

ATTACHMENT 2



Figure 1: Westfield Wheaton Parking Lot, looking north



Figure 2: Westfield Wheaton Parking Lot, looking northwest



Figure 3: Westfield Wheaton Parking Lot, looking east



Figure 4: Westfield Wheaton Parking Lot, towards Kenmont Swim Club



Figure 5: Westfield Wheaton ring road (forested area)



Figure 6: Westfield Wheaton Parking Lot, (towards Stephen Knolls School)

KENSINGTON HEIGHTS RECREATION ASSOCIATION INC. 2900 FAULKNER PLACE

2nd FLOOR EYE ELEVATION: 450.00

POOL ELEVATION: 35.00

BASKETBALL COURT EYE ELEVATION: 435.00

TENNIS COURTS EYE ELEVATION: 435.00

2811 PEREGO DRIVE

2nd FLOOR EYE ELEVATION: 440.00

150' STREAM BUFFER PEREGO DRIVE

2810 PEREGO DRIVE

2nd FLOOR EYE ELEVATION: 432.00

EXISTING TREE CANOPY
EXISTING TREES TO REMAIN
(LOCATION HAS BEEN SURVEYED)

NOTE:
1) INVASIVE PLANT MATERIAL WITHIN PROPOSED PLANTING AREAS WILL BE REMOVED AND EXISTING BENEFICIAL PLANT MATERIAL WILL BE NURTURED. REGULAR MAINTENANCE WILL BE PERFORMED WHERE APPROPRIATE.

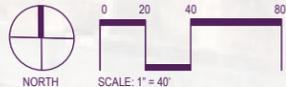
2) SEE LANDSCAPE PLANS BY MARK WILLARD & ASSOCIATES FOR NOTES, DETAILS & SPECIFICATIONS.

3) SEE PLANTING PLAN BY OTHERS FOR CONTINUATION OF PLANT MATERIAL AND LOCATIONS.

4) SEE CIVIL DRAWINGS BY BOHLER ENGINEERING FOR SWM DETAILS.

5) SEE EXHIBIT BY BOHLER ENGINEERING FOR 10% GREEN AREA REQUIREMENT IN C-2 ZONE.

6) SEE ARCHITECTURAL DRAWINGS BY MULVANNY G2 FOR ACOUSTIC GREEN WALL DETAILS.



SCALE: 1" = 40'
DATE: DECEMBER 12th, 2012

LEGEND:

- EXISTING FOREST TO REMAIN
- PROPOSED EVERGREEN TREE
- PROPOSED FLOWERING TREE
- PROP. DECIDUOUS CANOPY TREE
- EXISTING FENCE
- FIELD OF VISIBILITY
- (1) QP PLANT QUANTITY AND SPECIES
- 8' HEIGHT ACOUSTIC & GREEN WALL (SEE ARCHITECTURE PLANS)
- PEDESTRIAN PATH ALONG EDGE OF RING ROAD

PLANT LIST

Key	Qty	Botanical Name	Common Name	Cond.	Size	Remarks
Deciduous Trees						
AR	16	Acer Rubrum	Red Maple	b&b	3" calip.	8' to first lateral branch
QP	3	Quercus phellos	Willow Oak	b&b	3" calip.	8' to first lateral branch
ZS	23	Zelkova serrata	Japanese Zelkova	b&b	3" calip.	8' to first lateral branch
Flowering Trees						
CC	9	Cercis canadensis	Eastern Redbud	b&b	8"	multi-stem specimen
MV	8	Magnolia virginiana	Sweetbay Magnolia	b&b	8"	multi-stem specimen
Evergreen Trees						
IO-1	52	Ilex opaca	American Holly	b&b	10'	heavy
IO-2	59	Ilex opaca	American Holly	b&b	12'	heavy
Deciduous Shrubs						
RRP	15	Rosa 'Radoon (Pink Knock Out!)	Knock Out Rose	cont.	3 gal.	
Evergreen Shrubs						
IM	188	Ilex x meserveae 'Blue Princess'	Blue Princess Holly	cont.	30"	Full to base, plant males as req.
Perennials						
LMB	4815	Liriope muscari 'Big Blue'	Big Blue Liriope	cont.	4" pot	
RFG	87	Rudbeckia fulgida 'Goldsturm'	Black Eyed Susan	cont.	1 gal.	
Grasses						
CAS	5	Calamagrostis 'Karl Foerster'	Feather Reed Grass	cont.	3 gal.	
Vines & Climbers						
CSC	204	Celastrus scandens	American Bittersweet	cont.	3 gal.	staked, train to green wall

SWM PLANT LIST

Key	Qty	Botanical Name	Common Name	Cond.	Size	Remarks
Perennials						
LCA	102	Lobelia cardinalis	Red Cardinal Flower	cont.	1 gal.	min 1 year in container
LMB	775	Liriope muscari 'Big Blue'	Big Blue Liriope	cont.	4" pot	min 1 year in container
RHI	47	Rudbeckia hirta	Black Eyed Susan	cont.	1 gal.	min 1 year in container
SAC	526	Scirpus Acutus	Hardstem Bulrush	cont.	1 gal.	min 1 year in container
Grasses						
PVI	334	Panicum virgatum	Switch Grass	cont.	3 gal.	min 1 year in container
Bulbs & Tubers						
IVE	300	Iris versicolor	Blue Flag	bulbs		hand scatter
Seed						
ERNMX-183	1/2 lb.	Native Detention Area Seed Mix				
		47% Panicum clandestinum 'Tioga'	Deertongue			
		25% Elymus virginicus	Virginia Wildrye			
		20% Carex vulpinoidea	Fox Sedge			
		5% Agrostis perennans	Autumn Bentgrass			
		2% Agrostis scabra	Ticklegrass			
		1% Juncus tenuis	Path Rush			



MARK WILLARD & ASSOCIATES, LLC

2602 MERRYMANS MILL ROAD
PHOENIX, MARYLAND 21131
TEL: 410.666.2872 FAX: 410.666.2875

MWA-US.COM

NOTE: THE PURPOSE OF THIS PLAN IS FOR A CONCEPTUAL LANDSCAPE SCREENING SOLUTION AND IS NOT FOR CONSTRUCTION



WHEATON PLAZA RING ROAD CUT

EXISTING TREES TO REMAIN

WHEATON LAND INVESTMENT, LLO
2609 MCCOMAS AVENUE

2811 MCCOMAS AVENUE
2807 MCCOMAS AVENUE
2801 MCCOMAS AVENUE

10812 MELVIN GROVE COURT
10817 MELVIN GROVE COURT
10815 MELVIN GROVE COURT
10808 MELVIN GROVE COURT
10809 MELVIN GROVE COURT

10823 LITTLEFORD LANE
10821 LITTLEFORD LANE
10819 LITTLEFORD LANE

1 TORRENCE COURT
3 TORRENCE COURT
5 TORRENCE COURT

ACER RUBRUM
QUERCUS PHELLOS
ZELKOVA SERRATA
ILEX OPACA
CERCIS CANADENSIS
MAGNOLIA VIRGINIANA
LOBELIA CARDINALIS
RUDBECKIA HIRTA
SKIRPUS ACUTUS
LIRIOPE MUSCARI 'BIG BLUE'
IRIS VERSICOLOR

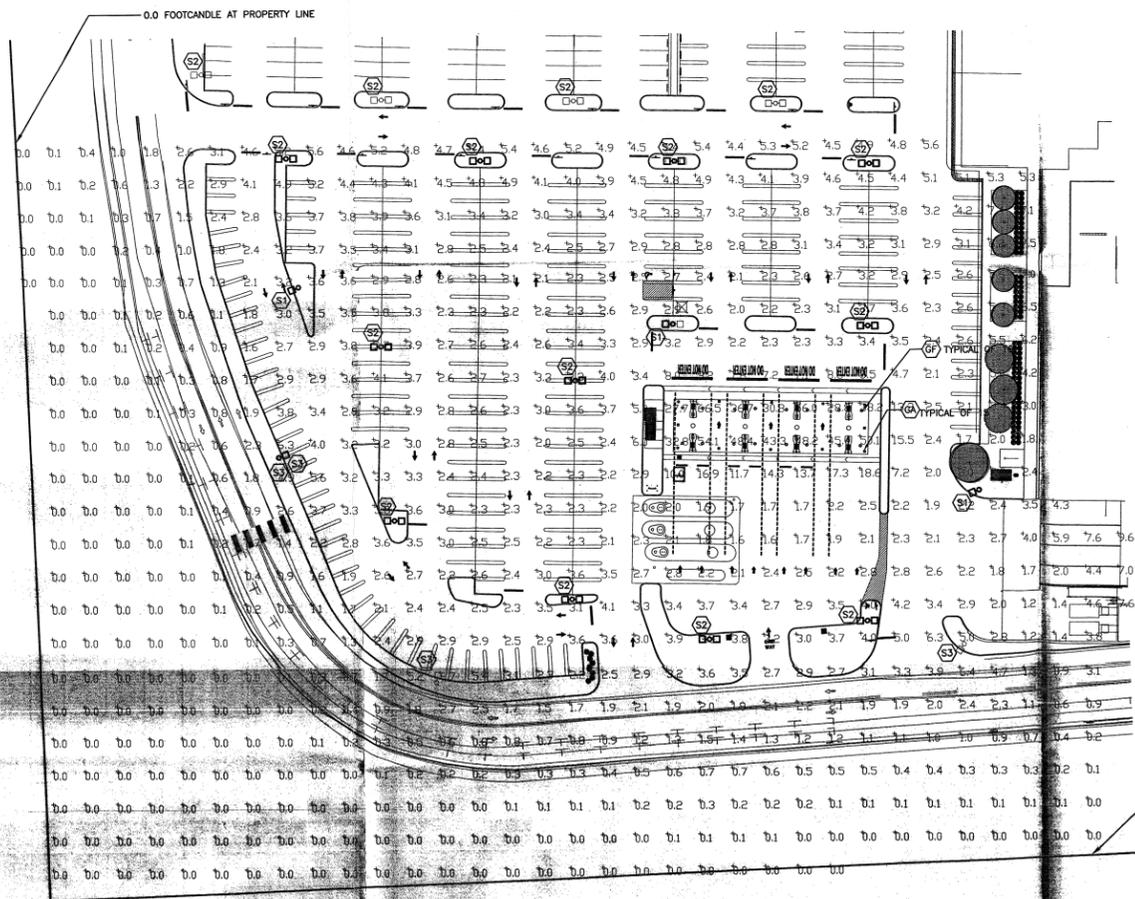
CALAMAGROSTIS 'KARL FOERSTER'
PANICUM VIRGATUM
ILEX MESERVEAE 'BLUE PRINCESS'
ROSA 'RADOON PINK KNOCKOUT'
CELASTRUS SCANDENS

Costco at Westfield - Wheaton Plaza
Wheaton, MD

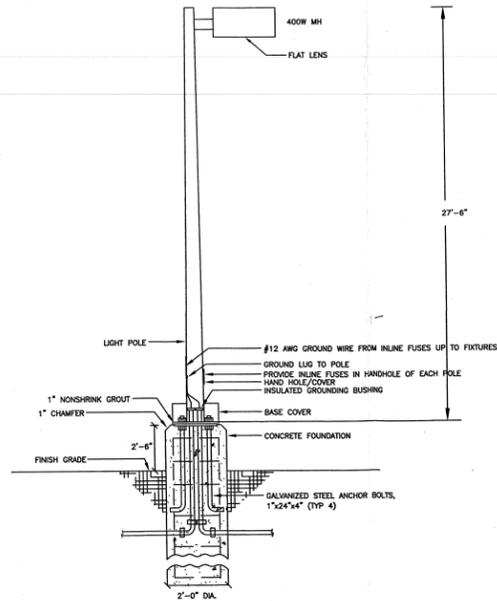
Landscape Master Plan

FIXTURE DESCRIPTION		
(S1)	EXISTING/RELOCATED 400W MH POLES FLAT LENS TYPE 5 DISTRIBUTION 27'6" POLE, 2'6" BASE	□
(S2)	EXISTING/RELOCATED 400W MH POLES FLAT LENS TYPE 5 DISTRIBUTION 27'6" POLE, 2'6" BASE	□
(S3)	NEW/EXISTING 400W MH POLES FLAT LENS TYPE 3 DISTRIBUTION, HSS 27'6" POLE, 2'6" BASE	□
(GA)	(1) 200W SMH, RECESSED DROP LENS DOWN LIGHT, + 15' AFF	○
(GF)	(1) 100W SMH, RECESSED FOCUS / SPOT LIGHT, +15' AFF	○

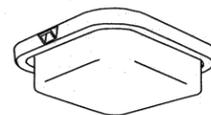
ELECTRICAL LEGEND	
○	FIXTURE TYPE
○	WALL MOUNTED FIXTURE
□	POLE MOUNTED PARKING LOT LIGHT FIXTURE
□	POLE MOUNTED PARKING LOT LIGHT FIXTURE
E.C.	ELECTRICAL CONTRACTOR
TYP.	TYPICAL



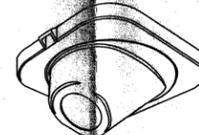
FUEL FACILITY PLAN
SCALE: 1" = 40'-0"



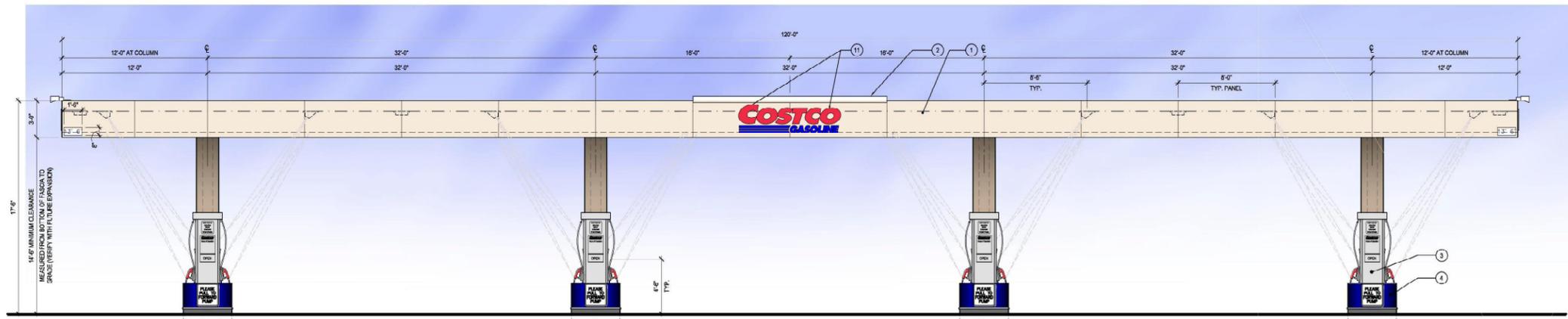
POLE BASE DETAIL
NO SCALE



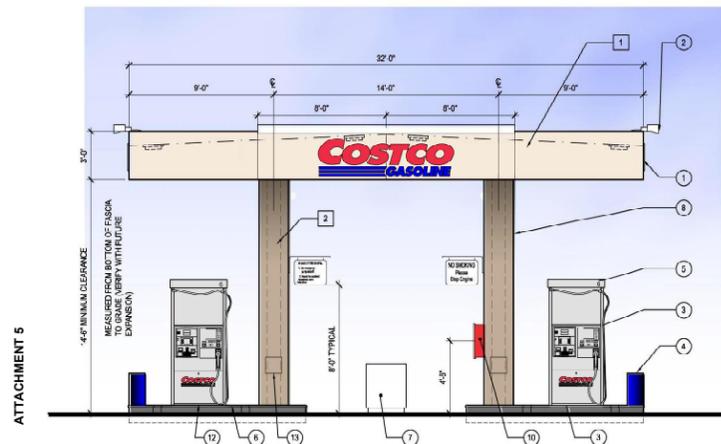
FUEL FACILITY -
DROP LENS ENCORE (GA)
NO SCALE



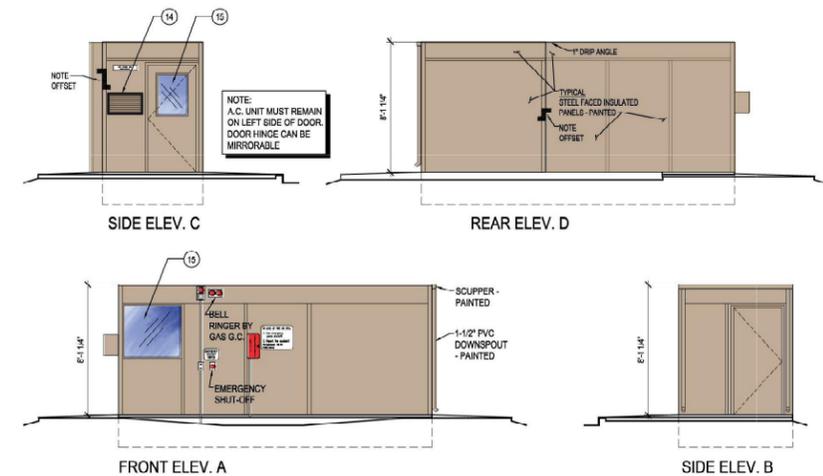
FUEL STATION FOCUS LIGHT (GF)
NO SCALE



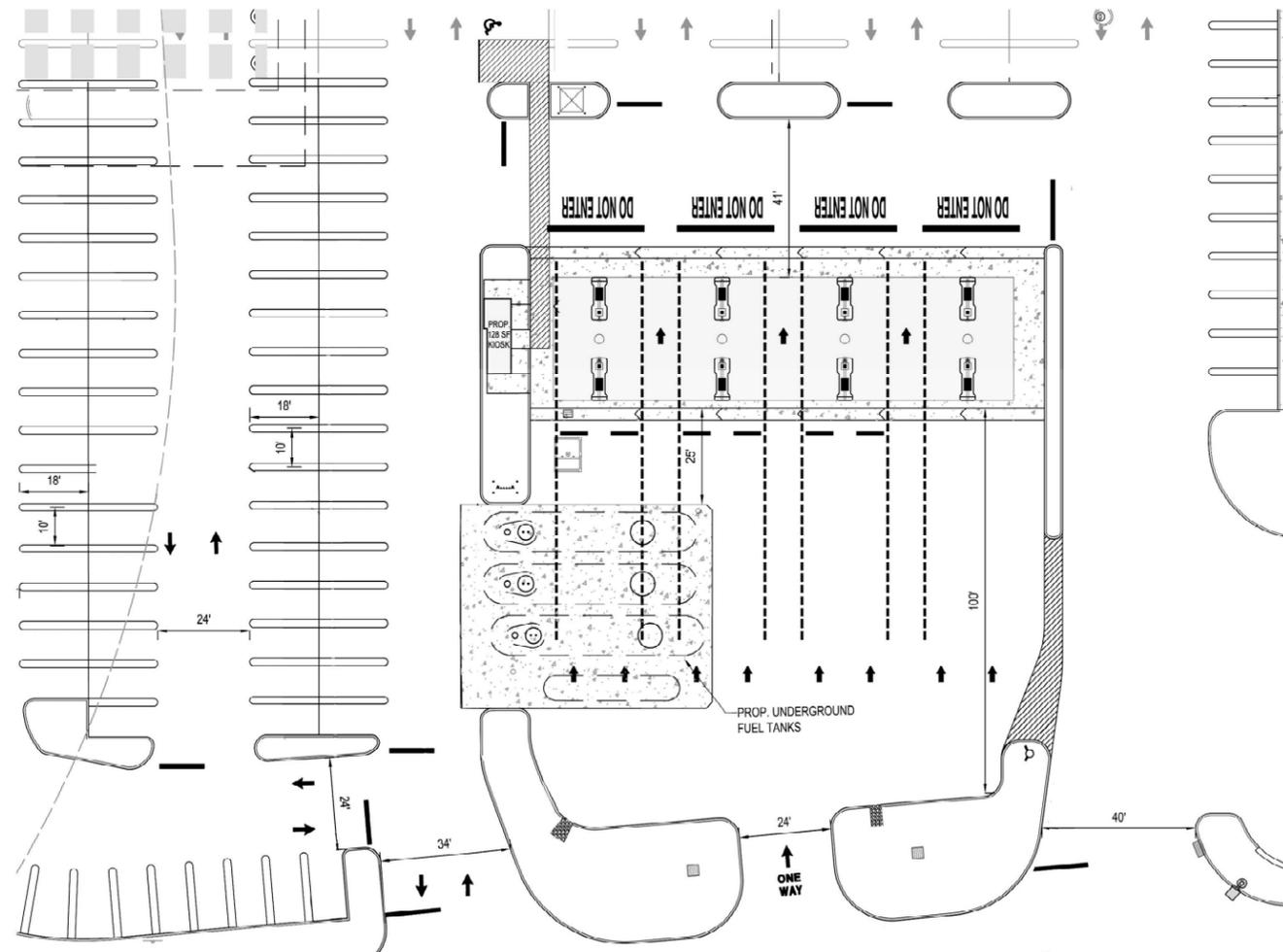
1 NORTH AND SOUTH END ELEVATIONS
SCALE: 1/4"=1'-0"



2 EAST AND WEST SIDE ELEVATIONS
SCALE: 1/4"=1'-0"



4 CONTROLLER ENCLOSURE ELEVATIONS
SCALE: 1/4"=1'-0"



6 FUEL FACILITY PLAN
SCALE: 1/16"=1'

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ATTACHMENT 6

Master Plan Comments

Master Plan Compatibility

The proposed use is located within the approved 2012 *Wheaton CBD and Vicinity Sector Plan* area. The Plan refers to Wheaton as a “specialized urban center, serving local and regional retail demand.” (page 11). It states that “Wheaton is envisioned as a major mixed-use center for the Georgia Avenue corridor and eastern Montgomery County. It will have regional shopping, culturally diverse retail and entertainment, business and government services and transit-oriented residential and office uses that serve a population with a broad range of incomes.” (page 9). The Plan’s focus is to promote high quality redevelopment within the core by encouraging mixed-use redevelopment that balances new uses with the existing small businesses. It does not provide recommendations or specific comments about the location or other aspects of special exception uses.

The Costco gas station is proposed to be located within the Westfield Wheaton Mall property, which is identified in the Sector Plan as “eastern County’s regional shopping mall” (page 53). While the Plan recognized that Wheaton Mall is not integrated into the core (See Figure 1 below), it encouraged more connections between the mall and the core along its Veirs Mill road frontage (See Figure 2, below). It envisioned that the mall “will be integrated with the CBD through pedestrian connections and street oriented uses along its edges.” (page 29). The Sector Plan identified the mall’s frontage along Veirs Mill Road as an appropriate location for high-density development, and recommended high-density, mixed use zoning to encourage walkable environment and integrate the mall into the core. It states that “Over the long-term, a new, transit-oriented and pedestrian friendly development of office, housing, and neighborhood-serving retail, with public use spaces and recreational facilities along the Veirs Mill Road frontage could be integrated into Westfield’s property.”(page 53). However, the Sector Plan also acknowledged the incompatibility of the mall’s regional nature with the mixed-use CR zones proposed for the core, and therefore, confirmed the existing C-2 Zone for the majority of the western part of the property that contain existing regional retail uses.

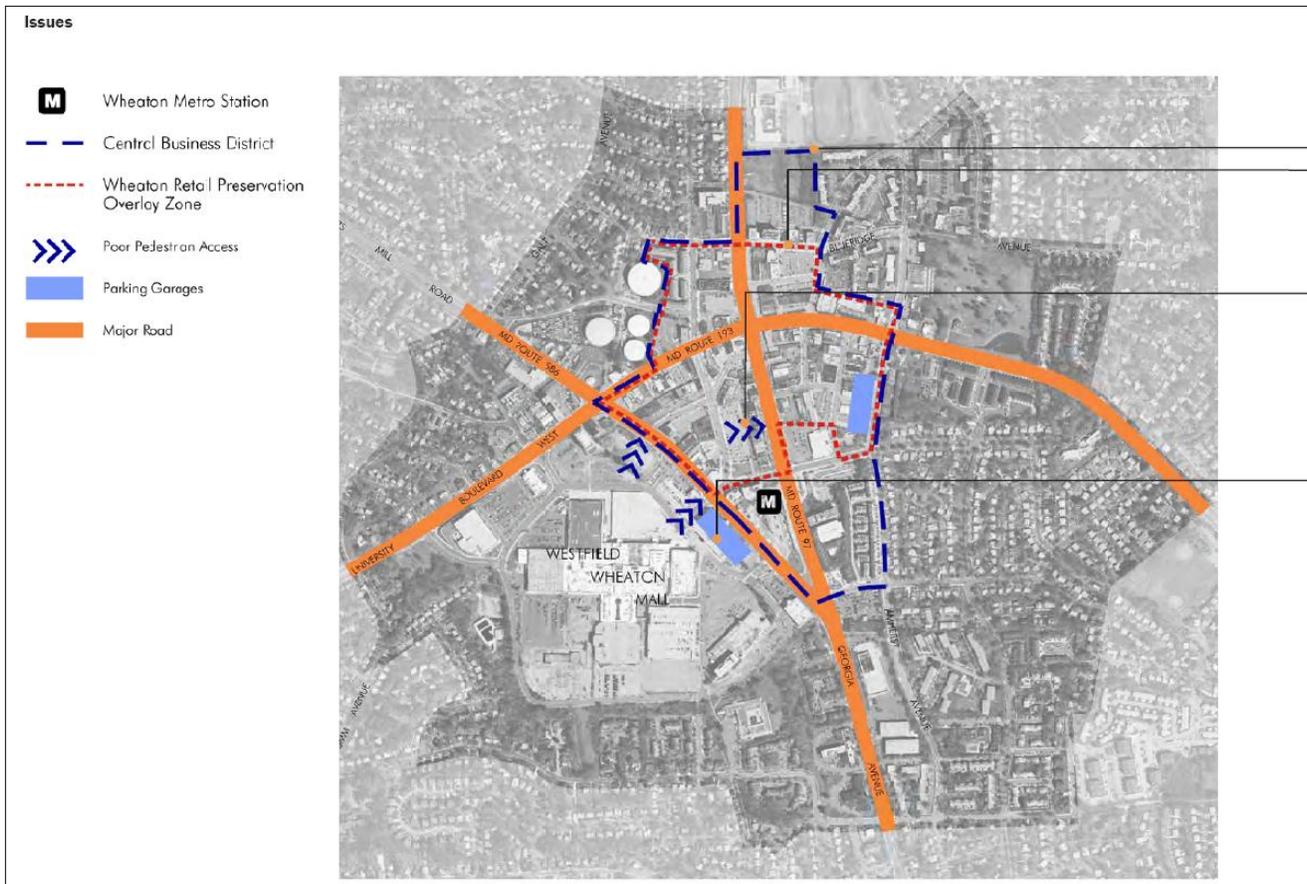


Figure 1: page 16. 2012 *Wheaton CBD & Vicinity Sector Plan Issues Graphic*

The Zoning Ordinance states that the purpose of the C-2 Zone is to “provide locations for general commercial uses representing various types of retail trades, businesses and services for a regional or local area” (§59-C-4.350). The proposed gas station use will be complimentary to the existing uses in the Mall and the new Costco store on the south side of the Mall. As a members-only operation it will draw from both a regional and a local customer base. A gas station is therefore consistent with the purpose of the C-2 Zone, and compatible with the Sector Plan’s understanding of the Westfield Wheaton Mall’s role as the regional component of Wheaton’s retail market.

The Mall shares its southern property line with several residential properties. The proposed gas station would be located near the southern edge of the Mall property, within an existing surface parking lot. The Sector Plan specifically recommends lower building heights along this side of the property (45 feet high within 200’ of the southern property boundary) with no construction allowed within the existing green buffer which separates the Mall ring road from properties to the south. The height and location of the proposed gas station canopy would be within the limits described in the Plan. The Plan also specifically recommends retaining the “existing green buffer along the property’s southern edge” to “reduce the impact of new development on adjacent residential areas and the nearby school” (ppage 48). Visibility of the proposed use from residential properties would be diminished by the topography and the existing green buffer. And, the applicant has proposed additional planting in the buffer area to provide greater screening form the adjoining properties.

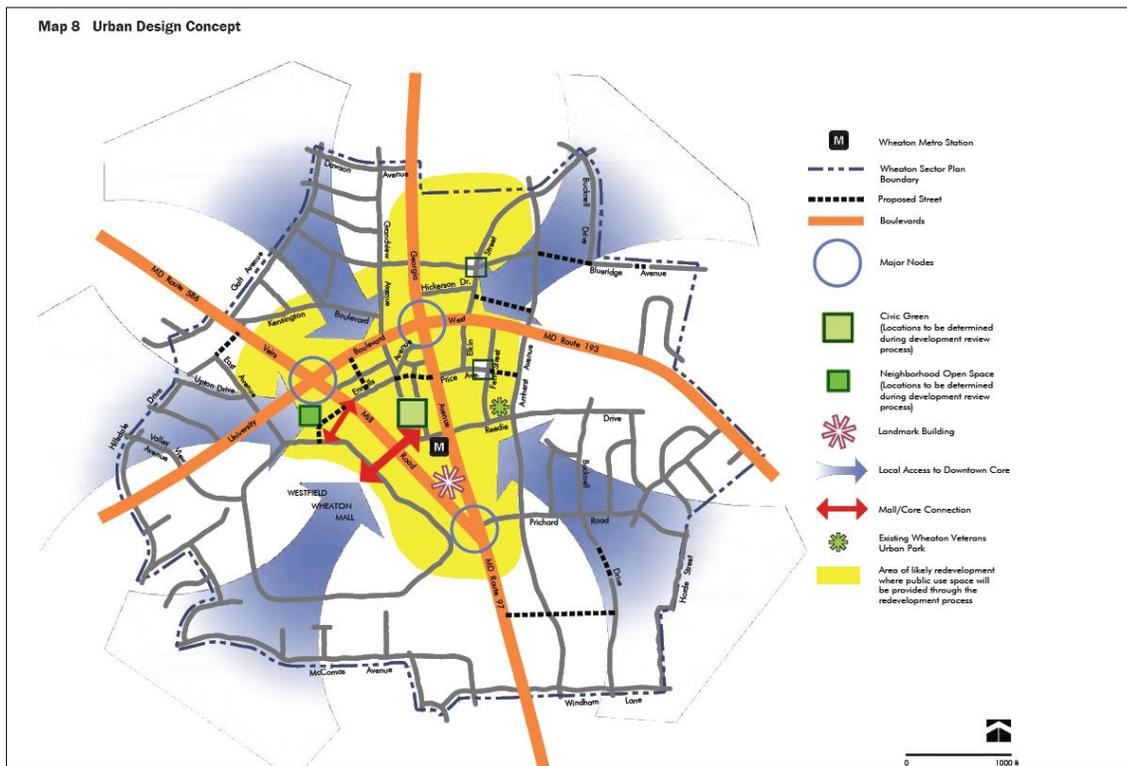


Figure 2: page 28, 2012 *Wheaton CBD & Vicinity Sector Plan* Urban Design Concept

Community Concern

“Stop Costco Gas Coalition” members have indicated that the proposed use is not consistent with the letter or the spirit of the Sector Plan. They have stated that the gas station’s close proximity to Wheaton Metro station is contrary to the Plan’s goals of walkability, attracting businesses and young professionals—fewer cars and more transit, smart growth and transit-oriented development.

Staff does not believe that the goals of walkability, connectivity, and other smart growth principles necessarily lead to a general prohibition against uses such as the proposed gas station within the Mall property. For example, on page 33, the plan states that its “zoning recommendations are based on five goals.

- Encourage Class A office development at the Metro station.
- Allow for retail in the center of the CBD and along the three main roads.
- Increase housing mixed with some retail surrounding the center of the CBD.
- Place highest densities and building heights in the center of the CBD.
- Protect existing residential neighborhoods.”

Staff believes that language such as “protect existing residential neighborhoods” in the fifth goal above should be interpreted in the context of zoning recommendations of the plan. These five goals were the guiding principles for reviewing and developing new zoning recommendations for the Sector Plan. The application of CR and other zones recommended in the Plan followed these principals. More specifically, the fifth goal above was the basis for Sector Plan’s recommendation to retain existing zoning for the single-family residential neighborhoods surrounding the core. It was not meant as a general recommendation against uses like the proposed gas station in the Sector Plan area.

The Sector Plan has a brief section on Health (page 77), but it does not contain any general or specific language that can be interpreted to determine the consistency, or lack thereof, of the proposed use

with the Sector Plan on the basis of health issues. The Health section focuses on opportunities for active and passive recreation, integration of natural and built environment, promotion of walking and cycling on safe streets, provision of a variety of choices for fresh, local food, convenient access to health care, “Safe Routes to School” program, safe access to local amenities, community gardens and urban farms, green roofs and walls, innovative stormwater management, provision of community clinics and expanded local health care facilities, and adequate bicycling and trail amenities to local destinations. Staff’s position is that, unless it can be demonstrated that a particular use will undoubtedly have significant adverse health impacts on the surrounding residential areas, typical health impacts associated with a use cannot be a basis for non-compliance with a sector plan’s general goals.

Conclusion

Based on the above analysis, staff concludes that the proposed Costco gas station is generally consistent with the 2012 *Wheaton CBD and Vicinity Sector Plan*. Staff realizes that it may not be the best and most desirable use in terms of achieving the goals of goals and vision of the Sector Plan; it is not contrary to the vision of the Plan.



ATTACHMENT 7
MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

January 29, 2013

MEMORANDUM

TO: Renee Kamen, AICP, Senior Planner
Area 2 Planning Division

VIA: Khalid Afzal, Supervisor, East County Team
Area 2 Planning Division

FROM: Marc Lewis-DeGrace, Planner
Area 2 Planning Division

SUBJECT: Board of Appeals Petition No. S-2863
Costco Automobile Filling Station
Wheaton CBD Policy Area

This memorandum is Area 2 transportation planning staff's Adequate Public Facilities (APF) review of the proposed special exception for an automobile filling station (gas station) to be located within the Wheaton Mall parking lot. The APF review includes the Local Area Transportation Review (LATR) and the Transportation Policy Area Review (TPAR) test. In addition, planning staff reviewed circulation of vehicular, bicycle, and pedestrian traffic to determine any possible adverse impacts.

Findings

The proposed gas station application has satisfied the LATR and TPAR tests and would have no adverse impacts on area roadways, nearby pedestrian facilities, or the Mall's ring road, subject to the following conditions:

1. The proposed gas station must be limited to 16 fueling positions.
2. The Applicant must have at least one employee directing traffic if the queuing vehicles start to back up onto the entrance from the ring road into the queuing area.
3. The Applicant must work with the Mall to ensure that adequate traffic control measures are in place along the ring road and at the site entrance such as directional arrows and signage.

DISCUSSION

The proposed stacking can easily accommodate 40 vehicles within the eight (8) aisles behind the fueling positions, and possibly five (5) more vehicles depending on the size of queuing vehicles.

Site Location/Vehicular Circulation

The proposed gas station is to be located in the Mall's parking lot, adjacent to the Costco store and accessed via the Mall's internal ring road. The ring road is accessed from two (2) points on University Boulevard West (MD 193) and two (2) on Veirs Mill Road (MD 586). Customers will enter the gas station from the Mall's ring road, queue in the stacking area if needed, and exit into existing parking lot and then go back onto the ring road.

Transportation Demand Management

A Traffic Mitigation Agreement is not recommended because the proposed gas station employs less than 25 employees on any one shift, which is the minimum number of employees for requiring applicants to participate in a current or future Traffic Management Organization.

Master/Sector-Planned Roadways and Bikeways

In accordance with the 2012 approved and adopted *Wheaton CBD and Vicinity Sector Plan*, the nearby classified roadways and bikeways are as follows:

1. University Boulevard (West), MD 193, between Hillsdale Drive/Drumm Avenue and Amherst Avenue is designated as a six-lane divided major highway, M-19, with a minimum recommended 120-foot right-of-way and a dual bikeway (a shared use path and bike lanes), DB-5, between Amherst Avenue and the Sector Plan's eastern boundary.
2. Veirs Mill Road, MD 586, is designated as a six-lane divided major highway, M-13, with a minimum recommended 120-foot right-of-way and a signed shared roadway/on-road, SR-65.
3. Georgia Avenue, MD 97, is designated as a six-lane divided major highway, M-8, with a minimum recommended 120-foot right-of-way and a signed shared roadway, SR-19, between Windham Lane and Reddie Drive.
4. Amherst Avenue between Prichard Road and Blueridge Avenue is designated as a two-lane business street, B-17, with a minimum recommended 80-foot right-of-way and bike lanes, BL-37.
5. Grandview Avenue between Reddie Drive and Blueridge Avenue is designated as a two-lane business street, B-18, with a minimum recommended 70-foot right-of-way and a signed shared roadway, SR-20.
6. Ennalls Avenue between Veirs Mill Road and Georgia Avenue is designated as a two-lane business street, B-19, with a minimum recommended 60-foot right-of-way. Ennalls Avenue is recommended to be relocated between Grandview Avenue and Georgia Avenue to connect at the Georgia Avenue/Price Avenue (B-20) intersection. Ennalls Avenue is recommended to be extended westward between Veirs Mill Road and the Wheaton Mall ring road as a private street.
7. Reddie Drive between Veirs Mill Road and Amherst Avenue is designated as a two-lane business street, B-22, with a minimum recommended 70-foot right-of-way and a signed shared roadway, SR-27, between Georgia Avenue and the Mall's ring road.

8. Prichard Road between Georgia Avenue and Amherst Avenue is designated as a two-lane business street, B-23, with a minimum recommended 70-foot right-of-way and a signed shared roadway, LB-6, between Amherst Avenue and the Sector Plan's eastern boundary.
9. East Avenue between Kensington Boulevard and University Boulevard is designated as a two-lane primary residential street, P-8, with a minimum recommended 50-foot right-of-way and a signed shared roadway, LB-1, between Upton Drive to the Mall's ring road.

The following streets are not designated in the Sector Plan street network:

1. Valley View Avenue is a tertiary residential street with a 50-foot wide right-of-way.
2. The Wheaton Mall's ring road is a private internal four-lane roadway within the Mall with an approximately 48-foot paved cross-section and no sidewalks.

The Sector-Planned recommended bikeways are as follows:

1. A signed shared roadway, SR-25, between McComas Avenue and the Mall's ring road (LB-5 and SR-26) within the Wheaton Mall.
2. A signed shared roadway, SR-26, along the southern and eastern legs of the Mall's ring road to Reddie Drive extended.
3. A signed shared roadway, LB-2, along McComas Avenue between the Sector Plan's western boundary and Georgia Avenue.
4. A signed shared roadway, LB-3, between Faulkner Place along the northern leg and partially along the eastern leg of the Mall's ring road, to the signed shared roadway, SR-27, within the Wheaton Mall.
5. A signed shared roadway, LB-5, from Hillsdale Drive, along Valley View Avenue, to the northern leg of the Mall's ring road within the Wheaton Mall.
6. A signed shared roadway or shared use path, LB-5, from the signed shared roadway, LB-3, along the western leg and part of the southern leg of the Mall's ring road, to the signed shared roadway, SR-25, within the Wheaton Mall.

Available Transit Service

Transit service is available near the proposed site as follows:

- Along Georgia Avenue, Metrobus routes Q-1, Q-2, Q-4, Y-5, Y-7, Y-8, & Y-9 and Ride-On route 37.
- Along Veirs Mill Road, Metrobus routes C-1, Q-1, Q-2, Q-4, Y-5, Y-7, Y-8, & Y-9 and Ride-On routes 7, 8, 9, 31, 34, 37, 38, and 48.
- Along University Boulevard, Ride-On route 34.
- Along the Mall's ring road between the western extensions of Reddie Drive and Prichard Road in to the Mall, Ride-On route 9.

The proposed gas station is to be located approximately 2,600 feet from the Wheaton Metrorail Station.

Transportation Adequate Public Facilities Review

Transportation Policy Area Review

Based on the 2012-2016 Subdivision Staging Policy (SSP), the Applicant has chosen to be reviewed under TPAR. For TPAR analysis, the proposed project does not need to make any payment because it is located in the Wheaton Metro Station Policy Area, which the 2012-2016 SSP has determined to be adequate for road and transit capacity.

Adequate Public Facilities Review for the Entire Wheaton Mall

On November 18, 1999, the Department of Permitting Services approved an APFO application for an additional 579,625 square feet of retail space to the Mall's property, or a total of 1,595,269 square feet of floor space. This APF validity was documented in the "Local Area Transportation Review Agreement" executed July 18, 2001. Only part of the additional 579,625 square feet was built since 2001 as follows:

- Addition of 428,255 square feet of retail space.
- Replacement of a portion of the 179,133 square feet of Hecht Company store with 152,318 square feet of Costco store.

This leaves 212,032 square feet of retail space under the 1999 APF approval for the Mall property, which has an equivalent retail trip credit of 793 peak-hour trips. The proposed gas station generates 138 peak-hour trips, far less than the potential credit of 793 trips.

If this Special Exception is approved, the Mall will have 175,134 square feet of allowed retail space unbuilt, which would generate 655 peak-hour retail trips.

Local Area Transportation Review

A traffic study is required to satisfy the LATR component of the APF test when a proposed land use generates a total of 30 or more peak-hour trips within the weekday morning or evening peak periods.

The attached Table 2 shows the calculated Critical Lane Volume (CLV) values from the applicant's traffic study at the analyzed intersections for the following traffic conditions:

- Existing: Traffic conditions as they exist now.
- Background: The existing condition plus the trips generated from approved but un-built nearby developments.
- Total: The background condition plus the site-generated trips.

Table 2 shows that the CLV values at all analyzed intersections during the weekday morning and evening peak-hours will be less than their applicable congestion standard of 1,600 for the Kensington/Wheaton Policy Area or 1,800 for the intersections located within the Wheaton CBD Policy Area.

Peak-Hour Trips generated by the Proposed Gas Station

The site-generated trips were calculated based on the following:

1. The total trips were calculated using the 2012 traffic data collected at the Sterling, Virginia Costco store.
2. The internal trips within the Mall between the Costco store and the proposed gas station were calculated using 30% of the total peak-hour trips based on traffic data for discount clubs with gasoline sales from the Institute of Transportation Engineers' *Trip Generation Manual*.

The pass-by trips were calculated using 37% of the total peak-hour trips based on actual 2010 traffic data collected at five other Costco stores in Maryland and Pennsylvania.

Table 1 below shows the number of peak-hour trips generated by the proposed gas station during the weekday morning peak period (6:30 A.M. to 9:30 A.M.) and the evening peak period (4:00 P.M. to 7:00 P.M.). Total trips include pass-by, internal, and new trips. Pass-by and diverted trips are those trips that are already on the road and on the way to/from other origins or destinations.

Table 1: Net Site-Generated Peak-Hour Trips

Peak-Hour Vehicular Trips	Peak-Hour Trips	
	Morning	Evening
Total trips generated by the proposed gas Station	218	420
Internal trips within the Mall between the Costco Store & the proposed gas station	0	-126
Pass-by trips already on the roads	-80	-156
Net new peak-hour trips	138	138

The trip-generation rates for a discount club with gasoline sales are higher during Saturday middays (at 6.85 vehicular trips per 1,000 square feet) than during the weekday evening peak hour (at 4.24 vehicular trips per 1,000 square feet). According to the Institute of Transportation Engineers' *Trip Generation Manual*, during Saturday middays, the 152,318-square-foot Costco store would generate 398 more vehicular trips per hour compared with the trips generated during the weekday evening peak hours. The higher number of Saturday vehicular trips should not have an adverse impact on nearby analyzed intersections because the overall vehicular volumes on public roads during weekends tend to be lower than volumes during the weekday morning and evening peak hours.

Pedestrian and Potential Vehicular Conflicts

No sidewalks or bike facilities currently exist along the Mall's ring road, specifically near the proposed gas station. Currently, there are three striped crosswalks located to the east of the proposed fueling station. The Applicant is proposing to remove one and improve the other two existing crosswalks (Attachment #1).

Existing weekday pedestrian volumes were collected at two of these marked pedestrian crosswalks near the site. Based on these counts, improvements proposed by the Applicant, and the staff's Recommendation No. 3, the likelihood of pedestrian vehicular conflicts will be minimal.

Traffic Impact of On-Site Queuing at the Subject Site

The projected number of vehicles waiting to refuel was estimated using 2012 and 2013 traffic data collected at the Sterling, Virginia Costco store, which has a comparable 16 fueling position gas station. The highest counts at Sterling were observed on Saturday April 21, 2012. The highest observed total queue was 52 vehicles behind the fueling positions, which occurred once at 12:30 PM. This maximum queue lasted for one minute and was followed by a queue of 50 cars that lasted for another minute. A graphic provided by the Applicant (Attachment #2), shows that with this many vehicles in the queue, two vehicles could overflow onto the ring road while waiting to enter the fueling area.

The Applicant has stated that they anticipate a lower number of vehicles entering the fueling area at the proposed gas station than the Sterling location, because the Sterling location dispenses 13.9 million gallons of gasoline per year while the proposed gas station in Wheaton is expected to dispense up to 12 million gallons per year (14% less than Sterling). The traffic study and supplemental data assume that the Wheaton location will attract 14% fewer cars based on the lower amount of gasoline sales.

The maximum number of total queued vehicles, based on the 14% reduction, would be 45 vehicles at the proposed gas station. According to the latest submitted plan, each marked aisle is approximately 60 feet long and can store four to five vehicles. Thus 45 vehicles can adequately queue within the proposed waiting area.

If vehicles start to overflow onto the ring road waiting to enter the fueling area, an employee directing traffic, as recommended in staff's conditions of approval in the beginning of this report, can mitigate the adverse impacts associated with potential vehicular overflow.

Adequate Transportation Public Facilities Finding

Staff concludes that, with the recommended conditions stated in this memo, the proposed special exception satisfies the applicable transportation APF test.

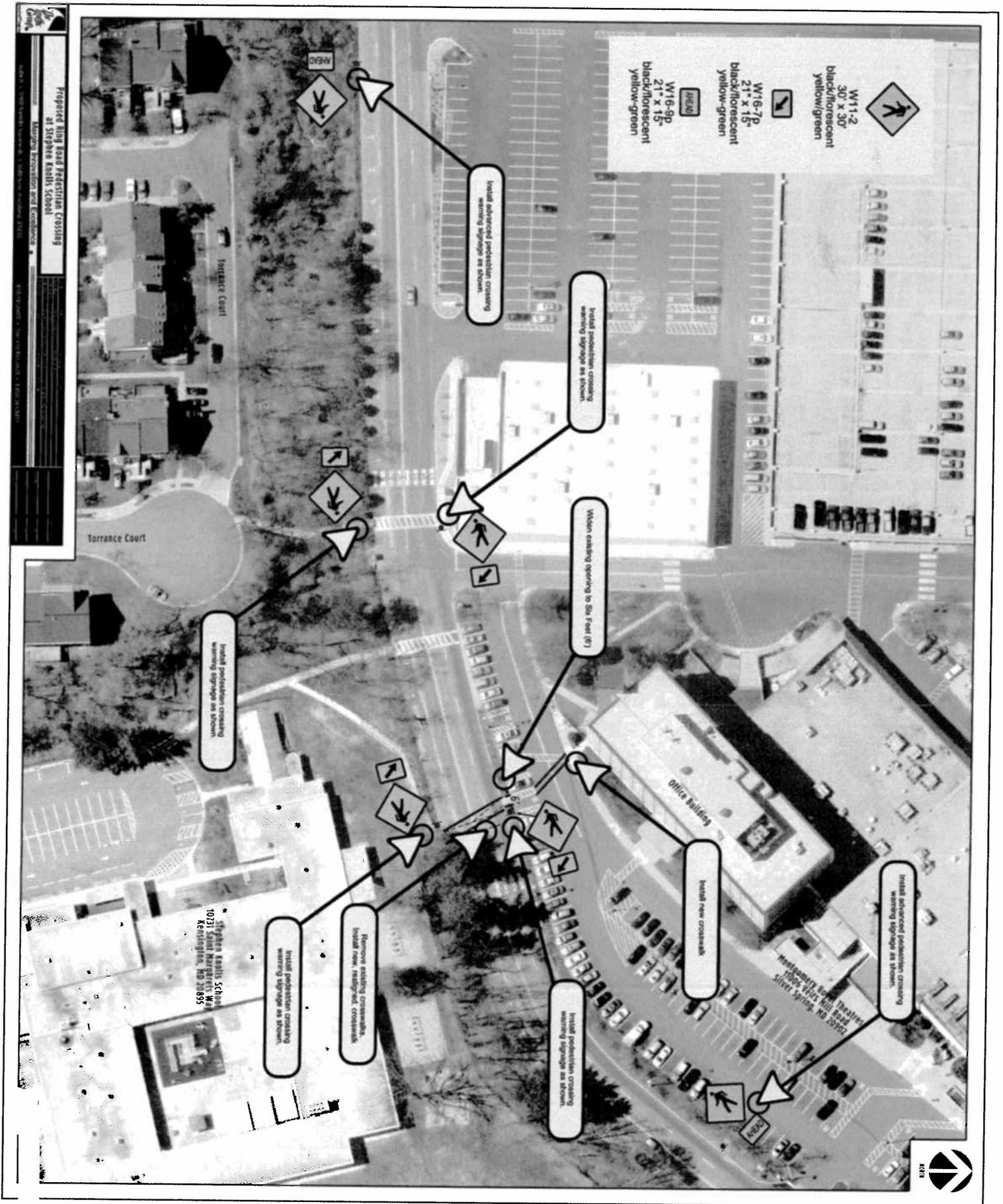
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Attachments

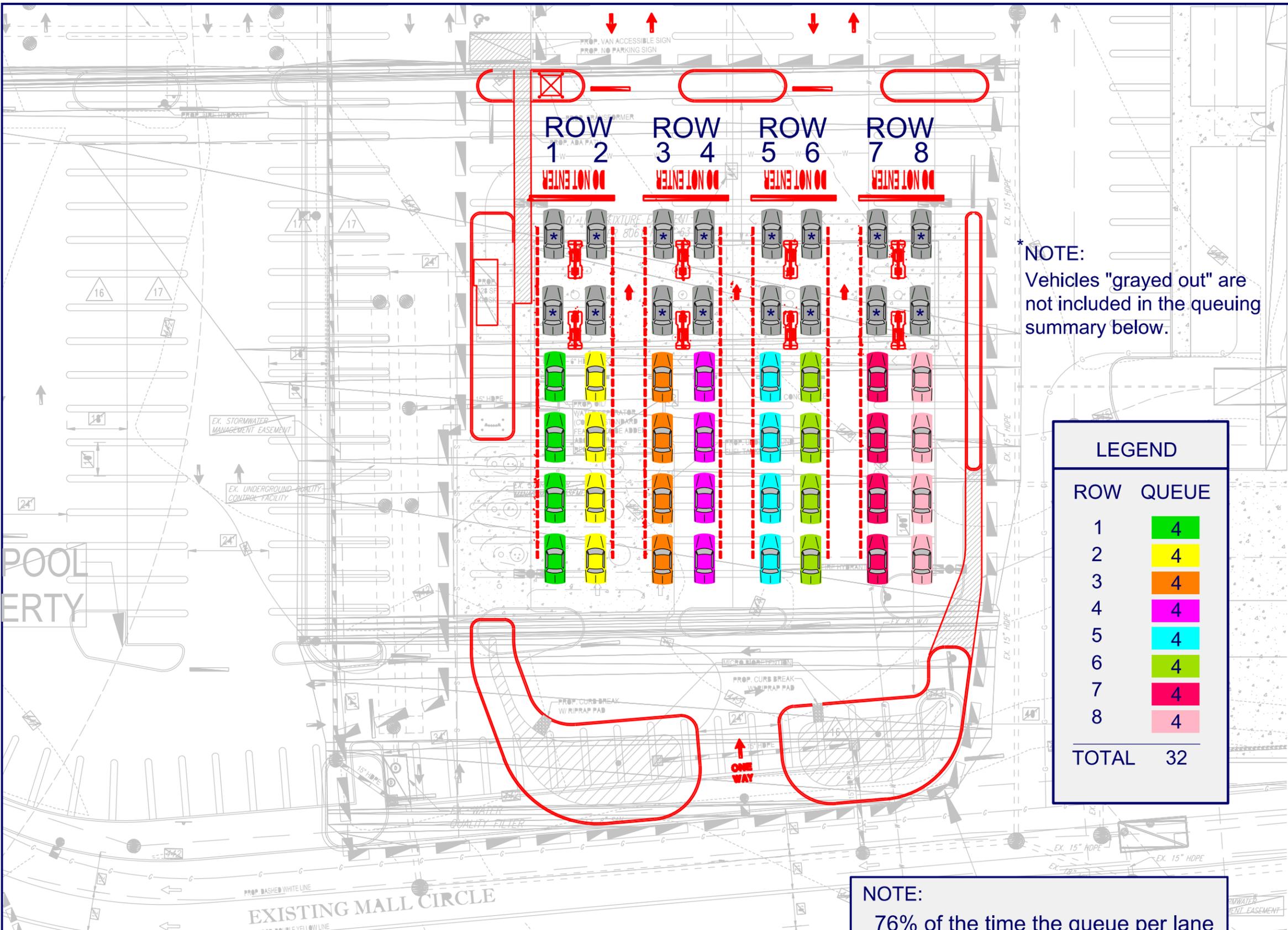
mmo to Kamen re Costco S-2863.doc

Table 2: Calculated CLV Values at nearby Intersections

Analyzed Intersection	Weekday Peak Hour	Congestion Standard	Traffic Condition		
			Existing	Background	Total
Connecticut Avenue & Perry Avenue	Morning	1,600	1,027	1,051	1,058
	Evening		835	949	963
University Boulevard West & Connecticut Avenue	Morning	1,600	1,171	1,195	1,198
	Evening		866	895	897
University Boulevard West & Newport Mill Road/Lexington Street	Morning	1,600	676	709	714
	Evening		764	814	819
University Boulevard West & Valley View Avenue/Mall Access	Morning	1,800	370	412	420
	Evening		599	723	751
University Boulevard West & East Avenue/Mall Access	Morning	1,800	511	553	559
	Evening		469	531	528
University Boulevard West & Veirs Mill Road	Morning	1,800	1,109	1,225	1,239
	Evening		1,181	1,349	1,362
University Boulevard West & Grandview Avenue	Morning	1,800	759	775	780
	Evening		935	978	983
University Boulevard West & Georgia Avenue	Morning	1,800	1,150	1,181	1,191
	Evening		1,196	1,253	1,263
University Boulevard West & Amherst Avenue	Morning	1,800	990	1,019	1,025
	Evening		1,225	1,407	1,412
Georgia Avenue & Reedie Drive	Morning	1,800	928	1,084	1,103
	Evening		928	1,289	1,303
Georgia Avenue & Veirs Mill Road/Pritchard Road	Morning	1,800	996	1,058	1,064
	Evening		906	981	988
Veirs Mill Road & Wheaton Mall Access/Metrobus	Morning	1,800	544	563	628
	Evening		737	834	881
Veirs Mill Road & Reedie Drive	Morning	1,800	822	964	971
	Evening		931	1,182	1,192
Veirs Mill Road & Newport Mill Road	Morning	1,600	1,155	1,183	1,190
	Evening		1,256	1,328	1,336
Georgia Avenue & Windham Lane	Morning	1,800	1,179	1,222	1,227
	Evening		1,148	1,219	1,224
Wheaton Mall Loop Road & West Mall Entrance	Morning	1,800	334	354	401
	Evening		547	682	770
Wheaton Mall Loop Road & North Mall Entrance	Morning	1,800	243	258	277
	Evening		395	495	530
Wheaton Mall Loop Road & Parking Lot Access	Morning	1,800	264	264	264
	Evening		316	326	347
Wheaton Mall Loop Road & Reedie Drive/Mall Access	Morning	1,800	225	249	249
	Evening		485	738	759
Wheaton Mall Loop Road & South Mall Entrance	Morning	1,800	187	204	265
	Evening		409	498	599

ATTACHMENT 1





* NOTE:
Vehicles "grayed out" are not included in the queuing summary below.

LEGEND	
ROW	QUEUE
1	4
2	4
3	4
4	4
5	4
6	4
7	4
8	4
TOTAL	32

NOTE:
76% of the time the queue per lane will be four (4) vehicles or less.

2. APPROVED PLANS:
STORMWATER MANAGEMENT CONCEPT PLAN
TREE CONSERVATION EXEMPTION 42101205
 3. DEVELOPER:
COSTCO WHOLESALE
45940 HORSESHOE DRIVE, SUITE 150
STERLING, VA 21066
CONTACT: ERICH BRANN
 4. ZONING: C-2 (GENERAL COMMERCIAL)
 5. PROPERTY KNOWN AS WESTFIELD WHEATON
MAP # 214 NW 03
 6. EXISTING USE: EXISTING PARKING LOT - NO
PROPOSED USE: AUTOMOBILE FILLING STATION
- BULK REQUIREMENT**
- A. MIN. LOT AREA (OVERALL MALL)
 - B. MIN. BUILDING SETBACK
FRONT SETBACK (EAST)
**SIDE SETBACK (NORTH)
**SIDE SETBACK (SOUTH)
**REAR SETBACK (WEST)
 - C. PARKING REQUIREMENTS
(1 SPACE/ EMPLOYEE)
(1 HANDICAP VAN ACCESSIBLE SPACE)
 - D. MIN. PARKING SPACE DIMENSIONS
 - E. MIN. DRIVE AISLE
 - F. MAX. BUILDING HEIGHT (CANOPY)
*PARKING PROVIDED ADJACENT TO AUTOMOBILE
WITHIN WESTFIELD WHEATON SHOPPING MALL.
** NO YARD MUST BE LESS THAN 3 FEET IN WIDTH

Costco Fuel - C

Merging Innovation and Excellence

suite h - 9900 franklin square dr. - baltimore, maryland 21236

Scale: 1" = 30'

Location: Wheaton, MD

Job Number: 3072681

File Name: SFILES

Print Date: 03/27/25

Plot Time: 11:03:33

M. Valaitis

09-29-2012

DATE

DATE

DATE

DATE

DATE



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

MEMORANDUM

TO: Renée Kamen, AICP, Area 2 Planning Division

VIA: Khalid Afzal, Master Planner/ Supervisor, Area 2 Planning Division

FROM: Amy Lindsey, Area 2 Planning Division

DATE: January 28, 2013

SUBJECT: Special Exception S-2683
Costco Automobile Filling Station

Executive Summary

Introduction

The proposed Costco gas station will have 16 fueling stations and an estimated maximum throughput of 12 million gallons per year (mgpy). The station is proposed for an area of the Westfield Wheaton Mall (the Mall) next to the Costco warehouse store and near some existing single-family residences. The nearest residential property is approximately 120 feet from the proposed Special Exception site (the Subject Site). Also within the vicinity are Kenmont Swim and Tennis Club, approximately 380 feet away, and Stephen Knolls School, approximately 880 feet away (measured from the Site boundary).

According to multiple scientific and health organizations, gas stations have the potential to negatively impact the surrounding community due to air quality impacts that can cause health issues. Local air quality is primarily affected by queued cars, as air toxic emissions are higher for idling vehicles than moving vehicles. Gas stations (e.g., fueling stations and underground storage tanks) are also a source for carcinogenic emissions, as several components of gasoline are known carcinogens. For these reasons, gas stations are considered hot spots for air toxics and health risk assessments are required by some local governments. Although Montgomery County does not have guidelines for air quality analyses or health risk assessments, staff used available guidelines from California, specifically developed for gas stations, to assist in interpreting the Applicant's analyses.

Site Description

The Subject Site is located on 0.85 acres of the 75-acre the Mall parcel. Most of the Mall parcel is developed with Westfield Wheaton Mall and associated parking. The Subject Site itself is located entirely on the paved portion of the Mall property.

There is an undeveloped area to the south and west, separating the Mall from the surrounding residential and recreational uses. This transition area (green buffer) ranges from approximately 25 feet wide to 140 feet wide; most of it is between 70 and 80 feet wide. As the Mall was built

on fill, adjacent properties are at a lower elevation than the Mall parcel, with the height differential ranging from 9 feet near Kenmont Swim and Tennis Club to 30 feet near the residential properties at the southwest corner of the Mall parcel. There are steep slopes in this transition area and 2.25 acres of forest.

There are two streams that originate from outfalls on the southern edge of the Mall parcel. The first stream at the southwestern corner is a tributary that contributes to Silver Creek in the Rock Creek subwatershed. The stream's baseflow includes contributions from stormdrains and stormwater management systems, as well as groundwater. The outfall of this stream has recently been repaired by the Mall. The second stream is a tributary to Sligo Creek and originates from an outfall at the southeastern corner of the Mall property; it is being enhanced by a private developer in connection with a redevelopment project on an adjacent property near the intersection of Georgia Avenue and Veirs Mill Road.

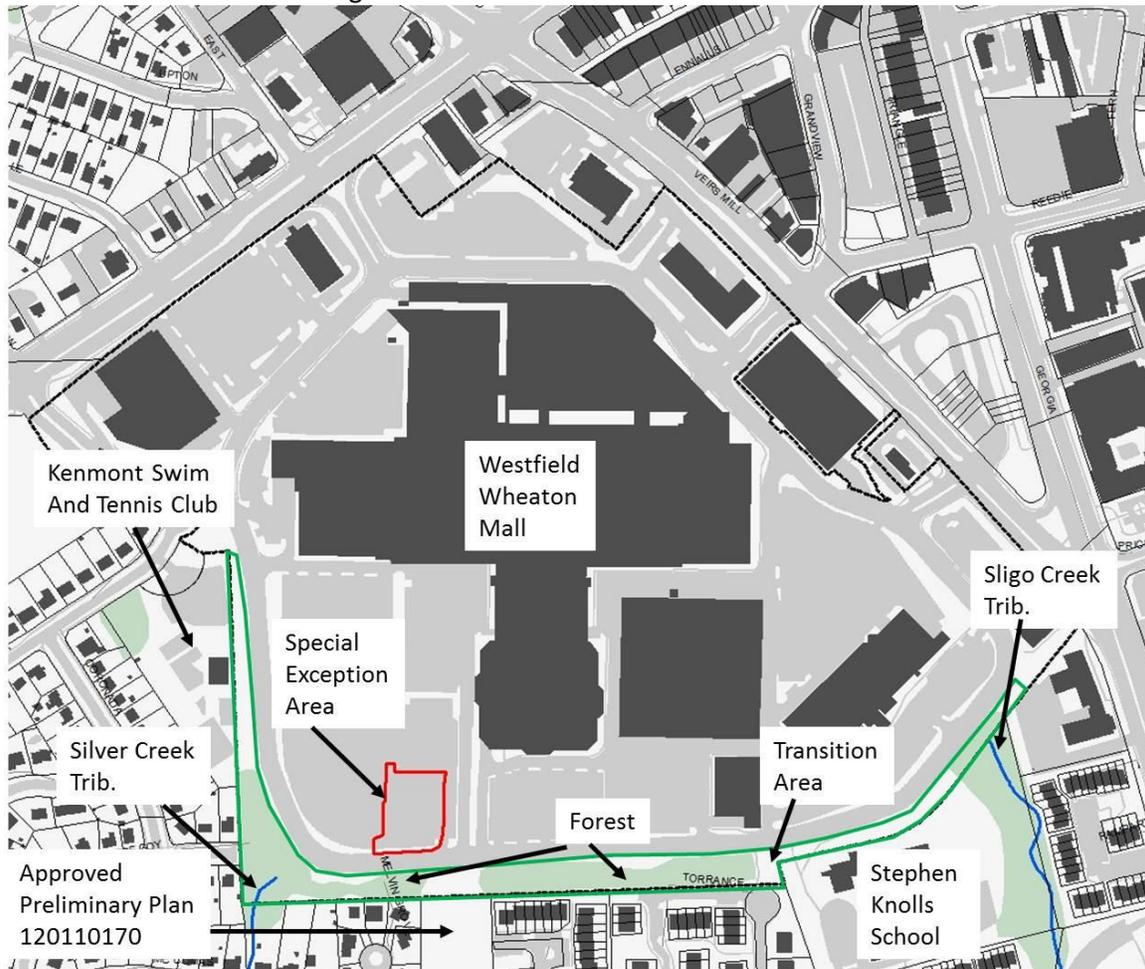


Figure 1: General Location Map

Environmental Guidelines

Staff approved a simplified Natural Resource Inventory/Forest Stand Delineation (NRI/FSD #42013053E) for the Mall on November 9, 2012. (Attachment 1). The 75-acre Mall parcel contains 2.25 acres of forest and 0.99 acres of environmental buffers from streams located at the southwest and southeast corners of the parcel.

The Subject Site drains to the Wheaton Branch subwatershed of Sligo Creek. The proposed Special Exception is in compliance with the Environmental Guidelines, if constructed within the limits of disturbance shown on 42013053E. (Attachment 2).

Forest Conservation

The entire Mall property is subject to the Chapter 22A, Montgomery County Forest Conservation Law. However, the proposed Special Exception is exempt from Article II in accordance with Sec. 22A-5(t). Staff approved Exemption #42013053E on November 9, 2012 as part of the NRI/FSD approval (Attachment 1). The disturbance associated with the proposed gasoline station meets the conditions of the exemption because

- i) no more than 5000 square feet of forest will be cleared on a property of more than 40,000 square feet,
- ii) the project does not affect any forest in a stream buffer or is located on property in a Special Protection Area which must submit a water quality plan,
- iii) and the modification does not require approval of a new subdivision plan.

The Applicant has proposed a screening wall along the outside of the Mall ring road. This wall can be installed while still meeting the conditions of 42013053E. The Applicant has also shown landscaping in the area outside the ring road. The landscaping will be planted in unforested areas, forest, and forested environmental buffer. Under the conditions of 42013053E, new plantings allowed within the forested environmental buffer are to supplement the existing forest. The plantings shown on the landscape plan are acceptable under 42013053E.

Forest Conservation exemptions are granted for specific construction activities on a property. Exemption #42013053E is for the proposed Special Exception only. The Costco store is covered by Exemption #42011026E, also approved under Sec. 22A-5(t) of Forest Conservation Law.

Citizens have raised questions about the validity of the two exemptions cited above, in conjunction with the repair of a stormwater drain outfall on the Mall property. The Montgomery County Department of Permitting Services (DPS) determined the outfall repair to be a maintenance project not related to the Costco store or proposed gas station. In other words, the repair would have occurred without the Costco proposal. The outfall handles the flow from a storm drain, which serves a larger area than the two Costco projects. DPS also determined that the outfall repair did not require a sediment control permit. Since a sediment control permit was not required, the repair was not subject to Forest Conservation Law.

Stormwater Management

DPS approved a stormwater management concept on December 11, 2012. The stormwater management concept includes micro-biofilters and an underground water quality structure, with channel protection volume provided by the Wheaton Branch regional pond, located on Dennis Avenue.

Special Exception Findings

Three of the Special Exception findings for the proposed gas station require a more detailed analysis in this case. Sec. 59-G-1.21(a)(5) states that the project may be approved if it *Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in*

the zone. This finding is reiterated in Sec. 59-G-2.06(a)(1): The use will not constitute a nuisance because of noise, fumes, odors or physical activity in the location proposed. Sec. 59-G-1.21(a)(8) requires a finding that this project Will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

The Applicant has submitted a report containing analyses that include the results of site-specific modeling to demonstrate that the proposed gas station will not constitute a nuisance or adversely impact health. The site-specific modeling takes into account the topography of the site as well as meteorological conditions. The modeling includes emissions from the local transportation network, the proposed gas station, and the regional background. The report contains analyses of noise, odor, and air quality and includes a cancer risk analysis. It also contains actual monitoring data from the Costco gas station located in Sterling, Virginia, to correlate real data to the modeled results.

The following section summarizes the Applicant's modeled data with staff's analysis following.

Air Quality (Fumes)

Overview Gasoline stations are considered to be "hotspots" for air toxics due to a concentration of emissions sources. These air toxics can be divided into two separate categories of origin – mobile sources and stationary sources. The mobile sources are the automobile traffic and idling vehicles waiting to purchase gasoline. The stationary source is the gas station itself and includes emissions from gas dispensing, underground storage tank filling, spills, and other gasoline-related emissions.

Neither Montgomery County nor the State of Maryland has any standards for air quality analyses, so Environmental Protection Agency (EPA) standards and methodologies were used. However, the EPA standards are generally applied on a regional level, not on a specific site basis since background levels are calculated on a regional basis and reflect non-source specific quantities.

The Applicant provided data based on both urban and rural dispersion factors. Urban areas have greater dispersion of air toxics due to the interaction between buildings and air movement patterns. However, according to EPA's guidance, this area qualifies as rural due to the land cover types. Therefore, only the rural analyses have been presented, though the Applicant also provided urban analyses.

Mobile Air Toxics Mobile emissions from automobiles are those seen traditionally with roadway traffic and depend on the number of automobiles and the length of time spent idling. The Clean Air Act requires the EPA to establish National Ambient Air Quality Standards (NAAQS) for air toxics with public health and environmental impacts. There are six principal pollutants: carbon monoxide (CO); lead, nitrogen dioxide (NO₂); ozone (O₃); particulate matter (PM_{2.5} and PM₁₀); and sulfur dioxide (SO₂), all regulated by the EPA. However, the air toxics of most concern are those associated with automobile idling – carbon monoxide (CO), particulate matter (PM_{2.5}), and nitrogen dioxide (NO₂).

The Applicant conducted air quality analyses using the following basic construct: pollutant concentration = regional background measurements + modeled roadway emissions + Costco warehouse + Costco gas station (Figure 2).

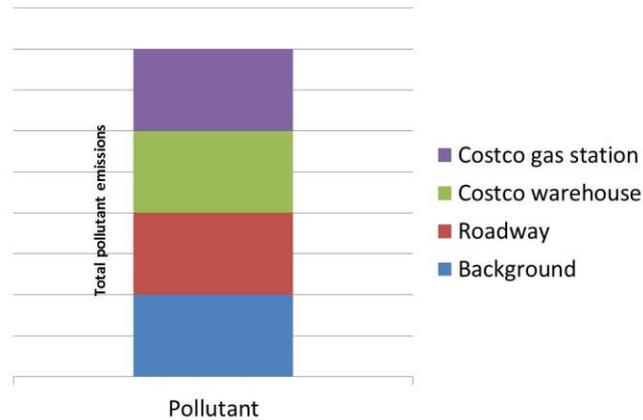


Figure 2: Pollutant Concentration (Hypothetical)

Regional background measurements were taken from monitoring stations in the Metropolitan Washington area and represent pollutant levels that are not attributable to any specific transportation source. The reported numbers represent the highest numbers recorded at the monitoring stations within the last three years. The applicant provided varied locations, depending on the pollutant being modeled. For example, the Rockville air quality station was used for the PM_{2.5}, while another in Arlington was used for CO.

The modeled roadway emissions are based on the traffic volume analysis for peak hours and the new trip assignments for the addition of the gas station (Figure 3). The new trip assignment data was modeled separately to establish incremental emissions.

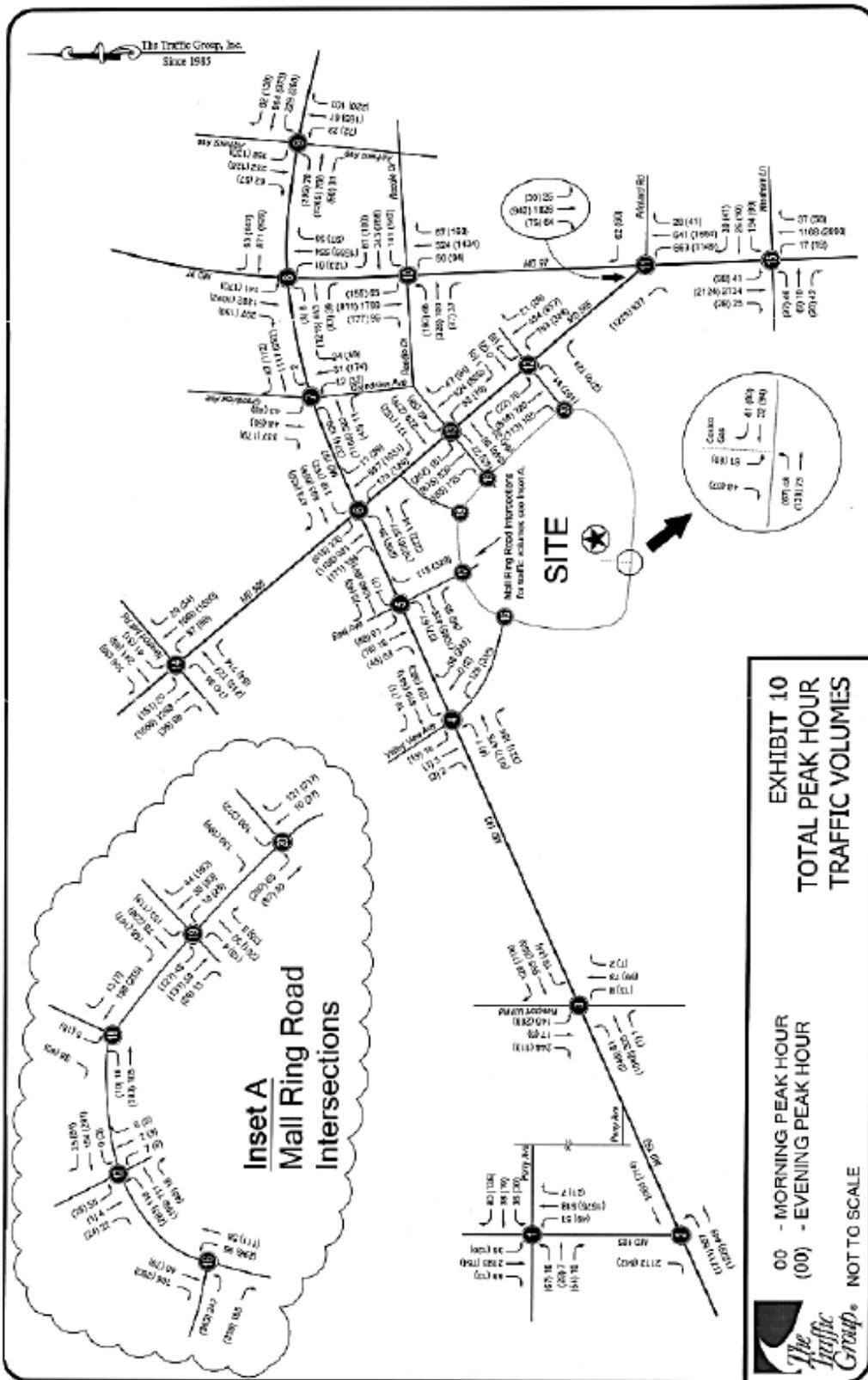


Figure 3: Modeled Roadway Emissions

Carbon monoxide

Carbon monoxide (CO) emissions results from both idling and mobile vehicles. The Applicant modeled maximum predicted 1-hour CO and maximum predicted 8-hour CO using existing conditions around Wheaton with the additional traffic and queuing associated with the proposed gas station. The background level of CO was taken from a regional air quality monitor. For the 1-hour CO analysis, a background level of 1,488 $\mu\text{g}/\text{m}^3$ was taken from a monitoring station in Arlington, Virginia.

Figure 4 shows the 1-hour CO levels of the Applicant’s analysis.

	Modeled Values ($\mu\text{g}/\text{m}^3$)	Maximum 1-hour CO Level (Modeled Value + Background) ($\mu\text{g}/\text{m}^3$)
NAAQS maximum		40,000
Location		
Nearest residential backyard	13,809	15,297
Kenmont Swim and Tennis Club	12,646	14,968
Stephen Knolls School	13,480	14,134

Figure 4: Maximum 1-hour CO Values

The following graphic shows the maximum 1-hour CO concentrations overlaid on the Subject Site and surrounding area. The inset map shows a magnification of the area directly adjacent to the proposed gas station that will have the greatest impacts.

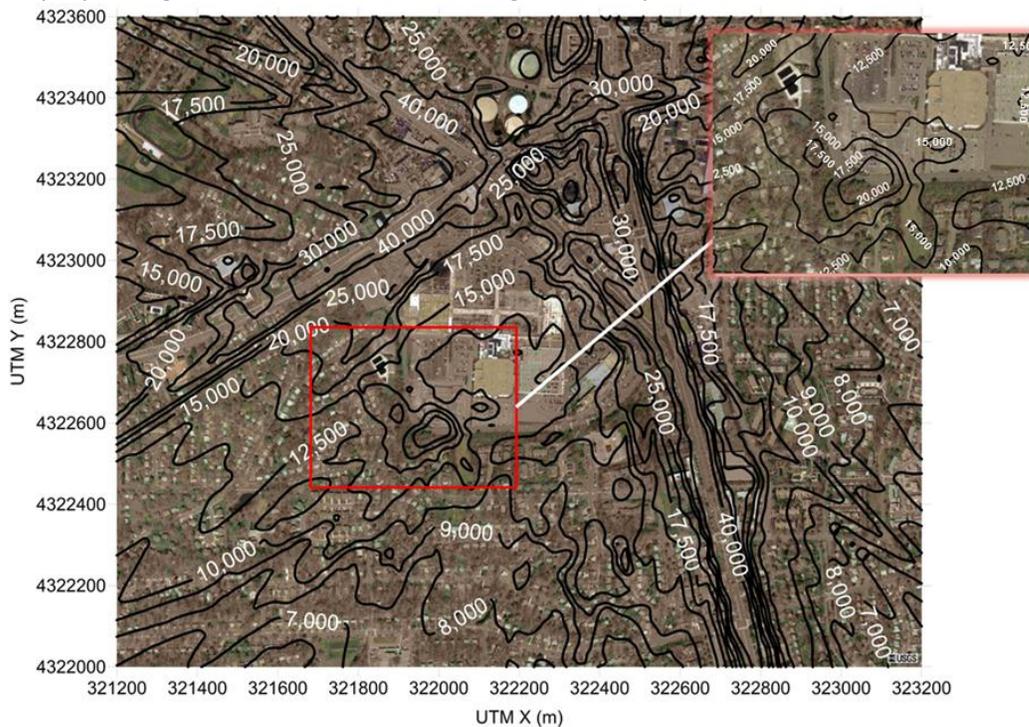


Figure 5: 1-Hour CO Maximum Predicted Concentrations ($\mu\text{g}/\text{m}^3$), all sources

For the 8-hour CO analysis, a background level of 1,145 $\mu\text{g}/\text{m}^3$ was taken from a monitoring station in Beltsville, Maryland. Figure 6 shows the results of the Applicant's analysis of 8-hour CO levels.

	Modeled Values ($\mu\text{g}/\text{m}^3$)	Maximum 8-hour CO Level (Modeled Value + Background) ($\mu\text{g}/\text{m}^3$)
NAAQS maximum		10,000
Location		
Nearest residential backyard	2,798	3,943
Kenmont Swim and Tennis Club	3,361	3,933
Stephen Knolls School	3,555	4,013

Figure 6: Maximum 8-Hour CO Values

Figure 7 shows the maximum 8-hour CO concentrations overlaid on the Subject Site and the surrounding area. The inset map shows a magnification of the area directly adjacent to the proposed gas station that will have the greatest impacts.

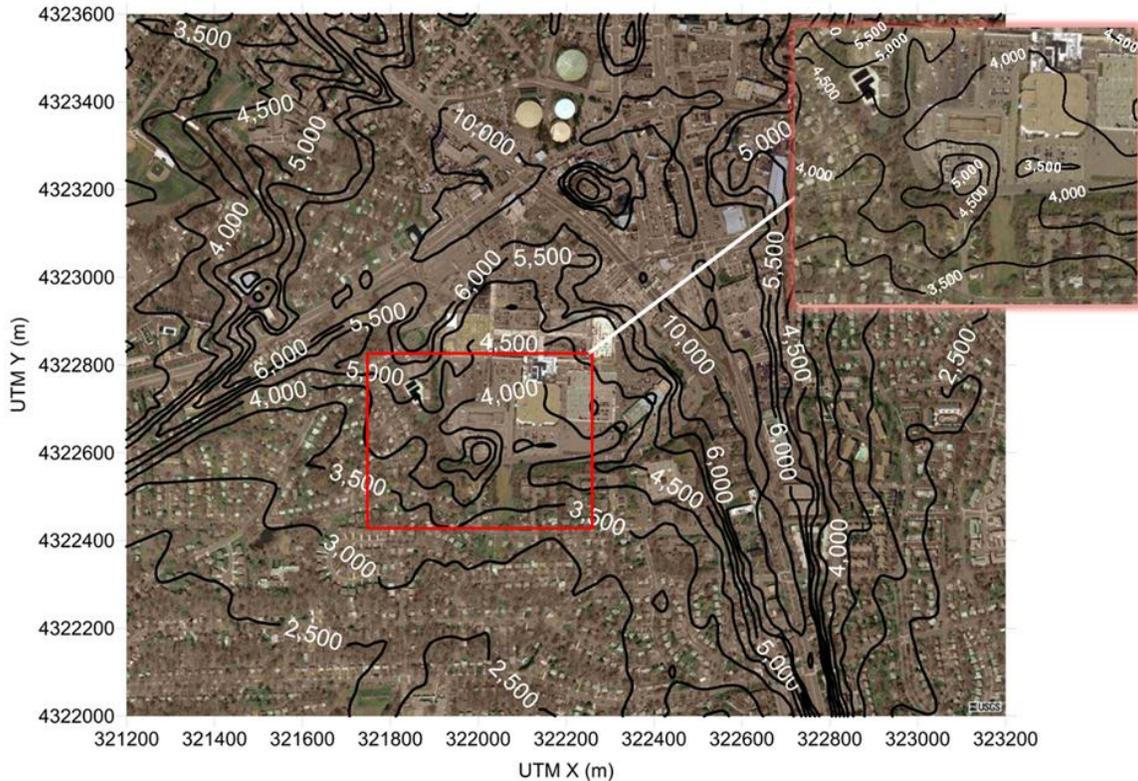


Figure 7: 8-Hour Maximum Predicted CO Concentrations ($\mu\text{g}/\text{m}^3$), all sources

Particulate matter

Particulate matter (PM) is the general term used for a mixture of solid particles and liquid

droplets found in the air. The chemical composition and physical properties of these particles vary widely. While individual particles cannot be seen with the naked eye, collectively they can appear as black soot, dust clouds, or haze. Particles whose aerodynamic diameter is less than or equal to 2.5 micrometers, or PM_{2.5} are known as “fine” particles.

The Applicant modeled predicted maximum 24-hour PM_{2.5} and predicted annual average PM_{2.5} using existing conditions around Wheaton with the additional traffic and queuing associated with the proposed gas station. The background level of 28 µg/m³ PM_{2.5} was taken from a regional air quality monitor in Rockville, Maryland.

Figure 8 shows the results of the modeling.

	Modeled Values (µg/m³)	Maximum 24-hour PM_{2.5} Level (Modeled Value + Background) (µg/m³)
NAAQS maximum		35
Location		
Nearest residential backyard	0.58	28.6
Kenmont Swim and Tennis Club	0.60	28.6
Stephen Knolls School	0.71	28.7

Figure 8: Maximum 24-Hour PM_{2.5}

Figure 9 shows the maximum 24-hour PM_{2.5} concentrations overlaid on the Subject Site and surrounding area. The inset map shows a magnification of the area directly adjacent to the proposed gas station that will have the greatest impacts.

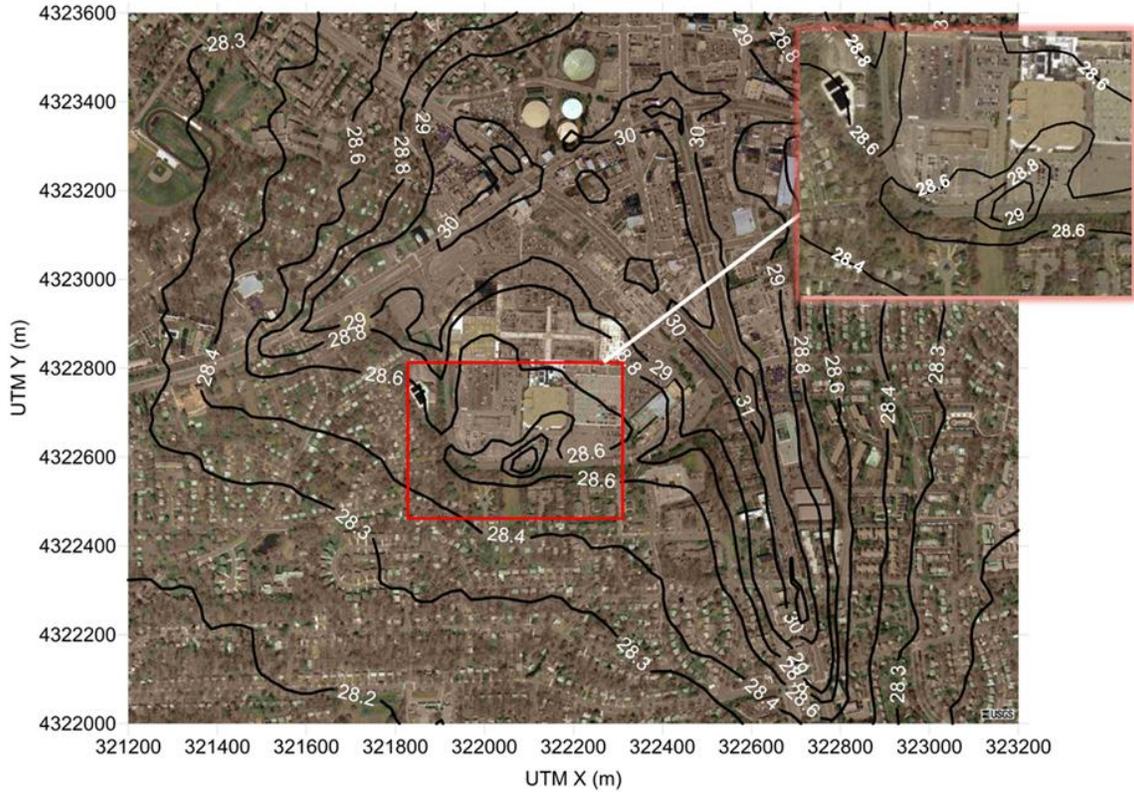


Figure 9: Maximum predicted 24-hour PM_{2.5} concentrations (µg/m³), all sources

For the annual average PM_{2.5} analysis, a background level of 12.1 µg/m³ was taken from a monitoring station in Beltsville, Maryland. Figure 10 shows the results of the Applicant’s analysis of annual average PM_{2.5} levels.

	Modeled Values (µg/m³)	Annual average PM_{2.5} Level (Modeled Value + Background) (µg/m³)
NAAQS		12
Location		
Nearest residential backyard	0.14	12.2
Kenmont Swim and Tennis Club	0.13	12.2
Stephen Knolls School	0.18	12.3

Figure 10: Annual Average PM_{2.5} Values

Figure 11 shows the annual average PM_{2.5} concentrations overlaid on the Subject Site and the surrounding area. The inset map shows a magnification of the area directly adjacent to the proposed gas station that will have the greatest impacts.

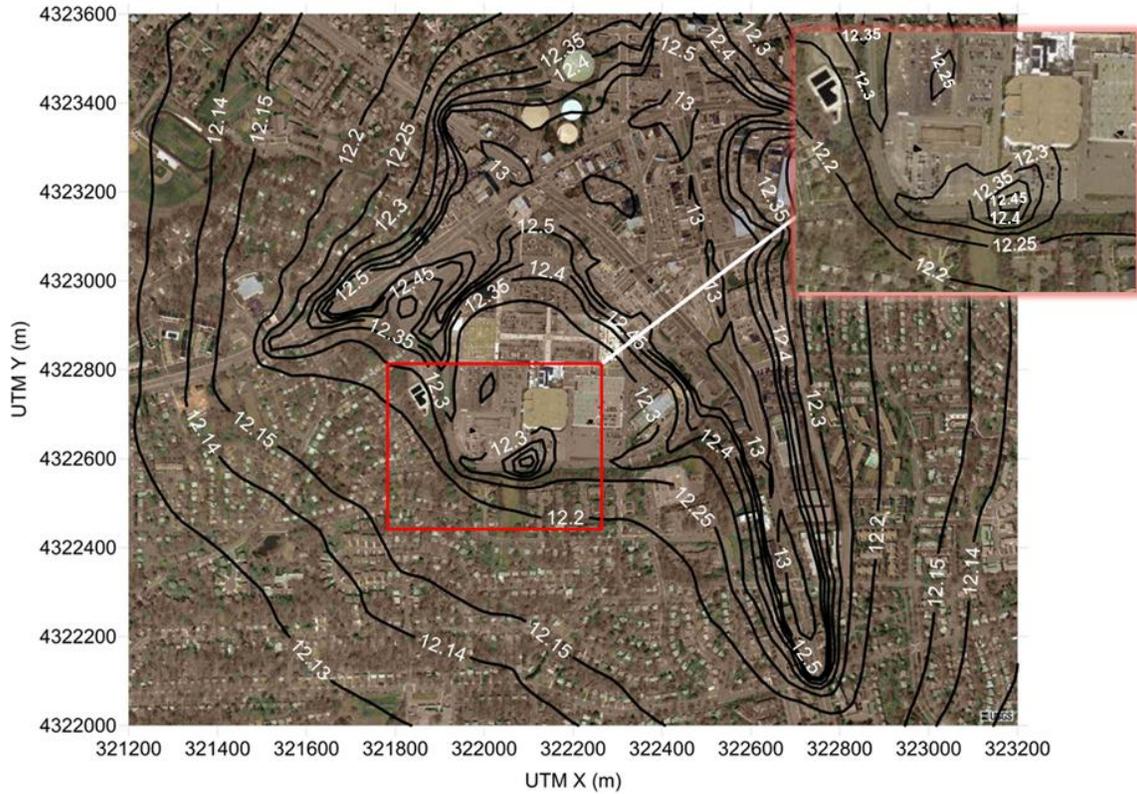


Figure 11: Average PM_{2.5} concentrations (µg/m³), all sources

While the projected annual average PM_{2.5} concentrations at the three target locations are all greater than the current NAAQS, the Applicant has provided explained that “The more typical (less conservative) representation of background PM_{2.5} annual average concentrations is ~ 10.6 µg/m³, as compared to the 12.1 µg/m³ conservative value. More importantly, it should be noted that the maximum contribution from the incremental gas station operations is 0.009 µg/m³, which is 0.08 percent of the standard and an insignificant contribution.”

Nitrogen dioxide

Nitrogen dioxide (NO₂) is a highly reactive gas that forms when fuel is burned at high temperatures, and comes principally from motor vehicle exhaust and stationary sources such as electric utilities and industrial boilers. NO₂ is important in forming ground-level ozone and is a strong oxidizing agent that reacts in the air to form corrosive nitric acid, as well as toxic organic nitrates. NO₂ in the air is a potentially significant contributor to a number of environmental effects such as acid rain and eutrophication (decrease in biomass, algal blooms, etc) in the Chesapeake Bay.

Maximum predicted 1-hour NO₂ and maximum predicted annual NO₂ were modeled using existing conditions around Wheaton with the additional traffic and queuing associated with the proposed gas station. The background level of 28 µg/m³ NO₂ was taken from a regional air quality monitor in Arlington, Virginia.

Figure 12 shows the results of the NO₂ modeling.

	Modeled Values ($\mu\text{g}/\text{m}^3$)	Maximum 1-hour NO_2 Level (Modeled Value + Background) ($\mu\text{g}/\text{m}^3$)
NAAQS maximum		190
Location		
Nearest residential backyard	66	94
Kenmont Swim and Tennis Club	54	82
Stephen Knolls School	63	91

Figure 12: Maximum 1-Hour NO_2 Values

Figure 13 shows the maximum predicted 1-hour NO_2 concentrations overlaid on the Subject Site and the surrounding area. The inset map shows a magnification of the area directly adjacent to the proposed gas station that will have the greatest impacts.



Figure 13: 1-hour Maximum predicted NO_2 Concentrations ($\mu\text{g}/\text{m}^3$), all sources

For the annual average NO_2 analysis, a background level of $6.8 \mu\text{g}/\text{m}^3$ was taken from a monitoring station in Arlington, Virginia. Figure 14 shows the results of the Applicant's analysis of annual average NO_2 levels.

	Modeled Values ($\mu\text{g}/\text{m}^3$)	Annual average NO_2 Level (Modeled Value + Background) ($\mu\text{g}/\text{m}^3$)
NAAQS		100

Location		
Nearest residential backyard	7	13.8
Kenmont Swim and Tennis Club	6	12.8
Stephen Knolls School	8	14.8

Figure 14: Annual Average NO₂ Values

Figure 15 shows the annual average NO₂ concentrations overlaid on the Subject Site and surrounding area. The inset map shows a magnification of the area directly adjacent to the proposed gas station that will have the greatest impacts.



Figure 15: Annual Maximum Predicted NO₂ concentrations (µg/m³), all sources

Stationary Sources

While there are many individual components included in gas station-related emissions, these air toxics are combined into a single category – volatile organic compounds (VOCs). Many compounds in this class are also a byproduct of gasoline combustion, so there are emissions associated with mobile sources as well as stationary sources. The quantity of air toxics emitted from gas stations is based on the volume of gas dispensed, number of fueling stations, frequency of deliveries, and type of vapor recovery systems.

All gasoline stations in the State of Maryland must comply with the Maryland Department of the Environment (MDE) "Air Quality General Permit to Construct for Motor Vehicle Refueling Facilities." These regulations specify air quality devices based on the monthly throughput of

gasoline and location of the gas station. As the estimated maximum yearly throughput of this gas station is 12 million gallons per year and the location is within Montgomery County, this gas station must be equipped with both Stage I and Stage II vapor recovery systems. Stage I systems routes gasoline vapors into the tanker truck without releasing them into the atmosphere. Stage II vapor recovery systems are special nozzles and hoses that capture volatile compounds emitted during the refueling process. Stage II vapor recovery systems reduce the emission of VOCs by approximately 95%. Testing and maintenance of both Stage I and Stage II systems is monitored by MDE on a set schedule.

Volatile organic compounds

Volatile organic compounds (VOCs) are a class of pollutants that includes many hydrocarbons including benzene, toluene, xylene, and 1,3 butadiene. While these compounds are also components of mobile emissions, the gas station will have a much higher contribution to the VOC levels in the neighboring residential area than the emissions from mobile sources. Benzene is a known carcinogen and exposure to this compound should be minimized.

VOC emissions come from several sources associated with gas stations.

- Loading - Loading emissions occur when a cargo tank truck unloads gasoline to the storage tanks at the gasoline station. Storage tank vapors are emitted from the vent pipe during the initial fuel transfer period.
- Breathing - Gasoline vapors are emitted from the storage tank vent pipe due to temperature and pressure changes within the storage tank vapor space.
- Refueling - During the refueling process, gasoline vapors are emitted at the vehicle/nozzle interface.
- Spillage - Spillage emissions occur from spills during vehicle fueling.
- Queuing - Byproducts of combustion by idling vehicles.

The greatest contribution of VOCs comes from the underground storage tanks breathing and loading. Annual average VOC concentrations for all sources and annual average VOC emissions for the gas station alone were modeled using existing conditions around Wheaton with the additional emissions associated with the proposed gas station. Two scenarios were run for the VOC emissions. Scenario 1 does not assume any Onboard Refueling Vapor Recovery (ORVR) systems in place on vehicles. Scenario 2 assumes 100% of vehicles refueling at the station will have ORVR systems in place. Both scenarios are presented in Table 16. The ORVR systems have been mandated in all new passenger vehicles since 2006. Scenario 2 also includes a major reduction in VOC emissions from spillage.

Location	Scenario 1 Annual Average VOC for all sources (µg/m³)	Scenario 2 Annual Average VOC for all sources (µg/m³)
Nearest residential backyard	34.3	26.8
Kenmont Swim and Tennis Club	17.1	14.6
Stephen Knolls School	13.3	12.8

Figure 16: Annual Average VOC (µg/m³) for all sources

Figure 17 shows the annual average VOC concentrations overlaid on the Subject Site and

surrounding area following Scenario 1 and Figure 18 shows the same for Scenario 2.

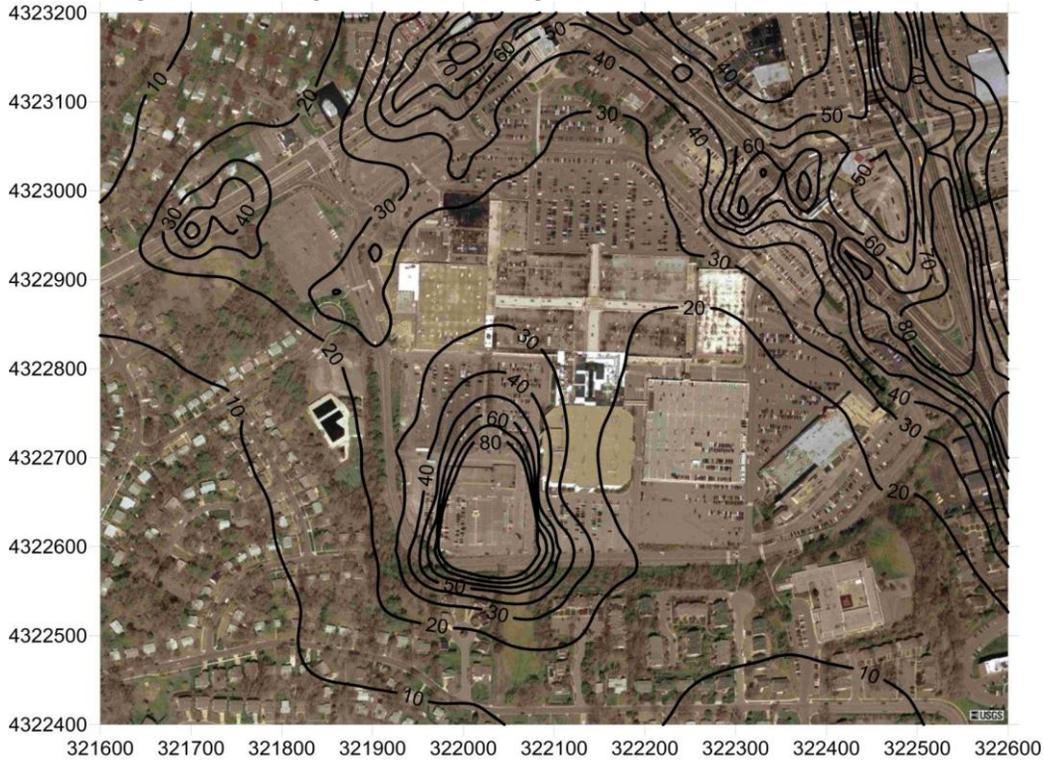


Figure 17: Scenario 1 Annual average VOC concentrations ($\mu\text{g}/\text{m}^3$), all sources

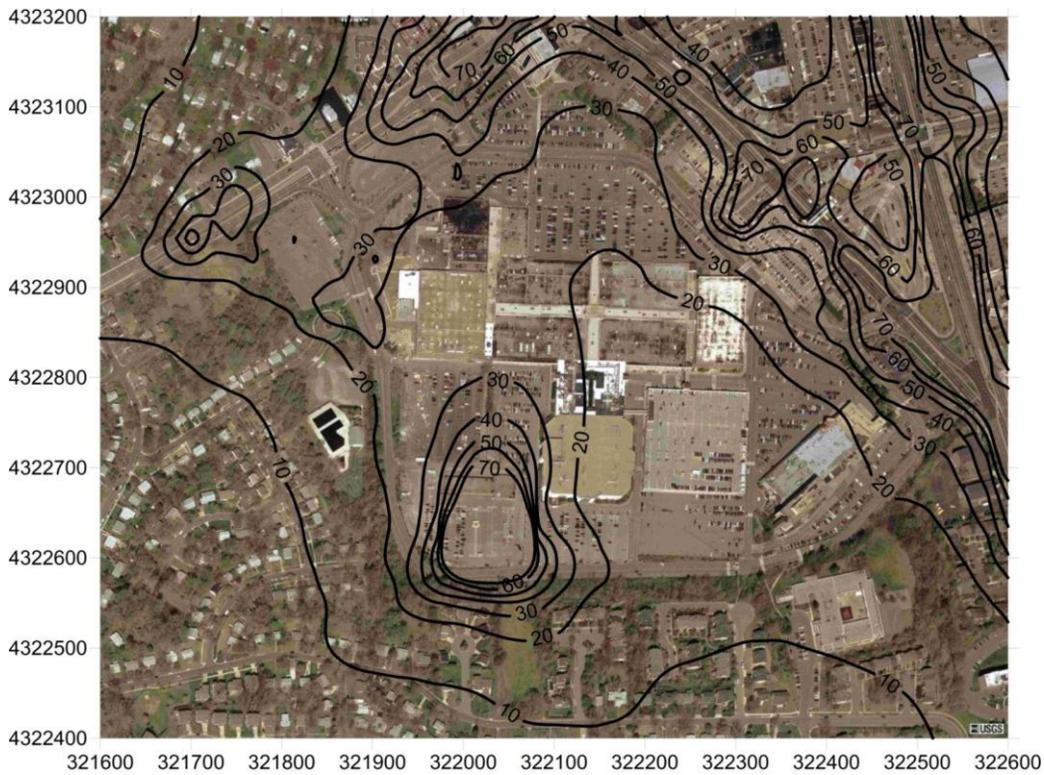


Figure 18: Scenario 2 Annual average VOC concentrations ($\mu\text{g}/\text{m}^3$), all sources

Odor

The Applicant provided two sets of odor data based on an existing Costco gas station in Sterling, Virginia. Winter data and summer data were taken using field equipment and summer air bag samples were analyzed in a laboratory for qualitative characterization of odor.

