/ Westlake Drive	1,475 Potomac	893	921	942 984 ⁴	1,427	1,494*	1,576* 1,422 ⁴
9. Democracy Boulevard/ Mall Exit	1,475 Potomac	533	541	570	644	651	787
10. Democracy Boulevard/ I-270 West Spur SB Off-Ramp	1,475 Potomac	1,010	1,099 974 ⁵	1,123 998 ⁵	1,122	1,322 1,021 ⁵	1,447 1,146 ⁵
11a. Democracy Boulevard/ I-270 West Spur: NB Off-Ramp	1,550 North Bethesda	828	837	878	974	1,092	1,265
11b. Democracy Boulevard/ I-270 West Spur: NB Off-Ramp to EB Democracy Boulevard	1,550 North Bethesda	1,158	1,252	1,268	609	664	748
12. Democracy Boulevard/ Fernwood Drive	1,550 North Bethesda	1,040	1,072	1,105	1,286	1,327	1,411

Note: * indicates that the CLV value exceeds the congestion standard

¹ CLV calculation included the NB right-turn lane from Seven Locks Road that was required of previously approved Preliminary Plan No. 1-03029, Fortune Parc.

² CLV calculation included the proposed reconfiguration of the EB right-turn lane on Tuckerman Lane to a combination right-turn & through lane.

³ CLV calculation included the proposed NB & SB right-turn lanes from Seven Locks Road.

⁴ CLV calculation included the proposed reconfiguration of the 2-lane SB Westlake Drive lane use to have a right-turn lane only instead of a left-turn only lane.

⁵ CLV calculation included the 2nd WB left-turn lane from Democracy Boulevard that was required of previously approved Preliminary plan No. 1-98092, Rock Spring Centre.

The recommended improvements indicated with footnotes No. 2, 3, and 4, at three intersections provide additional capacity that would result in reducing the CLV values in the total traffic condition below the applicable CLV congestion standard of 1,475.

Non-Automobile Transportation Amenities

In accordance with Section VI, "Methods to Reduce Local Area Transportation Review Impacts" of the *Local Area Transportation Review Guidelines*, the non-automobile transportation amenities described in Recommendation No. 9 may be reduced from the site-generated peak-hour trips during the weekday morning and evening peak periods as follows:

TABLE 4: SUMMARY OF NON-AUTOBOBILE TRANSPORTATION AMENITIES

Non-Auto Amenity	Number or Linear feet	Equivalent Vehicular Trips	Reduced Vehicular Trips
Covered Bus Shelters	6	10 per Shelter	60
Real-Time Transit Info	3	10 per Electronic Sign	30
Off-Site Sidewalks &/or Bikeway	Approximately 260	1 per 130 Linear feet	2
Transit Information Kiosks, if Built	3	5 per Stand	15
Taxicab Stands	3	2 per Stand	6
Weather-Protected Bike Racks, if Built	2	2 per Rack	4
Total			117

The reduction of 117 vehicular trips from the total site-generated trips is over the maximum of 60 trips recommended in the *Local Area Transportation Review Guidelines*. However, if the applicant did provide the amenities shown in Table 4, the Planning Board could decide to eliminate one of the three proposed intersection improvements described in Recommendation No.7 that was required to satisfy LATR. If so, the Planning Board's actions would be consistent with the County Council direction expressed in the *FY 2005 AGP*.

Policy Area Transportation Review

Policy Area Transportation Review is not applicable for the Potomac Policy Area because its development capacity is controlled by zoning, water and sewer constraints under the *FY 2005 AGP* and earlier versions of the *AGP*.

EA:CK:kcw

Attachments

cc: Anthony Alessi
Jim Agliata
Sande Brecher
Larry Cole
Christina Contrersa
Glen Cook
Greg Cooke
Devin Doolan
Jeff Dunckel
Dan Hardy
Sarah Navid
Elsie Reid
Jeff Riese
Peggy Schwartz

Program of Requirements for Montgomery Mall Transit Center:

Off-street bus bays, comprised of six 65-foot bays in a saw tooth configuration to accommodate 40-ft buses and allow for independent ingress and egress of each bus. Access to the transit center will be from the eastern signalized entrance at Westlake Terrace, and the ring road; exit for eastbound buses will be via a bus ramp directly to Westlake Terrace (right exit only). The bus ramp to Westlake Terrace will not exceed a 5 percent slope. Two of the saw tooth configurations will need to accommodate 60-foot articulated buses. Two bus layover locations will also be provided. Height of any structures extending over bus movement areas will be a minimum of 16 feet vertical clearance. Layout of the transit center is included in Attachment A. All pavement for the bus movement areas of the transit center and the exit ramp, as well as drive entrances, will be of specifications sufficient for bus traffic; standard pavement specifications for buses are included with Attachment A.

Bays to be configured around a central passenger waiting area, with canopy structure covering passenger waiting areas. Structures should be configured with canopy covering bus loading area as well as passenger waiting areas. Passenger waiting area under canopy will be weather/wind protected, have seating, and be lit and equipped with radiant space heaters. Facility design to be visually open to minimize "hidden" areas, with waiting areas to be visible in multiple directions. Facility will be constructed with provisions for two pay telephones as well as two emergency call boxes/phones - - emergency call phones to be located at either end of the central passenger waiting area, to be connected to transit security or police.

Two transit information kiosks to be located at the passenger waiting area of the bus bays, at least two sides of each kiosk to hold transit information. Transit information display panels will be consistent in size with those now being designed for other Montgomery County bus stops. Kiosks may be 3 or 4 sided.

Safe, convenient, passenger/pedestrian access to both the mall entrance and Westlake Terrace, with sidewalks and crosswalks at service roads and parking structures. Pedestrian pathways should be configured so as to minimize conflicts with traffic. Westfield will attempt to design stair access from the walkways leading from the transit center to the lower parking area in parking structure B. The configuration of pedestrian pathways is included in Attachment B.

Turning radius (50 feet) to accommodate 40-ft. buses and 60-ft. articulated buses.

Entire transit center area to be well lit with ambient lighting and with activity area lighting at passenger waiting areas.

Provisions for the future installation of real time sign information including necessary electrical and cable conduit, with provisions for variable message boards to be mounted in the canopied passenger waiting areas, and at a comfortable waiting areas inside the mall, next to the customer service desk and possibly in the food court/boulevard areas.

Transit Store/Sales Kiosk inside mall, adjacent to the Westfield Customer Service Desk, comprised of dedicated display area with counters to provide ride guides, Ride On and Metro route and schedule information, transit pass sales, car-sharing information, and phone for requesting taxi service. Transit Store/Sales Kiosk will be provided with an internet connection to enable customers to access web-based transit information, and directly access the Ride On website. Transit Store/Sales Kiosk will be maintained by County-provided personnel. When staffed, kiosk will be staffed by the County during selected hours and self-serve at other times, with Westfield's Customer Service Desk staff being able to direct customers to appropriate transit information requested by passengers.

Bike racks (four 4-rung units), to be weather protected as feasible or under cover of parking garage roof, located in proximity to mall entrance and transit center. Location of bike racks will be coordinated with the MNCPPC Bicycle Coordinator, in association with other bicycle facilities being included in mall redevelopment.

Taxi stand for 3 cabs, located in proximity to the Transit Center

All facilities and walkways are to comply with ADA guidelines, and be handicapped accessible.

Passengers and transit operators will have access to restrooms in the mall.

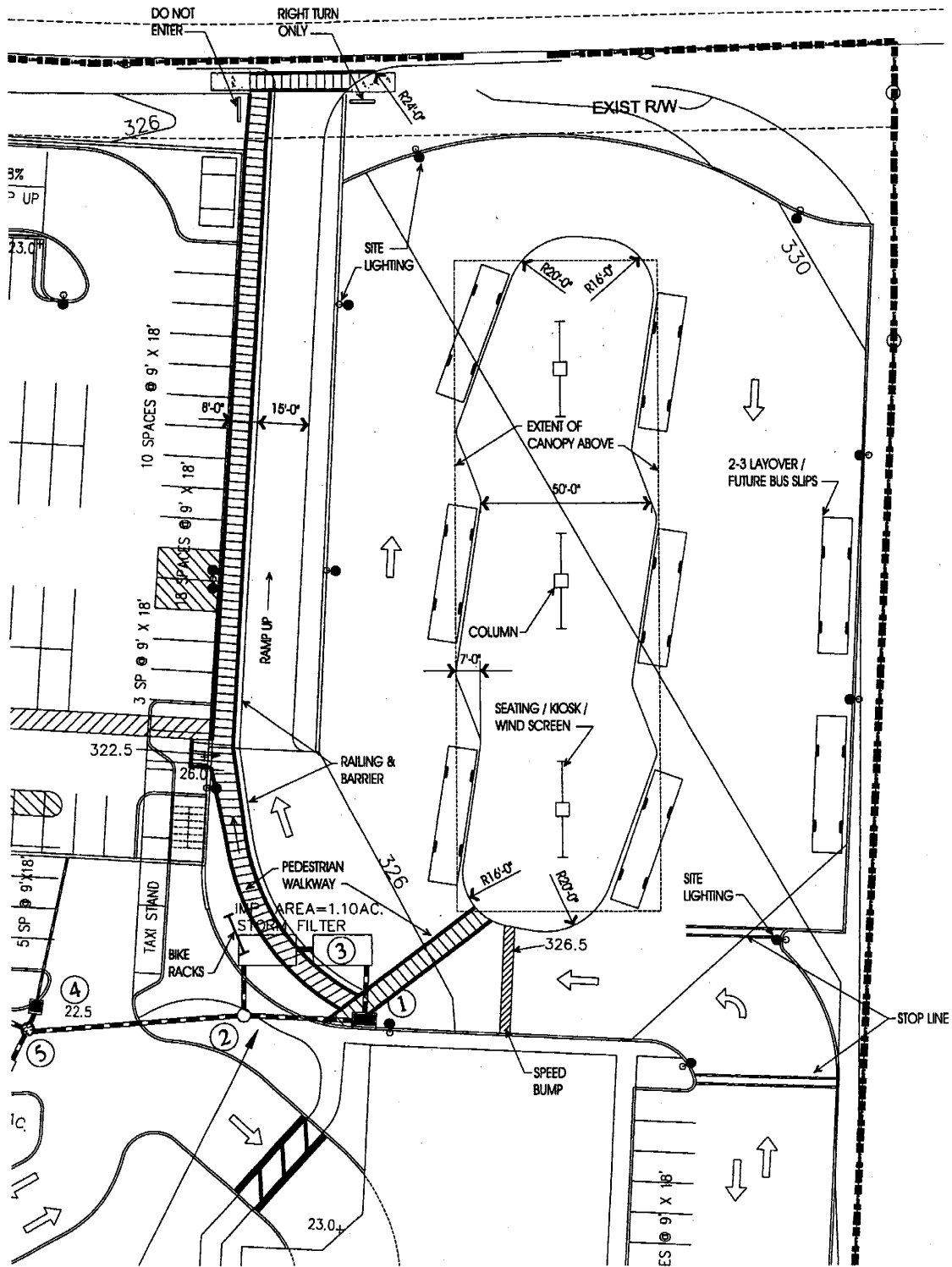
Provisions, with appropriate signage, will be made for the number of commuter parking spaces in the previous agreement; designated spaces will be located in parking structure B, with commuter parking allowed weekdays, from 5:00 am to 7:00 pm.