The winter data set was taken using a field olfactometer on December 8 and December 9, 2010 at various times of day to provide a winter *in situ* analysis of odors of the Sterling station. Samples were analyzed in a linear fashion downwind of the existing gas station. Seven different transects were run, with samples taken at 318 feet, 225 feet, 150 feet, and 75 feet from the gas pumps. Exhibit 19 shows the results with no dilutions. Odors are rated from no odor to strong odor.

Distance	Transect 1	Transect 2	Transect 3	Transect 4	Transect 5	Transect 6	Transect 7
75 feet	Not tested	Medium	Faint	Moderate	Moderate/Strong	Moderate	Moderate
150 feet	Strong	Medium	Faint	Mild	Mild	Faint	Faint
225 feet	Mild	Faint	Faint	Mild	Medium	Faint	Faint
318 feet	Slight	Very faint	No odor	Mild	Slight	Faint	Faint

Figure 19: Odor Samples by Distance from Gas Pumps

The summer data set was taken using a field olfactometer on August 22 and August 24, 2011 at various time of day to provide a summer *in situ* analysis of odors of the Sterling station. Nine sets of data were taken at various distances and directions. When consistent wind direction was identified, the readings were taken downwind. When the wind direction was inconsistent, readings were taken from around the station to account for the variability. Of the nine sets of data, six readings indicated faint or very faint odors and three readings indicate no odor. Staff estimates that the positive odor readings were taken at distances ranging from 50 feet to 150 feet from the gas pumps.

The characteristics of the odor at the Sterling station were qualitatively analyzed using a standard protocol with ambient samples evacuated into Tedlar™ bags on August 22 and 24, 2011. This type of analysis is more of a perceptual study and uses a scale that indicates the intensity and general character of the odor. Eight samples were taken at six different locations, within 300 feet downwind of the proposed gas station. All eight samples showed fairly slight inoffensive odors. A scale of -10 to 10 is used to characterize odors, with 0 being a neutral odor. The samples ranged from -0.2 to -1.2, with an average of -0.7.

This data needs to be analyzed in conjunction with the prevailing wind pattern for the Subject Site. The following wind rose shows the 5-year wind data, using 36 compass points, for Reagan National Airport (DCA) (Figure 20). The data shows the frequency and speed of winds, by the wind origin direction. For purposes of this analysis, wind speed is not important – wind direction and frequency are the important data from the chart. For example, the wind rose

shows that less than 3% of the winds are from due north.

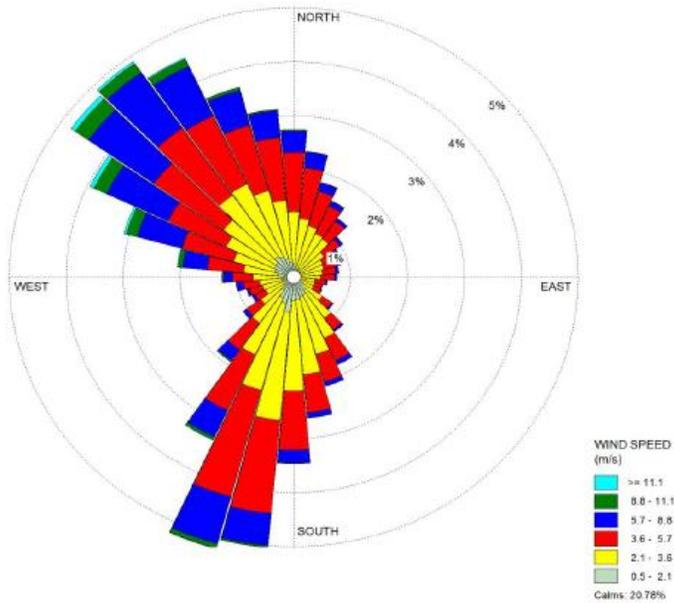


Figure 20: 5-Year Wind Rose for Reagan National Airport

The Applicant has concluded the following based on the above data:

1. "Odors were found to be generally light beyond 25 m from the pumping area.
2. Odors (light) were detected out to 100 m downwind of the gasoline station six out of nine times at zero dilution; three of nine sample sets showed no detectable odors.
3. Odors (light) would be detectable at the nearest residences in Wheaton only during times when the wind direction aligns the residence with the gas station which will occur on a 2-2.5 percent basis from the wind direction frequency analysis.
4. It is expected that odors could occur at less than 2 percent of the time in the outdoor environment at a distance of 100 m (the distance to the closest residence at the proposed Wheaton facility) based on this cold weather study. "

Noise

As part of the Special Exception process, the Applicant must meet the requirements of 59-G-1.21(a)(5) which states that the project *Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.*

Chapter 31B of the County Code contains the Montgomery County Noise Control Ordinance, which specifies maximum allowable noise levels. However, Chapter 31B does not apply to noise generated by transportation sources. As the noise associated with the proposed gasoline station is created by automobile traffic, Chapter 31B does not apply to this Special Exception.

In order to evaluate this application for objectionable noise generation, staff relied on the “Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development” (Transportation Noise Guidelines). While the Transportation Noise Guidelines are generally used to evaluate development proposals near existing transportation sources, staff felt like these were the best tools to use for this evaluation. As Wheaton is in the urban ring of the County, 65dBA L_{dn} is the guideline value for exterior noise levels.

The Applicant has provided a noise analysis that uses the Federal Highway Administration (FHWA) Traffic Noise Model (TNM), showing the projected noise levels at the nearby properties, including back yards. This analysis includes traffic noise generated by both the queued traffic at the gas station and the traffic in the parking lot and ring road. This modeling accounted for terrain, and initially included a proposed acoustical wall. The TNM shows a noise level of 54.4 dBA at the nearest residential backyard, which is well under the exterior noise level guideline value of 65dBA.



Figure 21: Predicted Noise Levels Generated by the Gas Station (includes existing background)

Cancer Risk Analysis

The Applicant has provided a cancer risk analysis for the four carcinogenic compounds associated with gasoline stations. These compounds are benzene, 1,3-butadiene, formaldehyde, and acetaldehyde. The data used for the cancer risk analysis presented below is the incremental increase in exposure to VOCs as modeled using Scenario I and rural air dispersal conditions. While both the Scenario 1 cancer risks and the Scenario 1 70-year cancer risks, are both lifetime cancer risks, the Scenario 1 70-year cancer risk numbers assume changes in emissions based on projected fleet mixes.

Location	Scenario 1 Cancer Risks (per Million)	Scenario 1 70-Year Cancer Risks (per Million)
Nearest residential backyard	1.8	1.7
Kenmont Swim and Tennis Club	0.6	0.6
Stephen Knolls School	0.2	0.2

Figure 22: Applicant's Cancer Risk

Applicant Conclusions

The Applicant maintains that the modeling provided is conservative and overstates both emissions and risks. Based on the site-specific modeling, the Applicant has concluded that:

- Emissions associated with the proposed automobile filling station will meet all of the National Ambient Air Quality Standards (NAAQS), as set by the EPA.
- The noise generated by the proposed automobile filling station will be under applicable levels of concern.
- The probability of detectable odors is low.
- Cancer risks are lower than conservative action levels.

Staff Analysis and Conclusions

Methodology

For mobile air toxics, the Applicant used the below additive model to estimate the emissions of each pollutant and then compare this number to the NAAQS established by the EPA. This methodology relies on each component's contribution being accurately modeled; however, no air quality measurements were taken on the Subject Site or in the Wheaton area. Therefore, the existing base levels of mobile air toxics are not known. **While roadway emissions were modeled, these numbers do not reflect all sources of existing roadway emissions and existing air quality – only the roadways used for the traffic analyses.** This masks the existing elevated nature of the air toxics in the Wheaton area.

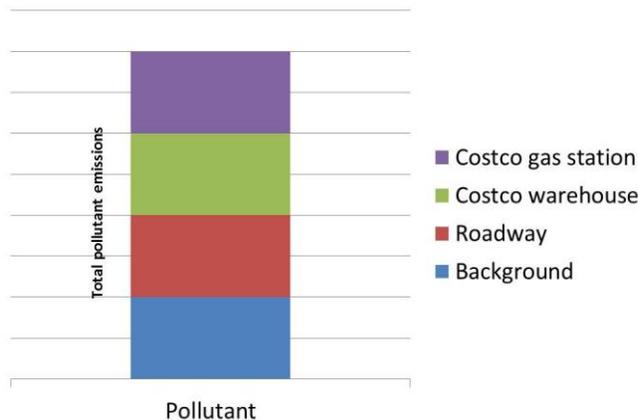


Figure 23: Pollutant Contribution (hypothetical)

The Applicant also assumed the following queue lengths as part of all air quality analyses:

- 1-hour – 40 vehicles
- 8-hour – 20 vehicles
- 24-hour – 10 vehicles
- Annual – 10 vehicles (during operational hours)

Staff compared these numbers to the queuing data from the Sterling station to determine whether these are valid assumptions. While the Sterling station pumps 13.9 mgpy, the proposed gas station has an estimated maximum throughput of 12 mgpy. The numbers from the Sterling station were adjusted to correct for the differences in volume of gas sold. . This is a 14% difference in pumping volume, so therefore, staff applied a 14% discount to the vehicle queuing. Figure 24 summarizes the results from an analysis of a full day of queuing counts from the Sterling station, taken on a Saturday.

Length of time	Sterling queue	Volume-adjusted queue	Modeled queue	% Variance from volume-adjusted queue
1-hour	45	38.7	40	+3.4%
8-hour	37.05	31.63	20	-36.8%
24-hour	12.9	11.09	10	-9.8%
Annual	20.65	17.76	10	-43.7%

Figure 24: Queue Assumption

While the modeled queue for the 1-hour analyses is slightly higher than the volume-adjusted queue, all other modeled queues underrepresent the projected queues based on the Sterling station. **This means that all emissions analyses based on time frames longer than 1-hour are underreported.** The degree of understatement varies by pollutant and time frame.

There are three primary reasons that staff believes that the Applicant’s air toxics study is flawed and produces unreliable results.

1. The Applicant has not used air quality measurements taken at the Subject Site.
2. The Applicant has modeled only a small part of the transportation network that contributes to the air quality.
3. The Applicant has understated the queues used for the air quality analyses.

CO Emissions

The maximum 1-hour CO emissions from the proposed gas stations create a CO hotspot, similar to those created at street intersections. However, unlike the “hotspots” created at area intersections, this is not a linear feature with levels dropping quickly as you move away from the road. Instead, this hotspot truly is a spot – circular in nature, reflecting the nature of an area of idling cars. The levels of CO concentration do not dissipate with distance in the same way as they do from an intersection. The distance between concentration contours is much greater in this case, indicating a lesser drop-off in emissions with distance from the source.

CO concentrations at Stephen Knolls School and Kenmont Swim and Tennis are primarily affected by emissions from adjacent roads. However, the nearest residences will be directly impacted by the location of the proposed gas station, as shown in Figure 25. As the aerial

photograph is obscured, due to scale and overlaid information, Figure 26 shows a more legible aerial photograph of the same area. The red outline is the Subject Site and the yellow stars are placed in the same location for reference.



Figure 25 Localized 1-hour CO concentrations



Figure 26 Adjacent properties with the greatest impacts

The Applicant's report understates the impact on the nearest residences as 15,297 $\mu\text{g}/\text{m}^3$. However, Figure 25 shows that the 1-hour maximum CO emissions in the backyards of the nearest residences are at least 17,500 $\mu\text{g}/\text{m}^3$.

The Applicant's report also understates the 8-hour CO emissions impact on the nearest residences as 3,943 $\mu\text{g}/\text{m}^3$. Figure 27 shows that the CO emissions in the backyards of the nearest residences are at least 4,500 $\mu\text{g}/\text{m}^3$. The 8-hour CO emissions are also underestimated due to the queuing assumptions used in the analysis.



Figure 27 Localized 8-hour CO concentrations

PM_{2.5} Emissions

The proposed gas station contributes minimally to the levels of PM_{2.5} in the surrounding area. The background levels of PM_{2.5} are already substantially higher than the levels that will be emitted from the gas station. For example, the background level of 24-hour PM_{2.5} is 28 $\mu\text{g}/\text{m}^3$. Measured at the nearest residence, the proposed gas station is modeled to contribute less than 0.20 $\mu\text{g}/\text{m}^3$ additional PM_{2.5}. While the annual PM_{2.5} analysis understates the results due to the queuing assumptions, the incremental contribution of the proposed gas station is still less than

0.03% of the annual $PM_{2.5}$ at the nearest residences. As one of the main sources of $PM_{2.5}$ emissions is diesel combustion from cars and trucks, the gasoline station's overall contribution is minimal because there will be no diesel fuel dispensed.

NO₂ Emissions

While the proposed gas station creates a hot spot in NO₂ emissions, the incremental addition dissipates across a small area. NO₂ levels at the Kenmont Swim and Tennis Club are influenced by traffic on University Boulevard to a much greater degree than they will be the proposed gas station. NO₂ levels at Stephen Knolls School are primarily influenced by traffic along Georgia Avenue and to a limited extent by the traffic on the Mall site. However, the nearest residences will be directly impacted by the location of the proposed Costco gasoline station, as shown in Figure 28. As the aerial photograph is obscured in Figure 28, due to scale and overlaid information, Figure 29 shows a more legible aerial photograph of the same area. The red outline is the Subject Site and the yellow stars are placed in the same location for reference.



Figure 28 Localized 1-hour NO₂ concentrations



Figure 29 Adjacent properties with the greatest impacts

The Applicant's report understates the impact to the nearest residence as $94 \mu\text{g}/\text{m}^3$. However, Figure 28 shows that the 1-hour NO₂ emissions in the backyards of the nearest residences are at least $100 \mu\text{g}/\text{m}^3$ and may be closer to $120 \mu\text{g}/\text{m}^3$ on the residential units approved as part of Preliminary Plan #120110170 on the "Mt. McComas" site (Kensington Heights).

Additionally, the Applicant's report understates the impacts of the annual average NO₂ emissions due to the queuing assumptions. However, the gas station queue contributes less than 5% of the annual average NO₂ impacts at the closest residences.

VOC Emissions

The VOC emissions from the proposed gas station create a major VOC hotspot, comparable to the one generated by the bus transfer area on Veirs Mill Road (Figure 30). Residential levels of VOCs can be primarily attributed to the proposed gas station while the levels shown at Kenmont Swim and Tennis Club are a combination of emissions from traffic and emissions from the proposed gas station. The level of VOCs shown on Stephen Knolls School can be primarily attributed to emissions from Georgia Avenue.



However, the nearest residences will be directly impacted by the location of the proposed gas station, as shown in Figure 31. As the aerial photograph is obscured, due to scale and overlaid information, Figure 32 shows a more legible aerial photograph of the same area. The red outline is the Subject Site and the yellow stars are placed in the same location for reference.



Figure 31 Localized annual average VOC concentrations



Figure 32 Adjacent properties with the greatest impacts

The Applicant’s report understates the impact to the nearest residence under Scenario 1 as $34.3 \mu\text{g}/\text{m}^3$. However, Figure 31 shows that the VOC emissions in the backyards of the nearest residences are at least $45 \mu\text{g}/\text{m}^3$ and may be closer to $50 \mu\text{g}/\text{m}^3$ on the residential units approved as part of Preliminary Plan #120110170 on the “Mt. McComas” site. The annual VOC emissions are also underreported due to the queuing assumptions. However, emissions from

queuing vehicles contributes less than 3% of the annual VOC emissions at the nearest residence. The level of VOC emissions is directly tied to the cancer risks associated with the gas station.

Odor Analysis

The Applicant has concluded that a light odor may be detectable at the nearest residential property approximately 2-2.5% of the time. Staff disagrees with the assumptions about hours of odor emission, wind direction, and distance used to formulate this conclusion.

First, staff disagrees with the use of the hours of operation to solely determine a percentage of time that odor will be detectable. As the underground storage tanks emit VOCs 24 hours a day, restricting the emissions to the hours of operation is an oversimplification.

Second, staff disagrees with the percentage of time wind direction is shown to line up with adjacent residences. The Applicant has treated the odor source as a point source, centering the wind rose over the subject site, as shown in Figure 33. The only wind directions that were considered for potential impacts were from the NNE and NNW. Staff believes that the odor source should be treated as an area source. This means that the wind rose should be moved laterally to simulate wind flowing across the area, instead of a discrete point. Wind frequencies from the NW, NNW, N, NNE, and NE should be considered to impact adjacent residential properties.

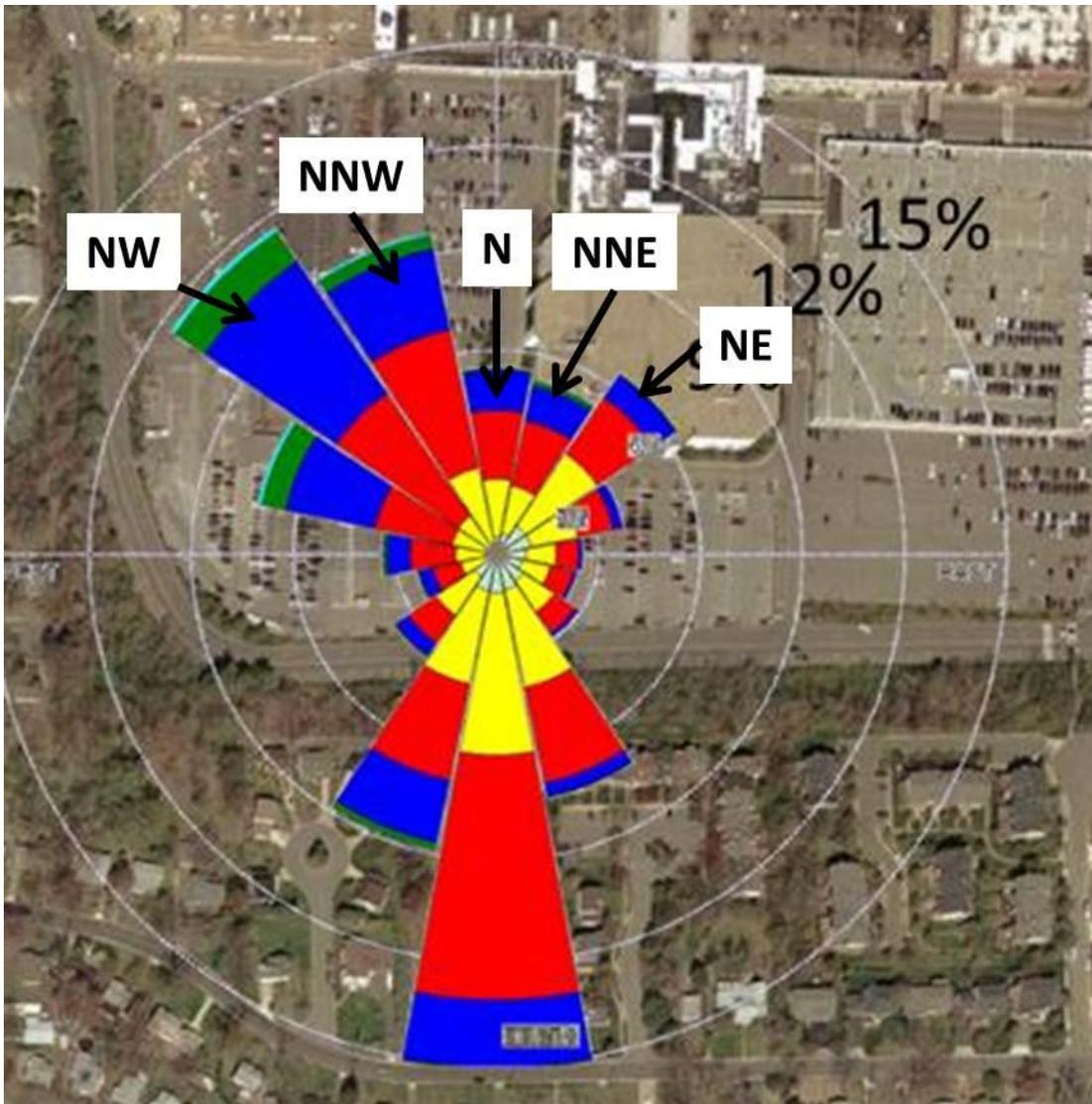


Figure 33 Wind rose representing annualized wind frequency and speed

Third, staff disagrees with the estimated distance from the odor emitters to the closest residences. The Applicant has used 300 feet as a representative distance. Staff has consistently measured distances from the Subject Site boundaries; however the Applicant's odor data is based on distance from pumps. Even when this difference is accounted for, the closest residential property line is located approximately 260 feet from the pumps.

While staff disagrees with the assumptions made in the odor analysis and the accompanying conclusions, the data used from the Sterling site probably over represents the odor possibilities due to the differences in topography and vegetation. All samples taken from the Sterling site were taken over the asphalt parking lot, with no vegetation break or change in elevation. Additionally, the comparative odor panels indicated that the odors will be near neutral. Therefore staff accepts the conclusions from the odor analysis despite the disagreement regarding assumptions

Noise Analysis

The proposed gas station will minimally contribute to the ambient noise of the surrounding area. While there will be additional traffic associated with the gasoline station, the traffic will not increase the noise levels significantly due to traffic speeds on the ring road limited to 30 mph. The background level of noise is 53 dBA and the maximum modeled noise level is 55.4 dBA. Generally, the human ear cannot detect noise differentials less than 3 dBA.

Cancer Risks

The Applicant has provided an estimation cancer risk analysis based on incremental additional exposure to carcinogenic VOCs. However, staff does not agree with the Applicant's assertion about residential exposure rates to VOCs due to understatement of exposure, as explained above. Additionally, staff has no supporting information on the methodology for calculation of cancer risk, so there is no way to adequately analyze the information. The risk assessment is not broken out by compound or by length of exposure. It is also unclear what assumptions have been made in this analysis.

Staff Conclusions

As previously stated, Montgomery County has no procedures or standards to evaluate project-specific air quality emissions. Air quality is generally a regional issue and addressed by the Metropolitan Washington Council of Governments. However, this project could have local impacts and warrants additional attention for the following reasons. The proposed gas station:

- Is designed for a 12 million gallon per year maximum capacity
- Will generate substantial air quality impacts due to queuing and increased traffic
- Is located within 120 feet of adjacent residences.

Wheaton is currently a hotspot of air toxics due to the confluence of major transportation corridors. As the distance from the center of Wheaton increases, the ambient levels of air toxics decrease, with linear bands of higher concentrations adjacent to emission sources. Generally, these bands are associated with specific roadway corridors and intersections. Figure 34 and Figure 35 are graphic simplifications of existing and proposed air quality conditions.

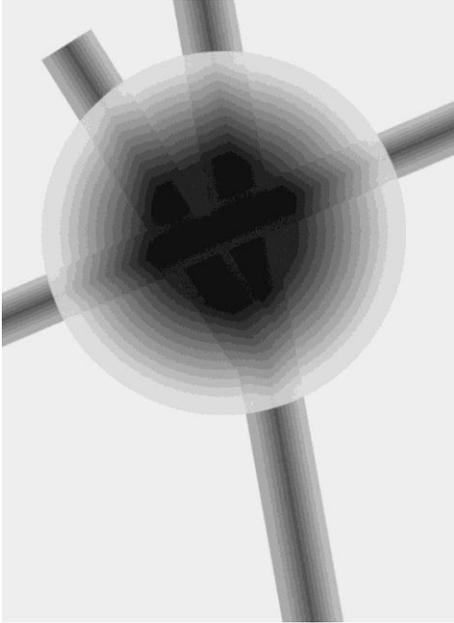


Figure 34 Simplification of existing air quality conditions

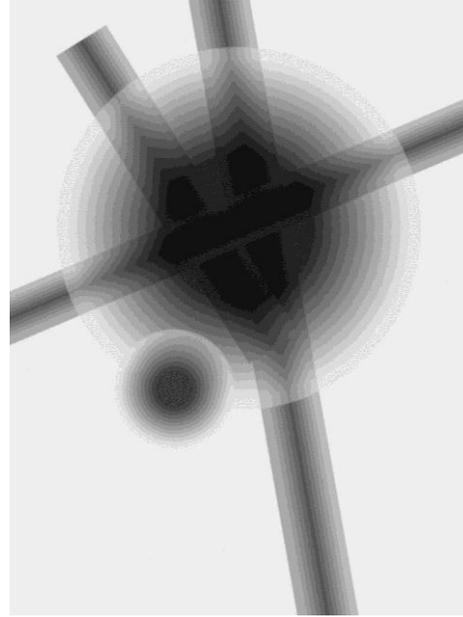


Figure 35 Simplification of proposed air quality conditions

Staff does not believe that this application meets the specific finding under 59-G-2.06(a)(1) which states: *The use will not constitute a nuisance because of noise, fumes, odors or physical activity in the location proposed.* The proposed Costco automobile station will have localized impacts to air quality, with elevated CO, VOC, and NO₂ emissions. While the Applicant has provided analyses indicating that all modeled emissions will be under applicable NAAQS levels, none of the data provided was site specific and staff cannot agree with the quantitative conclusions. The Applicant's modeled data does not reflect actual conditions in the Wheaton area in general or the Subject Site in specific because it only includes some of the transportation network. However, staff can conclude from the analysis that substantial new air quality impacts are being introduced to adjacent residences and the effects of the Wheaton air quality hotspot will be extended into the adjacent residential community.

The finding under 59-G-1.21(a)(8) requires that the proposed use *Will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.* Staff cannot make this finding for two reasons. First, the Applicant has understated the exposure to VOCs that the cancer risk analysis was based on. Second, staff has no means with which to evaluate these claims. The Applicant has not provided equations or data to substantiate their assessment and claims about cancer risk

ATTACHMENT 9



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

December 11, 2012

Mr. Matthew Jones P.E.
Bohler Engineering
16701 Melford Boulevard, Suite 310
Bowie, MD 20715

Re: Stormwater Management **CONCEPT** Request
for Costco Fuel Station - Wheaton
Preliminary Plan #: not available
SM File #: 241647
Tract Size/Zone: 75 acres/C-2
Total Concept Area: 0.66 acres
Lots/Block: na
Parcel(s): 10
Watershed: Sligo Creek

Dear Mr. Bohler:

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 proposes to meet required stormwater management goals via micro – biofilters, an existing underground water quality structure (including storage and additional pretreatment) and with CPV provided in Wheaton Branch regional Pond.

The following items will need to be addressed **during** 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.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
6. All proposed Storm water structures must have Storm Water Management easements and covenants.

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

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY
www.montgomerycountymd.gov

montgomerycountymd.gov/311



240-773-3556 TTY

ATTACHMENT 21

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 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 William Campbell at 240-777-6345.

Sincerely,



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

RRB: tla 12/11/12

cc: C. Conlon
SM File # 241647

ESD Acres:	.41
STRUCTURAL Acres:	.25
WAIVED Acres:	0

ATTACHMENT 10



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

MEMORANDUM

DATE: January 17, 2013

TO: Renee Kamen, AICP, Area 2

VIA: Richard DeBose, Chief 
Center for Research & Information Systems (CRIS)

FROM: Steve Cary 
Lisa Madigan Tate 

RE: Special Exception S-2863
Evaluation of need analysis for a gas station at the Westfield Wheaton Mall

FINDING: Applicant shows a need for the proposed gas station at Westfield Wheaton Mall

BACKGROUND

Costco proposes to construct a gas station adjacent to the Costco Warehouse currently under construction on the south side of Westfield Wheaton Mall in Wheaton, Maryland. The applicant submitted an analysis of need for the proposed station, as required by Montgomery County Zoning Ordinance §59-G-1.24, Neighborhood Need:

In addition to the findings and requirements of Article 59-G, the following special exceptions may only be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that a need exists for the proposed use to serve the population in the general neighborhood, considering the present availability of identical or similar uses to that neighborhood.

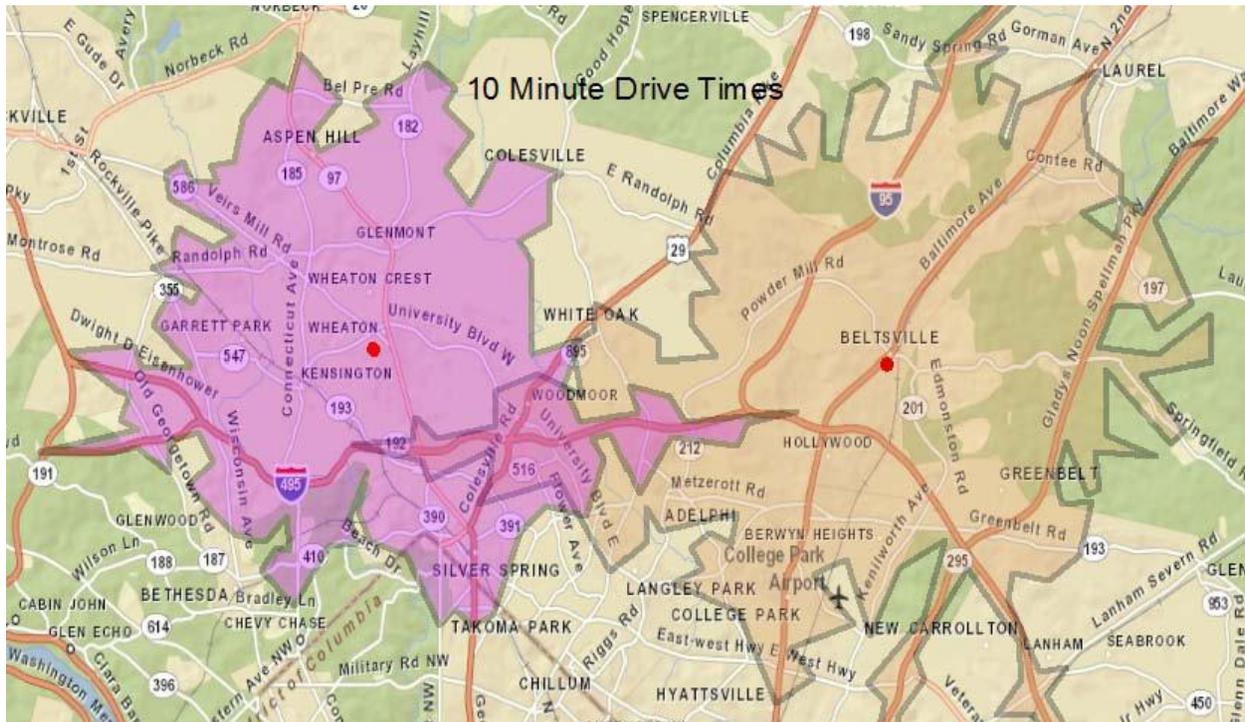
The applicant's analysis¹ states that there is current and increasing need for the additional gasoline sales that it proposes to offer at relatively low prices, and that the proposed use addresses a need for convenient and useful service that is currently not available in the area.

¹ Need Study: Costco Gas Station, Wheaton, Maryland. Thomas Point Associates, Inc., October 2012.

STAFF ANALYSIS OF NEED

For determining a neighborhood need under §59-G-1.24, staff has typically defined the general neighborhood to include areas within drive times of 4 to 10 minutes. The definition of a neighborhood for purposes of analyzing adverse impacts on the surrounding area is different from the definition of “the general neighborhood” for need analysis purposes. Also, drive times often extend beyond the neighborhood defined by staff to determine the effects on the General Conditions (§59-G-1.21).

The consultant’s need study was based on retail market area data from Claritas² using 5-, 7-, and 10-minute drive times mapped by Claritas. For this need analysis, staff determined that a 10-minute drive time is an appropriate neighborhood definition. As shown in the map below, this boundary is generally half of the drive time distance between the existing Beltsville Costco gas station and the proposed station in Wheaton. Staff believes a 10-minute drive time is a conservative market area definition for a Costco gas station. The applicant reports that they expect to draw customers from within a 15-minute drive time of the Wheaton site.



² Claritas, which is part of the Nielson Company, tracks consumer spending and sales at retail stores such as restaurants and gasoline stations. It is a widely-accepted source of detailed retail market information and modeling, and its retail gap data has been a key component of previous needs analyses for gas station special exceptions in Montgomery County. The Planning Department also uses Claritas data for its retail gap analyses.

Staff has determined that the proposed gas station is not a typical gas station in that only Costco members will be able to purchase gas at this location. Therefore, staff believes that the need analysis in this case should be based primarily on the need of Costco members in the defined general neighborhood who will be the likely patrons of the proposed station if it is built at this location. Based on this approach, staff has made the following determination:

A membership-only gasoline station is a unique use that is not available in the general neighborhood. Costco membership is required in order to purchase fuel at the proposed gas station, which means that this station will cater to a specific customer base within the defined neighborhood. Costco claims that their prices are typically lower than all other brands in the study area, although there may be days when other competitive brands may be in the same price range. Staff has accepted Costco's argument that their membership is more likely to purchase gas at their station than other competitive gas stations.

Costco fuel is not available within the defined general neighborhood. The closest Costco station is about a 20-minute drive to Beltsville, requiring Costco members living in Wheaton to travel outside their neighborhood to purchase Costco fuel. Other Costco stations with longer drive times are located in Elk Ridge and Frederick, Maryland.

There is an existing base of Costco customers in the defined neighborhood. The applicant states that 23 percent of households and 92 percent of businesses in the 7-minute drive time currently are Costco members. According to Claritas data, there are nearly 92,500 households in the 10-minute study area in 2012, which translates to an estimated 21,280 households (23 percent) that currently are Costco members. Staff believes it is reasonable to expect household membership to increase once the warehouse store is completed. The applicant has stated that based on their past experience with their stores in other locations, the Wheaton store will increase the area's Costco household membership to 27 percent within a few years. In addition, staff determined there are approximately 7,900 businesses in the area that are Costco members and are likely to buy gas at this location instead of going to Beltsville.

The proposed membership-only gas station would occupy a unique market niche in the study area, and would eliminate the need for Costco members to travel outside the general neighborhood to access a Costco gas station.

While staff believes that the need for the proposed gas station is driven by Costco membership (both households and businesses) within the defined neighborhood, staff has also reviewed the applicant's retail gap analysis, which typically estimates the difference between supply and demand for gasoline purchases within a defined geographic area. Supply estimates are based on sales by existing gasoline stations in the study area. Demand estimates are based on the amount that households located in the study area spend at gas stations each year, regardless of where those stations are located. A retail gap is calculated by subtracting total gasoline sales (supply) from total spending (demand). This represents the dollar amount that households in the study area spent on gasoline purchases (within or outside the study area), minus total sales by gasoline stations located in the study area. In other words, this unmet demand reflects the

extent to which households in the study area are buying gasoline elsewhere. A positive retail gap, i.e., an excess of area household spending on gasoline over sales by area gas stations, has been accepted as an indicator of neighborhood need in prior gas station special exception cases.

At the 10-minute drive time, there is a retail gap of \$215.4 million. The consultant estimated that gasoline sales typically account for about two-thirds (65.4 percent) of consumer purchases at gas stations, which reduced the estimated gap to \$140.9 million at the 10-minute drive time (see table below). Planning Department staff validated the consultant’s data using 2012 Claritas data for the same study area. Our data and analysis confirm the positive retail gap at all three drive times, indicating that there is an unmet demand for all customers for gasoline purchases in the study area.

Staff has used this analysis to determine that the positive need from all customers further confirms the need for Costco membership and that they are more likely to use this gas station instead of driving to Beltsville.

Retail Gas Station Spending and Sales, 2012

5-minute, 7-minute and 10-minute drive times from proposed Costco gas station located at 11160 Veirs Mill Road, Wheaton, MD

Source: Need Study: Costco Gas Station, Wheaton, Maryland. Thomas Point Associates, Inc., October 2012; Planning Department staff analysis of Claritas SiteReports data.

	Costco Needs Analysis			Planning Department Analysis/ ¹		
	2012			2012		
	drive time from proposed Costco station			drive time from proposed Costco station		
	5 minute	7 minute	10 minute	5 minute	7 minute	10 minute
Gasoline demand	\$63,959,039	\$140,382,073	\$350,432,152	\$63,959,039	\$140,382,073	\$350,432,152
Gasoline supply	\$26,502,522	\$69,266,790	\$135,051,146	\$26,502,522	\$69,266,790	\$135,051,146
Retail gap (unmet need)	\$37,456,517	\$71,115,283	\$215,381,006	\$37,456,517	\$71,115,283	\$215,381,006
Gas-only share of retail gap (65.4%)²	\$24,496,562	\$46,509,395	\$140,859,178	\$24,496,562	\$46,509,395	\$140,859,178

¹ Data independently extracted by staff from Claritas SiteReports (www.claritas.com/sitereports/default.jsp) on January 10, 2013.

² Estimated gasoline-only share of total gas station sales and purchases.

CONCLUSION

Based on the analysis included here and the applicant’s submitted report, “Need Study: Costco Gas Station, Wheaton, Maryland, October 2012,” staff concludes that there is a need for the proposed Costco gas station at the Westfield Wheaton Mall.



LEGEND (300-foot Buffer)

-  S-2863
-  Veteran's Park
-  Reedie Public Green
-  Archstone-Wheaton Pool
-  Stephen Knolls School
-  Kenmont Swim Club
-  Property Line

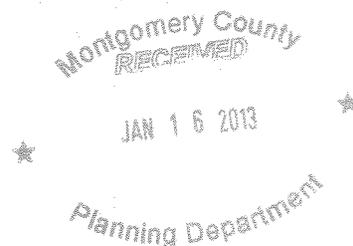
ATTACHMENT 12

Charles Rich
902 North Belgrade Road
Silver Spring, Maryland 20902-3248
301-649-5761
chuckrich.mail@verizon.net

January 10, 2013

Ms. Francoise Carrier
Chair, Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Mr. Martin Grossman, Director
Montgomery County Office of Zoning and Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, Maryland 20850



RE: Special Exception Application # S-2863

Dear Ms. Carrier and Mr. Grossman:

I am a strong supporter of the proposed Wheaton Costco gas station. I am writing to ask that you support Costco's application for a special exception.

My family moved to the Wheaton area in 1958, when I was six years old, and I've been using a wheelchair since 1964. I'm a part-time broadcaster and substitute teacher, and I'm unable to find affordable gasoline close to home. That's because the low-priced "gas and go" stations are also low-staffed. It's not practical or safe for me to get my wheelchair out of my van and pump my own gas there. In order to get lower-priced gasoline and someone to pump it for me, I currently have to leave the county and drive to the Costco in Beltsville (or the Costco stations in Lanham, Columbia or Arundel Mills). (That long drive can't be good for the environment.)

A Costco Wheaton gas station will be a significant benefit to the community, as it directly and positively affects my ability, and the ability of others, to get to a gas station that's large enough for us to afford and use.

I don't think I'd support a new gas station in Wheaton if it were replacing a park or a library, but the proposed site for the Costco station is in the parking lot of a busy regional shopping mall that's been around for more than 50 years at a major intersection.

Please support Special Exception Application #S-2863.

Thank you for your time and consideration.

Sincerely,

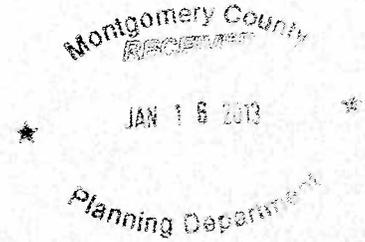
A handwritten signature in cursive that reads "Charles Rich".

cc: Ms. Renee Kamen



LUIS GROUP

Boris M. Lander
Chief Operating Officer | Luis Group
13810 Connecticut Avenue
Silver Spring, MD 20906
boris.lander@luisgroup.net



January 15, 2013

Ms. Francoise Carrier
Chair, Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Mr. Martin Grossman, Director
Montgomery County Office of Zoning and
Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, Maryland 20850

RE: Special Exception Application # S-2863

Dear Ms. Carrier and Mr. Grossman:

I am writing to you in my role as Chief Operating Officer at Luis Group. We are a Montgomery County small business that owns and operates a number of Dunkin' Donuts, including the store located on Georgia Avenue in Wheaton, less than one mile from the proposed Costco gas station.

Because we are members of the Wheaton business community, we have great interest in any efforts to increase the area's vitality and economy, while maintaining its safety and character. That is why I am writing to request that you support Costco's Special Exception Application to build a new gas station adjacent to their new store.

The proposed gas station is compatible with our area. Given the fact that the station will be located within the confines of Westfield Wheaton, its impact on the residential neighborhood will go virtually unnoticed. I understand that Costco has conducted the only study that specifically focuses on the proposed site. That study shows that there will be little to no negative impact on the community, even assuming the most extreme conditions, which I expect would never occur. And the station's location on mall property makes perfect sense, given the regional car-centric nature of Westfield Wheaton.

While the negatives associated with the station are basically non-existent, there are a number of benefits. It will bring more shoppers to Wheaton, as many Costco members currently travel outside of the County to purchase quality discount gas. We need to keep those shoppers in our County, where their purchases benefit local stores and help to employ local workers. More shoppers will help to revitalize Westfield Wheaton and the surrounding merchants, who would all benefit from increased retail activity.

For these reasons, I respectfully request that you approve Special Exception #S-2863.

Thank you for your consideration.



Boris M. Lander

Chief Operating Officer | Luis Group

Tel: (240) 463-1404 | Fax: (240) 582-9102

13810 Connecticut Avenue

Silver Spring, MD 20906

boris.lander@luisgroup.net

cc: Ms. Renee Kamen

Ms. Francoise Carrier
Chair, Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Martin Grossman, Director
Montgomery County Office of Zoning and Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, Maryland 20850



RE: Special Exception Application # S-2863

Dear Ms. Carrier and Mr. Grossman:

I am a Kensington Heights resident and a supporter of Costco's proposed Wheaton gas station. I am writing to ask that you recommend approval of their Special Exception application.

My home is located directly opposite of the proposed gas station. I strongly believe that the station is compatible with our neighborhood as there is already a good deal of activity in that same area and the station will be environmentally sound.

Westfield Wheaton already draws a great deal of cars to the site, so the additional cars resulting from the gas station will have negligible impact. Additionally, cars will be entering the gas station from the mall's ring road, providing no impact on our neighborhood roads.

While opponents express fears about the health impacts of the gas station, I believe that is all they are – fears. And based on the studies conducted, those fears are unfounded. Costco has reached out to our community on several occasions and has answered all of our questions on the health impacts of the station. They shared the results of their studies, which used California Air Resource Board screening levels and models approved by the U.S. Environmental Protection Agency. The study proved conclusively that there are no associated health, environmental or noise concerns from the Wheaton gas station. These are the facts which I believe are irrefutable.

I can't imagine a use of that space that is more consistent with the current use, is compatible with our neighborhood, and is more environmentally sound than the gas station. I therefore request that you approve Costco's Special Exception application.

Sincerely,

A handwritten signature in cursive that reads "Steven L Howard".

Steven L Howard
10804 Littleford La
Kensington, MD 20895
301.949.4775
stevenlhoward@verizon.net

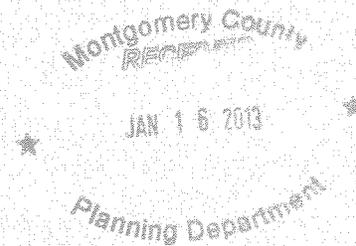
cc: Ms. Renee Kamen

Janet DeLac MacNab
12435 Meadowood Drive
Silver Spring MD, 20904

January 10, 2013

Ms. Francoise Carrier
Chair, Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Martin Grossman, Director
Montgomery County Office of Zoning and Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, Maryland 20850



RE: Special Exception Application # S-2863

Dear Ms. Carrier and Mr. Grossman:

As a strong supporter of Costco's proposed Wheaton gas station, I am writing to ask that you recommend approval of the Special Exception application S-2863 submitted by Costco. The proposed gas station is indeed compatible with the neighborhood as there is a history of a significant amount of automotive activity in that area including a tire and repair shop associated with the mall. Costco has worked diligently to ensure that the gas station will be environmentally sound.

Westfield Wheaton already draws a large number of cars to the site, so the additional cars resulting from the gas station will have negligible impact. Additionally, the cars will be entering the gas station from the mall's ring road, thus providing no impact on neighborhood roads.

Although opponents express fears about the health impacts of the gas station, I believe that their fears are without a sound foundation. Costco has reached out to the community on several occasions and has answered concerns on the health impacts of the station. The results of their studies were shared with the community. These studies used the California Air Resource Board screening levels and models approved by the U.S. Environmental Protection Agency. The studies proved conclusively that there are no associated health, environmental or noise concerns from the Wheaton gas station.

I support a Costco gas station in the county. Therefore, I request that you approve Costco's Special Exception application.

Sincerely,

A handwritten signature in cursive script that reads "Janet DeLac MacNab".

Janet DeLac MacNab

cc: Ms. Renee Kamen

Licia T. Cardinale
3333 University Blvd. W
Kensington, MD 20895

January 14, 2013

Ms. Francoise Carrier
Chair, Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Mr. Martin Grossman, Director
Montgomery County Office of Zoning and Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, Maryland 20850



RE: Special Exception Application # S-2863

Dear Ms. Carrier and Mr. Grossman:

I am a Kensington Heights resident and have been a supporter of Costco's proposed Wheaton gas station ever since the beginning of this dispute. I am again writing to express my strong support for Costco's Special Exception application to place a much-needed gas station on the Westfield Montgomery property. I am also requesting that the Planning Board and Board of Special Appeals approve this Special Exception.

I have supported Costco's attempts to bring a gas station to Wheaton Mall ever since there has been a dispute. Even so, it seems there's always a problem, despite all attempts by Costco to respond and adjust whatever was asked of them. Those of us who would like to have an opportunity to purchase needed gasoline at a cheaper rate without having to expend energy (gasoline in this case), and pollute the air any more than is necessary by going to Greenbelt to purchase it, are denied this advantage.

While it is true that there are other gas stations in the area, none of them offer quality discount gas in a clean, well run environment in the same fashion as Costco. Unlike older gas stations, Costco's stations do not produce any offensive noises, fumes, or odors. We need this gas station in our community.

The naysayers will eventually fall in and take advantage and the convenience of the cheaper gasoline even though they believe that it will pollute the air. Has no one recognized the fact that the fumes from gasoline are lighter than air and will dissipate into the atmosphere once unleashed?

I have confidence that the Costco gas station will be an excellent and much needed addition to our community. Again, please approve Costco's Special Exception application for the gas station at Wheaton Mall.

Sincerely,

A handwritten signature in cursive script that reads "Licia Cardinale".

Licia Cardinale

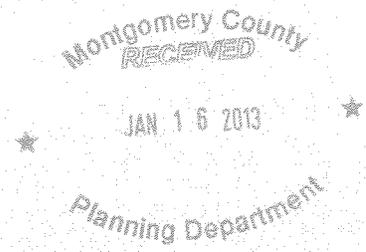
cc: Ms. Renee Kamen

Ronald MacNab
12435 Meadowood Drive
Silver Spring MD, 20904

January 13, 2013

Ms. Francoise Carrier
Chair, Montgomery County Planning Board
8787 Georgia Ave.
Silver Spring, MD 20910

Mr. Martin Grossman, Director
Montgomery County Office of Zoning and Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, Maryland 20850



RE: Special Exception Application # S-2863

Dear Ms. Carrier and Mr. Grossman:

I am writing to express my strong support for Costco's Special Exception application to place a much-needed gas station on the Westfield Montgomery property. I am also respectfully asking that the Planning Board and Board of Special Appeals approve this Special Exception.

There is a definite need for this gas station as there is no way for me to access Costco gas without leaving the County. Rather than drive to Beltsville for Costco's low priced gas, I would prefer to stay in my own community. This proposal allows me to do that.

While it is true that there are other gas stations in the area, none of them offer discount gas in a clean, well run environment as Costco.

Having a gas station at Westfield Wheaton makes sense. Most malls have gas stations on site, so this is not an unusual idea. In fact, there was a gas station and a car repair place at the mall years ago without community complaints.

A Costco Wheaton gas station will be a much-needed benefit to our community, so I hope you will decide to recommend approval of the application.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald MacNab". The signature is fluid and cursive, written over a light blue horizontal line.

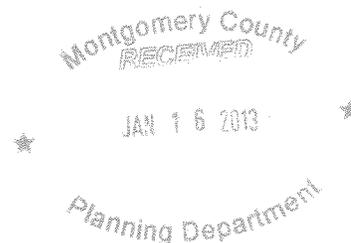
Ronald MacNab

cc: Ms. Renee Kamen

1401 Blair Mill Road #1405
Silver Spring, MD 20910

Ms. Francoise Carrier
Chair, Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Martin Grossman, Director
Montgomery County Office of Zoning and Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, Maryland 20850



RE: Special Exception Application # S-2863

Dear Ms. Carrier and Mr. Grossman:

This letter is written for consideration during the review of the Costco application for a Special Exception related to Costco's proposal to build a gas station as part of their facility on the Westfield Wheaton's mall property. Among the factors to be considered in evaluation of a request for a Special Exception are whether the use is compatible with the community; if there is a need for the use within the community; and, if there are negative impacts on the community by the use there should be an evaluation of their extent and whether the applicant has proposed actions to mitigate them. I believe that upon review of the application and due consideration the appropriate action for the County's Board would be to grant the applicant's Special Exception. I would like to address those points further herein.

After looking at the applicant's file, doing my own on-site examination of the proposed site, and talking with representatives from both sides of the issue, I believe that as a concerned citizen I can make an unbiased evaluation of the Special Exception based on 40 years as a practicing attorney with experience in evaluating land use and value and handling transactions with potential environmental impacts. I can also certify that I have no relationship with either the applicant or the residents in the neighborhood adjoining the Westfield Wheaton mall. I must however disclose that I have been a Costco customer for over 20 years.

Is the use compatible with the community?

The shopping center has been in place since 1960 and was considered the first regional mall in the Washington, D.C. area. The last significant expansion of the buildings within the footprint of the mall was in 1987 when the Hecht's Department Store wing was added; but, the mall property itself has had the same land mass since its initial construction. Therefore, the community has had the shopping center as a neighbor for over 50 years. During that time, the neighborhood has adjusted to the traffic within the mall property and the vegetation between the mall property and the nearest residences has matured to the point where it provides a significant sound barrier to the neighborhood. In addition there is an area of undeveloped land with an approximate 15 foot grade variant which also acts as a buffer between the neighborhood and the mall. Given the number of tenant retail outlets at the mall, the expansive parking lots, and the propensity for the majority of our citizens to drive, it is obvious that the mall services multiple thousands of people each day, with more during the busy retail seasons, such as we recently experienced. Therefore, it seems that the neighborhood and the mall are able to coexist well together. The question then becomes whether a gasoline dispensing facility for the use of customers of the Costco retail facility at the mall would be compatible with the community. And when we consider the community, we have to include the mall owner, the tenant establishments and those who visit or may visit the mall as customers, as well as those residents in the property adjoining the mall property. I doubt that you have

received negative arguments from any one of the constituencies other than those from the home owners. But, the reality is that this dispensing facility is compatible with the community, as it will cause little, if any, impact on the adjoining properties. The location of the facility on the mall land mass, the vegetation and land buffer, and the grade separation will keep the operation out of the sight of the homes. Any visual impact on the homes from the mall buildings will not be increased by the applicant building their proposed facility. In fact, I am given to understand from the filings that the applicant is proposing to improve on the buffer by installation of a sound barrier fence which will be masked by the vegetation and improve on the sound protection provided by the vegetation which has been growing over the last 50 years. Also, it appears that the applicant is proposing to install state of the art dispensing and storage equipment, so that any risk of environmental impact will be addressed at the front end.

Additionally, please keep in mind that this facility as designed by the applicant is a gasoline dispensing facility which will only be open during a limited schedule of hours, effectively, less hours than the mall itself is open. It is not going to provide automotive services nor will it have a convenience retail facility attached to it. Having been to the gasoline facilities run by the applicant at other locations and those operated by their competitors, i.e., Sam's Club and BJ's, it is fair to say that they all follow the same model, i.e., gasoline sales and nothing more.

Is there a need for the use within the community?

Using the definition of community which I set out above, i.e., the mall owner, the tenant establishments and those who visit or may visit the mall as customers, as well as those residents in the property adjoining the mall property, I believe the answer is yes. In today's economy, every shopper wants and deserves the benefits which a Costco, a Sam's Club or a BJ's gasoline station provides – a fair price with good quality gasoline. These operations can provide this due to their good management and their bulk buying power. I would anticipate that if one were to check the customers at the various Costco, Sam's and BJ's facilities in the surrounding counties, they would find a goodly number of Montgomery County residents among those purchasing their gasoline there for just those reasons.

Are there negative impacts to the use?

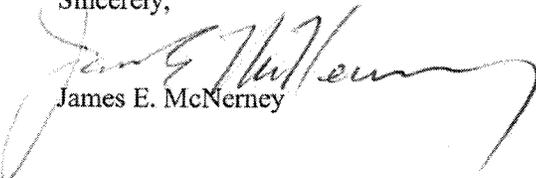
The residents in the neighborhood suggest that there will be environmental impacts to the applicant's proposed use. Based on the materials provided by both sides, it appears that the science is on the applicant's side as the studies conducted at the proposed site show that the station will not pose any significant health or environmental risk to the community. It also does not appear that there will be an adverse impact on the property values by the addition of this use at the mall. Further, as discussed above, the applicant has proposed to supplement the vegetation and land buffer with an additional sound barrier.

In summary, what I see is a positive benefit for the community with access to quality discount gasoline in a well-managed, safe environment, no adverse impact on the neighborhood adjoining the mall, and an economic benefit to the county by keeping customers shopping in Montgomery County.

If you have any questions, please feel free to contact me.

For these reasons, I hope you will act favorably on Costco's Special Exception application.

Sincerely,


James E. McNerney

cc: Ms. Renee Kamen

Ms. Francoise Carrier
Chair, Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Martin Grossman, Director
Montgomery County Office of Zoning and Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, Maryland 20850



RE: Special Exception Application # S-2863

Dear Ms. Carrier and Mr. Grossman:

I am a Kensington Heights resident and a supporter of Costco's proposed Wheaton gas station. I am writing to ask that you recommend approval of their Special Exception application.

My home is located directly opposite of the proposed gas station. I strongly believe that the station is compatible with our neighborhood as there is already a good deal of activity in that same area and the station will be environmentally sound.

Westfield Wheaton already draws a great deal of cars to the site, so the additional cars resulting from the gas station will have negligible impact. Additionally, cars will be entering the gas station from the mall's ring road, providing no impact on our neighborhood roads.

While opponents express fears about the health impacts of the gas station, I believe that is all they are – fears. And based on the studies conducted, those fears are unfounded. Costco has reached out to our community on several occasions and has answered all of our questions on the health impacts of the station. They shared the results of their studies, which used California Air Resource Board screening levels and models approved by the U.S. Environmental Protection Agency. The study proved conclusively that there are no associated health, environmental or noise concerns from the Wheaton gas station. These are the facts which I believe are irrefutable.

I can't imagine a use of that space that is more consistent with the current use, is compatible with our neighborhood, and is more environmentally sound than the gas station. I therefore request that you approve Costco's Special Exception application.

Sincerely,

A handwritten signature in cursive that reads "Steven L. Howard".

Steven L Howard
10804 Littleford La
Kensington, MD 20895
301.949.4775
stevenlhoward@verizon.net

cc: Ms. Renee Kamen

JILL BAUMEL
4414 Puller Drive
Kensington, MD 20895

January 4, 2013

Ms. Francoise Carrier
Chair, Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910



Martin Grossman, Director
Montgomery County Office of Zoning and Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, Maryland 20850

RE: Special Exception Application # S-2863

Dear Ms. Carrier and Mr. Grossman:

I am writing to express my strong support for Costco's Special Exception application to place a much-needed gas station on the Westfield Montgomery property. I am also respectfully asking that the Planning Board and Board of Special Appeals approve this Special Exception.

There is a definite need for this gas station as there is no way for me to access Costco gas without leaving the County. Rather than drive to Beltsville for Costco's quality discount gas, I would prefer to stay in my own community. This proposal allows me to do that.

While it is true that there are other gas stations in the area, none of them offer quality discount gas in a clean, well run environment in the same fashion as Costco. Unlike older gas stations, Costco's stations do not produce any offensive noises, fumes or odors.

Having a gas station at Westfield Wheaton makes sense. Most malls have gas stations on site, so this is not an unusual idea. In fact, there was a gas station and a car repair place at the mall years ago. I don't recall hearing community complaints then. Why is this any different?

A Costco Wheaton gas station will be a much-needed benefit to our community, so I hope you will decide to recommend approval of the application.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive that reads "Jill Baumel".

cc: Ms. Renee Kamen

Katja Bullock
3333 University Boulevard West
Kensington, MD 20895

January 2, 2013

Ms. Francoise Carrier
Chair, Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Mr. Martin Grossman, Director
Montgomery County Office of Zoning and
Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, Maryland 20850

Montgomery County
RECEIVED

JAN 16 2013

RE: Special Exception Application # S-2863

Dear Ms. Carrier and Mr. Grossman:

I have been a Kensington resident for the past forty years and have lived in Kensington Heights since 2000. Contrary to what some people would have you believe, there are many local residents who support Costco's proposed gas station in Wheaton. Unfortunately, they are concerned about speaking out due to fear of reprisal from a small but aggressive group of opponents.

However, I am not afraid to speak up, so I am writing to ask that you support Costco's Special Exception application for the Wheaton gas station.

At least twice every month I drive more than 10 miles to purchase gas in Prince George's county. I take revenue out of our county, put more miles on my car than necessary, and therefore use more gas than I should. However, the Beltsville Costco station is clean, the gas is significantly cheaper, and I know there is always an attendant on site should I need for anything.

The thought of having a Costco Gas Station in my backyard is very appealing to me, and I look forward to the day when I don't have to drive to Beltsville.

Years ago, where the current Wendy's restaurant is - there was an Esso gas station, and I recall it being a rather large station. That gas station was only about 200 feet from the proposed gas station. Why didn't my neighbors complain years ago? Esso was not a community partner. They didn't add any value to our neighborhood, nor did they go above any environmental regulations. Costco has indicated that they not only have plans to put up a green screen, but they are also adding additional vegetation between the station and our community.

I believe that the opponents to this gas station are making a lot of assumptions that are either not accurate, or based on irrelevant information. They are relying on studies that were done internationally, not on the specific site. Their assumptions are not based upon fact and have no relevance to the proposed site.

Costco has done their due diligence, and is the only party to conduct a site specific study of the proposal. The study was based on accepted standards and shows that there is little to no negative impact on our community's health and safety.

I look forward to the day when Wheaton Mall and the surrounding area are revitalized. I can see people walking through the shops, eating in local restaurants and enjoying a town that I am proud to call my home.

I am a proud resident of Kensington Heights, I live less than a mile from the proposed gas station, and I urge you to support Special Exception application # S-2863

Thank you.



cc: Ms. Renee Kamen

JOHN BLICK
10605 Concord Street, Suite 440
Kensington, MD 20895

Montgomery County
RECEIVED

JAN 16 2013

★ January 4, 2013 ★

Planning Department

Ms. Françoise Carrier
Chair, Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Mr. Martin Grossman, Director
Montgomery County Office of Zoning and
Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, Maryland 20850

RE: Special Exception Application # S-2863

Dear Ms. Carrier and Mr. Grossman:

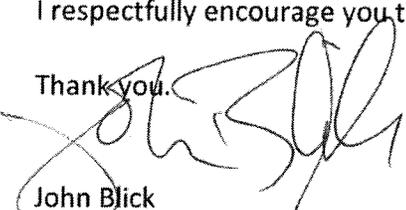
I am a Montgomery County resident and my business is located in Kensington. I am writing to ask for your support of Costco's application to build a gas station in Westfield Wheaton mall.

The proposed Costco gas station will be in an environmental setting that fits well in the community. It is well within the boundaries of an established mall that has been there for decades --- directly adjacent to a community. I don't see how this station will bring any detrimental health or environmental risks to the neighborhood beyond the sea of cars that has existed there since I was a child. I am personally very excited to have a Costco gas station conveniently located near my office.

The purpose of the mall is to provide amenities that benefit the surrounding community. The low priced gasoline that Costco will provide is as much a benefit as is any other store within the Mall. Moreover, it will keep much-needed revenue inside the County, as our residents will no longer have to travel out of the County for Costco gas.

I respectfully encourage you to approve Special Exception Application # S-2863.

Thank you.


John Blick

cc: Ms. Renee Kamen

Jaime Garcia
11134 Newport Mill Road
Kensington, MD 20895

January 2, 2013

Ms. Francoise Carrier
Chair, Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Mr. Martin Grossman, Director
Montgomery County Office of Zoning and Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, Maryland 20850



RE: Special Exception Application # S-2863

Dear Ms. Carrier and Mr. Grossman:

My family and I live in Kensington, just a quarter of a mile from the proposed Wheaton Costco gas station, which I respectfully ask that you support.

The new gas station would provide significant benefit to my community because it provides all of us with access to affordable gas in a clean, safe environment. Currently, I travel to the Beltsville Costco to fill up my tank because the cheaper gas stations nearby do not allow customers to use a debit card—which is what I use to make purchases – instead of cash. With today's economy, affordable gas is important to me and my family. I should not have to travel out of the County to access gas that I can afford.

As a nearby resident, I have confidence in Costco's plans to build a gas station that will benefit my community and will be environmentally sound, with no health risk or negative impact.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Jaime L. Garcia".

cc: Renee Kamen

Felton Maddox
10605 Concord Street, Suite 440
Kensington, MD 20895

Montgomery County
RECEIVED

JAN 16 2013

January 4, 2013

★ Planning Department ★

Ms. Françoise Carrier
Chair, Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Mr. Martin Grossman, Director
Montgomery County Office of Zoning and
Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, Maryland 20850

RE: Special Exception Application # S-2863

Dear Ms. Carrier and Mr. Grossman:

I am a Montgomery County resident and my workplace is located in Kensington. I am writing to ask for your support of Costco's application to build a gas station in Westfield Wheaton mall.

The proposed Costco gas station will be in an environmental setting that fits well in the community. It is well within the boundaries of an established mall that has been there for decades --- directly adjacent to a community. I don't see how this station will bring any detrimental health or environmental risks to the neighborhood beyond the sea of cars that has existed there since I was a child. I am personally very excited to have a Costco gas station conveniently located near my office.

The purpose of the mall is to provide amenities that benefit the surrounding community. The low priced gasoline that Costco will provide is as much a benefit as is any other store within the Mall. Moreover, it will keep much-needed revenue inside the County, as our residents will no longer have to travel out of the County for Costco gas.

I respectfully encourage you to approve Special Exception Application # S-2863.

Thank you.



Felton Maddox

cc: Ms. Renee Kamen

Bridget Thornton
10605 Concord Street, Suite 440
Kensington, MD 20895



January 4, 2013

Ms. Françoise Carrier
Chair, Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Mr. Martin Grossman, Director
Montgomery County Office of Zoning and
Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, Maryland 20850

RE: Special Exception Application # S-2863

Dear Ms. Carrier and Mr. Grossman:

I work in Montgomery County and I have a lengthy commute which requires many "fill ups" a month. In an effort to save money wherever I can, I always look to fill up with the lowest price gasoline. I am writing to ask for your support of Costco's application to build a gas station in Westfield Wheaton mall.

The proposed Costco gas station will be in an environmental setting that fits well in the community. It is well within the boundaries of an established mall that has been there for decades --- directly adjacent to a community. I don't see how this station will bring any detrimental health or environmental risks to the neighborhood. I am personally very excited to have a Costco gas station conveniently located near my office.

The purpose of the mall is to provide amenities that benefit the surrounding community. The low priced gasoline that Costco will provide is as much a benefit as is any other store within the Mall. Moreover, it will keep much-needed revenue inside the County, as our residents will no longer have to travel out of the County for Costco gas.

I respectfully encourage you to approve Special Exception Application # S-2863.

Thank you.

A handwritten signature in black ink, appearing to read "BThornton".

Bridget Thornton

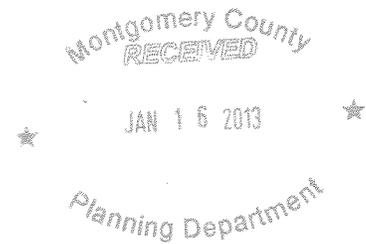
cc: Ms. Renee Kamen

Freeman Tao
4605 Creek Shore Drive
Rockville, MD 20852

January 2, 2013

Ms. Francoise Carrier
Chair, Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Mr. Martin Grossman, Director
Montgomery County Office of Zoning and Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, Maryland 20850



RE: Special Exception Application # S-2863

Dear Ms. Carrier and Mr. Grossman:

As a resident who lives in close proximity to Kensington, I wish to express my support for Costco's Wheaton gas station Special Exception application.

As you know, the Montgomery County Council passed legislation requiring gas stations like the proposed Costco station to be located at least 300 feet from uses like community swimming pools and schools. A small number of opponents caused this issue to be considered by the Council, and they were successful in having this restriction approved.

Costco revised its plans to comply with the new law, yet this small group of opponents is still fighting the station. I simply do not understand why they are still opposed.

Site studies have shown that we won't be harmed by the gas station, yet Costco is going above and beyond to screen the station from the neighborhood. And the fact that the station would be located within the confines of the Wheaton shopping mall makes it very compatible with its surroundings.

I believe we will benefit from the presence of a well-managed and clean discount gas station in our neighborhood. I hope you will agree with my perspective and support the Costco Wheaton gas station application.

Sincerely,

A handwritten signature in cursive script that reads "Freeman Tao".

cc: Ms. Renee Kamen

Manette Tao
4605 Creek Shore Drive
Rockville, MD 20852

January 2, 2013

Ms. Francoise Carrier
Chair, Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Mr. Martin Grossman, Director
Montgomery County Office of Zoning and Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, Maryland 20850



RE: Special Exception Application # S-2863

Dear Ms. Carrier and Mr. Grossman:

I support Costco's Special Exception application for a gas station in Wheaton. I have heard statements made by the small group of people who oppose the station and I take great issue with those statements.

Opponents of this proposal have never presented any valid data to back up their assumption that the station will adversely impact the neighborhood. On the other hand, Costco has held several community meetings at which they gave us the opportunity to ask questions about the proposal. They shared the results of their environmental and traffic studies and showed us how the gas station will be screened from the neighborhood.

I am confident that the community will not see, hear or smell the gas station, so how could there be any negative impact? Additionally, the environmental studies done specifically on the proposed site show that there is no significant health issue associated with the station. All the opposition has are assumptions based on fear. Assumptions based on fear, without the facts to back them up should not be considered in this process.

Finally, a drive down Georgia Avenue or any other County street will show that there are many residential neighborhoods immediately adjacent to gas stations, and many of those do not have any visual buffer. Costco's proposal is actually an improvement over what many local gas stations currently have, as Costco plans to include extensive screening from the neighborhood.

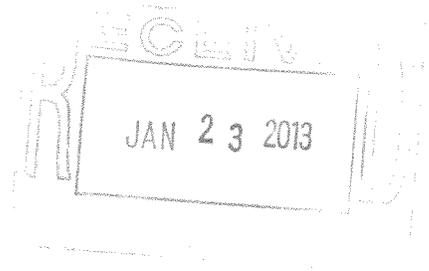
I am confident in your ability to consider this application based on the facts presented that are pertinent to this particular site, and not on fears that have no basis in reality or relevance to this particular application. I hope you will support the Wheaton Costco gas station.

Thank you for your time.

Sincerely,

A handwritten signature in cursive script that reads "Manette Tao".

cc: Ms. Renee Kamen



January 21, 2013

Ms. Francoise Carrier
Chair, Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Mr. Martin Grossman, Director
Montgomery County Office of Zoning and
Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, Maryland 20850

RE: Special Exception Application # S-2863

Dear Ms. Carrier and Mr. Grossman:

Blue Star Group, Inc. operates Barwood Taxi, a Kensington based business with a fleet of more than 450 taxicabs. We support Special Exception Application #S-2863 as it will provide a significant benefit to our drivers.

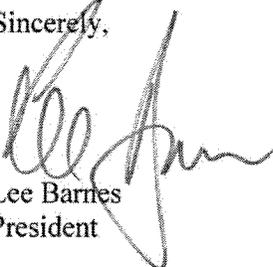
Consider for a moment that each independent taxicab driver is like a small business, which has expenses impacting its income. The cost of filling up gas tanks is one of the expenses taxi drivers absorb. Having a Costco gas station near our Kensington location will make it convenient for drivers to fill their tanks with high quality gas and keep their expenses down at the same time, thus positively impacting their bottom line and their livelihood.

I understand that Costco has performed extensive scientifically valid studies on the health and environmental impacts of the proposed gas station and that the negative impact on the neighboring community outside of Westfield Wheaton will be minimal.

Considering the positive impact the proposal will have on many people who depend on quality, low cost gas for their livelihood, and that the fuel is provided in a clean, safe and well-managed environment within the confines of the shopping mall, this gas station is well suited to this location. I therefore encourage you to support Special Exception Application #S2-2863.

Thank you for considering my comments.

Sincerely,



Lee Barnes
President

cc: Ms. Renee Kamen

4900 Nicholson Court, Kensington, Maryland 20895
Office (301) 984-8294 (800) 521-9077 Fax (301) 984-2915
www.barwoodinc.com



Letters of Support- S-2863

Date Received	Name	Address	City	State	Zip	Letter Type
2/6/2013	Eileen Wieland	11605 Bucknell Dr	Silver Spring	MD	20902	1
2/6/2013	Seymour Chad	1801 Ladd St	Silver Spring	MD	20902	1
2/6/2013	William Jones	2109 Little Sorrel Way	Silver Spring	MD	20902	1
2/6/2013	Frank J. Locker	1906 Westchester Dr	Silver Spring	MD	20902	1
2/6/2013	Victor Palmeiro	1508 Sycamore Ln	Rockville	MD	20853	1
2/6/2013	Bill Mullooly	2706 Plyers Mill Rd	Silver Spring	MD	20902	1
2/6/2013	Brenda Scott	3403 University Blvd W, Apt 4	Kensington	MD	20895	1
2/6/2013	George Jones	3410 Anderson Rd	Kensington	MD	20895	1
2/7/2013	Kathleen Bullock	10407 Muir Pl	Kensington	MD	20895	1
2/7/2013	Mike Griffin	3509 Perry Ave	Kensington	MD	20895	1
2/7/2012	Raul Carrillo	2804 Jutland Rd	Kensington	MD	20895	1
2/7/2012	Rachel Phillips	10711 Bently Ln	Kensington	MD	20895	1
2/7/2012	Ellen Levy	3800 Wexford Dr	Kensington	MD	20895	1
2/8/2013	Matthew Murray	2519 Plyers Mill Rd	Silver Spring	MD	20902	1
2/8/2013	Marlynne Brown	10905 Amhersts Ave, Apt 833	Silver Spring	MD	20902	1
2/7/2013	Hachim Ndiaye	11673 Leesborough Cit	Silver Spring	MD	20902	2
2/6/2013	Jeffery Harris	2101 Plyers Mill Rd	Silver Spring	MD	20902	2
2/6/2013	Mary Elam	10310 Duvawn Pl	Silver Spring	MD	20902	2
2/6/2013	Godfred Amoah	11111 Dodson Ln	Silver Spring	MD	20902	2
2/7/2013	Katie Boswell	3610 Farragut Ave	Kensington	MD	20895	2
2/7/2013	Erin Carrillo	2804 Jutland Rd	Kensington	MD	20895	2
2/7/2013	Jeff Lawrence	3304 Pendleton Dr	Silver Spring	MD	20902	2
2/7/2013	Gary Spizler	1714 Republic Rd	Silver Spring	MD	20902	2
2/7/2012	Alan Spaulding	2219 Clark Pl	Kensington	MD	20902	2
2/7/2012	Giora Morozov	10723 Saint Margarets Wy	Kensington	MD	20902	2
2/8/2013	Renee Clyburn	2502 Eccleston St	Silver Spring	MD	20902	2
2/8/2013	Girley Wright	11508 Bucknell Dr	Silver Spring	MD	20902	2
2/8/2013	Natalia Dlos Reyes	11619 Veirs Mill Rd	Silver Spring	MD	20902	2
2/8/2013	Kwok Ong	11612 Georgia Ave	Silver Spring	MD	20902	2
2/6/2013	Linh Tran	3406 University Blvd W	Kensington	MD	20895	3
2/6/2013	Naresh Lakkavarapu	11504 Alma St	Silver Spring	MD	20902	3
2/6/2013	Sameeran Das	2021 Westchester Dr	Silver Spring	MD	20902	3
2/6/2013	Tricia Steadman	10230 Leslie St	Silver Spring	MD	20902	3
2/6/2013	Manuel Gonzalez	2601 Finely St	Silver Spring	MD	20902	3
2/7/2013	Margret Daham	54 Pennydog Ct	Silver Spring	MD	20902	3
2/7/2013	Tenna Hourigan	3419 University Blvd W	Kensington	MD	20895	3

Letters of Support- S-2863

Date Received	Name	Address	City	State	Zip	Letter Type
2/7/2013	Thomas Dunlap	10500 Insley St	Silver Spring	MD	20902	3
2/7/2012	Albert Bullock	10407 Muir Pl	Kensington	MD	20895	3
2/7/2012	Thomas Cleary	11720 Lytle St	Silver Spring	MD	20902	3
2/7/2012	Elisabeth Siegmund	3333 University Blvd W, Apt 106	Kensington	MD	20895	3
2/8/2013	Linda Johnston	2717 Arola Ave	Wheaton	MD	20902	3
2/8/2013	Mary Alice O'Halloran	10412 Haywood Dr	Silver Spring	MD	20902	3
2/6/2013	Patrick Mancino	11213 Valley View Ave	Kensington	MD	20895	4
2/6/2013	Margaret Isaacs	10711 Jamaica Dr	Silver Spring	MD	20902	4
2/6/2013	Javier Negron	2709 Elnora St	Silver Spring	MD	20902	4
2/6/2013	Kevin Jackson	10960 Rampart Way	Silver Spring	MD	20902	4
2/6/2013	Tang Cheung	11606 Elkin St	Silver Spring	MD	20902	4
2/6/2013	Victor Palmeiro	10711 Bently Ln	Kensington	MD	20895	4
2/6/2013	Gerald Seegars	10406 Hutting Pl	Silver Spring	MD	20902	4
2/6/2013	Marguerite Coomes	3411 Murdock Rd	Kensington	MD	20895	4
2/6/2013	Nana Ayeh	11111 Dodson Ln	Kensington	MD	20902	4
2/6/2013	Paris Wilson	11716 Lytle St	Silver Spring	MD	20902	4
2/6/2013	Roula Nashwinter	11009 Horde St	Silver Spring	MD	20902	4
2/7/2013	Svetlana Rendakova	2702 Arcola Ave	Silver Spring	MD	20902	4
2/7/2013	Chau Dinh	11303 Veirs Mill Rd	Silver Spring	MD	20902	4
2/7/2013	Qi Wang	11632 Leesborough Cir	Silver Spring	MD	20902	4
2/7/2013	Richard Nicholls	10200 Leslie St	Silver Spring	MD	20902	4
2/7/2013	Lily Cheung	3304 Pendleton Dr	Silver Spring	MD	20902	4
2/7/2013	Rahman Harrisbon	2308 Cobble Hill Ter	Silver Spring	MD	20902	4
2/7/2013	Sharon Small	11111 Nicholas Dr	Silver Spring	MD	20902	4
2/7/2013	Toni-Marie Higgins	3004 Blueridge Ave	Silver Spring	MD	20902	4
2/7/2012	Dana Scanlon	3815 Archer Pl	Kensington	MD	20895	4
2/7/2012	Henry Fales	2702 Arcola Ave	Silver Spring	MD	20902	4
2/7/2012	Barry Levy	3800 Wexford Dr	Kensington	MD	20895	4
1/16/2013	Matilda S. Brown	11908 Dalewood Dr	Wheaton	MD	20902	5
1/16/2013	Soucro Sanchez	629 Northwood Ter	Silver Spring	MD	20902	5
1/16/2013	Mark Sophavandy	10502 Hutting Pl	Silver Spring	MD	20902	5
1/16/2013	Wede Alem	1320 Wheater Ln	Silver Spring	MD	20902	5
1/16/2013	Getahan Ambafeheiw	1121 University Blvd W, Apt 505	Silver Spring	MD	20902	5
1/16/2013	Ulia Dimitrova	10412 Huntly Ave	Silver Spring	MD	20902	5
1/16/2013	Daysi Martinez	3921 Hampden St	Kensington	MD	20895	5
1/16/2013	Gina C Anazco	3224 Edgewood Rd	Kensington	MD	20895	5

Letters of Support- S-2863

Date Received	Name	Address	City	State	Zip	Letter Type
1/16/2013	Dorothy W Ford	11408 Woodson Ave	Kensington	MD	20895	5
1/16/2013	Marta Diaz	9924 La Duke Dr	Kensington	MD	20895	5
1/16/2013	Edwin M. Lynch	10410 Hebard St	Kensington	MD	20895	5
1/16/2013	Philip Hinkley	3201 Plyers Mills Rd	Kensington	MD	20895	5
1/16/2013	Nenita Hinkley	3201 Plyers Mills Rd	Kensington	MD	20895	5
1/16/2013	Millie Rodgers	2820 Jutland Rd	Kensington	MD	20895	5
1/16/2013	Saul Martines Jr	10311 Summit Ave	Kensington	MD	20895	5
1/16/2013	Donald Wittsuan	4200 Dresden St	Kensington	MD	20895	5
1/16/2013	Ron Isaksen	2802 Beechbank Rd	Silver Spring	MD	20910	5
1/16/2013	Norma Royes	1311 Beaver Ter	Rockville	MD	20853	5
1/16/2013	Lale M.S. Dorr	2738 Linden Lane	Silver Spring	MD	20910	5
1/16/2013	Antonio Hernandez	10903 Fiest Rd	Silver Spring	MD	20901	5
1/16/2013	Michael G Hristodoula	5012 Aca Ave	Bethesda	MD	20814	5
1/16/2013	Nicolas Isaksen	2544 Ross Rod, Apt 104	Silver Spring	MD	20910	5
1/16/2013	Silvino C. De Cuzman,	14014 Oxford Drive	Laurel	MD	20707	5
1/16/2013	Mirian Cruz	Non				5
1/16/2013	E. Senehi	12047 Montrose Village Ter	Rockville	MD	20852	5
1/16/2013	Delbert A Fitchett	5800 Planview Rd	Bethesda	MD	20817	5
1/16/2013	LaSonia Jones	2019 Hickory Hill Ln	Silver Spring	MD	20906	5
1/16/2013	Peter Galik	13817 Mills Ave	Silver Spring	MD	20904	5
1/16/2013	Nicole Barr	8614 Braford Rd	Silver Spring	MD	20901	5
1/16/2013	Valle Antonia	12517 Valleywood Dr	Silver Spring	MD	20906	5
1/16/2013	Robert Jackson, Jr	15005 Dinsdale Dr	Aspen Hill	MD	20906	5
1/16/2013	Natasha Monaco	9711 Skyhill Way, 101	Rockville	MD	20850	5
1/16/2013	Brittany Jenks	9711 Skyhill Way, 103	Rockville	MD	20850	5
1/16/2013	Lawrence L Lamde	6712 Connecticut Ave	Chevy Chase	MD	20815	5
1/16/2013	Rinii Benzel	14424 Chesterfield Rd	Rockville	MD	20853	5
1/16/2013	E.D. Stashick	915 Allan Rd	Rockville	MD	20850	5
1/16/2013	M. Sokol	1606 Martha Ter	Rockville	MD	20852	5
1/16/2013	Zia Segatol-Islami	3808 Club Dr	Chevy Chase	MD	20815	5
1/16/2013	Jose A Pneda	3301 Hewitt Ave, #105	Silver Spring	MD	20906	5
1/16/2013	Michale J. Durkin	1409 Leister Dr	Silver Spring	MD	20904	5
1/16/2013	Ruth Vargas	4418 Randolph Rd	Silver Spring	MD	20906	5
1/16/2013	Joan Mockeridge	14516 Notly Rd	Silver Spring	MD	20905	5
1/16/2013	Albert Del Costillo	10700 Woodsdale Dr	Silver Spring	MD	20901	5
1/16/2013	Thomas Bundi	2411 Ross Rd, #202	Silver Spring	MD	20910	5

Letters of Support- S-2863

Date Received	Name	Address	City	State	Zip	Letter Type
1/16/2013	Jacqueline X. Galik	13817 Mills Ave	Silver Spring	MD	20904	5
1/16/2013	James Leach	13916 Tabiona Dr	Silver Spring	MD	20906	5
1/16/2013	Timoth Fowler	1763 Chizwizk Ct	Silver Spring	MD	20904	5
1/16/2013	Maurice Grant	812 Colby Ave	Takoma Park	MD	20912	5
1/16/2013	Antoinette Middleton	8117 Triple Corwn Rd	Bowie	MD	20715	5
1/16/2013	Carlos E. Cabrera	1402 Mezzimac Dr, #101	Hyattsville	MD	20783	5
1/16/2013	Robert F Lake	9321 Warren St	Silver Spring	MD	20910	5
1/16/2013	Julian Dixon	Not Available				5
1/16/2013	Jung S. Lim	16 Southview Ct	Silver Spring	MD	20905	5
1/16/2013	Dayainna Peietez	18716 Walker's Choice	Montgomery	MD	20886	5
1/16/2013	Dan Mullens, Sr	3123 Helsel Dr	Silver Spring	MD	20906	5
1/16/2013	Hanhon	Not Available				5
1/16/2013	Fatimai Mareneo	12511 Village Square, #301	Rockville	MD	20852	5
1/16/2013	Martha E Lopez	6603 Old Stage Rd	Rockville	MD	20852	5
1/16/2013	Donna Blades	9508 Black Oak Ct	Silver Spring	MD	20910	5
1/16/2013	Jose Isaics Daz Santos	2527 Ross Rd, Apt 101	Silver Spring	MD	20910	5
1/16/2013	Clarissa Barclay	14313 Georgia Ave, #302	Silver Spring	MD	20906	5
1/16/2013	Maria N. Romano	423 Old Stone Rd	Silver Spring	MD	20904	5
1/16/2013	Nicholas G. Katsambas	7655 Laytoonia Dr	Gaithersburg	MD	20877	5
1/16/2013	Gerald A Price	9703 Glen Ave	Silver Spring	MD	20910	5
1/16/2013	Brenda Davis	12419 Flack St	Silver Spring	MD	20906	5
1/16/2013	Marlene S. Cohen	2706 Snowbird Ter	Silver Spring	MD	20906	5
1/16/2013	Arlite Redie	12516 Bushey Dr	Silver Spring	MD	20906	5
1/16/2013	Edward Gmalon	3106 Parker Ave	Wheaton	MD	20902	5
1/16/2013	Jess A Kolei	2201 Shorfield Rd, #922	Wheaton	MD	20902	5
1/16/2013	Wiei Wei Wu	2306 Patternbond Dr	Silver Spring	MD	20902	5
1/16/2013	Joseph Ashkehazy	4000 Rickover Rd	Silver Spring	MD	20902	5
1/16/2013	Ernesto Romero	10429 Haywood Dr	Silver Spring	MD	20902	5
1/16/2013	Dorcy Gilliam	1901 August Dr	Silver Spring	MD	20902	5
1/16/2013	Carolina Arce	2382 Glenmont Cir, #201	Silver Spring	MD	20902	5
1/16/2013	James Weiner	12020 Saw Mill Ct	Silver Spring	Md	20902	5
1/16/2013	Andrew Harris	12020 Saw Mill Ct	Silver Spring	MD	20902	5
1/16/2013	Jpse O. Pena	10803 Georgia Ave, #101	Wheaton	MD	20902	5
2/7/2013	Eric Nenon	1939 Westchester Dr	Silver Spring	MD	20902	6
2/7/2013	Bruce Schaefer	1907 Ladd St	Silver Spring	MD	20902	6
2/7/2012	Donna Wang	11395 King George Dr	Kensignton	MD	20902 1 & 2	

Kamen, Renee

From: Eileen Wieland <ewieland1@verizon.net>
Sent: Wednesday, February 06, 2013 5:08 PM
To: Kamen, Renee
Subject: Please Approve the Costco Gas Station in Wheaton

Dear Ms. Kamen,

As a resident that lives within a mile of the proposed Costco gas station, I am writing to share my strong support for Costco's Special Exception application to place a much-needed gas station on the Westfield Montgomery property. I ask that the Planning Board and the staff please approve this Special Exception application.

Because I live close to the proposed gas station, this issue is important to me. I understand that one of the factors considered in a Special Exception application speaks to how it will impact the surrounding neighborhood. I would like to address that factor.

I am confident that my community will not see, hear or smell the gas station. Costco is proposing to build an eight foot high wall, and a wooded buffer between the proposed station and the neighborhood already exist. From an environmental and health standpoint, studies conducted at the proposed site show that the station will not pose any significant health or environmental risk to the community, so how could there be any negative impact?

The only impact that I see on the neighborhood is positive - we will have access to quality discount gas in a very well-managed, clean and safe environment.

Costco gas station will be an excellent neighbor and will be positive impact for my community. Please approve Costco's Special Exception application for the Wheaton gas station.

Thanks for your consideration.

Sincerely,

Eileen Wieland
11605 Bucknell Dr
Silver Spring, MD 20902

FEB - 6 2013
FORM Letter #1
(EXAMPLE)

Kamen, Renee

From: Hachim NDIAYE <inspecteurnj@yahoo.com>
Sent: Wednesday, February 06, 2013 3:55 PM
To: Kamen, Renee
Subject: Please Approve Costco Gas Station Special Exception

Dear Ms. Kamen,

I am writing to express my strong support for Costco's Special Exception application to place a much-needed gas station on the Westfield Montgomery property. I live within a mile of the gas station so this is an important topic for me. I respectfully ask that the Planning Board and their staff approve this Special Exception.

Because I live close to the proposed gas station, this will have an immediate impact on me. I understand that the Special Exception process examines issues such as benefit to the community, adverse impacts on the community and if a need exists. Please consider the following points:

. The proposed gas station is compatible with the neighborhood as there is already a good deal of car activity in that same area and the station will be environmentally sound. Additional cars resulting from the gas station will have an insignificant impact.

. There is no attack on the senses resulting from the gas station. Nearby neighbors will not see, hear or smell anything coming from the gas station. Costco is proposing to build an eight foot high wall, and a wooded buffer between the proposed station and the neighborhood already exist.

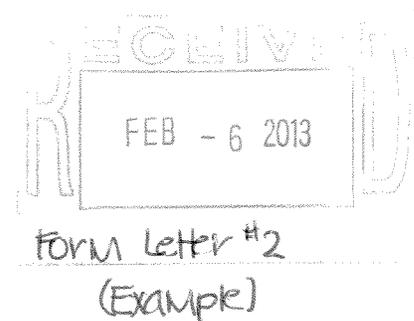
. There is a definite need for this gas station as there is no way for me to access Costco gas without leaving the County. No other gas stations in the area offer quality discount gas in a clean, well run environment in the same fashion as Costco.

I have confidence that the Costco gas station will be an excellent and much needed addition to my community.

Please approve Costco's Special Exception application for the Wheaton gas station. Thank you.

Sincerely,

Hachim NDIAYE
11673 Leesborough Cir
Silver Spring, MD 20902



Kamen, Renee

From: Linh Tran <linh.t.tran@live.com>
Sent: Wednesday, February 06, 2013 4:35 PM
To: Kamen, Renee
Subject: Approve Costco Gas Station Special Exception

Dear Ms. Kamen,

As a resident that lives within a mile of the proposed Costco gas station, I am writing to express my strong support for Costco's Special Exception application for the gas station in Wheaton. I respectfully ask that the Planning Board and the staff approve this Special Exception.

This issue is important to me because I live close to the proposed gas station. I would like to address the need for this gas station as it is a factor considered in the Special Exception application.

There is a definite need for this gas station as there is no way for me to access Costco gas without leaving the County. This proposal allows me to do that. I would rather stay in my own County than drive to Beltsville for Costco's quality discount gas.

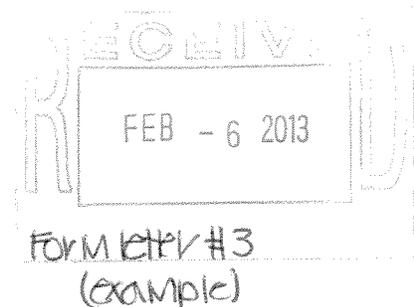
Although there are many other gas stations in my community, none of them offer quality discount gas that is in a well-run, clean environment comparable Costco's gas station. Unlike older gas stations, Costco's stations do not produce any offensive noises, fumes or odors.

A Costco Wheaton gas station will be a much-needed benefit to our community, so I hope you will decide to recommend approval of the application.

Please approve Costco's Special Exception application for the Wheaton gas station.

Sincerely,

Linh Tran
3406 University Blvd W
Kensington, MD 20895



Kamen, Renee

From: Patrick Mancino <patmancino@yahoo.com>
Sent: Wednesday, February 06, 2013 5:00 PM
To: Kamen, Renee
Subject: Please Approve Costco Gas Station Special Exception

Dear Ms. Kamen,

I am writing to express my strong support for Costco's Special Exception application for a gas station at the Westfield Wheaton shopping mall. I live within a mile of the gas station so this is an important topic for me. I respectfully ask that the Planning Board and the staff approve this Special Exception.

Because I live close to the proposed gas station, this will have an immediate impact on me, one in which I believe is positive.

The proposed gas station is compatible with my neighborhood as there is already a good deal of car activity in that same area and the station will be environmentally sound. Additional cars resulting from the gas station will have an insignificant impact.

Cars will be entering the gas station from the mall's ring road, providing no impact on neighborhood roads. I can't imagine a use of that space that is more consistent with the current use- it is compatible with the neighborhood, and is environmentally sound.

I have confidence that the Costco gas station will be an excellent and much needed addition to my community. Please approve Costco's Special Exception application for the Wheaton gas station.

Thanks for your consideration.

Sincerely,

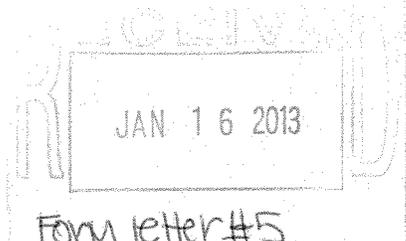
Patrick Mancino
11213 Valley View Ave
Kensington, MD 20895

FEB - 6 2013
FORM letter #4
(example)

Date: 1/12/13

Ms. Francoise Carrier
Chair, Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Mr. Martin Grossman, Director
Montgomery County Office of Zoning and Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, Maryland 20850



RE: Special Exception Application # S-2863

Dear Ms. Carrier and Mr. Grossman:

I am writing to express my strong support for Costco's Special Exception application to place a much-needed gas station on the Westfield Montgomery property. I am also respectfully asking that the Planning Board and Board of Special Appeals approve this Special Exception.

I understand that the Special Exception process examines issues such as benefit to the community, adverse impacts on the community and if a need exists. Please consider the following points:

- The proposed gas station is compatible with the neighborhood as there is already a good deal of car activity in that same area and the station will be environmentally sound. Additional cars resulting from the gas station will have an insignificant impact.
- There is no attack on the senses resulting from the gas station. Nearby neighbors will not see, hear or smell anything coming from the gas station. Costco is proposing to build an eight foot high wall, and a wooded buffer between the proposed station and the neighborhood already exist.
- There is a definite need for this gas station as there is no way for me to access Costco gas without leaving the County. No other gas stations in the area offer quality discount gas in a clean, well run environment in the same fashion as Costco.

I have confidence that the Costco gas station will be an excellent and much needed addition to our community. Please approve Costco's Special Exception application for the Wheaton gas station.

Signature: Matilda J. Brown

Name: Matilda J. Brown

Address: 11908 Dalewood Dr.

Wheaton, MD 20902

Phone: 301-946-3711 Email: mjbrown2@verizon.net

Additional Comments:

Kamen, Renee

From: Eric Nenon <enenon@mindspring.com>
Sent: Thursday, February 07, 2013 12:47 PM
To: Kamen, Renee
Subject: Please Approve Costco Gas Station Special Exception

Dear Ms. Kamen,

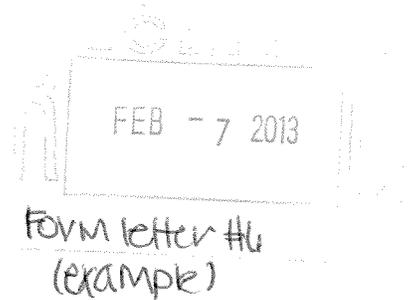
I WANT CHEAP GAS!!! The Costco at Westfields would be an ideal location for my family to purchase gasoline.

I have confidence that the Costco gas station will be an excellent and much needed addition to my community. Please approve Costco's Special Exception application for the Wheaton gas station.

Thanks for your consideration.

Sincerely,

Eric Nenon
1939 Westchester Dr
Silver Spring, MD 20902



Renee BK

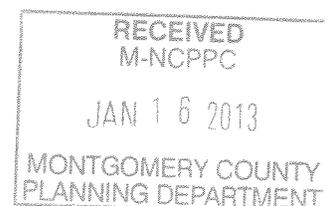
TO: Ms. Renee Kamen
FROM: Ellen Bogage 
RE: Special Exception Application # S-2863
Costco Wheaton Gas Station Supporter Postcards
DATE: January 16, 2013

Over 5,000 Montgomery County Costco members filled out postcards indicating their support for the Special Exception application to build a gas station in Wheaton. Rather than inundate you with boxes of cards, we took the liberty of having all of the cards scanned into a disk. I am enclosing several items related to the postcards:

1. Disk with scans of all postcards
2. Breakdown of postcard distribution by zip code, to give you a sense of where our supporters are located. You will notice that there are almost 800 supporters in the two zip codes nearest to the site: 20895 and 20902
3. Sampling of postcards from supporters residing in Kensington
4. Zip code map of Montgomery County

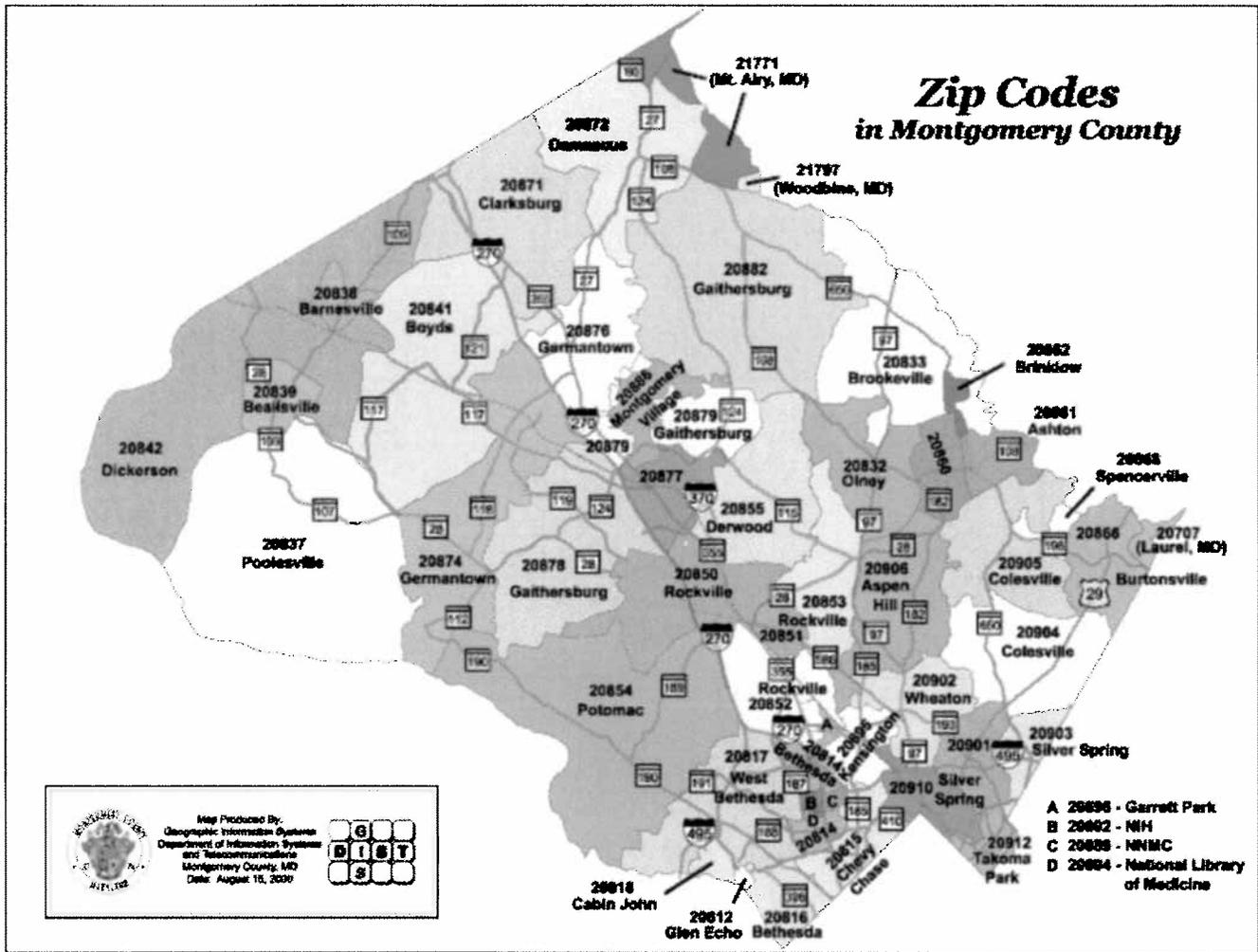
Please let me know if you have any questions or would like this information in a different format.