Provisions for future installation of closed circuit security cameras, to be monitored by the County or transit authority, will be provided in the central passenger waiting area.

A conceptual plan for a commuter parking area along the east side of the bus bay area, separated from bus circulation area, to accommodate 50 automobiles, will be prepared by Westfield for the County to submit to the Maryland State Highway Administration (SHA), for the purpose of the County seeking easements from SHA for I 270 encroachment for future construction of the commuter parking lot. Should the State provide such easement, the County will seek funds from sources other than Westfield as provided under this site plan approval, for the purpose of constructing the commuter parking area.

It is understood that the new transit center will be constructed on the northeast corner of the property under the first phase of mall reconstruction, to be built during construction

of Sears new building and the New Parking Structure "B." Upon completion of the new transit center, bus service at the existing transit center will be relocated to the new transit center.



January 14th, 2005



Sheet 1 (Revised)

LAW OFFICES

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SUSAN C. BROWN
SAMUEL S. D. MARSH
HAL WITT
OF COUNSEL

January 18, 2005

Mr. Michael Ma
Supervisor, Site Plan and Project Plan Review
Development Review Division
Montgomery County Park and Planning Department
Montgomery County Planning Board, M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Site Plan 8-05003 (Westfield Shoppingtown Montgomery, the "Center")
Preliminary Plan 1-05018

Dear Michael:

On behalf of Westfield Corporation, Inc. (Westfield), the Applicant for the subdivision and site plan approvals referenced above for the expansion and redevelopment of the Center, we are writing to summarize its request for a parking waiver. As you know, this matter has been discussed in depth among the Transportation Planning staff of the Planning Board and employees of the Department of Public Works and Transportation (DPW&T).

The Applicant's justification for the reduction in the required parking ratio to 4.5 spaces per each thousand square feet of gross leaseable area (GLA) has two primary bases: first, industry standards for large regional shopping standards now reflect the 4.5/1000 GLA ratio; and second, actual usage of parking at this Center demonstrates that 4.5 spaces per 1000 square feet of GLA is adequate.

Westfield's consultant, The Traffic Group, submitted a Final Report dated November 23, 2004, in support of the parking waiver; this Final Report references the Urban Land Institute studies which recommend the lower ratio of 4.5 and provides the expert's analysis based on parking counts conducted at the Center over the 2004 summer, adjusted for the busier shopping

FDADB\50120\13852\1 1/18/2005 8:16 AM

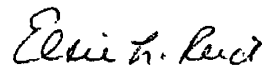
Mr. Michael Ma
January 18, 2005
Page 2

days of December. Other super regional malls in the Washington area also park at a ratio of 4.5/1000 feet of GLA or lower, including the Shoppingtown at Wheaton (4.5) and the soon to be enlarged Tyson's Corner (4.21). In addition, actual parking counts, conducted at the Center during the recent peak holiday shopping season (the two days after Thanksgiving and on early December weekends) by both The Traffic Group and the Applicant's own personnel, submitted to you in mid-December, substantiate the fact that the provision of 4.5 spaces per each thousand feet of GLA is a sufficient number of spaces to serve the Center's customers. At the busiest parking hours, the usage ratio was no more than 4.47/1000. A copy of these two data sets is also attached here, as well as the Parking Comparison prepared by The Traffic Group.

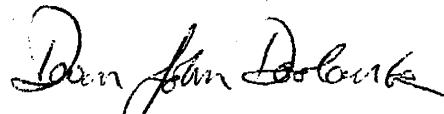
Specifically, the Applicant requests that the reduction in required parking be approved by authorizing the use of a parking ratio of 4.5 spaces/1000 square feet of GLA. As the actual gross leaseable area of the Center will vary depending on final design and leasing decisions, the exact number of spaces is difficult to prescribe at this time. The ratio currently in effect at the Center is 5.0 spaces/1000 feet of GLA.

Westfield intends to continue its annual agreements with Marriott International, Inc., for offsite parking of its employees during the peak or high shopping days of the year in accordance with longstanding agreements with DPS. Westfield provides shuttle service for Center employees and other incentives to promote this offsite parking during the busier shopping days of the year. A copy of the most recent Marriott agreement is attached for your reference.

Sincerely,



Elsie L. Reid



Devin John Doolan

ELR/jmt

Enclosures:

- 1) Parking Occupancy Study by The Traffic Group
- 2) Parking Survey by Westfield
- 3) Marriott Offsite Parking Agreement
- 4) Parking Comparison by The Traffic Group

Westfield Shoppingtown Parking Comparison

CENTER	Area	Parking Spaces	Ratio
Annapolis/MD	1,178,355	4613	4.00
Chesterfield/MO	1,318,299	5976	4.50
Crestwood/MO	1,028,410	4410	4.30
Mid Rivers/MO	1,061,811	5253	4.95
South County/MO	1,028,474	4758	4.65
West County/MO	1,217,579	5551	4.50
Wheaton/MD (Existing)	1,101,623	5649	5.13
Wheaton/MD (Redo)	1,440,244	6511	4.15

*Crown 11 Screen Theaters

*AMC Theaters Opening Spring 2005

*AMC 11 Theaters Opening Spring 2005

*Wierenburg 14 Screen Theaters

NA

N/A

*Lowes 11 Screen Theaters

*Lowes 11 Screen Theaters

Tyson's (Existing)	1,921,242	9489	4.94
Tyson's (Redo)	2,444,648	10289	4.21

NA

*AMC 16 Screen Theaters Opening Spring 2005

Lake Forest	1,085,000	5700	5.25
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N/A

Approved

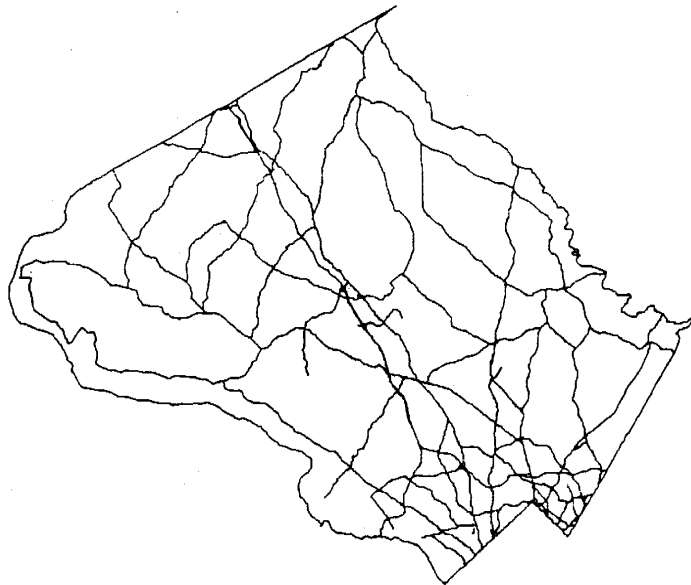
and

Adopted

July 1, 2004

Local Area Transportation Review Guidelines

*Guidelines of the
Montgomery County Planning Board for the
Administration of the
Adequate Public Facilities Ordinance*



Published by:



**THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION**

Montgomery County Department of Park and Planning
8787 Georgia Avenue
Silver Spring, MD 20910-3760

development planning and will need to be coordinated with existing and planned locations for standard shelters.

The bus shelter must be within one-quarter mile of the edge of the proposed or an existing development and the frequency of the transit service must be at intervals of 20 minutes or less during the weekday morning and evening peak periods.

For any off-site improvement shown in Table 3, pedestrians and bicyclists should be able to safely cross any roadway to reach their destination. The applicant may provide improvements that Transportation Planning and DPWT staffs agree would increase the safety of the crossing.

c. Provision of Bike Lockers

An applicant may propose to reduce LATR impact by providing bike lockers for a minimum of eight bikes at an activity center located within a one-mile radius of the edge of the development.

d. Provision of Static and Real-Time Transit Information Signs, and Information Kiosks

An applicant may propose to reduce LATR impact by providing static or electronic signs, and/or information kiosks at bus shelters, large office buildings, retail centers, transit centers, or residential complexes that indicate scheduled or real-time transit information, e.g., the scheduled or estimated arrival of the next bus on a given route.

Static transit information signs may be provided only at locations other than CCC-provided standard bus shelters, since provision of this type of information at those shelters is part of that agreement. For static transit information provided at office buildings, retail centers, etc., the applicant should include provision for changing this information three times per year.

e. Graduated and Maximum Trip Reduction Credits

Related to the construction or provision of the above (a through d), the maximum trip credit for any development is related to the congestion standard for that policy area. In policy areas with higher congestion standards, the maximum reduction in trips is higher in recognition of the desire to enhance pedestrian safety and/or encourage transit and bike use in these areas. (See Table 3.)

Table 3 identifies trip reduction options. Any or all of the options may be used for a given application. The maximum trip reduction per development is a function of the policy area congestion standard, as shown in Table 3.

Table 3: Graduated and Maximum Trip Credits Related to Congestion Standards

Non-Automobile Transportation Amenity	Trip Credit vs Congestion Standard		
	1400-1500	1550-1600	1800
100 linear feet of five-foot sidewalk	0.5	0.75	1.0
100 linear feet of eight-foot bike path	0.5	0.75	1.0
Curb Extension/Pedestrian Refuge Island/Handicap Ramp	2.0	3.0	4.0
LED Traffic Signals/ Intersection	4.5	6.75	9.0
Accessible or Countdown Pedestrian Signals/ Intersection	1.0	2.0	3.0
Bus Shelter	5.0	7.5	10.0
"Super" Bus Shelter	10.0	15.0	20.0
Bus Bench with Pad	0.5	0.75	1.0
Information Kiosk	1.5	3.0	4.5
Bike Locker (set of eight)	2.0	3.0	4.0
Real-Time Transit Information Sign	10.0	15.0	20.0
Static Transit Information Sign	0.25	0.4	0.5
Maximum Trip Credits	60	90	120

B. Procedures for Application of Section VI - Trip Reduction Methods

The determination of the total number of trips generated by a proposed development will be made prior to any reduction. If a proposed development generated more than 30 total weekday peak-hour trips, a traffic study would be required. If an applicant proposes a traffic mitigation agreement or non-automobile transportation amenities, the reduction could be accounted for in the traffic study. At the request of Transportation Planning staff, an applicant proposing these

alternatives to physical improvements will be required to gather data on current bus patronage or pedestrian/bicycle activity within the local area to aid in evaluating effectiveness.