Thank you.



**COSTCO WHEATON GAS
STATION SUPPORT
POSTCARDS BY ZIPCODE
7/10/2012**

Zip Code	Total Supporters
20814	149
20815	169
20816	50
20817	176
20818	1
20829	1
20832	160
20833	36
20835	1
20837	20
20839	2
20841	38
20842	9
20850	178
20851	51
20852	198
20853	190
20854	175
20855	82
20859	1
20860	7
20861	15
20866	28
20868	3
20872	47
20871	74
20874	169
20876	86
20877	124
20878	144
20895	152
20901	320
20902	591
20903	71
20904	390
20905	181
20906	560
20910	279
20912	86
Not available	39
TOTAL	5053





I support Costco's gas station at Wheaton!

I want to let the Planning Board know that I enthusiastically support the Costco gas station at the Wheaton Mall.

Name Margaret & Robert Klotz

Address 3806 Washington St Kensington MD 20895 City Kensington ZIP 20895

Telephone 240 481 9909 Email mhklotz@comcast.net

Additional Comments:

Member of Kenmont Swim Club in support of Costco gas at wheaton Mall

12/06/07 4:11



I support Costco's gas station at Wheaton!

I want to let the Planning Board know that I enthusiastically support the Costco gas station at the Wheaton Mall.

 Mr. Steven L. Howard
Raymond T. Whitley
10804 Littleford Ln
Kensington, MD 20895-2837

Telephone 301.949.4775 Email stevenhoward@verizon.net

costco = 314958445000

Additional Comments: We have never objected to the gas station and cannot understand why anyone would object after your fact filled open house presentation on May 25th.

12/06/07 4:11



I support Costco's gas station at Wheaton!

I want to let the Planning Board know that I enthusiastically support the Costco gas station at the Wheaton Mall.

Name Leigh Pisner

Address 2921 University Blvd. West, Kensington, MD 20895 City Kensington ZIP 20895

Telephone 301-949-0957 Email leigh.pisner@verizon.net

Additional Comments: Thank you for giving the in depth presentation on your proposed gas station, it was truly informative. I believe you will be a good neighbor and an addition to the community.

12/06/07 4:11



I support Costco's gas station at Wheaton!

I want to let the Planning Board know that I enthusiastically support the Costco gas station at the Wheaton Mall.

Name Kensington PIZZA Kabub House

Address 3701 University Blvd City Kensington MD ZIP 20895

Telephone (301) 933 2600 Email _____

Additional Comments:

Resturant is member of Costco and
we need at the same time to buy
Food get cheap Gas
Steve fh



I support Costco's gas station at Wheaton!

I want to let the Planning Board know that I enthusiastically support the Costco gas station at the Wheaton Mall.

Name JOHN & DEBORAH SMEGAL

Address 9704 Hill Street City KENSINGTON ZIP 20895

Telephone 301-495-5909 Email jds.megal@comcast.net

Additional Comments:

I REALLY DON'T UNDERSTAND THE CONTROVERSY
IT'S A GAS STATION. AND THE TRAFFIC IF ANY,
WILL BE IN THE PARKING LOT. PLUS, UNIVERSITY AND
VIERS MILL ARENT EXACTLY QUIET SIDE STREETS.



I support Costco's gas station at Wheaton!

I want to let the Planning Board know that I enthusiastically support the Costco gas station at the Wheaton Mall.

Name Donna Olsen and Chuck Dulaney

Address 11211 Upton Dr City Kensington, MD ZIP 20895

Telephone 919-845-6195 Email djolsen@mindspring.com

Additional Comments:

We support Costco gas station in our neighborhood for two reasons:
1. we believe Costco prices help to keep gas prices down in our
area.
2. we believe there are no reasons to believe that the gas station
will cause any more traffic than having ^{the} Costco ^{store} present in ^{an} area.



I support Costco's gas station at Wheaton!

I want to let the Planning Board know that I enthusiastically support the Costco gas station at the Wheaton Mall.

Name Erin Weichbrod
 Address 2804 Luthard Rd, Kensington, MD 20895
 Telephone 301-379-5930 City Kensington ZIP 20895
 Email ecarrillo08@gmail.com

Additional Comments: My husband and I have lived in this area all our lives. We know Costco gas is the right thing for wheaton. The complaints are just for the pool members complaining for no reason. P.S. My married name is Erin Carrillo.



I support Costco's gas station at Wheaton!

I want to let the Planning Board know that I enthusiastically support the Costco gas station at the Wheaton Mall.

Name DR. NATALIE KURINIS
 Address 4519 Westbrook Lane
 Telephone 301 530-3312 City MD ZIP 20895
 Email NKURINIS@VERIZON.NET

Additional Comments: Costco + gas station will make a wonderful economic boost for the neighborhood + residents.



I support Costco's gas station at Wheaton!

I want to let the Planning Board know that I enthusiastically support the Costco gas station at the Wheaton Mall.

Name Elizabeth and William Merce
 Address 3912 Spruell Ct Kensington MD 20895
 Telephone 301-437-8054 City Kensington ZIP 20895
 Email merceindustries@yahoo.com

Additional Comments: Don't let a few ruin our chance at savings for gas.



I support Costco's gas station at Wheaton!

I want to let the Planning Board know that I enthusiastically support the Costco gas station at the Wheaton Mall.

Name



Dallas Sutton
3333 University Blvd. W Apt. 701
Kensington, MD 20895-1837

Address

301-946-1456

Telephone

Email

ZIP
dbsutton22@gmail.com

Additional Comments:

Affordable gas is very important and a Costco gas station will serve this need. Plus, Costco plans to go to great lengths to protect the environment and be respectful of neighbors.

102895 4 12



I support Costco's gas station at Wheaton!

I want to let the Planning Board know that I enthusiastically support the Costco gas station at the Wheaton Mall.

Catharina Kaufman and Harney Edward

Name

3300 Wake Drive Kensington, MD 20895

Address

301-949-7006

Telephone

City

ZIP

Email

cedward@verizon.net

Additional Comments:

gas station is important part of Costco expansion! Having a Costco in Wheaton is nearby and will save travel time and gasoline. Huge benefit to community!

102895 4 12



I support Costco's gas station at Wheaton!

I want to let the Planning Board know that I enthusiastically support the Costco gas station at the Wheaton Mall.

Katja Bullock

Name

3333 University Blvd W Kensington MD 20895

Address

301-933-2203

Telephone

City

ZIP

Email

katja.bullock@gmail.com

Additional Comments:

I am absolutely thrilled to have Costco come here - there is no Costco Gas in Montgomery County

ATTACHMENT 14

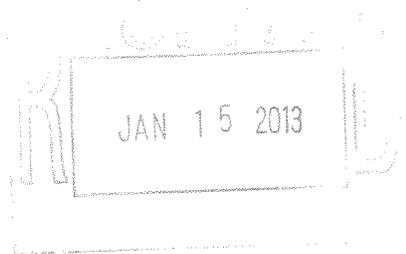
Kamen, Renee

From: Andrea Santy <ampersants@gmail.com>
Sent: Tuesday, January 15, 2013 1:37 PM
To: Kamen, Renee
Subject: Special exception application S-2363 Costco Gas station
Attachments: SCN_0001.jpg; SCN_0002.jpg; SCN_0003.jpg; SCN_0004.jpg; SCN_0005.jpg

Dear Ms. Kamen,

Attached please find my letter (five pages, each a single scanned document). I am hopeful that we can count on you to take into full account the health and welfare of the families and especially children that live in the neighborhoods bordering the Wheaton Mall.

Sincerely,
Andrea Santy



January 14, 2013

Ms. Renee Kamen
Senior Planner, Development Revision Division
Montgomery County Planning Department
8787 Georgia Avenu.
Silver Spring, MD 20910

email: Renee.Kamen@mncppc-mc.org

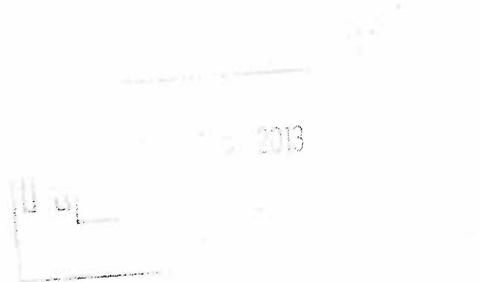
Subject: Special Exception application S-2863, Costco gas station

Dear Ms. Kamen,

Thank you for allowing me to submit this letter as part of the official record. I live in the Stephen Knolls neighborhood and am strongly opposed to the proposed Costco gas station. I will try to be brief while still covering what I believe are many of the major concerns about the proposed gas station.

Need:

My understanding is that there must be an established need for this gas station. As a resident in the area, I always fill up at a local gas station. Over the past year, I have never encountered a line at a gas station, shortage of gas, lack of service, or any reason to believe that we are in need of another gas station. The placement of the current gas stations is shown below by the red point marks. As you will see there are six gas stations on major roadways within .5 miles of the proposed Costco. If the proposed gas station was not a Costco gas station but another Shell or Freestate would we be discussing the "need?" I believe that there is no justification for yet another small gas station in the Wheaton area and I am confident you will agree. The fact there is no need for a small gas station highlights that there is even less need for Montgomery County's largest gas station. What Costco has established is there is a want for their cheap gas but as we all learned as children, a want is not a need and the price of gas is not an established criteria under the special exception process for determining need. Therefore, the testimony of citizens explaining that "cheap gas" is a need is unfounded, as price, which is not stable, is not a determining factor of need.

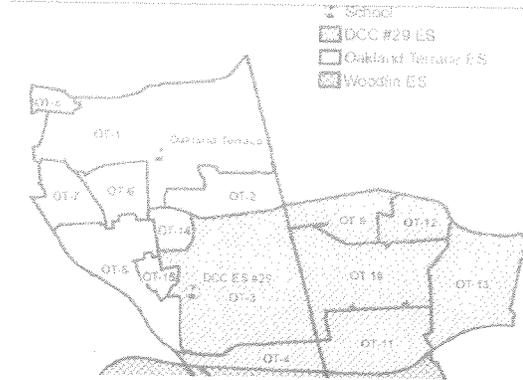


Health

As you may know, there are many recent scientific studies that highlight the danger of living close to a gas station due to the increased exposure to benzene.ⁱ I have included a small number of documents in the endnotes including US government advisories from the EPA and CDC.

The Kensington Heights and Stephen Knolls neighborhoods are both family dense. This is highlighted by the recent establishment of a new elementary school DCC #29 which helps alleviate the overcrowding in Oakland Terrace ES. Now Oakland Terrace will draw from a smaller area (see Montgomery County boundary map)ⁱⁱ but unfortunately a significant part of this area falls within 1000 feet of the proposed Costco gas station, the established area considered safe in California for large (over 3.6 million gallons per year) gas stations, including my home.

Our neighborhood has hundreds of children. In fact on my street alone with only 12 houses we have 14 children and all but two are 6 and under, living on our block. Young children are particularly vulnerable to the impacts of benzene, including the elevated cancer risk. The placement of Montgomery County's largest gas station must be done in a well thought-out and careful manner and pressed against an established neighborhood, backing up to both single-family and townhomes is not well-planned and is in contradiction to Montgomery County's own Growth Policy Amendment enacted July 20, 2010ⁱⁱⁱ.

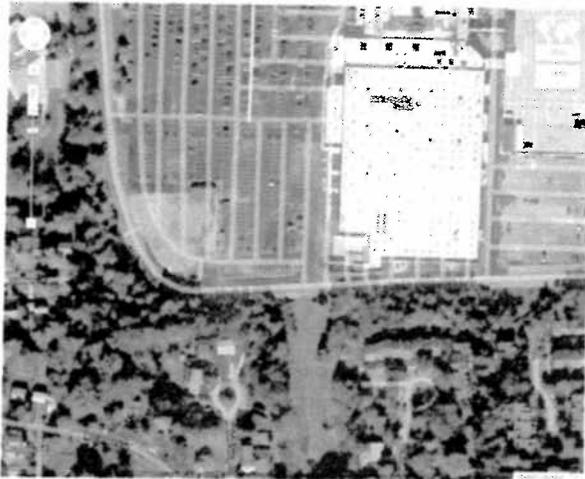


Kensington Heights and Stephen Knolls Community

The KH and SK communities are two diverse neighborhoods with a large multi-ethnic population. Many of the newer residents are young families that have moved from Washington, DC and other parts of the country to live in a semi-urban area with access to public transportation, good schools, and great neighbors. Our family recently left our NW apartment near the Cathedral in Washington, DC. We are exactly the type of family the Wheaton Sector Plan hopes to attract. We make a combined income of over \$125K, have two children, and made a conscious decision to live AWAY from 495 because of health concerns due to air pollution near major highways. We want a thriving community and we know that a gas station will lower home values, decrease the attractiveness of our neighborhood, and in fact, we will very likely consider moving if the gas station is placed due to very real concern about air quality. I have spoken with many neighbors who feel the same and are waiting to see what will happen. If a large number of homes begin to sell, the gas station will turn what was a stable community into a undesirable place to live. This will reduce home values, can change the make up of the school system which was carefully crafted based on a STABLE community, and will result in a Wheaton Sector Plan that will be increasingly difficult to achieve. Our community is a significant factor in the ability of Wheaton to progress. If KH and SK begin to deteriorate, all of Wheaton will be impacted. Changes to KH and SK should not be taken lightly.

Other Costco Gas stations

Costco continues to reference other gas stations as examples of why the Wheaton gas station should not be a concern, however when you look at the siting of other Costco gas stations, you can see that none is as close as the Wheaton site. The siting of Montgomery County's largest gas station so close to an existing neighborhood with homes built as long as 60+ years ago is disturbing. The fact that the County Council would put such a small price on the families, homes, and home values of this extremely diverse neighborhood is upsetting at best. .



Proposed Wheaton station



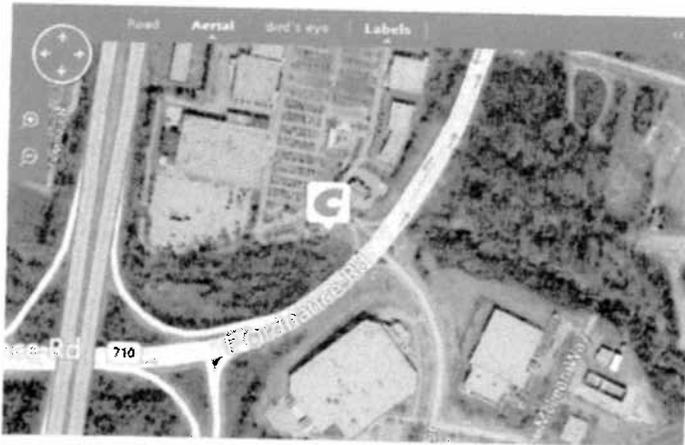
Sterling, VA



Brandywine, MD

Glen Burnie Warehouse

[Back to Search](#) [Print](#)



Glen Burnie, MD

There are numerous other concerns about this gas station, including the potential placement so close to a school for children with special needs. There are also social justice concerns considering that Wheaton is Montgomery County's most diverse area and may be the location of the largest gas station. The reasons NOT to place the gas station here are numerous. The reasons for the Costco gas station are limited to Costco and their desire to increase business (not a consideration for need) and the desire by residents for cheap gas (also not a consideration for need).

Please be thoughtful in your decision and recommendation. It is critical that justified reasons are taken into account and that the science, potential harm, make of up the community, large number of children, school for children with special needs, location of homes less than 125 feet, home values, and more are taken into consideration when making your final decision. The price of gas should not be a factor!

Thank you for your attention to our community,

Sincerely,

Andrea Santy

2508 Jennings Court

Silver Spring, MD 20902

301-949-1832

ⁱ 1) Correa et al. *The impact of BTEX emissions from gas stations into the atmosphere.* Atmospheric Pollution Research 3 (2012) 163-169.

2) Volk et al. *Residential proximity to freeways and autism in the CHARGE study.* Environ Health Perspect. 2011 Jun;119(6):873-7. <http://www.ncbi.nlm.nih.gov/pubmed/21156395>

3) Agency for Toxic Substance and Disease Registry, <http://www.atsdr.cdc.gov/substances/toxsubstance.asp?toxid=14>.

4) PA Man Dies Pumping Gas After Static Electricity Starts Fire, Associated Press, Published March 09, 2010, Fox News: <http://www.foxnews.com/story/0,2933,588605,00.html>

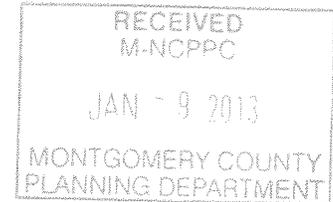
5) Gasoline Service Station Industrywide Risk Assessment Guidelines <http://www.arb.ca.gov/ab2588/rrap-iwra/GasIWRA.pdf>

6) EPA Publication - Risk Assessment for Toxic Air Pollutants: A Citizen's Guide - EPA 450/3-90-024 March 1991. http://www.epa.gov/airquality/air_risc/3_90_024.html

ⁱⁱ <http://www.montgomeryschoolsmd.org/boe/meetings/agenda/2011-12/2011-1117/3.0%20Boundary%20Recommendation%20DCC%20Elem%20School%2029.pdf>

ⁱⁱⁱ http://www6.montgomerycountymd.gov/content/council/pdf/bill/2010/20100720_38-09.pdf

January 6, 2013



Ms. Renee Kamen
Senior Planner, Development Revision Division
Montgomery County Planning Department
8787 Georgia Ave., Silver Spring, MD 20910

RE: Special Exception Application S-2863, Costco gas station

Dear Ms. Kamen:

We are residents of Kensington Heights and members of the Kensington Heights Civic Association (KHCA). We are writing to ask that you not recommend approval of Costco's Special Exception Application to install a mega gas station near our home and about 850 feet from Stephen Knolls School, a school for special needs children.

The Planning Department should recommend that Costco's gas station Special Exception Application be denied for the following reasons:

There is no neighborhood need for Costco's mega gas station.

The following is a list of 18 existing gas stations which we can drive to in 5 minutes or less from our home:

1. Exxon, 11310 Georgia Ave., Wheaton
3 minutes/1.02 miles
2. Sunoco, 11249 Veirs Mill Road, Wheaton
3 minutes/1.10 miles
3. Shell, 11448 Georgia Ave., Silver Spring
3 minutes/1.12 miles
4. Free State, 11295 Veirs Mill Road, Wheaton
3 minutes/1.16 miles

5. BP, 2201 University Blvd. W., Wheaton
3 minutes/1.20 miles
6. Valero, 3700 University Blvd. W., Kensington
4 minutes/1.21 miles
7. Econoway, 3745 University Blvd W, Kensington
4 minutes/1.40 miles
8. Mobil, 10625 Connecticut Ave., Kensington
4 minutes/1.44 miles
9. Chevron, 10625 Connecticut Ave., Kensington
4 minutes/ 1.44 miles
10. Kensington Getty, 10616 Connecticut Ave., Kensington
4 minutes/1.45 miles
11. Shell, 9510 Georgia Ave., Silver Spring
4 minutes/1.82 miles
12. Liberty, 10550 Connecticut Ave., Kensington
5 minutes/1.50 miles
13. Kensington Exxon, 10550 Connecticut Ave., Kensington
5 minutes/1.50 miles
14. Self Serve, 10619 Connecticut Ave., Kensington
5 minutes/1.56 miles
15. Shell, 10515 Connecticut Ave., Kensington
5 minutes/1.60 miles
16. Kensington Service Ctr. Gas Station, 3794 Howard Ave., Kensington
5 minutes/1.61 miles
17. Exxon, 9331 Georgia Ave., Silver Spring
5 minutes/1.99 miles
18. Exxon, 9336 Georgia Ave., Silver Spring
5 minutes/2.0 miles

Costco cannot possibly meet its burden to prove that there is a need for another gas station in our neighborhood. Furthermore, not everyone in our neighborhood is a member of Costco; therefore, many Kensington Heights residents will not even be entitled to purchase gas from Costco.

Although there are many reasons that the Planning Department should recommend against Costco's Special Exception Application, the fact that Costco cannot demonstrate a neighborhood need is sufficient basis in itself for denial.

There is no neighborhood need and the proposed Costco gas station is not a neighborhood gas station by design.

The Costco mega gas station will have 16 pumps and will sell approximately 12 million gallons of gas per year.

The Costco mega gas station is designed to draw in customers from way outside the immediate neighborhood. In fact, people throughout Montgomery County who live outside the neighborhood as well as people from outside the County have submitted letters/post cards in support of the gas station simply because they wish to avail of Costco's "loss-leader" gas prices.

Not only is there no neighborhood need, but the proposed Costco mega gas station actually poses a threat to the health and well-being of the Kensington Heights residents and students at Stephen Knolls School.

The exhaust carcinogens and especially the micro-fine particulates that the Costco mega gas station traffic, idling vehicles and fuel trucks would create will pose a health hazard to everyone in close proximity to the station.

There are some very vulnerable members of our community - the elderly, young children growing up in the homes and townhomes immediately adjacent to the proposed gas station location and particularly the special needs children at Stephen Knolls School - who will be most at risk. Many of the students at Stephen Knolls use respirators and ventilators and their respiratory problems will be exacerbated by the additional exhaust.

Stephen Knolls School provides excellent care, education and training for their students at great expense to Montgomery County taxpayers. Each student is supported by a multidisciplinary team composed of teachers,

para-educators, related service providers, health care providers, a psychologist, and other personnel deemed appropriate for the student. County taxpayers have also funded an individualized aquatics program and brand new greenhouse at the school.

Because the county taxpayers have already invested so much money in caring for the students at Stephen Knolls, it would be contradictory for the Planning Department staff to recommend that a Costco mega gas station be located near these fragile students. The county taxpayers have long supported the school in its current location.

A Costco mega gas station in the proposed location is contrary to the Wheaton Sector Plan.

The sector plan includes language that protects the green buffer between the Wheaton Mall and Kensington Heights. The gas station would be located within about 50 feet of the green buffer and poses environmental risks, including potential impacts on ground water quality. There are a number of ground water formations (both shallow and deep), right under or close to where Costco would place its giant underground gas tanks. Some have described the area as a honeycomb of small streams, all of which eventually drain into larger ones and eventually into the Potomac.

The sector plan recommends mixed-use zones that will concentrate the most dense development in the immediate area surrounding the Wheaton metro station. The plan also recommends the development of pedestrian-friendly office, housing, retail and public use space along Veirs Mill Road that could be integrated into the Westfield Wheaton's mall. A Costco mega gas station will create more traffic congestion on the only two roads that access the mall, Veirs Mill Road and University Blvd., as well as along the ring road which borders the Kensington Heights neighborhood. In addition, the prospect of idling cars waiting to fill up at the gas station is the antithesis of a pedestrian friendly, public transportation oriented sector plan.

Consistent with the Wheaton sector plan, we have observed that one very large apartment complex is under construction at the intersection of Georgia Avenue and Reddie Drive adjacent to the metro station and near other high rise apartment buildings. One of the objectives of the sector plan is to promote people walking to nearby shopping, restaurants and entertainment. The increased volume of cars and trucks brought on by a Costco mega gas station will discourage and even endanger pedestrians.

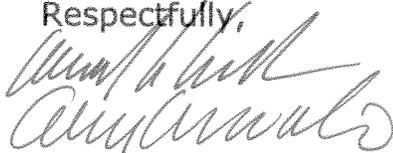
Montgomery County officials should promote their thoughtful, progressive plan for smart development in the Wheaton metro area.

Approval of Costco's Special Exception Application would set a dangerous precedent for placement of future mega gas stations in Montgomery County.

If the Planning Department were to recommend approval of Costco's Special Exception Application, it would be sanctioning an unneeded gas station and disregarding the welfare and concerns of nearby homeowners and severely handicapped students. Montgomery County should establish reasonable buffer zones between mega gas stations and residential neighborhoods, schools, parks, and other sensitive land uses. The Planning Department should take this opportunity to make a recommendation that will protect not only the Kensington Heights neighborhood, but all Montgomery County residents.

There is not a single valid reason to approve Costco's Special Exception application. There are many reasons to deny it.

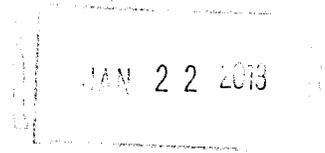
Respectfully,



Ann & Alberto Arevalo
10801 Torrance Drive
Kensington, MD 20895
Annarevalo@hotmail.com
301-933-8879

Kamen, Renee

From: Aaron Nelson <aarondavid2001@yahoo.com>
Sent: Sunday, January 20, 2013 2:30 PM
To: Kamen, Renee
Subject: S-2863 Costco Special Exemption Application



Dear Ms. Kamen,

I write to express my strong opposition to the Costco application for a gas station in their Wheaton, Maryland location.

I live in Kensington Heights, less than 1/4 mile from the proposed area for the gas station. I oppose the gas station exemption for several reasons.

First, with the development of the Wheaton area, there has already been a significant increase in automobile traffic in and around the Westfield Wheaton Mall/ Giant area. I commute to work daily on Metro via the Wheaton Metro Station. I walk from my home to the Wheaton Station and in the last three months, there has been a noticeable increase in traffic on my pedestrian route. This increase will only get worse when Costco is open for retail business. To have another gas station in this area would only compound this problem.

Second, I have grave concerns about the health and environmental impact of a gas station with long lines of cars, essentially idling all day long. As you know, there is a public school on the near perimeter of the proposed site. There is also a swimming and tennis club very nearby. And residential areas ring the periphery of the proposed Costco gas site. Those of us who live in this area are strongly opposed to this hazard in our backyard.

Third, there are already several existing gas stations within a one-mile radius. There are approximately eight gas stations in the Connecticut Ave/University Ave split area. There are at least another five or six gas stations in close proximity to the intersection of Georgia Ave and University Ave. There is simply no need for another gas station.

If one examines the placement of most Costco locations around the country, most are far away from residential areas where the infrastructure and other zoning characteristics can handle the type and volume of business that Costco creates. My understanding of the grand plan of the re-vitalization of Wheaton was, in part, as a community centered approach to commercial developmental. Many residents and customer base in this area do not have cars and use public transportation to reach downtown Wheaton.

For their safety, to improve the quality of life of the area, and to ward off the environmental hazard of a gas station, I strongly urge the planning commission and county officials to reject the Costco request for an exemption for a gas station.

Another gas station is not needed and is not worth the human cost that it brings.

Thank you very much.

Sincerely,

Aaron D. Nelson
2910 Burtonhill Drive

Kensington, MD 20895
(301) 530-6464

Jan 6 2013

Dear Ms. Aenee Kamen,

I live near Costco and I'd like Costco gas to stay gone. My first reason is at the age of 8 I like swimming at Ken Man but with all the turns breathing would be bad.

My second reason is for the sick kids at Steven Nales, Jr. their school is ruined they will need help.

Sincerely

Daniel Ward Echols
11911 Coronado Pl
Kensington Maryland 20895

P.S. would you like to swim while time floated around?

Kamen, Renee

From: Wendy Core <wendyj3@hotmail.com>
Sent: Monday, December 31, 2012 8:04 PM
To: Kamen, Renee
Subject: Special Exception application S-2863, Costco gas station -- please disapprove
Attachments: wcore planning commission letter costco s-2863.docx

Dear Ms. Kamen:

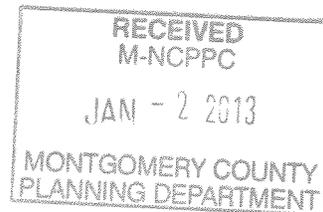
I hope you are enjoying the holiday season.

I am writing to you to ask that you disapprove Special Exception application S-2863 for the Costco gas station in a densely populated community near a school for handicapped children, as well as the residences of families. A letter with more information is attached.

I welcome your consideration of this matter, that will affect my community's health for many years to come.

Best regards,

Wendy Core



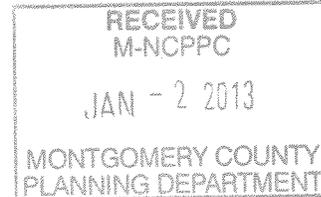
WENDY K. CORE

8 Torrance Ct
Kensington, MD 20895

(202) 413-7399
wendyj3@hotmail.com

December 31, 2012

Ms. Renee Kamen
Senior Planner, Development Revision Division
Montgomery County Planning Department
8787 Georgia Ave., Silver Spring, MD 20910



Dear Ms. Kamen:

RE: Special Exception application S-2863, Costco gas station

I am a resident of Kensington Heights, and a member of the Kensington Heights Civic Association (KHCA). I am writing to you as a resident and concerned citizen asking you to disapprove Costco's special exception to install a mega gas station within 120 feet of my home and about 850 feet from a school for severely handicapped children, the Stephen Knolls School. The enclosed map shows how very close this mega gas station will be to existing homes, the school, and a pool where kids play in the summer.

As you know, the Stephen Knolls School is a provides a Special Education Program for students who range in age from three to twenty-one years, with mild to severe cognitive deficits and multiple disabilities. Many of these children are on ventilators and especially susceptible to the emissions from the many cars idling/filling up at the proposed station will contain many noxious volatile components, such as ultrafine particulate matter. These carcinogens whose effects are most pronounced on those within a few hundred feet of the sources. They also cause - or exacerbate - respiratory problems such as asthma, COPD, etc. Enclosed with this letter is a memo from KHCA with more information about these health risks.

My neighborhood also has many small children, who are not yet in school, and will be exposed to the emissions from the gas station, all day while they play outside. There are also retired residents whose health is fragile, and will be especially susceptible to negative health consequences from the emissions.

In addition, there are 6 other gas stations less than a mile from my house. This community is not underserved by gas stations.

I ask again that you disapprove Special Exception application S-2863 and protect the children in my community.

Sincerely,

Wendy Core
Kensington Heights Resident

Map of the area

Memo from Kensington Heights Civic Association discussing the health risks

Map of Costco Gas Station Location





Kensington Heights Civic Association

Your Neighborhood Association!
www.KensingtonHeightsMD.org

Current Officers

President

Adam Rosenbaum
301-948-7418

Vice President

currently vacant

Secretary

Abigail Adelman
301-942-8893

Treasurer

Karen Cordy
301-933-3640

Parliamentarian

currently vacant

Immed. Past President

Donna R. Savage
301-942-2447

Beautification

Abigail Adelman
301-942-8893

Bylaws/Communication

currently vacant

Crime Statistician

Thomas Stanton
301-929-0757

Education

Laura Kervitsky
301-942-1429

Land Use

Donna R. Savage
301-942-2447

Online Newsletter

Barbara Ruben
301-948-4192

barbararuben@verizon.net

Traffic and Safety

Andy Fraser
301-962-0787

Jane Harding

301-933-0513

Web site Coordinator

Jean Dowd
301-669-8184

jdowd@KensingtonHeightsMD.org

KHCA is affiliated with:
Allied Civic Group
Coalition of Kensington
Communities
MC Civic Federation
Wheaton Citizens Coalition

*KHCA received the 1999 Wheaton
Neighborhood Civic Association Award*

*KHCA represents over
700 single-family homes
in Kensington, Maryland*

Johns Hopkins Public Health Professor Says Proposed Costco Gas at Westfield Mall in Wheaton Poses Unacceptable Cancer Risks to Neighbors

The Kensington Heights Civic Association today presented scientific evidence that the massive discount gas station that Costco Wholesale Corporation proposes to put next door to their community and to the Kenmont Swim & Tennis Club will expose residents of their community and patrons of the Kenmont Club's outdoor facilities to three times the health risk generally considered acceptable. KHCA has been asking County officials to conduct a complete environmental impact assessment, including a health study, prior to considering Costco's rezoning request for the 12 million gallon a year (mgpy) gas station; thus far the County has refused to investigate the public health threats posed by the Costco proposal. Because of this refusal, KHCA hired its own expert, Patrick N. Breyse, PhD, CIH, Professor Johns Hopkins University, Bloomberg School of Public Health. In a letter to the KHCA, Dr. Breyse stated:

the excess risk for a 12 mgpy facility at a distance of 100 m [328 feet] is nearly 3-times higher than those recommended by CARB [California Air Resources Board]. If the throughput is as high as 20 mgpy risk is estimated to be 5 to 6 times higher than the CARB recommended risk. As a result a set-back distance of 100 m is not likely to provide adequate protection from cancer risk.

Dr. Breyse's conclusion is consistent with an October 2011 Guidance document issued by the US Environmental Protection Agency that advises local governments to keep "large" gas stations at least 1000 feet from schools and other sensitive land uses. The EPA study focuses on gas stations that pump 3 to 4 million gallons a year. The proposed Costco gas station would be four times larger. Dr. Breyse's analysis deals only with cancer risk. He cautions that "there is growing literature with respect to other public health concerns associated with exposure to traffic related pollution. Health concerns like potential increased risk childhood asthma have not been addressed." (The proposed Costco station is a little more than 1000 feet from the Stephen Knolls School for handicapped children, where many of the children suffer from severe respiratory problems.) Dr. Breyse also warned that the effect of the gas station fumes could be exacerbated by traffic from the store and especially by the location of the loading docks which will receive truck deliveries all through the night. "We begged Costco to put its loading docks further away from the residences," said Danila Sheveiko, who heads KHCA's task force on the Costco gas proposal. "They refused to listen. The loading docks are as close as possible to

homes and recreation areas, not to mention the Knolls School for handicapped children." "This is an unprecedented proposal, to place such a large petroleum facility so close to homes, schools, and recreation areas," said Larry J. Silverman, an adjunct professor of environmental law and policy at Johns Hopkins University Krieger School of Advanced Academic Studies. Mr. Silverman has been advising KHCA throughout this process. "If Costco gets away with this here in Montgomery County, no commercial zone in Maryland, no commercial zone in the US, no matter how close they are to residences and schools, will be safe from mega gas stations. That's why Costco is fighting so hard to shoe horn this facility into the Wheaton/Kensington Heights neighborhood. It's an opening wedge in a national campaign."

KHCA called on County Executive Ike Leggett and the Montgomery County Council to stop "stonewalling" the health and environmental issues associated with this Costco gas proposal. "At every step along the way, the County government has refused to use the limited authorities it does have to mitigate the environmental consequences of the Costco complex," said Danila Sheveiko. "We asked them to use the forest conservation law to protect the green buffer. The County declined to do so, instead issuing a waiver of forest conservation rules. The same goes for the environmental site design guidelines of the modern storm water rules. The rules were waived. Now the County is about to give Costco a pass when it comes to the health of our families. This is not tolerable."

So far not one County elected or appointed official has been willing to say that the gas station will not impose unacceptable health and environmental risks. "It is time for the County Executive and County Council to blow the whistle on this dangerous proposal," said KHCA president, Adam Rosenbaum. "We expect our elected officials to protect us from public health threats. Instead, this Executive and this Council are actually paying Costco and Westfield \$4 million in taxpayer money to promote this development. They said before they had no evidence to stop the gas station. Now we have provided the evidence. There is no excuse for further inaction."

Press contact for this issue: Danila Sheveiko 301-254-6862

Kamen, Renee

From: Susan Kirkland <skrkland@aol.com>
Sent: Sunday, January 06, 2013 8:11 PM
To: Kamen, Renee
Subject: Costco gas station - Wheaton Plaza

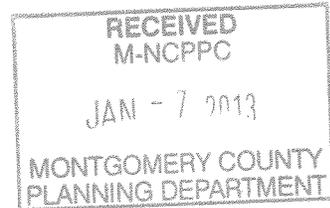
I live at 19 Torrance Court in Kensington, Maryland 20895. I am totally against Costco selling gas at the Wheaton Plaza location due to the fact that leaks in underground tanks and pipes could leak into our water system.

Please add me to the list of those opposed to Costco opening a gas station in this area.

Sincerely,

/s/

Susan A. Kirkland
19 Torrance Court
Kensington, MD 20895



Kamen, Renee

From: Steven Gibson <sgibson74@verizon.net>
Sent: Thursday, January 24, 2013 6:35 PM
To: Kamen, Renee
Subject: Special Exception application S-2863, Costco gas station

Dear Ms. Kamen and Council Members,

My husband and I join with our neighbors in opposing the Special Exception Application (S-2863) for the Costco gas station.

In reading through all of the materials presented by COSTCO it is difficult as a layman to interpret or even understand many of the specialized studies. I cannot address these specifically so I will address the issues that affect me, in terms that I can explain.

I do question the need for another gas station, particularly a mega station, in this area and so close to a residential area. I have lived in this area for 15 years and I have never had a problem obtaining gasoline. I do not ever recollect even waiting in a queue for gas and any local station. Where is the need?

Having lived through last summer unable to sit out on my deck for the fumes from the construction vehicles and the dust from the construction of the COSTCO store. No matter what the study shows for the fumes from the station and the idling cars, my experience tells me that any fumes seen or unseen more often than not flow from the location of the station directly towards us and our neighbors (and Stephan Knoll's school).

The issue of my property being devalued due to the proximity of the station, that is up to the market and not for COSTCO to say or even predict. COSTCO's comparison to the Montgomery Ward service facility is a red herring. Vehicles did not line up and idle for service and there was not a lot of traffic to and from that station. Besides it is a different world now with the increased traffic in the area and to the mall. COSTCO's affect on the area should not be considered separate from the combined affects of all the recent developments. They are not building in a vacuum but are part of a larger development picture with multiplying affects.

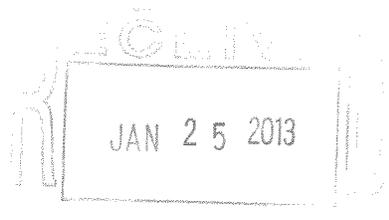
The county has already provided COSTCO \$4M. COSTCO originally threatened to not built without the station. In the end they took the money and built which to me indicates that they were disingenuous in their dealings with the county and local residents.

We welcomed COSTCO into the area in spite of any negative effects on our residence and life because we believed that the jobs created for the county outweighed the ill effects on us. This argument cannot be applied to the station. The two addition jobs created do not outweigh the ill effects on our homes and health.

We strongly oppose this mega station in our neighborhood and hope that the Council will err on the side of caution given the potential for both health and environmental harm to its local residents.

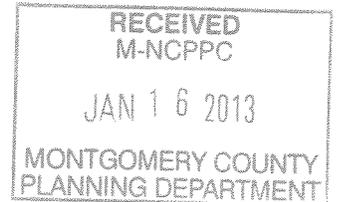
Please feel free to contact us.

Steven Gibson and Mitch Hanks
10 Torrance Ct
Kensington, MD 20895
301-942-1117



January 13, 2013

Ms. Renee Kamen
Senior Planner, Development Revision Division
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, MD 20910



Subject: Special Exception application S-2863, Costco gas station

Dear Ms. Kamen:

I am writing to express my strong opposition to Costco's Special Exception application for a large gas station in Westfield Wheaton Mall. Until recently, my son was a preschool student at Stephen Knolls School, a Montgomery County public school located very close to the site of the proposed gas station. I also live in the neighborhood south of Westfield Wheaton Mall.

I strongly oppose locating a gas station, especially such a large gas station, near to a school that serves medically fragile children, to homes, and to a pool and recreation area. Our neighborhood does not need another gas station as there are already a large number nearby Westfield Wheaton. Even if we did need another gas station, it does not make sense to locate one so close to where families and children live, go to school, and play.

Please keep in mind that parents of students at Stephen Knolls cannot easily choose where their children go to school. Based on the nature of these students' disabilities, Montgomery County Public Schools officials have placed them at Stephen Knolls. Parents worried about the possibility of ill health effects from the gas station could not simply send their children to another school. Even if they had funds for a private school, it would be very hard to find an appropriate private placement for these students. Also, please consider that many students at Stephen Knolls remain there for all of their schooling, from age 3 - 21. So, they would be exposed to air pollution from the gas station for many years of their lives. Please do all you can to ensure that Stephen Knolls' parents do not have to have one more serious concern about the health of their disabled children.

Thank you for all you do to serve and protect the residents of our county. Please oppose Costco's Special Exception application.

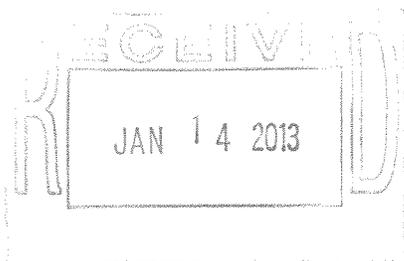
Sincerely,

A handwritten signature in cursive script that reads "Julie Ryan-Silva".

Julie Ryan-Silva
2418 Homestead Drive
Silver Spring, MD 20902
301 592 0749
jryansilva@yahoo.com

Kamen, Renee

From: Ron Hackett <rlhackett@lycos.com>
Sent: Friday, January 11, 2013 5:26 PM
To: Kamen, Renee
Cc: MCP-Chair; councilmember.berliner@montgomerycountymd.gov;
councilmember.riemer@montgomerycountymd.gov;
councilmember.andrews@montgomerycountymd.gov;
councilmember.rice@montgomerycountymd.gov;
councilmember.leventhal@montgomerycountymd.gov;
councilmember.floreen@montgomerycountymd.gov;
councilmember.ervin@montgomerycountymd.gov;
councilmember.navarro@montgomerycountymd.gov;
councilmember.elrich@montgomerycountymd.gov; AVTDesignGroup@erols.com;
karenc425@aol.com; jimcore@gwmail.gwu.edu; eric.sigmon@hotmail.com;
sunstyleee@aol.com; sgibson74@verizon.net; miketaylor_us@yahoo.com;
skrkland@aol.com; mirahackett@yahoo.com; dsheveiko@hotmail.com
Subject: Special Exception application S-2863, Costco gas station
Attachments: 0_Ron-and-Mira_Hackett planning commission letter costco s-2863_January112013.pdf



Ms. Kamen:

Attached to this e-mail you will find a letter from my wife and me explaining our opposition to the **Special Exception application S-2863 for the Costco gas station.**

In brief:

- There is simply **no compelling reason** to approve the Special Exception requested by Costco.
 - The **economic analysis of “need” presented by Costco is flawed and incomplete.** It appears to have been conducted more to build an argument like a lawyer trying to win a case by playing loose with what are portrayed to be facts or objective analysis than to truly objectively inform decision-makers.
 - **No information independent of Costco claims has been provided by either planning authorities, or members of the Montgomery County Council** indicating that Kensington or Montgomery County residents have been in the past (before the COSTCO plan was known) or are currently clamoring for more gas stations in the area.
- Approval, in our view, would be **inconsistent with Montgomery County’s publicly stated policies of reducing the region’s carbon footprint** and encouraging movement toward alternative energies or more efficient public transportation. Supporting the development of a “gasoline alley” on the basis of distorted claims about lower gas prices would cast doubt on the County’s true commitment to these important issues.
- Claims by analysts (paid by COSTCO) that there would be no significant effect on real estate value are laughable and should be taken with a grain of salt. Particularly misleading is the argument involving a Montgomery Wards Auto Service facility that was (from 1960- 2002) located at about the same place as the proposed COSTCO station. The claim is that since that operation did not harm property values, the COSTCO station likely also will not. The report did not indicate how many gas pumps (if any) were present at the Montgomery Wards service facility. There was no Montgomery Wards operation in the area when we purchased our home in 2007, and we would not have purchased if a significant operation existed in that location.
- There are enough **known negative impacts** of the proposed use that the application should be denied based on what is known and how the review criteria have been applied in Montgomery County.

- **Researchers are identifying stronger links between cancer and emissions** of fumes and particulates associated with vehicular traffic and gas stations.

Feel free to contact me if you have questions or need additional information.

Very sincerely,

Ron Hackett

6 Torrance Court

Kensington, Maryland 20895

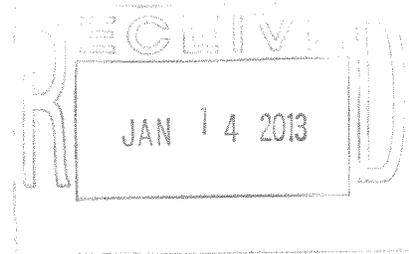
RON AND MIRA HACKETT

6 Torrance Ct
Kensington, MD 20895

(202) 203-8352
rlhackett@lycos.com

January 11, 2013

Ms. Renee Kamen
Senior Planner, Development Revision Division
Montgomery County Planning Department
8787 Georgia Ave., Silver Spring, MD 20910



Dear Ms. Kamen:

RE: Special Exception application S-2863, Costco gas station

We are residents of Kensington Heights, and members of the Kensington Heights Civic Association (KHCA). We are writing to you as residents and concerned citizens asking you to disapprove Costco's special exception to install a mega gas station near our home and about 850 feet from a school for severely handicapped children, the Stephen Knolls School. The enclosed map shows how very close this mega gas station will be to existing homes, the school, and a pool where kids play in the summer. In summary:

- There is simply **no compelling reason** to approve the Special Exception requested by Costco.
 - The **economic analysis of "need" presented by Costco is flawed and incomplete.** It appears to have been conducted more to build an argument like a lawyer trying to win a case by playing loose with what are portrayed to be facts or objective analysis than to truly objectively inform decision-makers.
 - **No information independent of Costco claims has been provided by either planning authorities, or members of the Montgomery County Council** indicating that Kensington or Montgomery County residents have been in the past (before the COSTCO plan was known) or are currently clamoring for more gas stations in the area.
- Approval, in our view, would be **inconsistent with Montgomery County's publicly stated policies of reducing the region's carbon footprint** and encouraging movement toward alternative energies or more efficient public transportation. Supporting the development of a "gasoline alley" on the basis of distorted claims about lower gas prices would cast doubt on the County's true commitment to these important issues.
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that operation did not harm property values, the COSTCO station likely also will not. The report did not indicate how many gas pumps (if any) were present at the Montgomery Wards service facility. There was no Montgomery Wards operation in the area when we purchased our home in 2007, and we would not have purchased if a significant operation existed in that location.

- There are enough **known negative impacts** of the proposed use that the application should be denied based on what is known and how the review criteria have been applied in Montgomery County.
- **Researchers are identifying stronger links between cancer and emissions** of fumes and particulates associated with vehicular traffic and gas stations.

No Compelling Reason

There is no present need by the neighborhood population for the station. There are at least six fuel stations within one mile of the Mall. We live in an established neighborhood that has easy access to the existing fuel stations, the community is well served, and there is sufficient capacity for residents, shoppers, and motorists traversing the County. Considering the present availability of identical facilities in the community (on Veirs Mill Road, University Boulevard, Connecticut Avenue, and Georgia Avenue) there is ample evidence that there is no present need for an additional gas station.

In none of the discussion of this matter of supply/demand for gasoline have we seen or heard any independent evidence from either the Planning Authorities or members of the County Council that citizens in the area are asking for more gas stations. One would think that if this had been an issue, citizens would have contacted their representatives about it earlier and asked for action.

The “Need Study” prepared by COSTCO purporting to find this unmet demand is flawed and incomplete for several reasons:

- Tables presented for the “retail gap” analysis do not show separately the supply or demand estimates or the variance that could exist in the estimates of either from the regression models used for the estimates. Consequently, the estimates must be seriously questioned. Regression models can be easily manipulated. Before the Planning Commission uses this information in any decision-making, it should be carefully studied by a professional econometrician independently hired by the Planning Commission
- The price analysis purporting to show that COSTCO gas is cheaper is not complete. It overlooks the fact that part of the membership fee is, in fact, a charge for the gas pump discount. In addition, part of the \$ 4 million subsidy provided by Montgomery County, is, in fact, reducing COSTCO’s operating costs, allowing them to undercut competitors who are not receiving a subsidy.
- Other COSTCO practices reported on consumer complaint websites (see Attachments 1 and 2) need to be explicitly addressed because they may shed some light on reasons why COSTCO’s posted gas prices are lower than competitors.

Thus, we respectfully suggest that the proposed use does not meet the standard set forth in the Montgomery County Zoning Ordinance section 59-G-1.24 Neighborhood need.

Known Negative Impacts

Gas stations are regulated locally and nationally because of the known adverse impacts they have on public health, residents, and adjacent properties. These same factors are magnified in scope and impact because the proposed mega gas station is much larger than any nearby facility AND - for the first time in our area – a huge facility is being wedged forcefully into an established neighborhood of homes, schools, and recreational facilities. A dispassionate observer of the applicant's operations at other locations can only conclude that there will be negative health, environmental, and quality of life impacts on the community. There will be:

- significant traffic on the ring road,
- cars backed- up on the roadway,
- increased air pollution as cars idle and trace vapors enter the ecosystem from the nozzles and gasoline spilled at the pumps; and
- a consequent increase in the risk of cancer, asthma, and heart disease.

These results will make the adjacent properties relatively less healthy, attractive, and enjoyable to current and future occupants.

COSTCO's submitted modeling of emissions and noise showed increases in both. The fact that the increases may be considered within currently acceptable limits according to government standards does not mitigate the fact that they are increases and will reduce the quality of life in the area.

We respectfully suggest that this application does not meet the standards set forth in the Montgomery County Zoning Ordinance. Using the criteria in the code to assess the impact on adjacent properties, we respectfully request that you deny the application because the proposed station will:

1. Constitute a nuisance because of noise, fumes, odors, and physical activity (traffic) at the proposed location;
2. Be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties and the general neighborhood adjacent to the site;
3. Will cause objectionable fumes and odors; and
4. Will adversely affect the health, safety, and general welfare of residents, students, and workers in the area

As you know, the Stephen Knolls School provides a Special Education Program for students who range in age from three to twenty-one years, with mild to severe cognitive deficits and multiple

disabilities. Many of these children are on ventilators and will be especially susceptible to the noxious volatile emissions, such as ultrafine particulate matter, from the many cars that will be idling/filling up at the proposed station. The effects of these carcinogens are most pronounced on those within a few hundred feet of the sources. They also cause - or exacerbate – respiratory problems such as asthma, COPD, etc. Attachment 3 presents a memo from KHCA with more information about these health risks.

Our neighborhood also has many small children, who are not yet in school, and will be exposed to the emissions from the gas station, all day while they play outside. There are also retired residents whose health is fragile, and will be especially susceptible to negative health consequences from the emissions.

Stronger Links between Disease and Emissions

Scientists are detecting a link between disease and the pollutants generated by traffic and fueling stations. Public health researchers using emerging mapping and epidemiological techniques are discovering disease patterns in the United States and overseas that correlate directly with exposure to the emissions we and our neighbors will ingest if the station is approved. Despite what the applicant states, there are significant health risks associated with this fueling station.

Wedging a mega gas station into an existing residential neighborhood is not good public policy in terms of health, land use, development, and transit.

Danish researchers, building on earlier field research in the United States and Canada, found evidence of an association between the incidence of cancer and exposure to auto emissions. We can expect similar emissions from the presence of a mega gas station. "*Air Pollution From Traffic and Cancer Incidence: a Danish Cohort Study*" was published in Environmental Health, a peer-reviewed journal devoted exclusively to the subject of environmental health. You can find the entire paper by Raaschou-Nielsen et al. in Environmental Health 2011, 10:67 or by clicking here: <http://www.ehjournal.net/content/10/1/67>. Key points from this academic field research are pasted below:

“An ecological association was found between ambient air emissions of volatile organic compounds and brain cancer incidence in Indiana, USA [27], and a recent study indicated that air pollution at the residence increased the risk for breast cancer [28]. Benzene at relatively high occupational concentrations is a known leukemogen, and a few studies have suggested that ambient concentrations near point sources [29] and traffic [30] might be associated with risk for hematological cancers.”

“We found significant associations and exposure-response patterns between traffic-related air pollution at the residence and risks for cervical and brain cancer.”

“In conclusion, this cohort study shows significant associations between traffic-related air pollution at residential addresses over several decades and risks for cervical and brain cancer.”

“Although it is difficult to disentangle the effects of single air pollutants in epidemiological designs, particulate matter from traffic emissions appears to be the most important determinant of cancer risk. Ultrafine particles have a large surface area and contain absorbed PAHs, transition metals and other substances, which cause oxidative stress, inflammation and direct and indirect genotoxicity[56,57]. Further, there is evidence that ultrafine particles can translocate from the airways to other organs [7], which might explain our finding of higher risks for cervical and brain cancer in cohort members living at residences with high levels of traffic-related air pollution.”

As noted in Attachment 3, noted public health expert Dr. John Breyse from Johns Hopkins University commented on the very real danger associated with this particular proposal. His comments are in alignment with recommendations from the U.S. Environmental Protection Agency that recommend a larger setback for gas stations 1/4th the size of the 16 pump, 12 million gallons per year mega-station that is proposed by the applicant.

Because of the potential health risks associated with this proposal, the Planning Department and the County Council need to be far more vigilant in performing analyses or accepting analyses funded by companies whose only interest is increasing their immediate profits. Unfortunately, a July 5, 2012 Memorandum to the Council Planning, Housing, and Economic Development Committee (From Legislative Attorney, Re: Zoning Text Amendment 12-07, Special Exceptions -Automobile Filling Station) casts some doubt on the County’s interest in objective analysis. While noting on page 7 of the memorandum that

“Scientific studies can be the foundation for regulatory changes, but they are not a requirement...”

the author attached a footnote that added

RON AND MIRA HACKETT

“If all zoning regulation must be related to scientific study, the author of this memorandum is prepared to retire”.

We hope that this statement does not reflect the position of Members of the Planning Board or Members of the County Council on matters related to health.

Montgomery County can do better than this. We hope that you and your colleagues will take the action necessary to protect the health of its residents especially when there is:

- no need in the community for this gas station,
- ample evidence that this type of facility is ill-suited for the site, and
- contemporary research revealing the health risks associated with this type of activity.

We ask again that you protect this community by disapproving Special Exception application S-2863.

Sincerely,

Ron and Mira Hackett

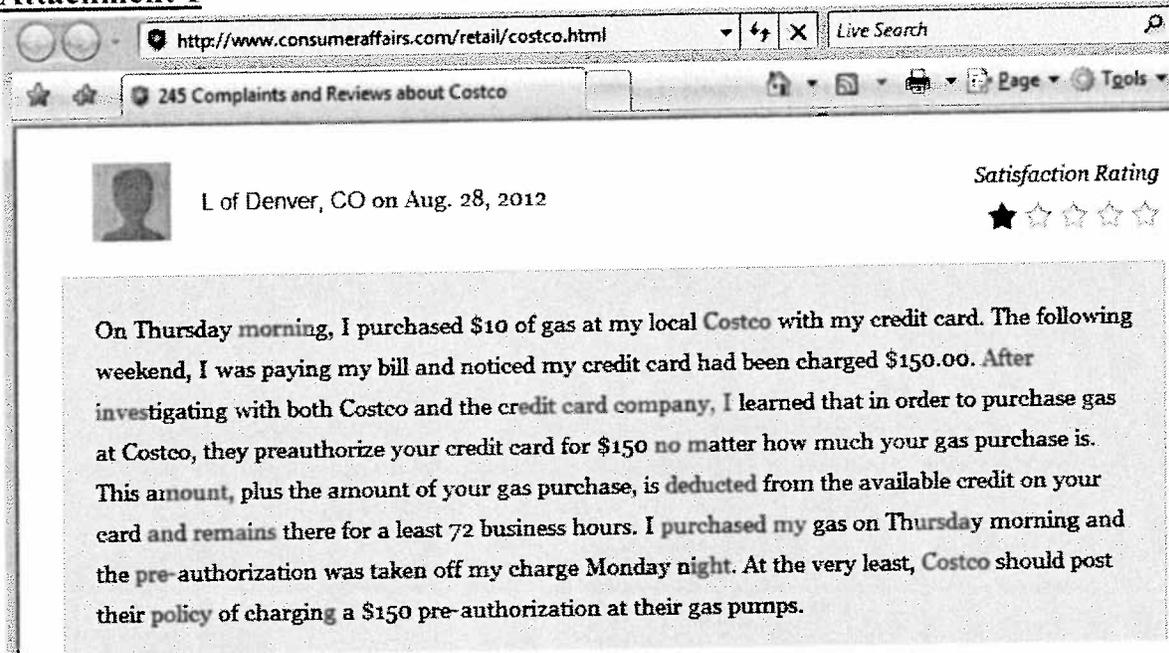
Ron and Mira Hackett
6 Torrance Ct
Kensington, MD 20895

Cc: Francoise Carrier, Planning Board Chair
Council Member Phil Andrews
Council Member Roger Berliner
Council Member Marc Elrich
Council Member Valerie Ervin
Council Member Nancy Floreen
Council Member George Leventhal
Council Member Nancy Navarro
Council Member Craig Rice
Council Member Hans Riemer

Map of Costco Gas Station Location



Attachment 1



http://www.consumeraffairs.com/retail/costco.html

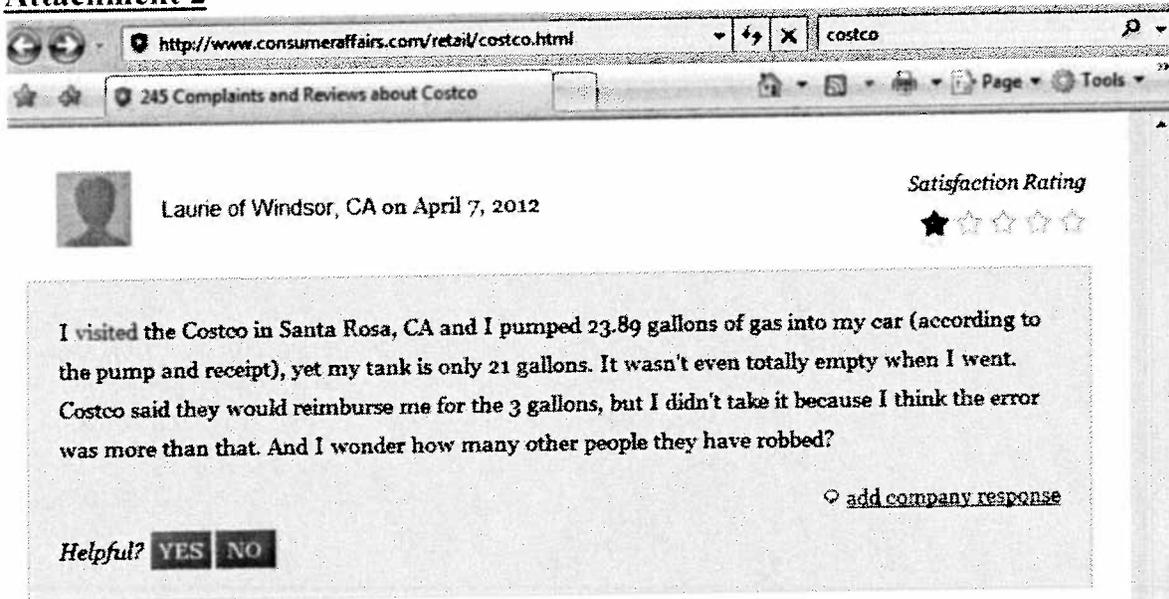
245 Complaints and Reviews about Costco

L of Denver, CO on Aug. 28, 2012

Satisfaction Rating ★☆☆☆☆

On Thursday morning, I purchased \$10 of gas at my local Costco with my credit card. The following weekend, I was paying my bill and noticed my credit card had been charged \$150.00. After investigating with both Costco and the credit card company, I learned that in order to purchase gas at Costco, they preauthorize your credit card for \$150 no matter how much your gas purchase is. This amount, plus the amount of your gas purchase, is deducted from the available credit on your card and remains there for a least 72 business hours. I purchased my gas on Thursday morning and the pre-authorization was taken off my charge Monday night. At the very least, Costco should post their policy of charging a \$150 pre-authorization at their gas pumps.

Attachment 2



http://www.consumeraffairs.com/retail/costco.html

245 Complaints and Reviews about Costco

Launie of Windsor, CA on April 7, 2012

Satisfaction Rating ★☆☆☆☆

I visited the Costco in Santa Rosa, CA and I pumped 23.89 gallons of gas into my car (according to the pump and receipt), yet my tank is only 21 gallons. It wasn't even totally empty when I went. Costco said they would reimburse me for the 3 gallons, but I didn't take it because I think the error was more than that. And I wonder how many other people they have robbed?

Helpful? YES NO

[add company response](#)

Attachment 3



Kensington Heights Civic Association

Your Neighborhood Association!
www.KensingtonHeightsMD.org

Current Officers

President
Adam Rosenbaum
301-946-7416

Vice President
currently vacant

Secretary
Abigail Adelman
301-942-6893

Treasurer
Karen Cordry
301-933-3640

Parliamentarian
currently vacant

Immed. Past President
Donna R. Savage
301-942-2447

Beautification
Abigail Adelman
301-942-6893

Bylaws/Communication
currently vacant

Crime Statistician
Thomas Stanton
301-929-0757

Education
Laura Kervitsky
301-949-1429

Land Use
Donna R. Savage
301-942-2447

Online Newsletter
Barbara Ruben
301-946-4192

barbararuben@verizon.net
Traffic and Safety
Andy Froser
301-982-0787

Jane Harding
301-933-0513

Web site Coordinator
Jean Dowd
301-669-8184

jdowd@KensingtonHeightsMD.org

KHCA is affiliated with:
Allied Civic Group
Coalition of Kensington
Communities
MC Civic Federation
Wheaton Citizens Coalition

KHCA received the 1999 Wheaton
Kensington Civic Association Award

KHCA represents over
700 single-family homes
in Kensington, Maryland

**Johns Hopkins Public Health Professor Says Proposed Costco Gas at Westfield
Mall in Wheaton Poses Unacceptable Cancer Risks to Neighbors**

The Kensington Heights Civic Association today presented scientific evidence that the massive discount gas station that Costco Wholesale Corporation proposes to put next door to their community and to the Kenmont Swim & Tennis Club will expose residents of their community and patrons of the Kenmont Club's outdoor facilities to three times the health risk generally considered acceptable. KHCA has been asking County officials to conduct a complete environmental impact assessment, including a health study, prior to considering Costco's rezoning request for the 12 million gallon a year (mgpy) gas station; thus far the County has refused to investigate the public health threats posed by the Costco proposal. Because of this refusal, KHCA hired its own expert, Patrick N. Breyse, PhD, CIH, Professor Johns Hopkins University, Bloomberg School of Public Health. In a letter to the KHCA, Dr. Breyse stated:

the excess risk for a 12 mgpy facility at a distance of 100 m [328 feet] is nearly 3-times higher than those recommended by CARB [California Air Resources Board]. If the throughput is as high as 20 mgpy risk is estimated to be 5 to 6 times higher than the CARB recommended risk. As a result a set-back distance of 100 m is not likely to provide adequate protection from cancer risk.

Dr. Breyse's conclusion is consistent with an October 2011 Guidance document issued by the US Environmental Protection Agency that advises local governments to keep "large" gas stations at least 1000 feet from schools and other sensitive land uses. The EPA study focuses on gas stations that pump 3 to 4 million gallons a year. The proposed Costco gas station would be four times larger. Dr. Breyse's analysis deals only with cancer risk. He cautions that "there is growing literature with respect to other public health concerns associated with exposure to traffic related pollution. Health concerns like potential increased risk childhood asthma have not been addressed." (The proposed Costco station is a little more than 1000 feet from the Stephen Knolls School for handicapped children, where many of the children suffer from severe respiratory problems.) Dr. Breyse also warned that the effect of the gas station fumes could be exacerbated by traffic from the store and especially by the location of the loading docks which will receive truck deliveries all through the night. "We begged Costco to put its loading docks further away from the residences," said Danila Sheveiko, who heads KHCA's task force on the Costco gas proposal. "They refused to listen. The loading docks are as close as possible to

RON AND MIRA HACKETT

homes and recreation areas, not to mention the Knolls School for handicapped children." "This is an unprecedented proposal, to place such a large petroleum facility so close to homes, schools, and recreation areas," said Larry J. Silverman, an adjunct professor of environmental law and policy at Johns Hopkins University Krieger School of Advanced Academic Studies. Mr. Silverman has been advising KHCA throughout this process. "If Costco gets away with this here in Montgomery County, no commercial zone in Maryland, no commercial zone in the US, no matter how close they are to residences and schools, will be safe from mega gas stations. That's why Costco is fighting so hard to shoe horn this facility into the Wheaton/Kensington Heights neighborhood. It's an opening wedge in a national campaign."

KHCA called on County Executive Ike Leggett and the Montgomery County Council to stop "stonewalling" the health and environmental issues associated with this Costco gas proposal. "At every step along the way, the County government has refused to use the limited authorities it does have to mitigate the environmental consequences of the Costco complex," said Danila Sheveiko. "We asked them to use the forest conservation law to protect the green buffer. The County declined to do so, instead issuing a waiver of forest conservation rules. The same goes for the environmental site design guidelines of the modern storm water rules. The rules were waived. Now the County is about to give Costco a pass when it comes to the health of our families. This is not tolerable."

So far not one County elected or appointed official has been willing to say that the gas station will not impose unacceptable health and environmental risks. "It is time for the County Executive and County Council to blow the whistle on this dangerous proposal," said KHCA president, Adam Rosenbaum. "We expect our elected officials to protect us from public health threats. Instead, this Executive and this Council are actually paying Costco and Westfield \$4 million in taxpayer money to promote this development. They said before they had no evidence to stop the gas station. Now we have provided the evidence. There is no excuse for further inaction."

Press contact for this issue: Danila Sheveiko 301-254-6862

Garcia, Joyce

0009

From: Nicolle Singer <nicolle.singer@gmail.com>
Sent: Monday, January 07, 2013 4:07 PM
To: MCP-Chair
Subject: Wheaton Costco gas station - please do not allow

RECEIVED

JAN 08 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Planning Commission members,

Thank you for your service to Montgomery County. It is deeply appreciated. I won't be able to attend the Feb 28 Planning Board hearing, so can my comments below please be considered there in my absence?

I just read [this article](#) and its comments on the Wheaton Patch, and it made me want to contact you about not adding the Costco gas station. That piece of land is near the metro station, very walkable, and I pray you'll find a person-oriented use for it instead of a gas station for cars. There are already lots of gas stations in Wheaton. We need places to eat, drinks, and do activities, not places that cater towards cars!

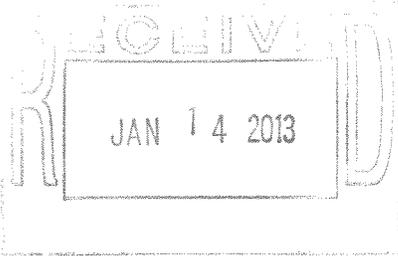
Costco recently released a new need study that they had conducted, which defines "need" incorrectly and also defines the area of Wheaton as much larger than it actually is. I hope you will not be swayed by that deeply flawed study.

As noted in the article "We have 34 existing gas stations in the 7 min drive you mention, and 14 stations within 1 mile radius of the proposed Costco site, including several discount stations selling gas at some of the lowest prices around. We do not need the largest gas station in the County next to a metro, 125 ft away from single-family residences, adjacent to an outdoor fitness club and a school for medically fragile children with special needs, including oxygen tanks!"

Sincerely,
Nicolle Singer
2108 Henderson Ave
Wheaton, MD 20902

Kamen, Renee

From: michael taylor <miketaylor_us@yahoo.com>
Sent: Monday, January 14, 2013 7:03 AM
To: Kamen, Renee; Ron Hackett
Cc: MCP-Chair; councilmember.berliner@montgomerycountymd.gov;
councilmember.riemer@montgomerycountymd.gov;
councilmember.andrews@montgomerycountymd.gov;
councilmember.rice@montgomerycountymd.gov;
councilmember.leventhal@montgomerycountymd.gov;
councilmember.floreen@montgomerycountymd.gov;
councilmember.ervin@montgomerycountymd.gov;
councilmember.navarro@montgomerycountymd.gov;
councilmember.elrich@montgomerycountymd.gov; AVTDesignGroup@erols.com;
karenc425@aol.com; jimcore@gwmail.gwu.edu; eric.sigmon@hotmail.com;
sunstyleee@aol.com; sgibson74@verizon.net; skrkland@aol.com;
mirahackett@yahoo.com; dsheveiko@hotmail.com
Subject: Re: Special Exception application S-2863, Costco gas station



Dear Ms. Kamen and Council Members,

My wife and I join with our neighbors in opposing the Special Exception Application (S-2863) for the Costco gas station, for all of the reasons presented in the letter to Ms. Kamen dated January 11, 2013.

While the special exception may make sense from the perspective of Costco's economic model, it will impose significant costs on the community, for which Costco will not have to pay, including adverse impacts on the health of the community and on the environment. That is simply unfair.

As a matter of public policy, it's bad enough to subsidize the presence of a store operated by one of the world's largest retailers, but the very last thing that site needs is a large gas station sandwiched in among close-by residences, outdoor recreation facilities, and a school for vulnerable people. There are plenty of places to get gas that are far more logically located adjacent to major streets. The proposed station will only draw more cars to a place where there are already way too many for the space available.

I urge planning officials and the Council to take personal responsibility for this decision and to be prepared to explain whatever decision they make in terms of what's good for the community.

Michael R. Taylor
10804 Torrance Drive
Kensington, MD

From: Ron Hackett <rlhackett@lycos.com>
Subject: Special Exception application S-2863, Costco gas station
To: Renee.Kamen@mncppc-mc.org
Cc: MCP-Chair@mncppc-mc.org, councilmember.berliner@montgomerycountymd.gov,
councilmember.riemer@montgomerycountymd.gov,
councilmember.andrews@montgomerycountymd.gov,

councilmember.rice@montgomerycountymd.gov,
councilmember.leventhal@montgomerycountymd.gov,
councilmember.floreen@montgomerycountymd.gov,
councilmember.ervin@montgomerycountymd.gov,
councilmember.navarro@montgomerycountymd.gov,
councilmember.elrich@montgomerycountymd.gov, AVTDesignGroup@erols.com,
karenc425@aol.com, jimcore@gwmail.gwu.edu, eric.sigmon@hotmail.com, sunstyleee@aol.com,
sgibson74@verizon.net, miketaylor_us@yahoo.com, skrkland@aol.com, mirahackett@yahoo.com,
dsheveiko@hotmail.com

Date: Friday, January 11, 2013, 5:25 PM

Ms. Kamen:

Attached to this e-mail you will find a letter from my wife and me explaining our opposition to the **Special Exception application S-2863 for the Costco gas station.**

In brief:

- There is simply **no compelling reason** to approve the Special Exception requested by Costco.
 - The **economic analysis of “need” presented by Costco is flawed and incomplete.** It appears to have been conducted more to build an argument like a lawyer trying to win a case by playing loose with what are portrayed to be facts or objective analysis than to truly objectively inform decision-makers.
 - **No information independent of Costco claims has been provided by either planning authorities, or members of the Montgomery County Council** indicating that Kensington or Montgomery County residents have been in the past (before the COSTCO plan was known) or are currently clamoring for more gas stations in the area.
- Approval, in our view, would be **inconsistent with Montgomery County’s publicly stated policies of reducing the region’s carbon footprint** and encouraging movement toward alternative energies or more efficient public transportation. Supporting the development of a “gasoline alley” on the basis of distorted claims about lower gas prices would cast doubt on the County’s true commitment to these important issues.
- Claims by analysts (paid by COSTCO) that there would be no significant effect on real estate value are laughable and should be taken with a grain of salt. Particularly misleading is the argument involving a Montgomery Wards Auto Service facility that was (from 1960- 2002) located at about the same place as the proposed COSTCO station. The claim is that since that operation did not harm property values, the COSTCO station likely also will not. The report did not indicate how many gas pumps (if any) were present at the Montgomery Wards service facility. There was no Montgomery Wards operation in the area when we purchased our home in 2007, and we would not have purchased if a significant operation existed in that location.
- There are enough **known negative impacts** of the proposed use that the application should be denied based on what is known and how the review criteria have been applied in Montgomery County.
- **Researchers are identifying stronger links between cancer and emissions** of fumes and particulates associated with vehicular traffic and gas stations.

Feel free to contact me if you have questions or need additional information.

Very sincerely,

Ron Hackett

6 Torrance Court

Kensington, Maryland 20895

January 15, 2013

Renee Kamen
Senior Planner, Development Revision Division
Montgomery County Planning Department
8787 Georgia Ave.,
Silver Spring, MD 20910
email: Renee.Kamen@mncppc-mc.org

RE: Special Exception application S-2863, Costco gas station

Dear Ms. Kamen,

I am writing on behalf of the Stop Costco Gas Coalition. I am an international expert on the topic of pollutants as well as a research scientist at the National Physical Laboratory (UK) and author of the paper "*Assessing the impact of petrol stations on their immediate surroundings*"¹ carried out at the University of Murcia (Spain).

My research found that some airborne organic compounds – such as benzene, which increases the risk of cancer – were higher near gas stations compared to other urban areas where traffic is the primary source of emission.

My study, published in the Journal of Environmental Management, shows the air at gasoline stations is affected by emissions stemming from evaporated vehicle fuels -- unburned fuels from fuel loading and unloading operations, refueling and liquid spillages. The petrol station of the study was Stage I implemented, that is, it uses vapour recovery devices to return the VOC-saturated volume of air displaced from the storage tank being filled to the tank being emptied.

I believe that my research is very relevant to the issue you are dealing with in Montgomery County, MD. Our research was based on a gas station pumping less than 1 million gallons of gas per year. Based on our findings of a small gas station, we recommend a 100 meter (328 feet) distance between hospitals, health centers, and schools. Given the significant size of the proposed Costco gas station, I caution you on the approval of a special exception and encourage you to consider expanding the buffer zone for mega (over 3.6 million gallon per year) gas stations.

Sincerely,



Marta Doval Minarro
Higher Research Scientist
National Physical Laboratory
marta.doval.minarro@npl.co.uk

¹ Journal of Environmental Management, Volume 91, Issue 12, December 2010, Pages 2754–2762.

Kamen, Renee

From: Dodd, Marilyn C <Marilyn_C_Dodd@mcpsmd.org>
Sent: Wednesday, January 09, 2013 2:41 PM
To: Kamen, Renee
Subject: Proposed Costco Gas Station for Wheaton

I am concerned that this proposal would adversely affect our students, here at Stephen Knolls. Our students are severely to profoundly disabled and some are also medically fragile. Our school is contiguous with the circular drive around the Wheaton Plaza site and we do take our students up to Wheaton Plaza for community visits and work assignments. It is difficult enough pushing wheel chairs up the slight hill (some of our students are in their late teens and early 20s) without having to dodge the large amount of traffic that the Costco Gas Station would bring. Also the fumes from the increased traffic and the gas pumps themselves may affect students who are medically fragile.

I am a Costco member and sometimes do purchase Costco gas, so I know how crowded and busy the other Costco stations are and do not feel that this location is an appropriate one for this service

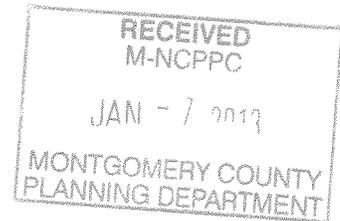
Marilyn Dodd

240 678 3709.

Montgomery County
RECEIVED
JAN 8 2013
★
★
Planning Department

Kamen, Renee

From: mariajison@gmail.com on behalf of Maria Jison <drjison@yahoo.com>
Sent: Saturday, January 05, 2013 2:33 PM
To: Kamen, Renee
Cc: Danila Sheveiko
Subject: Special Exception application S-2863, Costco gas station
Attachments: PlanningBoardLtrJison.pdf



RE: Special Exception application S-2863, Costco gas station

Dear Ms. Kamen,

I am writing to you as a concerned citizen and physician. As you know, Costco has proposed to place a ~12.6 million gallon gas station immediately adjacent to the Wheaton Plaza Westfield Mall. The size of this station is 3-4 times larger than any other gas station in the county, and is, indeed, comparable in size to few stations in the state, yet is within 1000 feet of unique and vulnerable populations. No other station of this size exists in such direct proximity to homes and schools as a comparator. The risks presented to the health and well being of my family, neighbors, and vulnerable students of the Stephen Knolls School by the planned Costco Mega Gas station at the Westfield Wheaton mall clearly outweigh any potential benefits. I am able to speak to the risks of health and vulnerability as a Pulmonary-Critical Care physician specializing in the care of patients with lung disease and critical illness. I am also a resident of the Kensington neighborhood which is to be most affected by the eventual emissions from the station as my home is adjacent to the Wheaton Plaza.

This gas station is going to be within 120 feet of my home and about 850 feet from a school for severely handicapped children, the Stephen Knolls School. The Costco gas station will be a mega station with 16 pumps, and is expected to sell at least 12 million gallons/year. Costco gas stations typically attract many patrons who idle, waiting to use the station and will thus increase ambient air pollution including ultrafine particulate matter which are known to have adverse health consequences in children and those with chronic lung diseases.

The emissions from the many cars idling/filling up at the proposed station will contain many noxious volatile components, such as fine and ultrafine particulate matter. The negative health effects of these fine particulates are well known to patients with chronic lung disease such as asthma or COPD. Many of my patients comment that their symptoms are worse in areas of heavy traffic. The adverse health effects of air pollution and fine particulate matter has been increasingly recognized in the published medical literature.* Air pollution and fine particulates increase the incidence of respiratory symptoms in children with asthma and exacerbate symptom severity. In the Children's Health Study from southern California long-term exposure to ambient air pollution was associated with negative effects on children's respiratory development.# Fine particulates (less than 2.5 microns, which would increase as a result of the increased traffic at the proposed Costco gas station) were associated with deficits in lung function and lung function development in children over an 8 year period.#

As a physician I am concerned for the health of my own family, some of whom have asthma, and for my neighbors who may have various chronic lung and other diseases. I am most concerned for the vulnerable students of the Stephen Knolls School who will be within 850 feet of the proposed gas station and will be chronically exposed to the air pollution. The students at Stephen Knolls are the most severely disabled students in the county many of whom have chronic lung disease, are dependent on oxygen, and even require artificial ventilation. Students at Stephen Knolls are often lifelong attendants due to their disabilities and would suffer cumulative effects of exposure to increased air pollution and fine

particulates resulting from the Costco mega gas station.

The location of the gas station itself poses environmental risks, including impacts on groundwater quality. The geology of the service station hill, although not completely studied, includes shallow and deep groundwater formations close to where Costco's giant underground gas tanks would be placed. Some have described the area as a honeycomb of small streams, all of which eventually drain into the Potomac river.

Please help our community and the severely handicapped children with vulnerable health conditions at the Stephen Knolls school. Please disapprove Special Exception application S-2863.

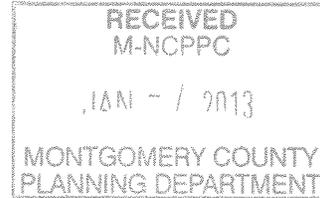
Sincerely,

Maria Jison, MD, FCCP
Kensington Heights Resident

Maria L. Jison, MD

10818 Torrance Drive, Kensington, MD 20895 | drjison@yahoo.com | 240-242-9790

Ms. Renee Kamen
Senior Planner, Development Revision Division
Montgomery County Planning Department
8787 Georgia Ave., Silver Spring, MD 20910



RE: Special Exception application S-2863, Costco gas station

Dear Ms. Kamen,

I am writing to you as a concerned citizen and physician. As you know, Costco has proposed to place a ~12.6 million gallon gas station immediately adjacent to the Wheaton Plaza Westfield Mall. The size of this station is 3-4 times larger than any other gas station in the county, and is, indeed, comparable in size to few stations in the state, yet is within 1000 feet of unique and vulnerable populations. No other station of this size exists in such direct proximity to homes and schools as a comparator. The risks presented to the health and well being of my family, neighbors, and vulnerable students of the Stephen Knolls School by the planned Costco Mega Gas station at the Westfield Wheaton mall clearly outweigh any potential benefits. I am able to speak to the risks of health and vulnerability as a Pulmonary-Critical Care physician specializing in the care of patients with lung disease and critical illness. I am also a resident of the Kensington neighborhood which is to be most affected by the eventual emissions from the station as my home is adjacent to the Wheaton Plaza.

This gas station is going to be within 120 feet of my home and about 850 feet from a school for severely handicapped children, the Stephen Knolls School. The Costco gas station will be a mega station with 16 pumps, and is expected to sell at least 12 million gallons/year. Costco gas stations typically attract many patrons who idle, waiting to use the station and will thus increase ambient air pollution including ultrafine particulate matter which are known to have adverse health consequences in children and those with chronic lung diseases.

The emissions from the many cars idling/filling up at the proposed station will contain many noxious volatile components, such as fine and ultrafine particulate matter. The negative health effects of these fine particulates are well known to patients with chronic lung disease such as asthma or COPD. Many of my patients comment that their symptoms are worse in areas of heavy traffic. The adverse health effects of air pollution and fine particulate matter has been increasingly recognized in the published medical literature.¹ Air pollution and fine particulates increase the incidence of respiratory symptoms in children with asthma and exacerbate symptom severity. In the Children's Health Study from southern California long-term exposure to ambient air pollution was associated with negative effects on children's respiratory

¹ Panel Studies of Air Pollution on Children's LungFunction and REspiratory Symptoms: A Literature Review. Shanshan Li, MMS, Gial Williams, PhD, Bin Jalaludin, PhD, Peter Baker, PhD. Journal of Asthma, 2012; 49(9) 895-910.

Maria L. Jison, MD

10818 Torrance Drive, Kensington, MD 20895 | drjison@yahoo.com | 240-242-9790

development.² Fine particulates (less than 2.5 microns, which would increase as a result of the increased traffic at the proposed Costco gas station) were associated with deficits in lung function and lung function development in children over an 8 year period.³

As a physician I am concerned for the health of my own family, some of whom have asthma, and for my neighbors who may have various chronic lung and other diseases. I am most concerned for the vulnerable students of the Stephen Knolls School who will be within 850 feet of the proposed gas station and will be chronically exposed to the air pollution. The students at Stephen Knolls are the most severely disabled students in the county many of whom have chronic lung disease, are dependent on oxygen, and even require artificial ventilation. Students at Stephen Knolls are often lifelong attendants due to their disabilities and would suffer cumulative effects of exposure to increased air pollution and fine particulates resulting from the Costco mega gas station.

The location of the gas station itself poses environmental risks, including impacts on groundwater quality. The geology of the service station hill, although not completely studied, includes shallow and deep groundwater formations close to where Costco's giant underground gas tanks would be placed. Some have described the area as a honeycomb of small streams, all of which eventually drain into the Potomac river.

Please help our community and the severely handicapped children with vulnerable health conditions at the Stephen Knolls school. Please disapprove Special Exception application S-2863.

Sincerely,



Maria Jison, MD, FCCP
Kensington Heights Resident

² Gauderman WJ, Avol E, Gilliland F, Vora H, Thomas D, Berhane K, McConnell R, Kuenzli N, Lurmann F, Rappaport E, Margolis H, Bates D, Peterse J. The Effect of Air Pollution on Lung Development from 10-18 Years of Age. *New England Journal of Medicine* 2004; 351(11):1057-1067.

³ Effect of Exposure to Traffic on Lung Development from 10 to 18 Years of Age; a Cohort Study. Gauderman WJ, Vora H, McConnell R, Berhand K, Gilliland F, Thomas D, Lurmann F, Avol E, Kunzli N, Jerrett M, Peters J. *Lancet* 2007; 369(9561): 571-577.

Kamen, Renee

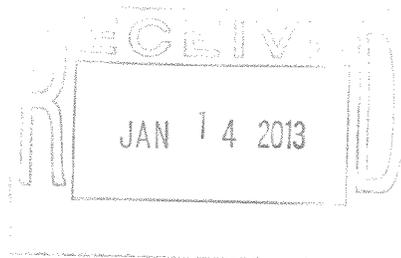
From: mariajison@gmail.com on behalf of Maria Jison <drjison@yahoo.com>
Sent: Sunday, January 13, 2013 3:50 PM
To: Kamen, Renee
Cc: Karen Cordry; Danila Sheveiko
Subject: S-2863 Costco gas: Summary of Adverse Health Effects
Attachments: CostcoGasAdverseHealthEffectsmemo.pdf

Dear Ms. Kamen,

Attached please find a memo summarizing the adverse health effects of the proposed Costco gas station for submission to the planning board for upcoming hearings related to Special Exception application S-2863, Costco gas station.

Sincerely,

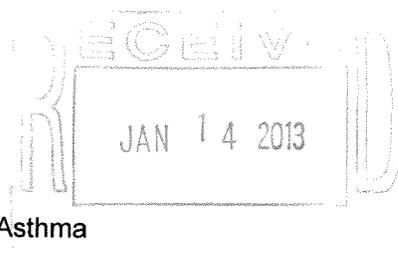
Maria Jison, MD, FCCP
Kensington Heights Resident



Maria L. Jison, MD

11006 Veirs Mill Rd. PMB 261, Wheaton, MD 20902 | drjison@yahoo.com | 240-242-9790

Ms. Renee Kamen
Senior Planner, Development Revision Division
Montgomery County Planning Department
8787 Georgia Ave., Silver Spring, MD 20910



RE: Special Exception application S-2863, Costco gas station
Summary of Adverse Effects of Fine Particulate (PM_{2.5}) Pollution on Asthma

Dear Ms. Kamen,

This letter is a rebuttal of the conclusions drawn by Costco's appointed health expert, Dr. Chase, to the county planning board in a communication dated November 19, 2012. As a practicing physician in Pulmonary-Critical Care Medicine with three current/active board certifications in Internal Medicine, Pulmonary Disease and Critical Care Medicine from the American Board of Internal Medicine, I am more than qualified to speak to the points made by Dr. Chase and I respectfully disagree with a majority of them.

In his letter, Dr. Chase states, "I respect the concerns of the residents, but **I cannot find a rational, scientific basis for them.**" The majority of Dr. Chase's discussion focuses on the cancer risk of diesel fumes and makes little mention of the potential health effects of the gas station on chronic lung diseases such as asthma. The affected community has not made great mention of the cancer risk associated from emissions of diesel fumes but has expressed concerns about risks to asthma and chronic conditions. Dr. Chase nearly completely omits mention of the much greater risk to the immediate community due to chronic exposure to fine particulate matter that can lodge deep in the airways. The basis for this concern is supported by a large and growing body of rational and scientific evaluation that I will review. It is clear that Dr. Chase's inability to find a rational, scientific basis for the community's concerns is because he did not look.

As a practicing physician in Pulmonary-Critical Care Medicine I respectfully disagree with Dr. Chase's conclusion based on my reading of the growing mountain of scientific clinical evidence within the field of asthma and air pollution that indicates otherwise. Dr. Chase's only mention of the risks associated with particulate pollution on lung function is to suggest that the number of "delivery vehicles" will be so low that it is expected that particulate matter will be far below EPA limits based on Costco's disputed dispersion modeling. He goes on to suggest that adherence to EPA standards indicates that potential emissions from the station makes the risk to health through exacerbation of asthma (and other chronic lung diseases) "essentially negligible". He apparently has not considered the growing body of literature demonstrating that ambient air pollution, which includes fine particulates, is associated with increased asthma symptoms, increased rescue medication use, declines in childhood lung function development, and decreased lung function even when average central site monitoring levels of fine particulates are fairly low and within EPA limits. Dr. Chase reasons that based on Costco's modeling

Maria L. Jison, MD

11006 Veirs Mill Rd. PMB 261, Wheaton, MD 20902 | drjison@yahoo.com |240-242-9790

of ambient air pollution and compliance with particulate matter levels below EPA limits it naturally follows that the gas station poses negligible risks to the respiratory health of patients with asthma. The flaw in his conclusion is easily demonstrated through the evaluation of his reasoning as I will show through this communication.

In Dr. Chase's letter dated November 19, 2012, wherein he states that the Studies have shown that even what would be categorized by industry and the EPA as low levels of fine particulates are associated with increased asthma symptoms and clinically relevant declines in lung function.¹

Asthma is highly misunderstood in the non-medical community and many myths abound. I will provide a brief introduction to asthma and its effect on health care morbidity and health care costs. I will then discuss the growing body of literature demonstrating the adverse health effects of ambient air pollution and fine particulate matter (PM_{2.5}) on asthma and lung function. These data show a clear and immediate risk and support community concerns that the risks posed by the Costco gas station are not negligible. In addition, not only will the risks have negative impact on the health of local residents and vulnerable students but they can impact the economy of the area through increased costs of health care and decreased productivity of affected county residents.

I will not discuss the flaws in Costco's dispersion modeling and vehicle volume estimates. These important points have been discussed by other opponents in various documents submitted by the Kensington Heights Civic Association (KHCA) and further damage Dr. Chase's conclusion as it rests heavily on the flawed modeling. Instead, this letter will specifically address the health effects of the potential emissions produced at the proposed gas station.

Asthma Facts

Asthma is characterized by inflammation of the air passages resulting in the temporary narrowing of the airways that transport air from the nose and mouth to the lungs. Asthma symptoms can be caused by allergens or irritants (such as air pollution) that are inhaled into the lungs, resulting in inflamed, clogged and constricted airways. Symptoms include difficulty breathing, wheezing, coughing, and tightness in the chest.

Asthma is a chronic disease characterized by periods of quiescence and seemingly normal respiratory status interspersed with acute exacerbations which range from mild to severe. In severe cases, asthma can be deadly. There are many triggers of an acute asthma attack including environmental exposures. Asthma accounts for a large amount of health care and

¹ Ralph J Delfino, Penelope JE Quintana, Josh Floro, Victor M Gastanaga, Behzad S Samimi, Michael T D Kleinman, L-J Sally Liu, Charles Bufalino, Chan-Fu Wu, Christine E McLaren. Association of FEV1 in Asthmatic Children with Personal and Microenvironmental Exposure to Airborne Particulate Matter. Environmental Health Perspectives 2004; 112(8).

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economic costs due to hospitalization, emergency room visits, missed days of school and missed work days. There is no cure for asthma, but asthma can be managed with proper prevention and treatment.

Every day in America:²

- 44,000 people have an asthma attack.
- 36,000 kids miss school due to asthma.
- 27,000 adults miss work due to asthma.
- 4,700 people visit the emergency room due to asthma.
- 1,200 people are admitted to the hospital due to asthma.
- 9 people die from asthma.

Asthma Morbidity²

- Asthma accounts for one-quarter of all emergency room visits in the U.S. each year, with 1.75 million emergency room visits.
- Each year, asthma accounts for more than 10 million outpatient visits and 479,000 hospitalizations.
- The average length of stay (LOS) for asthma hospitalizations is 4.3 days.
- Nearly half (44%) of all asthma hospitalizations are for children.
- **Asthma is the third-ranking cause of hospitalization children.**
- **Asthma is the #1 chronic cause of school absenteeism among children each year accounting for more than 13 million total missed days of school.**
- **Asthma accounts for more than 10 million total missed days of work for adults each year.**
- African Americans are three times more likely to be hospitalized from asthma.

Social and Economic Costs²

- The annual cost of asthma is estimated to be nearly \$18 billion.
- Direct costs accounted for nearly \$10 billion (hospitalizations the single largest portion of direct cost) and indirect costs of \$8 billion (lost earnings due to illness or death).
- **For adults, asthma is the fourth leading cause of work absenteeism and "presenteeism," resulting in nearly 15 million missed or lost ("less productive") workdays each year** (this accounts for nearly \$3 billion of the "indirect costs" shown above).
- **Among children ages 5 to 17, asthma is the leading cause of school absences from a chronic illness. It accounts for an annual loss of more than 14 million school days per year** (approximately 8 days for each student with asthma) **and more hospitalizations than any other childhood disease.** It is estimated that children with asthma spend an nearly 8 million days per year restricted to bed.

² <http://www.aafa.org/display.cfm?id=8&sub=42>

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- **Asthma cost the US about \$3,300 per person with asthma each year from 2002 to 2007 in medical expenses, missed school and work days, and early deaths³**
- More than half (59%) of children and one-third (33%) of adults who had an asthma attack missed school or work because of asthma in 2008. On average, in 2008 children missed 4 days of school and adults missed 5 days of work because of asthma²

Scientific literature summary

Studies show that higher levels of fine particulate pollution (PM_{2.5}) are associated with greater odds of having asthma symptoms exacerbated, having a more severe asthma attack and increased rescue inhaler use.⁴ Increased chronic exposure to ambient air pollution emanating from a mega gas station and its resultant traffic will have negative effects on patients with asthma.

In the case of children, high levels of physical activity are expected to generate higher levels of particle exposure in a variety of microenvironments. Some activities may bring the child close to an undiluted source of particulate exposure such as a school bus or in the case of Wheaton, student commuters and students at Stephen Knolls, walking in the vicinity of idling cars waiting to fuel at Costco. This phenomenon is referred to as the “personal dust cloud,” which accounts for the difference between total personal exposure as measured by a personal monitor worn on the body and the estimated time-weighted exposure measurement in indoor/outdoor microenvironments and central sites which are typically utilized in many studies and reports. In the Costco memorandum Dr. Chase does not acknowledge the effects of the gas station on personal exposures to fine particulates and the “personal dust cloud” as compared to levels measured at central monitoring sites or stationary local areas.

Studies have shown that the personal dust cloud is a combined result of particles generated from personal activities and exposures to local sources such as next to traffic exhaust on the street. In a study of asthmatic children in southern California, Delfino et. al. evaluated the effect of fine particle exposure (PM_{2.5}) on lung function using hourly measurements of fine particulate exposure from a personal monitor attached to the subject as well as 24 hour average indoor/outdoor stationary and central site measurements. **The study demonstrated that short-term exposure lasting minutes to hours has clinically relevant negative respiratory effects.** The study found that personal fine particulate exposure was negatively associated with lung function as measured by FEV1 percent predicted (a common measure of lung function which is the amount of air you can forcefully blow out). Stationary indoor/outdoor and central site

³ <http://www.aaaai.org/about-the-aaaai/newsroom/asthma-statistics.aspx>

⁴ James C Slaughter, Thomas Lumley, Lianne Sheppard, Jane Q Koenig, Gail G Shapiro. Effects of ambient air pollution on symptoms severity and medication use in children with asthma. *Annals of Allergy, Asthma and Immunology* 2003;91:346-353.

Onchee Yu, Lianne Sheppard, Thomas Lumley, Jane Q Koenig, Gail G Shapiro. Effects of Ambient Air Pollution on Symptoms of Asthma in Seattle-Area Children Enrolled in the CAMP Study. *Environmental Health Perspectives*. 2000;108(12):1209-1214

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exposures were also negatively associated with lung function **but the effects of personal exposure were more profound**. Children with concurrent allergies and asthma were even more affected. This study demonstrates that ambient air pollution that would be expected to be emitted in the vicinity of the proposed mega-station has negative effects on lung function and respiratory health. **Additionally, high personal fine particulate exposures, which involve exposures or sources not well represented by stationary site monitors at local or central sites, can be quite high and can exceed EPA limits even when central station levels fall well below EPA limits.**

The Delfino study demonstrates that the “personal dust cloud” is a combined result of particles generated from personal activities and exposures to local sources (e.g. next to traffic exhaust on the street or idling vehicles at a mega gas station) that are not well captured by stationary indoor and outdoor monitors. The study also found that children’s personal cloud PM_{2.5} is significantly higher than adults. Short term exposures lasting minutes to hours may be relevant to respiratory responses and may not be fully captured by time-integrated PM_{2.5} measurements, as is done with 24 hour monitors.⁵

While EPA regulations lag behind the accepted science, adjustments to air quality regulations are slowly being made. In 1997 the EPA had set the 24 hour standard exposure limit for PM_{2.5} to 65 ug/m³ in order “to protect against peak concentrations that might occur due to strong local or seasonal sources over limited areas and/or time periods.” In 2006 based on the growing scientific evidence that ambient air pollution and fine particulate matter have adverse health effects the EPA further lowered the 24 hour exposure limit to 35 ug/m³ and considered an even lower 30ug/m³ limit.⁶ Unfortunately, the regulations in place still do not take into account current understanding of the impact of poor air quality at ground level, regulations Dr Chase assures us, that if met, are sufficient to minimize harm. Contrary to Dr. Chase’s assurance, as observed in the the Delfino study, children in southern California experienced personal exposure levels that far exceeded current EPA 24 hour limits (35 ug/m³) even though central site levels were within EPA limits. Such exposures were associated with clinically relevant decreases in lung function. ***The reassurance by Dr. Chase that because the gas station will be in compliance with EPA standards and therefore poses negligible risks fails to consider the growing scientific evidence to the contrary.***

In a study of the effects of outdoor air pollution on lung function in school children with asthma Dales et. al. found that lung function decreased with increased ambient air concentrations of fine particulate matter (PM_{2.5}). The levels of fine particulates measured throughout this study were within standard EPA limits. The authors found that **incremental increases in fine**

⁵ Ralph J Delfino, Penelope JE Quintana, Josh Floro, Victor M Gastanaga, Behzad S Samimi, Michael T D Keinman, L-J Sally Liu, Charles Bufalino, Chan-Fu Wu, Christine E McLaren. Association of FEV1 in Asthmatic Children with Personal and Microenvironmental Exposure to Airborne Particulate Matter. Environmental Health Perspectives 2004; 112(8).

⁶ http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs143_008798.pdf

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particulate pollution were associated with decreased lung function. This study showed that ambient air pollution, fine particulates (PM2.5) in particular, has adverse effects on the lungs even when levels are within currently accepted EPA guidelines.⁷

Studies have demonstrated that proximity (within 500 meters or ~1500 feet) to traffic from major freeways is associated with decreased lung development in children age 10 to 18. **Children who lived within 500 meters of a freeway attained much lower lung function levels by age 18** compared to children who lived greater than 1500 meters from a freeway. These lower levels of attained lung function were considered clinically low. **Residential distance from a freeway is associated with significant deficits in 8-year respiratory growth, which result in important deficits in lung function at age 18 years.** The authors conclude that **local exposure to traffic on a freeway has adverse effects on children's lung development and is independent of regional air quality and could result in important deficits in attained lung function later in life.⁸**

WJ Gauderman e. al. studied 1700+ school children in 12 southern California communities. Across the 12 communities, a clinically low FEV1 (measure of lung function) was correlated with the levels of exposure to various pollutants including fine particulates. In southern California the most common source of these pollutants is motor vehicles. Low lung function in children was observed even in communities where the average level of fine particulate matter over the 8 year period was within EPA limits. These correlations were statistically significant. **The results of this study provide robust evidence that lung development from the ages of 10 to 18 years is reduced in children exposed to higher levels of ambient air pollution.⁹**

Conclusions

In conclusion, studies show that although central site monitors may reflect fine particulate levels that are below EPA limits the personal exposure to fine particulates as a result of daily activities and point source exposures are likely to be much higher and can exceed EPA limits. These personal exposures have adverse respiratory health consequences. Chronic exposure to ambient air pollution even when average levels are within EPA limits leads to declines in lung development. Contrary to what Costco and Dr. Chase have concluded, the effects of a mega gas station in such close proximity to homes, vulnerable students with chronic health conditions,

⁷ R dales, L Chen, AM Frescura, L Liu, PJ Villeneuve. Acute effects of outdoor air pollution on forced expiratory volume in 1 s: a panel study of schoolchildren with asthma. *European Respiratory Journal* 2009; 34: 316-323.