The applicant may only apply a trip reduction method after the total number of peak-hour trips is determined using standard trip rates. Trip reduction derived from this section may not be applied in policy areas where the Annual Growth Policy does not allow the application of the special procedure for limited residential development.

Resolution No:

Introduced:

Adopted:

July , 2003

July , 2003

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: County Council

SUBJECT: ~~FY 2003 Annual Growth Policy Ceiling Element~~ FY 2004 Annual Growth Policy – Ceiling Element

Background

1. County Code Section 33A-15 requires that no later than November 1 of each odd-numbered year, the County Council must adopt an Annual Growth Policy (AGP) Policy Element to be effective until November 1 of the next odd-numbered year, to provide policy guidance to the agencies of government and the general public on matters concerning land use development, growth management and related environmental, economic and social issues.
2. ~~On May 15, 2002, in accordance with the requirements of Section 33A-15, the County Executive transmitted to the County Council his comments and recommendations on the FY 2003 Annual Growth Policy Ceiling Element based on the Final Draft FY 2003 Annual Growth Policy submitted by the Planning Board on May 2, 2002. The Final Draft Annual Growth Policy Ceiling Element as submitted by the Planning Board contained supporting and explanatory materials and a set of recommended growth capacity ceilings for each policy area within the County.~~ On May 15, 2003 ~~2002, in accordance with the requirements of Section 33A-15, the County Executive transmitted to the County Council his comments and recommendations on the FY 2004 Annual Growth Policy Ceiling Element based on the Final Draft FY 2004 Annual Growth Policy submitted by the Planning Board on May 2, 2003. The Final Draft Annual Growth Policy Ceiling Element as submitted by the Planning Board contained supporting and explanatory materials and a set of recommended growth capacity ceilings for each policy area within the County.~~
3. ~~On June 4, 2002, June 3, 2003,~~ the County Council held a public hearing on the ~~FY 2003 Annual Growth Policy Ceiling Element~~ FY 2004 Annual Growth Policy Ceiling Element.
4. ~~On June 11, 2002~~ June 16, 2003, the Council's Planning, Housing, and Economic Development Committee conducted a worksession on the recommended Ceiling Element.
5. ~~On June 25, 2002~~ June 24, 2003, the Council conducted a worksession on the Ceiling Element, at which careful consideration was given to the public hearing testimony, updated information, recommended revisions and comments of the County Executive and Planning Board, and the comments and concerns of other interested parties.

- on the applicant's failure to request background data, to submit a traffic study, or to submit a complete updated traffic study after notice that a study is incomplete, all within the time limits in TP7.4.

The Planning Board may grant one or more 6-month extensions of a queue date if the applicant demonstrates that a queue date expired or will expire because of governmental delay beyond the applicant's control. The Planning Department may grant one 6-month extension of a queue date for Department of Permitting Services approval of individual sewage disposal or wells. Any additional queue date extensions for Department of Permitting Services approval may only be granted by the Planning Board.

TP7.4 Traffic studies

TP7.4.1 Required when sufficient capacity becomes available

The queue date of an application for which there is not sufficient staging ceiling capacity when the complete application is filed will expire when sufficient capacity becomes available, unless the applicant:

- requests background data from the Planning Board to prepare a traffic study within 1 month after capacity becomes available; and
- submits a traffic study within 1 month after receiving the background data. However, if the Planning Board provides the background data between June 1 and September 15, the study must be submitted by October 15.

TP7.4.2 Required to obtain a new queue date after expiration

If the queue date of an application which includes a traffic study expires, an updated traffic study must be filed to obtain a new queue date.

TP7.4.3 Notice of incomplete traffic study

The Planning Board must notify an applicant within 15 days after a traffic study is filed if the study is incomplete. An applicant must file a complete traffic study within 30 days of receipt of the notice that a study is incomplete.

TP7.5 Special Ceiling Allocation for Affordable Housing

If an application for a preliminary plan approval that uses the special ceiling allocation for affordable housing is denied by the Planning Board after July 1, 1992, the applicant retains its original queue date and is subject to all other applicable provisions of TP7.

TL Local Area Transportation Review (LATR)

TL1 Establishment of Local Area Transportation Review Standards

The transportation planning model used for Policy Area Transportation Review addresses the average level of traffic in the policy area. If this were the only test, an area with acceptable average level of service could have one or more intersections, or roadway links, with unacceptably poor levels of service.

It is necessary, therefore, that a local area test be applied to assure that new development is not allowed to cause such congestion.

To achieve an approximately equivalent transportation level of service in all areas of the County, greater congestion is permitted in policy areas with greater transit accessibility and usage. Table 7 shows the intersection level of service standards by policy area. Local Area Transportation Review must at all times be consistent with the standards and staging mechanisms of adopted master plans and sector plans.

Local Area Transportation Review must be undertaken for subdivisions which would generate 50 or more peak hour automobile trips in either of the following circumstances:

- for the policy area, total approved development is within 5 percent of the policy area ceiling; or
- for the local area, the proposed development is located near a congested area.