⁸ W James Gauderman, Hita Vora, Rob McConnell, Kiros Berhane, Frank Gilliland, Duncan Thomas, Fred Lurmann, Edward Avol, Nino Kunzli, Michael Jerrett, John Peters. Effect of exposure to traffic on lung development from 10 to 18 years of age: a cohort study. *Lancet* 2006:368

⁹ W. James Gauderman, Edward Avol, Frank Gilliland, Hita Vora, Duncan Thomas, Kiros Berhane, Rob McConnell, Nino Kuenzli, Fred lurmann, Edward Rappaport, Helene margolis, David Bates, John Peters. The Effect of Air Pollution on Lung Development from 10 to 18 Years of Age. *New England Journal of Medicine* 351(11); 1057

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commuters and shoppers are not "negligible" and the KHCA/community concerns about the health risks do indeed have rational, scientific basis.

Costco's analysis ignores the effect of intermittent point source and personal dust cloud exposures on respiratory health. Costco ignores the growing body of scientific literature demonstrating the adverse health effects of ambient air pollution and fine particulates on asthma. The EPA periodically re evaluates and updates their air quality standards based on growing scientific evidence. NAAQS standards were last updated in 2006 and fine particulate exposure limits were lowered based on growing scientific evidence. In the interim numerous scientific studies have demonstrated that individual, micro environmental exposures to air pollution and fine particulates may be much higher than expected and can contribute to negative health effects even when central site monitor levels remain within current EPA standards.

Within 1000 feet of the proposed gas station there are numerous homes, a school for disabled children with fragile respiratory conditions, an asthma and allergy clinic in the Westfield South building, and a shopping mall. **While central site, regional and local area average ambient air pollution and particulate matter levels may be within recommended EPA limits scientific studies have shown that personal, micro environmental exposures to pollutants are likely to be higher and can exceed EPA limits due to special circumstances affecting individuals and their specific local environment.** Such circumstances include personal exposures to pollution point sources such as standing in traffic while waiting for a bus, living near a mega gas station, visiting your asthma doctor's office which is located near a mega gas station or walking past a mega gas station during your daily commute or shopping trip.

The number of individuals who will be exposed to pollutants resulting from the proposed gas station are going to be many. Many of them will have underlying respiratory conditions given the nature of surrounding facilities and offices. Please protect the health of our community. Please disapprove Special Exception application S-2863.

Sincerely,

 2013.01.13
15:38:33 -05'00'

Maria Jison, MD, FCCP
Board Certified in Pulmonary Disease, Critical Care Medicine and Internal Medicine
Kensington Heights Resident

Kamen, Renee

From: Julie Ryan-Silva <jryansilva@yahoo.com>
Sent: Sunday, January 13, 2013 3:25 PM
To: Kamen, Renee
Subject: Special Exception Application S-2863 (Costco gas station)

Dear Ms. Kamen:

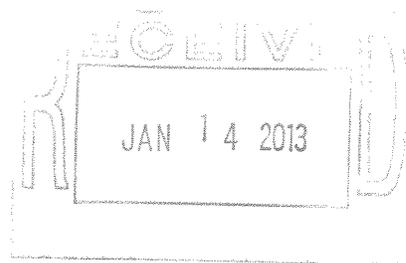
I am writing to express my strong opposition to Costco's Special Exception application for a large gas station in Westfield Wheaton Mall. Until recently, my son was a preschool student at Stephen Knolls School, a Montgomery County public school located very close to the site of the proposed gas station. I also live in the neighborhood south of Westfield Wheaton Mall.

I strongly oppose locating a gas station, especially such a large gas station, near to a school that serves medically fragile children, to homes, and to a pool and recreation area. Our neighborhood does not need another gas station as there are already a large number nearby Westfield Wheaton. Even if we did need another gas station, it does not make sense to locate one so close to where families and children live, go to school, and play.

Please keep in mind that parents of students at Stephen Knolls cannot easily choose where their children go to school. Based on the nature of these students' disabilities, Montgomery County Public Schools officials have placed them at Stephen Knolls. Parents worried about the possibility of ill health effects from the gas station could not simply opt to send their children to another school. Even if they had funds for a private school, it would be very hard to find an appropriate private placement for these students. Also, please consider that many students at Stephen Knolls remain there for all of their schooling, from age 3 - 21. So, they would be exposed to air pollution from the gas station for many years of their lives. Please do all you can to ensure that Stephen Knolls' parents do not have to have one more serious concern about the health of their disabled children.

Thank you for all you do to serve and protect the residents of our county. Please oppose Costco's Special Exception application.

Sincerely,
Julie Ryan-Silva
2418 Homestead Drive
Silver Spring, MD 20902
301 592 0749
jryansilva@yahoo.com



Kamen, Renee

From: John Jenkins <jejinkins@gmail.com>
Sent: Sunday, January 13, 2013 2:47 PM
To: Kamen, Renee
Subject: "Kreger, Glenn" <Glenn.Kreger@montgomeryplanning.org>, "Afzal, Khalid" <Khalid.Afzal@montgomeryplanning.org>
Attachments: (S-2863) effects on transit oriented development and pedestrians, John Jenkins letter.pdf

Hi Renee,

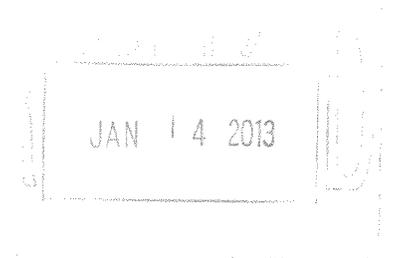
thanks for letting me know that it's best to get these letters in by the 15th, mine is attached. Please contact me if you have any problems opening it or if you need anything additional to be able to enter this letter into the record.

I recommend in the letter that a team from Parks & Planning visit the proposed gas station site, accompanied by a couple of community members and Costco Wholesale, Inc. representatives to observe the potential impact of the proposed station on pedestrians. If some of the Parks & Planning staff can make that visit let me know and I will be glad to coordinate.

Also, how do I sign up to testify at the Parks & Planning hearing? I'd also like to find out if I'm an "abutting neighbor" to know if I would get 3 minutes or 5 minutes.

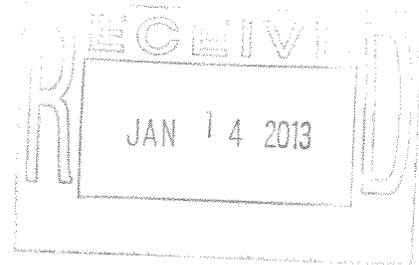
Thanks,

John Jenkins
10805 Melvin Grove Court
Kensington, MD 20895



January 13, 2013

Ms. Renee Kamen
Senior Planner, Development Revision Division
Montgomery County Planning Department
8787 Georgia Ave., Silver Spring, MD 20910



RE: Special Exception Application S-2863, Costco gas station

Hello Renee,

I'm John Jenkins, a Kensington Heights resident who lives just south of the location that Costco Wholesale, Inc. is proposing for its mega gas station. My family opposes S-2863 and we ask that our County's Planning Board please recommend against it.

My specific comments are on the potential impacts of S-2863 on (1) Wheaton's hopes of becoming a more transit oriented community and (2) pedestrians' ability to access Wheaton Plaza, the Metro, and Wheaton's shops and restaurants.

(1) Impacts on Wheaton's ability to become more transit oriented

The site where Costco wants to build its mega station is an easy 15 minute walk to the platform (not just the entrance) of the Wheaton Metro. One pedestrian pathway, which might take a bit more time, is to enter Wheaton Plaza to the north of the site and then use the two existing pedestrian bridges to get to the Metro. Pedestrians can make that entire trip without having to cross a street. Uses of the site that might benefit from their proximity to the Red Line will be blocked for 20 to 40 years if S-2863 is approved.

(2) Impacts on pedestrians

In its Exhibit O, *Special Exception Land Use Report*, Costco mischaracterizes how its mega station could impact pedestrians, I added the underlining for emphasis:

“Significantly, there are no vehicular or pedestrian connections between the Property and the residential areas to the south and west, thus reaffirming that the areas are separated and distinct from each other, with no interaction occurring between the two areas (p. 6).”

The report goes on to say (p. 17) that the area where the gas station would be built and the surrounding neighborhoods “function as distinct, segregated areas with no shared connection.”

The proposed gas station site is actually just across the Ring Road from a major pedestrian connection located on the property we in our neighborhood commonly call Mt. McComas (see the two pictures at the end of my letter). That connection is used by residents from Kensington Heights and neighborhoods further to the south to access the Mall and from there to continue on to the Metro or Wheaton CBD. The Mt. McComas pedestrian connection serves the mid section of Kensington Heights while a crossing near the Stephen Knolls school serves the east section and a crossing near Target serves the northwestern section.

I've certainly never seen anyone present a vision of the future of Wheaton where neighborhoods are

“segregated” from the Mall, Metro, and downtown. My vision would be getting off the Metro after work, walking over to the Royal Mile for dinner, then walking to Target to pick up a few things from the grocery section, and finally safely crossing back into my neighborhood over an improved Mt. McComas pedestrian connection without having to dodge lines of idling cars at an industrial size gas station or breath their fumes while walking or in my home.

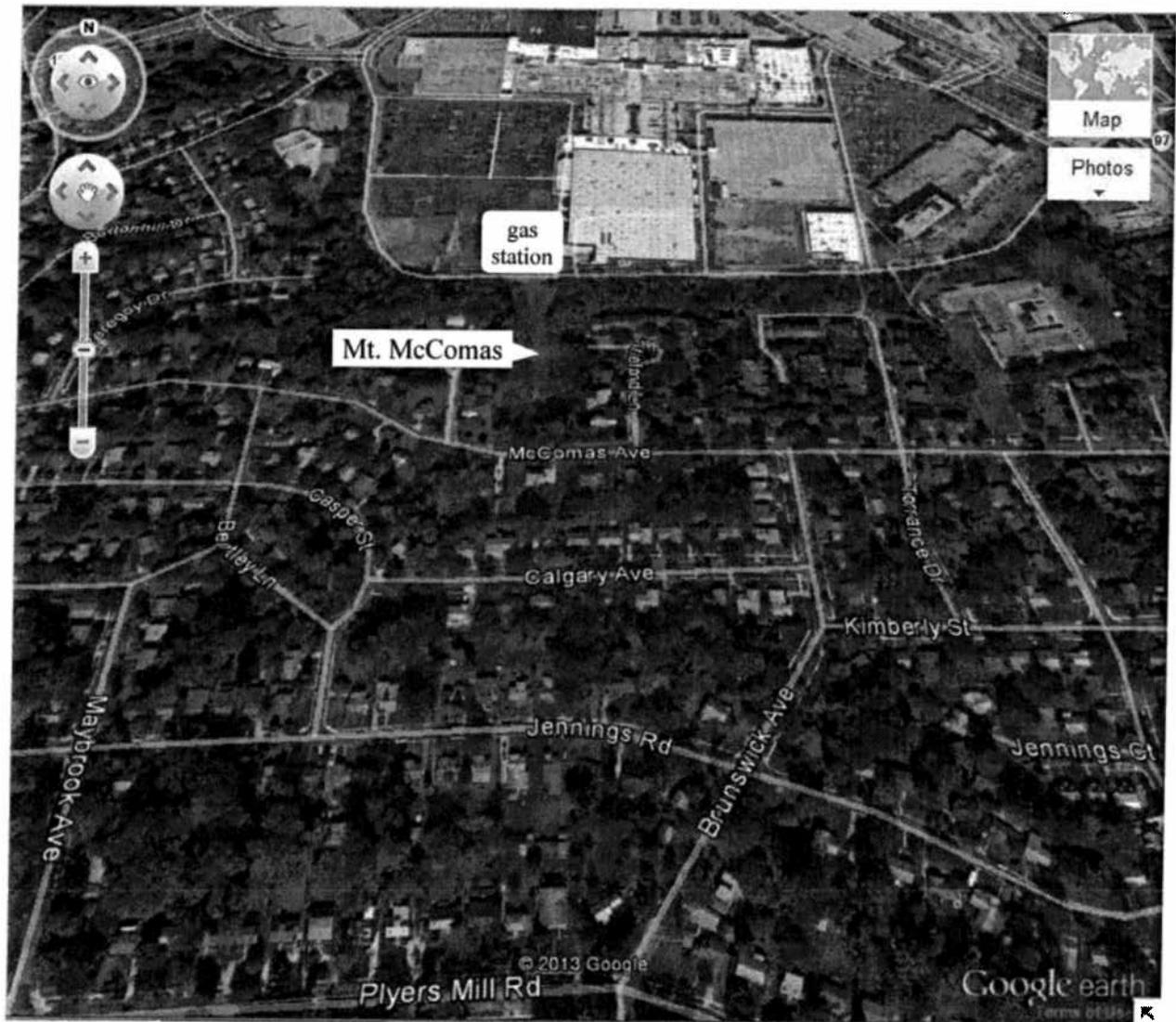
Placing a mega gas station with lines of idling cars directly across from a pedestrian connection impedes the goal of a more walkable Wheaton. Taking into account the effects on pedestrians and the proposed siting of the station on a metro accessible parcel I believe the Planning Board should:

- recommend against granting S-2863
- recommend that if S-2863 is granted (I don't believe Montgomery County will let that happen) that the 3 pedestrian crossings connecting the Mall and communities to the South and West be preserved and enhanced
- regardless of the outcome of S-2863 Parks & Planning should recommend improvements to the pedestrian connections along the Mall Ring Road to keep pedestrians safe when traffic increases after the Costco store opens
- send Parks & Planning representatives to review existing pedestrian connections to the Wheaton Plaza Ring Road in conjunction with community representatives and possibly representatives of Costco Wholesale, Inc. I would be pleased to organize that review.

Thanks for considering these comments. Contact me anytime if you need more information or clarification.

John and Mireya Jinkins
10805 Melvin Grove Court
Kensington, MD 20895

email: JEJINKINS@GMAIL.COM



The Mt. McComas pedestrian connection serves neighborhoods to the south of Wheaton Plaza. Pedestrians use that connection to access the Mall, Wheaton Metro, and shops and restaurants in downtown Wheaton. Costco wants to place its mega gas station directly to the north of the Mt. McComas pedestrian connection.



Years of pedestrian use have left clearly delineated pedestrian pathways on Mt. Comas.

JAMES A. CORE

8 Torrance Ct
Kensington, MD 20895

(202) 413-3410
jimcore@gwmail.gwu.edu

January 3, 2013

Ms. Renee Kamen
Senior Planner, Development Revision Division
Montgomery County Planning Department
8787 Georgia Ave., Silver Spring, MD 20910

Dear Ms. Kamen:

RE: Special Exception application S-2863, Costco gas station

I am a resident of Kensington Heights, and a member of the Kensington Heights Civic Association (KHCA). I am writing to you as a resident and concerned citizen asking you to disapprove Costco's special exception to install a mega gas station near my home and about 850 feet from a school for severely handicapped children, the Stephen Knolls School. The enclosed map shows how very close this mega gas station will be to existing homes, the school, and a pool where kids play in the summer. In summary:

- There is simply **no compelling reason** to approve the Special Exception requested by Costco.
- There are enough **known negative impacts** of the proposed use that the application should be denied based on what is known and how the review criteria has been applied in Montgomery County.
- **Researchers are identifying stronger links between cancer and emissions** of fumes and particulates associated with vehicular traffic and gas stations.

No Compelling Reason

There is no present need by the neighborhood population for the station. There are at least six fuel stations within one mile of the Mall. I live in an established neighborhood that has easy access to the existing fuel stations, the community is well served, and there is sufficient capacity for residents, shoppers, and motorists traversing the County. Considering the present availability of identical facilities in the community (on Veirs Mill Road, University Boulevard, Connecticut Avenue, and Georgia Avenue) there is ample evidence that there is no present need for a gas station. Thus, I respectfully suggest that the proposed use does not meet the standard set forth in the Montgomery County Zoning Ordinance section 59-G-1.24 Neighborhood need.

Known Negative Impacts

Gas stations are regulated locally and nationally because of the known adverse impacts they have on public health, residents, and adjacent properties. These same factors are magnified in scope and impact because the proposed mega gas station is much larger than any nearby facility AND - for the first time in our area – a huge facility is being wedged forcefully into an established neighborhood of homes, schools, and recreational facilities. A dispassionate observer of the applicant's operations at other locations can only conclude that there will be negative health, environmental, and quality of life impacts on the community. There will be significant traffic on the ring road, cars will back up on the roadway, and air pollution increasing the risk of cancer, asthma, and heart disease will rise as cars idle and trace vapors enter the ecosystem from the nozzles and gasoline spilled at the pumps. This will make the adjacent properties relatively less healthy, attractive, and enjoyable to current and future occupants.

I respectfully suggest that this application does not meet the standards set forth in the Montgomery County Zoning Ordinance. Using the criteria in the code to assess the impact on adjacent properties, I respectfully request that you deny the application because the proposed station will:

1. Constitute a nuisance because of noise, fumes, odors, and physical activity (traffic) at the proposed location;
2. Be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties and the general neighborhood adjacent to the site;
3. Will cause objectionable fumes and odors; and
4. Will adversely affect the health, safety, and general welfare of residents, students, and workers in the area

As you know, the Stephen Knolls School is a provides a Special Education Program for students who range in age from three to twenty-one years, with mild to severe cognitive deficits and multiple disabilities. Many of these children are on ventilators and especially susceptible to the emissions from the many cars idling/filling up at the proposed station will contain many noxious volatile components, such as ultrafine particulate matter. These carcinogens whose effects are most pronounced on those within a few hundred feet of the sources. They also cause - or exacerbate – respiratory problems such as asthma, COPD, etc. Enclosed with this letter is a memo from KHCA with more information about these health risks.

My neighborhood also has many small children, who are not yet in school, and will be exposed to the emissions from the gas station, all day while they play outside. There are also retired residents whose health is fragile, and will be especially susceptible to negative health consequences from the emissions.

Stronger Links between Disease and Emissions

Scientists are detecting a link between disease and the pollutants generated by traffic and fueling stations. Public health researchers using emerging mapping and epidemiological techniques are discovering disease patterns in the United States and overseas that correlate directly with exposure to the emissions my neighbors and I will ingest if the station is approved. Despite what the applicant states, there are significant health risks associated with this fueling station. Wedging a mega gas station into an existing residential neighborhood is not good public policy in terms of health, land use, development, and transit.

Danish researchers, building on earlier field research in the United States and Canada, found evidence of an association between the incidence of cancer and exposure to auto emissions. We can expect similar emissions from the presence of a mega gas station. "*Air Pollution From Traffic and Cancer Incidence: a Danish Cohort Study*" was published in Environmental Health a peer-reviewed journal devoted exclusively to the subject of environmental health. You can find the entire paper by Raaschou-Nielsen et al. in Environmental Health 2011, 10:67 or by clicking here: <http://www.ehjournal.net/content/10/1/67>. Key points from this academic field research are pasted below:

"An ecological association was found between ambient air emissions of volatile organic compounds and brain cancer incidence in Indiana, USA [27], and a recent study indicated that air pollution at the residence increased the risk for breast cancer [28]. Benzene at relatively high occupational concentrations is a known leukemogen, and a few studies have suggested that ambient concentrations near point sources [29] and traffic [30] might be associated with risk for hematological cancers."

"We found significant associations and exposure-response patterns between traffic-related air pollution at the residence and risks for cervical and brain cancer."

"In conclusion, this cohort study shows significant associations between traffic-related air pollution at residential addresses over several decades and risks for cervical and brain cancer."

“Although it is difficult to disentangle the effects of single air pollutants in epidemiological designs, particulate matter from traffic emissions appears to be the most important determinant of cancer risk. Ultrafine particles have a large surface area and contain absorbed PAHs, transition metals and other substances, which cause oxidative stress, inflammation and direct and indirect genotoxicity[56,57]. Further, there is evidence that ultrafine particles can translocate from the airways to other organs [7], which might explain our finding of higher risks for cervical and brain cancer in cohort members living at residences with high levels of traffic-related air pollution.”

As noted in the attached document, noted public health expert Dr. John Breysse from Johns Hopkins University commented on the very real danger associated with this particular proposal. His comments are in alignment with recommendations from the U.S. Environmental Protection Agency that recommend a larger setback for gas stations 1/4th the size of the 16 pump, 12 million gallons per year mega-station that is proposed by the applicant.

Montgomery County can do better than this. I hope that you and your colleagues will take the action necessary to protect the health of its residents especially when there is no need in the community for this gas station, ample evidence that this type of facility is ill-suited for the site, and that contemporary research reveals the health risks associated with this type of activity.

I ask again that you protect this community by disapproving Special Exception application S-2863.

Sincerely,

James Core
8 Torrance Ct
Kensington, MD 20895

Map of the area

Memo from Kensington Heights Civic Association discussing the health risks

Map of Costco Gas Station Location





Kensington Heights Civic Association

Your Neighborhood Association!
www.KensingtonHeightsMD.org

Current Officers

President

Adam Rosenbaum
301-948-7418

Vice President

currently vacant

Secretary

Abigail Adelman
301-942-6893

Treasurer

Karen Cordry
301-933-3640

Parliamentarian

currently vacant

Immed. Past President

Donna R. Savage
301-942-2447

Beautification

Abigail Adelman
301-942-6893

Bylaws/Communication

currently vacant

Crime Statistician

Thomas Stanton
301-929-0757

Education

Laura Kervitsky
301-949-1429

Land Use

Donna R. Savage
301-942-2447

Online Newsletter

Barbara Ruben
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barbararuben@verizon.net

Traffic and Safety

Andy Frazer
301-962-0787

Jane Harding
301-933-0513

Web site Coordinator

Jean Dowd
301-669-8184

jdowd@KensingtonHeightsMD.org

KHCA is affiliated with:
Allied Civic Group
Coalition of Kensington
Communities
MC Civic Federation
Wheaton Citizens Coalition

*KHCA received the 1998 Whelan
Kensington Civic Association Award*

*KHCA represents over
700 single-family homes
in Kensington, Maryland*

Johns Hopkins Public Health Professor Says Proposed Costco Gas at Westfield Mall in Wheaton Poses Unacceptable Cancer Risks to Neighbors

The Kensington Heights Civic Association today presented scientific evidence that the massive discount gas station that Costco Wholesale Corporation proposes to put next door to their community and to the Kenmont Swim & Tennis Club will expose residents of their community and patrons of the Kenmont Club's outdoor facilities to three times the health risk generally considered acceptable. KHCA has been asking County officials to conduct a complete environmental impact assessment, including a health study, prior to considering Costco's rezoning request for the 12 million gallon a year (mgpy) gas station; thus far the County has refused to investigate the public health threats posed by the Costco proposal. Because of this refusal, KHCA hired its own expert, Patrick N. Breyse, PhD, CIH, Professor Johns Hopkins University, Bloomberg School of Public Health. In a letter to the KHCA, Dr. Breyse stated:

the excess risk for a 12 mgpy facility at a distance of 100 m [328 feet] is nearly 3-times higher than those recommended by CARB [California Air Resources Board]. If the throughput is as high as 20 mgpy risk is estimated to be 5 to 6 times higher than the CARB recommended risk. As a result a set-back distance of 100 m is not likely to provide adequate protection from cancer risk.

Dr. Breyse's conclusion is consistent with an October 2011 Guidance document issued by the US Environmental Protection Agency that advises local governments to keep "large" gas stations at least 1000 feet from schools and other sensitive land uses. The EPA study focuses on gas stations that pump 3 to 4 million gallons a year. The proposed Costco gas station would be four times larger. Dr. Breyse's analysis deals only with cancer risk. He cautions that "there is growing literature with respect to other public health concerns associated with exposure to traffic related pollution. Health concerns like potential increased risk childhood asthma have not been addressed." (The proposed Costco station is a little more than 1000 feet from the Stephen Knolls School for handicapped children, where many of the children suffer from severe respiratory problems.) Dr. Breyse also warned that the effect of the gas station fumes could be exacerbated by traffic from the store and especially by the location of the loading docks which will receive truck deliveries all through the night. "We begged Costco to put its loading docks further away from the residences," said Danila Sheveiko, who heads KHCA's task force on the Costco gas proposal. "They refused to listen. The loading docks are as close as possible to

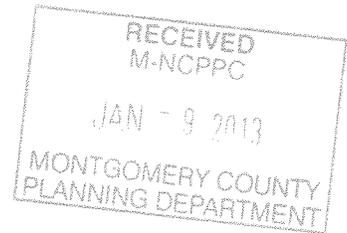
homes and recreation areas, not to mention the Knolls School for handicapped children." "This is an unprecedented proposal, to place such a large petroleum facility so close to homes, schools, and recreation areas," said Larry J. Silverman, an adjunct professor of environmental law and policy at Johns Hopkins University Krieger School of Advanced Academic Studies. Mr. Silverman has been advising KHCA throughout this process. "If Costco gets away with this here in Montgomery County, no commercial zone in Maryland, no commercial zone in the US, no matter how close they are to residences and schools, will be safe from mega gas stations. That's why Costco is fighting so hard to shoe horn this facility into the Wheaton/Kensington Heights neighborhood. It's an opening wedge in a national campaign."

KHCA called on County Executive Ike Leggett and the Montgomery County Council to stop "stonewalling" the health and environmental issues associated with this Costco gas proposal. "At every step along the way, the County government has refused to use the limited authorities it does have to mitigate the environmental consequences of the Costco complex," said Danila Sheveiko. "We asked them to use the forest conservation law to protect the green buffer. The County declined to do so, instead issuing a waiver of forest conservation rules. The same goes for the environmental site design guidelines of the modern storm water rules. The rules were waived. Now the County is about to give Costco a pass when it comes to the health of our families. This is not tolerable."

So far not one County elected or appointed official has been willing to say that the gas station will not impose unacceptable health and environmental risks. "It is time for the County Executive and County Council to blow the whistle on this dangerous proposal," said KHCA president, Adam Rosenbaum. "We expect our elected officials to protect us from public health threats. Instead, this Executive and this Council are actually paying Costco and Westfield \$4 million in taxpayer money to promote this development. They said before they had no evidence to stop the gas station. Now we have provided the evidence. There is no excuse for further inaction."

Press contact for this issue: Danila Sheveiko 301-254-6862

Ms. Renee Kamen
Senior Planner, Development Revision Division
Montgomery County Planning Department
8787 Georgia Ave., Silver Spring, MD 20910



January 7, 2013

RE: Special Exception Application S-2863, Costco gas station

Dear Ms. Kamen:

I am writing to ask to you not to recommend the Special Exception giving Costco the right to build a gas station at Wheaton Plaza/Westfield.

I have lived in Kensington Heights for twelve years and previously lived in Rock Creek Woods. While a student at nearby Albert Einstein High School, I had my first job at Wheaton Plaza. Since I am a longtime resident, I recall both the gas station on Veirs Mill Road and the Montgomery Wards auto repair shop at Wheaton Plaza.

What Costco is proposing is dramatically different from those former enterprises. Those stores were small scaled, within the zoning parameters at the time and didn't pose a great health threat, traffic impact or imposition on the Mall's neighbors. I welcome appropriate development for the Mall since its success is good for me, its neighbor. I do insist however that any development follow the current zoning guidelines.

Costco's proposed mega gas station and its proposed location pose too great a threat to our neighbors, the students at Stephen Knolls School and frankly, my family. Wheaton and Kensington already have a more than sufficient number of gas stations. Those gas stations today can service the neighborhood's need and can handle additional growth needs as well. A new station is not needed and will greatly impact our quality of life and health.

I can't stress enough the impact of the proposed gas station to the students of Stephen Knolls. Those students are there because they have difficulties that can only be met at Stephen Knolls. Many of those students have medical difficulties including respiratory issues that require oxygen and other accommodations. That special school teaches students eleven months a year and those students may attend Stephen Knolls for their entire student careers.

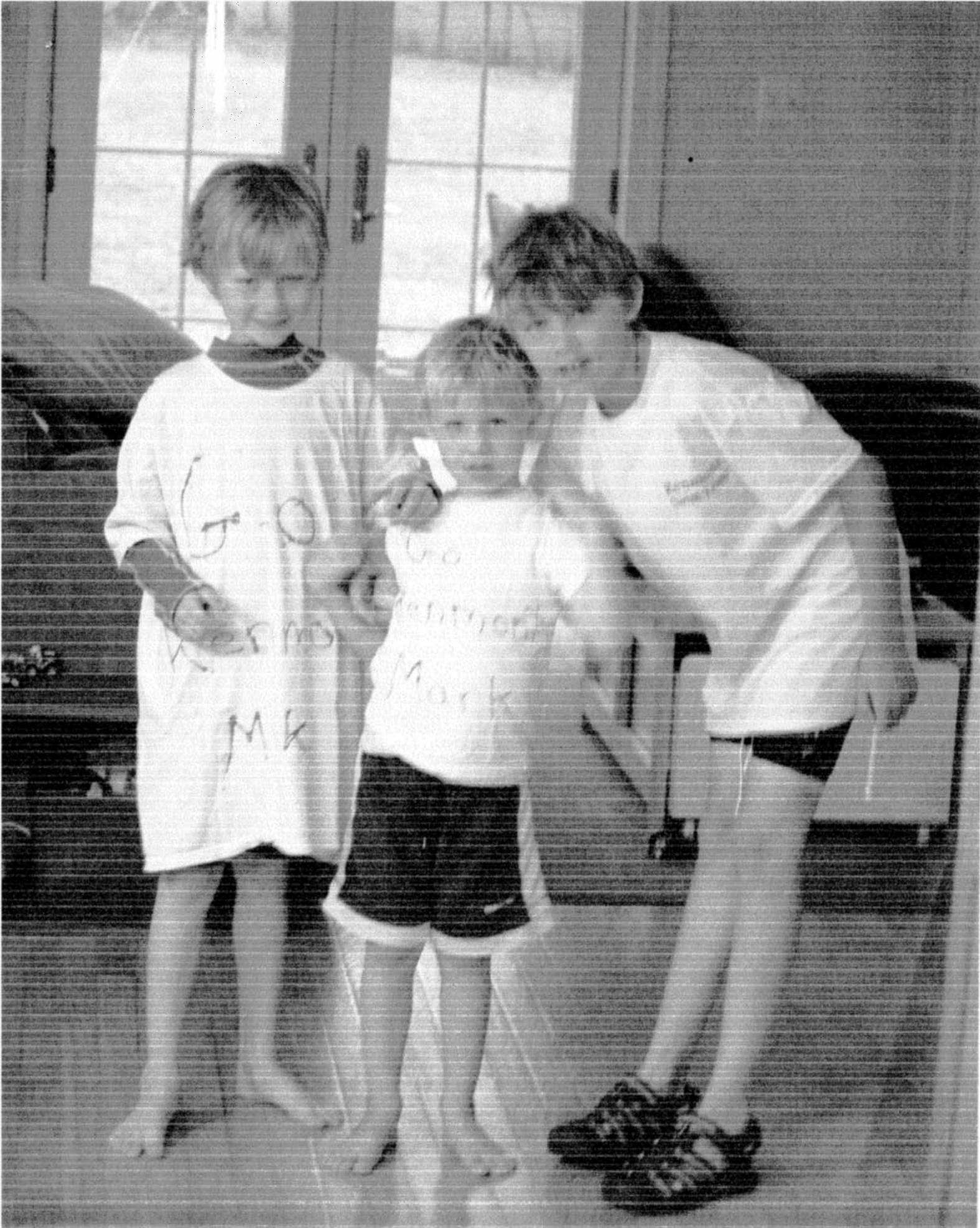
Please keep in mind their situation when reviewing and considering all the data you receive. Can you be sure that idling cars waiting to buy inexpensive gas won't impact the medically fragile kids playing outside and nearby? I do not want to take a chance with their health or that of others living and working nearby.

Please remember the students, families and neighbors who will bear the greatest risk when you consider your recommendation. Thank you for your attention and consideration.

Sincerely,

Elizabeth Mueller
2708 McComas Avenue
Kensington, MD 20895

enclosure



Kamen, Renee

From: Dan Somma <dannysoms@gmail.com>
Sent: Thursday, February 07, 2013 12:47 PM
To: Kamen, Renee
Subject: Don't Approve Costco Gas Station Special Exception

Dear Ms. Kamen,

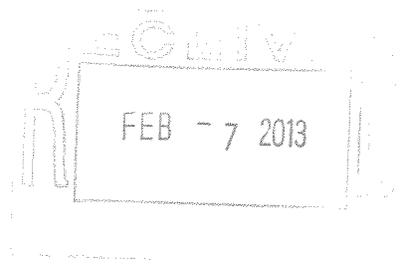
We have enough gas stations in Wheaton and do not need another gas station at the Westfield Wheaton shopping mall. I live within a mile of the gas station so this is an important topic to me.

The proposed gas station is not a good idea as we already have many gas stations in the area and more gas stations would not support the vision in our new Sector Plan.

Costco's Special Exception application for the Wheaton gas should be rejected.

Sincerely,

Dan Somma
2617 Parker Ave
Silver Spring, MD 20902



ATTACHMENT 15

Kamen, Renee

From: IntFingers@aol.com
Sent: Tuesday, January 15, 2013 1:32 PM
To: Kamen, Renee
Subject: S-2863, Smart Growth
Attachments: S-2863 smart growth arguments against.doc; S-2863 smart growth arguments against.pdf

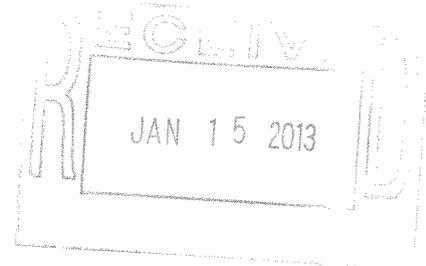
Hi Renee --

Attached please find my submission with regard to Smart Growth arguments and Costco's SE application. Since this is my first time using this Word-to-PDF converter, I've also included the original Word version just in case (although the PDF file looks fine). When you have a moment, please acknowledge receipt.

Thanks.

- *Donna*

Donna R. Savage
Civic Activist
10804 McComas Court
Kensington Heights, MD 20895-2210
301-942-2447
fax: 301-942-3329
email: DonnaRSavage@gmail.com



Those who say it cannot be done should not interrupt the person doing it. - Chinese Proverb
and
Don't be defined by what you're against; be defined by what you're for. - Dr. Chris Seiple

Smart Growth and S-2863: Proposed Costco Gas Station in Westfield Wheaton

Submitted January 15, 2013 to Renee Kamen, Senior Planner

By Donna R. Savage, DonnaRSavage@gmail.com

(for the Stop Costco Gas Coalition, www.stopcostcogas.org)

Overview

The Planning staff should recommend denying Special Exception S-2863 because it embodies one of the three major reasons for denial of a special exception for gas stations, as listed in the Montgomery County Zoning Ordinance: "Sec. 59-G-2.06: Automobile filling stations....the use at the proposed location [will] adversely affect [or] retard the logical development of the general neighborhood or of the industrial or commercial zone in which the station is proposed." The major categories in which this SE application will adversely affect and retard Wheaton's development are that the proposal: 1) does not conform to the letter or the spirit of the 2012 Wheaton Sector Plan, 2) is the polar opposite of Smart Growth and Transit Oriented Development, and 3) violates the vision of Wheaton's future that has taken years of consensus meetings to build.

Wheaton Sector Plan

Section 59-G-1.21 of the County Zoning Ordinance, states: "General conditions. (a) A special exception may be granted when the Board or the Hearing Examiner finds from a preponderance of the evidence of record that the proposed use: ... (3) Will be consistent with the general plan for the physical development of the District, including any master plan adopted by the Commission." This Costco gas station proposal does not comply with that provision of the zoning code.

Specific statements in the Sector Plan. This Costco gas station proposal does not conform with the letter of the Wheaton Sector Plan. Reference is made to the following quotes from pages 69-72, which indicate clearly that a car-centric mega gas station, such as this proposal, is far outside the parameters of the Wheaton Sector Plan:

- ☑ Page 69: "Transit is an integral component of Wheaton's mobility system, both today and tomorrow. The Plan's vision is built on Metrorail, future bus rapid transit (BRT), and local bus service. Wheaton's crossroads setting requires transit service designed to accommodate trip origins, destinations, and connections among types of service. As a result, the Plan supports development and actions that raise the visibility of transit while also improving the area's already high level of service. ... Project planning should recognize the Metro station as the focus of Wheaton's transportation infrastructure. Providing easy and safe multi-modal access to and from the station, and incorporating features that reinforce the station area as a transit place, are important parts of the Plan vision."
- ☑ Page 71: "Transit use by residents (journey-to-work data), as opposed to transit use by employees working in Wheaton, is estimated at 52 percent, nearly three times the Countywide average. As Wheaton becomes a more vibrant mixed-use center, one objective will be to ensure that transit, bicycling, and walking remain viable options for future residents who also choose to work in Wheaton."
- ☑ Page 72: "Wheaton is served by a robust transit system including a Metro station and several bus lines. Bus Rapid Transit is under consideration on Veirs Mill Road and University Boulevard West within the Plan's horizon."
- ☑ Page 72: "Retain some convenient parking for the Metro station, but devote primary efforts to increasing the percentage of Metrorail passengers walking, using the bus, or riding bicycles to and from the station."

Consistency of Sector Plan application. “Outlot B” is a 3-acre site in the NE quadrant of Kensington Heights, at the intersection of University Blvd. and Valley View Ave. (at the entrance to Westfield Wheaton Mall near Giant and Target). Those of us who worked many hours over multiple years on helping to craft that development were told from the start that because one tiny corner of that property was within a half mile of the Metro, we would have to accept upzoning from the then-current Sector Plan’s R-60 designation. Forcing upzoning on a property that has a tiny corner within half a mile of Metro and then supporting the establishment of a mega gas station that is *three-tenths of a mile from Metro*, on the argument that the Mall is not part of the Transit-Oriented Development/Smart Growth efforts of the County (as asserted in Costco’s Land Use report, Exhibit O), is a wholly inconsistent application of the Wheaton Sector Plan, made especially so because both would be applied to the same community.

Consistency, Part 2. The current Wheaton Sector Plan rezoned a significant portion of Westfield Wheaton’s property to allow 6.0 FAR density and 200-foot height in order to allow mixed-use commercial/residential development. This increased density and FAR was due to the property’s close proximity to Metro. Westfield showed the Planning Board and various Wheaton groups their draft plans for redevelopment using this increased density and height. Adding a mega-gas station to the Westfield Wheaton property is further inconsistent application of Sector Plan intentions.

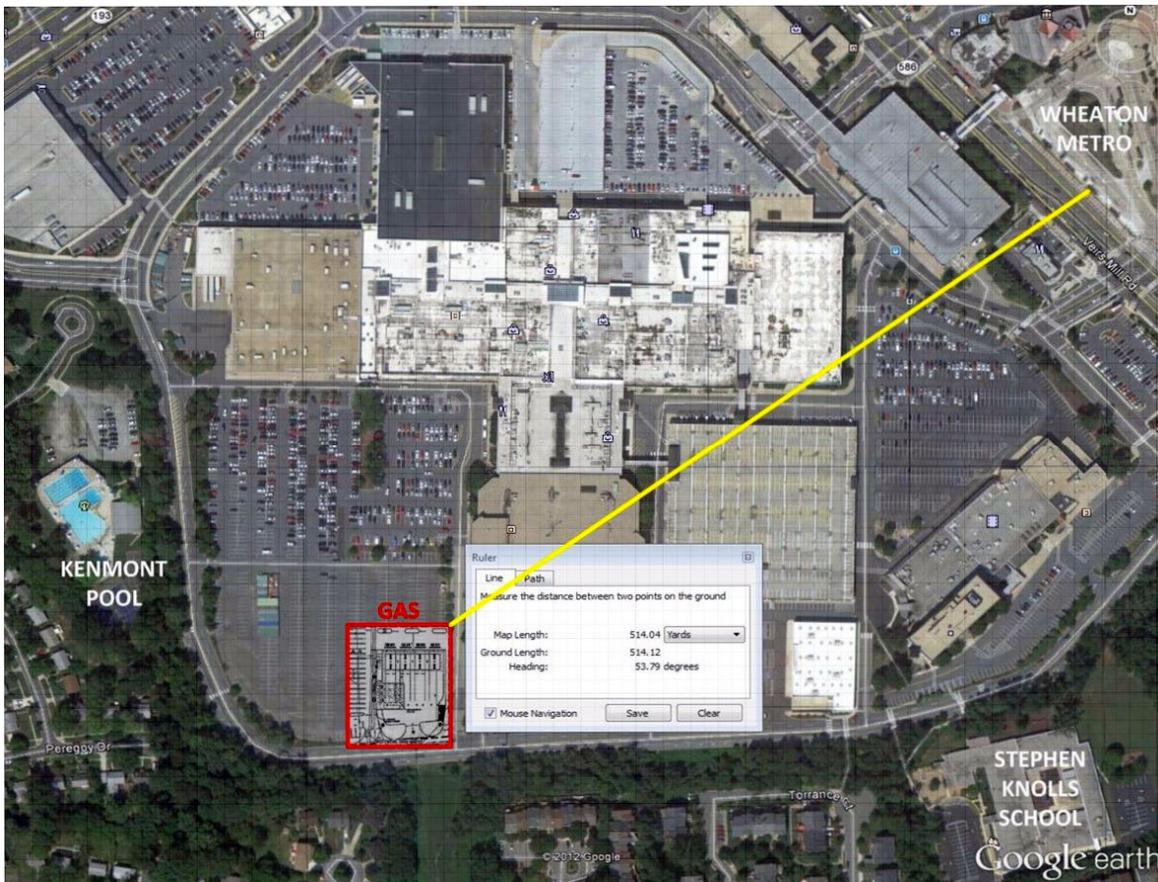
Other uses for this site. In a nearly-final version of the Wheaton Sector Plan, Planning staff envisioned the area between the south and west corners of the (built) Mall and the respective adjoining residential area as being appropriate for townhouse development, given its proximity to the Metro (and, obviously, shopping). Clearly that vision will have to wait now that the Costco warehouse has been built (and that recommendation was not included in the final Sector Plan, unfortunately). That potential remains a possibility because, even with the warehouse, ample room remains for other developments in that segment of the Mall. (Note, the Sector Plan, at page 48, clearly envisions that other County zoning efforts may still affect the Mall structure. It is our understanding that a primary concern was to avoid making the Mall as a whole a “nonconforming use,” which would have had significant consequences for the existing structures. That is not at all the same thing as saying a huge piece of developable land, so close to the Metro, is to remain forever tied to the old view of the relations between retail, business, and residential development.)

A gas station, especially one this large, will be much more difficult to put to other uses in the future, primarily for environmental clean-up reasons. While future use cannot be predicted and development should not necessarily be halted based on possibilities not yet decided, preserving this land for much more appropriate uses in the future is yet another reason to deny this Special Exception application. Certainly, it will be difficult or impossible to create any additional residential development within the perimeter of the ring road in light of the emphasis in Costco’s application on the fact that the road and the wall are needed to protect market values of housing outside the ring road. Would anyone voluntarily choose to buy a home directly overlooking a mega gas station?

Smart Growth and Transit Oriented Development

Land that is within easy walking distance of the Wheaton Metro and that can still be developed is a scarce and diminishing resource. Such parcels should not be tied up with uses that do not benefit whatsoever from their Metro accessibility. No one will ever ride the Red Line to Wheaton with an empty gas can, fill it up at Costco’s mega gas station, and then ride back with it on the Metro to Capitol Hill or Glenmont. However, with good restaurants or a theatre at that site, or business or residential townhouses, or, perhaps most usefully, a hotel to serve the Wheaton community, easy access to Metrorail and Metrobus would be a significant asset.

No mega gas station within half-mile radius of Wheaton Metro. No additional gas stations – and certainly not this mega gas station estimated to pump 12 million gallons of gas per year – should be allowed within a half-mile radius from the Wheaton Metrorail station. A half-mile radius is considered the “ped-shed” distance that pedestrians are likely to walk to and from public transportation. This proposed gas station is approximately half that distance from public transportation, at 3/10ths of a mile from the Wheaton Metrorail platform and the Metrobus loading/unloading area.



(514 yards is 0.29 miles)

It is wholly inconsistent with the tenets of Smart Growth to allow a mega gas station within that radius, especially a mega gas station that would serve only its members and would not be available to the public.

Montgomery County prides itself on its Smart Growth policies and on developing within Transit Oriented Development guidelines and concepts. Wheaton is an urbanizing area of the County that is redeveloping around its busy Metrorail station and Metrobus terminus. One person recently called the Costco gas station proposal “*Stupid Growth*,” and we agree. If TOD is applied successfully in Wheaton, which is the plan, there will be no need for the additional gasoline sold by this proposed gas station because more current residents will be using transit and more future residents will move to Wheaton specifically for its excellent access to transit. (For the principles of TOD as practiced and planned in Maryland, click here: <http://www.mdot-realestate.org/tod.asp>.) And as demonstrated in the needs analysis, separately submitted, federal energy projections show the need for gasoline dropping nationwide for the next 30 years.

Summary. This huge gas station is not a reasonable use of approximately 1 acre of unimproved land that is 0.29 miles from the Wheaton Metro platform, and the presence of such a gas station will retard and adversely affect the transit-oriented, Smart Growth development of Wheaton.

Vision of Wheaton’s Future

In addition to the Costco gas station proposal not conforming to the letter of the Wheaton Sector Plan, it also does not conform to the spirit of that Plan, and certainly not to the spirit of what Wheaton-area residents are hoping their community will become or become more of – walkable and not car-centric. Wheaton-area residents have participated in years of vision meetings for Wheaton, and a ginormous gas

station is not anywhere near that vision. In the vision of Wheaton's redevelopment, from residents and planners, walkability has been key; a 16-nozzle mega gas station is the polar opposite of walkability.

Attracting young professionals to Wheaton. The vision of Wheaton's future includes attracting young professionals to its growing housing stock of apartments and condos, many of them relatively upscale and sitting on top of or very near the Metrorail station and Metrobus loading/unloading areas. Recent studies indicate that young people today are driving significantly fewer miles and are using transit with significantly higher frequency than just 10 years ago. See "A creative generation loses its car keys" in "How Bicycling is Transforming Business" (<http://www.yesmagazine.org/happiness/how-bicycling-is-transforming-business>) and the U.S. PIRG Education Fund report titled "Transportation and the New Generation: Why Young People Are Driving Less and What It Means for Transportation Policy" (<http://www.frontiergroup.org/reports/fg/transportation-and-new-generation>). As Wheaton moves toward its vision of attracting more young professionals to live (and possibly work) in its environs, a mega gas station will be anachronistic and of negative benefit to this vision.

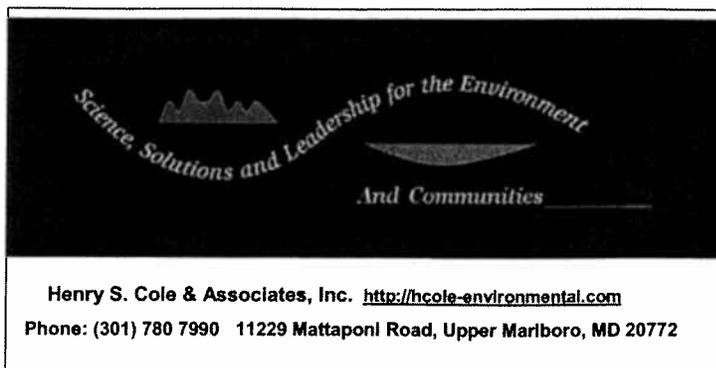
A pedestrian-friendly Mall?! As shown at www.wheatonmd.org/discover/walkabout-wheaton, two official walking routes encompass the Mall – the "Marathon at the Mall" route includes the entire Mall and the "Valley View Summit" route includes the Valley View entrance and loops around the Giant, the Starbucks/Quiznos line of stores, and the parking lot in between. A mega gas station would significantly deepen the car-centric nature of the Mall, in opposition to the pedestrian-friendly atmosphere Wheaton residents – and the County via this official Web site – clearly are trying to inculcate.

Summary. The Mall, including the proposed site of the Costco gas station, is part of Wheaton and has been part of the visioning process for Wheaton's future that has taken place over the years. The vision of Wheaton held by nearly every Wheaton resident and anyone else who has participated in the visioning process does not include even the glimmer of a humongous gas station.

Overall Summary

Costco should not be granted a Special Exception to jam what would be the busiest gas station in the County into a Metro-served, transit-oriented, designated Arts & Entertainment, urban district. The Stop Costco Gas Coalition respectfully requests that the Planning Department recommend to the Planning Board that Special Exception S-2863 be denied for the reasons stated above.

ATTACHMENT 16



JAN 18 2013

MEMORANDUM

January 18, 2013

To: Amy Lindsey, Montgomery County Planning
From: Henry S. Cole, Ph.D., Expert Consultant to the Stop Costco Gas Coalition

Re: Costco's Proposed Mega-gas station: Additional information needed for a valid air assessment of the facility's impact on air quality

CC: Renee Kamen, Montgomery Co. Planning

I am writing this memo is to recommend that the Montgomery County Planning Board take several measures which I believe will greatly enhance the Board's ability to make a prudent decision on Costco's proposal for a mega-gas station. This size of the proposed gas station is unprecedented in terms of annual sales (12 million gallons) and associated traffic and would be located in close proximity to homes, a school for severely ill and disabled students, and a recreational facility.

My recommendations are based on my review of Costco's modeling studies, meetings and detailed information exchanges with Costco's air modeling consultants (Sullivan Environmental Consulting [Sullivan]), several inspections of the site and the surrounding area and a meeting with the Director and air quality expert from the Maryland Department of the Environment. My judgments also stem from more than 35 years of professional experience in the fields of atmospheric sciences, air pollution meteorology, and environmental impact assessment; I served as a senior scientist and section chief with EPA's Office of Air Quality Planning and Standards (OAQPS) with lead responsibilities on projects involving air quality modeling.

My previous submittal to the planning staff (January 15, 2013) concluded that Costco's air quality and risk assessments are likely to underestimate concentrations adjoining the proposed source due to the omission of important pollutants and sources and the use of background values from sites that are not representative of the Westfield Mall area. Even so, the Sullivan predictions for annual PM_{2.5} concentrations at all receptors in the area will exceed EPA's revised standard of 12 ug/m³ exposing

nearby residents and the chronically disabled students of Stephen Knolls School to unhealthy contaminant levels.

1. Given these findings it is critical that the Board take several steps to obtain the information necessary to conduct a comprehensive public health study of the facility. Specifically I recommend the following prior to the Board's rendering a decision on the site.
2. Require Costco to conduct ambient air monitoring for a 12-month period including short and long-term concentrations for criteria pollutants and EPA designated Hazardous Air Pollutants (HAPs). (Costco has not provided any onsite measurements to date). Such measurements are needed in order obtain site-specific background concentrations to which the gas station and associated traffic will be added. The 12-month record should enable the Board to better assess the impact of (a) traffic associated with the new Costco Warehouse store and (b) peak traffic periods (e.g. holiday and pre-school peak shopping periods).
3. Require Costco to conduct a micrometeorological study to study air flow patterns during periods most likely to induce downslope drainage toward homes, townhouses and the Stephen Knolls School. Inversions during such periods limit dispersion resulting in high concentrations.
4. Require Costco to conduct a study of traffic on the Ring Road, Mall parking lots and area roadways and intersections to include average and peak conditions (including heavy shopping periods) after the Costco Warehouse becomes operational.
5. Require Costco to conduct a new air quality modeling study to include: (a) the results of the studies outlined in 2, 3 and 4; (b) to use EPA's recommended model for motor vehicle emissions known as MOVES (rather than the obsolete Mobile 6 model used in Sullivan's current modeling; and (c) include truck and auto pollutants emitted from all parking lots and loading docks (currently excluded).
6. Require Costco to conduct revised cancer risk assessment using the updated modeling. However, include all potential carcinogens including those contained in those associated with gasoline and diesel engines (emissions are currently excluded from the analysis).
7. Appoint and fund a panel of highly qualified, independent health experts including those from academia and government agencies such as NEIH to conduct a study and provide a report on the potential health effects of the proposed gas station on exposed populations. This should include a literature review on the effects of gas stations and vehicular traffic emissions. This panel can make recommendations on the advisability of the gas station, its location, size, etc. The panel members should be free of conflict of interest.

I realize that that this represents a "tall order," however I believe it to be prudent and necessary given the deficiencies in the current assessment, the paucity of information on the impact of so large a gas station, the hazardous nature of emissions, the proximity of residents and students with serious illness and disabilities. Moreover a proposal with such far reaching public health implications is unprecedented for the County. I would also suggest that the applicant, which may

propose additional mega-stations in Montgomery County, has sufficient resources to provide funding for this effort.

Because there are few studies on mega gas stations, this effort should help the Board, Montgomery County, the State of Maryland, and other jurisdictions evaluate proposals for mega-gas stations in the future.

Thank, you for your consideration, please let me know if you have any questions. You can reach me at this email or at 301 780 7990.

Kamen, Renee

From: Mark Adelman (Work) <adelman@educationalassistance.org>
Sent: Tuesday, January 15, 2013 4:37 PM
To: Kamen, Renee
Cc: Mark Adelman (Work); Karen Cordry; Abigail Adelman; Larry Silverman; Danila Sheveiko; Pat Mulready; Henry Cole
Subject: Fwd: Dr. Cole's Final PDF
Attachments: Submittal to Planning Staff Jan 15 2013.pdf

Renee -

Attached is Dr. Cole's filing, in its current best form. Since he will be meeting with you tomorrow regarding several remaining issues, the SCGC presumes you will be able to accept a revised form of his filing a few days after that meeting. Can you please confirm?

Mark Adelman

Date: Tue, 15 Jan 2013 15:59:14 -0500

Subject: Final PDF

From: hcole@hcole-environmental.com

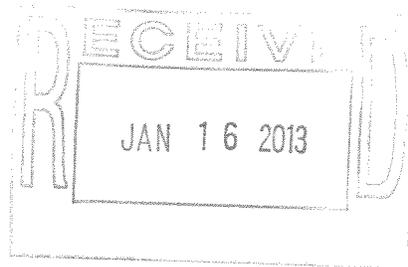
To: karenc425@aol.com; KHCAreasurer@gmail.com; dsheveiko@hotmail.com; dsheveiko@gmail.com; avtdesigngroup@erols.com; ljoelsilverman@gmail.com

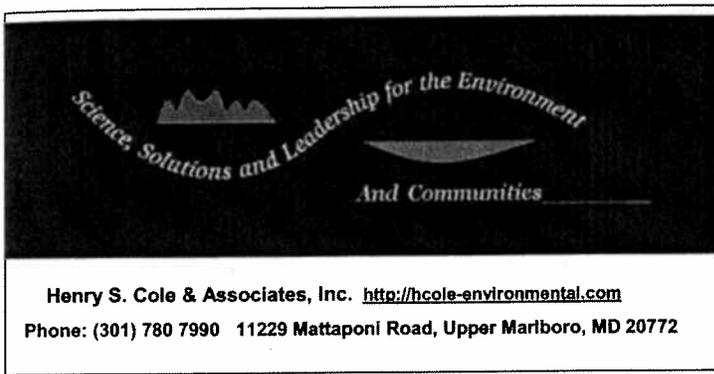
Here is the final, as best as I can do given deadline. I was not able to fully incorporate all comments--some need further research on my part.

However, I think we have the basis for further submittals down the road.

I'm not sure who is supposed to submit this. But if someone else could do so it would be helpful.

Hank





**REVIEW AND COMMENTS ON COSTCO'S GAS STATION PROPOSAL FOR
THE WESTFIELD MALL, WHEATON, MD**

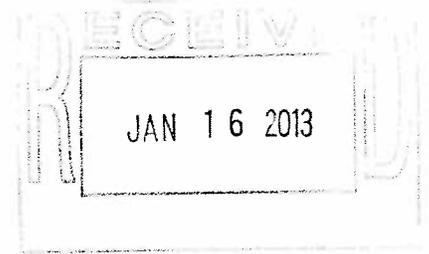
Expert Submittal to the Montgomery County Planning Staff

Prepared by Henry S. Cole, Ph.D.

For the

Stop Costco Gas Coalition

January 15, 2013



1.0 Introduction

1.1 Purpose: The purpose of this report is to provide a critical analysis of the air quality impact assessment for Costco's proposed mega-gasoline station for the Westfield Mall located in Wheaton, MD. As detailed below, Costco's consultant, Sullivan Environmental Consulting, Inc. (Sullivan) prepared a series of modeling reports aimed at predicting the pollutant concentrations to which residents and others would be exposed should the proposed facility be approved and installed according to Costco's plans.

Acknowledgements: My work on this document is supported by the Stop Costco Gas Coalition (Coalition). Please note that all work prior to January 1, 2013 was conducted for and funded by the Kensington Heights Civic Association (KHCA). I am grateful to both organizations and their leaders for their support and confidence.

1.2 Findings and Recommendations: For the reasons outlined below and detailed in subsequent sections, I conclude that Costco's application fails to demonstrate that its project will not harm community health.¹ This condition for a special exception places the burden of proof squarely on the applicant. In my judgment Costco has not met this

¹ The special exception criteria is not limited by the 300 foot buffer (ZTA); it allows consideration of numerous homes located less than 300 feet from the proposed gas station but that are not included in the buffer. Nor is adverse health criteria limited to comparisons of estimated pollutant concentrations with EPA standards. We note that neither EPA nor the Maryland Department of the Environment (MDOE) has imposed emission standards on gasoline stations.

standard; moreover, the weight of available evidence indicates that the proposed facility would expose area residents to pollutant concentrations harmful to human health.

Basis for this conclusion: The proposed Costco facility would be the first example of a “mega-gas station” in the County. This station, if approved by the County, would have an annual throughput of 12 million gallons per year, a capacity far greater than any existing STATION and would be located within only 125 feet to the nearest home and less than 900 feet from a school for children with severe disabilities and illness.

The large, unprecedented size of the facility is critical because: (1) the facility would release numerous EPA-designated Hazardous Air Pollutants including known human carcinogens (2) emissions grow in proportion to the volume of gasoline distributed and the number of vehicles refueling, (3) concentrations in ambient air are proportional to emissions, (4) exposures are proportional to concentrations. Moreover, increased levels of traffic associated with the opening of Warehouse combined with the gas station will significantly increase particulate emissions in the vicinity of the site.

The scientific literature has established both short and long term exposures to particulate emissions will expose residents including the most vulnerable—young children, elderly, and diseased individuals living in close proximity to the site—to increased risks respiratory and cardiovascular disease. As discussed below Sullivan Environmental Consultants (Sullivan) fails to provide sufficient evidence to back its findings that the impact of the proposed gas station would comply with all applicable standards. Secondly, as I detail herein, the weight of the evidence indicates that the proposed facility, in combination with Costco’s new warehouse store and pre-existing sources at the Mall and surrounding areas, would adversely affect air quality and associated exposures and impacts. Please note:

- Sullivan’s latest modeling results show that the operation of the gas station will, when combined with background concentrations, cause cumulative respirable particulate matter (PM_{2.5}) concentrations that exceed EPA’s revised annual standard of 12 micrograms per cubic meter (µg/m³).² However, as discussed below Sullivan’s modeling is likely to underpredict the impact of the gas station and cumulative exposures. *Reductions in emissions rather than additions will be required to ensure the health of area residents and the severely disabled students at the Stephen Knolls School.*
- Although Sullivan’s reports claim that their modeling analysis is conservative, the evidence discussed below shows that Sullivan excludes significant emission sources and contaminants and likely to underpredict cumulative effects. For example, while the modeling analysis excludes the other large, nearby parking lots located at the Westfield Mall. Inclusion of these sources would result in even greater exceedances of the new National Ambient Air Quality Standard for annual PM_{2.5} concentrations.
- The report contains significant uncertainties potentially causing the assessment to underestimate emission rates and their impacts on air quality standards and public health. For example, Costco’s delay in construction and the current decision-making

² EPA revised the PM_{2.5} standard in December 2012.

schedule rules out “real world” traffic counts that would have included the peak holiday shopping seasons (Nov-Dec).

- Montgomery County’s Zoning Text Amendment (ZTA) 12-07 requires a buffer zone for mega-gas stations³ (such as that proposed by Costco). No new mega-gas facility will be allowed within 300-feet of schools, recreation facilities & other sensitive public facilities. *The buffer, however, does not include homes.* The County Council’s action clearly acknowledges the potential for risks close to the facility. However, the ZTA is not protective of those who are likely to be exposed over the longest duration and exposed to the highest concentrations repeatedly and over long durations, those who *live* closest to the site.⁴
- Sullivan’s risk assessment omits certain sources and contaminants of carcinogens which are likely to result in underestimates of cancer risk, consider that Sullivan excluded: (a) background concentrations are not included in the risk assessment (b) carcinogenic emissions associated with particulates are not included in air quality modeling used in the risk assessment. (See Section 4.1 for additional information).
- Sullivan’s assessment fails to evaluate the potential serious impact of ultrafine particulates associated with emissions from automobiles, heavy and light duty trucks and heavy operating equipment.

Summary: In my judgment, the applicant has failed to provide sufficient evidence to support its claim that so large a gasoline station can be operated in a manner that would protect the health of area residents and children attending the Stephen Knolls School. In fact the weight of the evidence strongly suggests that the gas station in conjunction with increased traffic from the new Costco Warehouse would pose significant risks to the health of residents and others who go to school or recreate in the area.

Please note that the students at the Stephen Knolls School represent a hypersensitive population, having health issues likely to be far more vulnerable than the population of students at large. Section 8.0 provides evidence showing that the school is located immediately downslope from the Ring Road and would be subject to increased traffic emissions associated with Costco facilities, especially during conditions of low wind speeds and poor dispersion.

³ The term mega-gas station in this report refers to a gas station with a projected annual throughput greater than 3.6 million gallons per year. Costco’s projection for its proposed Westfield Mall facility is 12 million gallons.

⁴ The size of the ZTA’s buffer zone has no bearing on potential health effects that may occur beyond the required 300-ft separation between a mega-gas station and the sensitive land uses designated in the ZTA. The 300-ft buffer is based on California Air Resources Board buffer zone of 300-ft which is based on CARB’s cancer risks assessment which assumes 3.6 million gallon level, which is only 30 percent of the proposed gas station’s facility. Moreover, CARB’s cancer risk assessment is based only evaporative emissions of volatile organic compounds and excludes the carcinogenic risks associated with combustion products.

1.3 The Cole-Sullivan Dialogue--Clarification: As a consultant to KHCA in 2012, I participated in a formal dialogue process with David Sullivan and his colleague Dennis Hlinka (also from Sullivan Environmental Consultants, referred to as Sullivan). For the purpose of clarity, it is important to note that there were both points of agreement and disagreement between Sullivan's findings and mine. The disagreements are significant and should not be downplayed. Areas of agreement:

1. I agreed that the choice of air quality model, AERMOD, was appropriate and in line with EPA guidance.
2. We agreed that refined modeling be used to examine the potential impacts of cold air drainage. Sullivan carried out this analysis using an EPA approved model known as CALPUFF.
3. We also agreed that it was important to estimate cumulative exposures to examine the total burden of air pollutants to which residents are exposed including the source and background. However, there I am not in agreement with the methods which Sullivan used to establish background.

I emphasize, however, that there are substantial and serious differences which far outweigh the areas of agreement.

- Whereas Sullivan repeatedly asserts that the methods used are conservative (tend to overpredict), my view of the evidence indicates that in many critical instances, Sullivan's methods are likely to underestimate risks associated with the gas station, for example, the exclusion of carcinogens associated with vehicle combustion in the cancer risk assessment.
- While the special zoning exception criteria are broadly stated to protect the health of the adjoining community Sullivan uses a narrow approach which focuses on meeting *regulatory* requirements. In fact the Sullivan's is an air quality modeling study and not a health assessment capable of estimating the likely impact of the proposed gas station on residents that would be exposed to its emissions. Such a health assessment would require a complete literature on the effects of gasoline stations and vehicular emissions on cumulative impacts as well as a section on uncertainties and their potential effects on findings.⁵ Neither Sullivan nor Costco has provided a health assessment meeting these criteria.
- Similarly, Sullivan's assessment fails to consider the effects of ultrafine particulates (UFPs) which may have the most significant impacts on health. Automobile and trucks are the most important source of UFPs in the Mall area.

⁵ For example, with regard to assessing potential synergistic effects, Sullivan's revised modeling protocol states, "Costco will not be addressing such issues because they are beyond the state-of-the-art in EPA risk assessment and are not directly related to the modeling protocol."

- Sullivan argues that the gas station's incremental addition to regional pollution levels would be very small. While meeting ambient standards for criteria pollutants on a regional basis would be very small, the focus of the special exception is the impact that will occur in adjacent communities. As Section 7 demonstrates, the highest concentrations and exposures, both short and long-term, will occur closest to the proposed facility.
- Sullivan's estimates of cancer risk exclude the carcinogens associated with combustion products, such as those adsorbed on the surfaces of particulates. Moreover, Sullivan's estimates of carcinogenic risk only include the incremental impacts associated with the gas station, but do not add carcinogens associated with other sources. Thus the carcinogenic risk estimates cannot be considered to be accurate or conservative.
- Sullivan maintains that the company's analysis of cumulative impacts is conservative. However, I disagree; for example Sullivan excludes vehicle emissions associated with large non-Costco parking lots at the Westfield Mall in its modeling of particulates (PM_{2.5}) and other pollutants with National Ambient Air Quality Standards (NAAQS). Furthermore, the receptor grid, excludes all of the non-Costco related areas of the Mall; thus there is no analysis of how the gas station would affect people who work at the Mall.
- Sullivan states that we are in agreement regarding the use of EPA monitoring sites for background. While the company's revised its estimates upward following my earlier comments, I do not consider the monitoring sites that Sullivan uses for background are representative of the highly urban-commercial area in the vicinity of the Westfield Mall. (See Section 2.1 for further details). The use of such data is likely to result in significant underestimation of total concentrations.

1.4 Qualifications: I received a Ph.D. in meteorology (University of Wisconsin, 1969). As associate professor (University of Wisconsin-Parkside), I conducted EPA-funded research on pollutant transport and dispersion and was appointed to Wisconsin's Air Pollution Control Advisory Board. During the late 70's and early 80's I served at the U.S. EPA's Office of Air Quality Planning and Standards (OAQPS) as senior scientist and chief of the Modeling Application Section. As senior scientist for Clean Water Fund, I published several major reports on atmospheric mercury emissions. For the past 20 years, I've been President of Henry S. Cole & Associates, Inc. In this capacity I've served as an expert witness on the impact of emission sources on air quality in numerous cases. *For further details and examples, see Attachment 1.*

1.5 Documents reviewed on Costco's proposed gas station for the Westfield Mall:

This expert opinion is based on a review of the following documents prepared by Costco's consultants as part of their air emissions impact assessment.

- *Costco Master Protocol* prepared by Sullivan Environmental Consultants (Sullivan), October 1, 2012).⁶

⁶ The Protocol was an attempt by all parties, including Costco, SEC, Kensington Heights Civic Association, and Henry S. Cole & Associates, Incorporated (HCA), to provide clarity on points of agreement and disagreement with regard to Costco's proposed mega-gasoline station and its potential impact on air quality. *Attachment 1* contains my October 15, 2012 response to Sullivan's Protocol.

- Environmental Overview Report: November 2012: This is a slide show apparently used by Sullivan in its December 3, 2012 meeting with the Planning Staff.
- Sullivan Environmental Consulting, Inc. *Supplemental Report: Costco Wheaton, Maryland Gas Station December 18, 2012*: This document includes some modifications to Sullivan's previous modeling report (November 2012) and provides a response to the County's Planning Staff questions and comments.
- Sullivan Environmental Consulting, *Air Quality, Odor and Noise Analysis for Proposed Gas Station in Wheaton, MD*, November 19, 2012.
- Sullivan Environmental Consulting, Inc. *Air Quality, Odor and Noise Analysis for Proposed Gas Station in Wheaton, MD*, July 2, 2012.
- Earlier versions of Sullivan's modeling analyses from March 2012 and December 2011.

2.0 Annual PM concentrations and comparison to EPA standard: Sullivan's December 18, 2012 Supplemental Report⁷ contains two critical changes from earlier reports:

- It recognizes that EPA has reduced its National Ambient Air Quality Standard (NAAQS) for annual mean PM_{2.5} concentrations from 15 to 12 µg/m³.
- Sullivan revised its choice of background annual PM_{2.5} concentration upward from 9.8 µg/m³ to 12.1µg/m.³

The model's updated annual PM_{2.5} concentrations are shown in Figure 1. Note that all of the predicted concentrations based on the revised background concentration now *exceed* the current PM_{2.5} standard of 12 µg/m³, including receptors at the nearest homes, the pool area and the Stephen Knolls School.

⁷ Sullivan Environmental Consulting, Inc. *Supplemental Report to the Air Quality, Noise and Odor Analysis Report Submitted on November 19, 2012 for the Proposed Costco Gas Station in Wheaton, MD. December 18, 2012.*

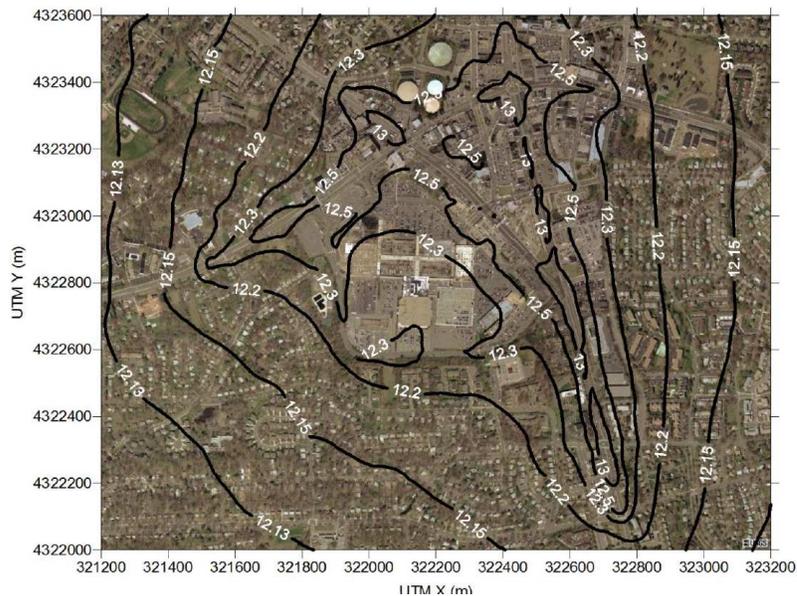


Figure 1

NAAQS for annual $PM_{2.5}$ is $12 \mu g/m^3$

Source: Sullivan Environmental Consulting, Inc. *Supplemental Report to the Air Quality, Noise and Odor Analysis Report Submitted on November 19, 2012 for the Proposed Costco Gas Station in Wheaton, MD.* December 18, 2012.

These results lead to an inescapable conclusion that the air—even without additional $PM_{2.5}$ emissions—already exposes residents, students and teachers at the Stephen Knolls School and workers at the Mall to levels of respirable particulates which are already unhealthy.

Sullivan attempts to mitigate this finding in several ways: (a) by attempting to show that the EPA’s requirements for selecting appropriate background values result in values that are highly conservative and higher than “actual values,” (b) by claiming THAT the gas station results in a small modeled increment of the total annual concentrations and (c) by claiming at every juncture that the assumptions and methods used are conservative. *For the reasons discussed below, I take issue with these assertions.*

2.1 Treatment of background and non-Costco Sources: The following language is part of a response from David Sullivan (Sullivan Environmental Consulting) to my request for clarification on the methods used to determine background concentrations⁸:

Background is defined by the U.S. Environmental Protection Agency in Section 9.2 of the Guideline on Air Quality Models¹ as including the following sources: “(1) natural, (2) nearby sources other than the one(s) currently under consideration, and (3) unidentified sources.” By way of clarification, EPA specifies that “all sources expected to cause a significant concentration gradient in the vicinity of the source or sources under consideration for emission limit(s) should be explicitly modeled.” In the Costco modeling analysis the source under consideration was the gas station. The nearby major roadways and intersections, the Costco warehouse, and the Costco parking lots were explicitly modeled because they had the potential to cause significant gradients near the gas station and/or were associated with the gas station because of vehicle travel en route to the gas station. Background accounts for all other sources other than those specifically modeled, i.e. the three categories listed at the outset of this section. (Under line added).

⁸ The clarification was sent in an email from Patricia Harris on January 10, 2013.

Sullivan’s analysis however, does not follow this guidance from EPA. The modeling analysis includes major roadways and intersections, the Costco warehouse, and the Costco parking lots but excludes emissions from the additional large parking lots within the Mall, lots which generate significant traffic and are likely to increase ambient concentrations in the vicinity.

Further, Sullivan’s contention that their choice of background values (for criteria pollutants) is highly conservative is not well-founded. The company selected background concentrations from Rockville and Beltsville sites contained on EPA’s database. Although these sites may be the closest to the proposed gas station, they include large areas of adjoining forest and lack the concentration of urbanization and traffic that characterizes the Westfield Mall environs. The contrasts are shown in Figures 2, 3, and 4. Use of onsite monitoring for background concentration would likely result in higher background concentrations and greater exceedances of the annual PM_{2.5} standard.

Recommendation: Require Costco to conduct revised modeling to include all sources within the Westfield Mall and conduct onsite air quality monitoring prior to any decision on a mega-gas station proposed for a residential setting where concentrations of respirable particulates are already above EPA’s annual standard.

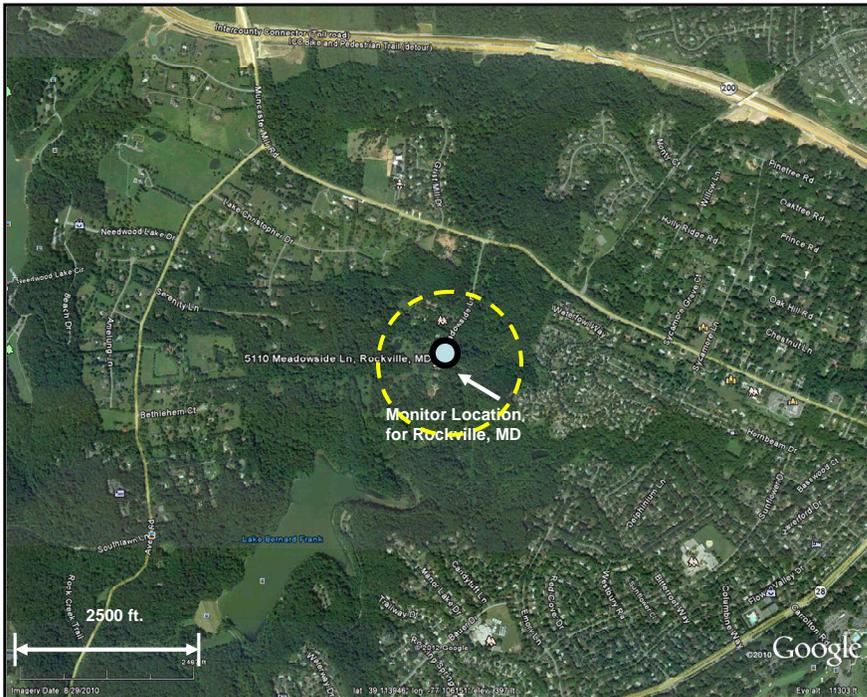


Figure 2: Rockville AQ Monitoring Site. The area is mostly forested within 1000-2000 feet of the monitoring site. The yellow dashed circle has a radius of 1000 feet, the area likely to have the greatest local impact on air quality.

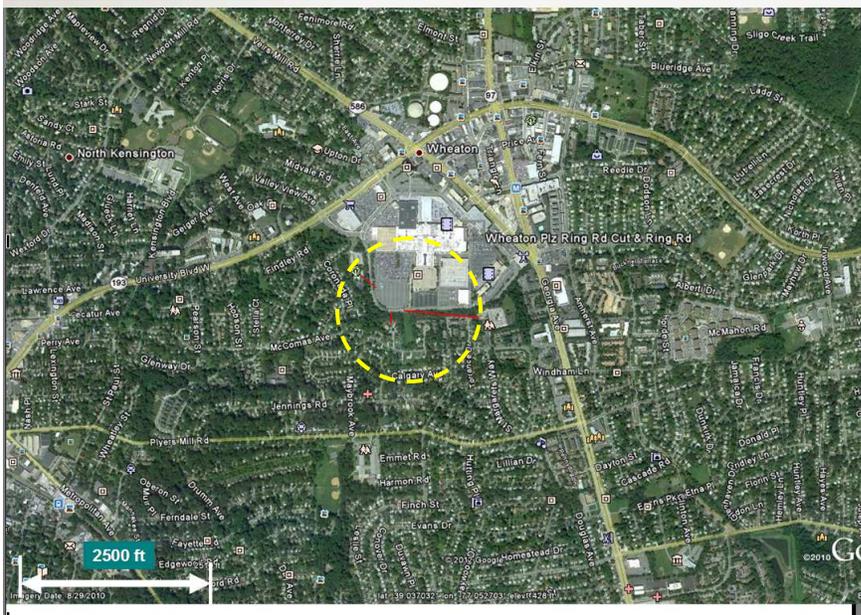


Figure 3: Westfield Mall area same scale. Note broad areas of densely populated residential areas along with significant areas of commercial development. Yellow circle has a radius of 1000 feet.

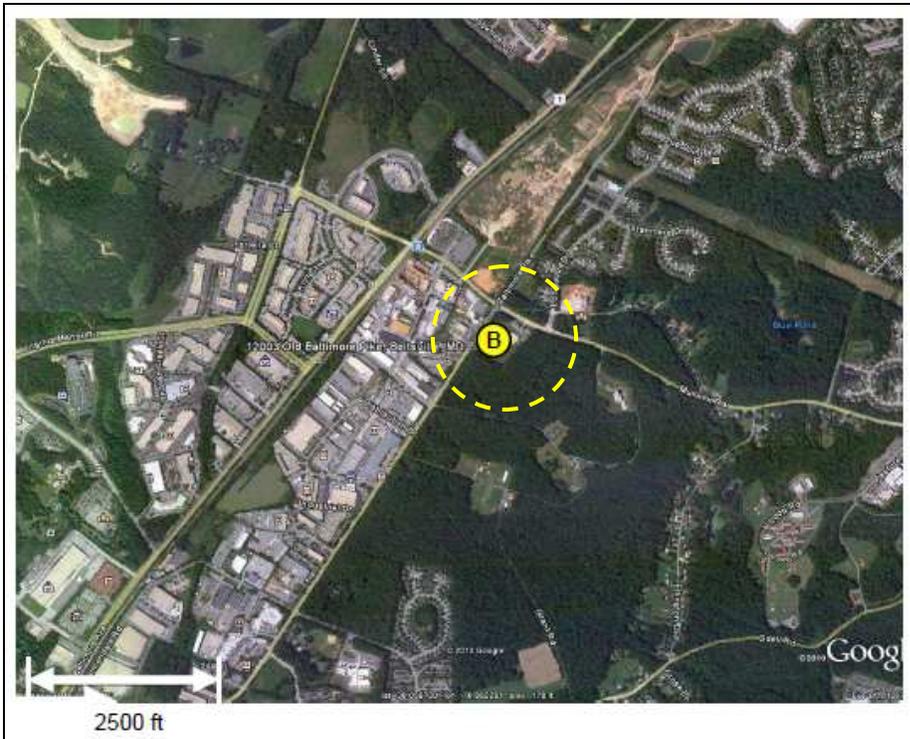


Figure 4: Beltsville monitoring site same scale. B gives location. Note the large are forest and relatively light suburban development. The commercial strip along Route 1 is relatively narrow compared to the broad area of dense development shown in the region of Westfield Mall, above.

Figure 5, below, illustrates the close proximity of nearby sensitive receptors to the location where the gas station's wall ends. As discussed in Section 8, the wall is likely to channel gas station air emissions to the east and south at times when dispersion is minimal.

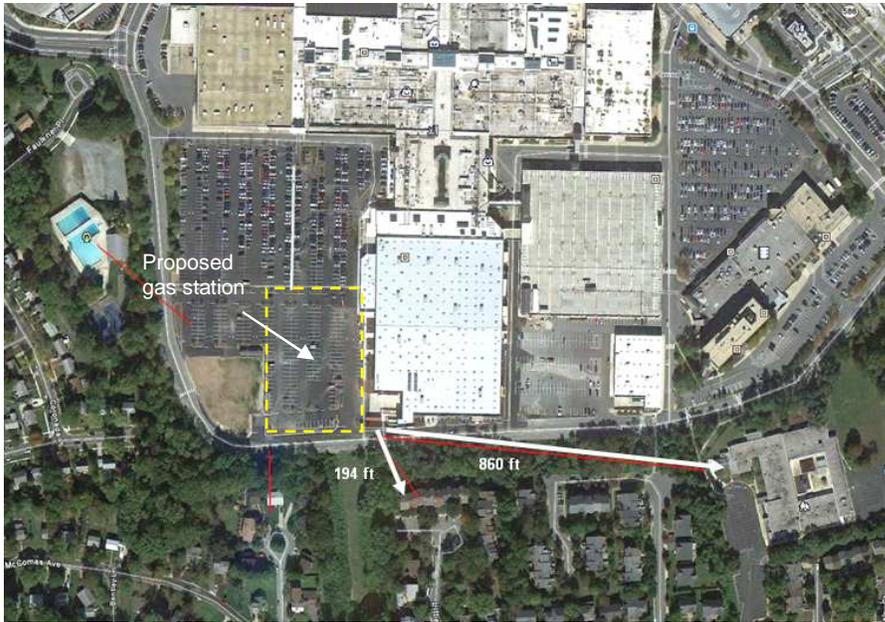


Figure 5: Google Earth photo of Mall Site with distances to sensitive receptors using and Google Earth “ruler.” Distances are from the eastern end of the wall, an 8 foot barrier likely to channel pollutants to the east.

3.0 Traffic and emissions: In any modeling analysis accurate estimates of emissions are critical since the modeled concentrations are proportional to emission rates. Unfortunately, Costco’s schedule for opening the Warehouse and the Planning Board’s timing precludes a “real world” assessment of traffic values once the Warehouse is open for business. Nor do these schedules allow for an onsite analysis of traffic counts during important peak use periods such as the Holiday (late November through December) and pre-school (August-September) shopping seasons. While Costco has submitted projections to accommodate anticipated increases in traffic; any such projections are likely to introduce significant uncertainties into the analysis.

3.1 Vehicle emission rate estimates: Sullivan consultants used an EPA model known as Mobile 6 to estimate emission rates from automobiles. However, EPA has supplanted Mobile 6 with a more refined and versatile model known as MOVES. EPA describes MOVES as “a powerful new tool with a wide range of capabilities. MOVES has integrated the most up-to-date data and inventory methods related to on-road, mobile source emissions inventory development. It provides emission rates that vary with speed for particulate matter (PM) and greenhouse gases (GHG), which is a significant improvement from the previous emissions model MOBILE6 where these emission rates were constant for all speeds.”

A key limitation of MOBILE6 is that emissions are estimated using an average speed; thus, significant aspects of stop and go traffic and fast acceleration and deceleration, hallmarks of travel in congestion, are not adequately captured.⁹ While this could be corrected for average

⁹ J. Levi, et al., Evaluation of the public health impacts of traffic congestion: a health risk assessment Jonathan I Levy, *Environmental Health*, Volume 9, 2010. <http://www.ehjournal.net/content/9/1/65#abs>

speed, it is difficult to use this cycle averages to evaluate emissions in micro-environments such as intersections or meso-scale settings such a Mall with gas station.

Clearly the speed of vehicles and the degree of congestion are an extremely important determinant of emissions.

The following figures show a comparative study between Mobile 6 and MOVES conducted by the Coordinating Research Council.¹⁰ The results clearly show that Mobile 6 estimated emission rates for PM_{2.5} are significantly lower than those of MOVES.

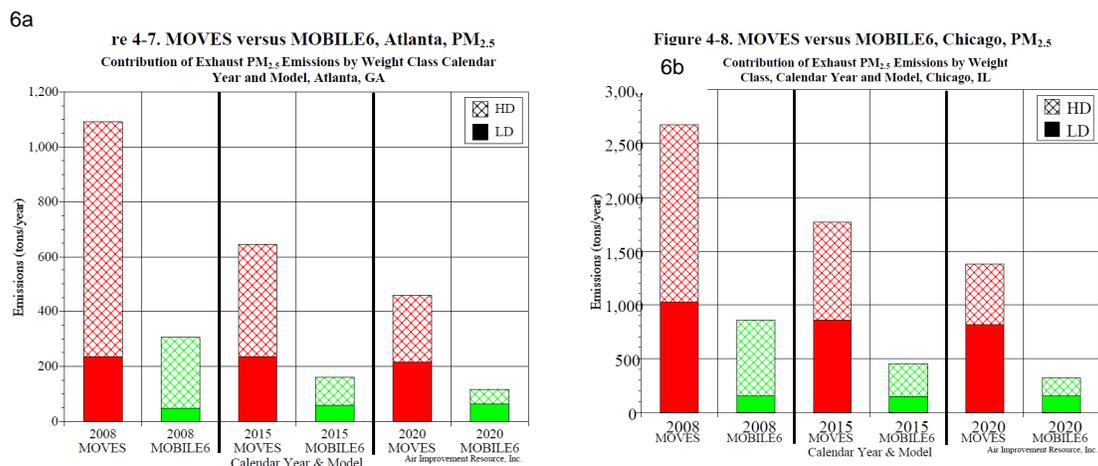


Figure 6: Comparison of emissions models. HD = Heavy Duty Vehicles; LD = Light Duty Vehicles

3.2 Recommendations: County’s decision-makers should require that Costco conduct the following studies in order to allow a more accurate and conservative estimation of traffic-related emissions prior to rendering a decision.

1. Representative traffic counts following the opening of the company’s Warehouse to include the above mentioned peak shopping periods for 2013.
2. Revised motor vehicle emission rates based on the use of MOVES.

4.0 Volatile organic compounds, carcinogens and hazardous air pollutants: Mega-gas stations are large emitters of volatile organic compounds (VOCs). The term “volatile” refers to the strong tendency of these chemicals to evaporate and become airborne and expose those who reside or frequent the area to a number of highly toxic chemicals including benzene, a known human carcinogen. *Sullivan Environmental Consultants estimates that a facility with an annual distribution of 12 million gallons (such as Costco’s proposed facility for Westfield Mall) would emit approximately 17.4 tons of VOCs per year.*¹¹ Sources of VOC emissions with estimates of totals for a 12-million gallon/yr facility are shown on Table 1.

¹⁰ Coordinating Research Council (CRC) a non-profit group that conducts research for the petroleum and automotive equipment industries for PM_{2.5}. The 2010 report can be found at: http://www.crca.com/reports/recentstudies2011/E-68a/Final%20CRC%20E-68a%20Report_V6.pdf

¹¹ Sullivan Environmental Consulting, Inc., Air Quality, Odor, and Noise Analysis for Proposed Costco Gas Station in Wheaton, Maryland, December 20, 2011.

Table 1: Source: Sullivan Environmental (December 20, 2012 report) Costco Wheaton.¹²

Costco Gasoline Station	VOC
Source Name	Emissions (lb/year)
Filling of Underground Storage Tanks	→ 1,032.10
Underground Storage Tank Breathing	→ 12,041.21
Vehicle Fueling	→ 13,245.33
Spillage	→ 8,428.85
Total lbs per year: 34,746	
Total tons per year: 17.4	

1. Gasoline constituents (Volatilized to air)*	EPA Hazardous Air Pollutant (HAP)?	Carcinogenic?	Comments
Benzene	Yes	Known Human carcinogen	Long-term exposure to high levels of benzene in the air can cause leukemia, particularly acute myelogenous leukemia. The U.S. Department of Health and Human Services (DHHS), EPA, & other health agencies have designated benzene as a known human carcinogen. (IARC/WHO) (Source: ATSDR/CDC) ^[2] According to EPA benzene is carcinogenic to humans for all exposure routes including inhalation. ^[3]
Ethylbenzene	Yes	Possible human carcinogen	IARC / WHO ^[4]
N-Hexane	Yes	No evidence	ATSDR
Toluene	Yes	No evidence	ATSDR
Xylene	Yes	Insufficient evidence	ATSDR
2. Products of incomplete Combustion of gasoline*			
Benzene	Yes	Known human carcinogen	See Row 1 above for references
1,3 butadiene	Yes	Known human carcinogen	National Toxicology Program, NIH ^[5]
Formaldehyde	Yes	Known human carcinogen	National Toxicology Program, NIH ^[6] ; International Agency for Research on cancer (IARC/WHO). ^[7]
Acetaldehyde	Yes	Reasonably anticipated as carcinogen	National Toxicology Program NIH ^[8]

Table 2: VOC constituents of gas station emissions:

- (1) evaporative
- (2) combustion products

See next page for footnotes:

References for Table:

- ^[1] The list of VOCs in Table 1 is taken from Sullivan Environmental Consulting, December 20, 2011. For sources of toxicological information follow footnotes in column 4.
- ^[2] Centers for Disease Control, Agency for Toxic Substances and Registry (ATSDR); <http://www.atsdr.cdc.gov/toxfaqs/ff.asp?id=38&tid=14>
- ^[3] <http://www.epa.gov/ttn/atw/hlthef/benzene.html>
- ^[4] <http://monographs.iarc.fr/ENG/Monographs/vol77/volume77.pdf>
- ^[5] <http://ntp.niehs.nih.gov/ntp/roc/twelfth/profiles/Butadiene.pdf>
- ^[6] <http://ntp.niehs.nih.gov/ntp/roc/twelfth/profiles/Formaldehyde.pdf>
- ^[7] International Agency for Research on Cancer/ formaldehyde <http://monographs.iarc.fr/ENG/Meetings/vol100F-evaluations.pdf>
- ^[8] <http://ntp.niehs.nih.gov/ntp/roc/twelfth/profiles/Acetaldehyde.pdf>

¹² Sullivan Environmental Consulting, Inc., Air Quality, Odor, and Noise Analysis for Proposed Costco Gas Station in Wheaton, Maryland, December 20, 2011.

Table 2 is a summary of volatile organic compounds (VOCs) listed by Sullivan including: (1) (VOCs) evaporated from fuel tanks, filling operations and moving and idling vehicles (2) VOCs which are products of combustion generated by vehicle engines. Note that all of the VOCs have been designated as Hazardous Air Pollutants (HAPs) by EPA.

As defined in the Clean Air Act, (HAPs) are those pollutants that are known or suspected to cause cancer or other serious health effects, such as reproductive effects or birth defects, or adverse environmental effects.¹ In addition Table 1 shows that government health agencies have designated five of the VOCs as known or potential human carcinogens. Nor is cancer the only concern; numerous studies have shown that fine particulate matter (PM_{2.5}) and diesel exhausts can cause a variety of respiratory and cardiovascular diseases. Exposures to PM_{2.5} and diesel exhaust can also trigger asthma attacks, especially in children.

4.1 Sullivan's cancer risk assessment is flawed: The risk assessment conducted by Sullivan Environmental Consultants (Sullivan) fails to include all sources and contaminants that are likely to contribute to the cumulative cancer risks associated with the proposed gas station and other sources in the Westfield Mall area. In particular:

- The Sullivan modeling analysis includes only emissions of evaporative sources of carcinogens but does not include carcinogenic VOCs that result from combustion.
- The analysis also excludes semi-volatile compounds including poly-aromatic hydrocarbons (PAHs) such as benzo (a) pyrene which are likely to be adsorbed on the large collective surface area of the ultrafine particles. These are particles with diameters less than 0.1 µm which comprise the highest percentage of particle numbers. IARC and EPA have designated BaP as a probable human carcinogen.
- Sullivan's cancer risk assessment fails to include diesel exhausts. The World Health Organization's Agency for Research on Cancer (IARC) recently classified diesel engine exhaust as known human carcinogens, causing lung cancer (Group 1).¹³ Diesel exhaust is emitted from a large number of trucks that deliver products to the various commercial outlets at the Westfield Mall, both to Costco's proposed gas station, its Warehouse loading docks, and all of the other trucks that service the numerous large commercial outlets at the Mall. I fail to see how the exclusion of diesel emission represents a conservative approach to risk assessment and could lead to significant underestimation of cancer risk among residents, site workers and students at the Stephen Knolls School.
- Sullivan has provided an expert opinion and articles which argue that the designation of diesel exhausts as a human carcinogen by the World Health Organization (its International Agency for Research on Cancer, IARC) is flawed. However, I note that the sources referenced were written by authors retained by the diesel engine industry. IARC on the other is an intergovernmental agency and widely respected authority on the carcinogenicity of contaminants.

¹³ IARC determined that there is sufficient evidence to demonstrate that exposure to diesel exhaust causes an increased risk for lung cancer in humans. Press release, June 12, 2012. http://press.iarc.fr/pr213_E.pdf

- Diesel exhaust consists of many particulates and gases. The most numerous particles are the ultrafine particles (UFPs), particles with a diameter less than 0.1 micrometers (μm) and which are deposited deep into the lungs. The enormous surface area of these particles that greatly enhances their potential for adsorbing organics including a number of highly toxic products of incomplete combustion including formaldehyde, acetaldehyde, and poly- aromatic hydrocarbons.¹⁴ See Section 5 for more information on UFPs.
- Sullivan attempts to downplay the potential carcinogenic effects of diesel trucks by citing literature showing that Costco's trucks will meet the recent EPA standards, which as Sullivan claims should greatly reduces diesel emissions. However, this argument neglects the many trucks that deliver to Westfield Mall (and to the Costco store) are likely to have older engines which do not meet these standards. According to EPA, the exceptional longevity of diesel trucks is an important factor in estimating diesel emissions and exposures because older vehicles are subject to less stringent regulations. Many remain in use for several decades after their manufacture and are not required to retrofit in order to meet much stricter emission standards now required for new diesels.¹⁵ While Costco may enforce strict emission standards for trucks under its control, it has no ability to do so for the many other trucks delivering to the Costco store and to the Mall's other large stores.

5.0 Ultrafine particulates: Over the past decade, scientists have provided a growing body of studies indicating that ultrafine particulates (UFPs), those with a diameter of less than 0.1 μm (100 nm) pose a variety of health-related risks to exposed populations. Motor vehicles including trucks with diesel engines are major sources of UFPs in urban areas.

EPA and state standards, based on mass concentrations, are based on mass concentrations (i.e. $\mu\text{g}/\text{m}^3$). As discussed below, several traits contribute to the potential disproportionate impact of UFPs on health.^{16,17}

- Due to their small size, ultrafine particles generally account for less than 10% of the particulate mass, but make up the majority of airborne particles *by number*. As an example, a particle mass concentration of approximately $10 \mu\text{g}/\text{m}^3$ is equivalent to a count of one particle per cm^3 for particulates with a diameter of $2.5 \mu\text{m}$, but equivalent to a count of more than 2 million particles per cm^3 for particles of a diameter of $0.02 \mu\text{m}$.
- UFPs have much larger surface areas than larger particles; the surface area increases adsorption thus UFPs can carry toxic agents deep into the lungs including toxic metals and organic compounds such as poly-aromatic hydrocarbons (PAHs) some of which are carcinogenic.

¹⁴ U.S. EPA, *Health Assessment Document for Diesel Engine Exhaust*, 2002. <http://www.epa.gov/ttn/atw/dieselfinal.pdf>

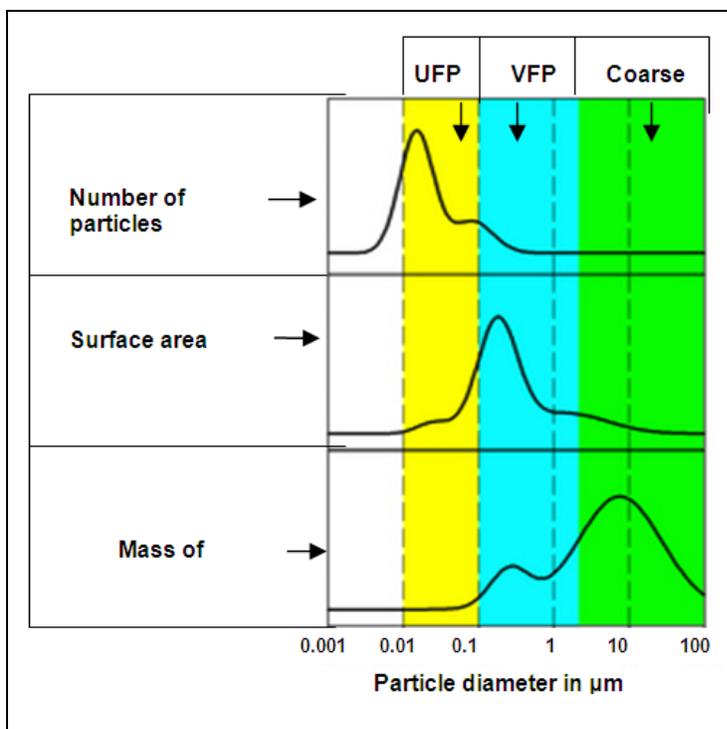
¹⁵ U.S. EPA, *Health Assessment Document for Diesel Engine Exhaust*, 2002. <http://www.epa.gov/ttn/atw/dieselfinal.pdf>

¹⁶ Constantinos Sioutas, Ralph J. Delfino, and Manisha Singh, "Exposure Assessment for Atmospheric Ultrafine Particles (UFPs) and Implications in Epidemiologic Research," *Environmental Health Perspectives* • VOLUME 113 | NUMBER 8 | August 2005 <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1280332/pdf/ehp0113-000947.pdf>

¹⁷ South Coast Air Quality Management District (SCQMD, California), www.aqmd.gov/aqmp/07aqmp/draftfinal/Chapter_11.pdf

- UFPs can also be inhaled and deposited deeper into the lungs than larger particles. As much as 50% of the particles with 0.02 μm or smaller are estimated to be deposited in the alveolar region of the lung.
- After inhalation, UFPs may penetrate rapidly into lung tissue; and some portions may be translocated to other organs of the body.
- A recent study also found evidence that particles may be translocated via neural cells from the nose and pharynx to the olfactory bulb of the brain. While the research is not definitive, numerous studies suggest that UFPs may have significant health effects greater than or independent of the effects due to the larger particles that comprise the majority of ambient PM mass

The following graphs illustrate these traits:



- UFPs contribute a tiny portion of the total mass of PM_{2.5}, but contribute the majority of particles.
- Most of the surface area is found among particulates below 0.5 μm in diameter.
- Most mass concentrated among particulates in the coarse range, particles > 2.5 μm in diameter (area in green).

Figure 7: Conceptual diagram showing distributions of mass, particle numbers and surface area as a function of particle diameter. Actual distributions will vary according to sources, however, the overall distributions follow the same pattern (see text).