In administering the Local Area Transportation Review (LATR), the Planning Board must not approve a subdivision if it finds that an unacceptable peak hour level of service will result after taking into account existing roads, programmed roads, available or programmed mass transportation, and improvements to be provided by the applicant. If the subdivision will affect an intersection, or roadway link for which congestion is already unacceptable, then the subdivision may only be approved if it does not make the situation worse.

The nature of the LATR test is such that a traffic study is necessary if local congestion is likely to occur. The Planning Board and staff must examine the applicant's traffic study to determine whether adjustments are necessary to assure that the traffic study is a reasonable and appropriate reflection of the traffic impact of the proposed subdivision after taking into account all approved development and programmed transportation projects.

For Local Area Transportation Review purposes, the programmed transportation projects to be considered are those fully funded for construction in the first 5 years of the current approved Capital Improvements Program, the state's Consolidated Transportation Program, or any municipal capital improvements program.

For these purposes, any road required under Section 302 of the County Charter to be authorized by law is not programmed until the time for petition to referendum has expired without a valid petition, or the authorizing law has been approved by referendum.

If an applicant is participating in a traffic mitigation program or one or more intersection improvements to meet Local Area Transportation Review requirements, that applicant will be considered to have met Local Area Transportation Review for any other intersection where the volume of trips generated is less than five Critical Lane Movements.

The Planning Board has adopted guidelines for the administration of Local Area Transportation Review. To the extent that they are consistent with this Policy, the Planning Board guidelines may continue to apply or to be amended as the Planning Board deems it necessary to do so.

After consultation with the Council, the Planning Board may adopt administrative guidelines that allow use of a "delay" or queuing analysis, different critical lane volume standards, or other methodologies, to determine the level of congestion in appropriate geographic locations such as in urbanized areas, around Metrorail stations, or in specific confined areas planned for concentrated development related to other forms of transit.

In its administration of Local Area Transportation Review, the Planning Board must carefully consider the recommendations of the County Executive concerning the applicant's traffic study and proposed improvements or any other aspect of the review.

To achieve safe and convenient pedestrian travel, the Planning Board may adopt administrative guidelines requiring construction of off-site sidewalk improvements consistent with Section 50-25 of the County Code. To maintain an approximately equivalent transportation level of service at the local level considering both auto and non-auto modes of travel, the Planning Board may permit a reduction in the amount of roadway construction or traffic mitigation needed to satisfy the conditions of Local Area Transportation Review in exchange for the construction of non-automobile transportation amenities, such as sidewalks and bus shelters.

TL1.1 Metro Station Policy Area LATR Standards

In each Metro Station Policy Area, the Planning Board, in consultation with the Department of Public Works and Transportation, must prepare performance evaluation criteria for its Local Area Transportation Review. These criteria must be used to accomplish: (a) safety for pedestrians and vehicles; (b) access to buildings and sites; and (c) traffic flow within the vicinity, at levels which are tolerable in an urban situation. The County Executive also must publish a Silver Spring Traffic Management Program after receiving public comment and a recommendation from the Planning Board. This program must list those actions to be taken by government to maintain traffic flow at tolerable levels in the Silver Spring CBD and protect the surrounding residential area.

TL1.2 Potomac LATR Standards

In the Potomac Policy Area, only the areas contributing traffic to the following intersections must be subject to Local Area Transportation Review: (a) Montrose Road at Seven Locks Road; (b) Democracy Boulevard at Seven Locks Road; (c) Tuckerman Lane at Seven Locks Road; (d) Democracy Boulevard at Westlake Drive; (e) Westlake Drive at Westlake Terrace; (f) Westlake Drive at Tuckerman Lane; and (g) Bradley Boulevard at Seven Locks Road.

TA Alternative Review Procedures

TA1 Metro Station Policy Areas

An applicant for a subdivision which will be built completely within a Metro station policy area need not submit any application or take any action under *Policy Area Transportation Review* or *Local Area Transportation Review* if the applicant agrees in a contract with the Planning Board and the County Department of Public Works and Transportation to:

- meet trip reduction goals established by the Planning Board as a condition of approving that subdivision, which must require the applicant to reduce at least 50% of the number of trips attributable to the subdivision, either by reducing trips from the subdivision itself or from other occupants of that policy area;
- participate in programs operated by, and take actions specified by, a transportation management organization (TMO) to be established by County law for that policy area (or a group of policy areas including that policy area) in order to meet the mode share goals established under the preceding paragraph;

ATTACHMENT E



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

July 9, 2007

Carla Reid Joyner
Director

Ms. Cheryl Hannan
Dewberry
203 Perry Parkway, Suite 1
Gaithersburg, MD 20877

Re: Stormwater Management **CONCEPT** Request
for Westfield Montgomery Off-site Road
Improvements Concept Revision
Preliminary Plan #: 120050180A
SM File #: 231348
Tract Size/Zone: 0.74 Acres/ Roadway
Total Concept Area: 0.74 Acres
Lots/Block:
Parcel(s):
Watershed: Cabin John Creek

Dear Ms. Hannan:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control via a water quality storm drain unit at Westfield Shopping Center that will treat an existing paved area which is the same or greater in area than the increase in impervious area of the road improvements. Onsite recharge is not required for redevelopment. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

The following **items** will need to be addressed **during/prior to** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

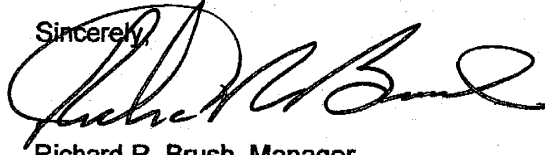
This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this

44

office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Ellen Rader at 240-777-6336.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm CN231348.WestfielRdImpRevision.EBR

cc: C. Conlon
S. Federline
SM File # 231348

QN --not required; Acres: 0.74
QL -- on-site; Acres: 0.65
Recharge is not provided



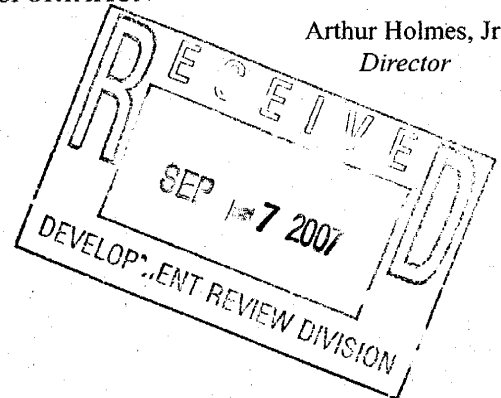
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

August 30, 2007

Ms. Catherine Conlon, Subdivision Supervisor
Mr. Robert Kronenberg, Site Plans Supervisor
Development Review Division
The Maryland-National Capital
Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760



RE: Preliminary Plan No. 1-05018-A
Site Plan No. 8-05003-A
Westfield Shoppingtown Montgomery

Dear Ms. Conlon and Mr. Kronenberg:

This letter is to confirm that this Department has reviewed the concept plans that were electronically exchanged on August 29th and 30th, 2007, regarding the pending revised plans. We recommend approval of the proposed plans, subject to the following comments:

1. All previous DPWT review comments (described in our letters dated January 20, 2005 and July 27, 2006, plus the January 27, 2005 Program of Requirements for the Montgomery Mall Transit Center) remain applicable unless specifically modified below.
2. No changes may be made to the January 27, 2005 Program of Requirements for the Montgomery Mall Transit Center without concurrence by the DPWT Division of Transit Services.
3. We conditionally agree to the conceptual typical section under consideration for Westlake Drive between Democracy Boulevard and Westlake Terrace, very commendably described in Mr. Edward Axler's memorandum, subject to the following points:
 - #2c: The actual width of the Public Improvements Easement (PIE) is dependent on the location of the sidewalk, if it is to be relocated by the applicants. The PIE is to extend at least two (2) beyond any the outside limit of the sidewalk. The adjacent residential communities will need to grant this PIE at no cost to the applicants. If the residential communities oppose granting the PIE, the proposed sidewalk relocation and construction of the lawn panel will likely not occur.

Division of Operations

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- #3 Mid-block crosswalk: the location of a mid-block crosswalk is dependent on the construction of an eight (8) foot wide raised median, satisfactory sight distances, and acceptable operations. Such a median will limit the ingress and/or egress movements of the communities. A median would offer the opportunity for pedestrian refuge and a site for a crosswalk at a mid-block location. This department does not support the use of mid-block crosswalks at uncontrolled locations. If the communities oppose construction of the median, we will not allow uncontrolled crosswalks across the roadway; pedestrians will need to be directed to crossings at the signalized intersections.
 - #3 Access to the ground floor retail facilities: pedestrian access to the shared use path is related to construction of the previously mentioned median. Such a connection should intersect the shared use path at a location suitable for a mid-block crosswalk. If the communities oppose construction of the median, the pedestrian access to the ground floor retail facilities should occur through the parking garage, without a connection to the shared use path.
 - #3e: If the previously discussed median is implemented, the applicant may also request this Department to consider allowing the use of a non-standard pavement material within the median breaks, at the permit and/or Certified Site Plan stage (whichever comes first).
 - #4: the proposed conversion of the northbound curblane on Westlake Drive at Westlake Terrace will increase the morning and evening Critical Lane Volumes at that intersection. We do not support this change and believe it is critical to retain the ability to maintain two northbound through lanes at this intersection. The applicants will need to provide appropriate measure(s), to be approved at the permit and/or Certified Site Plan stage (whichever comes first), to continue the two existing through movements. If this department determines the right lane could be converted to an exclusive right turn lane at a future date, we will implement the necessary signing and marking changes at our sole expense.
4. Section C-C of the applicants' August 28, 2007 proposed cross-section should be amended to maintain the western four (4) foot wide bikelane south to the intersection with Democracy Boulevard; the ten (10) foot wide center left turn lane will need to gradually be removed, as currently existing.

Ms. Catherine Conlon & Mr. Robert Kronenberg
Preliminary Plan No. 1-05018-A
Site Plan No. 8-05003-A
August 30, 2007
Page 3

Thank you for the opportunity to review and comment on this plan. If you have any questions regarding this letter, please contact me at greg.leck@montgomerycountymd.gov or at 240-777-2197.

Sincerely.