Recent studies indicate that exposure to UFPs can cause inflammation of the respiratory system, can have adverse effects on the cardio-vascular systems and can reduce cognitive function in children.¹⁸

¹⁸ Constantinos Sioutas, et al., "Exposure Assessment for Atmospheric Ultrafine Particles (UFPs) and Implications in Epidemiologic Research," Environmental Health Perspectives • VOLUME 113 | NUMBER 8 | August 2005 <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1280332/pdf/ehp0113-000947.pdf>

Due to their nano-scale diameters, UFPs can pass from the lungs into blood, and enter the brain and other systems. Researchers have shown that ultrafine and fine particles can be translocated from the lungs when they penetrate pulmonary tissue and enter the capillaries, reaching other organs (i.e., liver, spleen, kidneys, heart, and brain) through circulation. The same authors found that higher levels of black carbon predicted decreased cognitive function across assessments of verbal and nonverbal intelligence and memory constructs. (Black carbon is a marker for UFPs and fine particles emitted from vehicular combustion)¹⁹

Summary: The evidence, though not conclusive, indicates that UFPs health effects are not well represented by PM_{2.5} mass concentration standards. Their large numbers and surface areas are not reflected in the mass-based monitoring routinely conducted at state and EPA monitoring sites, nor are they represented in modeled estimates such as those conducted by Sullivan. This information should provide planners and decision-makers add reasons for caution in their judgment regarding Costco's proposed facility, especially given volume of traffic, likely congestion during peak periods and the proximity of thousands of residents. Finally, I would emphasize that the severely disabled students attend the Stephen Knolls School located only tens of feet downslope from the Ring Road with anticipated heavy traffic and less than 900 feet from the proposed mega-gas station. A detailed health assessment should include the potential effects and risks applicable to children with compromised respiratory systems, some who need respirators.

7.0 Why proximity matters: The requirements of the County's Special Exception clearly focus on the impacts of a proposed facility on the adjoining communities. Figure 1 (Section 2.0 from Sullivan's modeling shows a gradient with highest concentrations nearest to the source. Figures 8 a, b, and c are (non-specific) schematics that demonstrate the disproportionate impact that a significant source, in this case a mega-gas station, would have on the area and residents. While Sullivan has argued that the impact of the gas station on regional air quality would be minimal, it is clear that the highest concentrations and exposures will be nearest the gas station.

¹⁹ F. Suglia et al., "Association of Black Carbon with Cognition among Children in a Prospective Birth Cohort Study," *American Journal of Epidemiology*, Vol. 167, No. 3, 2007.

3-D schematic of area source plume. Darkest color is highest concentration (nearest source). Gradation from dark to light represents decrease in concentration due to dispersion as contaminants are mixed into greater and greater volumes of air. The shading surrounding the plume represents regional background concentration. Note that at the greatest downwind distance shown the plume blends into the background pollution.

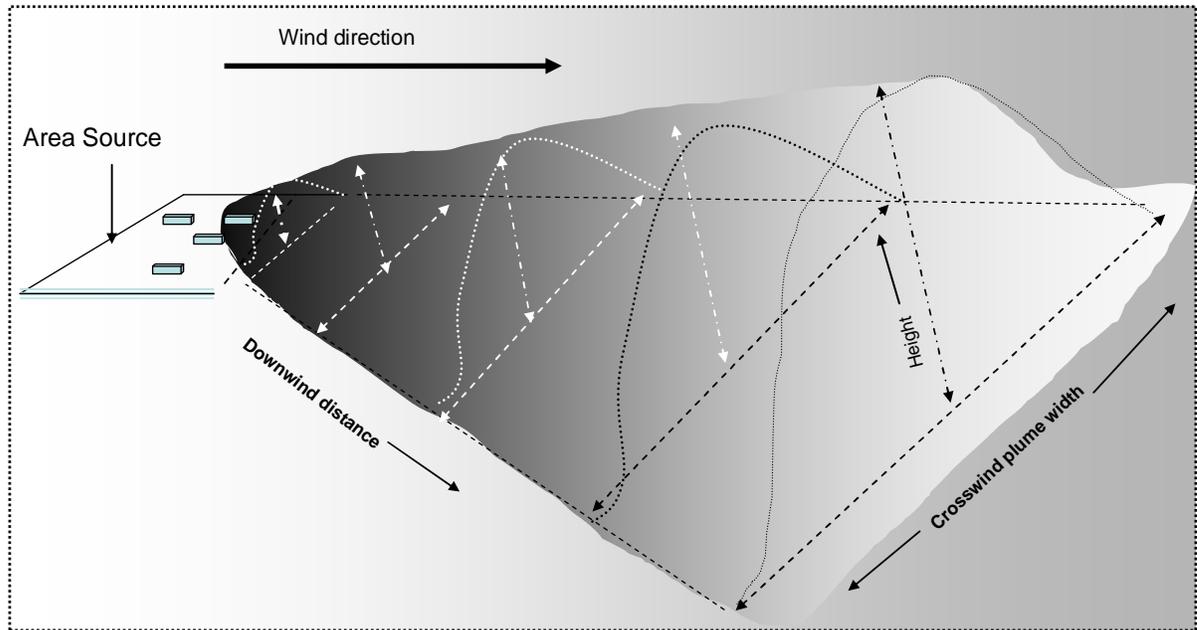


Figure 8a: See Text for explanation.

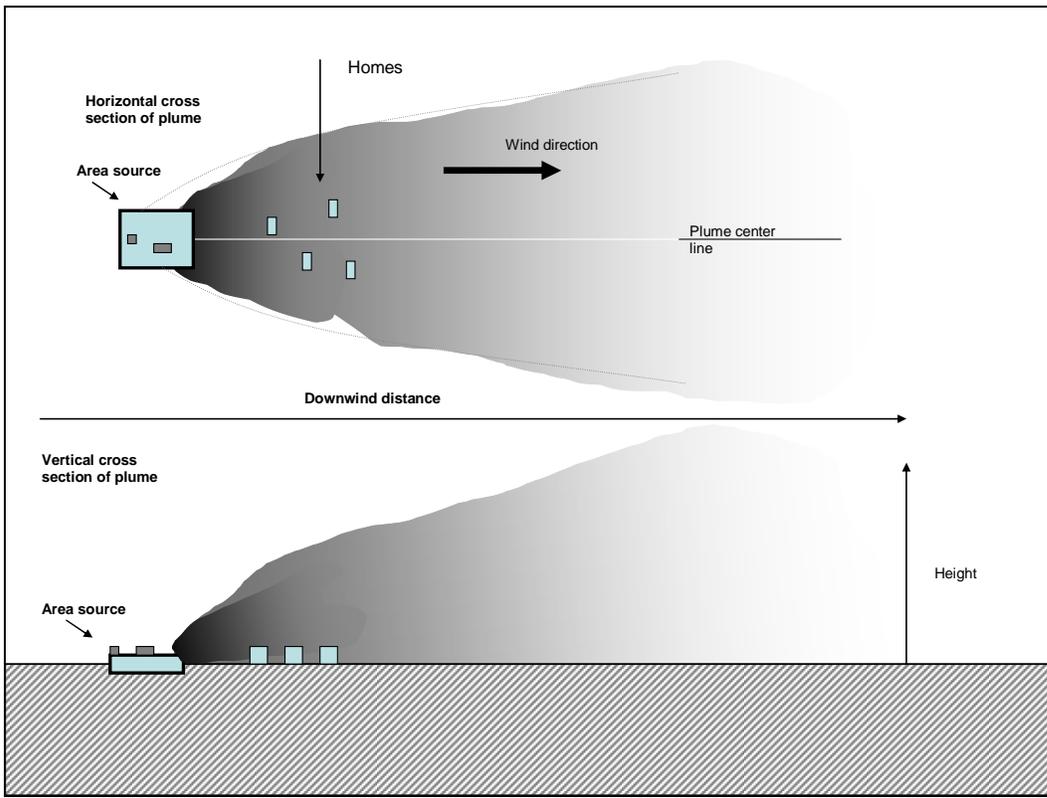


Figure 8 b: See Text

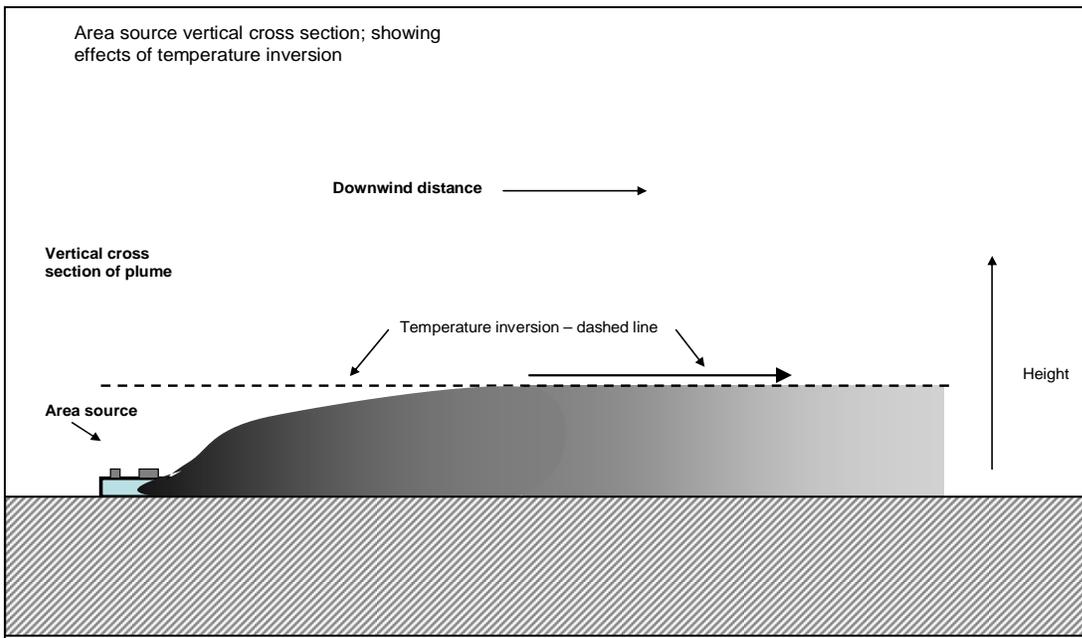


Figure 8-c: See Text

8.0 Potential adverse impacts of stable, downslope flow periods. As part of a process involving experts David Sullivan (for Costco) and Henry S. Cole, Ph.D. (for KHCA), I raised the issue of cold air drainage and its potential adverse impact on the homes and Stephen Knolls school east and south of the proposed gas station. This phenomenon (explained below) occurs during evening, night and early morning periods as a result of surface cooling.²⁰

Cold air drainage and impact on pollutant concentrations: During the night, the absence of sunlight and the loss of “terrestrial, long-wave radiation” results in a colder and colder surface until morning when the energy income exceeds the loss. The surface cools more rapidly than the overlying air which creates a temperature inversion. These conditions develop typically when nighttime skies are clear and regional wind speeds are low. As the diagram in Figure 10 shows the dense cold air tends to flow downslope.

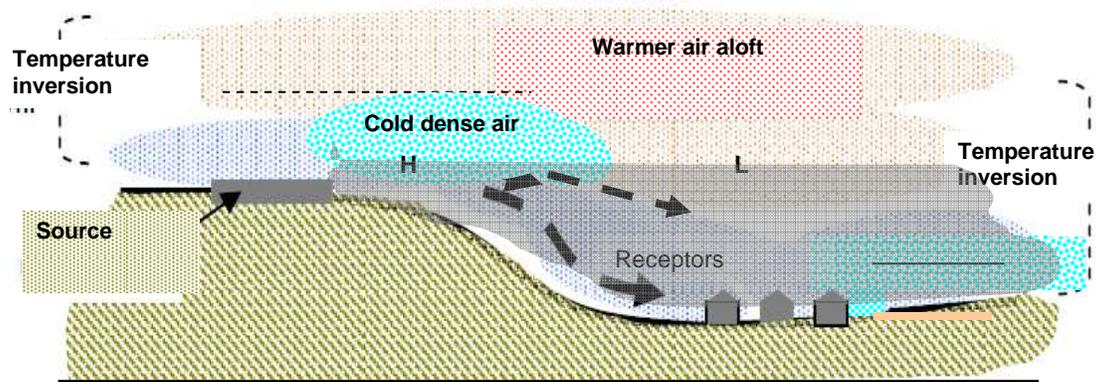


Figure 10: See Text for explanation

The H (higher pressure), the L (lower pressure). This “pressure differential” generates a wind from high to low pressure. The gray area represents a buildup of contamination in the downwind direction. During temperature inversions the air is very stable, lacking the turbulence necessary to disperse pollutants effectively. Thus pollutant concentrations associated with low level sources (e.g. traffic) are generally elevated. The inversion also acts to lower wind speeds near the surface by retarding the downward transfer of momentum from higher elevations; lower wind speeds cause higher concentrations. Figure 11 below shows a photo of the haze that often occurs with the low wind speeds, downslope flow, and stable

²⁰ During such periods of minimal solar heating, cooling occurs because outgoing terrestrial (long-wave) radiation from the surface exceeds the energy input from sunlight.



Figure 11: Northern California Valley with cool air pooling and a temperature inversion holding in the haze.

<http://ukiahcommunityblog.wordpress.com/2009/12/09/mendocino-county-why-are-you-filling-our-lungs-with-pollution/>

8.1 *Topography in the site area:* The topographic map (Figure 12) from Sullivan’s Environmental Overview Report (November 2012) shows a sharp drop in elevation to the south of the facility and the ring road. In my judgment this slope is sufficiently steep to cause downslope (gravity) drainage during the conditions described above.

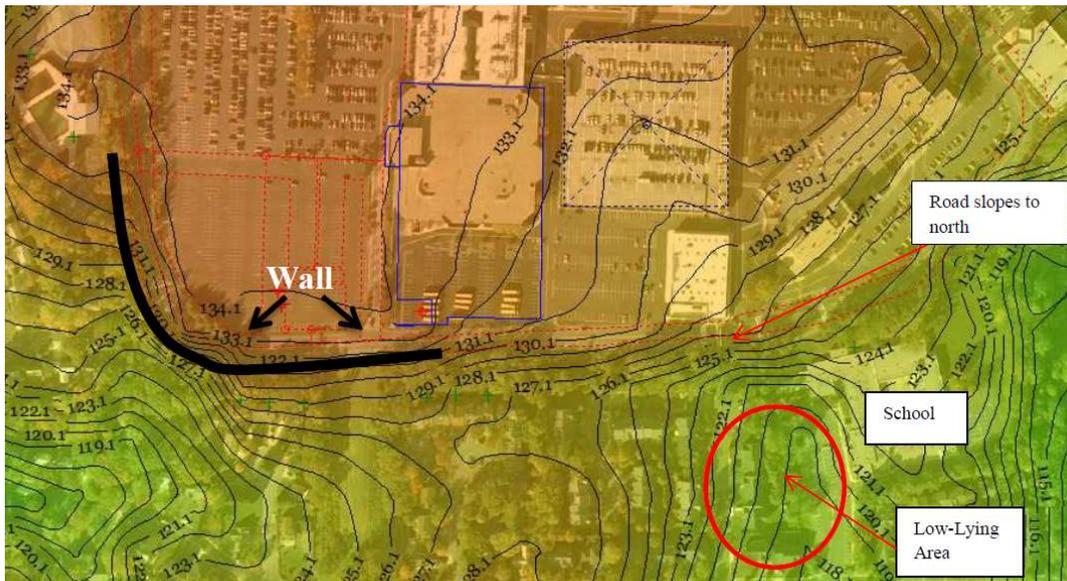
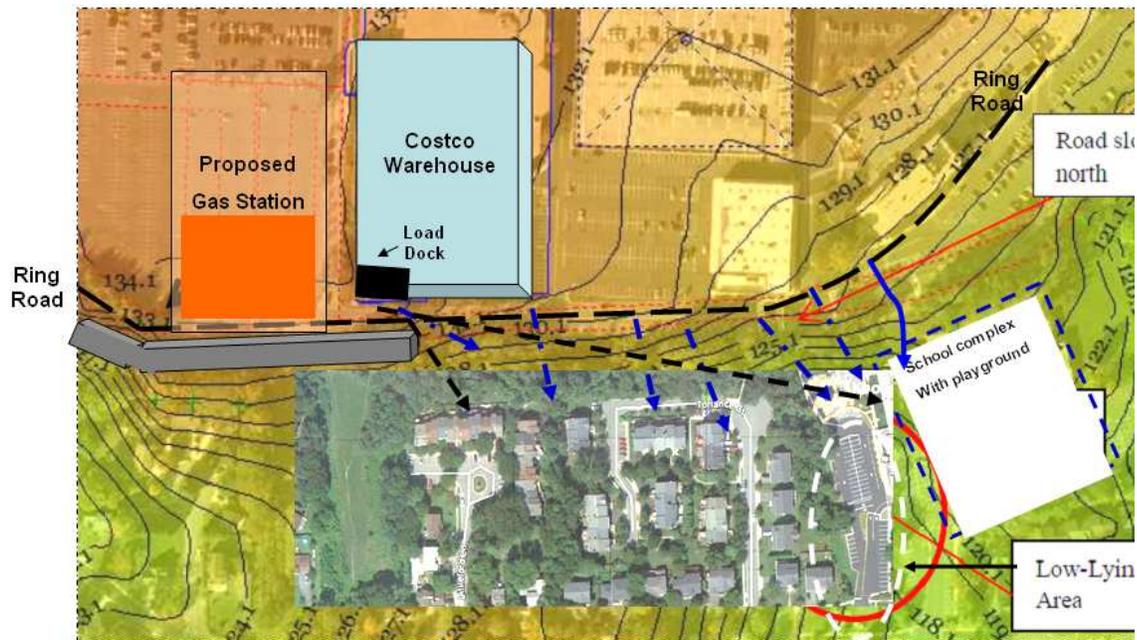


Figure 12: Topographic map showing gas station site and wall. See Text.

8.2 *Flow patterns with cold air drainage:* Figure 13 below shows the relationship between the gas station, the wall, the Ring Road, the Costco Warehouse building, the acoustic wall, townhouses and the Knolls School. The blue arrows show wind directions based on the assumption that during low level inversions flow would be perpendicular to the contour lines from high to low elevation. Note that flow is from the Ring Road toward homes and the School in the area south and east of the end of the acoustic wall.



Distance to nearest townhouse = 194 feet, based on Google Earth Image and Ruler
 Distance from gas station wall outlet to School = 860 feet.

Figure 13: See Text

The Sullivan November 19, 2012 modeling report nevertheless states that “*The roadway near the Stephen Knolls School slopes away from the school, i.e. towards the north. If gravity flows were to occur they would not be directed up-terrain towards the school.*”

8.3 CALPUFF Modeling and cold air drainage: As a result of our exchanges David Sullivan and Costco agreed to use a more refined modeling known as CALPUFF to simulate the potential impact of cold air drainage on condition on wind fields and pollutant concentrations. The findings presented are as follows:

- Based on the results of this modeling, Sullivan states that the there would be no downslope towards home and the school and (b) there is little difference in concentration between the CALPUFF and AERMOD modeled results.
- However, a close look at CALPUFF simulated wind field (Figure 14) confirms downslope flow under the cold air drainage scenario, and that downslope flow occurs from the Ring Road toward the townhouses and school south and east of the wall.
- The report acknowledges that the CALPUFF modeling did not incorporate the effects of the wall. The effects of the 8 ft. wall, I believe is likely to channel emissions toward the townhouses and school to the east and south of the wall. Figure 15 is a close-in view of the area of the gas station, the acoustic wall and the warehouse. This diagram shows potential channeling of emissions likely due to presence of the wall and the building. This channeling effect would transport gas station and Ring Road emissions towards the townhouses and schools toward the east and south. Emissions associated with deliveries to the loading dock would flow in a similar manner.

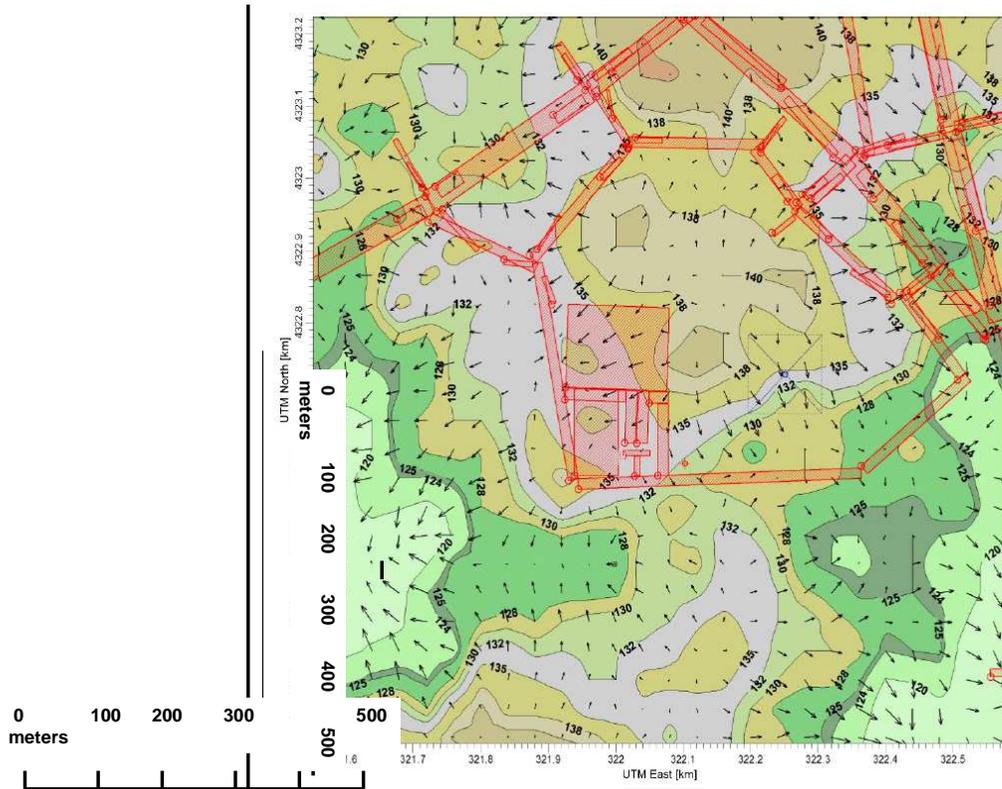


Figure 14: From Sullivan's CALPUFF modeling; see text above.

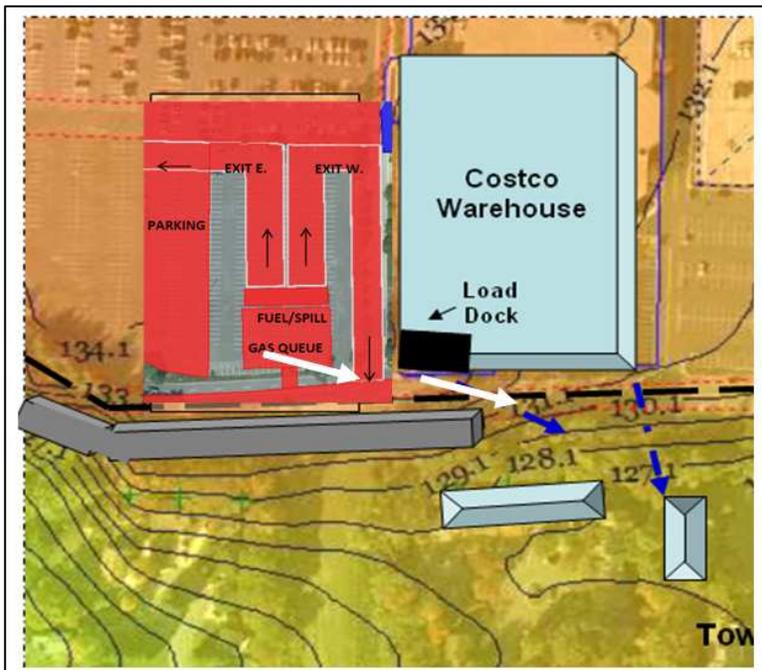


Figure 15: See Text

9.0 Conclusions:

Based on my foregoing review and analysis of the evidence available, I conclude:

1. The Special Exception law requires the Planning Commission and the Special Exceptions Board to find that there is no significant health risk before approving the application. Costco has failed to provide a valid public health assessment showing that its proposed gas station can be operated without adversely affecting the health of residents, workers at the Westfield Mall, and the health impaired students at the Stephen Knolls School. A valid health assessment capable of evaluating harmful impacts or their absence would require a complete literature on the effects of gasoline stations and vehicular emissions on cumulative impacts as well as a section on uncertainties and their potential effects on findings. Moreover Costco would have to address the many issues raised in this submittal.
2. The air quality assessments conducted by Sullivan Environmental Consultants excludes both sources and contaminants, is likely to underestimate vehicle emissions, and fails to fully evaluate impacts on air quality. Sullivan's modeled estimates rather than being conservative are likely to underestimate concentrations resulting from the proposed gas station in combination with area and regional sources.
3. Costco and its consultants have failed to provide background measurements of air pollutants at the Westfield Mall. Thus, Costco has chosen to forgo actual monitoring for background and to seek approval of the gas station prior to the opening of the store, which would generate a great deal of information about background conditions. Given the failure to present actual data, it would not be prudent for the Planning Board to recommend a decision with life or death consequences on the basis of Costco's analyses.

Attachment 1



[Henry S. Cole & Associates, Inc / 11229 Mattaponi Road, Upper Marlboro, MD 20772 / \(301\) 780 7990](http://www.hscoll.com)

Qualifications of Henry S. Cole, Ph.D. Qualifications relative to this project:

PhD in meteorology with broad training in climatology, climate change, dynamics, thermodynamics, physical meteorology and micrometeorology, University of Wisconsin-Madison, 1969. BS Rutgers University Coll. of Agriculture (1965) majors in climatology and soils.

Associate professor environmental earth sciences: University of Wisconsin-Parkside campus 1970's. Research and journal articles on shoreline power plant and urban emissions. (See publications list). Member Wisconsin State Air Pollution Advisory Counsel.

Senior Scientist with U.S. EPA's Office of Air Quality, Planning and Standards (OAQPS) 1977-1983. Chief Model Application Section, Developed EPA's Shoreline CRSTER model. Responsible for model application studies related to regulations and policy. Authored numerous reports and publications.

Science Director of Clean Water Action and Clean Water Fund; research on emissions from waste sites, fate and transport of mercury emissions from power plants, and incinerators.

President Henry S Cole & Associates, examples of expert witness projects related to emission sources air pollution meteorology, modeling and impacts:

- Impact of quarry expansion and asphalt production facility in Ontario, Canada (current)
- Residents of Harlingen, Netherlands: Opposition to permit for incinerator (current).
- Ecojustice (Canada): Opposition to expansion of oil refinery complex in western Ontario: Key issue cumulative impacts (current).
- Michigan law firm, support for suit on odor emissions from poorly operated composting facility (current).
- L. Ontario Waterkeeper: witness successful challenge to Lafarge cement kiln application to burn “alternative fuels” including tires, animal wastes, plastics, etc. (2007-2008).
- Expert witness: Support for litigation related to odors and pollution from several large landfill in Michigan (2008 and current).
- Franklin Co. Court of Common Pleas (Columbus, OH), environmental expert liaison; assessment of Georgia Pacific environmental impacts on community (2003-2005).

ATTACHMENT 17A

January 15, 2013

Ms. Renee Kamen
Senior Planner, Development Revision Division
Montgomery County Planning Department
8787 Georgia Ave., Silver Spring, MD 20910

Re: Special Exception application S-2863; Costco gas station

Dear Ms. Kamen;

Please find attached a pdf document ("Costco/Westfield's Landscaping and Forest Management Plans: One Step Down the Slippery Slope") I am hereby filing, on behalf of the Stop Costco Gas Coalition, in opposition to Costco's Special Exception application S2863. The text of this cover letter is embedded - as the first page - in the pdf, with my signature.

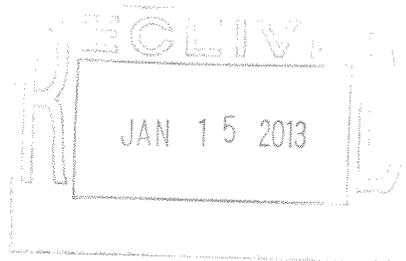
Please confirm that you have received this filing in time for it to be included in planning staff discussions of S-2863 as it prepares the staff report it will give to the Planning Board.

I wish to thank you, once again, for the time you and other staff members spent with us explaining how you evaluate such applications (and opposition filings) and to indicate how much your meetings with us helped us understand the realities of the Special Exception process.

Yours sincerely,



Mark R. Adelman
Webmaster, The Stop Costco Gas Coalition
3206 University Blvd. W.
Kensington, MD 20895
webmaster@stopcostcogas.org



Costco/Westfield's Landscaping and Forest Management Plans: One Step Down the Slippery Slope

by

Mark R. Adelman [1]

Webmaster, The Stop Costco Gas Coalition (SCGC) [2]

This is a document related to Costco's Special Exception application S-2863, asking for approval to build/operate a mega gas station in the southwest quadrant of Westfield's Wheaton Plaza. It is a filing, on behalf of the SCGC, in opposition to S-2863. In a sense it is an addendum to our separate filing rebutting Costco's Land Use Report. More specifically it is in rebuttal to a filing that Costco did not make.

I. Overview and Background

The site on which Costco proposes to build/operate its mega gas station is immediately adjacent to the Kensington Heights neighborhood; that includes residential homes, the Kenmont Swim Club, and the Stephen Knolls School for special needs children. The interface between the Costco site and the adjacent neighborhood is a portion of Wheaton's Green Forested Buffer. It is a relatively thin strip of land but is nevertheless one of the largest portions of the Forested Buffer, the protection of which is required by the Wheaton Sector Plan. It is also a sloping domain through which the air pollutants released by the proposed gas station will reach the Kensington Heights community: such pollutants must follow this path because they will flow downhill and prevailing winds will simply add to the physical forces that drive them down this slope.

Montgomery County Code, that governs how Costco's application (S-2863) must be evaluated, specifies (section 59-G-1.23 (d)) that the applicant (Costco) must file a Forest Conservation Plan (FCP), related to the forested buffer mentioned above. However Costco has not filed such an FCP because it claims to have received an exemption from this requirement. The exemption in question (42011026E) was issued by the Montgomery County Planning Department to Westfield Corporation, for the Wheaton Costco Mall Addition construction project.

But since that exemption was issued (improperly - see following) at a time when Costco had not yet applied for the Special Exception needed for the proposed mega gas station, and the gas station is a separate project from the Costco Mall Addition, it is clearly not appropriate to claim that the exemption applies to the gas station. In fact, given that the proposed gas station is to be sited even closer to the Forest Buffer than is the Costco store, and poses a far more likely threat to the Forest and Stream Buffer than does the store, it seems especially important to re-visit the entire matter of the issuance of the exemption and require that the Planning Department process separate applications for exemptions (one for the store, another for the gas station). More to the point, Costco should comply with the Forest Buffer protection mandate as set forth in the Wheaton Sector Plan and submit the required Forest Protection Plan, rather than relying on exemption(s) of questionable validity.

Those who wish more information on the above should read the three attachments

to this filing. Attachment A is an excellent and remarkably brief article published by the Audubon Naturalist Society (ANS) in early 2012. Attachments B and C are copies of letters, sent by ANS, to the Director of the Planning Department requesting that the process by which the exemption was granted be reviewed in light of a number of irregularities (actually violations of law - these are our words) that ANS had identified. [ANS also raised concerns about the implications of failure to even recognize the existence of the forested buffer because the forest section in question is in a stream buffer and Westfield/Costco had, by virtue of the above cited exemption, thus also been exempted from having to comply with conditions of the regulations (NRI-FSD) that would normally apply so that storm water management plans are consistent with preserving the qualities of stream buffers and, thus, groundwater.]

II. The Specific Issue

The County Code that determines how S-2863 is to be evaluated also requires that Costco file information on how it plans to landscape the property (the mega gas station) for use of which it is requesting approval. Costco provided this information in its Land Use Report, to which we have filed an extensive rebuttal. In Costco's Land Use Report (CLUR), the landscaping issue is raised not simply as a matter of landscaping *per se*, but repeatedly in the context of the "screen wall" that Costco proposes to erect so as to "protect" the residents of the Kensington Heights neighborhood from any potentially negative impacts of the mega gas station. In our rebuttal of CLUR we noted:

"Its filed plans for landscaping constitute a *de facto* plan for Forest Conservation/ Management and the exemptions granted inherently preclude any certainty that the plantings will be guided by appropriate County agencies."

That is, there is an inherent conflict between Westfield/Costco's having obtained an exemption (of contested validity) from having to file a Forest Conservation Plan (and thus also satisfy regulations regarding the effects of stormwater management on the impacted forest and stream buffer) and its plans to do landscaping work near/in the forest buffer. The past actions of Montgomery County's Planning Department provide no assurance that it will direct/monitor what Westfield/Costco actually do as they muck about with Wheaton's Green Forested Buffer. We request (as does ANS in a separate filing in this matter) that the County fully implement the Forest Buffer protection mandate as set forth in the Wheaton Sector Plan. Unless/ until this matter has been fully resolved, Costco should not be allowed to use the questionable exemption as part of S-2863.

III. Conclusion

The discussion above is yet another example of why Costco's application (S-2863) does not satisfy the elements of the Code that must be satisfied if S-2863 is to be approved. They add still more weight to our assertion that S-2863 must not be approved: **it must be denied.**

ENDNOTES

1. Dr. Adelman has an AB in Biology and a PhD in Biophysics. His CV is available at (<http://www.educationalassistance.org/MRA/MRAPersonal/CV.html>). He has over 40 years experience in reading and evaluating complex documents and deciding whether the data presented support the conclusions reached.
2. The Stop Costco Gas Coalition was formed in October 2012 by a group of citizen-activists who were concerned that only a small segment of the public was following the Costco mega gas station issue. The SCGC website (www.stopcostcogas.org) has a large amount of information about the application, background material relevant to understanding the Special Exception process, references providing information on citizen concerns, and a listing of the members who have joined the Coalition.

Attachment A

ANS Conservation Advocacy in the DC Region

Advocacy for and appreciation of urban and rural green infrastructure, including trees, forests, parks and watersheds and the people and groups who serve as their Stewards.

01/21/2012

A Web of Waivers and Exemptions Threatens Wheaton's Green Forested Buffer

Even though the County Council legislated special protection language for Wheaton's Green Forested Buffer when it approved the Wheaton Sector Plan last November, this forest remains in jeopardy. Trees within this buffer protect adjacent neighborhoods from Westfield's Wheaton Mall, but the County government insists on allowing the trees to be cut down by Westfield and Costco for any reason, at any time, under the web of waivers and exemptions that the County departments have woven for Westfield. Our coalition is doing everything in our power to save this five-acre wooded treasure, the last significant forest in the Wheaton Sector Plan area. We are clearing away this cobweb to reveal that there is no basis for the waivers and exemptions, and to insist on full enforcement of our environmental laws.

Photo: Large specimen tree in the Stream Buffer area on the Wheaton Westfield - Costco site.



Our County's Forest Conservation Law (FCL) applies to development projects that meet certain criteria, and that involve impacts to certain natural features. One such natural feature that triggers the Forest Conservation Law is the presence of a stream on the site. The FCL requires that developers who plan to cut down or damage trees next to a stream must submit a Forest Conservation Plan (FCP) to the Montgomery County Planning Department.

A Forest Conservation Plan is a detailed map and text that shows the location and fate of each large mature tree, the extent of the planned construction activity that could destroy or damage certain trees, the exact location of the trees and forest areas that will be saved, and the method for saving them.

A stream does in fact exist in the forested buffer - it's the headwaters of Silver Creek, but the Planning Department is refusing to delineate the stream buffer and to require Westfield to file an FCP. Silver Creek is acknowledged in the new Wheaton Sector Plan, and by the Department of Permitting Services (DPS), which issued a sediment plan and stormwater waiver to the Costco Mall project. Last December, even Westfield's own engineers delineated the stream buffer on their [Stormwater Concept Plan for the Costco gas station](#).

Westfield plans to discharge stormwater runoff for the entire Costco Mall Addition development project into the heart of the forest. This requires destroying and damaging trees to construct a stormwater conveyance system that will empty into Silver Creek, Kensington Branch, Rock Creek, Potomac and the Chesapeake Bay. Without an approved FCP, this construction could proceed unfettered without any oversight, essentially destroying the remaining forest's heart.

The Westfield-Costco Mall Addition is now under active construction, and the bulldozers are getting closer. Audubon Naturalist Society and its partners have asked Planning Director Rollin Stanley to require Westfield to prepare a Forest Conservation Plan for this project. [Download 1.13.12 Letter to Rollin Stanley requesting Administrative Review of FCP Exemption 42011026E](#). We've asked Rick Brush of DPS to revoke the Sediment Control Plan waiver his Department reportedly issued for this project, and to require Westfield to submit a full-fledged Sediment Control Plan. We just don't understand why Montgomery County has woven this web of waivers and exemptions for Westfield and Costco, when doing so jeopardizes the last remaining forest and headwater streams in the Wheaton Sector Plan area -- natural resources that the County Council required to be specifically protected less than two months ago.

Comments

 You can follow this conversation by subscribing to the [comment feed](#) for this post.

The comments to this entry are closed.

[ANS Conservation Advocacy](#)

[Powered by TypePad](#)

Attachment B

**Audubon Naturalist Society - Rock Creek Conservancy
Kensington Heights Civic Association – Kensington View Civic Association
Anacostia Watershed Citizens Advisory Committee**

Mr. Rollin Stanley
Planning Director
Montgomery County Planning Department
8787 Georgia Ave.
Silver Spring, MD 20910

January 13, 2012

Dear Mr. Stanley,

This letter is to formally request an administrative review of the Forest Conservation Plan (FCP) exemption 42011026E, issued to Westfield Corporation for the Wheaton Costco Mall Addition construction project.

Our organizations collectively represent thousands of Montgomery County residents who care about protecting and preserving the last few remaining forested portions of our urban areas, including the Green Forested Buffer in the Wheaton Sector Plan area. We are concerned that the Planning Department take all necessary steps to fully implement the Forest Conservation Law and the Wheaton Sector Plan approved November 29, 2011, which the County Council specifically revised to require protection of this green buffer.

We are confused and perplexed with the Montgomery County Planning Department's decision-making process in granting this exemption. Westfield was originally excused from filing a Forest Conservation Plan based on two conditions: 1) that forest disturbance would not exceed 5,000 square feet; and 2) that no forest in a stream buffer would be disturbed. Unfortunately, the facts in this case indicate that neither of these conditions are met, and we need your help to set the record straight and to take rapid action to protect this green buffer. Specifically, to get under the 5,000 square foot threshold, the planned forest disturbance was arbitrarily separated into smaller projects – that is, construction of the inlet and outfall for a single stormwater conveyance system are being treated as if they are two disparate and unrelated projects, which is inappropriate.

Similarly, the available facts contradict the rationale for the exemption's second condition – the existing stream buffer for the headwaters of Silver Creek is simply omitted from the NRI/FSD Conservation Exemption Plan. Instead of dealing with the problem in reality, the stream is “disappeared” on paper. We've repeatedly noted that the creek's buffer is delineated on the Department of Permitting Services Stormwater Concept Plan, but the Planning Department ignored this fact in issuing and maintaining FCP exemption 42011026E.

The forest in question, located to the south of the proposed Costco wing of the Westfield Wheaton shopping mall, constitutes the largest contiguous collection of trees in the entire Wheaton Sector Plan area, yet it took over a year for the Planning Department to acknowledge this obvious fact, and we have yet to see protective measures for this forested buffer established by the Planning Department. Over the last few years, Westfield sold roughly half of the pre-existing forested and undeveloped area for residential development; now the remaining forest's heart is threatened by dubious FCP exemptions.

**Audubon Naturalist Society - Rock Creek Conservancy
Kensington Heights Civic Association – Kensington View Civic Association
Anacostia Watershed Citizens Advisory Committee**

Two months ago, in an effort to improve the watersheds of Rock Creek, Sligo Creek, and the Anacostia River, the County Council proposed new Wheaton Sector Plan language to protect and expand the green forested buffer. In response, the Planning Department argued that the forest was already adequately protected by the Forest Conservation Law and that any additional language was unnecessary. The Council disagreed, and inserted language requiring Green Buffer preservation. Now, just six weeks later, when defending the Forest Conservation exemptions, planning staff have argued that the recently-approved Sector Plan language to protect and expand the buffer “is not part of the regulatory review.” This is inappropriate, and we submit that the Council’s clear direction to protect this buffer should be fully implemented by the Planning Department in all decisions affecting the buffer.

Please understand that the decisions outlined above are just the tip of the iceberg when it comes to this project’s circumvention of due process. In compliance with the letter and spirit of the new Wheaton Sector Plan, we urge you to conduct an emergency administrative review of this case before the forest is damaged or destroyed. We are ready to meet with you at your earliest convenience to discuss the problems we have identified, and their appropriate solutions.

Thank you in advance for your consideration of our request.

Sincerely,

Diane Cameron
Conservation Program Director
Audubon Naturalist Society

Janet and Jim Heins
11224 Midvale Road
Kensington

Judy Higgins
Chair Land Use and Zoning Committee
Kensington View Civic Association

Beth Mullin
Executive Director
Rock Creek Conservancy

Adam Rosenbaum
President
Kensington Heights Civic Association

Mike Smith
Vice Chair for Montgomery County
Anacostia Watershed Citizens Advisory Committee

cc: Council President Roger Berliner
Councilmember Nancy Navarro

Attachment C



AUDUBON NATURALIST SOCIETY

Connecting People with Nature in the DC Region | ANShome.org

Mr. Rollin Stanley
Director of Planning
Montgomery County Planning Department
8787 Georgia Ave.
Silver Spring, MD 20910

January 24, 2012

Re: Wheaton Costco Mall Addition Project

Dear Mr. Stanley,

Audubon Naturalist Society and its partner organizations, Kensington Heights Civic Association, Kensington View Civic Association, Rock Creek Conservancy, and Anacostia Watershed Citizens Advisory Committee/ Montgomery, sent you a letter dated January 13, 2012 (attached) in which we requested that the Montgomery County Planning Department require the Wheaton Costco Mall Addition Project and its lead developer, Westfield, to submit a Forest Conservation Plan for this project. Since we sent that letter, we have not received a response from you; this situation and request are urgent, as construction of this project is now underway and this construction potentially can mean the loss of and damage to individual trees, or whole sections of the forest and more generally to the green buffer at this site.

Since we sent you the letter of January 13, several things have transpired which are germane to this request:

* We have re-examined the existing NRI-FSD for this project (attached) and found numerous gaps and inaccuracies in it that constitute serious flaws. Chief among these flaws is the assertion that there is no stream buffer on this site. As our Jan. 13 letter to you pointed out, and the attached Stormwater Management Concept Plan for the proposed Costco Gas Station, submitted by Bohler Engineering to the Department of Permitting Services and dated 12.19.11 makes clear, there is in fact a documented stream buffer on this site. We therefore ask you to revoke/nullify this existing NRI-FSD for this project, and to require Westfield to submit a fully accurate NRI-FSD.

* We have learned that there is an existing Sediment Control Permit for this project, but that the planned stormwater outfall repair for this site, planned for the Green Buffer area within the Stream Buffer noted above, was granted a waiver from a Sediment Control Permit by DPS. In my email to Rick Brush sent this morning, we have asked DPS to revoke that waiver, and to require a Sediment Control Permit for this stormwater outfall repair project, since it is an integral part of the stormwater management plan for the overall Wheaton Costco Mall Addition

project, and since it will involve disturbance to trees in the green forested buffer. As you know this green buffer is an important natural resource whose protection the County Council required when it approved the revised Wheaton Sector Plan on November 29, 2012.

* I met on Friday Jan. 20 with Khalid Afzal, in order to discuss this project and our request that Planning require a full-fledged FCP. I very much appreciated this chance to informally discuss the facts concerning this project with Mr. Afzal, and to exchange viewpoints on this project. However, this informal discussion does not obviate or supplant our standing request to you to require a full FCP of Westfield; we reiterate that request and add to it, a specific request that you require Westfield to perform and submit for your staff's approval, an accurate NRI-FSD.

Our requests for action on your part and the part of DPS are urgent, since construction is ongoing on this site, and protection of the trees, forests, stream, and other natural resources in the green buffer depends upon full and accurate documentation -- and it depends upon appropriate, enforceable requirements on the part of Planning and DPS to mandate that the developer take protective actions prior to the onset of any disturbance anywhere in the green buffer.

We also request a joint meeting with you, Mr. Rick Brush of DPS, Mr. Afzal, Ms. Amy Lindsey, and other stakeholders, in order to have a fully informed and fully integrated discussion that can connect the dots for this project.

Regards,

Diane Cameron
Conservation Program Director
Audubon Naturalist Society

ATTACHMENT 14B

AUDUBON NATURALIST SOCIETY

Connecting people with nature in the DC region



Ms. Renee Kamen
Senior Planner, Development Revision Division
Montgomery County Planning Department
8787 Georgia Ave., Silver Spring, MD 20910
renee.kamen@montgomeryplanning.org

Re: Special Exception request S-2863

January 15, 2013

Dear Ms. Kamen,

Audubon Naturalist Society (ANS) works to protect and restore the local streams of the DC region, including those of Montgomery County. In order to protect and restore our streams, we must protect and restore our forests and trees. We have worked to protect the last remaining forested area in downtown Wheaton - Wheaton's Green Forested Buffer. This forested buffer straddles the Anacostia (Sligo Creek) and Rock Creek watersheds. The proposed Costco gas station represents a threat to the health of this Forested Buffer and the headwaters of these creeks. This threat is heightened by the web of waivers and exemptions that Montgomery County has woven around all of the Wheaton Costco-related projects.

Audubon Naturalist Society joins the Stop Costco Gas Coalition (SCGC) in opposing Costco's Special Exception application S-2863. Costco is asking for approval to build/operate a mega gas station in the southwest quadrant of Westfield's Wheaton Plaza, and they want to build and operate this project without a Forest Conservation Plan (FCP). As SCGC's Mark Adelman points out, the County erroneously granted a waiver to this project by inappropriately including the gas station project under the Costco Mall Addition project's FCP waiver.

We request (as does the SCGC in a separate filing) that the County fully implement the Forest Buffer protection mandate as set forth in the Wheaton Sector Plan (WSP, excerpt attached). Also attached is documentation by SCGC of recent impacts by Costco's projects that have already damaged the Green Forested Buffer. It's troubling that this damage to the Buffer occurred *after* the Council mandated its protection and restoration as part of the WSP approval in January 2012. Unless and until this matter has been fully resolved, Costco should not be allowed to use the questionable exemption as part of S-2863. Thank you for considering our view in this matter.

Yours truly,

A handwritten signature in cursive script that reads "Diane M. Cameron". The signature is written in black ink and is positioned above the typed name of the sender.

Diane M. Cameron
Conservation Program Director
Audubon Naturalist Society



Addendum #1

Wheaton Sector Plan Green Forested Buffer Protection Mandate

“Preserve the existing green buffer area in its entirety, which is currently approximately five acres in size and 30 feet to 200 feet in depth, along the property’s southern edge between the residential community and the Mall ring road to reduce the impact of new development on adjacent residential areas and the nearby school and to contribute to the protection and restoration of the Sligo Creek and Rock Creek watersheds. All existing forested areas should be maintained as forest. Consider the establishment of a conservation easement for the buffer zone and enhancement of the existing buffer area with additional plantings and landscaping through the regulatory process, as applicable. Explore opportunities for expansion of the existing buffer area as future major redevelopment occurs on the Mall site. This will help improve the health of the watershed by reducing impervious surfaces and will provide a better transition between the Mall site and the adjoining residential community. Explore the option of a multi-functional green infrastructure shared use path with rows of trees and rain gardens in the section of the ring road adjacent to the existing buffer area.” ([Wheaton Sector Plan, Approved January 2012, Land Use and Zoning: The Districts, p.53.](#))

Comment: ANS joins the Stop Costco Gas Coalition in pointing out that the Landscape Master Plan and Stormwater Concept Plan submitted by Costco are counter to this Forested Buffer protection mandate; and they are inadequate, inconsistent, and reference Forest Conservation Exemption 421012052E that is erroneous and warrants withdrawal. All proposed landscaping work proposed in, or that may otherwise impact, the Wheaton Green Forested Buffer must require an actual approved Forest Conservation Plan and comply with the Wheaton CBD and Vicinity Sector Plan as approved.



Addendum #2

Documentation by Danila Sheveiko of conditions and recent impacts to the Wheaton Green Forested Buffer: measurements, observations, and photos taken on 1/14/13.

The outfall in the forested buffer was constructed by Westfield to discharge stormwater from Costco development's impervious surfaces into Silver Creek.

The approximate total area of disturbance is over 6,000 sq. ft – about half taken up by the cemented riprap outfall and half by the access path made by the bulldozers. This is well in excess of the 5,000 sq ft disturbance limit mandated by the forest conservation exemption.

Since no paperwork has been filed for construction of this outfall, it is unclear how many trees were removed, but the bed of Silver Creek was scoured with bulldozers, filled with riprap and cement poured on top. The only mitigation measure observable for the bulldozer access road is straw. Several of the trees still standing have root zones that sustained critical damage with no remediation efforts. The only sediment control measure observed is silt fencing, which has failed in several places. Several trees yield different DBH (diameter at breast height) than indicated in the NRI/FSD plan (basically the application to get the exemption) and at least several other significant trees are not marked on the NRI-FSD, further undermining the accuracy of the application and lack of regulatory oversight.

Amazingly enough, the worst part is yet to come. In the few short months since completion, the outfall is already showing signs of failure at the downstream end, with water dislodging riprap and gouging a new gully in the concrete seal Westfield claims will protect Silver Creek for decades to come. It is entirely obvious that the conventional outfall design Westfield chose is inadequate for the task at hand. At the time, the community lobbied for a different solution – a Low Impact Development device, called a Regenerative Stormwater Conveyance (RSC), otherwise known as a Coastal Plain Outfall. This alternative, sustainable stormwater outfall uses a series of vegetated step pools that do not require extensive forest and creek bed disturbance, and that infiltrate runoff. The RSC technique decreases water turbidity, retains and reduces stormwater volumes, incorporates sediment into soil, absorbs and breaks down other pollutants, provides wildlife habitat for riparian flora & fauna. As a living green infrastructure technology, the performance of the RSC improves over time at combating stormwater, unlike Westfield's conventional system that has already started to fail mere months after installation.

Unfortunately, the County chose to ignore our request and gave Westfield a blank check, with results for all to see.



What's more important, the outfall problem is a verdict of inadequacy for the much-touted Costco conventional flood control and stormwater management system of underground detention tanks they chose to build, because the County gave them a grandfather loophole sediment control waiver – so they don't have to utilize Environmental Site Design – a suite of LID stormwater management technologies like green walls, green roofs, rain gardens, and bioswales that would have also provided ancillary benefits like improved air quality and increased property values for the adjacent neighbors.

The attached photos illustrate the points made above.



Westfield's stormwater outfall into Silver Creek



Bulldozer access road



Upstream connection to Costco detention tanks



Stream bed and critical root zone damage



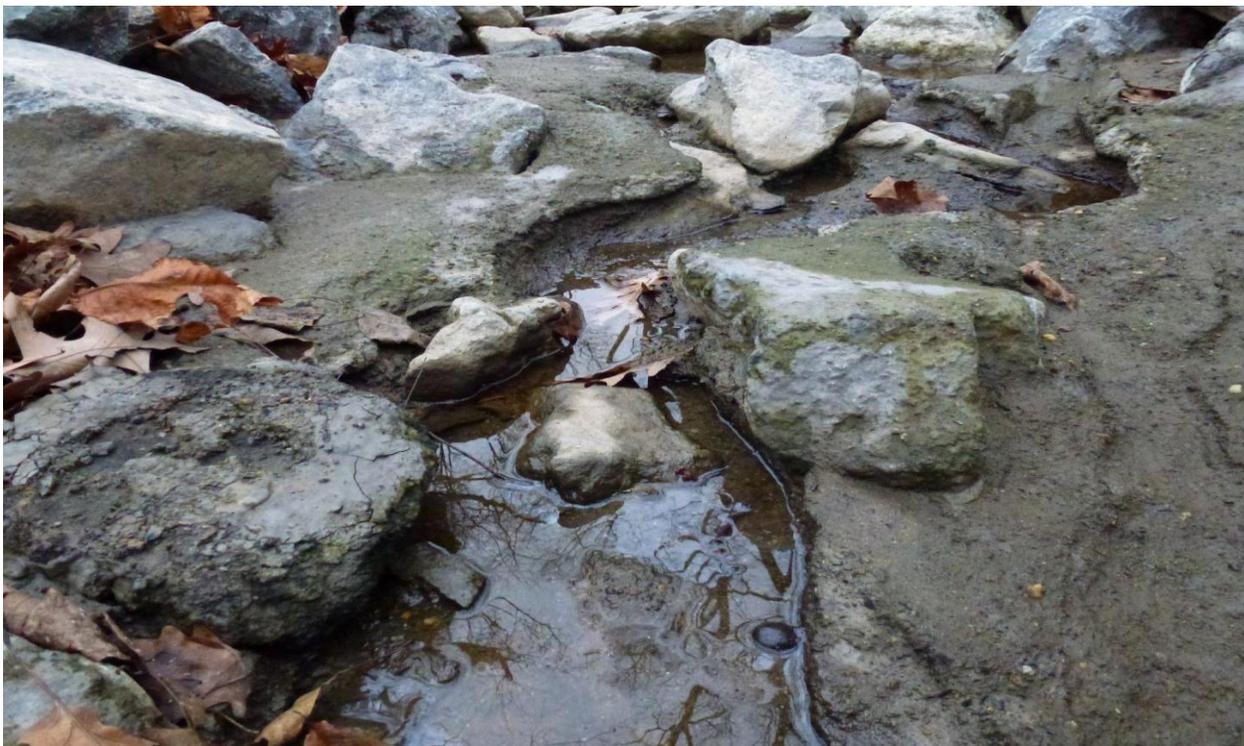
Sediment control failure – silt fence



Apparent lack of mitigation measures for critically damaged root zones



Riprap at downstream end is starting to dislodge



Stormwater gouging a new erosion gully in the concrete seal

ATTACHMENT 18A

January 14, 2013

Ms. Renee Kamen
Senior Planner, Development Revision Division
Montgomery County Planning Department
8787 Georgia Ave., Silver Spring, MD 20910

Re: Special Exception application S-2863; Costco gas station

Dear Ms. Kamen;

Please find attached a pdf document ("Rebuttal of Costco's Traffic Impact Analysis") I am hereby filing, on behalf of the Stop Costco Gas Coalition, in opposition to Costco's Special Exception application S2863. The text of this cover letter is embedded - as the first page - in the pdf, with my signature.

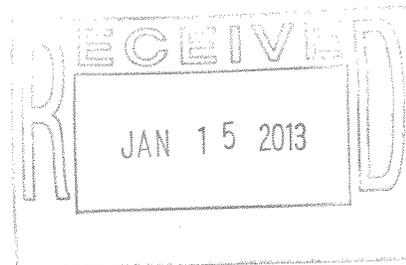
Please confirm that you have received this filing in time for it to be included in planning staff discussions of S-2863 as it prepares the staff report it will give to the Planning Board.

I wish to thank you, once again, for the time you and other staff members spent with us explaining how you evaluate such applications (and opposition filings) and to indicate how much your meetings with us helped us understand the realities of the Special Exception process.

Yours sincerely,



Mark R. Adelman
Webmaster, The Stop Costco Gas Coalition
3206 University Blvd. W.
Kensington, MD 20895
webmaster@stopcostcogas.org



Rebuttal of Costco's Traffic Impact Analysis

by

Mark R. Adelman [1]

Webmaster, The Stop Costco Gas Coalition [2]

A. Overview

This filing is intended as a rebuttal of the Traffic Impact Analysis (TIA) that Costco filed (as Exhibit P) in support of its Special Exception application (S-2863), requesting approval to build/operate a mega gas station in the southwest quadrant of Westfield's Wheaton Mall. This rebuttal is intended to meet the needs of the staff at Montgomery County Planning Commission, who are charged with evaluating Costco's filings (as well as any filings by opponents of the application) and recommend to the Planning Board whether the Board should approve, disapprove, or take no position on the application. This rebuttal is also intended to serve as a filing with the Planning Board, and with the Board of Appeals Hearing Examiner who will hear testimony regarding the application [3]. Furthermore, it is intended to be readable by the general public, who may/may not have had the time to work through the various filings (many are long and highly technical documents) that are used to convince all Parties that the application should/should not be approved. This filing will be posted to our website once all of our filings have been submitted.

B. Format

Planning staff has assured us that there is no single approved format for filings such as this rebuttal, so we [4] have adopted this discussion format, in the hope that citizens will not be put off [as they might be when approaching the highly technical, jargon-laden filings that Montgomery County Code (law) is presumed to require in cases such as S-2863].

We first explain briefly our understanding of the methodology of the TIA (and reference the report of our own traffic expert). We then state what portions of the conclusions that Costco reached appear to be valid given the presumptions inherent in the use of the TIA approach. We next discuss our reasons for asserting that the approach itself is not appropriate for the elements of the Code that the TIA is used to satisfy. We then discuss (again with reference to the report of our own traffic expert) why Costco's TIA does not address certain essential points related to the impact of the proposed use (a mega gas station) at the specific site. We conclude with the assertion of the specific portions of the Code that Costco, its TIA notwithstanding, has failed to satisfy.

C. What Costco's TIA Does Show

As we studied Costco's filing, we met with planning commission staff and sought their professional guidance in trying to understand the TIA.. We presented them with a large list of questions (see attachment A) and discussed with them their answers to our various questions. We came to the understanding that the TIA is based upon an agreed-upon scope of study, which involves spelling out a number of intersections that must be evaluated as to the level of traffic at each intersection

under a range of conditions. The study must also consider reasonable projections of the potential impact, on traffic at those intersections, of not only the proposed use (the mega gas station), but also of all other expected demands on traffic that can be anticipated to result from other pending developments in the range of the study. The analysis generates values for cars crossing and/or turning at each designated intersection at certain specified times of the day and days of the week. The data is then used to determine a number (the CLV) for each intersection that has been studied. These numbers are then compared with the allowable CLVs for intersections in the areas under study and, if the CLVs do not approach or exceed the allowed CLVs, the TIA is deemed to have proven that the expected traffic impact is permissible. [The report of our own traffic expert, filed separately and included here as attachment B, as well as his discussions with us, gave us essentially the same understanding of the process.] The applicable CLV values (as indicated in the relevant master and sector plans) are 1800, for intersections in the portion of the project area that is adjacent to the CBD of Wheaton, and 1600 for all other intersections. Exhibits 11A and 11B of Costco's TIA show that the calculated CLV values for the various intersections are all in the range of about 200-1200 and that most are around 500-1000. Planning staff explained that the calculated values seem reasonable, given the data at hand and are consistent with other such studies carried out in Montgomery County and nationwide. Our own traffic expert reaches the same conclusion. We could attempt to focus on certain individual intersections where the CLV values are quite high, but the overall pattern of the numbers is such that planning staff are very unlikely to accept any assertion that Costco's TIA fails to satisfy the standards that apply in evaluation of their compliance with Code, in so far as TIA is relevant.

D. What Costco's TIA Does Not Show

The reason we spent so much time in coming to an understanding of the TIA, was our concern as to whether it could actually allow an assessment of Costco's obligation to satisfy two sections of the relevant Code, specifically section 59-G-1.21 (a) (4) and section 59-G-1.21 (a) (8). These require Costco to prove, respectively that "*the proposed use is in harmony with the specific character of the neighborhood, in that by its size and mode of operation it will not have disruptive impacts by virtue of the additional traffic and traffic congestion it will impose on the neighborhood*" and "*prove the absence of adverse effects (inherent and/or non-inherent) on the health, safety, and general welfare of residents, visitors, or workers.*" That is, Costco must prove the absence of negative impacts, on the neighborhood and/or people coming to or working in the Mall, due to traffic congestion, or the effects of traffic congestion on safety.

[We have deliberately quoted the two sections of the Code together (above) because they can not be separated. Traffic congestion as a nuisance and traffic congestion as it impacts safety are inextricably inter-related, as we discuss later, in section E.]

We remain unconvinced that Costco has met the burden of proof on these two points. We have three concerns: two are quite specific, the other more general.

As to the specific:

1. The scoping agreement under which the TIA studies were carried out did not include a number of intersections along University Boulevard immediately adjacent to the Kensington Heights community. These are the intersections, with University, of St. Paul, Hobson, and Drumm. None of these is a signalized intersection and thus they were not included in the scoping agreement. But each is a major point of ingress/egress for the Kensington Heights community and each is routinely clogged when the Mall experiences heavy traffic (e.g. the holiday shopping season) as well as when traffic along University is slowed by weather conditions. When weather and heavy volume at the Mall conspire (e.g. rain or snow during the holiday season), the clogging of University has a seriously negative impact on residents of Kensington Heights who are trying to exit (or enter) the neighborhood via St. Paul, Hobson, or Drumm. The intersection at Drumm is especially problematic precisely because it is not signalized (indeed cannot be signalized, due to SHA regulations) and has very poor "sight lines". The TIA is silent on these intersections.

2. The intersection of Valley View with University Boulevard is one of four entrances to the Mall for vehicular traffic. In PM hours the CLV values are projected to reach 750 (the allowed value is 1600) and we believe that when the Costco store is opened and if the gas station is approved, the percentage of traffic that uses this entrance will increase because the intersection of the ring road (within the Mall) with University (#16 on Costco's TIA maps) is already a bottle necking point (the TIA analysis cannot address this) and the increased traffic coming into the Mall is very unlikely to use the other intersection off University (at East Avenue), precisely because of the bottle-necking at the Valley View/Ring Road intersection. Costco has provided no numbers on how much additional traffic Costco will actually bring to the Mall and we assert that there is no truly comparable situation from which approximations can realistically be made about future bottle necking at the intersection of Valley View and the ring road.

As to the general:

3. We have a more general concern, namely whether the TIA approach can in fact be relied upon to provide an accurate assessment of the likelihood of traffic congestion. Experts agree that it can provide accurate estimates of CLVs. But it is a governmental decision as to what criteria to set for the cut-off value for the CLV; and it is a governmental decision as to how strictly to apply the CLV criteria. If the CLV number for the intersection of University and Valley View were to increase say to 1000 (well below the cut-off value of 1600), but we experience traffic snarls at that intersection, are we to assume we are not really "stuck in traffic"? We are certainly not the only residents of Montgomery County who experience traffic congestion. Nor are we the only ones who frequently encounter situations where the congestion is unacceptable. Are we as citizens simply not understanding that traffic is flowing smoothly, but we cannot see its smooth flow? Or is it not in fact more logical to decide that the CLV approach to evaluating what development will result in acceptable/unacceptable traffic congestion has failed us in the past and is likely to fail us in the future. While the numbers tell us that no intersections are at

the failure level, are we really to accept that the time we spend in traffic is not an accurate measure of the failure of our modeling system(s) to identify failures of the road network?

E. What Costco's TIA Does Not Even Address

Even if the TIA approach is considered extremely accurate and of high predictive value as to congestion at intersections, it is simply not relevant to the issue of traffic congestion within the parking lot in which the proposed mega gas station is to be built and operated. The study of our traffic expert (attachment B) confirms our concerns in this regard. It notes the limited number of parking spaces available in and around the region of the Mall (southwest quadrant) where the Costco store has been constructed, but has still not opened. The traffic coming into that portion of the Mall will be carrying customers not only coming to Costco (with/without the gas station), but also to Target and the various businesses in the adjacent portion of the Mall itself. These cars will be competing for a very limited number of parking spaces. Our traffic expert lays out all the numbers, and notes, as have we, that Westfield and Costco have applied for - and been granted - exemptions so they can reduce the number of parking spaces they are required to provide. [Some of the desire to reduce the number of parking spaces that must be provided was presumably to leave more space available for the new Costco store and the anticipated Costco mega gas station.] But now the situation is bordering on the patently absurd.

Attachment C is a portion of page 32 from Costco's Land Use Report. We have expanded it and cropped out the portion that shows the parking area into which customers for Costco (the store and the proposed gas station) will drive; as well as the customers for Target and all the other stores in the adjacent portion of the Mall itself. We have placed a red "A" in the center of this parking domain. Are we really to believe that customers for the various stores will neatly sort themselves (and their cars) into the various clusters of slots that have been assigned to the various stores? Will they do so in an orderly fashion? What about pedestrians - be they people going to the stores from their cars (or returning to their cars after shopping) or simply walking through that area of the Mall on their way to some other part of the Mall (or to the Metro)? As our traffic expert observes "This circulation of traffic raises the likelihood of a conflict, be it vehicle-to-vehicle or vehicle-to-pedestrian conflict." [Our expert is a professional and is thus not permitted to use terms like "disaster" or "total mess"]. Look again at attachment C and note the red arrow. It shows one of the few routes available to a customer of Costco who, having shopped at Costco decides to purchase gas at the proposed mega gas station. Because cars can only enter the fueling lanes from the ring road side, that customer must exit the parking area, either cross or come extremely close to the ring road, and then turn back to join one of the queues of cars (anywhere from 20-60 are anticipated at/near peak hours). Picture that on a Saturday. Do you require an expert traffic analysis to tell you what will happen? If a traffic expert (ours or Costco's) told you there would be no problem, would you believe that traffic expert? We certainly would not.

F. Summary and Conclusions

In Sections C-E above we have attempted to guide the reader through the details of Costco's Traffic Impact Analysis. We indicate that, based on discussions with planning staff and information from our own traffic expert, we accept that the TIA has satisfied the parameters of the study as set forth in the scoping agreement, and to the extent that any TIA is valid in such a situation as presented by S-2863. But we question whether Costco's TIA can be used to evaluate the impact on the non-signalized intersections impacting the neighborhood, or can address the probability of congestion at a specific critical intersection along the ring road. Further, we maintain that the TIA does not speak to the level of congestion that is likely to characterize the parking lot area that will be used by customers of Costco and the other stores in close proximity to Costco. At this point we will simply list the elements of the Code that Costco has failed to satisfy and how it has failed; each item includes the numbering of the relevant section of the Code.

1. It has not satisfied General Conditions 59-G-1.21 (a) (2) because it has not satisfied various parts of the Specific Conditions 59-G-2.06.
2. It has not satisfied General Conditions 59-G-1.21 (a) (4) because it has failed to demonstrate the proposed use is in harmony with the specific character of the neighborhood, in that by its size and mode of operation it will have disruptive impacts by virtue of the additional traffic and traffic congestion it will impose on the neighborhood.
3. It has not satisfied General Conditions 59-G-1.21 (a) (8) because it has failed to prove the absence of adverse effects (inherent and/or non-inherent) on the health, safety, and general welfare of residents, visitors, or workers. The traffic congestion within the relevant Mall parking lot that will be generated by the proposed use will have adverse effects on residents, visitors to the neighborhood (including both the Mall and Kensington Heights), and workers. It will create a safety hazard for pedestrians walking through major portions of the southwest quadrant of the Mall, because traffic flow patterns and pedestrian paths are either too close or are in fact co-incident.
4. It has not satisfied the Conditions specific to automobile filling stations enumerated in 59-G-2.06. In particular it has failed to satisfy:
 - a. Subsection (a) (2) as to traffic hazard or traffic nuisance,

We conclude that Costco has not met the burden of proof required by the various sections of the Code and that, therefore, its application (S-2863) should be denied.

ENDNOTES

1. Dr. Adelman has an AB in Biology and a PhD in Biophysics. His CV is available at (<http://www.educationalassistance.org/MRA/MRAPersonal/CV.html>). He has over 40 years experience in reading and evaluating complex documents and deciding whether the data presented support the conclusions reached.
2. The Stop Costco Gas Coalition was formed in October 2012 by a group of citizen-activists who were concerned that only a small segment of the public was following the Costco mega gas station issue. The SCGC website (www.stopcostcogas.org) has a large amount of information about the application, background material relevant to understanding the Special Exception process, references providing information on citizen concerns, and a listing of the members who have joined the Coalition.
3. The Special Exception process is complex and time consuming. The SCGC website (see endnote 2) has a detailed explanation of the process, as well as the information needed by concerned citizens who may wish to become involved in the process.
4. Throughout this document the terms "we" and "our" are used to convey the notion that the filing is the product of a group of people: the Stop Costco Gas Coalition Coordinating Committee. In fact, while the ideas that form the core of the document (and many of the detailed comments) are the result of a group effort, the final report is essentially the product of one person - the author. The time constraints under which we (as well as other citizens) were compelled to work made it impossible for the group to carry out any meaningful final critiquing/ modification of this document (or most of the others we have submitted). Thus any errors in content, format, and/or tone are solely the responsibility of the author.

Attachment A

Questions Regarding Costco's Traffic Impact Analysis (TIA)

This is my initial list of questions. After most of them I have included a parenthetical remark as to why I am asking the question. [I am a scientist and approach the analysis of any complex document accordingly. My questions are not intended to cause you more work, nor do I wish to annoy anyone; but I think about these things as a scientist who is either reviewing (for approval/rejection) a paper submitted for publication, or is reading such a paper because it impacts my research and I need to be sure I trust it before I add it to my "database". I mark up documents as I read them and list my questions in the sequence of the document.] The questions are not prioritized; that comes later. My first few questions are relatively general, while the remainder are very specific.

1. What do the acronyms LATR, PAMR, GLA mean and please confirm that APF means Adequate Public Facilities)? [Costco should have defined these acronyms; these are public documents and interested members of the public should not be put-off by undefined acronyms.]
2. Have MoCo police and firefighters (both voluntary and paid) provided planning staff with confirmation that they understand the nature of S-2863 and have no problems with the implications of the TIA? [Costco's TIA (p.1) states that they are prepared to provide sufficient evidence as to meeting the APF requirements, but we cannot find any exhibits relating to first responders. The APF requires adequate public safety (police and fire) facilities.]
3. Do Planning Commission guidelines require that the "Summary of Findings and Recommendations" section (pp. 2-3) be duplicated (pp. 28-29) verbatim? [Absent a requirement for this, the duplication is procedurally questionable: citizens reading this section - in duplicate - are likely to be unduly impressed by the findings, many of which (see below) are not substantiated and/or simply misleading.]
4. Why is PAMR (whatever it is) not required? (p.2)
5. Does staff have information on how many users of the WMATA parking garage are Costco members? [The TIA (p.3 and elsewhere) consistently conflates users of the garage with patrons of the gas station. Only Costco members can be patrons of the gas station.]
6. How many entrances off University Blvd. does staff count? [The Costco TIA consistently counts five (p.3 and elsewhere). In the Land Use Report Costco again refers to five entrances to the Mall, and stipulates two off Viers Mill and three off University Blvd. We are aware of only two off University Blvd. The number of entrances and their locations/usage is important to our own TIA.]
7. The TIA refers (p.4 and Exhibit 1D) to removing one lane of the ring road. Can staff determine which lane is to be removed? How will staff evaluate the effect of this decrease in ring road capacity on traffic flow when ring road use is increased by the opening of the Costco store and the proposed gas station? [The TIA ignores this issue, or rather presents it as of positive value because the surface will be used to create a pedestrian path.]
8. Can staff explain block 13 of page 5? [The page (chart?) is not labelled. Block 13 is a computation related to Equivalent Retail Space, but we do not understand the calculation or its significance.]

9. Are the Critical Lane Volume (CLV) standards stated on p. 6 accurate? If so, why is the CLV standard 1800 for the CBD and lower (1600) for the Wheaton/Kensington Policy area?

10. What is the significance of the numbers (white lettering in black dots) in Exhibit 1? [No explanatory legend.] If these are intersections that were studied, why was the intersection of University and Drumm ignored, since that intersection is of major concern to the Kensington Heights community?

11. To what extent is it appropriate for the TIA to use exhibits prepared for S-2794 (now withdrawn) rather than ones newly prepared for S-2863? Exhibit 1B is an example. Other such exhibits (see below) have exceedingly fine print tables, etc. How does staff determine that such tables do not contain information relevant to S-2794 but NOT to S-2863? [NOTE: We are not objecting per se to the use of documents originally prepared for S-2794; rather we are concerned that, by re-using and in some cases modifying such documents for use with S-2863, Costco may have conflated data that was accurate for S-2794 but is not accurate for S-2863.]

12. Exhibit 1C is similarly pertinent to S-2794, but it has the new proposed site corresponding to S-2863 marked out. How does staff evaluate what other elements of this exhibit are/are not relevant to - and accurate for - S-2863?

13. Exhibit 1D is an especially problematic example of the S-2794/S-2863 mis-labelling issue. Exhibit 1D appears to contain a great deal of numerical information. Are opponents of S-2863 expected to go over magnified versions of this exhibit? Will staff be doing this? [At 200% viewing zoom, text in the lower left corner of this exhibit appears to refer to the acoustic/green wall being 8 feet in some places and 14 feet in others. Since the dimensions of the wall have changed between the submissions of S-2794 and S-2683, this is an example of the confusion that arises - but is "hidden" in the conflated Exhibits.]

14. How can staff determine that any numerical data in Exhibit 3 (and others) were in fact determined "fresh" for S-2863?

15. Why, in Exhibit 2, are the intersections of Drumm, Hobson, and St. Paul (with University Blvd.) not labelled at all (they should be labelled as unsignalized intersections)? Was this determined in the scoping agreement and if so, why? [These intersections are major points of ingress/egress for the Kensington Heights community and even very small changes in traffic on University Blvd. have significant impacts on these intersections. Examples include times of major Mall traffic, during/after rainstorms, snowstorms, fog events, etc.]

16. On what day of the week was the intersection data of Exhibit 3 collected? [It would be most useful if the data was collected on a Saturday. If that was not the case, is there any available data that can be used to "fill-in" this gap?]

17. What is the meaning of "Pass-by Trips" (Exhibit 5) and why are these subtracted from the numbers above them to generate "New Trips"?

18. What is the "measurement" difference between Exhibit 6 and Exhibit 3? That is, was some actual measurement used to generate Exhibit 6, or was it created by some sort of calculation based on Exhibits 3 and 5? If so, how was the calculation made?

19. In what sense is Exhibit 7 a sum of actual and background traffic at the indicated intersections? That is, does it represent the sum of actual measurements (Exhibit 3) and projected traffic (Exhibit 6)? And if so, how can the numbers in Exhibit 7 be used to assess what is likely to be the situation, with respect to the various intersections, when the Costco store is actually open and the traffic it generates is added to the other numbers? [One can estimate the number of trips to the Costco store (and perhaps to the adjacent proposed gas station), but estimating how those trips will be distributed amongst the various alternative ingress/egress paths would appear to be extremely difficult in the absence of any actual data.]

20. Does using a value of 30% internal capture, rather than 52% internal capture (p. 20 - in reference to Exhibit 8) strengthen Costco's argument or weaken it?

21. Has Costco provide a siting map for the Columbia store and gas station (p. 20)? Is the siting comparable to that proposed for Westfield Wheaton Mall? [Can staff obtain a copy of this siting information for us to study?]

22. Costco states (p. 20) that the sales expected for the proposed station are 12 million gallons per year and that this is a "worst case scenario". Does this mean that sales may be higher (better for Costco) or lower (better from our point of view)?

[We have been informed that sales at the Columbia store are approximately 9 million gallons per year. We have also been told that the Beltsville station sells about 12 million gallons per year and that Sterling is higher than that. Thus, we are confused about the reference to the Columbia store as having the second highest volume (this goes to the questions we have asked in the need analysis to try to pin these volumes down). Also, this references a "detailed study" at the Columbia store, but it does not appear that this study was provided in order to quantify the numbers provided. The discussion on page 22 looks at "new" trip generation vis-à-vis traffic outside the mall. However, we believe a further discussion needs to deal with the internal mall trip generation. Because persons will normally park for the store at locations and by routes separate from that used to reach the station and then will need to leave that location and make another drive to the station, those internal mall trips will not have any deduction for the "pass by" or "internal capture" issues. Thus, for homes along the ring road, it would appear that all of this traffic is new. Do you agree?]

23. As to the Queuing analysis (p.21), can you explain if/how this addresses the question as to how many cars are likely to be in one or more queues at times of peak usage? [The data provided appear to address the queuing capacity (42 vehicles) and the 90th percentile values for various elements of queuing, but do not seem to answer the above question.] Queueing data was provided for the Columbia store in April 2012 that indicated that there were extensive queueing lines for many hours in a row. We request that that data be put into the record now and used instead of data from California (which has not been presented in any event). We also believe similar queueing data for Beltsville and Sterling should be included to give comparative indications. Also, we note from page 63 of the Appendix that the trip generation data was obtained from Columbia more than two years ago, and only during the week, not at the peak weekend times. Thus, these values are by no means the highest likely numbers that may be seen.

24. From the values for the Columbia store, and given that the Wheaton station is expected to dispense 1.5 times as much gas (12 million gpy vs. 8 million gpy), are we correct in concluding that the Wheaton station is projected to have 6-9 trucks per day? [Note that the Land Use Report states that the number of fuel deliveries will range from

one to five per day; can staff resolve this discrepancy?] What is the average time for such a truck to dispense its load into the underground storage tank(s)? Can the truck be shut down (no diesel exhaust) for the duration of the dispensing time?

25. How will staff assess the adequacy (viz-a-viz pedestrian safety) of the "new pedestrian path along the ring road" (p.21) that Costco proposes to provide, especially given that the volume of traffic along that portion of the ring road is likely to increase considerably and the available data does not allow a reliable assessment of the extent of traffic congestion that will result? [Also, note the statements about little pedestrian activity ignores the activity of persons parking for the store in the west parking lot and having to contend with exiting traffic from the station moving back to the ring road. Similarly, the "no reason to have much of any pedestrian activity . . . other than those folks that are walking off-site onto the Wheaton property into the Mall for shopping activities." Leaving aside the fact that the statement ignores pedestrian traffic to the Metro, this simply ignores the very traffic that it is discussing. The sector plan is seeking to promote additional pedestrian traffic within the ½ mile "ped shed." This station is well within that area.]

26. Exhibit 8 (in conjunction with Exhibit 9A-C) is extremely important, but we have trouble understanding it. Can staff explain the various calculations? In particular footnote 2 refers to "empirical data from Costco" (what does this mean?). The same footnote refers to the PENNDOT letter showing an "internal capture + pass by combined rate of 81%"; how does staff evaluate the significance of this in view of Costco's statement (question 20 above) that it is using an internal capture of 30% rather than 52%?

27. Exhibit 9A has a series of percentage values (white numbers in black dots) around the periphery of the map. [This, as well as 9B and 9C appear to be essential to assessing how the traffic generated by the gas station will be distributed to the road network.] Are we correct in understanding these to be related to projecting the percentages of traffic that will reach the gas station coming from the various indicated "feeder" roads? If so, how were these numbers determined? Appendix C (Trip Assignments for Approved Developments) has a series of similar maps (pp. 63-71) but the percentage values on these maps vary considerably from 9A and amongst one another: only two of these other maps have the same percentage values as does 9A and two have no percentage numbers at all. Can staff help us understand the differences between these various maps?

28. Can staff explain what Exhibits 9B and 9C are used to show? Is there a comparable map in which the numbers in 9A-C are combined along with those in other maps to give a summary of expected traffic at the various intersections if/when the proposed gas station AND the store become fully operational? Is that Exhibit 10?

29. If Exhibit 10 is the summary map, does staff have all the data on the various maps in spreadsheet format so staff can determine that the various numbers have been combined correctly to produce the summary map? [The values at the various intersections, along with the numbers used to determine how customers will reach/leave the gas station are ESSENTIAL to OUR own analysis of the traffic impact of the proposed gas station. We need staff assurance that the values are what we understand them to be and that all numerical data sets have been compiled correctly.]

30. In its Land Use Report, Costco states that the Mall now has 13,500 visitors per average weekday and 17,500 per day on Saturdays. Has Costco given staff estimates on how these numbers will change once the store is open? And, if the gas station

opens after the store opens, how will the numbers subsequently change?

Attachment B

January 14, 2013

Ms. Renee Kamen
Senior Planner, Development Revision Division
Montgomery County Planning Department
8787 Georgia Ave., Silver Spring, MD 20910

Re: Special Exception application S-2863; Costco gas station

Dear Ms. Kamen;

Please find attached a pdf document ("Review of Costco Gas Station Traffic Impact Analysis (TIA) and Analysis of the Associated Parking Situation at Westfield Wheaton Shopping Mall") I am hereby filing, on behalf of the Stop Costco Gas Coalition, in opposition to Costco's Special Exception application S2863. This Review was prepared for us by an outside consultant, whose signature is on page 10 of the review and whose CV is attached to the review. The text of this cover letter is embedded - as the first page - in the pdf, with my signature.

Please confirm that you have received this filing in time for it to be included in planning staff discussions of S-2863 as it prepares the staff report it will give to the Planning Board.

I wish to thank you, once again, for the time you and other staff members spent with us explaining how you evaluate such applications (and opposition filings) and to indicate how much your meetings with us helped us understand the realities of the Special Exception process.

Yours sincerely,



Mark R. Adelman
Webmaster, The Stop Costco Gas Coalition
3206 University Blvd. W.
Kensington, MD 20895
webmaster@stopcostcogas.org

January 13, 2012

TO: The Stop Costco Gas Coalition

3206 University Blvd. W.
Kensington, MD 20895

ATTN: Mr. Mark Adelman

FR: Mark L. Franz, MSCE
Ph.D. Candidate and Graduate Research Assistant
University of Maryland
Department of Civil & Environmental Engineering
1173 Glenn L. Martin Hall, Bldg #088
University of Maryland
College Park, MD 20742

RE: **Review of the Costco Gas Station Traffic Impact Analysis (TIA) and Analysis of the Associated Parking Situation at Westfield Wheaton Shopping Mall**

This document provides a review of the TIA submitted by The Traffic Group Consulting Firm for the proposed Costco Gas station at the Westfield Wheaton Mall. This review includes investigation of the critical lane volume (CLV) analysis of intersections in the immediate impact area of the proposed gas station. In addition, discussion on the impact of parking and mixed-flow (pedestrian and vehicle) traffic safety is presented.

Summary of TIA Methodology

As required by the Montgomery County Department of Park and Planning Local Area Transport Review (LATR) and Policy Area Mobility Review (PAMR) Guidelines, the Costco Wholesale Corporation performed a TIA for their proposed development of a gas station. This study included CLV analysis using standards defined in the LATR and PAMR Guidelines as well as an evaluation of the impact of the development on pedestrian movements.

The methodology used for estimating the additional vehicular traffic in the submitted TIA is called the four step model. The steps in this model include:

1. Trip Generation
2. Trip Distribution
3. Mode Choice
4. Route Assignment

In the trip generation step, the number of vehicular trips attracted to a given proposed development is estimated. The developed trips are segregated into new trips, pass-by trips or internal trips, with only new trips being added to the existing (or future) traffic conditions. These estimations generally come from either nationally or locally calibrated field observations of developments similar to that of the development of interest. In this step, it is required that all other approved developments in the study area be considered as well.

The next step in the model, trip distribution, estimates where the trips generated by the proposed development are coming from. Most typically, the percentages of the generated trips are assumed to be correlated with demographic measures such as population density. Subsequently, those trips must be assigned to a specific mode of transportation (bus, rail, personal vehicle, etc.). However, in the case of a gas station it is assumed that all generated trips will be made in personal vehicles. Lastly, generated trips must be assigned to a specific route. A commonly used method for route assignment is equilibrium distribution, in which it is assumed that road users will distribute themselves in a way such that travel times on the major routes to a given development are equal. However, since the study area for this development has limited route choices, this step appears to be omitted from the study. Upon completion of the four-step model, the generated trips for all proposed developments in the study area must be added to the existing traffic conditions. The performances of individual intersections in the impact area were evaluated using the CLV method. The submitted TIA concludes by evaluating the pedestrian demand, pedestrian signal timing and pedestrian crosswalks near the Westfield Wheaton Mall.

Review of TIA

The review of the TIA began by validating the existing traffic conditions at the intersections included in the analysis area. This validation was performed comparing the intersections turning movements presented in the TIA to data gathered by the Maryland State Highway Administration (SHA, 2013). The results of this analysis show that the existing traffic conditions in the TIA accurately reflect the conditions gathered by the SHA.

Next, the details of the four-step model were investigated. The TIA clearly shows the basic calculations for trip generation using the peak-hour trip generation formulas in the Local Area Transport Review (LATR) and Policy Area Mobility Review (PAMR) Guidelines (Montgomery County Planning Department, 2008) and the Costco specific formulas described in the submitted TIA. The number of new trips generated for the proposed gas station is made conservative by reducing the number of internal trips from 52% to 30%. Thus, the methodology used for the trip generation step is sound. In considering the trip distribution step, some minor questions arise. While the TIA showed the trip distribution for each proposed development in the study area, the basis of those distributions varies by development. It is not immediately clear what the basis for these distributions were or why they have slight variations for certain developments. In any case, since none of the analyzed intersections were close to the critical CLV value, it is reasonable to assume that these variations in trip distribution would not cause any intersection to reach its critical CLV value. As mentioned in the previous section of the report, the mode choice and route assignment steps are justifiably simplified for the analysis area and proposed development. Therefore, the results and conclusions presented in the TIA study are sufficiently accurate in meeting the standards required in LATR and PAMR Guidelines.

Parking Analysis

While the submitted TIA adequately evaluated the impact of the proposed Costco gas station on intersection performance and basic pedestrian considerations, it does not directly address the impact of the gas station on parking at the Westfield Wheaton Shopping Mall. The omission of this consideration may underestimate the impact of the proposed Costco gas station on local traffic flow and traffic safety.

In a letter sent previously by the Kensington Height Civic Association to Ms. Susan Scala-Demby of the Montgomery County Department of Permitting Services Zoning Division, the citizens of the Kensington Heights neighborhood objected to a request made by Westfield

Inc. to reduce the required number of parking spaces at the Westfield Wheaton Shopping Mall. In this request, Westfield Inc. asked the Department of Permitting Services to reduce the required 4.5 parking spaces per 1,000 square feet of retail space to 4.0 parking spaces per 1,000 square feet of retail space. Interestingly, the requested parking rate of 4.0 spaces is lower than the “effective parking rate” that was observed to be 4.2 parked vehicles per 1,000 square feet of retail space during office hours.

The same request submitted by Westfield Inc. cited 1.466 million square feet of retail and office space currently in use (at the time of the request). Using the standard Westfield Wheaton parking rate of 4.5 parking spaces per 1,000 square feet of retail/office space, the required parking is 6,597 spaces. The addition of the 54,000 square foot Costco Wholesale store would increase the total retail area in the mall to 1.52 million square feet. Using the parking rate of 4.5 parking spaces per 1,000 square feet of retail space, the required number of parking stalls would be raised to 6,840 spaces. If the “effective parking rate” of 4.2 spaces per 1,000 square feet of retail is applied, the required parking spaces would total 6,384, while the requested rate of 4.0 parking spaces per 1,000 square feet of retail space would reduce the required parking spaces to 6,080. It is not clear if quoted square footage of retail space included the Dick’s Sporting Goods store that opened in October of 2012 (after the request was submitted).

It was later stated at the testimony of Mr. Jim Agliata of Westfield Inc., that the Westfield Wheaton Mall had 6,428 spaces available for its patrons. These spaces include 974 spaces in the WMATA parking garage. However, it was not made clear that all of these spaces were actually available to Westfield patrons, as some spaces may have been occupied by Metro users. To address this concern, a simple parking study was conducted on Friday, January 11 at the aforementioned WMATA parking garage. To show that some of the spaces in the garage may not be available to Westfield Wheaton Mall patrons, parked cars were counted at 9am, one hour before the mall opened. Thus, it is reasonable to assume that the vehicles parked in the WMATA garage were not patrons of the mall. This study counted some 177 vehicles occupying spaces in the garage. An image of the third level of the WMATA garage during the time of the study is presented in Figure 1. While this count and image is not sufficient to estimate the “typical” amount of spaces available spaces, it does show that at least some portion of the WMATA garage will not be accessible by mall patrons. Therefore, the quoted 974 spaces may over-estimate the actual amount of available parking space.



FIGURE 1: WMATA Parking Garage at 9am

In addition to the potential reduction in parking at the WMATA garage, Costco Wholesale seeks to widen approximately 770 parking spaces from the current width of 9 feet to 10 feet. Assuming the widths of the existing driving lanes in the parking lot remain unchanged, the widened parking stalls would eliminate some 77 parking spaces (presumably near the Wholesale store entrance). The number of parking spaces would be further reduced (by about 92 spaces) with the construction of the proposed gas station. Thus, the original available parking space count of 6,428 will be reduced by 169 spaces (to 6,259 spaces) by the widening of the parking spaces and the footprint of the gas station. Note that this reduction does not include the spaces not available to mall patrons in the WMATA garage. Therefore, if the requested rate of 4.0 parking spaces per 1,000 feet of retail space is used (resulting in 6,080 required spaces) this leaves a surplus of 179 spaces. However, if more than 179 spaces in the WMATA garage are not accessible to mall patrons, then even the requested rate of 4.0 parking spaces per 1,000 feet of retail space will not provide sufficient parking spaces.

In addition to the general parking issues mentioned on the basis of parking spaces provided per square footage of retail space, more specific parking concerns arise from the inherent characteristics of the already built Costco Wholesale Store. While the using the square footage method to estimate the required number of spaces required for the entire mall, this methodology fails to take into account the proximity of available parking spaces to stores of interest. In the instance of a wholesale store, it is reasonable to assume that most patrons will not be willing to push their carts over far distances to load their vehicles. Thus, if the number of available parking stalls near the main store exit is not sufficient, patrons may circulate the lot looking for parking. This circulation of traffic raises the likelihood of a conflict, be it a vehicle-to-vehicle or vehicle-to-pedestrian conflict. The lots nearest the main exit of the Costco store are presented in Figure 2. For ease of reference, Lot A is defined to be the lot adjacent to Target and the Costco Wholesale store. Lot B is defined to be the parking lot adjacent to the Macy's and Target stores.

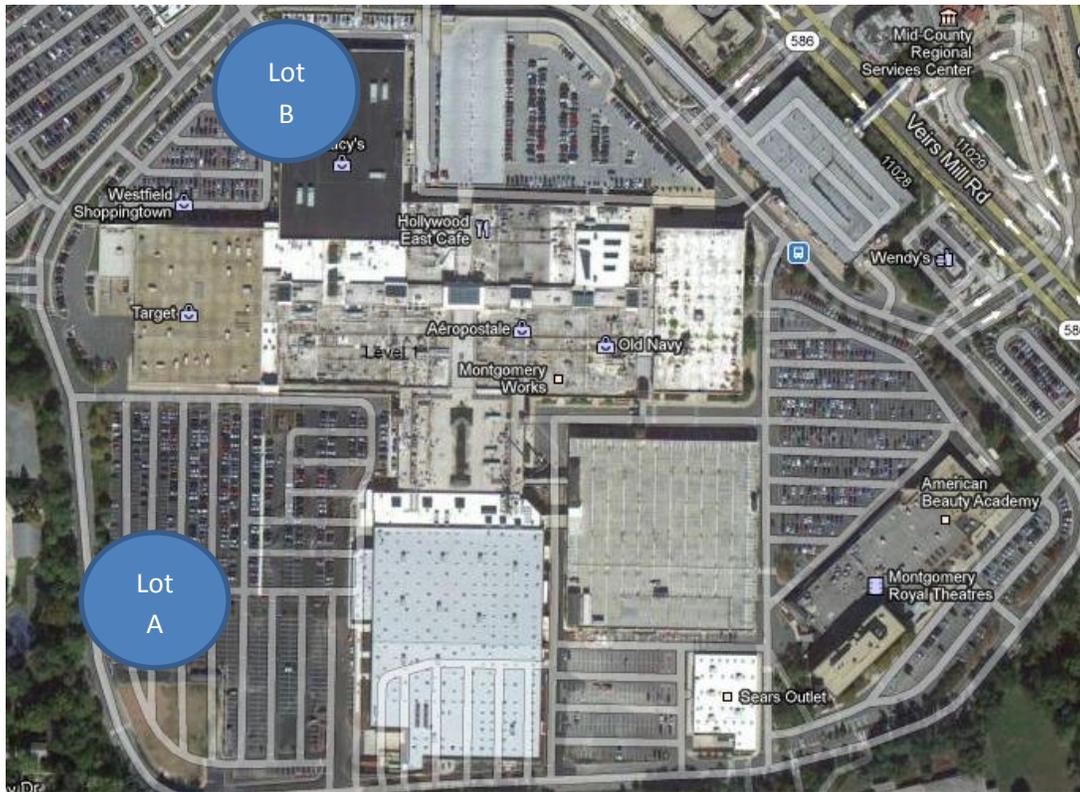


FIGURE 2: Parking Lots Near Costco (Map Source, Google Maps, 2013)

To evaluate the current parking situation at Lots A and B, a basic parking inventory was conducted via photographs. Figures 3-5 show the conditions in Lots A and B, respectively, on Friday Jan. 11, 2013 at 2pm. Figures 6-9 show the same lots on Saturday Jan. 12, 2013.



FIGURE 3: Lot B on Friday Jan. 11 at 2pm



FIGURE 4: Portion of Lot A on Friday Jan. 11 at 2pm



FIGURE 5: Portion of Lot A on Friday Jan. 11 at 2pm



FIGURE 6: Lot B on Saturday Jan. 12 at 3pm



FIGURE 7: Portion of Lot A on Saturday Jan. 12 at 2pm



FIGURE 8: Portion of Lot A on Saturday Jan. 12 at 2pm



FIGURE 9: Portion of Lot A on Saturday Jan. 12 at 2pm

As depicted in Figures 3 and 6, Lot B was at its capacity on both dates. In fact, figure 6 shows at least one vehicle illegally parked. The scenario in Lot A shows that while this lot was not near capacity, a significant portion of this lot is already being used by mall patrons (Figures 4,5,7 and 8). Figure 9 shows that the southern portion of Lot A was nearly empty. However, it should be noted that the Costco Wholesale Store has not been opened. Thus, the 200 some new evening trips attracted by Costco will have to compete for the remaining spaces. To exacerbate the parking situation, the construction of the proposed gas station would have removed an additional 92 spaces near the main exit of the Costco Wholesale Store.

While the photographs show the parking scenario on one weekend, there is no apparent reason to believe the depicted situation is atypical. However, it is suggested that more studies be conducted to better define the parking demand in these lots. It is worth noting that the month of January tends to be the lowest month in terms of retail sales. This finding is supported by Figure 10, which shows monthly retail and food service trends for Jan. 2010-Oct. 2012 (US Census, 2013). Assuming Westfield Wheaton Mall follows this nation trend, the figures above may depict a low demand environment at the mall in not peak season.

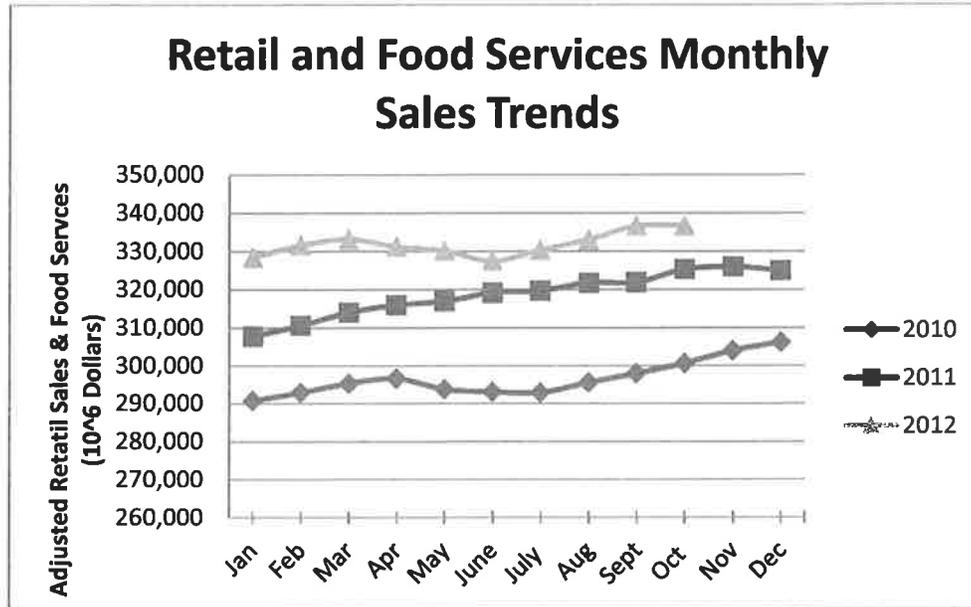


FIGURE 10: Monthly Retail Sales Trends (Data Source: U.S. Census)

Conclusions

Based on the above findings, the following suggestions are recommended. First, an in depth study of the WMATA parking garage usage should be conducted to estimate the actual amount of parking spaces available to mall patrons, especially during peak periods. Next, the parking situation in Lots A and B should be farther investigated to establish the typical parking demand at these lots, including the parking turn-over rate. Finally, if the requested parking space rate of 4.0 per 1,000 square feet of retail space is applied, the available parking spaces may fall short of the required 6,080 parking spaces. To remedy this potential parking space shortage, it is recommended that the standard parking stall width not be widened to 10 feet for the proposed 770 parking stalls. In addition, the construction of the gas station will also consume precious parking stalls near the primary exit of the wholesale store. The potential shortage of parking stalls near the Costco Wholesale Store raises concerns related to pedestrian and vehicular safety of the patrons utilizing the lots near the main exit. In the absence of these recommendations, Westfield may need to provide additional parking to ensure safe and efficient access to its mall.

This report was produced by,

Mark L. Franz, MSCE

References

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U.S. Census Bureau. Monthly and Annual Retail Trade. Washington D.C. 2013. Accessed on 1/12/2013: <http://www.census.gov/retail/>

Mark L. Franz

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Education and Qualifications:

Ph. D. Civil Engineering
University of Maryland, College Park, MD
Expected Graduation Spring 2013
Cumulative GPA 4.0/4.0

Engineer In Training
December 2011

M.S. Civil Engineering
West Virginia University, Morgantown, WV
Graduated August 2009
Cumulative GPA 4.0/4.0

B.S. Astronomy Cum Laude
B.A. Physics Cum Laude
University of Florida, Gainesville, FL
Graduated June 2006
Cumulative GPA 3.76/4.0

Experience:

University of Maryland, College Park, MD

Graduate Research Assistant and Lab Manager.....1/10 – Present

- Researching the following topics:
 - Evaluation of automated speed enforcement in Maryland work zones
 - Real-time travel time estimation using Intelligent Transportation System (ITS) technology
 - Analysis and prediction of freeway incident duration
 - Dynamic dilemma zone protection system design and evaluation
 - Applications of variable speed limits in recurrent congestion
- Organizing meetings with collaboration partners such as consulting firms and Maryland State Highway Administration
- Assisting in research account oversight

Independent Traffic Consultant, College Park, MD

Traffic Engineering Consultant.....08/12 – Present

- Performed and reviewed traffic impact studies for proposed developments in the greater Washington D.C. metropolitan region

West Virginia Local Technical Assistance Program, West Virginia University, Morgantown, WV

Graduate Technical Assistant..... 8/07 – 8/09

- Developed training material for road agency audiences by researching industry standards including but not limited to: the Manual on Uniform Traffic Control Devices (MUTCD), American Association of State Highway and Transportation Officials (AASHTO) Green Book, Occupational Safety and Health Administration (OSHA) Standards and American National Standards Institute (ANSI) Standards
- Performed on site visits for West Virginia municipalities to resolve transportation issues
- Produced technical assistance reports by analyzing field data and by providing suggestions for improvement
- Analyzed data and provided recommendations to improve transportation system issues for low income communities with the West Virginia University Community Design Team

Dr. Ron Eck, Ph.D., P.E., Engineering Consultant (Specializing in motorized and non-motorized incident reconstruction), Morgantown, WV

Field Assistant.....12/07 – 8/09

- Performed slide to stop, sight distance, and crush measurement calculations for tort liability claims

Activities:

ITS Maryland Student Member.....9/09 – Present
Chi Epsilon National Civil Engineering Honor Society Member.....4/09 – Present
Golden Key International Honour Society Member.....10/08 – Present
President ITS America, University of Maryland Chapter.....9/10 –10/11
Vice President ITS America, University of Maryland Chapter.....9/09 – 9/10
Institute of Transportation Engineers Member.....10/07–10/08
National Local Technical Assistance Program National Conference.....7/07 and 7/08

Honors:

Engineer in Training.....12/11-Present
Mid-Atlantic Universities Transportation Center Fellowship.....8/12-Present
UMD CEE Department Fellowship.....8/11
A. James Clark (AJC) Fellowship Recipient.....8/09
University of Florida Dean’s List.....8/03-4/06
University of Florida Presidential Dinner for Outstanding Students.....4/05

Publications & Technical Papers:

Franz, M. Application of Variable Speed Limits in Recurrent Congestion. Ph.D Dissertation. University of Maryland, USA. Working Paper.

Chang, G.L., Peng, C., and Franz, M. A Review of Pedestrian-Vehicle Interactions at Urban Intersections. Working Paper.

Lu, Y. Park, S.Y., Franz, M., Yang, X. and Chang, G.L. Improving Traffic Safety At Rail Grade Crossings: A Case Study In Taiwan. Working Paper.

Chang, G.L., Liu, Y., Franz, M., Lu, Y., and Tao, R. ITS Application: Design and Evaluation of an Intelligent Dilemma Zone Protection System for a High Speed Rural Intersection. Transportation Research Board 92nd Annual Meeting. Washington, D.C. 2013.

Franz, M., and Chang, G.L. Effects of Automated Speed Enforcement in Maryland Work Zones. Transportation Research Board 90th Annual Meeting. Washington, D.C. 2011.

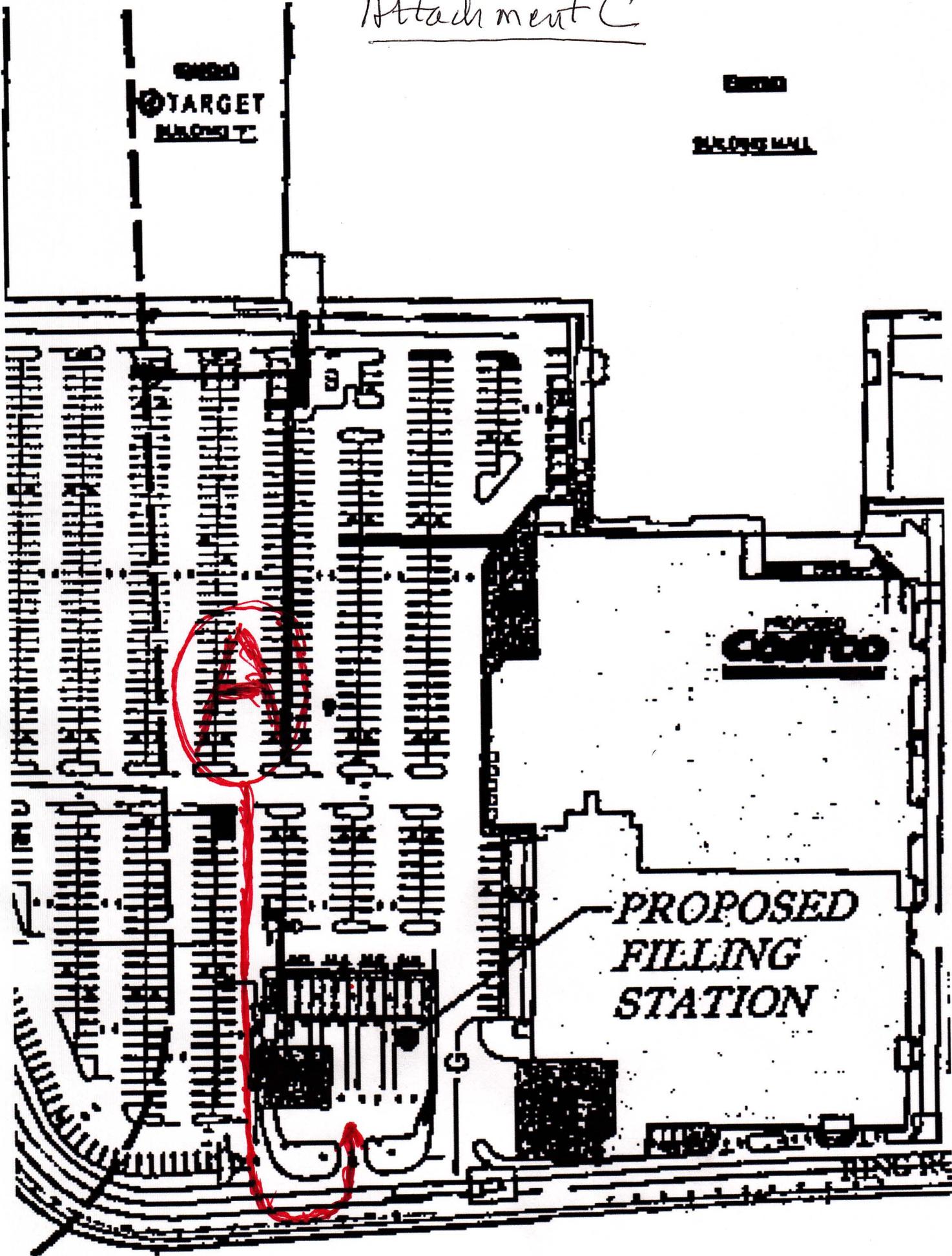
Kim, W., Franz, M., and Chang, G.L. Enhancement of Freeway Incident Traffic Management (FITM) and Resulting Benefits. Maryland State Highway Research Report. Report No. MD-11- SP009B4Q. Baltimore, MD. April 2012.

Franz, M.L. Local Agency Traffic Sign Retroreflectivity Case Study and Model of Observed Traffic Sign Light Intensity. Master’s Thesis. West Virginia University, U.S. 2009.

References Available Upon Request

Attachment C

Attachment C



ATTACHMENT 18B

January 14, 2013

Ms. Renee Kamen
Senior Planner, Development Revision Division
Montgomery County Planning Department
8787 Georgia Ave., Silver Spring, MD 20910

Re: Special Exception application S-2863; Costco gas station

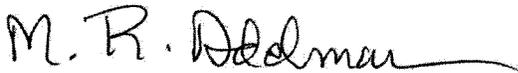
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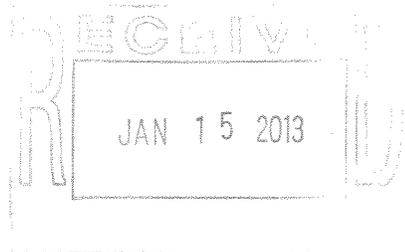
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Yours sincerely,



Mark R. Adelman
Webmaster, The Stop Costco Gas Coalition
3206 University Blvd. W.
Kensington, MD 20895
webmaster@stopcostcogas.org



January 13, 2012

TO: The Stop Costco Gas Coalition
3206 University Blvd. W.
Kensington, MD 20895

ATTN: Mr. Mark Adelman

FR: Mark L. Franz, MSCE
Ph.D. Candidate and Graduate Research Assistant
University of Maryland
Department of Civil & Environmental Engineering
1173 Glenn L. Martin Hall, Bldg #088
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College Park, MD 20742

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While the submitted TIA adequately evaluated the impact of the proposed Costco gas station on intersection performance and basic pedestrian considerations, it does not directly address the impact of the gas station on parking at the Westfield Wheaton Shopping Mall. The omission of this consideration may underestimate the impact of the proposed Costco gas station on local traffic flow and traffic safety.

In a letter sent previously by the Kensington Height Civic Association to Ms. Susan Scala-Demby of the Montgomery County Department of Permitting Services Zoning Division, the citizens of the Kensington Heights neighborhood objected to a request made by Westfield

Inc. to reduce the required number of parking spaces at the Westfield Wheaton Shopping Mall. In this request, Westfield Inc. asked the Department of Permitting Services to reduce the required 4.5 parking spaces per 1,000 square feet of retail space to 4.0 parking spaces per 1,000 square feet of retail space. Interestingly, the requested parking rate of 4.0 spaces is lower than the “effective parking rate” that was observed to be 4.2 parked vehicles per 1,000 square feet of retail space during office hours.

The same request submitted by Westfield Inc. cited 1.466 million square feet of retail and office space currently in use (at the time of the request). Using the standard Westfield Wheaton parking rate of 4.5 parking spaces per 1,000 square feet of retail/office space, the required parking is 6,597 spaces. The addition of the 54,000 square foot Costco Wholesale store would increase the total retail area in the mall to 1.52 million square feet. Using the parking rate of 4.5 parking spaces per 1,000 square feet of retail space, the required number of parking stalls would be raised to 6,840 spaces. If the “effective parking rate” of 4.2 spaces per 1,000 square feet of retail is applied, the required parking spaces would total 6,384, while the requested rate of 4.0 parking spaces per 1,000 square feet of retail space would reduce the required parking spaces to 6,080. It is not clear if quoted square footage of retail space included the Dick’s Sporting Goods store that opened in October of 2012 (after the request was submitted).

It was later stated at the testimony of Mr. Jim Agliata of Westfield Inc., that the Westfield Wheaton Mall had 6,428 spaces available for its patrons. These spaces include 974 spaces in the WMATA parking garage. However, it was not made clear that all of these spaces were actually available to Westfield patrons, as some spaces may have been occupied by Metro users. To address this concern, a simple parking study was conducted on Friday, January 11 at the aforementioned WMATA parking garage. To show that some of the spaces in the garage may not be available to Westfield Wheaton Mall patrons, parked cars were counted at 9am, one hour before the mall opened. Thus, it is reasonable to assume that the vehicles parked in the WMATA garage were not patrons of the mall. This study counted some 177 vehicles occupying spaces in the garage. An image of the third level of the WMATA garage during the time of the study is presented in Figure 1. While this count and image is not sufficient to estimate the “typical” amount of spaces available spaces, it does show that at least some portion of the WMATA garage will not be accessible by mall patrons. Therefore, the quoted 974 spaces may over-estimate the actual amount of available parking space.



FIGURE 1: WMATA Parking Garage at 9am

In addition to the potential reduction in parking at the WMATA garage, Costco Wholesale seeks to widen approximately 770 parking spaces from the current width of 9 feet to 10 feet. Assuming the widths of the existing driving lanes in the parking lot remain unchanged, the widened parking stalls would eliminate some 77 parking spaces (presumably near the Wholesale store entrance). The number of parking spaces would be further reduced (by about 92 spaces) with the construction of the proposed gas station. Thus, the original available parking space count of 6,428 will be reduced by 169 spaces (to 6,259 spaces) by the widening of the parking spaces and the footprint of the gas station. Note that this reduction does not include the spaces not available to mall patrons in the WMATA garage. Therefore, if the requested rate of 4.0 parking spaces per 1,000 feet of retail space is used (resulting in 6,080 required spaces) this leaves a surplus of 179 spaces. However, if more than 179 spaces in the WMATA garage are not accessible to mall patrons, then even the requested rate of 4.0 parking spaces per 1,000 feet of retail space will not provide sufficient parking spaces.

In addition to the general parking issues mentioned on the basis of parking spaces provided per square footage of retail space, more specific parking concerns arise from the inherent characteristics of the already built Costco Wholesale Store. While the using the square footage method to estimate the required number of spaces required for the entire mall, this methodology fails to take into account the proximity of available parking spaces to stores of interest. In the instance of a wholesale store, it is reasonable to assume that most patrons will not be willing to push their carts over far distances to load their vehicles. Thus, if the number of available parking stalls near the main store exit is not sufficient, patrons may circulate the lot looking for parking. This circulation of traffic raises the likelihood of a conflict, be it a vehicle-to-vehicle or vehicle-to-pedestrian conflict. The lots nearest the main exit of the Costco store are presented in Figure 2. For ease of reference, Lot A is defined to be the lot adjacent to Target and the Costco Wholesale store. Lot B is defined to be the parking lot adjacent to the Macy's and Target stores.

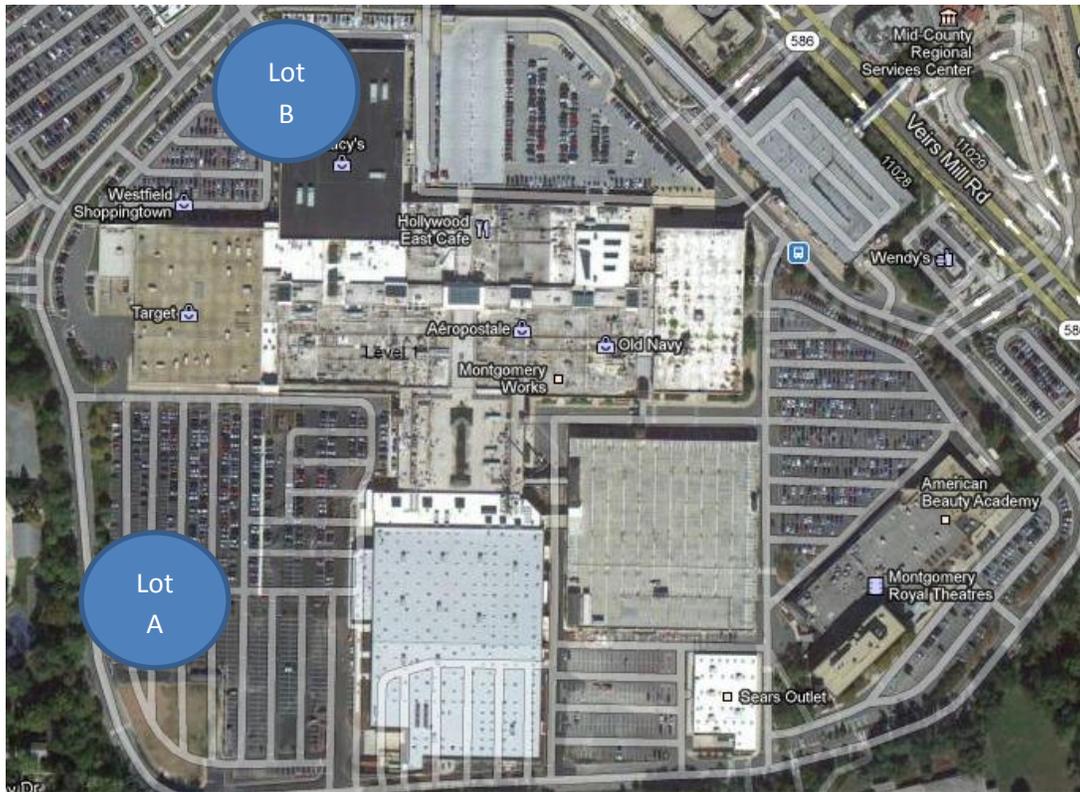


FIGURE 2: Parking Lots Near Costco (Map Source, Google Maps, 2013)

To evaluate the current parking situation at Lots A and B, a basic parking inventory was conducted via photographs. Figures 3-5 show the conditions in Lots A and B, respectively, on Friday Jan. 11, 2013 at 2pm. Figures 6-9 show the same lots on Saturday Jan. 12, 2013.



FIGURE 3: Lot B on Friday Jan. 11 at 2pm



FIGURE 4: Portion of Lot A on Friday Jan. 11 at 2pm



FIGURE 5: Portion of Lot A on Friday Jan. 11 at 2pm



FIGURE 6: Lot B on Saturday Jan. 12 at 3pm



FIGURE 7: Portion of Lot A on Saturday Jan. 12 at 2pm



FIGURE 8: Portion of Lot A on Saturday Jan. 12 at 2pm



FIGURE 9: Portion of Lot A on Saturday Jan. 12 at 2pm

As depicted in Figures 3 and 6, Lot B was at its capacity on both dates. In fact, figure 6 shows at least one vehicle illegally parked. The scenario in Lot A shows that while this lot was not near capacity, a significant portion of this lot is already being used by mall patrons (Figures 4,5,7 and 8). Figure 9 shows that the southern portion of Lot A was nearly empty. However, it should be noted that the Costco Wholesale Store has not been opened. Thus, the 200 some new evening trips attracted by Costco will have to compete for the remaining spaces. To exacerbate the parking situation, the construction of the proposed gas station would have removed an additional 92 spaces near the main exit of the Costco Wholesale Store.

While the photographs show the parking scenario on one weekend, there is no apparent reason to believe the depicted situation is atypical. However, it is suggested that more studies be conducted to better define the parking demand in these lots. It is worth noting that the month of January tends to be the lowest month in terms of retail sales. This finding is supported by Figure 10, which shows monthly retail and food service trends for Jan. 2010-Oct. 2012 (US Census, 2013). Assuming Westfield Wheaton Mall follows this nation trend, the figures above may depict a low demand environment at the mall in not peak season.

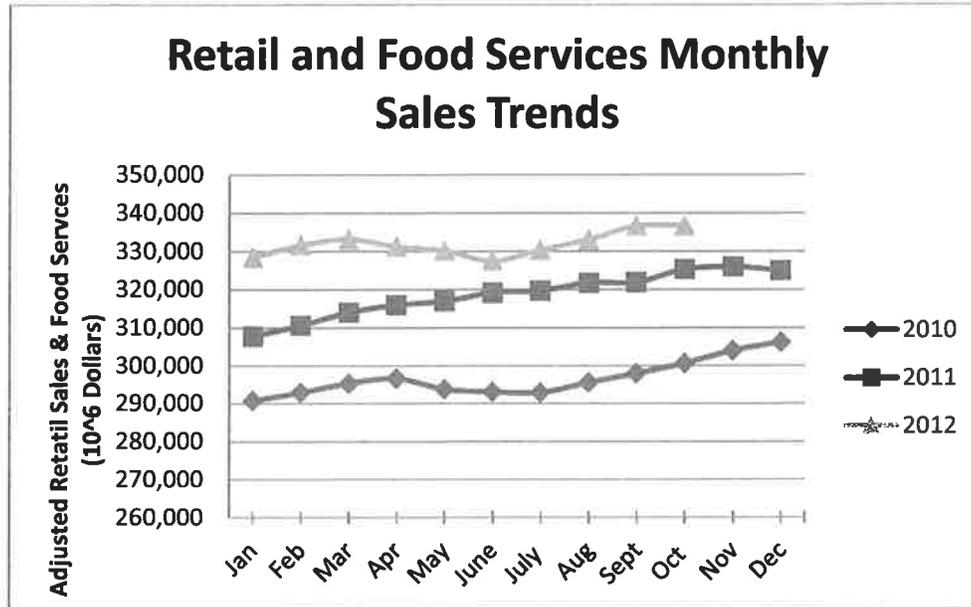


FIGURE 10: Monthly Retail Sales Trends (Data Source: U.S. Census)

Conclusions

Based on the above findings, the following suggestions are recommended. First, an in depth study of the WMATA parking garage usage should be conducted to estimate the actual amount of parking spaces available to mall patrons, especially during peak periods. Next, the parking situation in Lots A and B should be farther investigated to establish the typical parking demand at these lots, including the parking turn-over rate. Finally, if the requested parking space rate of 4.0 per 1,000 square feet of retail space is applied, the available parking spaces may fall short of the required 6,080 parking spaces. To remedy this potential parking space shortage, it is recommended that the standard parking stall width not be widened to 10 feet for the proposed 770 parking stalls. In addition, the construction of the gas station will also consume precious parking stalls near the primary exit of the wholesale store. The potential shortage of parking stalls near the Costco Wholesale Store raises concerns related to pedestrian and vehicular safety of the patrons utilizing the lots near the main exit. In the absence of these recommendations, Westfield may need to provide additional parking to ensure safe and efficient access to its mall.

This report was produced by,

Mark L. Franz, MSCE

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Education and Qualifications:

Ph. D. Civil Engineering
University of Maryland, College Park, MD
Expected Graduation Spring 2013
Cumulative GPA 4.0/4.0

Engineer In Training
December 2011

M.S. Civil Engineering
West Virginia University, Morgantown, WV
Graduated August 2009
Cumulative GPA 4.0/4.0

B.S. Astronomy Cum Laude
B.A. Physics Cum Laude
University of Florida, Gainesville, FL
Graduated June 2006
Cumulative GPA 3.76/4.0

Experience:

University of Maryland, College Park, MD

Graduate Research Assistant and Lab Manager.....1/10 – Present

- Researching the following topics:
 - Evaluation of automated speed enforcement in Maryland work zones
 - Real-time travel time estimation using Intelligent Transportation System (ITS) technology
 - Analysis and prediction of freeway incident duration
 - Dynamic dilemma zone protection system design and evaluation
 - Applications of variable speed limits in recurrent congestion
- Organizing meetings with collaboration partners such as consulting firms and Maryland State Highway Administration
- Assisting in research account oversight

Independent Traffic Consultant, College Park, MD

Traffic Engineering Consultant.....08/12 – Present

- Performed and reviewed traffic impact studies for proposed developments in the greater Washington D.C. metropolitan region

West Virginia Local Technical Assistance Program, West Virginia University, Morgantown, WV

Graduate Technical Assistant..... 8/07 – 8/09

- Developed training material for road agency audiences by researching industry standards including but not limited to: the Manual on Uniform Traffic Control Devices (MUTCD), American Association of State Highway and Transportation Officials (AASHTO) Green Book, Occupational Safety and Health Administration (OSHA) Standards and American National Standards Institute (ANSI) Standards
- Performed on site visits for West Virginia municipalities to resolve transportation issues
- Produced technical assistance reports by analyzing field data and by providing suggestions for improvement
- Analyzed data and provided recommendations to improve transportation system issues for low income communities with the West Virginia University Community Design Team

Dr. Ron Eck, Ph.D., P.E., Engineering Consultant (Specializing in motorized and non-motorized incident reconstruction), Morgantown, WV

Field Assistant.....12/07 – 8/09

- Performed slide to stop, sight distance, and crush measurement calculations for tort liability claims

Activities:

ITS Maryland Student Member.....9/09 – Present
Chi Epsilon National Civil Engineering Honor Society Member.....4/09 – Present
Golden Key International Honour Society Member.....10/08 – Present
President ITS America, University of Maryland Chapter.....9/10 –10/11
Vice President ITS America, University of Maryland Chapter.....9/09 – 9/10
Institute of Transportation Engineers Member.....10/07–10/08
National Local Technical Assistance Program National Conference.....7/07 and 7/08

Honors:

Engineer in Training.....12/11-Present
Mid-Atlantic Universities Transportation Center Fellowship.....8/12-Present
UMD CEE Department Fellowship.....8/11
A. James Clark (AJC) Fellowship Recipient.....8/09
University of Florida Dean’s List.....8/03-4/06
University of Florida Presidential Dinner for Outstanding Students.....4/05

Publications & Technical Papers:

Franz, M. Application of Variable Speed Limits in Recurrent Congestion. Ph.D Dissertation. University of Maryland, USA. Working Paper.

Chang, G.L., Peng, C., and Franz, M. A Review of Pedestrian-Vehicle Interactions at Urban Intersections. Working Paper.

Lu, Y. Park, S.Y., Franz, M., Yang, X. and Chang, G.L. Improving Traffic Safety At Rail Grade Crossings: A Case Study In Taiwan. Working Paper.

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Kim, W., Franz, M., and Chang, G.L. Enhancement of Freeway Incident Traffic Management (FITM) and Resulting Benefits. Maryland State Highway Research Report. Report No. MD-11- SP009B4Q. Baltimore, MD. April 2012.

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ATTACHMENT 19

January 14, 2013

Renee Kamen
Senior Planner, Development Revision Division
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, Maryland 20910

Concerning: S-2863 Proposal for Costco Gas Station in Westfield Wheaton Plaza.

Dear Ms. Kamen,

I am sending a document entitled HEALTH MATTERS by email. This document is part of the filings submitted by the Stop Costco Gas Coalition in opposition to S-2863, the Special Exception application by Costco for a mega gas station to be located in the southwest quadrant of Westfield Wheaton Plaza.

Thank you for the time you and your staff have given to us as we attempt to understand the process and our role in it.

Please indication confirmation of receipt of this filing and that it will be included in planning staff discussions on S-2863.

Thank you,



Abigail Brassil Adelman
3206 University Boulevard West
Kensington, Maryland 20895
CoChair, Stop Costco Gas Coalition
avtdesigngroup@erols.com

PLANNING STAFF FILING FOR S-2863
Submitted January 15, 2013 to Renee Kamen
From the Stop Costco Gas Coalition

HEALTH MATTERS

BACKGROUND

This filing addresses the health issues raised with the Special Exception application by Costco, Inc. to install a members only (m/o), mega 16 nozzle gas station adjacent to the Costco warehouse store located in the southwest quadrant of Westfield Wheaton Mall in Wheaton, Maryland. This mega gas station is strongly opposed by the Kensington Heights community. In the United States, over 96% of gas stations pump 2.4 million gallons of gas per year or less. On average, such gas stations **pump 200,500 gallons** of gas per year. The 4% of stations remaining, on average pumped **3.6 million gallons per year**. EPA refers to these stations as “large gas stations”. The proposed mega Costco gas station will pump **over 12 million gallons of gas** per year; *3.5 times more than a large gas station and 60 times more than the 96% of gas stations.*

This is the second Costco Special Exception application to locate a members only, 16 nozzle, mega gas station in the southwest quadrant of Westfield Wheaton Mall. The first application was withdrawn by Costco after intense community opposition resulted in the passage by the Montgomery County Council of ZTA 12-07 in July, 2012 and effective August 13, 2012. The ZTA defined a 300 foot minimum standard buffer for large gas stations (those pumping more than 3.6 million gallons of gas per year) from schools, daycare centers and any outdoor use categorized as a cultural, entertainment and recreation use. To meet this new standard, Costco moved the gas station site approximately 275 feet to the east in the same parking lot of the southwest quadrant of Wheaton Westfield Mall, withdrew S-2794 and applied for a new Special Exception, S-2863.

This new site and SE application further intensified neighborhood opposition as it *violates* the intent of ZTA 12-07 by now placing the gas station location within 125 feet of residential homes (you could throw a rock that far) and 850 feet from Stephen Knolls School, the down county school serving profoundly disabled and medically fragile children. The homes and school are all downwind and downhill from the proposed gas station location. Scientific modeling and research shows both populations will be severely affected by the pollution from the station.

Costco’s Land Use Report states on page 19 that locating a members only,16 pump mega gas station, 125 feet from residential homes will not adversely affect the health or general welfare of residents. And on page 26 of the same report, Costco states that there are a total of only 20 residents located within a 400 foot radius. Both statements have no basis in fact

NEW EPA REGULATION

In December, 2012 the Environmental Protection Agency issued a new standard for Soot as a

federal court found the previous 1997 standard too weak to adequately protect public health.

EPA based its action on health studies that found exposure to fine particulate matter (PM2.5) brought a marked increase in heart and lung disease, acute asthma attacks and early death. Children, older people and adults with heart and lung ailments are particularly vulnerable. (1)

Lisa Jackson, EPA administrator, states "These fine particles penetrate deep into the lungs, causing serious and costly health effects. As the mother of two sons who have battled asthma, the benefits [of this new lowered standard] are not just numbers or abstract concepts." (1)

The proposed mega gas station site most likely will not meet the new regulation. When factoring in the new EPA Soot standard (1,2) the Costco/Sullivan model will exceed the new level of 12 micrograms per cubic meter at the most vulnerable receptors: the nearest single family residences, town homes and the school. (13) Due to the delayed Costco warehouse opening, the new traffic amounts are factually unknown. As the Sullivan report did not include parking lots (just Costco parking spaces) the likelihood is that the soot levels exceed the new EPA regulation.

Science has identified the toxins from gasoline pollution (see charts below) and their deleterious effects on health. And researchers note that particular attention must be focused on the most vulnerable populations; children, the elderly, adults with existing health problems . Empirical evidence also shows that exhaust fumes from roadways extend further than previously thought-about 10 times farther - and can be up to 1.5 miles downwind.(7)

New public health studies and laboratory experiments suggest that at every stage of life, motor vehicle emission fumes exact a measurable toll on mental capacity, intelligence and emotional stability. (7) The research literature on ambient air pollution is expanding exponentially. Scientists are finding important adverse health effects from air pollution at levels once considered safe. The recent EPA standard revision on PM2.5, discussed above, is a result of this concern .

HEALTH MATTERS

Jeffrey Zyontz , Legislative Attorney for the Montgomery County, County Council states in a Memorandum to the County Council dated July 20, 2012, "The source of all zoning authority is the power to protect the health, safety and welfare of a community." pg.7

Montgomery County Code Ordinance, Division 59-G-1 Special Exceptions-Authority and Procedure, 59-G-1.21 General Conditions (a) (8)- states- *Will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers* in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone. Although this section presents no standard on matters of Public Health it is the only section in the Special Exception Code applicable to a discussion of the adverse affect on health, safety and general welfare that S-2863 application will cause.

Dr. Breysee , a Professor of Environment Health Sciences at the John Hopkins Bloomberg

School of Public Health, pulling from the California Air Resources Board (CARB) which recommended that a large 3.6 million gallons of gas per year throughput facility be located at least 300 feet from sensitive land uses (homes, schools), states “that the excess risk for a 12 mgpy throughput facility is three-fold”. Or roughly 950 feet. Compare this to the 125 foot distance to homes if this gas station is permitted and one can readily see that the proposed location is untenable for human health..(3)

The major health danger connected with 16 nozzle mega gas stations is pollution from evaporation and emissions. Evaporation from cars actively fueling as this disperses vapors from the empty tank into the atmosphere. Emissions from motor vehicles idling while waiting to fuel. These emissions are designated by EPA as Hazardous Air Pollutants (HAP) and most are considered carcinogenic.

See attachment A

Below is a list of the toxins involved in *gasoline evaporation* and their characterization.(13)

<u>Gasoline Constituents</u>	<u>EPA Hazardous Air Pollutant (HAP)</u>	<u>Carcinogenic?</u>
Benzene	Yes	Yes for Humans
Ethylbenzene	Yes	Possible for Humans
N-Hexane	Yes	Unknown
Toluene	Yes	Unknown
Xylene	Yes	Insufficient Evidence

The sources for evaporation are:

- from tanker fueling of underground tanks (projected to occur 2-5 times daily with a 45" fueling time for each delivery)
- from underground storage tanks themselves
- from cars during fueling and idling

The chart below illustrates *toxins involved in incomplete combustion of gasoline* and their characterization.(13)

<u>Products of Incomplete Gasoline Combustion(PICS)</u>	<u>EPA- HAP</u>	<u>Carcinogenic?</u>
Benzene	Yes	Yes for Humans
1,3 butadiene	Yes	Yes for Humans
Formaldehyde	Yes	Yes for Humans
Acetaldehyde	Yes	Reasonably Anticipated for Humans

For this proposed m/o mega gas station, PICS from motor vehicles will be sourced at:

- the ring road traffic,
- the gas station itself (entry, exit, lines of idling cars),
- area roadways,
- all Mall parking lots,
- extant background pollutants.

Hydrocarbons and nitrogen oxides, emitted by motor vehicles, react with sunlight to form

ground level ozone. The ozone levels tend to be highest on warm, sunny days and often peak in mid afternoon when children are most likely to be playing outside. Ozone is a powerful oxidant and respiratory tract irritant in adults and children causing shortness of breath, chest pain when inhaling deeply, wheezing and cough. In healthy adults and children, ozone causes airway inflammation and hyper reactivity, a decrease in pulmonary function and an increase in respiratory tract symptoms. (9)

Particulate Matter (PM) is increasingly implicated as a major culprit of lung and cardiovascular disease. PM, the fine airborne particles in ozone, materializes directly in the atmosphere, through the oxidation of the polluting agents in ozone (sulphur dioxide, nitrogen oxides and volatile organic compounds). The main source of PM's is gasoline combustion.

Three categories of Particulate Matter are found in vehicle emissions: PM10, largest; PM 2.5 smaller, dangerous and the most studied and Ultra Fine Particles (UFP) the most dangerous as they have an enormous surface to volume ratio (far greater than the other 2 sizes) which is ideal for the adsorption of toxic metals and poly-aromatic hydrocarbons (PAHS) some of which are carcinogenic. The UFP's are inhaled and retained very deeply in the lungs causing inflammation, impaired breathing and pulmonary diseases (COPD, asthma, emphysema, cancer and other conditions).(5)

In 2010, the American Heart Association updated their concern about particulate matter first noted in 2004 by concluding that exposure to PM2.5 over a few hours to weeks can trigger cardiovascular disease related mortality and nonfatal events; longer term exposure (a few years) increases the risk for cardiovascular mortality to a greater extent than exposure over a few days or months and reduces life expectancy within more highly exposed segments of the population by several months to a few years.(10)

Consider that with 16 pumps operating, approximately 216 - 250 cars will fuel per hour. At 15.5 hours on weekdays 3348-3875 cars will be the throughput per day. On weekends, when children and adults will be in their homes and outside in their yards, the gas station will operate 13 hours per day with a throughput of 2,808 -3250 cars per day.

To the 3875 /3250 vehicles fueling add on roughly 620 cars (40 cars/hr) idling and emitting toxic emissions with the result that 4495/3870 vehicles daily will be emitting tailpipe toxins as the wind sweeps the evaporative and emission pollutants downwind and downhill a mere 125 feet to residential homes. This is conservative estimate. Several times we have counted 72 vehicles idling at the Costco gas station in Beltsville, MD. These figures show that there is a rational basis for treating differently gas stations pumping more than 3.6 mgpy and mega gas stations pumping 12 mgpy than other, much smaller stations which is what the code was regulating when it was written in 1954..

The health danger is extremely significant for the loading dock *workers* as they are in close proximity to (30 feet away) and on grade with the station. The Code includes workers in 59-G-1.21(a)(8). There is an existing high wall surrounding the dock, attached to the warehouse that encapsulates and ensures that workers will be bathed in toxins and particulate matter (PM10, PM2.5 and Ultra Fine Particles (UFP) when exposed during the day and directly bathed in diesel

fumes at night when the major portion of deliveries occur. One could say they don't have a chance.

Additionally, there is concern about the warehouse air handlers located about 30 feet from the evaporation and emission source. Will the fresh air intake system bring the emission toxins directly into the warehouse, to bathe store workers and store customers in exhaust pollution? Has this question been considered, and evaluated? It is a question, we feel, that must be addressed before any position can be taken on the S-2863 application.

People living 125 feet away, down wind and down hill are much too close to the evaporation and emission toxins. The 8 foot high fence that will be placed at the ring road will not contain the pollution plume. No fence can contain air flowing in the atmosphere. In fact, the fence ends at the west side of the warehouse so there will be no fence installed at the townhouses and the school.

It is germane to note here that we are already in trouble. The America's Health Rankings, (started in 1990), the 2012 Edition, found that the State of Maryland's ranked **40th** for high levels of Air Pollution. For Particulate Matter 2.5, Maryland's value was very high at 10.9 micrograms per cubic meter of air. (12). In fact, Maryland today is dangerously close to violating the new EPA standard for soot pollution of 12 micrograms per cubic meter. (1). Adding a mega gas station to a Mall already contributing to air pollution by traffic circulating and parking will exacerbate an existing toxic pollutant condition.

CHILDREN'S HEALTH MATTERS:

The vulnerability of children to automobile emissions begins in utero. In New Jersey, premature births (a risk factor for cognitive delays) were found to have dropped **10.8%** in areas around toll plazas after the introduction of E-ZPass which significantly reduced idling cars at toll booths.(7)

Scientists are only beginning to understand the basic biology of toxic neural affects especially from prenatal or lifetime exposures. Research has shown that by age 3, children exposed prenatally to high exhaust levels were developing mental capacities more slowly; by age 5 their IQ scores averaged 4 points lower on standardized intelligence tests than those of less exposed children. These differences were significant in terms of later educational development. By age 7, the children also were more prone to depression, anxiety and attention problems than children growing up in cleaner air, documented by separate research teams in the U.S., China and Poland. There is also data that indicates air pollution might be a risk factor for autism.(7)

During the early postnatal period, the developing lung is highly susceptible to damage after exposure to environmental toxins and motor vehicles represent the principal source of air pollution in many communities. Increased respiratory tract complications in children, wheezing, chronic productive cough and asthma hospitalizations have been associated with residence near high motor vehicle emissions. Children are more vulnerable to the adverse effects of air pollution than are healthy adults as their lung development continues through adolescence.

Children have increased exposure to outdoor air pollution, compared with healthy adults, as they

have higher minute ventilation and spend more time outdoors. In communities with higher levels of urban air pollution (nitrogen dioxide, highPM2.5 levels UFP's, hydrocarbons) children show decreased lung function growth and children with asthma were more likely to have bronchitis symptoms. (9) This in turn leads to reduced school attendance which by extension threatens learning and that threatens our country's future. A very good reason to reject S-2863.

ADULT HEALTH MATTERS:

Health issues that can be caused and exacerbated by motor vehicle air pollutants particularly in older adults are; lung diseases such as Chronic Obstructive Pulmonary Disease (COPD), Emphysema, Asthma and Lung Cancer, Leukemias, Arteriosclerosis, Cardiovascular Diseases and Diabetes. A report from France finds that 6 - 11% of all lung cancer cases identified in people over 30 years of age are caused by automobile emissions.(5)

Other health issues associated with exposure to nearby motor vehicle pollutants are memory loss, reduction of reasoning ability and increased irritability. Additionally, increased hospitalization of older adults living near a source of motor vehicle pollutants has been recorded.

Air pollution kills more than breast and prostate cancers combined and the premature deaths associated with particulate matter pollution alone are comparable to deaths from traffic accidents.(6)

STEPHEN KNOLLS SCHOOL HEALTH MATTERS:

Costco states on pg.19 of their Land Use Report that the members only, 16 pump mega gas station will have no impact on the school. We disagree and feel that the lack of concern about the impact of this location for the mega gas station manifested by Costco is troubling. They appear to have no concern for public health.

EPA issued School Siting Guidelines recommending a screening perimeter of 1000 feet from gas stations dispensing more than 3.6 million gallons per year *(these stations are 3 times smaller than the proposed Costco m/o mega gas station)*. This in- your- face Costco SE application violates the EPA recommendation. The recommendation should be read in both directions: do not site a school within 1000 feet of a gas station and do not site a gas station within 1000 feet of a school. It makes no sense to allow a mega gas station to be placed closer to a school because the school was there first.

It is clear that there will be an impact on the school from the proposed location of this mega gas station. And this will be an additional pollution burden, adding to the pollution extant from nearby Georgia Avenue. Although the 850 feet distance allows some pollution dispersal from the gas station, the wind direction and topography (down hill) ensure that the pollution plume will severely affect the school.

Stephen Knolls School was well established when I moved into the neighborhood 35 years ago. The Stephen Knolls community and the Kensington Heights community are extremely concerned about the negative health impact this mega gas station will have on the students all of whom are medically fragile.

To illustrate the severity of health issues of the students at Stephen Knolls, I am including a few

facts about the student population:

Total Student Population: 98

School Aged Children: 47, Preschool Children: 51

Staff: 85

Medical Needs of School Aged Children:

Oxygen: Five School aged students are on oxygen tanks

Nursing: 8 students have private duty nurses with them throughout the day. These students are cared for by their nurses.

Nursing Services: 28 treatments daily. 10 students on medicines, 1 student requires regular suctioning.

Disabilities: Chronic Lung Disease, Asthma, Respiratory Distress Syndrome, Environmental Allergies, Cerebral Palsy, Down's Syndrome, Rhett's Syndrome. Note that several of the disabilities listed are related to lung and respiratory disease. These conditions will be exacerbated by the increased toxins and pollutants from the proposed gas station.

Use of the Mall: 35-40 students per week.

Stephen Knolls School students use the Wheaton Westfield Mall several times a week to practice life skills. Currently there is a crossing for them to use at an underused section of the Ring Road. Very few of the students are mobile so we are talking about wheel chairs and other mobile conveyances to move the students across the Ring Road . The major increase in traffic from the warehouse when it opens and the greatly increased vehicle traffic created by the gas station creates a large increase in toxic vehicle emissions. Student trips to the Mall will be difficult (traffic) and unhealthy (emissions).

Note: Stephen Knolls School serves children ages 3 to 21. The school year runs from the end of August through the middle of July. So 10.5 months of the year the students will breathe greatly increased air pollution until they leave the school at 21 years of age.

COMMENT ON COSTCO'S HEALTH ANALYSIS

Authored by Kenneth H. Chase, MD, FACOEM, this analysis accepts without comment Costco's determination that 'neighborhood' is defined as the boundaries of Westfield Wheaton Mall. The boundaries described by Planning staff include the area north of McComas Avenue including single family homes, town houses and a school for severely disabled, medically fragile children.

Dr. Chase relies on comprehensive sampling data from a Costco station in Sterling, Virginia and modeling data provided by David Sullivan in November 2012, for the proposed members only 16 pump mega gas station in Westfield Wheaton Mall.

It should be noted that Dr.Chase's letter was written before the release of the new EPA regulation lowering the standard for PM2.5 from 15 to 12. It is likely that this new lower standard puts the proposed site of the mega gas station in noncompliance with the new EPA regulation

Dr. Chases' report focuses solely on cancer risks with only asthma mentioned as an additional health concern. There are, as we know, a wide range of diseases exacerbated by air pollution:

lung diseases, pulmonary diseases, cardiovascular disease, diabetes, mental health deterioration and delayed mental development. Concern is noted in contemporary health studies that the Ambient Air Standards Dr.Chase references are too high and need to be restudied. The Federal courts expressed that concern when they required EPA to lower the standard for PM2.5. Active research on CO, nitrogen dioxide and other compounds regulated by NAAQS is ongoing as monitoring has shown locations meeting current standards are seeing a spike in the diseases associated with air pollution.

The four VOC's called out by Dr.Chase: benzene, 1,3 butadiene, formaldehyde and acetaldehyde are not 'possible' components of gasoline as stated in paragraph 4 of his analysis but rather components released in tailpipe emissions from incomplete combustion of gasoline. Three are considered carcinogens and the fourth is reasonably anticipated to be carcinogenic. EPA classifies all these components as a hazardous air pollutants (HAPS). Sullivan in his report says the health risk is far below the California Air Resource Board (CARB) guidelines and therefore there is no concern for the health of nearby residents. This conclusion is false as the 125 foot distance to homes will violate the CARB standard of providing a 300 foot minimum buffer from sensitive uses. We know that there will be space for 50 idling vehicles within the gas station site there will be many days when vehicles will spill out onto the ring Road in both directions. When this occurs, of course, other vehicles wanting to enter the parking lot will be caught in this web thus ever *increasing* the number of idling cars. If one overlays this scenario onto a high volume shopping day or month (December) the result could take your breath away both literally and figuratively.

Dr. Chase then switches in paragraph 5 to concerns regarding diesel fuel. There is no relevance here as the 16 pumps will be dispensing only gasoline fuel not diesel fuel. There is concern, however, that the projected 2-6 diesel tanker trucks dispatched to fill the underground tanks (each filling taking about 45 minutes) will be contributing idling diesel fumes known to be carcinogenic. Costco assures us that the truck engines will be turned off during this process. This remains to be seen if their SE application is approved.

Dr. Chase addresses asthma and dismisses any concern that the proposed gas station location will have any affect on nearby residents suffering from this disease. See the attached letter (Attachment B) from a Pulmonary - Critical Care physician who speaks to the known connections between idling emissions and pulmonary disease. She is also affected personally as her home is located 120 feet from the proposed gas station site.

Finally, I'd like to observe that it is doubtful that Dr. Chase read current research articles on the topic of harmful vehicle emissions and their effect on air quality and the human health.. Had he done so he would understand that this is a dynamic, changing area of research with new findings of concern being published nearly daily.

CONCLUSION

For all the above reasons the Planning staff must reject S-2863. Locating a mega gas station 125 feet from citizens homes and 850 feet from a school for medically fragile children is an unacceptable health risk. For Costco to even consider such an action underscores the scorn Costco has for human health and for County regulations. Their proposal for a mega gas station

flies in the face of the intent to protect Public Health the County Council evidenced by their passage of ZTA 12-07.

There are many appropriate locations in the down county area where this gas station could be placed without risking citizens health. But Costco says that their business model of placing the station next to the warehouse trumps any other consideration. And Costco simply dismisses in their Land Use Report and their Health Analysis, the known deleterious health effects that will be placed on children, the elderly and health compromised adults and a school by the location they proposed to place a 16 pump, mega gas station . Profit at all costs.

Jeffery Zyontz in his Memorandum to the County Council of July 20,2012, states, "Staff concludes that there is a rational basis for treating gas stations pumping more than 3.6 million gallons per year differently from other stations." pg.7

If Montgomery County agrees to Costco's proposal then the state of Maryland and indeed America is at risk as Costco cements its business plan to locate their warehouses and mega gas stations in dense urban locations. Permitting *this mega gas station at this location* allows Costco to point to a "progressive " county and say ,Montgomery County sanctioned very close proximity to homes and a school so it must be safe. Don't allow this to happen.

Montgomery County's motto is Guarded Bien. Protect citizens. We urge that you do that by taking a position against the gas station location in S-2863.

Attachment A

WARNING

Chemicals known to the state to cause cancer, birth defects, or other reproductive harm are found in gasoline, crude oil, and many other petroleum products and their vapors, or result from their use. Read and follow label directions and use care when handling or using all petroleum products.

Attachment B

RE: Special Exception application S-2863, Costco gas station

Dear Mr. Leggett:

I am writing to you as a concerned citizen and physician. As you know, Costco has proposed to place a ~12.6 million gallon gas station immediately adjacent to the Wheaton Plaza Westfield Mall. The size of this station is 3-4 times larger than any other gas station in the county, and is, indeed, comparable in size to few stations in the state, yet is within 1000 feet of unique and vulnerable populations. No other station of this size exists in such direct proximity to homes and schools as a comparator. The risks presented to the health and well being of my family, neighbors, and vulnerable students of the Stephen Knolls School by the planned Costco Mega Gas station at the Westfield Wheaton mall clearly outweigh any potential benefits. I am able to speak to the risks of health and vulnerability as a Pulmonary-Critical Care physician specializing in the care of patients with lung disease and critical illness. I am also a resident of the Kensington neighborhood which is to be most affected by the eventual emissions from the station as my home is adjacent to the Wheaton Plaza.

This gas station is going to be within 120 feet of my home and about 850 feet from a school for severely handicapped children, the Stephen Knolls School. The Costco gas station will be a mega station with 16 pumps, and is expected to sell at least 12 million gallons/year. Costco gas stations typically attract many patrons who idle, waiting to use the station and will thus increase ambient air pollution including ultra-fine particulate matter which are known to have adverse health consequences in children and those with chronic lung diseases.

The emissions from the many cars idling/filling up at the proposed station will contain many noxious volatile components, such as fine and ultrafine particulate matter. The negative health effects of these fine particulates are well known to patients with chronic lung disease such as asthma or COPD. Many of my patients comment that their symptoms are worse in areas of heavy traffic. The adverse health effects of air pollution and fine particulate matter has been increasingly recognized in the published medical literature.(1) Air pollution and fine particulates increase the incidence of respiratory symptoms in children with asthma and exacerbate symptom severity. In the Children's Health Study from southern California long-term exposure to ambient air pollution was associated with negative effects on children's respiratory development.(2) Fine particulates (less than 2.5 microns, which would increase as a result of the increased traffic at the proposed Costco gas station) were associated with deficits in lung function and lung function development in children over an 8 year period.(3)

As a physician I am concerned for the health of my own family, some of whom have asthma, and for my neighbors who may have various chronic lung and other diseases. I am most concerned for the vulnerable students of the Stephen Knolls School who will be within 850 feet of the proposed gas station and will be chronically exposed to the air pollution. The students at Stephen Knolls are the most severely disabled students in the county many of whom have chronic lung disease, are dependent on oxygen, and even require artificial ventilation. Students at Stephen Knolls are often lifelong attendants due to their disabilities and would suffer cumulative effects of exposure to increased air pollution and fine particulates resulting from the Costco mega gas station.

The location of the gas station itself poses environmental risks, including impacts on groundwater quality. The geology of the service station hill, although not completely studied, includes shallow and deep groundwater formations close to where Costco's giant underground gas tanks would be placed. Some have described the area as a honeycomb of small streams, all of which eventually drain into the Potomac river.

Please help our community and the severely handicapped children with vulnerable health conditions at the Stephen Knolls school. Please disapprove Special Exception application S-2863.

Sincerely,

Maria Jison, MD, FCCP

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Upper Marlboro, Maryland

ATTACHMENT 20A

Timothy H. Harper
Associate Broker, Long and Foster Realtors
Bethesda Gateway
4650 East West Highway
Bethesda, MD 20814
301-907-7600

1/14/2013

To Whom It May Concern:

The Kensington Heights Citizens Association recently asked me to render an opinion as a real estate expert regarding the impact of a large volume gas station at Westfield Shopping Town Wheaton on neighboring home values. I have been a real estate Associate Broker and salesperson working in the Kensington area for twenty years. I have a deep understanding of the nature of buyers. There are several issues in which to consider:

Question one: Would a home immediately adjacent to a gas filling station have a lower value than a similar home in the same neighborhood not backing to a gas filling station?

Question two would a home immediately adjacent to a large filling station have a lower value than they a home backing to a retail shopping center?

Buyers of real estate have heightened senses. Buyers are concerned about changes to their investment. This would include any influences that might affect the home's value. A real estate purchase is often times the largest single investment in one's life. If there is an influence, real or imagined, it impacts what one would pay for the property. These influences would include sound, sight, and health. (If another similar house priced for the same amount did not have the worry then the one without the worry would sell and sell for a higher price.) So the answer is yes a home that is adjacent to a filling station would have a lower value than one that did not back to a filling station.

The houses adjacent to the proposed large filling station have their value impacted due to the retail development at Westfield Shopping Town at Wheaton. However, this impact is minimal compared to the impact due to a large filling stations impact. The filling station would put a cloud impacting one's health in addition to the additional noise and smell. Whether real or perceived if one's health would be impacted by gasoline fumes from filling and idling would affect its value. We have seen this over the years in homes located near high tension electrical lines. Studies for years had been inconclusive on the health impact of High Tension electrical lines(see attached article by Gary Zeman). Homes backing to these lines and their associated fields had a benefit of the use of the fields and no neighbors backing to the homes. However, homes adjacent to the power lines would sell for considerable less money and take more time to sell then other similar homes in the same neighborhood. So there was no positive proof that a health hazard existed yet it had substantial effects on its value and salability. So in taking

this into account my opinion is while these homes are impacted adjacent to a shopping center they will be further impacted by being adjacent to a filling station.

In conclusion if the proposed filling station moves forward and is approved it will have a substantial impact on the value of these homes. In speaking with many of my colleagues in my Bethesda Office all said they would feel obligated to disclose the presence of a large filling station when showing buyers in this area. Whether the impact will be felt by homeowners not adjacent to the filling station is questionable. If the market see homes (the adjacent homes) selling for less than their historical numbers then appraisers and homebuyers might view this as an overall drop in neighborhood value when comparing homes that do not back to the filling station.

Sincerely,

Timothy H. Harper

Timothy H. Harper

Associate Broker

Health Risks Associated with Living Near High-Voltage Power Lines

Gary Zeman, ScD, CHP

Potential health concerns about power lines were first raised in a 1979 study which associated increased risk of childhood leukemia with residential proximity to power lines. More recent studies such as that by [Draper et al.](#), confirm a reported association between elevated risk of childhood leukemia and proximity to residential power lines, but failed to clarify whether the observed association is causal or coincidental. Some scientists have argued the physical impossibility of any health effect due to weak ambient levels of EMFs, while others maintain that the potential health risks should not be dismissed even though the evidence remains equivocal and contradictory.

To address public concerns about power-line EMFs, a national program in electric and magnetic field research was authorized by Congress in the Energy Policy Act of 1992. This program was called EMF-RAPID (Electric and Magnetic Fields Research and Public Information Dissemination).

In 1995, the American Physical Society (APS) spoke out on the question of power-line EMFs and health effects. The APS policy statement reads, in part: "The scientific literature and the reports of reviews by other panels show no consistent, significant link between cancer and power line fields. While it is impossible to prove that no deleterious health effects occur from exposure to any environmental factor, it is necessary to demonstrate a consistent, significant, and causal relationship before one can conclude that such effects do occur. From this standpoint, the conjectures relating cancer to power line fields have not been scientifically substantiated." (See [APS Policy Statement 95.2](#) reaffirmed in 2005.)

In 1999 the National Academy of Sciences, National Research Council (NRC) published a review of the evidence from the EMF-RAPID program and concluded: "An earlier Research Council assessment of the available body of information on biological effects of power frequency magnetic fields (NRC 1997) led to the conclusion 'that the current body of evidence does not show that exposure to these fields presents a human health hazard. . . .' The new, largely unpublished contributions of the EMF RAPID program are consistent with that conclusion. . . . In view of the negative outcomes of EMF RAPID replication studies, it now appears even less likely that MFs [magnetic fields] in the normal domestic or occupational environment produce important health effects, including cancer." (The NRC reports are accessible by searching for EMF at the [NAS website](#).)

While the NRC review is fairly decisive in giving power-line EMFs a clean bill of health, a 1999 report by the National Institute of Environmental Health Sciences (NIEHS) concluded, "The scientific evidence suggesting that ELF-EMF exposures pose any health risk is weak" but goes on to state, "The NIEHS concludes that ELF-EMF exposures cannot be recognized as entirely

safe because of weak scientific evidence that exposure may pose a leukemia hazard." ([The NIEHS report is available on its website.](#))

In conclusion, there are no known health risks that have been conclusively demonstrated to be caused by living near high-voltage power lines. But science is unable to prove a negative, including whether low-level EMFs are completely risk free. Most scientists believe that exposure to the low-level EMFs near power lines is safe, but some scientists continue research to look for possible health risks associated with these fields. If there are any risks such as cancer associated with living near power lines, then it is clear that those risks are small.

ATTACHMENT 20B

Montgomery County
RECEIVED

JAN 15 2013

★ ★
Planning Department

Comments on Real Estate Marketing Study¹

This report purports to provide meaningful information about whether the building of the station will have a meaningful impact on the property values of the surrounding homes. As we show below, the report fails to provide any independently reliable information on that issue. Its conclusions are either wholly dependent on the outcome of other studies (such as environmental reviews) or – by their own admissions – do not provide any basis for drawing any conclusions from the evidence presented. The report was updated in September 2012, just prior to the determination that the warehouse would not be able to open due to unspecified “construction delays.”²

Part I – Introduction

The report notes that the consultant “[drew] conclusions concerning the subject property's impact on the values of adjoining properties. LF&M has not appraised any properties; no statements contained in the report as to values are to be construed as appraisals.” Thus, while the report purports to consider the sort of external factors that are considered in appraisals, no such actual appraisals were carried out by the expert.

This is critical because nowhere in the report – as the expert concedes – does he ever actually attempt to compare homes that are or are not in proximity to a station such as this. To be sure, it might not be easy to find homes as close to such a massive station as this. (An examination of other Maryland Costco stations shows that homes are hundreds of feet further away, generally at least 1,000 feet and sometimes considerably more.) However, one could at least compare residential areas near more normal gas stations or groups thereof and see what effect there is from close proximity thereto compared with similar homes located further away. No such analysis was done, however, so everything in the rest of the report is largely speculative.

Part II - Costco Filling Station and Description

The report (p. 4) describes the mall itself and suggests that the station will be a small portion thereof. In particular, it asserts that the mall has 18,000 visitors a day on weekdays, 24,000 on weekends, and 40,000 during the holiday season. Interestingly, those first two figures are about 50% higher than the figures in the land use report (Exhibit O) which states that the mall has 13,500 visitors during the week and 17,500 on weekends. We do not know which number is correct – but apparently neither do Costco's different experts.

The report states (p. 5) that the station is located at least 200' from the lot lines of the nearest properties to the west and south. That measurement must be taken from the pumps, not from the edge of the Special Exception area (to which the idling cars will extend), since the

¹ These comments are prepared by Karen Cordry, 10705 Torrance Drive, Silver Spring, MD 20902.

² While dated September 2012, it appears to be substantially identical to one filed many months ago as part of the previous Special Exception application, with no attempts to update the analysis or the value trend study.

property lines of the nearest existing houses are no more than about 125-150 feet from the edge of the Special Exception. Moreover, it ignores the homes that are scheduled to be built on what is commonly referred to as "Mount McComas." When completed their property line will likely be little more than 100 feet from the Special Exception area.

The report further states (p.5) that a "solid screen wall ranging in height from 8' to 14' will be constructed." In fact, though, it is completely unclear at this point, how far that wall will extend, what its height will be, and whether it will be solid or have openings to allow for pedestrian access at Mount McComas. Exhibit J in the original report has one conceptual drawing of the wall; Exhibit 10 in the January 3 submission has a very different drawing. We are not able to determine which Planning Staff intends to be required. At best, we can say some form of wall at some location is intended and that it may block the view of many, but likely not all affected residences. (The latest drawing indicates some sight lines from Littleford Lane and potentially from Mount McComas, particularly if the townhouses have three stories and/or the wall is lower or has openings.). There is also no discussion as to whether homeowners might find an 8 to 14 foot wall, looming at the top of a hill behind them, itself intrusive and undesirable.

The report further notes that virtually all affected homes were built after the date the mall was in operation and the current home owners bought after that date "understanding that an auto service center [a Montgomery Wards facility] in essentially the Costco filling station's location was in operation. In fact, if one uses a Google Earth view of the mall prior to the time that the facility was torn down, it is readily apparent that the location was in a more central portion of the lot, significantly further away than either the original location or the proposed new location. Further, by its description of the facility, the report apparently intends to suggest that the two operations are comparable. Leaving aside the fact that many homeowners bought after 2002, we note the following points: a) the center probably served no more than 100 to 200 cars a day at most; this station will be expected to serve 2500-3000 cars a day; b) cars that came to the center were worked on inside an enclosed building; c) cars that came to center would park and not idle while they were waiting to be worked on, and d) no gas was pumped at the station. Plainly, this auto service center provides nothing in the way of a comparable analysis.

The report concludes (p. 6) "LF&M finds that, if there is any impact (positive or negative) on adjoining residential uses, the Westfield Shoppingtown Mall is the cause. Despite the fact that it is reasonably buffered from adjoining residential uses, the Mall is a very intensive use of tremendous scale which generates significant traffic. The subject will create only a relatively small amount of incremental traffic over and above what is already on the Mall property. Adjoining residential property owners purchased their homes understanding the relationship of their properties to the Mall."

That statement ignores the fact that the buffer is precisely what is being eroded at this point and is what is of most concern. Even with all of the traffic going to the mall (and even when the Hecht's was there), there was very little reason for traffic to move along the quadrant of the ring road from the primary Target lot to around to where the Hecht's and Office Depot locations were. Traffic entered from the north or the east sides and there was rarely reason to come in on the north side and drive around on the ring road to exit on the east side. While there

was parking to the south of the Hecht's it was little needed except at the busiest times of the year and, of course, the parking that took place would be near the store entrance, hundreds of feet from the edge of the ring road.

With the station, though, some 2,500 to 3,000 cars a day will use that section of the road, directly adjacent to homes, where very few cars went before. And because of the one-way nature of the station, a significant amount of that traffic will have to come from the north, enter the station on the south, move through, and exit out to the west and north. The traffic coming from the east side of the mall will also generally have to traverse along the south side of the ring road, use the station, and exit along the west side heading north. The west side will, accordingly, take the heaviest brunt of new traffic.

Data submitted by the applicant in April 2012 as part of the prior application. The "Ring Road Data" included with the supplemental April filing showed less than one car per minute from 6:30 until the 8:15 to 8:30 am period (with as little as 1 car every 3 minutes between 6:45 and 7:00 am.). Even then the traffic rose at most to less than two cars per minute. During the entire period from 6 am to 9 am, when the rest of the mall isn't open, there were only 201 cars clocked in both directions combined. The station, though, can be expected to generate in the range nearly 200 cars per hour on average.³ Even if one cuts that in half for the morning hours, that will still be an additional 200 trips (100 each way) above and beyond the existing numbers or 600 more for the same 3 hour period that now has only 200. Thus, for all but the highest peak time during the morning hours, this will mean at least four to six times more cars passing by.

Moreover, all of that traffic during the period before 10 am will be generated solely by the station. Finally, although we cannot say for certain without far more detailed information on Costco customers, it seems likely that the small business members, such as contractors, might use it more at this time as they start their day. If so, such commercial vehicles are probably more likely to create more noise than a similar number of vehicles for personal use. In short, this is a significantly different use with a significantly different burden than before and one that buyers could not have readily anticipated when they bought their homes. The mall has maintained basically the same footprint with the same large parking buffers for many years (and indeed that layout is very typical for malls). One could hardly have assumed that buying into that configuration was also a waiver of any concerns about the placement of a mega-gas station in extremely close proximity to neighborhood homes.

The fact that, within the space limitations of the mall, space may be utilized for normal retail without restrictions while, even within this very loosely-regulated C2 zone, one must still obtain a Special Exception permit for a gas station strongly suggest there is a meaningful difference between the two. The fact that prior to this station there was no strong pressure for a wall between the mall and the surrounding homes again illustrates the significantly different

³ 12 million gallons/year projected sales divided by a 12 gallon average fill-up = 1 million fill-ups, divided by 5300 hours per year (52 weeks times 103.5 hours per week (15.5 hours per day x 5 = 77.5 + 13 hours x 2 = 22 for a total of 103.5 hours) = 5300 (after some holidays subtracted when station is closed) = approximately 189 fill-ups per hour.

impact of the two forms of development. The suggestion that the wall is a cure-all for all effect of the station is, the neighborhood respectfully suggests highly unrealistic.

III. Factors Affecting Values

The report concludes that there are no external effects, essentially because it relies on the statements in the Sullivan report that there will be no such effects. Thus, this statement is no better than the underlying data, which we will comment on separately. A few other points of note are listed below.

a) According to the report, traffic will not be affected because there is a relatively small addition to existing mall traffic and there is no direct connection to the neighborhood road network. As noted above, this does not take into effect the differential traffic effects during the day; i.e., the addition of substantial trips at a time where there are currently almost none. Moreover, despite the lack of a direct connection, the increased traffic in and around the mall is likely to affect the neighborhood. Those seeking to skirt the mall, the added traffic around it, and the long lights on Georgia, Viers Mill, and the mall entrances may well choose to use the McComas/Drumm route to sidestep that area. Entering the mall for instance from the KHCA area to the south means three long lights – exiting onto Georgia from McComas, passing the light at the Georgia/Viers Mill intersection, and waiting out the light going into the mall. Each is quite long and missing all three (as is often the case) can mean that it may take the better part of ten minutes to drive into the mall. It is often far quicker to use the McComas/Drumm/University Blvd. route to enter the mall and avoid the lights. This bypass is likely to grow in popularity for anyone seeking to move from the south to the west on University and vice-versa. It does not appear that this was even taken into account in the report's assumptions. McComas and Drumm are already dangerous streets due to their hilly nature, curves, narrow width, and the speed of traffic on them. Adding more traffic will only make the situation worse. Further, the short sight lines at Drumm and University creates additional traffic hazards for cars using that short cut.

b) Further, according to the report, having a wall built to block one's view is *better* than what is currently in place. That is certainly a debatable point. Moreover, the report refers to an augmented forest buffer. It is our understanding, however, that Planning staff has limited the extent to which additional plantings may be made in the existing forest area, thus undercutting this point.

At page 8, the report concludes that the station will *improve* the overall market value for houses near the mall. That seems a wholly unlikely conclusion. And, even if one can assert that the reports "prove" that there is no actual impact from the station, this discussion fails to even consider any problems arising from "perceptions" with respect to the station. While the station owner can trumpet its claim that there are no harmful health effects from living next to a mega station such as this and that the studies "guarantee" that, such assurances are not at all the same thing as saying buyers would believe that to be the case. As an example, many buyers might be put off from buying a house in which a crime was committed, even though one could "prove"

that it really did not affect the house at all.⁴ Similarly, the siting of the station is highly likely to convince at least a segment of buyers not to look at nearby homes even if “objectively,” they shouldn’t care. A more convincing analysis would be to determine whether a real estate agent would feel obligated to note the existence of the facility for potential out-of-state buyers who cannot physically inspect the area to learn of the station – or to determine whether a buyer might well complain if they were not told of the existence of the station. We submit the answer is surely yes.

IV. Value Trend Analysis

This section is based on the proposition that “if the proximity of filling stations had some negative impact on residential property values, it would be evident in a lower rate of appreciation for any affected properties over time.” The report provides absolutely no support for that assumption and there is no particular reason to believe it is true. If the presence of a station means that a comparable home would be worth 10, or 20, or 30% less than a comparable home without a station on day 1, there seems to be no particularly clear reason why that same 10, 20, or 30% discount would not simply hold up over time, rather than growing larger. Thus, there is absolutely no evidence to establish that this whole discussion is anything more than a meaningless exercise.

Even taken on its own terms, this mode of analysis cannot possibly provide any useful data. The study purports to compare homes in a small number of blocks around the station, to homes within “400 feet” of stations in Kensington (no further description of where these homes are located), to sales in Montgomery County as a whole. It finds 66 sales over a 17 year-period in KHCA or ~3.7 sales/year and 82 sales in Kensington over 18 years for ~4.5 sales/year. There was no statement of the total number of sales in Montgomery County over that period.

The number of house sales in Kensington Heights and Kensington are obviously so small in any given year that, as can be seen from the table on page 11 of the report, there is no clear relationship between the prices of the three groups of houses at any given moment or over time. One year, KHCA sales will be well above Kensington, the next they will be well below. The same applies to sales compared to the county. The obvious explanation for this is that the 3 or 4 houses that happen to sell in a given year in one area have no necessary correlation to the 3 or 4 house that sell the next year, nor are the homes that happen to sell in Kensington necessarily similar to those in Kensington Heights. The huge jump for Kensington houses in the last two years of the study is an example – surely prices for comparable houses in that area did not go up 20% a year in each year when Montgomery County as a whole had much smaller increases. Similarly, Kensington Heights had a 25% drop in prices in the last two years, again something that surely did not occur on comparable homes. These results are undoubtedly due to the difference between a three-bedroom house selling one year, versus a five-bedroom house the next, rather than any overall change in market values.

⁴ Indeed, to curb this problem, Maryland has actually enacted a “stigmatized property” law that forbids realtors from disclosing information about such crimes, precisely because it is assumed that doing so will make it impossible to sell otherwise useable property.

The report's conclusion was that "Given the vagaries of the residential real estate market and the shifting sample of properties from period to period, the trends revealed above can only be suggestive of the fundamentals influencing sales price trends in the three geographic areas. It is reasonable to conclude, nonetheless, that real estate values in all three geographies have appreciated over the long-run at roughly the same rate." That is likely to be perfectly true. What does not follow from that, in any demonstrable sense, is the conclusion (p. 11) that the prices in Kensington (or the future prices in Wheaton) have not been negatively affected by the stations. The evidence presented simply proves nothing either way. Unless one accepts without question, the *a fortiori* assumption that the report simply presumes to be true, i.e., that nearby stations will affect the rate of appreciation, as opposed to merely the starting price for a home, it is patently obvious that this section of the report is meaningless.

CONCLUSION

In short, this report boils down to nothing more than an assertion that "we have been told that the station will have no effect and, accordingly, we believe that there will be no effect on home values." The balance of the report has no meaningful content and can be disregarded in its entirety. Even assuming that it has adequately disproved the hypothesis that the existence of a station will affect the *rate* of price increases, it has shown nothing about whether the station will simply bring down the base price of the homes – the concern of most relevance to the surrounding homeowners.

There are many actions an expert would likely take if he were truly trying to determine the effect of a particular external factor as we will note below. The failure to perform or discuss such actions is highly indicative of the value (or lack thereof) of this report. We suggest some questions below that one would ask an expert who was truly interested in trying to determine the effects on market value of an external factor.

Appendix:

1. If you were trying to value a property, you would look at actual comparables, and consider the square feet, number of bedrooms, and baths, quality of workmanship, etc. You would not simply average all of the sales in a given area as a way to estimate another home's value?
2. If you were comparing two identical houses and one was 200 feet from a large gas station and the other one was not, which would you expect to be valued higher?
3. If a buyer saw the line-up of cars at the Costco gas station in Beltsville on a Saturday, would they consider that to be a material fact if they were buying a home within 200 feet or less? If they were not informed by their agent that such a station was nearby, would you expect to get a complaint from the buyer?
4. Why not try comparing homes in Kensington and near the Wheaton Freestate that are closest to particular stations and similar homes further away?

ATTACHMENT 21

Ms. Renee M. Kamen, AICP
Senior Planner, Development Revision Division
Montgomery County Planning Department
8787 Georgia Ave.
Silver Spring, MD 20910
renee.kamen@montgomeryplanning.org

Dear Ms. Kamen:

I am submitting this filing regarding the lack of Disaster and Emergency Planning for the Costco Gas Station Special Exception application (S-2863). I am submitting this as an individual, but I am an active member of the Committee to Save Kensington which supports the Stop Costco Gas Coalition (of which I am also a member). I feel more time should have been given to the public to respond to the new materials which Costco has produced; however, like others I am summarizing key points to be considered.

You have already received filings with details about the differences between this planned gas station and regular gas stations; the traffic, health, ground water, forest conservation, and air quality impacts; effects on a close-by school for severely disabled students, recreational activities, etc. I support these but will not repeat the excellent information they contain.

As a resident of historic Capitol View Park (about ¾ mile away), I want you to know the concerns about the problems the proposed mega-station brings are recognized as not just affecting the Kensington Heights area, but all the entire surrounding communities. Any major accident, spillage, etc., will affect air and water quality for all of us; if a major disaster happens then lives could be impacted.

At present, Costco has not filed a Disaster/Emergency Plan. This is inconceivable to me since the proposed station is at least four times larger than other stations in the area—or stations in most of Montgomery County. I spoke with Mr. Erich Brann, a representative of Costco, about these issues at their Open House, held in Wheaton on April 25, 2012. During our conversation he said there was a two hour back up battery which operated all the safety shutdown and monitoring equipment. There were no contingency plans for the very unusual—earthquakes, lightning strikes, plane crashes, explosions, shootings, etc.,--or even the usual ones, such as fires and tanker truck accidents/spills. He indicated that the unlikely was not going to happen and two hours was plenty of time to get emergency personnel to the station.

The Unlikely is all too often the Unplanned for Disaster and/or Emergency!

One of my earliest jobs was working on engineering Safety Analysis Reports for nuclear power plants being built in the USA (and similar ones around the world, such as Fukiyama). In these reports there were statements such as no earthquake (or tidal surge or flood) had happened at a specific location in 50-100 years—the assumption being these trends would continue. Yet in the past 30+ years most of these assumptions were proven wrong. For example, there have been substantial earthquakes near many nuclear power plants--including locally the past two summers (the one in Virginia actually damaged and shut down the nuclear power plant). In another case, a specific power plant in New York was the original 9/11 target—this plant was not built to withstand planes larger than those built in the 1970s (i.e., 737s and larger).

While a Costco mega-station is not a nuclear power plant, assuming everything will work correctly is absurd. There are in many respects more immediate dangers with gas stations since they are in areas accessible to the general public, with no or few protections against stupidity or Mother Nature. For example, most gas station fires are started by customers, involving gasoline.

There is no recognition in Costco's assertions of safety that the area surrounding the Westfield Mall area suffers total gridlock when there are emergencies—there would be no response in less than two hours (the expected back up battery life), including no replacement personnel except possibly from the store. One recent example is the so-called Snowmagedden—in which the whole DC area stopped. In Kensington, the Pepco Sub Station was hit by lightning—knocking power out in the surrounding area, including Westfield Mall. Fire engines were stuck behind cars which couldn't move—I watched as firefighters helped stranded motorists move their cars at Knowles and Beach Drive in order to get their equipment back to the Kensington Station. If there had been a fire it would have been more than 30 minutes before they could have responded to it.

Some may regard the lack of a Disaster Management Plan as a rather minor issue. We are perhaps being picky. But we are all informed, with appalling frequency, of fires and shootings in movie theaters across our country; many are in Malls, as is the case with Westfield's Wheaton Mall, where the movie complex is quite near the proposed mega gas station site. And of the efforts that first responders must make in such situations. Even if our traffic impact analysis is totally inaccurate, even if the opening of the Costco store and the proposed Costco mega gas station proves to have zero impact on traffic in the Mall, shouldn't our County expect that a Disaster Management Plan (DMP) be filed in conjunction with S-2863? And shouldn't concerned citizens expect that our first responders have been able to look at the DMP before concluding that the gas station will create no additional burdens on their resources?

Costco has not satisfied General Conditions 59-G-1.21 (a) (9) because it has failed to prove that adequate public facilities (specifically police and fire protection) can be guaranteed. By failing to submit a Disaster Management Plan it has failed to provide first responders with any data upon which to base their assessment of the scope of additional levels of protection they may be required to provide.

The APF documents require that Costco provide assurance that police and fire facilities are adequate to deal with any additional demands on first responder capacities. As best I/we can determine—from our readings of the filings and from discussions with the Planning Commission staff—there are no records of involvement of police or fire officials in the discussions of the merits of the Costco application.

There is no record of any Disaster Plan.

Nor is there any Plan describing how smaller incidents, such as shootings, would impact the safety of the gas station.

I have listed several Maryland examples of fires and other emergencies at gas stations in Appendices to this letter—including a vapor release in Kensington, MD.

Please let me know you received this email. If you have any questions feel free to call me at 240-460-6061. Thank you.

Best regards,

Patricia M. Mulready, M.S., M.Phil.
10233 Capitol View Avenue
Silver Spring, MD 20910

APPENDIX A: EXAMPLES OF EMERGENCIES AT/NEAR MARYLAND GAS STATIONS

Main article: [Methyl tert-butyl ether controversy#Jacksonville, Maryland](#)
Phoenix was the location of a January 2006 [Exxon](#) gas leak, where over 26,000 gallons of gas slowly seeped out of a punctured pipe at a station at the intersection of [Maryland Route 145](#) and [Maryland Route 146](#). The area affected by the gas leak was about a half-mile downhill from the location of the gas station. Six wells were contaminated, and 62 residential wells showed traces of [MTBE](#). The state filed a \$12 million suit against Exxon in April 2006. In September 2008, the state settled case with Exxon, imposing a \$4 million civil penalty. In addition, about 300 Jacksonville residents sought compensatory and punitive damages from Exxon worth several billion dollars. In March 2009, a Baltimore County jury found Exxon liable and awarded various amounts of compensatory damages to the plaintiffs.

Some residents still seek a settlement with Exxon. 1.5 billion settlement in the second lawsuit. third lawsuit underway Read more on the exxon spill in the article [Jacksonville, MD Exxon Mobile Gas Leak Case](#).

For more details, or if the embedded links don't work, please go here:

http://en.wikipedia.org/wiki/Phoenix,_Maryland

Vapor cloud in Kensington dissipates

By Washington Post editors

Trains traveling through Kensington have returned to normal speeds after Montgomery County firefighters determined that vapors from a nearby gasoline spill Wednesday afternoon were dissipating quickly enough to pose no danger of igniting, a fire-rescue spokesman said. Capt. Oscar Garcia, a spokesman for Montgomery County Fire and Rescue Service, said transit agencies were asked to slow down trains using CSX tracks near Connecticut and Summit avenues around 3:30 p.m. because of concerns that a spark from the metal wheels on metal tracks at high speeds could ignite vapors from the gasoline spill at a nearby Getty station. By 4 p.m., fire officials determined that the vapors were dissipating, and trains were returned to normal speeds, he said.

No one was injured, and no one was evacuated beyond the Getty station, Garcia said. A gas station contractor will clean up the gasoline spill, estimated at 25 to 30 gallons, he said. The gas spilled when a tanker truck was dropping off its load.

<http://voices.washingtonpost.com/local-breaking-news/maryland/vapor-cloud-in-kensington-diss.html>

Riverdale, MD

Shell gas station on fire, 2009

<https://www.youtube.com/watch?v=R0GgACQZiA4>

Falls Church, VA

2-alarm Shell gas station fire, 2009

<https://www.youtube.com/watch?v=Xx1a8345idI&feature=endscreen&NR=1>

Seat Pleasant, MD

BP service station burning overnight, 2010

<http://statter911.com/2010/03/07/raw-video-from-service-station-fire-in-prince-georges-county/>

Kentland, MD

Shell gas station fire, 2011

<https://www.youtube.com/watch?v=p9QOwn0eYZE>

Gaithersburg, MD

"panic at costco, gaithersburg, md gas leak, alarm when off... 2011"

<https://www.youtube.com/watch?v=6DNGLxXP4tM>

Bailey's Crossroads, VA

A Picture is Worth 1,000 Words: Gas Station Fire Edition, 2012

http://dcist.com/2012/06/a_picture_is_worth_1000_words_gas_s.php

APPENDIX B: FIRES AT USA GAS STATIONS

FIRES AT U.S. SERVICE STATIONS

Report: NFPA's "Fires at U.S. Service Stations"

Author: Ben Evarts

Issued: April 2011

Incident types and trend data are reported for fires that occurred in or at service stations. Three different types of incidents, structure fires, vehicle fires, and outside and other fires are analyzed for cause, equipment involved, and other type of material first ignited, among other relevant factors specific to each incident type. Other information relevant to this occupancy, such as the hazards of static electricity is presented as well.

Executive Summary

During the five-year period of 2004-2008, NFPA estimates that U.S. fire departments responded to an average of 5,020 in service or gas station properties per year. These fires caused an annual average of two civilian deaths, 48 civilian fire injuries, and \$20 million in direct property damage. The majority of the fires in this category were vehicle fires. Reported fires in this occupancy group fell 46% from 7,860 in 1980 to 4,280 in 2008.

According to the U.S. Census Bureau, there were 117,000 gasoline stations in the United States in 2007¹. Fires in these occupancies represent a variety of incidents, including structure fires, vehicle fires, outdoor fires and other fires. The majority of incidents are vehicle fires (61%), but the majority of the property damage (59%), results from structure fires. Outside trash or rubbish fires account for 12% of the fires reported to local fire departments at this type of property.

Twelve percent of fires reported to local fire departments in these properties were structure fires. The most common items first ignited in structure fires at service stations were flammable and combustible liquids and gases, piping or filter (22% of structure fires), followed by rubbish, trash, or waste (18%) and electrical wire or cable insulation (13%).

Most vehicle fires (82%) occurred in passenger vehicles, these fires accounted for nearly half of the total number of civilian injuries that occurred in service station fires of any kind (structure, vehicle, outside, other). The most common type of material first ignited in a vehicle fire was gasoline (28%).

Outside and other fires accounted for 15% of incidents at service stations. Natural vegetation fires accounted for 42% of these incidents. The most common heat source for outside fires was smoking materials (21%).

Twelve percent of fire incidents at service stations were outside trash or rubbish fires.

Individuals interested in keeping service stations safe from fire should consult [NFPA 30A – Code for Motor Fuel Dispensing Facilities and Repair Garages](#) for information about fire prevention in these properties.

¹U.S. Census Bureau, Statistical Abstract of the United States: 2010, Table 740 "Economic Census Summary" (NAICS 2002 Basis): 2002 and 2007

FULL REPORT*

2011 ["Fires at U.S. Service Stations" report](#) (PDF, 222 KB)

FACT SHEET

["Fires at U.S. Service Stations" fact sheet](#) (PDF, 34 KB)

RELATED REPORT

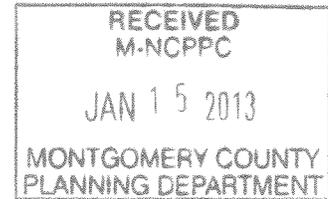
NFPA members:
2010 ["Selected Published Incidents Involving Automobile Repair Shops" report](#) (PDF, 57 KB)

* NFPA members can download free PDF copies of One-Stop Data Shop reports. All reports are also available for sale. To order, e-mail [Paula Levesque](mailto:Paula.Levesque@nfpa.org) or

call [+1 617 984-7443](tel:+16179847443).
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ATTACHMENT 22

January 15, 2013



Ms. Renee Kamen
Senior Planner, Development Revision Division
Montgomery County Planning Department
8787 Georgia Ave., Silver Spring, MD 20910

Re: Special Exception application S-2863; Costco gas station

Dear Ms. Kamen;

Please find attached a thumb drive with a number of filing and attached exhibits that I am hereby filing, on behalf of the Stop Costco Gas Coalition, in opposition to Costco's Special Exception application S-2863. I have attached as Appendix A a list of the documents. I have listed on each one that I am the author and am signing this letter to establish my responsibility for each. Please advise if you need anything further for the documents to be used in the record.

I would appreciate also receiving confirmation (via email to karenc425@aol.com) that you have received this filing in time for it to be included in planning staff discussions of S-2863 as it prepares the staff report it will give to the Planning Board.

Thank you for the time spent by yourself and other staff members in explaining the processes for reviewing the Special Exception and in allowing us to present our views. The give and take was most useful in preparing these filings.

Yours sincerely,

A handwritten signature in cursive script that reads "Karen Cordry".

Karen Cordry,
Co-Chair, Stop Costco Gas Coalition
10705 Torrance Drive,
Silver Spring, MD 20902

Montgomery County
RECEIVED

★ JAN 15 2013 ★

Planning Department

EXHIBIT 1



THE LAW OFFICE OF
Michele
Rosenfeld LLC

April 9, 2012

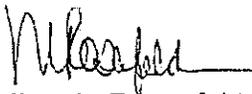
Renee Kamen, AICP
MNCPPC
Montgomery County Planning Department
Area 2 Planning Division
8787 Georgia Avenue
Silver Spring MD 20910

RE: Costco Wholesale Corporation ("Costco")
Special Exception No. S-2794 (Automobile Filling Station)

Dear Ms. Kamen:

On behalf of my client, the Kensington Heights Civic Association, please consider the enclosed Kensington Heights Civic Association Need Statement in your analysis of the above-referenced Special Exception application ("Application"). As more fully set forth therein, Costco has not – and cannot – prove that there is a neighborhood need for the proposed gas station. For this reason, we request that the staff and Planning Board recommend denial of Costco's Special Exception Application.

Sincerely,



Michele Rosenfeld

Cc: Ms. Carol Rubin, Associate General Counsel
Ms. Patricia Harris, Esq.,
Mr. Jody Kline, Esq.
Mr. Martin L. Grossman, Zoning Hearing Examiner
Ms. Karen Cordry, Kensington Heights Civic Association
Mr. Danila Sheveiko, Kensington Heights Civic Association
Mr. Larry Silverman, Kensington Heights Civic Association
Ms. Abigail Adelman, Kensington Heights Civic Association



THE LAW OFFICE OF
Michele
Rosenfeld LLC

KENSINGTON HEIGHTS CIVIC ASSOCIATION'S NEED STATEMENT
COSTCO AUTOMOBILE FILLING STATION
SPECIAL EXCEPTION NO. S-2794

I. Introduction

As a matter of law, Costco's Special Exception application ("Application") cannot be granted unless Costco establishes, by a preponderance of evidence, that there exists a "need" for its proposed automobile filling station ("Gas Station"). As explained herein, the Application must be denied because Costco cannot establish a "need" for the proposed Gas Station as required by law.

First, the statutory definition of "neighborhood need" quoted by Costco in its Application is incorrect. The applicable legal standard is not whether identical or similar uses are available "in" the neighborhood; the correct standard is whether identical or similar uses are available "to" the neighborhood. Through its own Need Study, Costco admits there is no "need" for a Costco gas station under Montgomery County law. The Beltsville Costco gas station is readily available to the Wheaton neighborhood and, according to Costco's Need Study, already serves a substantial percentage of Wheaton residents.

Second, Costco mistakenly asserts that "need" can be established with a mere showing of "public convenience" or "usefulness." This is no longer the law in Montgomery County. Under current law, Costco must prove by a preponderance of the evidence that there is an *actual* need for the proposed Gas Station. Costco has failed to provide *any* credible evidence that there is a shortage of automobile filling stations – or gasoline – available to the neighborhood and its Application therefore must be denied for this reason as well.

II. Costco's Statement In Support Of Its Application Misstates The "Neighborhood Need" Standard And Costco Cannot Prove It Meets The Applicable Legal Standard

In its Statement in Support of its Application, Costco quotes the statutory need standard as follows:

that a need exists for the proposed use to serve the population in the general neighborhood, **considering the present availability of identical or similar use [sic] in the neighborhood.**¹

This is not the applicable legal standard. Instead, the Zoning Code requires Costco to prove:

that a need exists for the proposed use to serve the population in the general neighborhood, **considering the present availability of identical or similar uses to that neighborhood.**

Montgomery County Zoning Ordinance § 59-G-1.24 (emphasis added). Exhibit 2.

Costco should know this. Indeed, the Need Study that Costco submitted to support its Application cites the correct standard² (but then applies the wrong one).³ Under the inaccurate legal standard that Costco relies upon, the Board's analysis of "need" would focus only on whether a similar or identical use actually exists within the geographical confines of the neighborhood. By contrast, the correct legal standard requires the Board to conduct a different analysis and determine whether a similar or identical use is *available to* the neighborhood, regardless of whether the use actually exists *within* the neighborhood.

¹ Exhibit 1 - Statement of Costco Wholesale Corporation In Support Of The Requested Special Exception at p. 3 (emphasis added) (hereinafter "Statement of Support") (Board of Appeals Exhibit 3).

² Costco's Need Study purports to evaluate whether there is a need for an additional automobile filling station "considering the present availability of identical or similar uses to that neighborhood." Exhibit 3 – Costco Need Study at 2 (emphasis added). (Costco's Need Study is not paginated; KHCA has added page numbers to the pages excerpted from the Need Study for reference purposes.)

³ Costco's Need Study concludes that "The proposed [automobile filling station] addresses a need for convenient and useful service that is not presently available in the area." This conclusion sidesteps the real question - whether the same service is available to the neighborhood (the standard established under by County law). Exhibit 3 – Costco Need Study at 32 (emphasis added).

Costco's own Need Study proves that an identical use (*i.e.*, a Costco gas station) is available to the Wheaton neighborhood. Costco estimates that "approximately 23% of [Wheaton study] area households, and 92% of businesses, are Costco members⁴ and purchase significant portions of their gasoline from [the Beltsville] Costco," noting that "approximately 35 – 40% percent of current gas sales at the Costco Beltsville station would shift to the Wheaton location." Exhibit 3 - Costco Need Study at 26. Consequently Costco has not – and cannot – prove by a preponderance of the evidence that there is a need for the identical use as required by the County's Zoning Ordinance.

The Costco study also notes that Wheaton residents "must now travel about 15 – 20 minutes to the closest Costco station, located in Beltsville," evidently in support of the argument that a Costco gas station is not already located "in" Wheaton. However, this driving distance falls well within the overall market area defined by Costco, again underscoring that the Beltsville Costco is available "to" the Wheaton neighborhood. Costco's own Need Study notes that the projected market area for the Wheaton Gas Station "would extend to a 15-minute drive and include most of Montgomery County and parts of adjacent counties and the District of Columbia." Exhibit 3 – Costco Need Study at 7, 26. Therefore by Costco's own market analysis the drive time between Wheaton and Beltsville falls within the market range that Costco has identified.

This is not a question of semantics. An automobile filling station must satisfy a "neighborhood need" standard – as distinguished from other special exception uses that must show a "county need."⁵ An automobile filling station is expected to serve localized needs and under the County's "neighborhood need" standard, the burden imposed by this special exception will only be allowed if there is a direct benefit to the neighborhood. In other words, if the neighborhood need can be served by similar or identical services at other locations *in or near* the neighborhood, then the neighborhood will not be burdened with an additional unnecessary use.

Even certain inherently regional uses (*e.g.*, a conference center) are ineligible for special exception approval it would result in "a multiplicity or saturation of similar uses in the same general neighborhood," which Costco's proposed Gas Station clearly would do. Montgomery County Zoning Ordinance § 59-G-1.25. The Costco Need Study

⁴ Costco is a "membership only" retailer, thus its facility is utterly unavailable to those individuals and businesses in the neighborhood who have not paid the requisite annual membership fee.

⁵ A County-wide need exists if there are "an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same neighborhood." Montgomery County Zoning Ordinance § 59-G-1.25.

confirms that the Costco Gas Station markets to – and draws from – a County-wide area, yet the proposed Gas Station would merely duplicate its own identical facilities in Beltsville and Elkridge.

To permit a duplicate use that is currently served by similar or identical services at other locations *in or near* the neighborhood would unduly burden that local neighborhood. The “neighborhood need” provision of the Zoning Ordinance protects a local community from a company that seeks to draw its customers from a sprawling geographic area and concentrate all of the burdens of that business in a single neighborhood that already has ample access to the services at issue. That is precisely the effect of Costco’s proposed Gas Station. The lack of neighborhood need identified by the Costco Need Study is compounded by the fact that, according to the same study, approximately 75% of the Wheaton neighborhood could not avail themselves of a Costco gas station in Wheaton because they are not Costco members.

For those Wheaton residents who chose to buy gas at a Costco gas station, however, Costco’s Need Study proves that other Costco automobile filling stations not only are available to serve those Costco members who live in the Wheaton neighborhood, but in fact already do so (and in particular the Beltsville station is readily available to this neighborhood). Therefore no “need” exists for the proposed use under Montgomery County law, considering the “present availability” of an identical use to the Wheaton neighborhood and Costco’s Application must be denied.

III. Case Law Requires A Finding Of Actual Need, Not Just That The Proposed Filling Station Would Be “Convenient” or “Useful”

Costco also mistakenly argues in its Statement of Support that the definition of “need has been judicially held to mean ‘expedient, reasonably convenient and useful to the public.’” Exhibit 1. While this was the legal standard at one time, current law requires a finding of absolute necessity, not just a finding of convenience.

Before 2002, the Montgomery County Zoning Ordinance authorized a neighborhood filling station to be granted special exception approval if “for the *public convenience and service* a need exists” Exhibit 4. In 2002 the County Council deleted “public convenience and service” from the definition of neighborhood need.⁶ Exhibit 4 – Comparison Copy of pre- and post-2002 § 59-G1.24 neighborhood need definitions.

⁶ See Exhibit 4 - Montgomery County Zoning Ordinance § 59-G-1.24 (pre-2002 definition of “neighborhood need)(emphasis added). The Planning Board had recommended that “neighborhood need” be eliminated as a consideration altogether for special exceptions, however the County Council instead retained “neighborhood need” as a required finding and at the same time removed “public convenience and service” as a basis for consideration. Exhibit 5. The result was that the Council retained the requirement of a localized showing of “need”

The now-governing case of *Brandywine Enterprises, Inc. v County Council for Prince George's County*, 117 Md. App. 525, 700 A.2d 1216 (1997) makes it clear that "convenience" and "usefulness" no longer are factors for consideration, even in Montgomery County. In *Brandywine*, Maryland's Court of Special Appeals reviewed a Prince George's County zoning law that required as a predicate to the granting of a special exception for a landfill that "the District Council shall find that the proposed use is necessary to serve the projected growth in Prince George's County."⁷ In that case the agency concluded that "need" meant "expedient or reasonably convenient and useful to the public" based on cases that evaluated *Montgomery County's* pre-2002 law.⁸ In *Brandywine*, however, the Court concluded that because the Prince George's County statute did not include the terms "public convenience" or "service," the standard was one of absolute need. *Brandywine* at Md. 541, A.2d at 1223.

The Montgomery County Council removed the terms "public convenience" and "service" from its definition of need subsequent to the holding in *Brandywine*, leaving the sole question one of whether there is an absolute "need" for an automobile filling station that is "available to" the Wheaton neighborhood.⁹ Costco has not shown any such need. The record is clear that Wheaton residents can readily purchase gasoline from approximately 30 existing gasoline stations in the neighborhood. There is no evidence of any actual shortage of gasoline (e.g., queuing at existing gas stations, a shortage of gasoline, or that Wheaton residents must to seek gasoline from outside of their neighborhood because gasoline is not available to them). Nor has Costco provided any other credible evidence of actual need sufficient to show a basis for granting this application.

Costco has failed to show by a preponderance of evidence that there is a neighborhood need for a Costco automobile filling station. Costco's own Need Study concedes that an existing Costco gas station already is available "to" the Wheaton neighborhood. Accordingly, as a matter of law Costco's Application must be denied.

and removed the suggestion that mere convenience or service would suffice, instead replacing the pre-2002 standard with one of absolute need.

⁷ *Brandywine* at 117 Md. 532, 700 A.2d at 219 (emphasis added.).

⁸ See generally *American Oil Company v. Board of Appeals of Montgomery County, et al.*, 270 Md. 301, 310 A.2d 796 (1973) and *Lucky Stores, Inc. v. Board of Appeals of Montgomery County*, 270 Md. 513, 312 A.2d 758 (1973) (both cases evaluating "need" under the pre-2002 Zoning Code definition).

⁹ While some recent special exception decisions have relied on the pre-2002 standards of public convenience and service, these decisions do not appear to have considered the legislative history of ZTA 01-10 or the analysis in *Brandywine* that specifically analyzed public convenience and service in the context of Montgomery County's pre-2002 Zoning Ordinance.

Exhibits:

1. Costco's Statement in Support
2. Montgomery County Zoning Ordinance § 59-G-1.24 (Neighborhood Need)
3. Costco's Need Study
4. Comparison Copy of pre- and post-2002 § 59-G1.24 neighborhood need definitions
5. ZTA 10-01 as submitted by Planning Board
6. ZTA 10-01 as adopted by County Council

SPECIAL EXCEPTION APPLICATION)
ON BEHALF OF) Case No. ____
COSTCO WHOLESALE CORPORATION)

STATEMENT OF COSTCO WHOLESALE CORPORATION
IN SUPPORT OF THE REQUESTED SPECIAL EXCEPTION

Petitioner, Costco Wholesale Corporation ("Costco") submits this statement in support of the proposed automobile filling station to be located on a parcel located in the southwest corner of the Wheaton Westfield Mall property.

I. Description of Property, Proposed Improvement and Use and Operation

In connection with the development of a Costco Warehouse in the former Hecht's structure at the Westfield Wheaton Mall, Petitioner is pursuing special exception approval for an integral component of Costco's overall operation -- a filling station.

Westfield Wheaton Mall is located in the southwest quadrant of the intersection of University Boulevard and Veirs Mill Road, and bears an address of 11160 Veirs Mill Road (the "Mall Parcel"). The Mall Parcel consists of 80.91 acres and is known as Parcels 3, 5, 6, 7, 8 and 10 on Montgomery County Tax Map HQ 561 (Exhibit "A"). The property is zoned C-2 (General Commercial). As detailed in the Land Use Report, the Mall Parcel contains approximately 1,449,878 square feet of retail uses and 193,858 square feet of office use. The Land Planning Report details the continued expansion and increased intensity of the Mall over its 50-year history, including the approximately 200,000 square feet of additional density currently permitted to be developed on the Mall Parcel.

The owners of Westfield Wheaton Mall, Wheaton Plaza Regional Shopping Center, L.L.P., an affiliate of Westfield Corporation ("Westfield"), and Costco entered into a Lease for the development of a Costco Warehouse and a filling station to be located on a 36,590 square foot parcel in the southwest corner of the Mall Parcel (the "Property"). The location of the Property is a result of Westfield's lease agreements with existing tenants which imposed building restrictions on the remaining parking fields. Accordingly, the parking field on which the Property is located is the only location available to Costco. A detailed description of the Property, its adjacent and surrounding uses, topography and surrounding landscaping is set forth in the Land Planning Report (Exhibit "O"). As part of the Special Exception application, Petitioner proposes to enhance and increase the existing 200 wide landscaping buffer located on the Mall Parcel

adjacent to the residential areas to the south and west of the Mall Parcel and add landscape islands to the south and west of the Property.

Petitioner proposes the construction of an automobile filling station on the Property (the "Filling Station"). The Filling Station's sole operation will be to dispense gasoline to only Costco members. The Filling Station improvements include four islands with a total of eight multi-purpose fuel dispensers, a canopy and a 128 square foot sales kiosk. The hours of operation of the Filling Station will be 6:00 AM to 9:00 PM. The only signage associated with the Filling Station (other than a portable sandwich board providing daily gas prices, which is required by law) will be four 28.50 square foot signs, with each sign located on one of the four sides of the canopy. Lighting, as described in the Land Planning Report, will be provided. All lighting associated with the Filling Station will be turned off shortly after the Filling Station closes each evening.

As detailed in the Engineering Report (Exhibit "R"), stormwater management measures to accommodate the development of the Costco Warehouse and Filling Station will be implemented. These measures will result in the addition of overall quality and quantity controls to the Property as well as the Mall Parcel and will represent a significant improvement over current conditions which involve no quantity controls and only very limited quality controls.

II. Sector Plan Conformance

The Property is subject to the 1990 Wheaton Central Business District Sector Plan. The Sector Plan recognized the Automotive-Related Use which existed on the Mall Parcel at the time of the Sector Plan and there is no indication in the Sector Plan that the Automotive-Related use on the Mall Parcel was in any way incompatible with the surrounding area. In contrast, in connection with other parcels within the Sector Plan area, the Sector Plan specifically notes that existing Automobile Uses were not compatible with the future vision of the Sector Plan.

The Land Planning Report discusses in detail the proposed Filling Station's conformance with the Sector Plan. The Land Planning Report also addresses the Filling Station's conformance with the pending amendment to the Wheaton Sector Plan.

III. Needs Analysis

As a precondition to Special Exception approval, Montgomery County requires that automobile filling stations demonstrate a "neighborhood-need" for a new station. More specifically, Zoning Ordinance Section 59-G-1.24 requires "that a need exists for the proposed use to serve the population in the general neighborhood, considering the present availability of identical or similar use in the neighborhood". What precisely is required to demonstrate neighborhood-need has been addressed many times by both the

Board of Appeals and the Maryland Court of Appeals. Importantly, need has been judicially held to mean "expedient, reasonably convenient and useful to the public," not an absolute necessity.

The Market Need Study submitted by Thomas Point Associates, Inc. (Exhibit "Q"), demonstrates that there is neighborhood-need for the Filling Station. This conclusion is reached following a thorough evaluation of the existing automobile filling stations within a 7-minute drive of the Property, the existing and projected residential and employment population, and the number of travelers that pass by the Mall Parcel. The Market Need Study recognizes the competitive nature of filling stations and that price is a significant factor in gasoline consumer decision making. The Market Need Study also discusses the various other factors that have contributed to the continued reduction in the number of filling stations in Montgomery County over the past several years.