Gregory M. Leck, Manager
Development Review Group
Traffic Engineering and Operations Section

M:\sub\gml\docs\PP\1-05018-A, 8-05003-A, 083007 ltr.doc

CC: Jim Agliata; Westfield, LLC
Elsie Reid; Furey, Doolan & Abell, LLP
C. Peter Okafor; Dewberry & Davis
Wes Guckert; The Traffic Group, Inc.
Jack Cochrane; Montgomery Mall Citizens Advisory Committee
Melanie Moser; M-NCPPC DRD
Shahriar Etemadi; M-NCPPC TP
Edward Axler; M-NCPPC TP
Larry Cole; M-NCPPC TP
Chuck Kines; M-NCPPC TP
Sarah Navid; DPS RWPPR
Jeff Dunckel; DPWT DTS
Emil Wolanin; DPWT TEOS
Bruce Mangum; DPWT TEOS
Fred Lees; DPWT TEOS
Sam Farhadi; DPWT TEOS



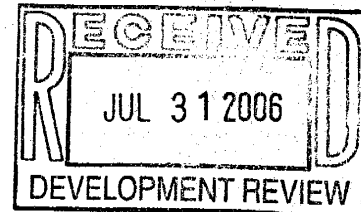
DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

July 27, 2006

Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760



RE: Preliminary Plan #1-2005018A
Westfield Montgomery Parcel A

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 06/06/06. This plan was reviewed by the Development Review Committee at its meeting on 07/17/06. We recommend approval of the plan subject to the following comments:

- All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.
1. All comments of our detailed review letter on preliminary plan 1-05018 dated 01/20/2005 and Program of Requirements dated 01/27/2005 remain in effect unless specifically changed below.
 2. Show all existing entrances and label if they are to be removed on the preliminary plan clearly.
 3. Provide right of way dedication for truncation at all intersections.
 4. We did not receive complete analyses of the capacity of the downstream public storm system(s) and the impact of the post-development runoff on the system(s). As a result, we are unable to offer comments on the need for possible improvements to the system(s) by this applicant.
Prior to approval of the record plat by the Department of Permitting Services (DPS), the applicant's consultant will need to submit this study, with computations, for review and approval by DPS. Analyze the capacity of the existing downstream public storm drain system and the impact of the post-development ten (10) year storm runoff on same. If the proposed subdivision drains to an existing closed section street, include spread and inlet efficiency computations in the impact analysis.
 5. Prior to approval of the site plan, the applicant is to provide a signed MOU that "memorializes" the Program of Requirements the Planning Board set forth as a condition of approval (as mentioned in item#1 above).
 6. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site. However Driveways curb returns should not cross the property lines. Also provide proper spacing between the driveways curb returns and public utilities features.



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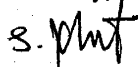
7. The sight distances study has not been accepted. Prior to approval of the record plat by DPS, the applicant's engineer will need to submit a revised sight distances certification. The revised form will need to reflect a minimum of three hundred and twenty five (325) feet of sight distance in each direction for the existing entrance number 5 (as labeled on the site distance plan).
8. In order to ensure adequate driveway capacity, particularly egress volume, provide a minimum fifty (50) foot tangent section before encountering cross traffic on-site, for all driveways.
9. The parking lot travel lanes are to be designed to allow a WB-50 truck to circulate without crossing the centerline nor the curbline.
10. The applicant needs to submit a truck circulation plan for review by the M-NCPPC and MCDPS. This plan should delineate the proposed movements on-site between the anticipated access locations, the proposed truck loading spaces, and the proposed dumpsters. The truck circulation pattern and loading position should be designed for counter-clockwise entry and for a left-side backing maneuver. Passenger vehicle travel ways should be separated from the expected truck patterns and storage areas. The applicant may also need to provide documentation of their proposed delivery schedules.
11. On the site plan, delineate the location and dimensions of the proposed truck loading and/or dumpster spaces.
12. Geometrics for the intersections of the proposed modified driveways and the public streets will be reviewed by the Department of Permitting Services as part of their review of the building permit application. Included in that review will be the design of any necessary left turn storage lanes and/or acceleration/deceleration lanes. We advise the applicant to submit their traffic volume data to the DPS Right-of-Way Permitting and Plan Review Section (in advance of their building permit applications) to verify their intersection improvement requirements and the acceptability of their design.
13. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Control and Lighting Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
14. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Traffic Management Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
15. Please coordinate with Department of Fire and Rescue about their requirements for emergency vehicle access.
16. Provide driveway access for the stormwater management facilities per associated DPS guidelines.
17. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Additional road/traffic signal improvements may be required based on the review of the revised traffic study to account for the re-distribution of the traffic between the entrances.
 - B. The applicant needs to submit four copies of the Traffic Study to the DPWT Traffic Engineering and Operations Section for our Departmental review.

Ms. Catherine Conlon
Preliminary Plan No. 1-2005018A
Date July 27, 2006
Page 3

- C. Improvements to the existing public storm drainage system, if necessitated by the previously mentioned outstanding storm drain study. If the improvements are to be maintained by Montgomery County, they will need to be designed and constructed in accordance with the DPWT Storm Drain Design Criteria.
- D. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- E. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.
- F. Install pedestrian refuge island and stripe crosswalk pavement markings on the Westlake Drive south of the southern driveway to the Westlake Crossing Shopping Center. Also install pedestrian crossing warning signs with supplemental arrow signs at the crosswalk.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at sam.farhadi@montgomerycountymd.gov or (240) 777-6000.

Sincerely,



Sam Farhadi, P.E., Senior Planning Specialist
Development Review Group
Traffic Engineering and Operations Section
Division of Operations

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Enclosures ()

cc: Anthony Alessi, Montgomery Mall
Peter Okafor, Dewberry
Elsie Reid, Furey, Doolan & Abell
Joseph Y. Cheung; DPS RWPPR
Christina Contreras; DPS RWPPR
Sarah Navid; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Gregory Leck, DPWT TEOS
Raymond Burns, MSHA
Preliminary Plan Folder
Preliminary Plans Note Book