IV. Inherent and Non-inherent Impacts

In accordance with Zoning Ordinance Section 59-G-1.2.1, in connection with the Board of Appeals' approval of a special exception, the Board must evaluate the inherent and non-inherent adverse effects of the proposed use on nearby properties and the general neighborhood at the proposed location, irrespective of adverse effects the use might have if established elsewhere in the C-2 Zone. Inherent adverse effects are defined as the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are the physical and operational characteristics not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site.

The Board of Appeals has previously identified the inherent impacts associated with an automobile filling station. The Petitioner will demonstrate that the proposed Filling Station will not cause any adverse effects over and above the previously identified inherent impacts associated with the use.

V. Exhibits

The following exhibits are submitted in accordance with the requirements set forth in Zoning Ordinance Section 59-A-4.22:

1. Application for a Special Exception (Exhibit "A")
2. Statement of Petitioner (Exhibit "B")
3. List of Adjoining and Confronting Property Owners and Local Citizens Associations (Exhibit "C")
4. Letter of Authorization from Wheaton Plaza Regional Shopping Center, L.L.P. (Exhibit "D")
5. Montgomery County Tax Map showing the Property (Exhibit "E")

Kensington Heights Civic Association Need Statement

Exhibit 2

Montgomery County Zoning Ordinance

59-G-1.24. Neighborhood need.

In addition to the findings and requirements of Article 59-G, the following special exceptions may only be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that a need exists for the proposed use to serve the population in the general neighborhood, considering the present availability of identical or similar uses to that neighborhood:

- (1) Automobile filling station.
- (2) Automobile and light trailer rental lot, outdoor.
- (3) Automobile, truck and trailer rental lot, outdoor.
- (4) Automobile sales and service center.
- (5) Swimming pool, community.
- (6) Swimming pool, commercial.

Need Study:
Costco Gas Station
Wheaton, Maryland

Thomas Point Associates, Inc.



September, 2011

Costco is proposing to construct a gas station adjacent to the warehouse that it plans to open at the Westfield Wheaton Mall in Wheaton, Maryland. This analysis evaluates the need for gasoline sales at the proposed station, considering the present availability of identical or similar uses to that neighborhood.

The Wheaton study area is a suburb located just outside the Washington, D.C. Beltway. Its population (101,000) grew by 5.94% in the 1990's and continuing growth is projected over the next thirty years, at an annual rate of 0.57%. The workforce in Wheaton (13,600) is also projected to increase, by 39.4% over the period 2005-2040. Traffic is heavy and increasing on all the major thoroughfares in the area.

This analysis finds that there is a need for expanded gasoline sales in the vicinity of the site. The proposed Costco gas station will address the needs of the resident population and the general neighborhood, including Mall shoppers and employees, and workers and travelers passing through the area. There is no Costco station, nor any membership store of any type selling gasoline, in the vicinity of the proposed station.

The retail gap analysis indicates that there is a market gap in the Wheaton study area amounting to \$63 million in annual gasoline station sales, representing a shortage of approximately 12.1 million gallons per year. In addition, growth of population and workforce will result in additional annual demand amounting to 339,000 gallons.

The proposed station will be convenient and useful to the population in the neighborhood. While approximately 23% of area households, and 92% of businesses, are Costco members and purchase significant portions of their gasoline from Costco, they must now travel about 15-20 minutes to the closest Costco station, located in Beltsville.

The need increases when one considers that the proposed station will offer the lowest gas prices in the area. Surveys show that Costco prices in Beltsville are 6.3% lower than the average price of stations in the Wheaton area. The price at the Columbia Costco (located in Elk Ridge) was 8.8% below the average price of other stations in the same area.

The population within the 7-minute drive of the Wheaton site is more than twice the populations in the same vicinity of the Beltsville and Elk Ridge sites. The gas station sales potential associated with the Wheaton area population is much greater than the potential associated with the sites in Beltsville and Elk Ridge.

Costco members rank price as the most important factor in their choice of where to buy gas, and non-member gas consumers also give this consideration high priority. The difference over a one-year period for a "typical household" that buys all its gas (1,012 gallons, on average) at \$3.56 per gallon (Costco's price, on Sept. 2, 2011) vs. \$3.80 per gallon (average price at all area stations on Sept. 2, 2011) would be a savings of \$243.

In summary, there is current and increasing demand in the market area for the additional gasoline that Costco proposes to offer, at relatively low prices. The proposed service addresses a need for convenient and useful service that is not now available in the area.

- Executive Business Membership (\$100) is available to owners or operators of businesses. Executive Members enjoy an annual two percent reward on most Costco purchases, and additional values on member services, such as lower prices on check printing, payroll services and identity protection; an account bonus for money market and online investing accounts; free roadside assistance for vehicles covered through the auto insurance program; and extra travel benefits.

Costco's approach to gasoline is the same as its warehouse sales approach: **high volume and low prices**. The stations are designed to support this approach:

- The defined focus on gasoline, and no other products and services, and just two octane levels of gas, simplifies supply and supports competitive pricing.
- One-way traffic patterns speed up access.
- Pumps have extra long hoses that allow fueling from either side of the vehicle, eliminating the need to select a specific lane.
- Stations are completely self-serve and customers pay at the pump with American Express, most PIN Debit Cards, Costco Credit, and Costco Cash Cards.

Attendants certified in safety and environmental practices are always on outside duty around the fuel stations. In addition, the stations have excellent built-in safety features, including:

- Automatic shut-off mechanisms both above and below ground.
- Dedicated 911 phone.
- Fire extinguishers on every fuel island,
- Automatic extinguishers below ground.
- Eye wash always available at all locations.

The gas station is an important part of the Costco Warehouse operation. It is important to Costco since the presence of a gas station has been found to increase total warehouse sales by approximately 20%. It is important to Costco members since approximately a third of the members buy gas in connection with a warehouse trip, and many Costco members purchase all or the great majority of their gasoline at a Costco station.

The gas station proposed for the Wheaton site will be important to Costco members in that area. Costco estimates that 23% of households in the defined market area, and 92% of businesses in the same area, are Costco members now. Based on experience, Costco expects that the proportion of member households will increase to 27% within a few years after opening of the new warehouse and gas station.

2. Area Population

2.1 Overview

This analysis addresses demographic characteristics of the population in the area of the proposed action.

We selected an area within a 7-minute drive of the proposed Costco station at Westfield Wheaton Mall as the study area and the primary focus of this analysis. We refer to this as “the Wheaton study area” or “the study area” throughout this report. This represents a reasonable boundary for the vicinity and defines the general neighborhood of the site. It also represents a distance within which a majority of the people purchasing gas at the proposed station would reside. However, it is much smaller than the market area of the Westfield Wheaton Mall or the Costco Warehouse and gas station, as these market areas would extend to a 15-minute drive and include most of Montgomery County and parts of adjacent counties and the District of Columbia. For comparative purposes we also address demographic features of the population within the 5-minute and 10-minute drives.

2.2 Study Area

Figure 2-1 shows the boundaries of this 7-minute drive (based on Nielsen Claritas mapping). From the Westfield Shopping Center address (11160 Veirs Mill Road) they extend roughly to Matthew Henson State Park on the north, University Boulevard at Colesville Road on the east, the north sector of the Silver Spring business district to the south and Rock Creek Park on the west. This is an area of approximately 15 square miles and includes an estimated population of 101,000, approximately 10% of the total population of Montgomery County (999,044).

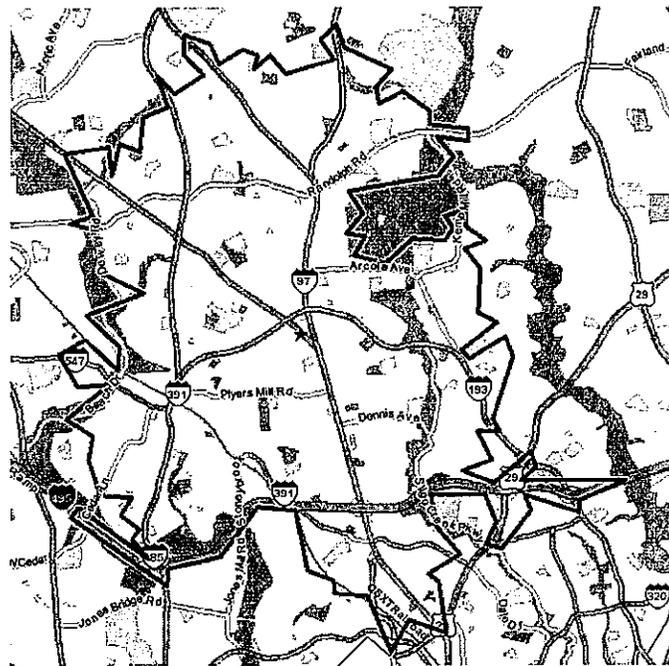


Figure 2-1. Wheaton Study Area Boundary: the 7-Minute Drive

Beltsville facility, and these consumers could be expected to shift their purchases to the Wheaton location. Clearly some respondents who might be closer to Wheaton would prefer the Beltsville location for reasons other than proximity. However, there will be some farther from Wheaton who shift to that location, in spite of the greater distance.

It is clear that the proposed station in Wheaton would take some business away from the existing Costco station in Beltsville. Costco identifies the primary market area for its customers as the population within a drive of approximately 15 minutes. Under this definition, the Wheaton and Silver Spring locations have an area of overlap.

In summary we estimate that approximately 35-40% percent of current gas sales at the Costco Beltsville station would shift to the Wheaton location. This represents a volume of approximately 4.2-4.8 million gallons per year.

3.4 Conclusions

There are 27 gas stations in the study area and they can be identified within six geographic clusters. While the clusters have similarities in terms of market orientation, the stations are all different in services and prices.

Price is a significant factor in gasoline consumer decision-making, along with convenience. In our survey of stations, the Costco prices at Greenbelt were lower than prices at all of the 27 stations in the study area. In interviews with consumers it is apparent that many consumers in the neighborhood of the proposed Costco would shift gas purchases to the Wheaton Costco station, based on price. It is also clear that many Costco members who currently purchase gas at the Costco station in Beltsville would shift to the Wheaton location.

These changes will affect the stations in the area by forcing operators to compete intensely in price and in other ways. In general, the independent operators that offer competitive prices, the stations that have customers who have service-related loyalties, and the stations that have the best locations in relation to traffic and accessibility, are more likely to remain viable in the more competitive environment.

5. Conclusions

This analysis finds that there is a need for expanded gasoline sales in the Wheaton study area. The proposed Costco gas station will address the needs of the resident population and the general neighborhood, including workers and travelers passing through the area.

The Wheaton study area is a suburban area located just outside the Washington, D.C. Beltway. Its population grew by 5.94% in the 1990's and continuing growth is projected over the next thirty years, at an annual rate of 0.57%. Residents are younger, more ethnically diverse and more affluent than the national population. They travel farther to work, 37 minutes on average, more than ten minutes longer than the comparable national figure.

The workforce in the Wheaton area is also growing. Major employment centers include a regional shopping center, numerous businesses, schools and a major hospital. The COG projects that employment in the central business district will increase by 39.4% over the period 2005-2040. Traffic is heavy on all the major thoroughfares, and the Sector Plan refers to the Wheaton central business district as a "crossroads."

The proposed station will be convenient and useful to the population in the neighborhood. There is no Costco station, nor any membership store of any type selling gasoline, in the vicinity of the proposed station. While approximately 23% of area households, and 92% of businesses, are Costco members and purchase significant portions of their gasoline from Costco, they must now travel about 15-20 minutes to the closest Costco station, located in Beltsville.

Based on retail gap analysis, we estimate that there is significant unmet demand now, and increasing demand in the future, for the sale of gasoline that Costco's proposed action indicates is needed in the market area.

Currently there are 27 competing gas stations in the market area. The Nielsen retail model indicates a market gap in the Wheaton study area amounting to \$63 million in annual gasoline station sales. We estimate that this represents a shortage of approximately 12.1 million gallons per year.

The resident population grew by 5.94% in the 1990's and is projected to grow at an annual rate of 0.57% over the next thirty years. If the market for gasoline sales grows at the same rate as the population, there will be demand for an additional 209,000 gallons of gasoline yearly from this source. Growth of the workforce at an average annual rate of 1.13% would result in additional average annual demand of 130,000 gallons. Total annual growth in demand amounts to 339,000 gallons.

These gaps are much larger if one looks at the Costco "market area" rather than the Wheaton study area. The former extends to a drive time of approximately 15 minutes from the site and includes most of Montgomery County, parts of adjacent counties and the District of Columbia. This larger area from which Costco draws shoppers is apparent when one considers the distribution of shoppers at the Costco gas station in Beltsville.

The need also increases when one considers the price of gasoline and the competitive environment. The proposed station will offer the lowest gas prices in the area. Surveys of stations indicate that prices at the Costco station in Beltsville are 6.3% lower than the average price of stations in the Wheaton area and 3.4% below the average of prices of other stations in Beltsville itself. The situation is the same in the vicinity of the Columbia Costco gas station in Elk Ridge: the Costco price there was 8.8% below the average price of other stations in the same area.

Costco members rank price as the most important factor in their choice of where to buy gas, and non-member gas consumers also give this consideration high priority. The difference over a one-year period for a "typical household" that buys all its gas (1,012 gallons, on average) at \$3.56 per gallon (Costco's price, on Sept. 2, 2011) vs. \$3.80 per gallon (average price at all area stations on Sept. 2, 2011) would be a savings of \$243. The fact that Costco offers the lowest prices in the region will significantly increase Costco's market share.

Convenience is a secondary but still important factor for Costco members and other gas consumers. The convenient connection of the warehouse and the gas station will enhance the attractiveness of the proposed station, since many members shop and buy gas in the same trip.

The proposed action would have an impact on the competitive environment, by bringing pressure to bear on stations in the area to reduce prices and improve other services. The fact that there are seven gas stations located on U.S. Route 1 in Beltsville, including a recently opened Wawa, all within a mile of the Costco station, suggests that Costco does not diminish but may in fact promote competition in gas station sales.

There is a significant consolidation of gasoline sales underway in the US. This is the result of the increased power of high volume sellers, like Costco, Sam's Club, WalMart, Wawa, Sheetz and others. The impact of the proposed action, and the overall effect of this trend, may be to increase competition, enhance the service orientations that small stations have traditionally had, and eliminate stations that are inefficient or functionally obsolete.

The impacts of this increased competition will extend to a much larger area than the Wheaton study area. Stations that provide good service and have the best locations will continue to do well in the more intense competitive environment.

In summary, there is current and increasing demand in the market area for the additional gasoline that Costco proposes to offer, at relatively low prices. The proposed service addresses a need for convenient and useful service that is not presently available in the area.

Kensington Heights Civic Association Need Statement

Exhibit 4

Comparison Copy: Pre- and Post-2002 Neighborhood Need Definitions

Post-2002 Definition of Neighborhood Need

59-G-1.24. Neighborhood need.

In addition to the findings and requirements of Article 59-G, the following special exceptions may only be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that a need exists for the proposed use to serve the population in the general neighborhood, considering the present availability of identical or similar uses to that neighborhood:

- (1) Automobile filling station.

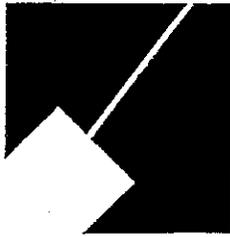
Pre-2002 Definition of Neighborhood Need [Bracketed text deleted in 2002]

59-G-1.24. Neighborhood need.

In addition to the findings and requirements of Article 59-G, the following special exceptions may only be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that [for the public convenience and service] a need exists for the proposed use to serve the population in the general neighborhood, considering the present availability of identical or similar uses to that neighborhood:

- (1) Automobile filling station.

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MEMORANDUM

DATE: April 27, 2001
TO: Ralph Wilson, Office of Montgomery County Council
FROM: Michael Ma, Development Review Division
SUBJECT: Proposed Zoning Text Amendments, Part III
Comprehensive Zoning Ordinance Review

Attached is the third part of the proposed zoning text amendments for special exception uses in one-family residential zones. It includes the general provisions under Divisions A and G and 9 other uses:

1. General Provisions (page 2)
2. Elderly Day Care (page 35)
3. Housing and Facilities for Elderly or Handicapped Persons (page 46)
4. Life Care (Continuing Care) Facility (page 63)
5. Nursing and Domiciliary Homes (page 67)
6. Hospice Care Facilities (page 69)
7. Hospitals (page 71)
8. Funeral Parlors (page 74)
9. Animal Boarding Places (page 79)
10. Veterinary Hospitals (page 79)

Please review the proposed text amendments, and we will discuss your comments and suggestions at the May 3 meeting. Charitable and philanthropic institution is the only remaining use to be discussed later.

responsible for making a determination relevant to the authorization, approval or licensing of the project.

- (c) The applicant for the special exception has the burden of proof to show that the proposed use satisfies all applicable general and specific standards under this Article. This burden includes the burden of going forward with the evidence, and burden of persuasion on all questions of fact.

59-G-1.22. Additional requirements.

- (a) The Board, the Hearing Examiner, or the District Council as the case may be, may add to the specific provisions contained in this Article, any others necessary to protect nearby properties and the general neighborhood.
- (b) Pursuant to guidance by the Planning Board, the Board, the Hearing Examiner, or the District Council, as the case may be, may require compliance with the provisions of Division 59-D-3, "Site Plan," if:
- (1) The property is in a zone requiring site plan approval, or
 - (2) The property is not in a zone requiring site plan approval, but the Planning Board has indicated that site plan review is necessary to regulate the impact of the special exception on surrounding uses because of disparity in bulk or scale, the nature of the use or other significant factors.

59-G-1.23. General development standards.

(revised per 4/11/01 Screening Committee meeting)

59-G-1.24. Neighborhood need.

In addition to the findings[required in section 59-G-1.21 and division 59-G-2,] and requirements of Article 59-G, the following special exceptions may only be granted [when the Board, the Hearing Examiner or the District Council, as the case may be, finds from a preponderance of the evidence of record that, for the public convenience and service, a need exists for the proposed use for service to the population in the general neighborhood, considering the present availability of such users to that neighborhood] as provided for in Sec. 59-G-1.1 where the following additional findings are made:

- (1) Automobile filling station.
- (2) Automobile and light trailer rental lot, outdoor.
- (3) Automobile, truck and trailer rental lot, outdoor.
- (4) Automobile sales and service center.
- [(5) Medical and dental clinics.]
- [(6)Swimming pool, community.

Bracketed text recommended for deletion from "neighborhood need" definition.

Ordinance No: 14-47
Zoning Text Amendment No: 01-10
Concerning: Comprehensive Review of
The Zoning Ordinance
Draft No. & Date: 3 – 4/16/02
Introduced: October 2, 2001
Public Hearing: 11/6/01; 7:30 PM
Adopted: April 16, 2002
Effective: May 6, 2002

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: District Council at the request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- revise, renumber, redefine, clarify and make certain substantive changes to the various special exception zoning provisions.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION A-4 “COUNTY BOARD OF APPEALS”
ARTICLE 59-G “SPECIAL EXCEPTIONS, VARIANCES, AND NON-
 CONFORMING USES
DIVISION 59-G-1 “SPECIAL EXCEPTIONS—AUTHORITY AND PROCEDURE”

EXPLANATION: *Boldface indicates a heading or a defined term.*
Underlining indicates text that is added to existing laws by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
**** indicates existing law unaffected by the text amendment.*

because of disparity in bulk or scale, the nature of the use, or other significant factors.

59-G-1.23. General development standards.

59-G-1.24. Neighborhood need.

In addition to the findings [required in section 59-G-1.21 and division 59-G-2,] and requirements of Article 59-G, the following special exceptions may only be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that[, for the public convenience and service,] a need exists for the proposed use [for service] to serve the population in the general neighborhood, considering the present availability of [such] identical or similar uses to that neighborhood:

Council deleted bracketed text from definition of "neighborhood need."

- (1) Automobile filling station.
- (2) Automobile and light trailer rental lot, outdoor.
- (3) Automobile, truck and trailer rental lot, outdoor.
- (4) Automobile sales and service center.
- [(5) Medical and dental clinic.]
- [(6)5]Swimming pool, community.
- [(7)6]Swimming pool, commercial.

59-G-1.25. County need.

In addition to the findings [required in section 59-G-1.21 and division 59-G-2,] of Article 59-G, the following special exceptions may only be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that[, for the public convenience and service,] a need exists for the proposed use due to an insufficient number of similar uses presently [available to serve] servicing existing population concentrations in the county, and [that] the use at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood [of the proposed use]:

- (1) Eating and drinking establishment--Drive-in restaurant.
- [(2) Educational institution, private.]
- [(3)2]Funeral parlor and undertaking establishment.
- [(4)3]Hotel, motel or inn.
- [(5)4]Rifle, pistol and skeet shooting range, outdoor.
- [(6)5]Sanitary fill, incinerator, or private solid waste transfer station.
- [(7)6]Public use heliport/helistop.
- [(8)7]Conference center with lodging.

[59-G-1.26. Exterior appearance in residential zones.

JAN 15 2013

EXHIBIT 1A

Supplement to Legal Analysis re: Need Standard

The Stop Costco Gas Coalition fully accepts and adopts the prior legal analysis of the need statement submitted by attorney Michele Rosenfeld on behalf of the Kensington Heights Civic Association on April 9, 2012 as part of the filings in the prior, related Special Exception S-2794. The file and associated exhibits is being forwarded to you again for your convenience in reviewing the current application, S-2863, see Exhibit 1.

In addition to the analysis set forth there, we note the following additional points with respect to *Lucky Stores, Inc. v. Board of Appeals of Montgomery County et al*, 270 Md. 513 (Ct. App. Md. 1973). This is one of the primary cases from which the broad language is drawn that applicants such as Costco in the present case rely on to “prove” that there is a “need” for their station within the meaning of the statute – and that, moreover, that “need,” despite the language in the statute, has essentially nothing to do with the number of existing stations, their existing sales volume, and their sales capacity. A close reading of the case, though, as set out below, confirms that exactly the opposite is true and that its holdings and analysis are quite helpful to the opponents of the proposed Costco gas station.

In many ways, the case appears to be a mirror image of the present situation – down to the 25 other stations within the competing area (of about 4 miles in total length along Rockville Pike, similar to the 4-5 mile diameter for the study area here). The testimony there indicated that the existing stations were pumping nowhere near capacity, that they could readily add additional service, and that no one was being required to wait in line to obtain service (just as here). Notably, the *only* witnesses testifying in opposition to the station were opposing gas station operators and they indicated that their sales had been declining in recent years.

The applicant was a discount, members only, department store operation – just as here. The proposed gas station was part of a large “one-stop” shopping center for the company’s members and the company testified that gasoline sales were an essential part of that “one-stop” experience (just as here). The proposed sales volume was about 1.2 million gallons per year (only a tenth of what Costco proposes here).

In response to the question of why another store was needed, the company’s answer was that its members did not shop at other stations and that persons using major gas company stations did not shop at its facilities. Further, it stated it had adopted the “one-stop” business model and wanted to present a uniform national image. A Montgomery County Planning Board member queried the company, why does Rockville Pike “need another gas station?” The answer was “Memco [the applicant] needs it to serve its members. The Board member asked again, “*Why does the public need a new gas station on Rockville Pike?*” And, again, the company replied that it complied with their national policy for their members. The Board member quit at that point. (The Court of Appeals supplied the emphasis with respect to the Board member’s questions.)

Based on the testimony, the Board could not find a need for the station in that there were already adequate facilities to serve the Rockville Pike customers. It, therefore, *denied* the special exception request. The case cited above is the decision by the Court of Appeals – Maryland’s highest court – *upholding* that denial of the request. The primary question was whether the actions of the Board were directed merely at suppressing competition to protect the existing dealers or were more generally directed at the public health, safety, welfare, and morals. As

noted, this case appears to be one in which the *only* concerns were those of the surrounding service stations and the effect upon their businesses. Thus, this presented the question in the starkest form of whether “need” should be taken as an absolute standard that could be used as a sword by the existing operators to preclude additional applicants from entering a market.

The Court’s discussion, accordingly, should be reviewed in light of the underlying context – namely, whether the Board’s decision was purely economic protectionism or whether it dealt with broader concerns of the community as a whole and whether the existence of a new facility could be found to be generally beneficial to that community, even if detrimental to one or more existing businesses. It is of significance that the Court, even using the broader terms of “expedient, reasonably convenient and useful to the public” to characterize the “need” that must be shown, found that the Board acted appropriately in denying the Special Exception request to the proposed station. Here, of course, the opposition is *not* primarily from the other stations; it is from the surrounding community. Thus, the concern about precluding competition that motivated that decision is not overly relevant here.

The Court of Appeals approvingly cited the lower court’s decision that noted that every decision denying an application on the basis of need must, to some degree, deny increased competition – but held that, unless the Board were allowed to “prevent the unreasonable and unnecessary accumulation of the same type of commercial establishment in the same general area . . . an absurd result would be reached whereby the Board could not possibly prevent the construction of any filling station along the commercial corridor of Rockville Pike.” The Court of Appeals went on to say that “the better view [] is to the effect that the lack of need for another gasoline filling station in the vicinity of other stations is . . . an important factor that courts have relied upon in refusing a permit for a filling station.”

It is clear that that the Court was using “need” in the normal sense of overall lack of capacity, rather than merely whether the proponent could identify *some* constituency that might want the station. The court noted that it had upheld denials of permits several times before where the Board acted, based on the number of nearby stations – ranging from five stations near the proposed site with two on opposite corners in the *Hoffman* case, to seven stations within 2500 feet in the *Lightman* case, to eight within a 3.4 mile radius in *American Oil Company*. The Court of Appeals did not assume that the role of the “need” analysis was merely to validate and ensure that a private entity would be able to operate profitably (as seems to be the point of the market gap analyses used in current cases). Rather, it examined closely – and rejected – the proffered justifications for the station here.

The court noted that the applicant had offered three grounds for its showing of “need” – the fact that the station would appeal to its members, the fact that it would sell gasoline cheaper than major oil company stations, and the fact that there were additional hazards in regards to some of the prior cases. As to the first, it noted that, despite questioning from the Board, the applicant could only state that its “members only” operation would benefit its members. The Board stated unequivocally, “*the ‘need’ is to serve Memco’s selling policy; it does not establish a need by the population in the general neighborhood.*” **That is exactly the explanation proffered by Costco as to its sales operation and, just as with Memco, it is clear that this does not establish a “neighborhood need.”** In short, serving one’s members is a distinct goal from serving the local neighborhood and this case should have the same result as Memco.

Moreover, as shown in the accompanying analysis, the fact (to the extent that it is a fact) that there is some sales gap as regards the study area does *not* establish that this station will serve that gap or eliminate it with respect to sales to the neighborhood. Rather, it merely shows that Costco will use sales to its far-flung members to use up any neighborhood sales need that actually exists.

Further, the Court of Appeals explicitly agreed that the Board had appropriately exercised its discretion in considering “the rather extraordinary number of existing filling stations” (25 – the same as here in roughly the same size area); the decline in gasoline sales, and the fact that the existing stations could easily supply the population with gasoline, “there being no delays in supplying the public at the present time and ample facilities for the sale of additional gasoline.” Regardless of the fact that the evidence about existing conditions came from competitors, the Court held that it was reasonable for the Board to accept and rely upon that testimony.

The Court also looked at the existence of other discount operators in the area (2 of the 25 stations) as indicating that such a need was already satisfied as well. Here, there are also other stations that are discount operator, including the Freestate on Veirs Mill Ave., the Econoway in Kensington, and the G&G Service Center on Georgia Ave.. The Court did not assume that all of the other stations had to be similarly competitive on price; it was enough that a few stations might also fill that role. So, too, here, as shown in the price comparison charts, there are stations that sell at or within only a few pennies of both the Elkridge and Beltsville Costcos – which creates the same situation accepted by the Court of Appeals as disproving “need.”

To be sure, at the end, the Court of Appeals indicated that Memco had failed to provide a number of pieces of information from which some actual need might be deduced – but none of that detracts from the fact that it found that evidence of substantial existing capacity to fill all of the possible needs was sufficient to uphold denial of the permit. In short, while the opinion does give the Board some degree of flexibility to ensure that it is not held hostage to the opposition of an applicant’s competitors, it most assuredly did not intent to cut the concept of “need” wholly adrift from actual, demonstrable evidence about the real capacity already existing in the system.

To do otherwise would be, as the lower court in this case noted, leave the Board powerless to actually enforce any meaningful *need* requirement. Moreover, it would strip that requirement of any force in terms of serving as a counterweight to the statutory structure that precludes neighbors of a station from relying on the fact that it will *inevitably* adversely affect them in order to defeat the station. In the context of the special exception structure, it may make sense to conclude that a neighborhood that really “needs” another example of a particular service to supply the necessary capacity *for* that service must have to accept the adverse consequences thereof. But, where the neighborhood already has ample capacity to obtain the particular service, it surely makes no sense to impose more burdens on it to have an even greater excess capacity. We strongly urge the Hearing Examiner and the Board to return to *Lucky Stores* with a fresh eye, to review its facts and its analysis, to consider how closely it resembles the present case, and to decide this case in precisely the same fashion.

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EXHIBIT 2

Service Stations

Area	Name	Address	Pump Nos.	Conv. Store?	Svc Bays	Diesel	Pumping Capacity*	Actual Volume**	Percentage
Wheaton	Freestate Sunoco	11295 Viers Mill	12	x		x	12,460,800		0.00%
	W Express	11249 Viers Mill	8		2		8,307,200		0.00%
	Manor Citgo	2204 W. Univ. Blvd	8	x	2	x	8,307,200		0.00%
	Exxon Shell	2201 W. Univ. Blvd	8	x	3		8,307,200		0.00%
		11310 Georgia	8	Global Café		x	8,307,200		0.00%
		11448 Georgia	6	x	2		6,230,400		0.00%
Glenmont	Sunoco	12321 Georgia	10	x	3		10,384,000		0.00%
Belthway	Mont. Hill Exxon	9331 Georgia	8	Tiger Mart			8,307,200		0.00%
	Community Exxon	9336 Georgia	8	Snack Shop	3	x	8,307,200		0.00%
	Shell	9510 Georgia	8	x	3		8,307,200		0.00%
	Chevron	9475 Georgia	9	Snack Shop	3	x	9,345,600		0.00%
	G&G Svc Center	9501 Georgia	6		2	x	6,230,400		0.00%
	Gulf	8600 Georgia	10	Kiosk			10,384,000		0.00%
Kensington	Shell	10515 Conn.	8	Snack Shop	3	x	8,307,200		0.00%
	Gas & Auto Svcs	10619 Conn.	10	(Uhaul)	3	x	10,384,000		0.00%
	Mobil	10625 Conn.	12	Dunkin Donut			12,460,800		0.00%
	Liberty Mart	10550 Conn.	10	x	3	x	10,384,000		0.00%
	Kensington Getty	10616 Conn.	8	x	3		8,307,200		0.00%
	Econway	3745 Univ. Blvd	8	x	3		8,307,200		0.00%
Viers Mill N	Valero	3701 Univ. Blvd.	10		3		10,384,000		0.00%
	Forest Glen BP	2601 Forest Glen	8	Kiosk	2		8,307,200		0.00%
	EXXON	12245 Viers Mill	12	Tiger Mart			12,460,800		0.00%
	Colonial Shell	4101 Randolph	8	Snack Shop	3		8,307,200		0.00%
							0		
				6	Snack Shop			6,230,400	
Four Corners	Shell BP	100 Univ. Blvd	8	x	3		8,307,200		0.00%
		112 Univ. Blvd	217				225,332,800	13,104,000	5.82%
Not included	Citgo	101 Univ. Blvd	4	x	3		3,349,760	0	0.00%
	Shell	~10100 Colesville Rd	8	x	3		6,699,520	0	0.00%
Glenmont Closed	Freestate	12401 Georgia	12	x		X	10,049,280	0	0.00%
	BP	12301 Georgia	10	x	3		8,374,400	0	0.00%
	Tire Auto	2301 Randolph	6		2		5,024,640	0	0.00%
							Area Stations		Costco
									13.17
									13.17

* Pumping Capacity calculated for all stations as follows:
 Theoretical maximum car volume (derived from Costco figures -- 26.34 average trips at station at rush hour/2 = number of cars) =
 (Approximately 4 minutes per car at the pump plus time needed for car to move up and arrive at pump)

Average volume = 12 gallons per car
 Volume per hour (gallons)

Annual hours = 18 hours per day*** x 7 days per week = 126 x 52 weeks per year = 6562, rounded down to 6490 for 4 holidays closed

Costco calculation = 5 days x 15.5 hours, 2 days x 13 hours = 103.5 hours per week = 5382, rounded down to 5300 for at least 6 holidays closed)

** Actual volumes -- based on results from seven stations provided confidentially; we are working to obtain permission to provide specific data and to identify the stations; the total volume for those seven stations was 65 million gallons for an average capacity usage of 20%

* Operating Hours derived from Exhibit Q and Ex. O, p. 12 (noting that 2/3 of stations were 24 hours per day, most of the rest were 17 hours per day; 18 hours used as a conservative overall average for estimating potential sales volume)

12	12	
160	160	
6490	5300	
		12000000
1038400	848000	16
		13568000
		88.44%

pumps

Alternative Calculation

(Highest sales volume shown at Costco from Ex. P, p. 22, App. A)	14.25	14.25	
Nozzles	12	12	
	171	171	
	6490	5300	
	1109790	906300	
	217	16	
	240824430	14500800	
			12000000
			14500800
			82.75%

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EXHIBIT 2A

vehicles, and a 90th percentile queue of 47 vehicles. Thus, the results of this analytical approach confirm the reasonableness of the observational findings presented in Table 1.

FUELING TIME

The average duration of time spent by vehicles at the fueling position was also recorded at the Costco sites. This service dwell time can be used as a surrogate to approximate the average and 90th percentile wait times for vehicles queued at a Costco Gasoline facility during peak Saturday midday conditions. Based on observations at the three existing Costco Gasoline locations, on average each vehicle takes approximately 4 minutes (specific average was 3 minutes 57 seconds) from the time it pulls up to the fuel pump until the time it begins to drive away from the pump. This time included the time it takes for the member to exit their vehicle, swipe their Costco card at the pump, fuel their vehicle, and then re-enter their vehicle to leave. There are obviously some individual transactions that take longer than this time (for example, members fueling large vehicles, trailers, or RVs), but this was the average time at the pump observed for 300 total observations at the three separate Costco Gasoline locations in California.

Based on this information, the typical 16 fueling position Costco Gasoline facility can process 16 vehicles every 4 minutes on average.

TOTAL TIME IN QUEUE

The data obtained on observed queue lengths and the average dwell processing times described above can be used to then calculate the average total time in queue for vehicles during the weekend midday peak hour period.

Taking a conservative approach and using the estimated queues from the statistical modeling methodology, the resultant total time in queue calculates as summarized in Table 2.

Table 2
Estimated Total Time in Queue – Weekend Midday Peak Hour

Scenario	Total Vehicles in Queue	Vehicles in Queue per FP*	Average Processing Time per FP	Total Time in Queue per Vehicle
Average Vehicle	11	1	4 minutes	4 minutes
50 th Percentile Vehicle	21	2	4 minutes	8 minutes
90 th Percentile Vehicle	47	3	4 minutes	12 minutes

* number of vehicles in line for each fueling position rounded up to the nearest whole vehicle

It is important to note that the estimated total times in queue per vehicle outlined in Table 2 are for vehicles during the weekend midday peak hour only. Trip generation, queuing, and wait times at the Costco Gasoline facilities during all other time are less (and during many times significantly less) than during this weekend time period.

TRIP GENERATION FOR PROPOSED WHEATON COSTCO

TRIP RATES / FORMULAE	IN/OUT
Costco Store (ksf, based on Gateway Overlook Costco counts)	
Morning Trips = 0.33 x ksf	67/33
Evening Trips = 2.91 x ksf	48/52
Costco Gas Station (Pumps, based on Gateway Overlook Costco counts)	
Morning Trips = 13.64 x Pump Sta.	50/50
Evening Trips = 26.34x Pump Sta.	50/50
Retail (ksf, Wheaton Plaza Rates)	
Morning Trips = 1.03 x ksf	61/39
Evening Trips = 3.74 x ksf	48/52

TRIP TOTALS	MORNING PEAK HOUR			EVENING PEAK HOUR		
	IN	OUT	TOTAL	IN	OUT	TOTAL
1 EXISTING RETAIL SPACE						
2 160,000 sq.ft.	101	64	165	293	305	598
3 PROPOSED RETAIL SPACE						
4 Costco Store						
5 152,318 sq.ft.	33	17	50	213	230	443
6 Costco Gas Pumps						
7 16 pumps	109	109	218	210	211	421
8 <u>Internal Trips</u>	<u>-60</u>	<u>-60</u>	<u>-120</u>	<u>-116</u>	<u>-116</u>	<u>-232</u>
9 <u>Pass-by Trips</u>	<u>-28</u>	<u>-28</u>	<u>-56</u>	<u>-55</u>	<u>-55</u>	<u>-110</u>
10 <u>New Trips</u>	<u>21</u>	<u>21</u>	<u>42</u>	<u>39</u>	<u>40</u>	<u>79</u>
11 First Floor Retail						
12 80,000 sq.ft.	50	32	82	147	152	299
13 Total Proposed Trips						
14 <u>Pass-by Trips (line 9)</u>	<u>-28</u>	<u>-28</u>	<u>-56</u>	<u>-55</u>	<u>-55</u>	<u>-110</u>
15 <u>New Trips (line 5+10+12)</u>	<u>104</u>	<u>70</u>	<u>174</u>	<u>399</u>	<u>422</u>	<u>821</u>
16 PROPOSED TRIPS minus EXISTING TRIPS						
17 <u>Pass-by Trips (line 14)</u>	<u>-28</u>	<u>-28</u>	<u>-56</u>	<u>-55</u>	<u>-55</u>	<u>-110</u>
18 <u>New Trips (line 15-2)</u>	<u>3</u>	<u>6</u>	<u>9</u>	<u>106</u>	<u>117</u>	<u>223</u>



EXHIBIT 1 TRIP GENERATION FOR PROPOSED WHEATON COSTCO WHOLESALE CLUB

Site Location: Gateway Overlook Costco

Store Area: 142,909 sq.ft.

Gas Pumps: 12 fueling positions



Costco Store

Count date	am in	am out	am total	pm in	pm out	pm total
Monday, August 16, 2010	26	13	39	167	201	368
Tuesday, August 17, 2010	24	13	37	173	195	368
Wednesday, August 18, 2010	27	16	43	195	205	400
Thursday, August 19, 2010	34	18	52	221	240	461
Friday, August 20, 2010	49	17	66	240	248	488
Average	32.0	15.4	47.4	199.2	217.8	417.0
Trips/1,000 sq.ft.	0.22	0.11	0.33	1.39	1.52	2.91

Costco Gas Pumps

Count date	am in	am out	am total	pm in	pm out	pm total
Monday, August 16, 2010	79	79	158	154	154	308
Tuesday, August 17, 2010	88	86	172	152	152	304
Wednesday, August 18, 2010	76	76	152	155	155	310
Thursday, August 19, 2010	95	95	190	158	158	316
Friday, August 20, 2010	73	73	146	171	171	342
Average	81.8	81.8	163.6	158.0	158.0	316.0
Trips/Fueling Station	6.82	6.82	13.64	13.17	13.17	26.34

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EXHIBIT 3

Harris, Patricia A.

From: Wes Guckert, PTP [WGuckert@trafficgroup.com]
Sent: Thursday, April 05, 2012 12:31 PM
To: Harris, Patricia A.; Erich Brann
Subject: Wheaton Costco PART 1 of 2 for Ed Axler
Attachments: Costco Wheaton col queuing results.pdf

Here are the results of the Queuing study on a Saturday at the Columbia , Md store.

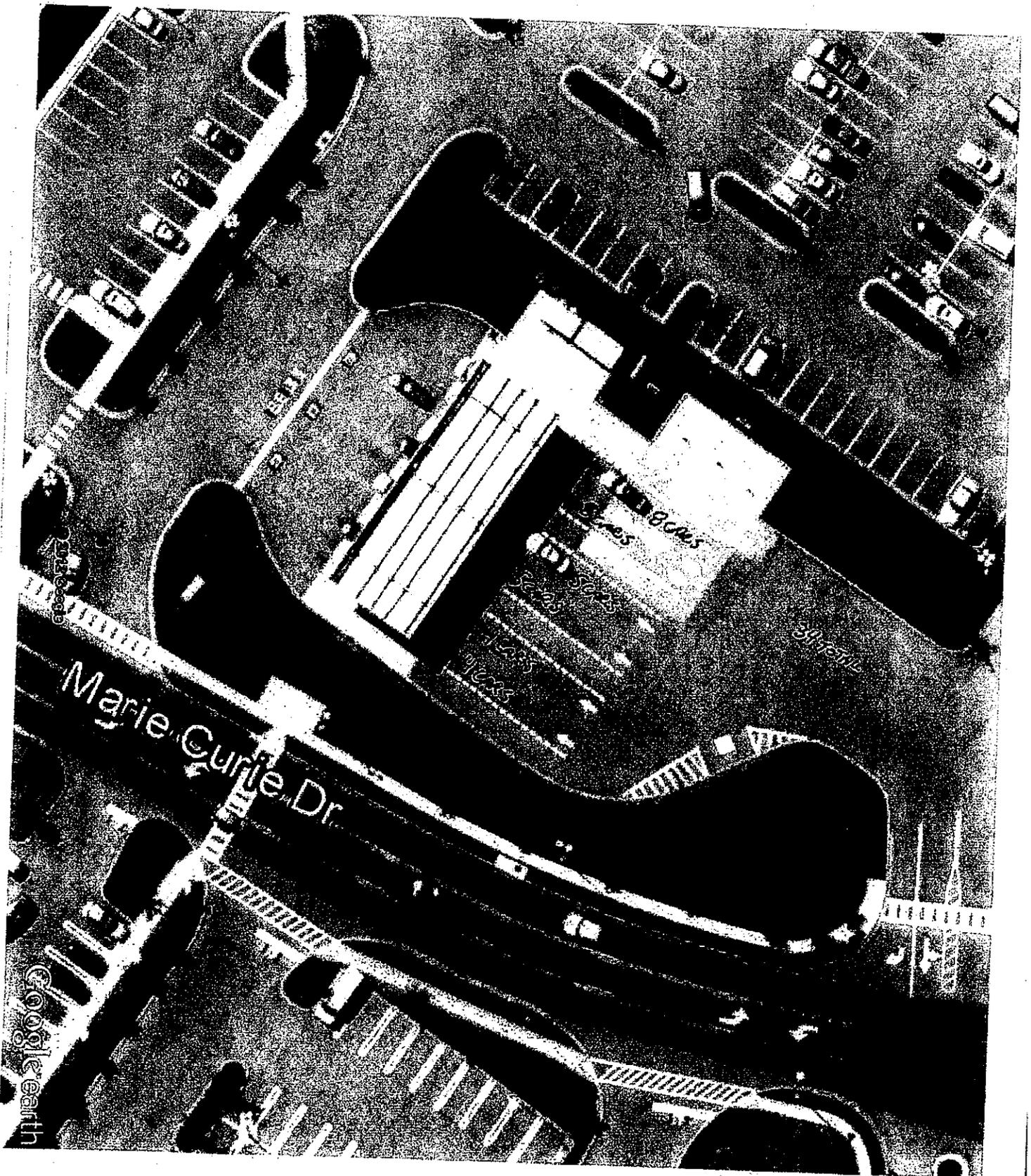
1. There is queuing for +- 34 autos in the 6 lanes at Columbia store (see attached aerial)
2. There were ONLY 15 out 360 observations where autos queued waiting for gas exceeded the 34 spaces = 4.1% of the time
3. 96 % of the time autos remained inside the " queuing area"
4. Of the 15 events, 10 lasted one minute or less
5. Of the remaining 5 events, one was for 2 minutes and one was for 3 minutes
6. SUMMARY – this Columbia Costco has 25 % fewer lanes than proposed for Wheaton and 25 % fewer gallons pumped than projected for Wheaton (9 million at Columbia and up to 12 million for Wheaton)
7. If queuing occurs off of the Wheaton gas site proper , it will likely be for only 1 -2 minutes 4-5 % of the time on a Saturday and the queuing will occur in the right lane of the ring road leaving the left lane of the ring road available to by pass waiting vehicles
8. Since we have 2 Costco staff persons on site, they can help direct autos to empty lanes and have them " scootch up " and reduce the space between bumpers, to make the queuing as " compact" as possible



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VEHICLE QUEUE - SUMMARY

Intersection of: Maple Circle Dr
and: Costco Gas Station Entrance
Location: Howard Co, MD
Day: Saturday

Counted by: VCU
Date: March 31, 2012
Weather: Sunny/Cool
Entered by: RB



Time	Queue Length (in Cars) Along: Costco Gas Entrance						Total Queue	Longest Lane
	Lane 1	Lane 2	Lane 3	Lane 4	Lane 5	Lane 6		
10:00 AM	0	0	0	0	0	0	0	0
10:01 AM	1	0	1	0	1	0	3	1
10:02 AM	1	1	1	0	1	0	5	2
10:03 AM	1	1	2	0	1	1	7	2
10:04 AM	1	1	1	1	1	1	6	2
10:05 AM	2	0	2	2	2	2	11	2
10:06 AM	1	1	2	1	1	1	8	2
10:07 AM	2	2	2	1	1	2	11	2
10:08 AM	2	2	2	2	2	2	13	2
10:09 AM	3	2	2	3	2	2	15	3
10:10 AM	2	1	2	1	2	2	12	3
10:11 AM	2	3	2	3	3	2	15	3
10:12 AM	3	2	2	3	3	2	16	3
10:13 AM	3	2	4	4	3	2	19	4
10:14 AM	2	2	2	2	3	2	13	3
10:15 AM	2	2	2	2	2	2	13	3
10:16 AM	3	3	3	3	2	2	16	3
10:17 AM	3	3	3	3	2	3	18	3
10:18 AM	2	3	2	2	3	3	15	3
10:19 AM	3	3	3	3	3	3	18	3
10:20 AM	2	2	3	2	3	3	15	3
10:21 AM	3	3	1	2	2	1	12	3
10:22 AM	2	2	3	3	3	2	15	3
10:23 AM	3	2	2	2	3	2	14	3
10:24 AM	3	3	2	2	3	4	17	4
10:25 AM	3	2	3	3	4	3	18	4
10:26 AM	3	2	3	3	3	3	17	4
10:27 AM	3	2	4	3	4	4	20	4
10:28 AM	3	3	4	2	4	2	18	4
10:29 AM	2	2	5	2	3	3	17	4
10:30 AM	3	2	1	0	3	4	13	4
10:31 AM	3	1	1	1	3	1	10	3
10:32 AM	4	0	2	1	2	3	12	4
10:33 AM	3	1	2	2	3	3	14	4
10:34 AM	3	1	4	1	3	0	12	4
10:35 AM	1	1	4	1	3	2	13	4
10:36 AM	3	3	3	3	2	3	17	4
10:37 AM	3	4	3	3	4	4	20	4
10:38 AM	3	2	3	2	4	3	17	4
10:39 AM	3	4	3	3	3	1	17	4
10:40 AM	3	6	2	3	3	3	20	6
10:41 AM	1	4	3	3	2	3	16	4
10:42 AM	3	4	3	3	3	3	19	4
10:43 AM	2	2	3	2	3	3	15	4
10:44 AM	3	4	3	4	3	3	17	4
10:45 AM	5	4	4	3	3	3	22	5
10:46 AM	5	3	5	2	3	3	20	5
10:47 AM	6	3	3	3	4	3	22	6
10:48 AM	6	3	3	2	4	3	21	6
10:49 AM	6	3	3	3	3	4	21	6
10:50 AM	5	3	3	3	3	4	19	5
10:51 AM	5	3	3	3	3	3	20	5
10:52 AM	8	1	4	3	3	2	22	8
10:53 AM	4	1	4	2	3	3	17	4
10:54 AM	4	1	6	2	4	4	21	6
10:55 AM	6	2	4	4	2	5	23	6
10:56 AM	7	6	3	3	4	3	26	7
10:57 AM	5	5	3	2	3	3	21	5
10:58 AM	5	3	3	3	4	3	21	5
10:59 AM	5	3	3	3	3	2	20	5
11:00 AM	4	5	4	2	4	3	22	5
		5	2	4	3	1	19	5

VEHICLE QUEUE - SUMMARY

Intersection of: Main Circle Dr
and: Costco Gas Station Entrance
Location: Howard Co, MD
Date: Saturday

Counted by: VDU
Date: March 31, 2012
Weather: Sunny/Cool
Entered by: RJ



Time	Queue Length (in Cars) Along: Costco Gas Entrance						Total Queue	Longest Lane
	Lane 1	Lane 2	Lane 3	Lane 4	Lane 5	Lane 6		
10:00 AM	0	0	0	0	0	0	0	0
10:01 AM	1	0	1	0	1	0	2	1
10:02 AM	1	1	2	1	1	1	7	2
10:03 AM	1	1	1	0	1	1	5	2
10:04 AM	1	0	1	1	1	1	5	2
10:05 AM	2	1	2	2	2	2	11	2
10:06 AM	1	2	2	1	1	1	8	2
10:07 AM	2	2	2	1	1	2	11	2
10:08 AM	2	2	2	2	2	2	13	2
10:09 AM	3	2	2	3	2	2	15	3
10:10 AM	2	2	2	1	3	2	13	3
10:11 AM	2	1	2	2	3	2	12	3
10:12 AM	3	3	2	3	3	2	16	3
10:13 AM	3	2	4	4	3	2	19	4
10:14 AM	2	2	2	2	3	2	13	3
10:15 AM	2	2	2	2	2	2	11	2
10:16 AM	3	3	3	3	3	3	18	3
10:17 AM	3	3	3	3	3	3	18	3
10:18 AM	2	2	2	2	3	3	14	3
10:19 AM	3	2	3	3	3	3	17	3
10:20 AM	2	2	3	2	3	3	15	3
10:21 AM	3	3	1	2	3	1	16	3
10:22 AM	3	3	3	2	2	2	17	3
10:23 AM	2	2	2	2	3	2	13	2
10:24 AM	2	3	2	3	4	4	18	4
10:25 AM	3	2	3	3	3	3	17	3
10:26 AM	3	2	3	3	3	3	17	3
10:27 AM	3	3	4	2	4	4	20	4
10:28 AM	3	2	4	2	4	2	18	4
10:29 AM	2	2	5	3	3	3	18	4
10:30 AM	3	1	1	1	3	4	14	4
10:31 AM	3	1	1	1	3	1	12	3
10:32 AM	4	0	2	1	2	3	12	4
10:33 AM	3	1	2	2	3	3	14	3
10:34 AM	3	1	4	1	3	0	12	4
10:35 AM	1	3	3	1	2	2	14	4
10:36 AM	3	3	3	3	4	4	19	4
10:37 AM	3	2	3	2	4	4	18	4
10:38 AM	3	2	3	3	3	3	17	4
10:39 AM	3	2	3	3	3	1	15	4
10:40 AM	1	3	3	3	3	3	16	4
10:41 AM	1	3	4	3	2	3	16	4
10:42 AM	3	4	3	2	2	3	17	4
10:43 AM	2	2	3	3	3	3	16	4
10:44 AM	3	4	3	4	3	3	19	4
10:45 AM	5	3	5	3	3	3	22	5
10:46 AM	5	3	3	2	4	3	20	5
10:47 AM	5	3	3	3	4	3	21	5
10:48 AM	5	3	3	2	2	3	19	5
10:49 AM	5	3	3	3	3	4	21	5
10:50 AM	5	3	3	3	3	4	21	5
10:51 AM	5	3	3	3	3	3	20	5
10:52 AM	5	3	4	3	2	2	21	5
10:53 AM	4	1	4	2	1	3	15	4
10:54 AM	4	1	6	2	4	4	21	5
10:55 AM	6	2	4	4	2	5	23	6
10:56 AM	6	5	8	4	4	5	28	8
10:57 AM	7	5	3	2	3	3	23	7
10:58 AM	5	5	3	2	4	3	22	5
10:59 AM	5	3	4	3	3	3	21	5
11:00 AM	4	3	2	4	3	1	17	4

VEHICLE QUEUE - SUMMARY

Intersection of: Marie Cole Dr
and: Costco Gas Station Entrance
Location: Howard Co, MD
Day: Saturday

Counted by: VCU
Date: March 31, 2012
Weather: Sunny/Cool
Entered by: RB



Time	Queue Length (in Cars) Along: Costco Gas Entrance						Total Queue	Longest Lane
	Lane 1	Lane 2	Lane 3	Lane 4	Lane 5	Lane 6		
11:01 AM	4	5	2	4	4	3	23	5
11:02 AM	4	5	3	4	3	4	23	5
11:03 AM	3	3	4	3	3	4	20	4
11:04 AM	4	4	4	3	3	4	20	4
11:05 AM	3	3	4	3	4	5	24	5
11:06 AM	7	4	5	4	4	3	23	7
11:07 AM	7	3	8	4	4	5	29	8
11:08 AM	5	4	3	4	4	5	28	5
11:09 AM	6	3	4	3	5	5	26	6
11:10 AM	7	3	4	4	3	3	24	7
11:11 AM	8	3	7	5	4	4	31	8
11:12 AM	8	3	6	4	6	5	32	8
11:13 AM	8	5	8	3	8	5	39	8
11:14 AM	7	4	4	3	4	9	29	9
11:15 AM	8	4	4	4	5	8	28	8
11:16 AM	5	3	4	5	5	6	29	6
11:17 AM	6	4	5	4	2	3	24	6
11:18 AM	6	4	5	3	4	4	26	5
11:19 AM	6	5	5	3	4	5	27	6
11:20 AM	6	5	4	4	4	3	27	6
11:21 AM	6	4	4	5	3	3	25	6
11:22 AM	6	7	5	3	3	3	26	7
11:23 AM	5	5	4	3	3	3	23	5
11:24 AM	4	7	4	3	3	2	24	7
11:25 AM	4	4	2	3	2	3	23	4
11:26 AM	3	3	3	3	3	3	19	3
11:27 AM	4	2	4	2	3	3	17	4
11:28 AM	4	2	3	2	3	3	17	3
11:29 AM	4	3	3	4	3	1	18	4
11:30 AM	3	3	3	3	4	3	17	4
11:31 AM	3	5	4	2	2	3	20	5
11:32 AM	5	5	4	3	3	3	17	5
11:33 AM	5	5	4	3	3	4	22	5
11:34 AM	5	3	4	3	3	3	23	5
11:35 AM	6	3	3	3	5	3	25	6
11:36 AM	7	4	4	3	4	3	24	7
11:37 AM	4	3	4	3	4	4	23	4
11:38 AM	4	4	5	3	3	4	23	5
11:39 AM	8	4	4	4	4	5	29	8
11:40 AM	8	3	3	5	5	4	28	8
11:41 AM	8	3	3	4	4	6	28	8
11:42 AM	3	4	3	3	3	5	21	5
11:43 AM	2	7	7	3	4	5	26	7
11:44 AM	1	7	7	2	3	5	24	7
11:45 AM	3	8	6	5	4	5	28	8
11:46 AM	1	8	4	7	4	4	27	8
11:47 AM	1	5	4	3	5	2	20	5
11:48 AM	1	5	3	3	5	4	21	5
11:49 AM	2	3	4	4	1	4	19	4
11:50 AM	3	4	4	5	5	2	19	5
11:51 AM	4	4	4	3	4	4	23	5
11:52 AM	4	4	5	2	4	8	23	5
11:53 AM	3	3	5	3	3	4	21	5
11:54 AM	2	6	6	3	3	2	21	6
11:55 AM	3	5	3	3	3	2	20	5
11:56 AM	3	4	4	3	3	3	19	4
11:57 AM	3	5	4	5	4	3	19	5
11:58 AM	3	3	4	4	3	5	23	5
11:59 AM	3	2	5	4	3	5	26	5
12:00 PM	1	3	3	2	3	5	22	5
12:01 PM	1	2	4	3	2	4	17	4
12:02 PM	2	2	4	2	3	2	14	4
12:03 PM			5	3	4	3	19	5

VEHICLE QUEUE - SUMMARY

Intersection of: Marie Curie Dr
and: Costco Gas Station Entrance
Location: Howard Co, MD
Day: Saturday

Counted by: VCU
Date: March 31, 2012
Weather: Sunny/Cool
Entered by: RD



Time	Queue Length (in Cars) Along: Costco Gas Entrance						Total Queue	Longest Lane
	Lane 1	Lane 2	Lane 3	Lane 4	Lane 5	Lane 6		
12:01 PM	1	4	5	4	0	5	25	6
12:02 PM	2	5	5	5	0	5	28	6
12:03 PM	2	4	5	5	0	2	28	6
12:04 PM	2	5	8	5	5	4	29	8
12:05 PM	2	7	5	5	5	4	29	7
12:06 PM	1	6	5	5	5	4	27	6
12:07 PM	1	3	5	5	5	4	22	5
12:08 PM	3	6	4	4	6	3	26	6
12:09 PM	3	3	5	4	6	4	23	5
12:10 PM	4	4	4	5	4	4	23	5
12:11 PM	6	5	4	4	4	4	28	6
12:12 PM	5	4	4	4	5	4	26	5
12:13 PM	6	3	4	4	4	3	25	6
12:14 PM	6	3	4	4	3	4	24	6
12:15 PM	4	4	6	4	4	3	24	6
12:16 PM	0	0	0	3	5	3	25	5
12:17 PM	5	5	0	0	0	0	0	0
12:18 PM	5	5	4	5	6	3	27	6
12:19 PM	4	4	5	4	5	5	29	6
12:20 PM	5	4	7	5	4	4	25	5
12:21 PM	5	5	4	4	3	3	27	7
12:22 PM	5	4	3	3	5	4	28	6
12:23 PM	5	5	5	5	4	4	23	5
12:24 PM	4	4	4	4	4	4	28	5
12:25 PM	5	4	4	4	4	4	30	6
12:26 PM	5	4	4	4	4	4	24	5
12:27 PM	7	5	5	4	3	3	25	6
12:28 PM	5	4	5	4	3	2	28	7
12:29 PM	6	5	4	3	4	4	36	5
12:30 PM	4	4	6	4	3	4	26	6
12:31 PM	5	4	3	3	3	3	25	6
12:32 PM	4	2	2	2	4	4	23	5
12:33 PM	4	4	4	4	3	2	15	4
12:34 PM	4	5	4	5	5	3	23	4
12:35 PM	6	7	4	4	5	5	28	5
12:36 PM	6	7	5	3	3	4	30	7
12:37 PM	6	6	7	4	4	4	28	7
12:38 PM	7	6	7	7	4	4	27	7
12:39 PM	8	5	7	7	3	3	33	7
12:40 PM	8	6	5	4	2	3	30	8
12:41 PM	8	6	6	5	4	4	31	8
12:42 PM	8	0	6	5	4	3	32	8
12:43 PM	8	5	4	4	5	4	35	8
12:44 PM	8	5	4	4	4	3	29	8
12:45 PM	5	4	5	4	4	3	26	8
12:46 PM	5	5	4	6	4	3	27	6
12:47 PM	6	7	5	8	4	2	28	8
12:48 PM	7	8	4	4	4	2	29	7
12:49 PM	6	5	6	5	2	3	20	6
12:50 PM	5	6	6	4	4	4	29	7
12:51 PM	6	7	8	4	4	4	28	6
12:52 PM	7	7	7	5	4	4	26	6
12:53 PM	6	5	4	5	2	4	31	7
12:54 PM	8	7	7	4	4	4	31	7
12:55 PM	7	7	6	5	6	4	32	7
12:56 PM	7	7	8	5	5	4	35	8
12:57 PM	7	7	5	4	4	3	34	8
12:58 PM	7	6	10	3	4	3	31	7
12:59 PM	5	6	5	4	3	5	29	7
Max. Queue Length (in cars) Along:	9	9	10	9	6	6	33	10
Avg. Queue Length (in cars) Along:	3.80							

VEHICLE QUEUE - SUMMARY

Intersection of: Marie Curie Dr
and: Costco Gas Station Entrance
Location: Howard Co, MD
Day: Saturday

Counted by: VCU
Date: March 31, 2012
Weather: Sunny/Cool
Entered by: RB



Time	Queue Length (in Cars) Along: Costco Gas Entrance						Total Queue	Longest Lane
	Lane 1	Lane 2	Lane 3	Lane 4	Lane 5	Lane 6		
2:01 PM	6	5	4	3	8	0	32	8
2:02 PM	7	5	5	3	5	4	29	7
2:03 PM	7	5	4	6	4	3	29	7
2:04 PM	7	5	8	5	0	0	32	7
2:05 PM	0	7	7	3	0	0	29	7
2:06 PM	5	3	4	4	4	4	31	7
2:07 PM	5	4	0	0	5	4	25	5
2:08 PM	4	4	5	0	4	3	28	6
2:09 PM	5	3	2	4	3	4	24	5
2:10 PM	5	4	3	4	0	5	25	6
2:11 PM	8	5	2	3	5	8	25	8
2:12 PM	0	2	2	3	3	2	21	5
2:13 PM	5	3	4	3	3	2	21	6
2:14 PM	8	4	5	5	4	3	21	6
2:15 PM	7	4	8	5	5	4	26	6
2:16 PM	8	5	8	4	5	4	29	6
2:17 PM	5	5	4	4	5	5	34	8
2:18 PM	5	6	4	3	5	4	30	8
2:19 PM	5	3	4	3	7	5	30	7
2:20 PM	5	4	6	4	6	5	26	8
2:21 PM	5	4	4	3	3	5	27	6
2:22 PM	7	3	6	4	4	3	24	6
2:23 PM	7	4	6	3	4	3	24	6
2:24 PM	9	5	7	4	5	5	31	7
2:25 PM	0	5	7	5	3	3	32	7
2:26 PM	7	6	6	4	2	3	29	9
2:27 PM	6	4	8	3	3	3	29	9
2:28 PM	5	4	5	3	4	4	31	8
2:29 PM	5	4	3	5	5	3	28	8
2:30 PM	5	4	5	3	3	3	24	5
2:31 PM	5	5	3	4	4	2	23	5
2:32 PM	5	3	5	3	5	2	22	5
2:33 PM	5	3	4	3	5	8	27	6
2:34 PM	7	4	5	5	4	3	29	6
2:35 PM	9	3	6	3	5	5	27	5
2:36 PM	8	4	7	2	0	8	31	7
2:37 PM	8	2	8	2	7	7	24	8
2:38 PM	5	5	8	2	3	5	35	9
2:39 PM	7	6	6	4	4	5	28	8
2:40 PM	6	5	4	7	4	4	28	8
2:41 PM	7	5	7	6	4	8	32	7
2:42 PM	7	5	6	4	4	6	34	7
2:43 PM	8	7	8	3	4	6	35	7
2:44 PM	7	7	7	7	5	6	30	7
2:45 PM	5	0	5	3	2	6	41	8
2:46 PM	8	5	4	4	4	3	27	7
2:47 PM	7	5	8	4	9	9	32	9
2:48 PM	9	6	5	4	6	8	40	9
2:49 PM	8	6	5	5	4	4	30	7
2:50 PM	4	5	5	4	4	3	32	9
2:51 PM	3	7	5	4	5	5	30	7
2:52 PM	5	6	7	3	5	4	29	7
2:53 PM	5	6	7	3	4	4	28	7
2:54 PM	6	4	4	3	5	3	30	7
2:55 PM	6	5	7	8	8	2	25	5
2:56 PM	7	4	5	5	5	2	31	8
2:57 PM	8	4	8	5	4	5	33	7
2:58 PM	8	4	5	4	5	4	32	8
2:59 PM	8	4	7	4	6	5	31	8
3:00 PM	6	5	0	4	6	5	34	8
3:01 PM	6	5	8	4	6	4	30	8
3:02 PM	5	5	6	4	3	2	28	8
3:03 PM	5	5	6	5	5	2	29	8

VEHICLE QUEUE - SUMMARY

Intersection of: Marie Curie Dr
and: Costco Gas Station Entrance
Location: Howard Co, MD
Day: Saturday

Counted by: UCU
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Entered by: RB



Time	Queue Length (In Cars) Along: Costco Gas Entrance						Total Queue	Longest Lane
	Lane 1	Lane 2	Lane 3	Lane 4	Lane 5	Lane 6		
3:01 PM	5	5	7	4	5	7	34	7
3:02 PM	6	4	4	5	4	5	28	6
3:03 PM	5	4	5	5	4	6	29	6
3:04 PM	5	4	5	5	4	6	29	6
3:05 PM	5	4	6	5	5	4	29	6
3:06 PM	6	3	7	2	3	4	25	6
3:07 PM	8	5	6	3	3	3	24	8
3:08 PM	5	6	6	4	5	4	25	7
3:09 PM	6	6	8	5	3	4	30	6
3:10 PM	7	4	8	3	3	3	27	8
3:11 PM	8	4	7	2	3	3	26	8
3:12 PM	7	4	4	4	4	4	27	7
3:13 PM	5	4	5	4	3	6	28	6
3:14 PM	6	4	5	4	5	5	29	6
3:15 PM	5	4	7	5	5	4	28	7
3:16 PM	5	5	6	5	5	5	28	6
3:17 PM	5	6	6	4	4	5	32	7
3:18 PM	5	5	6	3	3	3	28	6
3:19 PM	5	5	5	5	5	6	27	6
3:20 PM	6	6	5	4	4	4	32	6
3:21 PM	6	6	7	4	3	4	28	6
3:22 PM	5	6	8	4	3	6	31	7
3:23 PM	5	5	7	3	3	6	30	6
3:24 PM	6	6	6	4	5	5	29	6
3:25 PM	4	7	7	4	5	4	28	7
3:26 PM	4	8	8	4	3	4	30	6
3:27 PM	4	4	4	3	5	5	28	6
3:28 PM	4	4	4	4	5	5	28	6
3:29 PM	4	4	4	4	5	6	28	6
3:30 PM	4	3	4	5	2	6	26	6
3:31 PM	4	5	4	4	4	4	26	6
3:32 PM	5	3	3	5	2	4	24	5
3:33 PM	4	4	4	3	4	5	24	5
3:34 PM	6	4	4	4	4	4	23	6
3:35 PM	6	4	4	5	5	3	24	6
3:36 PM	5	7	2	4	4	4	27	6
3:37 PM	6	5	5	4	4	5	28	6
3:38 PM	5	4	4	4	5	3	26	6
3:39 PM	5	4	4	4	3	3	24	5
3:40 PM	5	6	4	4	4	4	24	6
3:41 PM	5	5	5	5	4	3	28	6
3:42 PM	6	7	6	5	3	4	28	6
3:43 PM	5	6	6	4	4	4	28	6
3:44 PM	6	6	6	5	4	5	29	6
3:45 PM	6	5	6	3	4	3	28	6
3:46 PM	6	4	7	4	4	4	28	6
3:47 PM	6	5	5	4	4	4	28	6
3:48 PM	6	3	5	4	5	4	31	7
3:49 PM	6	5	7	4	5	5	29	6
3:50 PM	7	4	5	4	4	4	30	6
3:51 PM	7	5	5	3	5	4	30	7
3:52 PM	6	5	6	4	4	6	27	6
3:53 PM	5	5	6	3	4	5	32	7
3:54 PM	4	5	3	4	4	5	28	6
3:55 PM	5	4	4	6	5	3	28	6
3:56 PM	5	4	6	4	5	5	27	6
3:57 PM	5	4	5	4	3	4	26	6
3:58 PM	4	4	5	4	3	4	25	6
3:59 PM	4	4	4	3	4	4	25	5
4:00 PM	5	4	5	4	4	4	25	5
4:01 PM	5	4	5	4	4	4	25	5
4:02 PM	5	4	5	4	4	4	25	5
4:03 PM	5	4	5	4	4	4	25	5
4:04 PM	5	4	5	4	4	4	25	5
4:05 PM	5	4	5	4	4	4	25	5
4:06 PM	5	4	5	4	4	4	25	5
4:07 PM	5	4	5	4	4	4	25	5
4:08 PM	5	4	5	4	4	4	25	5
4:09 PM	5	4	5	4	4	4	25	5
4:10 PM	5	4	5	4	4	4	25	5
4:11 PM	5	4	5	4	4	4	25	5
4:12 PM	5	4	5	4	4	4	25	5
4:13 PM	5	4	5	4	4	4	25	5
4:14 PM	5	4	5	4	4	4	25	5
4:15 PM	5	4	5	4	4	4	25	5
4:16 PM	5	4	5	4	4	4	25	5
4:17 PM	5	4	5	4	4	4	25	5
4:18 PM	5	4	5	4	4	4	25	5
4:19 PM	5	4	5	4	4	4	25	5
4:20 PM	5	4	5	4	4	4	25	5
4:21 PM	5	4	5	4	4	4	25	5
4:22 PM	5	4	5	4	4	4	25	5
4:23 PM	5	4	5	4	4	4	25	5
4:24 PM	5	4	5	4	4	4	25	5
4:25 PM	5	4	5	4	4	4	25	5
4:26 PM	5	4	5	4	4	4	25	5
4:27 PM	5	4	5	4	4	4	25	5
4:28 PM	5	4	5	4	4	4	25	5
4:29 PM	5	4	5	4	4	4	25	5
4:30 PM	5	4	5	4	4	4	25	5
4:31 PM	5	4	5	4	4	4	25	5
4:32 PM	5	4	5	4	4	4	25	5
4:33 PM	5	4	5	4	4	4	25	5
4:34 PM	5	4	5	4	4	4	25	5
4:35 PM	5	4	5	4	4	4	25	5
4:36 PM	5	4	5	4	4	4	25	5
4:37 PM	5	4	5	4	4	4	25	5
4:38 PM	5	4	5	4	4	4	25	5
4:39 PM	5	4	5	4	4	4	25	5
4:40 PM	5	4	5	4	4	4	25	5
4:41 PM	5	4	5	4	4	4	25	5
4:42 PM	5	4	5	4	4	4	25	5
4:43 PM	5	4	5	4	4	4	25	5
4:44 PM	5	4	5	4	4	4	25	5
4:45 PM	5	4	5	4	4	4	25	5
4:46 PM	5	4	5	4	4	4	25	5
4:47 PM	5	4	5	4	4	4	25	5
4:48 PM	5	4	5	4	4	4	25	5
4:49 PM	5	4	5	4	4	4	25	5
4:50 PM	5	4	5	4	4	4	25	5
4:51 PM	5	4	5	4	4	4	25	5
4:52 PM	5	4	5	4	4	4	25	5
4:53 PM	5	4	5	4	4	4	25	5
4:54 PM	5	4	5	4	4	4	25	5
4:55 PM	5	4	5	4	4	4	25	5
4:56 PM	5	4	5	4	4	4	25	5
4:57 PM	5	4	5	4	4	4	25	5
4:58 PM	5	4	5	4	4	4	25	5
4:59 PM	5	4	5	4	4	4	25	5
5:00 PM	5	4	5	4	4	4	25	5
5:01 PM	5	4	5	4	4	4	25	5
5:02 PM	5	4	5	4	4	4	25	5
5:03 PM	5	4	5	4	4	4	25	5
5:04 PM	5	4	5	4	4	4	25	5
5:05 PM	5	4	5	4	4	4	25	5
5:06 PM	5	4	5	4	4	4	25	5
5:07 PM	5	4	5	4	4	4	25	5
5:08 PM	5	4	5	4	4	4	25	5
5:09 PM	5	4	5	4	4	4	25	5
5:10 PM	5	4	5	4	4	4	25	5
5:11 PM	5	4	5	4	4	4	25	5
5:12 PM	5	4	5	4	4	4	25	5
5:13 PM	5	4	5	4	4	4	25	5
5:14 PM	5	4	5	4	4	4	25	5
5:15 PM	5	4	5	4	4	4	25	5
5:16 PM	5	4	5	4	4	4	25	5
5:17 PM	5	4	5	4	4	4	25	5
5:18 PM	5	4	5	4	4	4	25	5
5:19 PM	5	4	5	4	4	4	25	5
5:20 PM	5	4	5	4	4	4	25	5
5:21 PM	5	4	5	4	4	4	25	5
5:22 PM	5	4	5	4	4	4	25	5
5:23 PM	5	4	5	4	4	4	25	5
5:24 PM	5	4	5	4	4	4	25	5
5:25 PM	5	4	5	4	4	4	25	5
5:26 PM	5	4	5	4	4	4	25	5
5:27 PM	5	4	5	4	4	4	25	5
5:28 PM	5	4	5	4	4	4	25	5
5:29 PM	5	4	5	4	4	4	25	5
5:30 PM	5	4	5	4	4	4	25	5
5:31 PM	5	4	5	4	4	4	25	5
5:32 PM	5	4	5	4	4	4	25	5
5:33 PM	5	4	5	4	4	4	25	5
5:34 PM	5	4	5	4	4	4	25	5
5:35 PM	5	4	5	4	4	4	25	5
5:36 PM	5	4	5	4	4	4	25	5
5:37 PM	5	4	5	4	4	4	25	5
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5:39 PM	5	4	5	4	4	4	25	5
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6:02 PM	5	4	5	4	4	4	25	5
6:03 PM	5	4	5	4	4	4	25	5
6:04 PM	5	4	5	4	4	4	25	5
6:05 PM	5	4	5	4	4	4	25	5
6:06 PM	5	4	5	4	4	4	25	5
6:07 PM	5	4	5	4	4	4	25	5
6:08 PM	5	4	5</					

VEHICLE QUEUE - SUMMARY

Intersection of: Marie Curie Dr
and: Costco Gas Station Entrance
Location: Howard Co, MD
Day: Saturday

Collected by: VCU
Date: March 31, 2012
Weather: Sunny/Cool
Entered by: RE



Time	Queue Length (in Cars) Along: Costco Gas Entrance						Total Queue	Longest Lane
	Lane 1	Lane 2	Lane 3	Lane 4	Lane 5	Lane 6		
3:01 PM	8	5	7	4	5	7	34	7
3:02 PM	8	4	4	5	4	6	31	8
3:03 PM	5	4	5	5	4	5	28	5
3:04 PM	5	4	5	5	4	6	29	6
3:05 PM	5	4	5	5	4	5	28	5
3:06 PM	6	3	7	2	5	4	24	7
3:07 PM	6	5	6	3	3	3	25	6
3:08 PM	5	5	6	4	6	4	30	6
3:09 PM	6	5	6	5	3	3	27	6
3:10 PM	7	4	7	2	3	3	26	7
3:11 PM	8	4	4	4	3	4	27	8
3:12 PM	7	4	5	4	4	5	28	7
3:13 PM	8	4	5	4	4	5	29	8
3:14 PM	8	4	7	5	5	4	31	8
3:15 PM	5	5	8	4	5	5	32	8
3:16 PM	5	6	5	5	4	5	29	6
3:17 PM	5	5	5	8	3	3	27	8
3:18 PM	5	5	5	5	5	6	32	6
3:19 PM	5	6	7	4	4	4	28	7
3:20 PM	6	5	6	4	3	6	31	6
3:21 PM	5	6	7	3	3	5	30	7
3:22 PM	5	5	5	4	5	5	29	5
3:23 PM	5	6	6	4	5	4	28	6
3:24 PM	4	7	7	4	5	4	30	7
3:25 PM	6	6	4	3	3	4	26	6
3:26 PM	4	4	4	4	5	5	26	5
3:27 PM	6	4	4	4	5	5	28	6
3:28 PM	4	6	4	5	6	6	31	6
3:29 PM	4	4	4	4	4	4	24	4
3:30 PM	4	5	4	4	4	4	24	4
3:31 PM	4	5	3	4	4	4	24	4
3:32 PM	5	3	4	5	2	5	24	5
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3:34 PM	5	4	4	4	5	3	24	5
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3:37 PM	6	4	4	4	5	3	26	6
3:38 PM	5	4	6	4	3	3	24	6
3:39 PM	6	6	5	4	4	3	28	6
3:40 PM	5	5	5	5	4	3	27	5
3:41 PM	6	7	6	5	3	4	28	7
3:42 PM	6	6	6	4	3	4	28	6
3:43 PM	5	6	4	4	4	4	30	6
3:44 PM	6	5	5	6	4	5	29	6
3:45 PM	6	4	6	3	4	3	26	6
3:46 PM	6	4	7	4	6	4	28	7
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3:49 PM	5	4	6	4	4	4	27	6
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3:51 PM	6	5	5	4	4	6	27	6
3:52 PM	5	5	5	4	4	5	32	5
3:53 PM	5	5	6	3	4	6	29	6
3:54 PM	4	5	3	4	5	6	27	6
3:55 PM	4	5	4	6	6	5	27	6
3:56 PM	5	4	6	6	5	5	29	6
3:57 PM	5	4	5	4	3	4	26	5
3:58 PM	4	4	4	3	4	4	25	4
3:59 PM	6	4	4	4	4	4	24	6
4:00 PM	11	10	10	8	9	6	27	8
Max. Queue Length (in cars) Along:								
Avg. Queue Length (in cars) Along:	4.87							

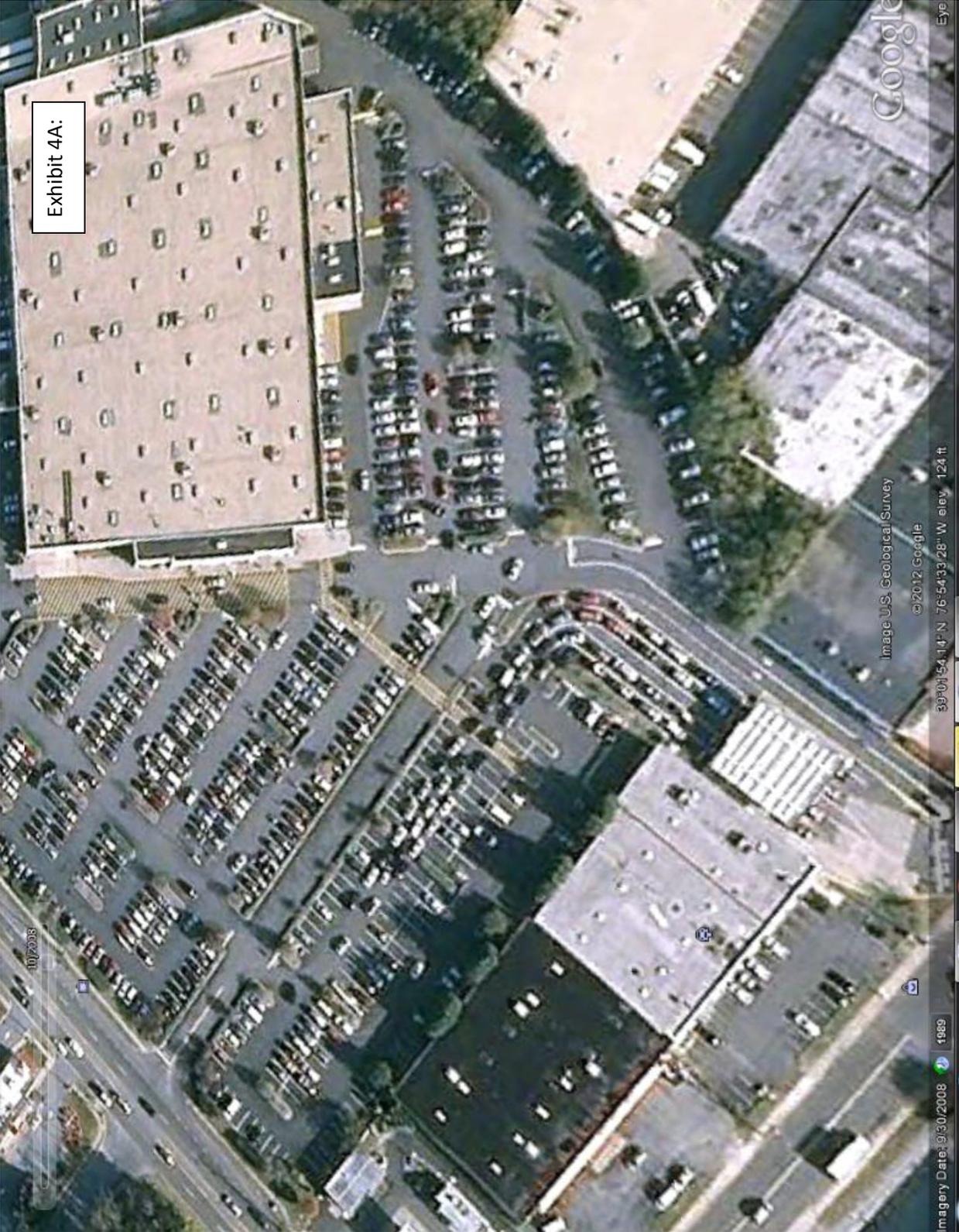


Exhibit 4A:

Google

Image U.S. Geological Survey

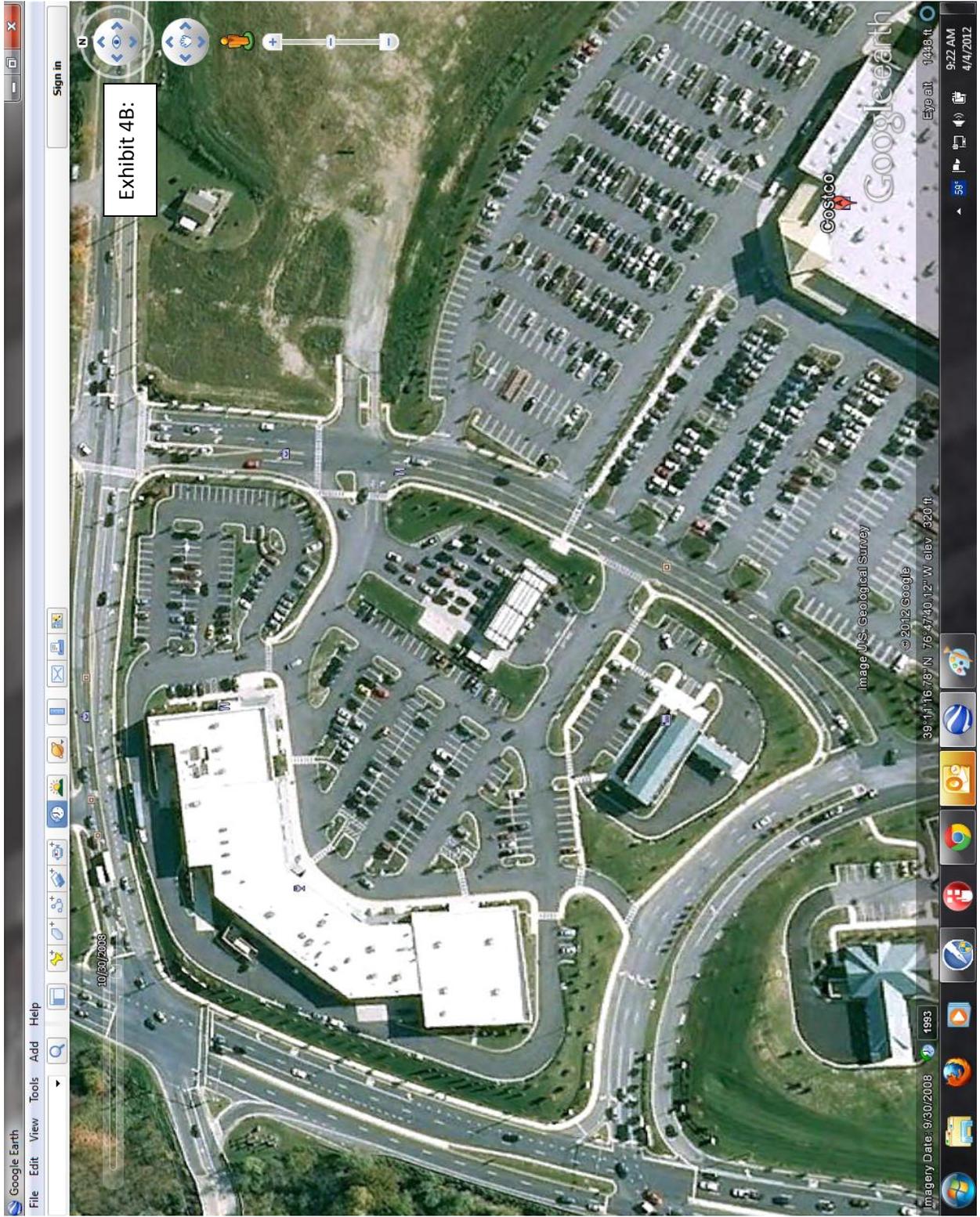
©2012 Google

39°01'54.114" N 76°54'33.28" W elev. 124 ft

10/2008

Imagery Date: 9/30/2008 1989

Eye



Google Earth

File Edit View Tools Add Help

Sign in

10/31/2008

Exhibit 4B:

GOSTICO

Google Earth

Image U.S. Geological Survey

© 2012 Google

39°11'16.78" N 76°47'40.12" W elev. 320 ft

1993

Imagery Date: 9/30/2008

Eyealt 1448 ft

9:22 AM
4/4/2012

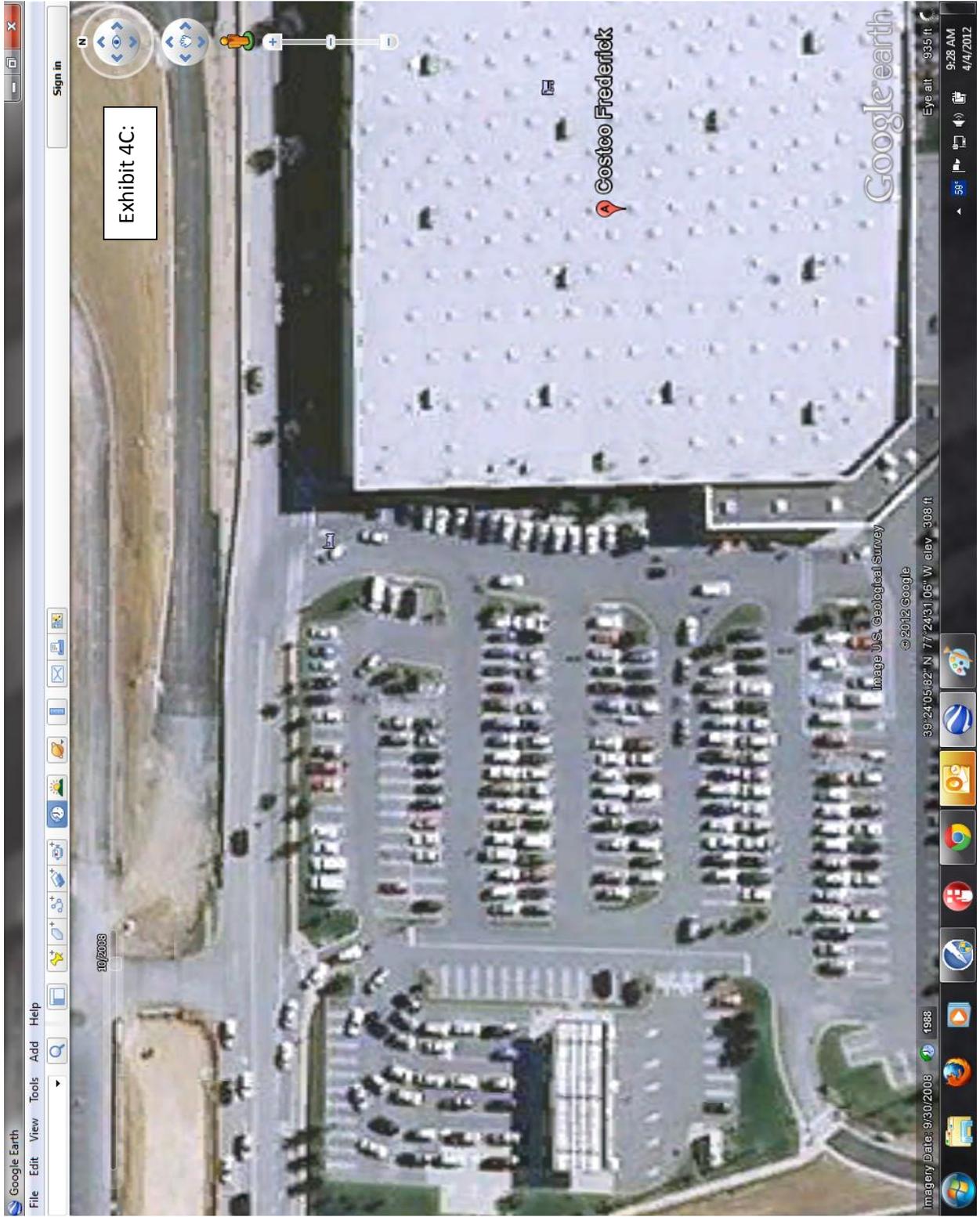




Exhibit 4D:

Costco Pharmacy

Costco Deli

Costco Tire Ctr

Google earth

Image U.S. Geological Survey

© 2012 Google

39°06'52.57"N 77°32'03.42"W elev 353 ft

Eye alt 1158 ft

9:31 AM
4/4/2012

10/2008

1988

Imagery Date: 9/30/2008

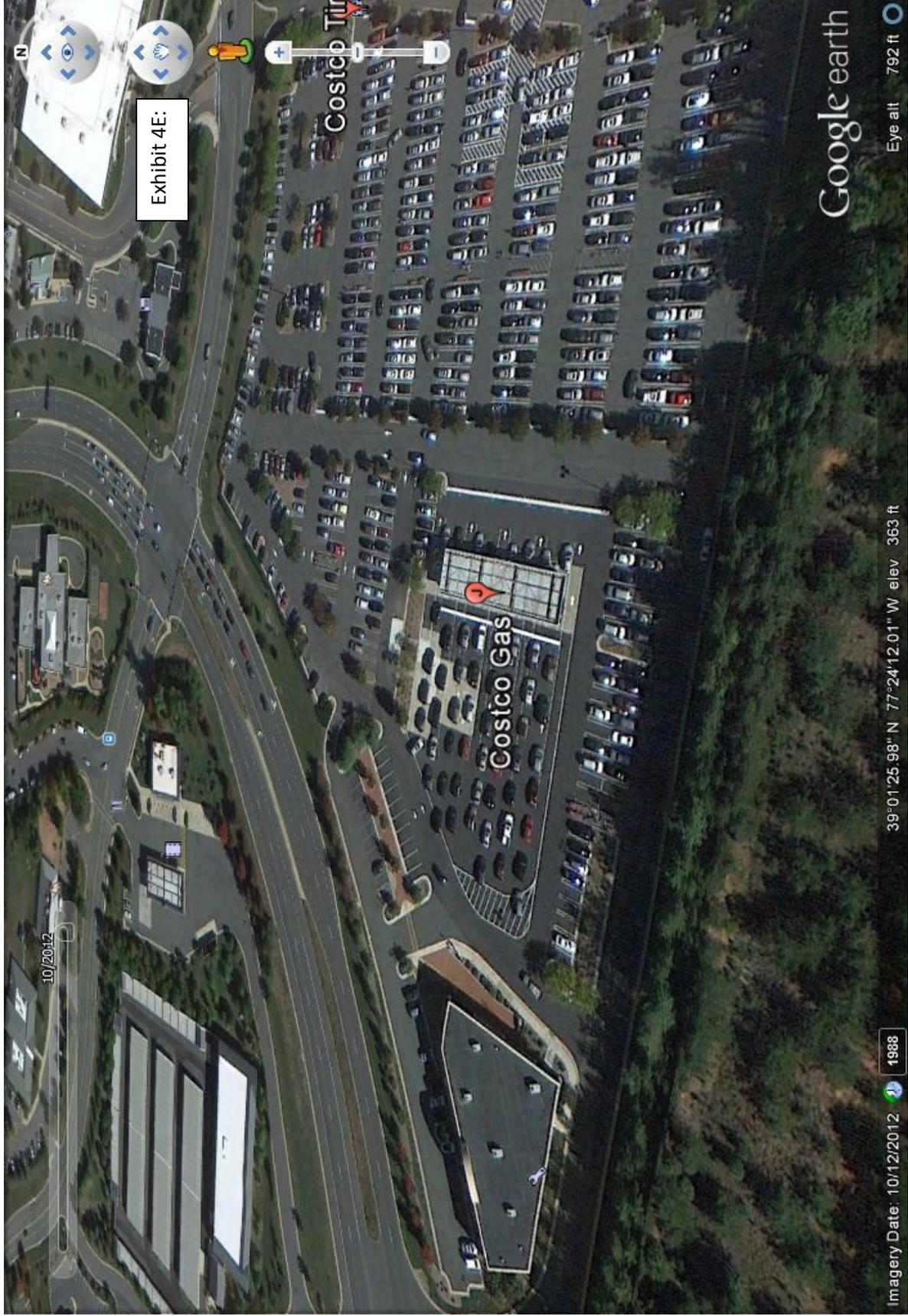


Exhibit 4E:

10/2012

39°01'25.98" N 77°24'12.01" W elev 363 ft

1988

Imagery Date: 10/12/2012

Google earth

Eye alt 792 ft

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EXHIBIT 5

Costco Price Comparisons

	Beltsville			Elkridge			Wheaton		
	Costco	Lowest Non-Costco Price*	Diff.	Costco	Lowest Non-Costco Price	Diff.	Lowest	Lowest Non-Costco Price	Diff.
5-Mar	Costco	3.65	0.04	Costco	3.65	0.02	Freestate	3.67	0.06
7-Mar		Wawa	3.69	XtraMart	XtraMart	3.67	Freestate	Sunoco	3.73
8-Mar		Wawa	3.69	XtraMart	3.63	0.04	Freestate	Sunoco	3.73
9-Mar		Shell	3.64	Hess	3.65	0.01	Freestate	Sunoco	3.73
10-Mar		7-Eleven	3.71	XtraMart	3.69	0	Freestate	Sunoco	3.73
12-Mar		7-Eleven	3.71	Hess	3.65	0.06	Freestate	Sunoco	3.73
		7-Eleven	3.73	XtraMart	3.79	-0.06	Freestate	Sunoco	3.76
15-Mar		7-Eleven	3.83	XtraMart	3.79	0.03	Freestate	Sunoco	3.86
16-Mar		7-Eleven	3.85	Quarles	3.83	-0.08	Freestate	Sunoco	3.86
17-Mar		Wawa	3.85	Hess	3.83	0	Freestate	Sunoco	3.86
19-Mar		Wawa	3.85	Shell	3.86	-0.01	Freestate	Sunoco	3.86
20-Mar		7-Eleven	3.85	XtraMart	3.83	0.04	Freestate	Sunoco	3.89
23-Mar		Shell	3.88	XtraMart	3.75	0.14	Freestate	Sunoco	3.89
24-Mar		Exxon	3.89	XtraMart	3.87	0.02	Freestate	Sunoco	3.89
25-Mar		Shell	3.89	Hess	3.87	0.02	Freestate	Sunoco	3.89
26-Mar		Shell	3.95	XtraMart	3.87	0.02	Freestate	Sunoco	3.89
30-Mar		Shell	3.93	BP	3.87	0.05	Freestate	Sunoco	3.95
31-Mar		Shell	3.93	Hess	3.87	0.05	Freestate	Sunoco	3.95
1-Apr		7-Eleven	3.93	Exxon	3.87	0.05	Freestate	Sunoco	3.95
4-Apr		BP	3.99	Hess	3.99	-0.03	Freestate	Sunoco	3.97
5-Apr		Exxon	3.95	Xtra; Exxon	3.99	-0.02	Freestate	Sunoco	3.99
7-Apr		7-Eleven	3.95	Xtra; Exxon	3.99	-0.02	Freestate	Sunoco	3.99
10-Apr		Wawa	3.93				Freestate	Sunoco	3.99
11-Apr		Shell	3.90	Shell, Exxon	3.95	-0.03	Freestate	Sunoco	3.99
15-Apr		Wawa	3.89	BP (3 @3.92)	3.91	-0.04	Freestate	Sunoco	3.97
16-Apr		Wawa	3.89	Xtramart	3.89	-0.06	Freestate	Sunoco	3.97
			0.063			0.008			0.065

		MD. Costco		Va. Costco	
		Range	Diff.	Range	Diff.
Wheaton v. Costco	Wheaton v. Costco				
Beltsville	Elkridge				
0.02	0.02	3.52-3.66		0.13 3.53-3.67	0.14
		3.52-3.67		0.15 3.53-3.67	0.14
0.05	0.02	3.52-3.67		0.15 3.56-3.66	0.1
0.08	-0.02	3.52-3.69		0.17 3.51-3.66	0.15
0.08	0.02	3.52-3.67		0.15 3.53-3.68	0.15
-0.06	-0.12	3.57-3.79		0.22 3.56-3.75	0.19
0.06	0	3.64-3.79		0.15 3.64-3.84	0.2
0	-0.04	3.66-3.83		0.17 3.53-3.82	0.29
0	-0.02	3.64-3.83		0.19 3.53-3.82	0.29
0	-0.05	3.68-3.86		0.18 3.53-3.84	0.31
0	0	3.72-3.83		0.11 3.62-3.84	0.22
0.01	0.08	3.74-3.87		0.13 3.68-3.93	0.25
0.03	-0.02				
0.03	-0.02	3.72-3.87		0.15 3.68-3.91	0.23
		3.72-3.87		0.15 3.68-3.91	0.23
0.04	0.02	3.72-3.87		0.15 3.73-3.96	0.23
0.04	0.02	3.72-3.87		0.15 3.79-3.96	0.17
0.04	0.02	3.72-3.9		0.18 3.79-3.96	0.17
0.04	-0.1	3.77-3.99		0.22 3.79-3.96	0.17
0.02	-0.08			3.79-3.99	0.2
0.02	-0.08	3.77-3.99		0.22 3.79-3.99	0.2
		3.77-3.99		0.22 3.77-3.99	0.22
0.02	-0.04	3.77-3.95		0.18 3.77-3.99	0.22
0.05	-0.06	3.77-3.95		0.18 3.74-3.99	0.25
0.05	-0.06	3.77-3.95		0.18 3.74-3.98	0.24
0.028	-0.023			0.16869565	0.21

	Beltsville			Elkridge			Wheaton								
	Lowest Non-Costco Price	Diff.	Lowest Non-Costco Price	Diff.	Lowest Non-Costco Price	Diff.	Lowest Non-Costco Price	Diff.							
4-Jan	Costco	3.29	Wawa	3.33	0.04	Costco	3.27	Exxon	3.35	0.08	Freestate	3.33	Shell	3.36	0.03
5-Jan		3.31	Wawa	3.33	0.02		3.31	Hess	3.39	0.08	Freestate	3.33	Sunoco	3.37	0.04
6-Jan		3.31	Wawa	3.35	0.04		3.33	XtraMart	3.37	0.04	Freestate	3.33	Sunoco	3.39	0.06
7-Jan		3.31	Wawa	3.39	0.08		3.33	Hess	3.39	0.06	Freestate	3.33	Sunoco	3.39	0.06
8-Jan		3.31	Wawa	3.35	0.04		3.33	Hess	3.37	0.04	Freestate	3.33	Sunoco	3.39	0.06
9-Jan		3.31	7-Eleven	3.35	0.04		3.33	XtraMart	3.39	0.06	Freestate	3.33	Sunoco	3.39	0.06
10-Jan		3.31	BP	3.33	0.02		3.33	Shell	3.34	0.01	Freestate	3.33	Shell	3.41	0.08
11-Jan		3.31	Wawa	3.35	0.04		3.33	Quarles	3.37	0.04	Freestate	3.33	Sunoco	3.39	0.06
13-Jan		3.31	BP	3.31	0.00		3.33	Shell	3.37	0.04	Freestate	3.33	Sunoco	3.39	0.06
14-Jan		3.31	Wawa	3.31	0.00		3.33	Shell	3.27	-0.06	Freestate	3.33	Shell	3.46	0.13
				<u>0.03</u>					<u>0.04</u>					<u>0.06</u>	

* Note, the lowest price is the one reported by parties working with Gas Buddy
On some days, such as Jan. 10, 2013, no one reported the Sunoco price in Wheaton,
which is usually the next cheapest, thus a higher-priced station was counted. These
results are, accordingly, conservative, since the lowest-priced alternative is not always included/

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EXHIBIT 6

AEO2013 Early Release Overview

Executive summary

Projections in the *Annual Energy Outlook 2013 (AEO2013)* Reference case focus on the factors that shape U.S. energy markets through 2040, under the assumption that current laws and regulations remain generally unchanged throughout the projection period. This early release focuses on the AEO2013 Reference case, which provides the basis for examination and discussion of energy market trends and serves as a starting point for analysis of potential changes in U.S. energy policies, rules, or regulations or potential technology breakthroughs. Readers are encouraged to review the full range of cases that will be presented when the complete AEO2013 is released in early 2013, exploring key uncertainties in the Reference case. Major highlights in the AEO2013 Reference case include:

Crude oil production, particularly from tight oil plays, rises sharply over the next decade

The advent and continuing improvement of advanced crude oil production technologies continue to lift projected domestic supply. Domestic production of crude oil increases sharply in AEO2013, with annual growth averaging 234 thousand barrels per day (bpd) through 2019, when production reaches 7.5 million bpd (Figure 1). The growth results largely from a significant increase in onshore crude oil production, particularly from shale and other tight formations. After about 2020, production begins declining gradually to 6.1 million bpd in 2040 as producers develop sweet spots first and then move to less productive or less profitable drilling areas.

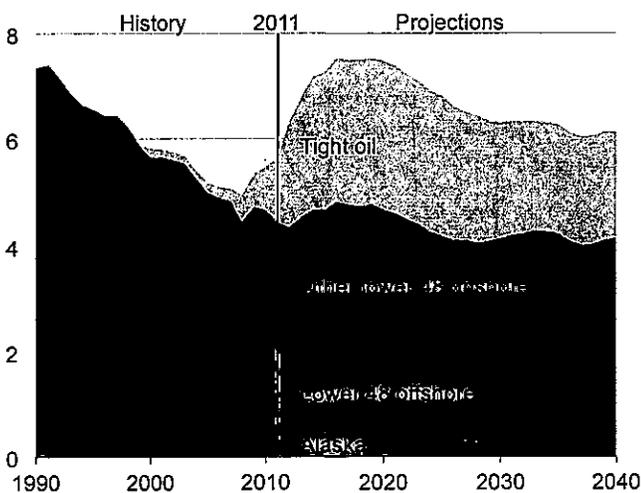
Natural gas production is higher throughout the AEO2013 Reference case projection than it was in AEO2012, with natural gas increasingly serving the industrial and electric power sectors, as well as an expanding export market

Relatively low natural gas prices, facilitated by growing shale gas production, spur increased use in the industrial and electric power sectors, particularly over the next 15 years. Natural gas use (excluding lease and plant fuel) in the industrial sector increases by 16 percent, from 6.8 trillion cubic feet per year in 2011 to 7.8 trillion cubic feet per year in 2025. Although natural gas also continues to capture a growing share of total electricity generation, natural gas consumption by power plants does not increase as sharply as generation because new plants are very efficient. After accounting for 16 percent of total generation in 2000, the natural gas share of generation rose to 24 percent in 2010 and is expected to continue increasing, to 27 percent in 2020 and 30 percent in 2040. In the AEO2013 Reference case, natural gas also reaches other new markets, such as exports, as a fuel for heavy-duty freight transportation (trucking), and as a feedstock for producing diesel and other fuels.

Motor gasoline consumption is lower in AEO2013 relative to the level in AEO2012, reflecting the introduction of more stringent corporate average fuel economy standards; growth in diesel fuel consumption is moderated by increased use of natural gas in heavy-duty vehicles

AEO2013 incorporates the greenhouse gas (GHG) and corporate average fuel economy (CAFE) standards for light-duty vehicles (LDVs)¹ through the 2025 model year, which increases the new vehicle fuel economy from 32.6 miles per gallon (mpg) in 2011 to 47.3 mpg in 2025. The increase in vehicle efficiency reduces gasoline use in the transportation sector by 0.5 million bpd in 2025 and by 1.0 million bpd in 2035 in AEO2013 compared to the *Annual Energy Outlook 2012 (AEO2012)* Reference case (Figure 2).

Figure 1. U.S. domestic crude oil production by source, 1990-2040 (million barrels per day)



Furthermore, the improved economics of liquefied natural gas (LNG) for heavy-duty vehicles results in an increase in natural gas use in heavy-duty vehicles that offsets a portion of diesel fuel consumption. The use of petroleum-based diesel fuel is also reduced by the increased use of diesel produced using gas-to-liquids (GTL) technology. Natural gas use in vehicles reaches 1.7 trillion cubic feet (including GTL) by 2040, displacing 0.7 million bpd of other motor fuels.²

The United States exports more natural gas than projected in the AEO2012 Reference case

U.S. dry natural gas production increases throughout the projection period (Figure 3), outpacing domestic consumption by 2020 and spurring net exports of natural gas. Higher volumes of shale gas production in AEO2013 are central to higher total production volumes and an earlier transition to net exports than was projected in the AEO2012 Reference case. U.S. exports of LNG from domestic sources rise to approximately 1.6 trillion cubic feet in 2027, almost double the 0.8 trillion cubic feet projected in AEO2012.

¹U.S. Environmental Protection Agency and National Highway Traffic Safety Administration, "2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards: Final Rule," *Federal Register*, Vol. 77, No. 199 (Washington, DC: October 15, 2012), website www.gpo.gov/fdsys/pkg/FR-2012-10-15/pdf/2012-21972.pdf.

²Liquid motor fuels include diesel and liquid fuels from GTL processes. Liquid fuel volumes from GTL for motor vehicle use are estimated based on the ratio of onroad diesel and gasoline to total diesel and gasoline.

Industrial production expands in response to the initial competitive advantage of low natural gas prices

Industrial production grows more rapidly in AEO2013 due to the benefit of strong growth in shale gas production and an extended period of relatively low natural gas prices, which lower the costs of both raw materials and energy, particularly through 2025. Specific industries benefit from the greater availability of natural gas at relatively low prices. For example, industrial production grows by 1.7 percent per year from 2011 to 2025 in the bulk chemicals industries—which also benefit from increased production of natural gas liquids—and by 2.8 percent per year in the primary metals industries, as compared with 1.4 percent and 1.1 percent per year, respectively, in the AEO2012 Reference case. In the long term, growing competition from abroad in these industries limits output growth, as other nations develop and install newer, more energy-efficient facilities. The higher level of production also leads to greater industrial natural gas demand (excluding lease and plant fuel), which grows to more than 8.3 quadrillion Btu in 2035 in AEO2013, compared to 7.2 quadrillion Btu in 2035 in AEO2012. Most of the increase in industrial energy demand is the result of higher output in the manufacturing sector.

Renewable fuel use grows at a much faster rate than fossil fuel use

The share of generation from renewables grows from 13 percent in 2011 to 16 percent in 2040. Electricity generation from solar and, to a lesser extent, wind energy sources grows as recent cost declines make them more economical. However, the AEO2013 projection is less optimistic than AEO2012 about the ability of advanced biofuels to capture a rapidly growing share of the liquid fuels market. As a result, biomass use in AEO2013 totals 4.2 quadrillion Btu in 2035 (compared to 5.4 quadrillion Btu in AEO2012) and 4.9 quadrillion Btu in 2040, up from 2.7 quadrillion Btu in 2011.

With improved efficiency of energy use and a shift away from the most carbon-intensive fuels, U.S. energy-related carbon dioxide (CO₂) emissions remain more than 5 percent below their 2005 level through 2040

Total U.S. energy-related CO₂ emissions do not return to their 2005 level (5,997 million metric tons) by the end of the AEO2013 projection period (Figure 4). Emissions from motor gasoline demand in AEO2013 are lower than in AEO2012 as a result of the adoption of fuel economy standards, biofuel mandates, and shifts in consumer behavior. Emissions from coal use in the generation of electricity are lower as power generation shifts from coal to lower-carbon fuels, including natural gas and renewables.

Introduction

In preparing the AEO2013 Reference case, the U.S. Energy Information Administration (EIA) evaluated a wide range of trends and issues that could have major implications for U.S. energy markets. This overview presents the AEO2013 Reference case and compares it with the AEO2012 Reference case released in June 2012 (see Table 1 on pages 15-16). Because of the uncertainties inherent in any energy market projection, the Reference case results should not be viewed in isolation. Readers are encouraged to review the alternative cases when the complete AEO2013 publication is released, in order to gain perspective on how variations in key assumptions can lead to different outlooks for energy markets.

To provide a basis against which alternative cases and policies can be compared, the AEO2013 Reference case generally assumes that current laws and regulations affecting the energy sector remain unchanged throughout the projection (including the implication that laws that include sunset dates do, in fact, end at the time of those sunset dates). This assumption helps increase the comparability of the Reference case with other analyses, clarifies the relationship of the Reference case to other AEO2013 cases, and enables policy analysis with less uncertainty regarding unstated legal or regulatory assumptions.

Figure 2. Liquids consumption by light-duty vehicles in the United States, AEO2012 and AEO2013 Reference cases, 2010-2040 (million barrels per day)

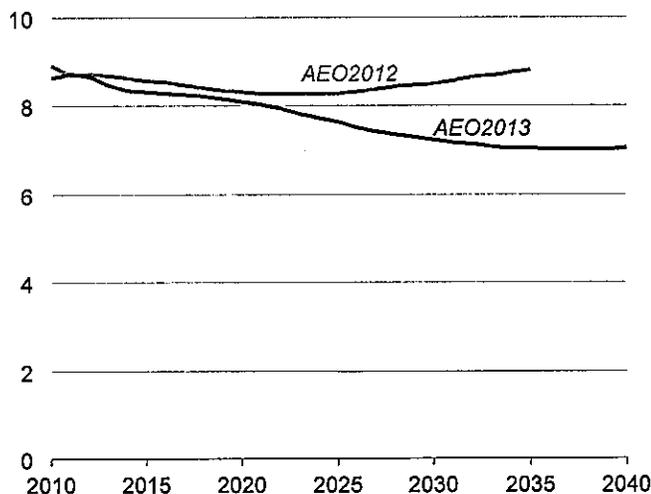
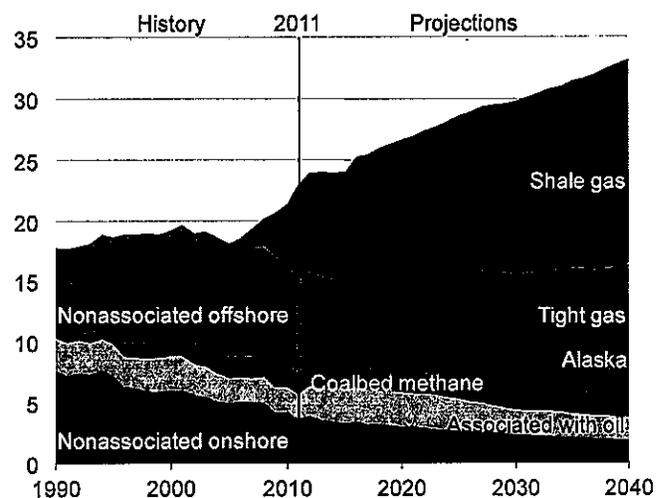


Figure 3. U.S. dry natural gas production by source, 1990-2040 (trillion cubic feet)



ATTACHMENT 23A

January 14, 2013

Ms. Renee Kamen
Senior Planner, Development Revision Division
Montgomery County Planning Department
8787 Georgia Ave., Silver Spring, MD 20910

Re: Special Exception application S-2863; Costco gas station

Dear Ms. Kamen;

Please find attached a pdf document ("Outside the Box") I am hereby filing, on behalf of the Stop Costco Gas Coalition, in opposition to Costco's Special Exception application S2863. The text of this cover letter is embedded - as the first page - in the pdf, with my signature.

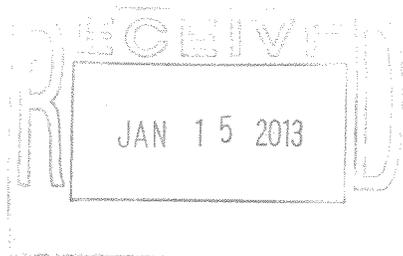
Please confirm that you have received this filing in time for it to be included in planning staff discussions of S-2863 as it prepares the staff report it will give to the Planning Board.

I wish to thank you, once again, for the time you and other staff members spent with us explaining how you evaluate such applications (and opposition filings) and to indicate how much your meetings with us helped us understand the realities of the Special Exception process.

Yours sincerely,



Mark R. Adelman
Webmaster, The Stop Costco Gas Coalition
3206 University Blvd. W.
Kensington, MD 20895
webmaster@stopcostcogas.org



OUTSIDE THE BOX

by

Mark R. Adelman

Webmaster, The Stop Costco Gas Coalition [1]

In what follows, the author attempts to call attention to factors related to how, while decisions on Costco's Special Exception application (S-2863) are being made on the playing field defined in the County Code, our society is simultaneously struggling with this matter outside the box defined by the playing field.

This filing is written by one person, the author, who chooses for the rest of this piece to refer to himself as "MRA". MRA is a member of the Stop Costco Gas Coalition (SCGC), of the Kensington Heights Civic Association (KHCA), and of our society. MRA chooses to refer to all of the other members of these various groupings as "we", occasionally with some clarification; for example "we, as a society". These constructs are used in the hope that you, "the reader", will follow him outside the box in thinking about the issue of S-2863.

The process by which S-2863 is being decided is a quasi-judicial and socio-political one, common in how our society decides many such issues. It is a battle (or a combative game) fought in stages in a series of arenas, with several sets of rules (explicit and/or implicit). Frequently it takes us many years to reach decisions in such cases; often no final decision is actually reached until long after those present at the start of the battle have passed from the scene. The reader is probably aware of other such protracted (even ongoing) battles: the societal struggle over smoking, the environmental wars, and discussions of invasions of privacy come to mind.

The battles are frequently highly asymmetric, involving some entities that have very extensive resources (time, money, political power, apparent authority, and/or large numbers of actively involved members) and some entities that do not have such resources.

MRA is writing this at the end of an early stage of the process, in which we (a few active members of SCGC) have struggled to prepare a series of filings intended to refute the filings that Costco has made in support S-2863. These filings (both Costco's in support of S-2863) and ours (and those of others who oppose S-2863) will be evaluated by professional staff of the Montgomery County Planning Commission. They will provide their analyses to the Planning Board, which will in turn provide its findings to the Hearing Examiner. After the Hearing Examiner issues a decision, one or more appeals will be considered. The process may even extend to formal legal procedures as suits are brought and fought. Many years later there may be class action suits - if aggrieved citizens (or their descendants) chose to bring them.

So it is much too early to "see" how this process will actually play out. But MRA wishes to make some observations about the process to this point.

One could argue that the process should proceed in a logical manner: first the technical stage (now at the planning commission staff level), then the quasi-judicial, then the socio-political, and then the legal stages. But that is already not the sequence. The battle has already been going on for at least four years (since County officials began discussions with Westfield and Costco about bringing Costco into the County to accrue economic benefits for the County, etc.). Many are already tired of the battle, despite the fact that it is only just beginning. There are already expressions of exasperation - in the media and the blogosphere - that, for example, the delay is unfair to Costco, that "it is just a gas station!", that this is a NIMBY issue, and so on. The exasperation will surely grow and the diatribes will intensify.

MRA wishes to focus here on what we have learned, from our readings and our discussions with planning commission staff, as to the inadequacies of the County Code and the instructions that guide the professional staff (they are highly trained, make use of voluminous books, rulings, etc.) as they evaluate how the various filings do or do not speak to the elements of the Code. The Code is our (society's) Code: it is not simply the County Council's Code (although they, via the staff that serve them, wrote the Code): we elected them and we are supposed to consider whether or not we approve the laws under which we as a society operate. MRA (and others in the SCGC) have found what we regard as serious defects in the Code and it seems appropriate to call out just a few (only five) of these now.

1. The Code is nearly silent on matters of public health. The very word "health" is mentioned only once in all the sections of the Code on which initial decisions regarding S-2863 must be reached. The Code is so inadequate in the matter of public health that it practically encourages the situation in which the applicant (Costco) feels it can meet the requirements of the Code by filing a four page letter from a "health consultant" who purports to understand citizen concerns but finds them groundless. It forces citizen activists to respond with a rebuttal health filing that, while far more extensive and detailed than Costco's "health letter", is in our own view so far from how the discussion of this fundamental issue should be decided that we ourselves are dissatisfied. Even more problematic is the fact that it is nearly impossible to state clearly how Montgomery County actually deals with issues of public health - and the extent to which it is forced to rely on rulings/guidelines issued by State and Federal agencies (like the EPA) that are themselves struggling to keep abreast of scientific advances that are directly relevant to the very health issues that concern most of the citizens who oppose S-2863.

2. The Code encourages a kind of gamesmanship that is offensive. We (SCGC) have commented quite caustically, in our filing rebutting Costco's Land Use Report, at the attempt by Costco to define the "neighborhood" as including the Mall, but excluding the Kensington Heights community. That planning staff agree with our definition of neighborhood (and disagree with Costco's) does not change the anger we experience when we consider/reconsider what Costco's definition of neighborhood implies about Costco's attitude toward the community into which it has moved.

3. The Code contains terms that by their very nature force the construction of processes for evaluation that are almost insanely complex and cannot be considered to be "common sense", no matter what anyone's definition of common sense may be. The issue of evaluating "neighborhood need" is one that comes immediately to mind. The Code requires the applicant to "prove" that the use it proposes (the mega gas station proposed for the Westfield Wheaton Mall) meets a "neighborhood need". In our rebuttal of Costco's Land Use Report we attempted to explain how, by virtue of the reality that it is almost impossible to define "need" so that all agree, the Code has forced the Planning Commission to create a method by which "need" can be quantified. The method is called "market analysis"; while MRA does not fully understand market analysis, he understands it well enough to judge it a truly bizarre way in which to address the issue of need.

4. In preparing our rebuttal of Costco's Traffic Impact Analysis (TIA, also required by the Code and the mechanisms by which the Code is to be met), we had extensive discussions (with the planning staff) of the details of a TIA. These educated us sufficiently to understand that most - but not all - of Costco's TIA is valid (within the rules of the game for the box in which the game is being played now). But the discussions also enable us to understand why the many TIAs that have been filed as our County has developed have lead to a situation in which essentially all of our traffic network is in compliance with the rules, but we all spend many hours dealing with unacceptable levels of traffic congestion. The rules for preparing a TIA and deciding whether the data produced satisfy the requirements of the Code are simply not appropriate. If we wish our society to "work", we need to modify the rules. It is not necessary to start over; we just need to modify them.

5. As a result of the passage of ZTA 12-07, the Code now specifies (Sec 59-G-2.06 (b) (1):

"After August 13, 2012, the area identified by a special exception application for a new automobile filling station designed to dispense more than 3.6 million gallons per year must be located at least 300 feet from the lot line of any public or private school or any park, playground, day care center, or any outdoor use categorized as cultural, entertainment and recreation use."

In our discussions with planning staff, we have come to understand that this language is considered to speak to the issue of "siting" of the proposed gas station. In other regulations that speak to the "siting" of schools (these include some EPA documents and other regulatory pieces; the precise names of these other documents is not important here), there is a stipulation that schools must not be sited within 1000 feet of such a very large gas station. As discussion of the apparent conflict between these two stipulations of siting (which planning staff must consider) unfolded, we were dismayed to learn that "siting" is understood to have a temporal component. Specifically, while it may be decided that a school cannot be built near a pre-existing gas station, it may also be decided that gas station can be built near a pre-existing school. We wish we were mistaken on this, but the point seemed quite clear. Assuming so, this seems to us to be insane. But that appears to be how the Code, etc. will be interpreted and will thus impact the decision in the case of S-2863. Thus this matter (the temporal nature of "siting" regulations)

becomes yet another example of where we as a society need to rework the Code and all the other pieces of the tangle of rules and regulations by which we reach decisions in such complex, yet very important matters.

MRA concludes by thanking the reader for "sticking with it" to this point. He asks that the reader consider the above and, as the process of deciding on S-2863) plays out, consider contributing to the public discourse that is to come. An informed public discourse will be vital to coming to some consensus about S-2863. And about many matters that are much more important than "just another gas station".

ENDNOTE

1. The Stop Costco Gas Coalition was formed in October 2012 by a group of citizen-activists who were concerned that only a small segment of the public was following the Costco mega gas station issue. The SCGC website (www.stopcostcogas.org) has a large amount of information about the application, background material relevant to understanding the Special Exception process, references providing information on citizen concerns, and a listing of the members who have joined the Coalition.

ATTACHMENT 23B

January 14, 2013

Ms. Renee Kamen
Senior Planner, Development Revision Division
Montgomery County Planning Department
8787 Georgia Ave., Silver Spring, MD 20910

Re: Special Exception application S-2863; Costco gas station

Dear Ms. Kamen;

Please find attached a pdf document ("LandUseRebuttal") I am hereby filing, on behalf of the Stop Costco Gas Coalition, in opposition to Costco's Special Exception application S2863. The text of this cover letter is embedded - as the first page - in the pdf, with my signature.

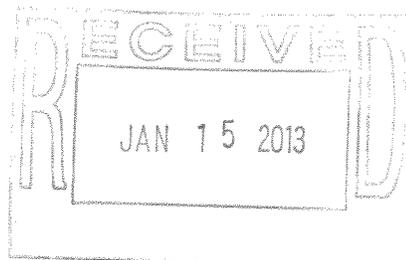
Please confirm that you have received this filing in time for it to be included in planning staff discussions of S-2863 as it prepares the staff report it will give to the Planning Board.

I wish to thank you, once again, for the time you and other staff members spent with us explaining how you evaluate such applications (and opposition filings) and to indicate how much your meetings with us helped us understand the realities of the Special Exception process.

Yours sincerely,



Mark R. Adelman
Webmaster, The Stop Costco Gas Coalition
3206 University Blvd. W.
Kensington, MD 20895
webmaster@stopcostcogas.org



Costco's Land Use Report: Rebuttal of a Tangled Web [1]

by

Mark R. Adelman [2]

Webmaster, The Stop Costco Gas Coalition [3]

A. Overview

[Those familiar with the technical aspects of the Special Exception process may wish to read our Summary (Section D) first, and then return to this section.]

This filing is intended as a rebuttal of the Land Use Report that Costco filed (as Exhibit O) in support of its Special Exception application (S-2863), requesting approval to build/operate a mega gas station in the southwest quadrant of Westfield's Wheaton Mall. This rebuttal is intended to meet the needs of the staff at Montgomery County Planning Commission, who are charged with evaluating Costco's filings (as well as any filings by opponents of the application) and recommend to the Planning Board whether the Board should approve, disapprove, or take no position on the application. This rebuttal is also intended to serve as a filing with the Planning Board, and with the Board of Appeals Hearing Examiner who will hear testimony regarding the application [4]. Furthermore, it is intended to be readable by the general public, who may/may not have had the time to work through the various filings (many are long and highly technical documents) that are used to convince all Parties that the application should/should not be approved. This filing will be posted to our website once all of our filings have been submitted.

B. Format

Planning staff has assured us that there is no single approved format for filings such as this rebuttal, so we [4a] have adopted this discussion format, in the hope that citizens will not be put off [as they might be when approaching the highly technical, jargon-laden filings that Montgomery County Code (law) is presumed to require in cases such as S-2863]. We have spent considerable time trying to decide the appropriate tone for this filing. Costco's tone in its Land Use Report is **assertive**: it asserts that certain elements of the Code have been satisfied, often by reference to other filings. These filings, taken together, constitute a web of interconnected materials that supposedly prove that Costco's application should be approved. We have chosen to adopt a **dismissive** tone: we find the Land Use Report to be poorly written, riddled with factual errors and misleading statements, filled with sections that distract the reader from the issues at hand, and containing numerous inconsistencies both within the document and when compared to other filings in their submission packet. Above all, it does not support the assertion that the relevant requirements of the Code have been met. In short, the Land Use Report (which is an overview of the entire application) does not convince us that Costco's application should be approved. We conclude that it should be dismissed (i.e. not approved).

[Because the detailed rebuttal is (must be) very long, we suggest that interested Parties first skip over section C and read our final section (D. Summary and

Conclusion). There we reiterate how Costco has failed to satisfy the elements of Code that it must meet in order to justify its request for approval to build a mega gas station at the proposed site in Westfield's Wheaton Mall. The approval can only be granted if Costco has met the requirements, both General and Specific, as they apply to the specific site. Section D lists the elements of the Code that Costco has failed to satisfy. After reading Section D (it is relatively brief), the reader can then return to Section C and work through the detailed rebuttal which puts the final section (D) in perspective.]

C. Specifics

Costco's Land Use Report has seven sections (and two attachments - each of these is a map, on which we do not comment). Some sections have subsections. In what follows, we address almost every section. Our purpose here is not primarily to indicate our reasons for dismissing the points Costco claims to have made, although we do that in many places, either directly or by reference to our other more detailed filings. Rather our intent is to give an overall sense of the vapid nature of Costco's arguments and to indicate how the County Code appears almost to encourage filings that fail to address, in a meaningful way, the issues that concern citizens. So as to give the reader a clear path through the web of pointless filings and meaningless assertions, we have placed many details in our Endnotes section (or our own web of filings). We hope that by doing this, we are providing the reader a clearer picture of the issues, while at the same time making available pertinent information that some (but probably not all) readers may wish to consider. [5a] For the remainder of this section (C) of our rebuttal, the numbers and headings (in quotation marks) are those that Costco used in its Land Use Report. We use these headings and comment on each section but, for the most part, do not quote Costco's document, except as indicated. Readers should understand that Costco's Land Use Report (hereafter referred to as "CLUR" [5]) makes frequent reference to (indeed often includes verbatim quote of) Chapter 59 of the Montgomery County Code; we will use such references only sparingly [6] and will almost never actually quote the text of the Code. However the reader must understand that Costco's filings are intended to address the requirements of the Code, in a point-by-point fashion. Hence our final section (D) does include the numbering (but not the actual content) of the points of the Code that Costco has failed to meet.

" I. INTRODUCTION

A. Project Summary and Site Description"

This subsection simply describes the location of the Mall, the proposed siting of the mega gas station, and a number of factors related to the impact of the decision, by the County Council (in mid 2012), to pass Zoning Text Amendment (ZTA) 12-07. ZTA 12-07 stipulated a 300 foot "buffer" between any gas station of a certain size and any "sensitive land uses". It caused certain changes in the Code regulating approval/denial of Special Exception applications for gas stations. We will comment on Costco's misleading interpretation of ZTA 12-07 at the appropriate point (below). We comment here on two specific points in this subsection of CLUR

[5].

First: Costco erroneously refers to three entrances to the Mall from University Boulevard. There are in fact only two. This is not a minor point. As we explain in detail in our rebuttal of Costco's Traffic Impact Analysis (a separate filing), Costco is asserting a level of ease of ingress/egress that does not exist and this assertion renders invalid Costco's assertion that the mega gas station will have no negative impact [7] on traffic in the area.

The second point is more subtle, but perhaps more important: Costco insists on using the term "Filling Station" in reference to the proposed gas station. (The Code uses the same term, and we suspect, for the same reason.) We insist on using the term "mega gas station" because it is more accurate [8]. Furthermore, constant use of the term filling station serves to "sanitize" the issue, whereas use of the term mega gas station serves to remind the reader that what is being proposed is a 16 nozzle gas station that will dispense about 12 million gallons of gasoline per year near a neighborhood that already is served by over 20 gas stations (the number varies depending on how one defines the vicinity), none of which dispenses even one-tenth as much gasoline. We will elaborate on this issue below (and in our other filings). The matter of misleading use of wording becomes even more important in the discussion of "neighborhood" that occurs at numerous points in CLUR (see following sections).

"B. Zoning and Master Planning History"

A brief section stating what master and sector plans are relevant to the application. Embedded here is the correct statement that the bulk of the Mall is zoned CR (and thus less restricted as to development that may generate lots of traffic); this is introduced to "set up" the argument that master and sector plan sections related to smart growth are not relevant (see below).

"C. History of the Transformation of Wheaton Shopping Mall"

This is, for the most part, a factually accurate statement of the history of the Mall. There are, however, a number of problematic uses of english that are designed to confuse the issue(s):

Costco employs the terms "automotive use" and "full service automobile repair center" (in reference to the Montgomery Ward center that no longer exists) to convey the subtle implication that gas station services existed previously in the southwest quadrant of the Mall. They did not: never.

Costco refers to "a planned redevelopment of the traffic pattern on the Mall Parcel", and "shifting one of the University Boulevard entrances" to convey the notion that traffic flow off University Blvd. has been improved (or at least not made worse) by the growth of the Mall since Westfield took ownership and that part of this has resulted from reconfiguring multiple entrances into the Mall. This is not the case. Traffic congestion at the Valley View Avenue entrance is worse than before, and this is so despite the fact that the Midvale Road entrance (one of the two that

actually existed) was closed (moved to the point where East Ave. intersects University) and two stacking lanes, each two blocks long were created. Pedestrians trying to navigate the Valley View intersection complex can attest to the problematic situation.

Costco implies [9] that the entrance to the Mall and the proposed mega gas station "is along the western edge of the Mall Parcel and abuts the Kensington Heights residential community to the west". This is phrasing to prepare the reader for the preposterous claim (below) that the neighborhood of the mega gas station does not include any part of Kensington Heights. [However, it also reflects the reality that this is the major point of access to the gas station - a point that is discussed more fully in our rebuttal of Costco's Traffic Impact Analysis.]

"D. Land Use: Proposed Filling Station within Wheaton Shopping Mall

1. Location"

This subsection notes "The Ring Road serves as the primary means of circulation for the Mall." This is correct. In fact circulation on the ring road is critical to proper flow of traffic into and out of the Mall at the intersection with Valley View (an issue that we discuss in much more detail in our own traffic analysis filing).

"2. Circulation"

Factually accurate, but written to assert that traffic into and out from the mega gas station will flow smoothly, with no negative impact on pedestrian traffic: we assert that this cannot be determined until both the mega gas station and the Costco store are open and functioning. Any opportunity to accumulate actual data on the impact of the store on traffic was "lost" when Costco announced it would not open the store in October, 2012 - as had been widely publicized.

"3. Layout"

Factually accurate, including the statement that it will sell no diesel gas [a fact that Costco's Health Expert seems slow to understand (see their "Health Analysis")] and the statement that Costco gas is only sold to members (who pay a membership fee) - a fact that seems to be forgotten at places in Costco's Traffic Impact Analysis (TIA).

"4. Signage"

Apparently factually accurate, with the caveat that the report here refers to fuel deliveries being made from one to five times a day, whereas the TIA provides numbers implying six to nine truckloads per day. A minor discrepancy perhaps, given that planning commission staff inform us the number of deliveries will be 1-5 per day, as a condition of approval (if the application is approved), but the implications [10] should be considered.

"5. Landscaping and Screening"

This is a very interesting example of the degree of convoluted presentation that can arise when a web of documents is being constructed to support a questionable application such as S-2863. The section, in essence, argues that Costco will use multiple landscaping features, including improving the existing landscaped buffer, to screen the adjacent Kensington Heights neighborhood from any of the possible negative impacts of the proposed mega gas station. However, the argument presented is inherently questionable for two major reasons:

First, Costco applied for and received exemptions from any requirement to preserve the Forest buffer along the edge of the Mall [11, and see our separate filing on this issue]. With the exception of a few plantings on the inside of the boundary of the Mall property, all of the landscaping discussed is outside the "screen wall" that Costco proposes to erect (indeed must erect to satisfy conditions under which Westfield was given some four million dollars of taxpayer money to facilitate bringing Costco into Montgomery County). Thus any such landscaping is to be done in the Forest Buffer. In essence, having received exemptions from laws intended to protect forest buffer zones, Costco is proposing to carry out its own forest improvement, without any regulatory control - and presumably without the interference of experts like those associated with the Audubon Society, who might be able to guide Costco as to what species to plant, how large they should be, where exactly they should be planted, etc.

Secondly, the forest buffer improvements that are part of Costco's landscaping work are a part of Costco's planned "screen wall". This is to be a barrier of "concrete panels" including acoustical screening components and a "green screen along the entire side of the wall facing the residences". Presumably the residences are those in Kensington Heights immediately adjacent to the portion of the wall where the proposed mega gas station is to be sited. We emphasize "presumably" because details regarding this "wall" change with every filing modification that Costco makes. We are not certain, even as we finalize this document for submission to planning staff, about the height of the wall, nor its extent along the periphery of the ring road, nor its composition. The plans have changed multiple times, for "reasons" we cannot assess. So we stipulate here that Costco proposes to erect a wall at the periphery of the ring road and that this wall is of some composition, with some height (possibly variable) and some linear extent, with some landscaping component. Planning staff may feel that they understand the details of this wall, but we do not, and staff efforts to assure us of the details have not proven satisfactory.

Why is this "screen wall" of any significance? Three reasons:

a. The repeated changes of the specifications as to this wall impose on citizens attempting to present objections to S-2863 the unacceptable challenge of a constantly changing "target". We do not believe this is some sort of accident. It is an intentional strategy.

b. The screen wall is presented as the ultimate buffer between the proposed mega gas station and any possible negative impacts on the adjacent residential

community. A barrier to noise, high levels of lighting, air pollution, health effects, etc. If high enough, wide enough, green enough, and sturdy enough, it protects all of the adjacent properties - and people - from any/all adverse effects.

c. The screen wall becomes a barrier between the Kensington Heights community that Costco can use in support of its assertion (see below) that Kensington Heights is not part of the neighborhood whose concerns are the major concerns that Costco must address.

We will return to the ramifications of the uncertainty about this screen wall after we discuss how Costco proposes to define the relevant neighborhood.

"II. Surrounding Development and Defined Neighborhoods"

In a way, this is the simplest section of the Land Use Report to dismiss, because it is so patently absurd. Costco states that the neighborhood that is to be considered as potentially impacted by construction/operation of the mega gas station is bounded as follows:

"Northern Boundary: University Boulevard
Eastern Boundary: Veirs Mill Road
Southern and Western Boundary: Boundary of the Mall Parcel"

That is what is stated in the Land Use Plan (p.7).

Very neat and clean. This two page section could be quoted here in its entirety and dissected point by point, but we have chosen not to do so because we would prefer that readers see it for themselves and consider what this means about Costco as a corporate entity [12]. We have chosen instead to comment on the implications of this supposed argument by Costco's Land Use Planning experts:

a. It is absurd on the face of it. The adjacent homes of Kensington Heights, the Kenmont Swim Club, the Stephen Knowles School for special needs children are not part of the neighborhood that is impacted by the proposed gas station?!

b. Planning staff do not agree with this definition and have so informed Costco. According to planning staff, the definition of neighborhood that they will use in evaluating S-2863 extends well beyond the Mall Parcel (essentially to McComas Avenue (southeast extent) and Drumm Avenue (southwest extent). We agree with these boundaries.

c. One can view the CLUR definition of neighborhood as a ploy, a legalistic "trick". A nice try. We do not view it that way. We view it as an expression of Costco's contempt for the people who live adjacent to the property it occupies and who will be impacted by its operations. [12]

If all other points in our filings are rejected, this single point should be sufficient basis for denial of Costco's application. [7a]

We return now to the Landscaping and Screening Wall referred to above. The importance of this construct is now quite clear. It is a wall designed to separate Kensington Heights from the mega gas station. [See the following sections.] It is inconsistently defined because it is to be defined and constructed in whatever manner is needed to wall off the existing neighboring community and "insulate" it from the negative impacts of the mega gas station. Too much noise or light? Make the wall higher. Too much exhaust? Make it higher, thicker, and/or wrap it in plastic so no fumes can escape downhill to the residential community. Costco asserts there is "no interaction occurring between the two areas" (the Mall property and Kensington Heights). It includes a footnote acknowledging pedestrian paths connecting the two domains, but does not include a third pathway, the ramp by which children from Stephen Knowles School are brought to the Mall for frequent visits. No problem: the wall can be modified with airlock passageways that allow pedestrian passage but prevent transfer of exhaust fumes, etc. All is possible with this magical screening wall.

The wall is not designed to protect the community from negative impacts of the proposed gas station. It is designed to protect Costco from the criticisms of citizens residing in the neighboring community.

"III. 2012 Wheaton CBD and Vicinity Sector Plan"

This three page section is largely irrelevant here because it focusses on the letter of the sector plan, rather than the intent. And because all sector plans are viewed as guidelines to what are desired outcomes of development, they are easily ignored by both government and corporate entities whose visions are not aligned with the visions of the sector plan(s). Our separate filing on the sector plan and smart-growth addresses these issues in more detail.

"IV. Zoning Ordinance Conformance"

Pages 10 through 24 of CLUR include a series of assertions that S-2863 is in conformance with the various relevant sections of the Zoning Code. The format is predictable and predictably uninformative. Each section/subsection of the relevant code (from Chapter 59, including all the subsections of G-1 and all the subsections of G-2.06) are duplicated and "addressed". In essentially every case (there are at least 23 quoted sections, and more are enumerated but not quoted), it is asserted that the requirements of the code are either met or are not relevant. We have chosen to address only a subset of these items, both to avoid commenting on points that are true but irrelevant and in order to focus on a few examples where Costco's assertions are most egregiously wrong. We do not, in what follows, refer to each and every element of the code by number: that would be inherently distracting and many of our comments in fact address more than one section (indeed must do so). However, our Summary and Conclusions section (D) does list each element of the Code (by number) that we assert Costco has failed to meet.

As to the General Conditions [Chapter 59-G-1.21 through 1.21(9)(C)(c)], and Costco's considerations of all of them, we choose to comment on only the following (page numbers are those in the CLUR):

p. 10: "traffic normally associated with a gas station". Since mega gas stations presently constitute less than 4% of all gas stations, there is nothing "normal" about the one Costco proposes to construct/operate.

p.11: "surrounding properties, (i.e. the Mall Parcel)". This continues usage of the absurd re-definition of the relevant neighborhood. We will not call out the repeated uses of this twisted logic any more in our document.

p.11: Costco refers to "state of the art technologies" without defining such, claims the station will operate "extremely efficiently" without explaining what this means, calls the station a "high volume station" (a term not used elsewhere) and states it is expected to sell "approximately 10 million gallons of gasoline annually". [Costco has given different numbers in different documents; we - and planning commission staff - have concluded that the one correct number to be used in evaluation of S-2863 is 12 million gallons per year.]

p.12: This page begins: "As discussed in greater detail, there will be no adverse impacts resulting from the scale of the Filling Station". There is no reference to where the discussion of scale can be found: we urge the reader to attempt to find this detailed discussion.

p. 12: Section 3 on "Scope" includes many assertions of things that the Costco station will not do (e.g. be open late at night) as an argument why the station is highly desirable. While some citizens may agree, others may value such services and be concerned that Costco will drive other gas stations out of business and thus leave the community with fewer options (for example to get gas after 7 PM on a Saturday or Sunday). Does Costco intend to drive other gas stations out of business? Is there any other plausible understanding of their business model?

p.12: Section 4 on Lighting is an interesting example of attempting to mislead by word usage. CLUR says - in parentheses - "See Photometrics - Exhibit "L". Exhibit L is a one page schematic with no associated text or explanation. Did the information simply get lost? Is this Costco's definition of Photometrics?

p.12: Section 6 on Traffic contains elements that will be addressed in our own traffic impact analysis, but the construction is interesting because it is an especially striking example of how the wording is used to mislead. "The applicant estimates that 30% of customers to the Filling Station will also be visiting the Costco Warehouse, thus reducing the number of new trips to the Property." What about the other 70%? What about the congestion that results when customers who parked to shop at the store return to their cars [12a] and drive out of the parking lot and onto the ring road in order to access the gas station (it can only be entered from the ring road)? Further careful reading of this section reveals that Costco (this is the case in other places in their various filings) obscures the fact that customers of the gas station (and the store) must be members (they must pay to be members) and that most patrons of the Mall will not be able to avail themselves of either the store or the gas station.

[This section also continues the technique of claiming - incorrectly - that there are five entrances to the Mall parcel.]

p.13: Section 7 on Environment includes the following: "... the Filling Station will comply with all National and State air quality standards and guidelines". As explained in our separate filing on health matters, this is no longer the case. In a long-expected outcome, EPA has recently issued a ruling about "soot" (i.e. fine particulates such as are found in automobile exhaust) that will make it impossible for Costco's environmental impact filing to demonstrate compliance. We could elaborate on this point in an endnote but we chose to place this here so it is immediately available to any reader: There have been many comments made about how long the Costco battle has dragged on (since late 2009!). There have been accusations that this is unfair to Costco, bad for the business image of Montgomery County, simply a stalling tactic employed by citizens who oppose the gas station, and so forth. The reality is that Costco is racing to gain approval of this mega gas station at a time when understanding of the air quality and health impact issues is growing exponentially. We predict that within two years the "National and State air quality standards and guidelines" will have changed to such an extent that applications such as S-2863 will be summarily rejected.

pp. 13-14: Most of this is an extended discussion of how S-2863 is not in conflict with the sector plan or ZTA 12-07. This discussion is much too complex to summarize here. [13] There is however, one critical mis-statement in this section that we choose to call out. On page 14, in the paragraph beginning "Furthermore", CLUR states "...the County Council affirmatively rejected a proposed 1,000 foot setback...". This is a deliberate mis-statement. It is an attempt to revise history. [13] Costco's assertion is inaccurate and must be disregarded.

p.14: The entire section at the bottom is invalid. Costco uses the term "auto-centric, automobile dominated Regional Mall" within a wording structure that is designed to convince the reader that the sector plan encourages the use of cars and placement of gas stations in the southwest quadrant of the Mall. The Mall is indeed auto-centric and ours is indeed an automobile dominated society. Most recognize this as problematic and the Transit Oriented Developments (TOD - Costco of course prefers to use the acronym) aspects of the sector plan reflect an overall attempt to reduce wherever possible the negative impacts of excessive reliance on automobile travel. Neither the sector plan as a whole, nor its TOD components can be construed as supporting, much less encouraging, the establishment anywhere in the County - but especially not in the Westfield Wheaton Mall - of a mega gas station such as Costco proposes.

p.15: Costco states "...the station will cater to the needs of shoppers traveling to and from the shopping Mall by automobile, as well as the 977 vehicles parking daily in the WMATA parking garage.....". Yet another assertion ignoring the "Members Only" nature of Costco gas stations. We believe there is no need to call out the additional uses in CLUR of this deceptive phrasing.

p.16: In discussion of the section of Code that requires structures be "in harmony" with the general character of the neighborhood, Costco again asserts it meets the

requirement (because it has defined the neighborhood as discussed above) and it further asserts that the station will be "...imperceptible to the residential area to the south and west..." (by virtue of its magical wall) and that the wall itself "will not be readily apparent". The magical wall is now invisible!

p. 17: Two sections of the Code (59-G-1.21 (5) and (6)) having to do with "peaceful enjoyment, property values", etc. (5) and "objectionable noise, vibrations, fumes, odors, dust, illumination, glare," etc. (6) are called out and it is asserted that the mega gas station will not have any effects relevant to these issues. CLUR refers to these issues having been "thoroughly analyzed in the Environmental Analysis". Given that the Environmental Analysis is in two parts (totaling almost 600 pages), we will reserve for others the pleasure of reading this Analysis and dissecting it. We simply assert that the Environmental Analysis does not prove any of the points claimed.

There is however one puzzling point buried in this section: CLUR asserts that light levels at the Mall perimeter "will be 0 foot candle". That is absolutely black. A very interesting technical achievement. Rather like a black hole. Another property of the magical wall? [14]

p.19: Covered here are two very important sections of the Code [59-G-1.21 (8) and (9)]. We chose to quote these in their entirety, from the actual code:

(8) Will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

and

(9) Will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

As to (8), we may be incorrect but we can find only ONE place where health is mentioned in the relevant code - here in subsection 8. Just once. We will spare the reader any comments on the other elements of (8) and focus simply on health. The main concern of almost every citizen who is opposing S-2863 is that the air pollution (due to exhaust fumes) from the mega gas station will cause unacceptable health risks. Yet the Code relating to requirements as to matters of health risks only mentions health **once!** Costco's filings refer to a "Health Analysis"; but this turns out to be in fact an extremely brief "Health Letter" that is grossly inadequate. [Please read endnote 15.] We have searched Costco's filings in vain for a true analysis of health related risks, but there is none. We have repeatedly asked planning commission staff if they can find such documentation for us and been told that they cannot. Our own Health Matters filing attempts to address these issues in more detail; while it may not be definitive, it is certainly more complete than Costco's filings. When the County Council argued over, and eventually passed ZTA 12-07, it was sitting in its capacity as our governmental department of health. Is this really the best we can all do? Costco's filings do not satisfy the need, as expressed in the

Code, that the applicant prove there is no adverse impact of its proposed gas station on health in the neighborhood. Of that there can be no doubt. But do we really place so low a value on risks to public health that the bar for an acceptable level of discussion is set **this low**?

To restate: The Montgomery County Code that applies to the requested S-2863 approval for Costco's mega gas station mentions "health" just one time. Costco's massive filings in support of S-2863 include less than four pages of material even vaguely related to health risks. Do we as a society actually care about health risks?

As to subsection (9) of the Code (quoted above) we call attention to the requirement for adequate public facilities and that this includes first responders, fire and police. As best we can determine, both fire and police officials have provided brief statements to planning commission staff that they see no problems with the proposed gas station. [16] We would be interested in their comments on Costco's Disaster Management Plan; but they have not - indeed can not - comment on the plan because Costco did not file any Disaster Management Plan, and planning staff have confirmed this for us. [17]

Also as to subsection (9), regarding water; Costco refers to their Engineering Report (Exhibit R). This very brief document (with several attachments) has a section (VI. Sediment Control, Storm Drain, and Stormwater Management) that addresses surface water issues but appears to have no information related to underground water quality impact issues. If Costco is allowed to build the proposed mega gas station, its underground holding tanks will become, *de facto*, a regional underground gasoline storage system. What assurances do we have as to the impacts on the water below the surface of the gas station? None. [18]

As to the Special Conditions that apply to Automobile filling stations [Chapter 59-G-2.06, subsections (a)(1) through (a)(3) and (b)(1) through (b)(10), Costco's assertions regarding these elements of the Code are found on pages 20-24 of the CLUR. Many of these requirements overlap those of the general section (59-G-1) and Costco's responses/comments are of a similar nature. Essentially all of the points that Costco makes and to which we have objections have already been discussed above, so we will not comment further. But we do call out each of the relevant sections in our summary, so the reader can see the list of Code elements with which Costco fails to comply.

"V. Conformance with the Requirements of the Zone"

This brief section is largely innocuous, except for the fact that Costco uses it to again assert that there will be no "public nuisance by reason of emission of dust, fumes, gas, smoke, odor, noise, vibration or other disturbance." We, of course, dismiss this assertion as inaccurate and unsubstantiated. [20]

"VI. The Proposed Location's Relationship to Residential Uses is Comparable to Other Montgomery County Filling Stations"

This section is actually quite humorous. Costco notes four locations where gas

stations are in close proximity to homes and suggests (but rather softly) that many of these stations (and others like them) are comparable with the proposed mega gas station as to the number of pumps and/or the number of cars that will be served. The notion that any of these stations is comparable to the proposed mega gas station is preposterous, but Costco could easily have convinced us by providing one simple number for each station: the volume of gas sold by the station in a year. Would that number be anything close to 12 million gallons per year?

This section also reminds us that the "green screen" (that magic wall again) "provides complete assurance that the Filling Station will be completely concealed from the adjacent residences." Indeed? If/when this application is approved and the station is operational, we will be happy to provide those who approved its construction with pictures (and sound recordings) taken from the decks and bedrooms of residents in Kensington Heights who will at that point in time have begun living in the Costco era.

"VII. Conclusions"

No surprises. One paragraph. Concluding with the assertion that the application should be approved.

Finally, although Costco does not call this out in their Land Use Report, there are two sections of the code that are relevant to understanding why S-2863 should not be approved.

Costco's Land Use Report does not address Code Section 59-G-1.23 (d) regarding submission of a Forest Conservation plan because Westfield and Costco previously obtained an exemption from the need to submit such a plan. Our filing on this matter (supported by members of the Audubon Naturalist Society) argues that the process by which that exemption was granted was flawed and thus the exemption is invalid. We also argue that Costco's filed plans for landscaping constitute a *de facto* plan for Forest Conservation/Management and the exemptions granted inherently preclude any certainty that the plantings will be guided by appropriate County supervisory staff.

Furthermore, there is one critical issue raised by the Code, that of Neighborhood Need. Section 59-G-1.24 states:

"In addition to the findings and requirements of Article 59-G, the following special exceptions may only be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that a need exists for the proposed use to serve the population in the general neighborhood, considering the present availability of identical or similar uses to that neighborhood"

This requirement applies to 6 distinct types of facilities, one of which is "Automobile filling stations". Costco must meet this requirement, but the issue is not addressed in the CLUR. We are submitting a separate filing on the matter of Neighborhood

Need, but the issue is sufficiently complex - and important - that we would be remiss if we did not comment on it briefly here. Costco must demonstrate that there is a Neighborhood Need for the gas station it proposes to build/operate. To the average person, a very simple answer to this is that, with so many gas stations in the vicinity (anywhere from 10-20 more or less, depending on the way one defines vicinity), there is no need for the gas station. But the issue of need is a very thorny one. Our endnote [19] attempts to explain why this is so, why Costco is required to submit a "Neighborhood Needs Analysis", which it has done (Exhibit Q 53 pages long!) and why we have filed our own rebuttal of the needs analysis.

D. Summary and Conclusions

In Section C above we have attempted to guide the reader through the web of cross-linked filings and flawed arguments by which Costco claims to have satisfied the elements of Code that it must meet in order to justify its request for approval to build a mega gas station at the proposed site in Westfield's Wheaton Mall. The approval can only be granted if Costco has met the requirements, both General and Specific, as they apply to the specific site. We assert that Costco has not proven its case. Our assertion is based not only on the detailed rebuttal of Costco's Land Use Report (Section C above), but also on the various documents we have filed in addition to this rebuttal (in essence weaving a web of our own). At this point we will simply list the elements of the Code that Costco has failed to satisfy and how it has failed; each item includes the numbering of the relevant section of the Code.

1. It has not satisfied General Conditions 59-G-1.21 (a) (2) because it has not satisfied various parts of the Specific Conditions 59-G-2.06.
2. It has not satisfied General Conditions 59-G-1.21 (a) (3) because it has failed to demonstrate the proposed use (the mega gas station) is consistent with the intent of the Sector Plan, especially as it relates to Transportation Oriented Development.
3. It has not satisfied General Conditions 59-G-1.21 (a) (4) because it has failed to demonstrate the proposed use is in harmony with the specific character of the neighborhood, in that by its size and mode of operation it will have disruptive impacts by virtue of the additional traffic and traffic congestion it will impose on the neighborhood.
3. It has not satisfied General Conditions 59-G-1.21 (a) (6) because it has failed to prove the absence of adverse effects (inherent and/or non-inherent) with respect to noise, fumes, odors, and dust. The proposed mega gas station **will** have adverse effects on air quality, which includes fumes, odors and dust (specifically soot and/or fine particulates, and possibly including other components to be specified at a later date).
4. It has not satisfied General Conditions 59-G-1.21 (a) (8) because it has failed to prove the absence of adverse effects (inherent and/or non-inherent) on the health, safety, and general welfare of residents, visitors, or workers. The air pollutants that will be generated by the proposed use will have adverse effects on residents, visitors to the neighborhood (including both the Mall and Kensington Heights), and

workers. It will create a safety hazard for pedestrians walking through major portions of the southwest quadrant of the Mall, because traffic flow patterns and pedestrian paths are either too close or are in fact co-incident.

5. It has not satisfied General Conditions 59-G-1.21 (a) (9) because it has failed to prove that adequate public facilities (specifically police and fire protection) can be guaranteed. By failing to submit a Disaster Management Plan it has failed to provide first responders with any data upon which to base their assessment of the scope of additional levels of protection they may be required to provide.

6. It has not satisfied General Conditions 59-G-1.23 (d) because it has failed to provide a Forest Conservation plan and the process by which it obtained an exemption from this requirement is invalid. Its filed plans for landscaping constitute a *de facto* plan for Forest Conservation/Management and the exemptions granted inherently preclude any certainty that the plantings will be guided by appropriate County agencies.

7. It has not satisfied General Conditions 59-G-1.23 (e) because it has failed to prove the planned use will not impact groundwater quality in the neighborhood or the impacted watersheds.

8. It has not satisfied General Conditions 59-G-1.24 (1) because it has failed to prove that a need exists for the proposed use to serve the population in the general neighborhood.

9. It has not satisfied the Conditions specific to automobile filling stations enumerated in 59-G-2.06. In particular it has failed to satisfy:

- a. Subsection (a) (1) as to fumes and odors,
- b. Subsection (a) (2) as to traffic hazard or traffic nuisance,
- c. Subsection (b) (2) because the proposed screen wall cannot protect the community from the airborne pollutants released by the proposed mega gas station.

Costco will of course disagree with all of the above. That is largely a reflection of the fact that Costco does not respect the reality that Kensington Heights is the neighborhood into which it has moved, whereas residents of Kensington Heights understand that Costco has indeed moved into their neighborhood.

We conclude that Costco has not met the burden of proof required by the various sections of the Code and that, therefore, its application (S-2863) should be denied.

ENDNOTES

1. "Oh what a tangled web we weave, When first we practise to deceive!" Sir Walter Scott
2. Dr. Adelman has an AB in Biology and a PhD in Biophysics. His CV is available at (<http://www.educationalassistance.org/MRA/MRAPersonal/CV.html>). He has over 40 years experience in reading and evaluating complex documents and deciding whether the data presented support the conclusions reached.
3. The Stop Costco Gas Coalition was formed in October 2012 by a group of citizen-activists who were concerned that only a small segment of the public was following the Costco mega gas station issue. The SCGC website (www.stopcostcogas.org) has a large amount of information about the application, background material relevant to understanding the Special Exception process, references providing information on citizen concerns, and a listing of the members who have joined the Coalition.
4. The Special Exception process is complex and time consuming. The SCGC website (see endnote 3) has a detailed explanation of the process, as well as the information needed by concerned citizens who may wish to become involved in the process.
 - 4a. Throughout this document the terms "we" and "our" are used to convey the notion that the filing is the product of a group of people: the Stop Costco Gas Coalition Coordinating Committee. In fact, while the ideas that form the core of the document (and many of the detailed comments) are the result of a group effort, the final report is essentially the product of one person - the author. The time constraints under which we (as well as other citizens) were compelled to work made it impossible for the group to carry out any meaningful final critiquing/ modification of this document (or most of the others we have submitted). Thus any errors in content, format, and/or tone are solely the responsibility of the author.
5. Although we would prefer to use no acronyms, constant reference to "Costco's Land Use Report" may begin to annoy readers, so we have chosen the acronym "CLUR".
 - 5a. Despite our desire to construct a readable rebuttal, the complexity of Costco's web has forced us to create a rather long document of our own. We believe it is clear and readable, but it is very long and we thank everyone who reads it to the end.
6. Chapter 59 of the Montgomery County Code has essentially all of the "rules" that are followed as S-2863 is "processed". Chapter 59 is very long. Two sections are especially relevant to consideration of S-2863: Sections 59-G.1 (General Conditions) and 59-G.2.06 Specific Conditions for gas stations). Both of these are available on our website; both have multiple subsections to which we will refer (by number) only if we believe this filing is made clearer or more accurate by including

those numbers.

7. The jargon becomes a bit tedious in many parts of this discussion, because of how the code is written. For example, the code recognizes that there are negative impacts of any gas station, no matter where it is placed or how it operates: these are called "inherent adverse effects". The code further recognizes that there are, in principle, certain additional negative impacts that may occur if a specific gas station is approved for a specific site: such impacts are referred to as "non-inherent adverse effects".

7a. We find no mention, in the code listing potential "non-inherent adverse effects" [7] of "contempt for citizens". If this were listed, one could decide the issue (and reject the S-2863) without any further discussion.

8. Gas stations, of course, come in many sizes and shapes, with/without a variety of components distinct from the simple reality that they have a number of gasoline dispensing nozzles. Up until perhaps twenty years ago, the vast majority of all gas stations in the USA were "small" stations with 2-6 nozzles. They pumped (and still do) on the order of 200,000 gallons of gas per year and this is still the case for most gas stations. There has been a growing trend in recent years, to have significantly larger gas stations. "Large" gas stations have larger numbers of nozzles and pump more gas per year. Most discussions consider "large" gas stations to be ones that dispense from more than 1 million gallons per year up to about 3.6 million gallons per year (definitions vary). The gas station that Costco has opened in other locations - and proposes to open in Westfield Wheaton Mall is an **entirely different kind of gas station**. It will pump (Costco's numbers) 12 million gallons of gas per year, via 16 nozzles. The numbers of cars coming to this gas station are at least one order of magnitude greater than is the case with even a "large" gas station. Because of Costco's "business model", which generates extremely high numbers of cars coming to fill up at each of the limited number of stations it opens, cars must frequently wait in lines (queuing) and while they are waiting, their engines are running. So the amount of air pollution coming from such gas stations is much more than from a "small" station or even a "large" station. Stations such as the ones that Costco operates are now referred to as either "mega gas stations" or "hyper gas stations". (We prefer the term mega gas station.) Experts in this field recognize that there is a trend towards such mega gas stations and that the numbers will increase steadily into the future, subject only to decisions made by counties or states to stop their construction, or by regulatory agencies (such as EPA) to define conditions on permissible sites and modes of operation.

9. The actual wording just preceding the quoted passage is in fact so poorly constructed that one cannot really be sure what is being said unless one is familiar with the relationship of the Mall Ring Road to the entrance at Valley View.

10. Citizens should understand that planning staff cannot be involved in considerations of enforceability of conditions. If the County has an enforcement mechanism "on the books", planning staff must assume that mechanism works. We urge citizens to consider this carefully. For example: What happens if a citizen living some 200 feet from the station is awakened, say at 5 AM, by a delivery truck.

How can that citizen be assured that the truck (it may be violating noise ordinances - how well are they enforced?) will not be the first of, say, six or more deliveries? And so on.

11. Our filing on the forest buffer issue relies on the expertise of the Audubon Naturalist Society and its various filings (in 2012) asking the County to revisit the process by which it exempted Westfield/Costco from various forest conservation regulations. Interestingly, the title of one of the ANS publications on this matter begins "A Web of Waivers and Exemptions..."

12. The full version of CLUR (Exhibit O) is available at the Board of Appeals offices. A digital version was supplied to us by Costco's lawyer and is posted to our website. We urge all interested Parties to read Section II. Many citizens regard Costco as an exemplar of a "good corporation" with a record of concern for the communities and customers it serves. This application, including the deceitful attempt to define away the existence/relevance of an entire neighborhood is a clear demonstration that the executive leadership of Costco is willing to take whatever steps they deem necessary to impose Costco's "corporate model" on whatever community dares to oppose them.

12a. When such customers return to their cars they will be walking across a crowded parking lot - with fewer spaces available because Westfield/Costco have received County permission to have fewer parking spaces - that serves Target and several other businesses. And cars exiting the proposed gas station will be moving near/through this parking lot.

13. We have two filings related to this: a filing on the sector plan and smart growth issues yet (as of 1/14/13) to be submitted and posted to our website, and a second filing (submitted and available on our website at <http://www.stopcostcogas.org/s2863filings/S2863Filings.html>) that addresses the impact of ZTA 12-07. The actual history of ZTA 12-07 is a very interesting example of how our society attempts to deal with complex issues at the interface of health and science. It is in fact very analogous to the events that unfolded as, many years ago now, we struggled with the issue of the health risks of smoking. As the scientific evidence grew that smoking was bad - for the smoker and for those nearby - there was an initial phase of mass denial (the science was regarded as not yet certain, and so on), followed by regulatory steps that were at first timid and then became more forceful and more accepted. Over a period of perhaps 50 years our society completely changed its assessment of the health risks of smoking. Now the battle over the health risks of automobile exhaust are being played out. At the local level, when S-2794 (the previous version of Costco's Special Exception) was being "processed" citizen activists approached members of the County Council and convinced first one, and then a few more, that the Council, acting as a public health body, should enact a zoning text amendment (it became ZTA 12-07) that required a buffer zone between gas stations and certain facilities: the initial version envisioned protecting homes, schools, and outdoor recreational facilities via a buffer zone of 1000 feet. A period of intense lobbying (by both sides) followed, during which allegiances shifted back and forth. During this phase there was much discussion of what the science "was", what the regulations "were", what constituted prudent

standards, etc. Finally a "deal" or compromise was struck and ZTA 12-07 was passed and County Code was changed. The resulting code was far from an affirmative declaration; it was a political compromise that satisfied no one, but was at least a first step. Unfortunately, the compromise that was reached was such that Costco was easily able to reposition the proposed siting in such a way that, as one disgusted citizen activist has said, "we managed to move the gas station away from a swimming club with healthy kids but closer to a public school with kids having all kinds of severe medical problems". The regulations will of course change - hopefully more rapidly than was the case with cigarette smoking - and the public servants who achieved the compromise will move on; how many more health problems will be created before the defective laws are changed remains of course to be determined.

14. The experts who prepared Costco's Photometrics should be asked how it is that the light from existing light poles along the ring road yield light levels of 6 foot candles, whereas Costco must keep the light levels in the gas station vicinity to 0.1 foot candles. This seems unfair to Costco.

15. Costco's "Health Analysis" is in fact a "Health Letter" which is not quite four pages long. Of this, nearly two pages are a list of references (many are irrelevant to the issues at hand) and two are a statement by a "practicing physician and health consultant" who appears justifiably proud of his credentials and spends about one page explaining that the levels of pollutants in diesel exhaust do not constitute a significant cancer risk. This is not very reassuring, given that the only diesel emissions at the station will be from delivery trucks that will be required to turn off their engines while pumping gas into the storage tanks. Costco will not be selling diesel fuel - a point that the health consultant eventually comes to in his report. The mega gas station will sell gasoline - 12 million gallons per year. And while citizens are of course concerned about the cancer risks inherent in breathing air laden with the many volatile organic components in automobile exhaust, they are also very concerned about the risks to their respiratory and cardiovascular systems. The health consultant dismisses concerns about such problems as asthma as being "essentially negligible risks." We note that these risks (and others) are increasingly being linked, by scientific studies that forced EPA to issue new regulations so recently that the extremely thorough health report filed by Costco could not have addressed them. In addition, we should note that the health consultant is very impressed by the thorough environmental study carried out by Costco and we are certain he perused every page (almost 600) of that study. Do we find the Health Letter completely inadequate? Of course. But, given the low level of importance that the Code attaches to matters of public health, can we really expect that Costco would provide a more serious assessment?

16. We do not suggest any criticism of the police and firefighters who serve our communities. Nor do we suggest any criticism of the officials who supervise them or evaluate the various risks to our communities. But we have no information about how much of the details of Costco's S-2863 filings was provided to the officials who commented that they see no problem inherent in the construction/installation of Costco's mega gas station.

17. Some may regard the lack of a Disaster Management Plan as a rather minor issue. We are perhaps being picky. But we are all informed, with appalling frequency, of fires and shootings in movie theaters across our country; many are in Malls, as is the case with Westfield's Wheaton Mall, where the movie complex is quite near the proposed mega gas station site. And of the efforts that first responders must make in such situations. Even if our traffic impact analysis is totally inaccurate, even if the opening of the Costco store and the proposed Costco mega gas station proves to have zero impact on traffic in the Mall, shouldn't our County expect that a Disaster Management Plan (DMP) be filed in conjunction with S-2863? And shouldn't concerned citizens expect that our first responders have been able to look at the DMP before concluding that the gas station will create no additional burdens on their resources?

18. To be precise, the environmental impact that concerns us here is ground water contamination. Gas leaks, drips, and run-off are a concern with any gas station and they are most serious for mega stations which process much higher volumes. While Costco has promised to build the station to stringent standards, the Westfield Wheaton Plaza site presents unique problems. Because of its size the holding tanks at the station would be in essence a regional underground gasoline storage facility. Gas stations typically have a monitoring well in place to provide information about whether an underground leak of petroleum products is occurring. We have been told by Costco, however, that this station will not have a monitoring well (they provided this information at an "open house" for citizens in 2012). Why not? Because, Costco said, drilling a hole in the hill on which Wheaton Plaza sits could be a conduit for contamination – a short cut connecting oil and water. The geology of the Plaza area includes a number of ground water formations (both shallow and deep), right under or close to where Costco's giant underground gas tanks would be placed. The area has been described as a honeycomb of small streams, surrounding the mall property and draining into the Rock Creek and Silver Creek basins. The ground water under the hill and in the surrounding areas could significantly increase the severity of any petroleum product leak. Put most simply, the proposed site involves tricky and sensitive terrain - so tricky that Costco cannot even utilize its normal monitoring methods. Clearly, this is not the site for placing any gas station, much less one that is equivalent to 5-10 normal stations crammed into one tiny area.

19. The issue of "Need" is a thorny one, essentially because we all define need in different ways. Put very simplistically, while you may say you "need" the availability of "cheaper gas" (such as Costco often provides), your neighbor might say you do not "need" cheaper gas, rather you "want" cheaper gas. The Planning Commission (and thus the staff) have had sufficient problems in dealing with this part of the Code that they have had to devise some sort of way of "quantifying" need. And this is not an easy matter. The method that has been arrived at is called a "market analysis" and it is sufficiently complex that we will not even attempt to explain it here. In fact the author does not understand the "market analysis" approach for evaluating need (nor do many others!). Fortunately, one of our group does understand the approach, has discussed Costco's Neighborhood Needs Analysis in detail with Planning staff, and has prepared our rebuttal of Costco's filing.

20. We must confess a caveat here. Costco has filed an enormous amount of paperwork in support of S-2863. Although we are not experts in any of the areas discussed in the various filings, we have worked assiduously to read, understand and analyze the mountains of "data". Planning staff has been very helpful in attempting to explain the data (and the voluminous nature of it); they have also helped us understand the numerous factors that guide their professional assessment of the various filings. They have even been willing to have discussions as to why certain findings may not conform to what we believe are reasonable standards. There have been numerous instances where they have explained that they are professionals and view certain things differently than we would like them to view those things. But even with their help, it has been impossible for us to do the kind of truly thorough study of Costco's filings that we feel are required to prepare the best possible rebuttals. Some of this reflects the realities of working up a steep learning curve. Some of the problems we dealt with are related to the "minor" changes in the "official filings" that occurred - often because planning staff had requested clarifications from Costco - and thus we were compelled to read the revisions. Some, but not all, of the problems we faced might have been alleviated had we not been forced to operate in such a compressed time window. In any case, that is the way the system operates. If our various filings contain errors, we cannot honestly claim to apologize for them; we have done the best we could, under the conditions that applied.

ATTACHMENT 23C

Montgomery County
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JUL 15 2013

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Planning Department

Summary of Non-Inherent/Special Effects of This Station¹

1. Size of the station – at a projected 12 million gallons, it is some eight times the size of a typical gas station in the county, according to testimony in prior Special Exception Hearings and several times the size of the largest existing stations in the county. This is well beyond the normal variance in size encompassed within the typical range for a Special Exception.

- This has been confirmed by the recent Zoning Text Amendment, 12-07, which has created a separate review category for stations above 3.6 million gallons per year – only one third the size of this station. The materials accompanying the ZTA make clear that numerous aspects of the station are directly proportional to the size of the station. Those effects continue to increase above the 3.6 million level. Those effects are well discussed and analyzed in the staff analysis accompanying the ZTA. As that discussion makes clear, there is every reason to expand the buffer proportionally to the size of the station. We ask that the entire staff packet be included in the record for this Special Exception

2. Location – by the school for most severely disabled children in the county. If the County's judgment was that a categorical buffer zone of 300 feet needed to be established for a station of 3.6 million gallons and a school of any kind, a station 3.5 times as large placed next to a school with a hypersensitive population deserves at a proportional increase in the buffer to at least 1,000 feet or more.

- In that regard, the population at the school has the following characteristics:

98 total attendees

15 with breathing issues

5 on oxygen

8 with private duty nurses

28 treatments daily

Disabilities include cerebral palsy, Down's syndrome, Rhett's syndrome, asthma, chronic lung disease, environmental allergies

Average cognitive age 2 years or less

3. Design as an adjunct to a regional magnet destination store – the applicant has made explicitly clear that its overall warehouse draws from a huge regional area (due in large part to the relatively small number of such stores relative to the potential customer base) and that persons making that long drive to the store are also interested in buying the (slightly) cheaper gas sold at the station. As a result, the customer base does not, in the main, correspond with the local neighborhood; moreover, only a small portion of the neighborhood can use the station. The extremely concentrated nature of the store moreover corresponds with a very high usage of the station, creating additional issues.

4. Capacity usage – the size of the station design (16 pumps) compared to the projected sales volume (12 million gallons) results in a very high percentage of capacity usage compared to that of typical stations receiving Special Exceptions.

¹ This analysis is prepared by Karen Cordry, 10705 Torrance Drive, Silver Spring, MD 20902.

5. Idling – the consequence of the very high capacity usage is that the station will not, on a routine basis, be able to process cars through the relatively limited number of pumps in a timely fashion. As a result, these stations have long lines of idling cars as a standard operating procedure. While some minimal queueing occurs at any station, there is no other station in the county where it occurs with the regularity and to the degree found here.

That is a result of several factors, including lower capacity usage, higher costs for stations placed directly on main roads so that they cannot afford sufficient space to allow substantial queueing, and the absolute bar on allowing cars to stack up on public roads. This station, on the other hand, is located in the back of a mall where the only limit on the length of lines is the applicant's willingness to use space otherwise devoted to parking for the station. Excess lines will extend onto the ring road, not the main road and so are not in violation of the law. The result is that the degree of idling here is greatly in excess of anything that could be considered inherent or typical with respect to other stations in the county. As discussed in other portions of the responses to the application, additional idling exacerbates the traditional effects of a station location, including the health effects, and the noise and odor concerns.

6. Idling as a potential violation of the letter and/or policy considerations underlying state law and county policies barring extended idling.

Several documents are relevant here to establishing average idle times likely for this station. See Exhibit 2A to the Need Analysis. Page 1 is a study that purports calculates a figure of 15 cars per hour per pump. That study uses a figure of 4 minutes spent *at the pump* but includes no time for cars to pull from the queue up to and into place at the pump, which undoubtedly will require some additional time. The second two sheets show actual results at the Columbia station which provide a more realistic estimate of actual processing capacity. It shows that over a period of several weekday peak hours, the actual average cars processed averaged 13.17 per station. The highest number was 14.25. Using a median number between those values would indicate that 13.5 cars per hour (or about 4.5 minutes per car) is probably a reasonable number that can be sustained over time.

Page 1 also used assumptions that there would be no more than 3 cars in a queue at the 90th percentile level. The queueing study done at Elkridge (Exhibit 3 to the Need Analysis) as an actual example of cars on a typical Saturday, however, indicated an average queue length of 3.58 cars over the first three hours and 4.87 cars over the second three hours. That station has 12 nozzles to pump some 8-9 million gallons per year. The 16 nozzles at Wheaton are expected to handle 12 million gallons of sales and, thus, has the same ratios of capacity to sales. If so, and using a 4.5 minute per car average processing time, then it would take between about 16 and 21 minutes for the average car to reach the pump in Wheaton, idling all the while.

Even if one uses the probably unrealistically low figures cited by Costco of only 8 to 12 minutes per car, there is still a significant concern related to state and county laws and policies which seek to eliminate idling to the greatest extent possible. These idling concerns are based not only on the health effects from hazardous automobile emissions, which may or may not be subject to

better controls, but also on the other, unavoidable effects of idling, namely the waste of gasoline, a non-renewable fuel source, and the creation of additional greenhouse gases.

A good explanation can be seen at this report: <http://oee.nrcan.gc.ca/transportation/idling/10617>. It calculates, with respect to the much smaller Canadian driving market that, “if Canadian motorists avoided idling for just three minutes every day of the year, CO₂ emissions could be reduced by 1.4 million tonnes annually. . . . equivalent to taking 320,000 cars off of the road for the entire year. Eliminating unnecessary idling is one easy action that Canadians can take to reduce their GHG emissions that are contributing to climate change.” The report further notes that “With internal combustion engines, no technology exists for eliminating CO₂ emissions, an unavoidable by-product of burning fossil fuels.”

Numerous studies have made clear that there is no reason in terms of the proper operation and maintenance of car engines for idling beyond a bare minimum. As a result, many states and localities have adopted anti-idling policies of various degrees of stringency, taking into account that there may be some irreducible minimum needed, as well as the practical difficulties of enforcing a very low limit. Although the greatest concern is with heavy diesel vehicles, the collective waste involved from light-duty vehicles such as passenger cars, is of concern as well. See, e.g., http://www.afdc.energy.gov/conserves/idle_reduction_light.html. (“Passenger vehicle and light-duty fleet drivers have become accustomed to idling vehicles for a number of reasons. Many drivers do not make the connection between idle time, increased emissions, and wasted fuel. Changing driver behavior and applying idle reduction technologies can help save fuel, reduce emissions, and save money.”)

The American Transportation Research Institution maintains a compendium of all of the state laws and regulations at <http://atri-online.org/2012/07/20/idling-regulations-compendium/>. Some laws may only be applicable to diesel vehicles, but Maryland’s law applies to all vehicles, stating:

§22-402(c)(3): A motor vehicle engine may not be allowed to operate for more than 5 consecutive minutes when the vehicle is not in motion, except as follows:

- (i) When a vehicle is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control;
- (ii) When it is necessary to operate heating and cooling or auxiliary equipment installed on the vehicle;
- (iii) To bring the vehicle to the manufacturer’s recommended operating temperature;
- or
- (iv) When it is necessary to accomplish the intended use of the vehicle.

Montgomery County may not enact idling regulations for private vehicles but has one for its own vehicles that is even stricter than state law. See <http://www.montgomerycountymd.gov/content/DGS/Fms/docs/VehicleIdling.PDF>:

REQUIREMENTS:

Fleet Management Services staff and contractors will limit engine idling of any County vehicle

under FMS staff or contractor control to no more than 5 consecutive minutes when the vehicle is not in motion. The following situations are necessary and acceptable exceptions to the 5 minute idling limit.

(1-7). Various exceptions primarily for trucks, diesel vehicles or to recharge hybrid batteries, but not applicable to normal passenger vehicles).

8. Idling for traffic conditions over which the driver has no control (e.g., stopped in a line of traffic).

9. Idling in an emergency situation as directed by authorized emergency personnel (e.g., police, fire/rescue).

Failure to comply with this procedure will result in disciplinary action which will be taken in accordance with the collective bargaining agreement and Personnel Regulations.

It is undoubtedly clear that county policy would preclude the vehicles from idling under the circumstances here if they were driven by a county employee. In view of the existence of 25 other stations nearby, the driver clearly has control over whether he will stop at a station that would require a waiting time well in excess of five minutes. Indeed, doing so could subject him to disciplinary action.

The state law begins with the assumption that any idling over five minutes is violative. Whether one could argue that the excess time is excused if the driver is using heating or air conditioning equipment begs the question, though, of whether it is “necessary” to idle to use such equipment when the idling *itself* is *unnecessary*. No other station operates in that fashion; it is only this applicant that intentionally designs its station to operate with long lines of idling cars as standard operating procedure. (To be sure, Costco would undoubtedly prefer that its customers did not have to line up, but it is unwilling to build a station of the size that would actually be necessary to ensure that backups will not occur as a routine matter.)

Put another way, the applicant is creating a situation that it knows will engender long idling lines and then seeks to excuse the otherwise applicable violation of state law by arguing that its patrons need heating and air conditioning to be able to comfortably endure the delays they are subject to. (Of course, this excuse will not apply during the spring and fall when many days will *not* need either heat or air conditioning, but when the lines will still exist and the cars will still idle).

It is clearly a non-inherent effect of a station that it will generate a situation that will violate at least the spirit, and quite likely the letter, of state law (and county policy) during much of its operations. One might argue that Costco could be required to enforce a no-idling policy for its patrons (by requiring that they turn off their engines while waiting). This is wholly unrealistic, though, for any number of reasons; first, this will slow down motion through the station even more if one could actually require that all cars be turned off except when moving. Nor can one picture attendants standing over each car with a stop watch, counting down the allowed five

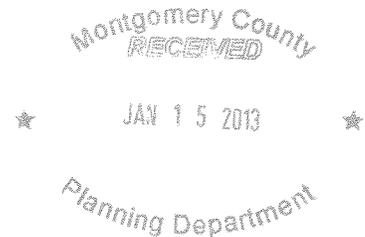
minutes – even assuming customers would obey a directive to turn off their cars. (At a meeting of the Wheaton Redevelopment Advisory Committee last year) the undersigned personally heard a Costco representative describe an incident where an attendant was threatened with a physical altercation for trying to require a patron to turn off his car *at the pump*, much less while waiting in line. In short, this is the sort of problem that must be solved by a “system engineering” approach; i.e, one must design stations around the way people actually behave; not the way, one would design ideal people to behave. What that means here is that, if state law and county internal policy is to discourage idling, the county cannot, at the same time, approve a facility that is guaranteed to create exactly what those laws and policies seek to eliminate.

ATTACHMENT 23D

Critical Factual Assumptions – Sources, Calculations, and Contradictions¹

There are significant difficulties in attempting to respond to Costco's application, in large part because a) the application has no single location in which the critical numbers needed to analyze its assertions are listed, b) many of the critical numbers are omitted entirely, or there is no stated basis given for the number stated, or one can only deduce the number by calculating it from other values, and/or c) there are contradictory values given for the same critical numbers. If one is to make any reasoned review of the application, the first thing one must have is reliable numbers and agreement on which ones will be used. Moreover, in order to make valid comparisons between the three reference stations used at various points in the application (Beltsville, Elkridge, and Sterling), one must have the same numbers for each.

On the current state of the application, it is difficult in many cases, and impossible in others, to arrive at reliable numbers and make the comparison. To illustrate the difficulties, and to make a start at deriving that set of comparables, the discussion below sets out these various numbers, gives the location in the application from which the number is derived, and states whether the number is stated in the application, or if it is calculated from other numbers. It notes where the relevant number does not exist at all, and it further lists various competing values where the application uses more than one number. As should be apparent from this listing, trying to create a coherent picture of this application is a difficult, if not impossible, task in its current form. Hopefully, this listing will be of some assistance to Planning Staff in identifying contradictions to be resolved, and omissions to be filled in.



¹ This paper was prepared by Karen Cordry, 10705 Torrance Drive, Silver Spring, MD. 20902

Assumptions

Assumption	Source	Derived From
MALL IN GENERAL		
1. Mall area – 1.5 million feet retail 194,000 office	Ex. B, p. 1	Ex. P, page 5 – Leased area chart
2. Mall visitors – <i>wholly contradictory (approximately 50% difference)</i>		
13,500 weekday	Ex. O, p. 3	Stated, no indication where this is derived from.
17,500 weekend	Ex. O, p. 3	
18,000 weekday	Ex. T, p. 4	Stated, no indication where numbers derive from
24,000 weekend	Ex. T, p. 4	
40,000 holiday peak	Ex. T, p. 4	
3. Station– total visitors per day		
Approx. 1,1000 per day extra	<i>Not stated</i>	Calculated from Ex. O, p. 12, calculating additional 70 trips per hour new to the station. Multiplied by 15.5 = 1085.
Total trips	<i>Not stated</i>	<i>Guesstimate – 12 million gallons per year (see below), divided by 365 days divided by a 12 gallon average fill-up equals 2740 a day.</i>
4. Store visitors per day	<i>Not stated</i>	<i>Cannot be calculated based on numbers given, so no way to assess added growth versus the various daily numbers</i>

cited above.

5. Store visitors peak time (Costco + Dicks) Ex. P, p. 17 Estimated based on Elkridge for Costco and
Peak morning - 83 arrive Wheaton Plaza for Dicks.
Peak evening – 360 arrive Gives only maximum, not total daily impact.

SURROUNDING AREA; DESIGN FEATURES

1. Green wall – *Major contradictions as to height (8 feet versus 14) and length (stopping at west edge versus east edge of store); the application has no explanation for the contradictions or reasons for the change*

Height

8-feet

Ex. B, p. 2

Company intention

Ex. O, p. 5, 6, 17, 22

Repeatedly refers to “8-foot wall,” no reference to 14' segment

Env. Report, p. 101

Refers to 8-foot wall.

Ex. 10, Supp. Filing

This is the equivalent of Ex. J before. It now no longer shows any 14 foot segment all.

14-feet

Ex. H, p. 3

Illustration of wall shows panels clearly substantially higher (i.e., 14') than the approx. 8' width marked

Ex. J, p. 1

Legend refers to 14' and 8' segments

Ex. J, p. 5

Green wall description; panels show they are taller than

wide. “Sight lines have been analyzed and green walls are proposed at specific heights and locations to help screen those views.” Also used for sound dampening.

Ex. J, p. 10

Legend defines 14' and 8' heights, shows 8' from Peregoy to roughly the west edge of store, 14' feet to past east edge.

Ex. J, p. 11

Sections make explicitly clear the different heights, and use of wall to block store views as well

Env. Report

Appendix, p. 374 – shows areas of 14' wall, not just 8'

Ex. T, p. 5

“screen wall ranging in height from 8 to 14 feet” used to screen homes and protect their value

Length

To east edge of store

Ex. J, p. 9

Analyzes sight lines for homes to the store (consistent with using the wall to block views of the store in addition to the station). Shows wall from past Peregoy to east edge of store.

Ex. J, p. 10

Clearly shows wall past the east edge of store

Ex. J, p. 11

See sections showing extension of wall to east edge.

Ex. O, p. 5

“Wall will be constructed . . . from directly west of the Filling Station to *southeast of the Costco Warehouse*. (See Exhibit I).” (Ex. J is probably actually meant.) “The screen wall . . . ensures that neither the Filling Station, nor

the Property, *nor the Mall Parcel itself*, will be visible from the residences . . . even from the second floor windows. (This can only occur if the wall extends past the west edge of the warehouse.)

store		Env. Report, App. , 374	Shows wall apparently extending to about east edge of although store is not shown on this drawing.
		Ex. T, p. 5	Wall extends “from the warehouse” to block views.
	To west edge of store	Env. Report, p. 103	Shows wall ending at about the mid-point of warehouse.
		Ex. 10, supp. filing	Now shows <i>no</i> wall by the store. <i>There is no explanation in any exhibits as to the reason for these changes or why they were not made until after the original application was filed.</i>

2. Acoustical issues – *Contradictions as to wall is or is not needed for noise reduction*

Wall needed for sound	Ex. J., p. 5	Green wall and acoustic panels will be strategically placed on the wall to absorb sounds from the mall.
Wall not really needed	Supp. Filing, Ex. 3, p. 6.	Wall is really just for screening; break in terrain already reduces noise impacts (although that break does not apply to upper floors of houses.)

3. Pedestrian Path/Ring Road

New 6' wide path, parking	Ex. I, p. 2	Pictured
---------------------------	-------------	----------

8' wide, one traffic lane E,
two traffic lanes W, from
Faulkner to Torrance Drive.

One lane of traffic will be
removed from the ring road

Ex. P, p. 4

Stated, see Ex. 1(D) of Ex. P. (Ex. H, p. 3)

4. Pedestrian Access – *Contradictions between claim of no pedestrian connection and reality of well-established path over “Mt. McComas”*

“No pedestrian connections
[directly] to the *Property* from
south or west.” “areas are separated
and distinct . . . with no interaction.
(Notes pedestrian access points to mall
as a whole)

Ex. O, p. 6

Stated by applicant

Filling station with wall will not in
any way restrict neighboring development
in that there is no shared connection

Ex. O, p. 17

Stated by applicant

“There is no vehicular or pedestrian
connection between the *Mall Parcel* and
the residential area

Ex. O, p. 19

N.B. – this contradicts this exhibit’s own prior statements about pedestrian access points to the mall itself. It is also contrary to the fact that there is indeed a pedestrian path to the Filling Station, see below. And see statement at page 21 describing the connection to the school.

Chart showing pedestrian counts at Mt. McComas

See letter filed by John Jenkins showing clearly delineated pedestrian paths between the mall and Mt. McComas and rest of neighborhood. We understand Planning Staff are requiring that this pathway be maintained.

5. Traffic Flow – *Contradictory as to whether traffic will flow in one direction or create crossovers back into the ring road*

Traffic flow generally exits to west

Ex. K, p. 1

N.B., short arrow points east with no indication where cars will proceed to in that direction.

Traffic has a choice of exiting west to the ring road or turn east, and then south to the ring road.

Ex. O, p.4

Traffic can turn west and exit directly to the ring
N.B. – the latter traffic flow will leave cars trying to integrate into, or, worse, cut across the incoming traffic to the station from the east..

All traffic will, after fueling, “exit north out to the Ring Road or to a parking space.” “Thus, there is an orderly flow of vehicles at the Filling Station.”

Ex. O, p. 21

Note, this says all traffic will go north, and will not flow back into the ring road on the south.

“All cars will enter the station from the south and after getting gas proceed north out to the Ring Road.”

Ex. P, p. 29

Again, all traffic is to go north

“Two area poly sources were used to represent cars exiting the gas pump to travel to the Ring Road, half are set up to travel to the west and the other to the east

Env. Study, p. 18

*This report shows **half** of the traffic trying to loop back into the existing station traffic trying to enter the station. Such cross-traffic is likely to severely increase congestion at the station.*

and loop south to exit nearby the entrance

6. Tanker Delivery Parking

Original application drawings Not shown

Designated space on west edge,
south of kiosk Ex. O, p. 5

New application drawings Supp. Filing, Ex.7

N.B. – appears to show truck entering and parking in traffic aisle, adjacent to station; if this is correct, there is no discussion of how cars parked in those spaces will be able to exit if truck arrives while they are there.

STATION CHARACTERISTICS

1. Products Sold Ex. O, p. 4 Stated

WHEATON– gas only, nothing else
“not even water and a brush for
washing windows.” Reg., premium only

“sell gasoline and nothing else” Ex. O, p. 11 Stated

BELTSVILLE, ELKRIDGE, STERLING Not said, assumed to be the same

2. Volume of Sales -- *Numerous contradictions*

WHEATON

10 million gpy	Ex. O, p. 11	Costco estimate
12 million gpy (worst case scenario)	Ex. P, p. 20	Costco estimate
12 million gpy	Env. Study, p. 5	Costco estimate
9 million gpy– “used 12 million gpy “although Costco’s expectation is that approximately 9 million gallons/year will be sold	Env. Study, p. 12	Costcom estimate N.B. – prior to this application, it is our recollection that Costco always used a 12 million figure
10.4 million gpy	Env. Study, p. 12,121	If Sterling is <i>actually</i> 13.5 million gallons, then 30% less would be 10.4 million gpy; <i>no basis given in Env. Study for these different numbers</i>
		N.B. – 12 million figure is same as for Beltsville despite Wheaton having 2.5 times as many households; figures of 9 million, 10, or 10.6 million gallons are even more disproportiona. The same can be said of Elkridge; this station has 2.5 times as many households, yet there is a suggestion that it may sell only marginally more than that area

ELKRIDGE

“Columbia [Elkridge] store is the 2nd highest gas volume on the east coast.

Ex. P, p. 20

No volume stated; no source given

8 million gpy

Ex. P, p. 21

Stated as actual

Columbia is, in fact, no more than 3rd largest (and will be 4th if Wheaton is built), based on figures quoted here.

Based on these figures, Beltsville and Sterling are larger, and Wheaton would be as well.

BELTSVILLE

12 million gpy

Ex. Q, p. 3-9

Calculated, based on 4.2 to 4.8 million gpy

equal
35-40% of volume; 100% = 12 million;
never stated explicitly

STERLING

15.6 million gpy; not stated but estimated to be 30% higher than Wheaton (that volume not stated either)

Env. Study, p. 7

Estimated – Would calculate to 15.6 million gpy if Wheaton is 12 million gpy

13.5 million gpy

Env. Study, p. 121, 122
147, 148

Actual stated to be 37,000 gallons per day; times 365 days – 13.5 million gallons; note that 3 of the 4 days listed were well above 37,000, so unclear if this figure is right.

3. Gallons per pump estimate

WHEATON

12 million/16 pumps = 750,000

Calculated from Ex. P, pp. 20

ELKRIDGE

8 million/12 pumps = 666,667

Calculated from Ex. P, p. 21

BELTSVILLE

12 million/12 pumps = 1,000,000

Calculated from Ex. Q, p. 3-9

4. Queueing

CA stores, 90th % = 3 cars,
4 minutes per car, 12 minutes in line

Ex. P, p. 21, App. A

Derived from Appendix A

Time cited is only from time car pulls
up to pump until it pulls away; no time
included for moving from idling spot
up to the pump

Ex. P, p. 53, App. A

Description of actual measurements.

Times in queue calculated based on other
calculated figures

Ex. P, p. 53, App. A

Observed CA queue lengths (*not specified in
Appendix*) used with calculated average time
at pump to calculate idling time.

Elkridge results – only 13.17 average

Ex. P, p. 22

Actual, Appendix A.

	cars per hour, weekday peak hour	App. A., p. 63	
	Time per vehicle, Elkridge = 4.56 minutes per car at 13.17 cars per hour		Calculated (60 min/13.17 cars) from App. A
	Maximum processing = 14.25 cars/hr		Calculated (171 cars/12 pumps) from App A
	Minimum time per car = 4.21 minutes		Calculated (60/14.25 min.) from App. A
	Actual queueing study at Elkridge = 3.67-4.87 cars per lane	Ex 3 to Need Analysis Actual by Karen Cordry	
	Actual time in line = 18.24-21		Calculated (3.67, rounded to 4, times 4.56 -- 4.87, rounded to 5, times 4.2)
	Beltsville – no queueing studies done Satellite photos show as many as 78 cars; long lines very common.	Exhibit 4A to Need Analysis Visual observation by Karen Cordry	
	Wheaton – likely lines will be between Elkridge and Beltsville		Calculated, based on volume per pump pump numbers for Elkridge, Beltsville, and Wheaton
5.	Queueing space for 42 cars at Wheaton Tanker Deliveries Stated	Ex. P, p. 21	Stated
	WHEATON – 1-5 a day	Ex. O, p. 5	Estimated in report
	BELTSVILLE – ?		<i>Not stated</i>

	ELKRIDGE – 4-6 per day	Ex. P, p. 21	Stated as actual
	STERLING – ?		<i>Not stated</i>
6.	Calc. Daily Volume/Tanker Deliveries (9,000 – gallon tanker size) (using 365 day year)		<i>Contradictions, number expected versus number stated above, N.B. – difference between Wheaton and Elkridge</i>
	Wheaton – 12 million gallons/365 = 32877 TPD	3.653	Calculated (12 million gallons, Ex. P, p. 20); consistent with 1-5 trucks stated above.
	Elkridge – 8 million gallons/365 = 21917 TPD	2.44	<i>Not consistent with 4-8 trucks stated above; should only need 2.5 trucks per day. Or else volume at Wheaton will be much higher.</i>
	Beltsville	Not listed	<i>Could estimate same as Wheaton if same volume</i>
	Sterling	Not listed	<i>If daily average is 37,000 gallons per Env. Study, should be 4.11 trucks per day. Again, inconsistent with statement about Elkridge .</i>
7.	Operating Hours		
	WHEATON		
	6-9:30 M-F (15.5 x 5)	Ex. B, p. 2	Company intention
	6-7:00 S-S (13 x 2)	Ex. O, p. 4	Stated
	Total = 103.5 per week	Not listed	Calculated
	BELTSVILLE	<i>Not stated</i>	<i>Same?</i>

ELKRIDGE *Not stated* *Same?*

STERLING *Not stated* *Same?*

8. Area Purchases *No basis for number stated; no attempt to determine existing market*

Average household purchase is 1,012 gallons per year Ex. Q, p. 3-6 Number is merely asserted, no source given for the amount set forth

No attempt to determine existing resident purchases within the area *Omitted entirely*

Possible purchase calculation, 1,012 gallons times 37,382 households = 37.83 million gallons Calculated based on Ex. Q, p. 3-6 and 4-3; however, as noted, there is no basis for the 1,012 gallon figure

No attempt to estimate business or pass-by traffic. *Omitted entirely.*

Possible calculation – a pure guess. One can add in 50% of the resident purchases and come up with 57 million gallons. *Pure guesswork.*

COMPETING STATIONS

Wheaton – *Contradiction as to number and location of stations*
None within the "Surrounding Neighborhood" (Defined as only Ex. O, p. 8

Derived from Exhibit Q

the mall)

Six within the Sector Plan

Ex. O, p. 8

Derived from Exhibit Q

Most other stations have service bays (80%) and/or some service; 11 have convenience store

Derived from Exhibit Q.

Hours of operation – 2/3 are 24 hours; most of rest are open 6am-11pm, 17 hours

Exhibit O, p. 12

Derived from Exhibit Q

25 other stations in 7-minute drive
General description of stations and amenities

Ex. Q, p. 3-1-4. Ex. 3-1

TPA

Corrections – 1 less station in Glenmont, 1 more at Four Corners

Ex.2 to report of Karen Cordry

Direct observation

Only very impressionistic description of impact on other stations

Ex. Q, p. 3-7-8

TPA

No attempt to determine existing capacity

Omitted entirely

No attempt to determine existing sales

Omitted entirely

No attempt to determine volume that would be lost by stations to Costco

Omitted entirely

Existing pumping capacity – 225 million gpy

Ex. 2 to Need Analysis by Karen Cordry

Estimated based on calculations on chart for maximum pumping capacity;

pumping capacity based on calculations above about maximum likely throughput at station; the chart also shows an alternative set of calculations for 14.25 cars per hour creating a capacity of 243 million gpy.

No attempt to determine % use of capacity for existing stores or Costco

Need report omits any attempt to determine this figure; based on other numbers one can try to arrive at a reasonable figure.

Existing stores – $57/225 = 25$ Ex.2 to report
 $57/241 = 23.65$ of Karen Cordry

Calculated based on guesstimates above

Costco – $12/13.57 = 88.44\%$ Ex. 2 to report
 $12/14.50 = 82.75\%$ of Karen Cordry

Calculated based on estimated 12 million sales divided by calc. maximum volumes.

Overall station volumes – decreased
by 7.1% (10,000 stations) from 1997-2007 Ex. Q, p. 3-8

PRICE COMPETITION

Costco observed prices for all stations
in Wheaton on Oct. 21, 2010, Sept. 2, 2011,
and Sept. 8, 2012 Ex. Q, p. 3-4-5; App. F

Beltsville to study area – lower than all Ex. Q, p. 3-5, App. F

stations surveyed on several dates

Study of prices over extended time period

Ex. 5 to Nees Analysis
by Karen Cordry

Compiled through Gas Buddy;
screen shots provided to Staff

Savings for consumer if save 28 cents per
gallon times 1,012 gallons = \$283. Diff.is
based on average of *all* stations, and 1,012
gallons

Ex. Q, p. 3-6

*No basis for 1,012 gallon figure;
no attempt to compare low prices
to low prices.*

AREA DEMOGRAPHICS

1. Transit Use -

Possible contradictions between County transit numbers and Need Report

“much higher proportion
that use transit rather than
driving” than county

Sector Plan (selected portions included as
Exhibit M, but not most pages) P. 13 **NI**
(NI = “not included”)

Actual – from county

Current transit use by residents Sector Plan, p. 69 **NI**
to work is 52%, three times the
County average. Goal for
employees coming *to* Wheaton
is 30%.

Actual – from county .

“Most residents (58.9%) report
that they drive to work alone.
Nearly one in four residents take
public transit.

Ex. Q, p. 2-6

Differences may relate to areas
being described – sector plan area
versus drive times; but Needs Report
applicant’s failure to include those relevant
portions of Sector Plan is striking, since they
show the very successful TOD work done in

close proximity to Metro

- | | | | | |
|----|--|---|-----|---|
| 2. | Population size/households | ' | | Sources: Clarits and TPA |
| | Wheaton – 105,000 now | Ex. Q, p. 2-1 | | |
| | 11% increase in Kens./
Wheaton area by 2040 | Ex. Q, p. 2-4 | | County forecast (note areas do not
completely coincide but are close). |
| | 104,518; 37,382 households | Ex. Q, p. 4-3 | TPA | |
| | Beltsville – 44,445, 15,484 | Ex. Q, p. 4-3 | TPA | |
| | Elkridge – 41,244, 15,753 | Ex. Q, p. 4-3 | TPA | |
| 3. | Age | | | |
| | Wheaton – 38.6 now
40 in 2010 | Ex. Q, p. 2-3
Prior Applic. Need Study, Oct. 2010,
Sec. 2-3 | | Sources Claritas and TPA
Same |
| 4. | Employment – grow by 22.4%
through 2040 | Ex. Q, p. 2-7 | | County forecasts |
| 5. | Road traffic, various counts | Ex. Q, p. 2-8 | | Md. DOT, TPA |

SECTOR PLAN – *Strategic Omission*

- | | | | |
|----|---|-----------------|--------|
| | | Exhibit O, p. 9 | Stated |
| 1. | Assertion that Sector Plan does not
assume any rezoning of mall, existence
of station would not interfere in any way with | | |

Sector Plan goals, and notes that CR zones would not work with the mall.

2. Actual Sector Plan statement
“

P. 48 (this text omitted)

The main mall portion of the property could be rezoned for mixed-use development as part of the comprehensive rewrite of the County’s Zoning Ordinance underway at the time of Plan adoption.”

N.B. – while CR zones would not work,

Sector Plan clearly still envisions other changes. Prior versions of Sector Plan discussed the main mall. See discussion in filing by Donna Savage

ATTACHMENT 23E

January 25, 2013

Ms. Renee Kamen
Senior Planner, Development Revision Division
Montgomery County Planning Department
8787 Georgia Ave., Silver Spring, MD 20910

Re: Special Exception application S-2863; Costco gas station

Dear Ms. Kamen;

Please find attached a pdf document ("ConciseSummary") I am hereby filing, as a supplementary filing on behalf of the Stop Costco Gas Coalition, in opposition to Costco's Special Exception application S2863. The text of this cover letter is embedded - as the first page - in the pdf, with my signature.

Please confirm that you have received this filing and that it will be forwarded to the Planning Board, along with our previous submissions and your staff report.

I wish to thank you, once again, for the time you and other staff members spent with us explaining how you evaluate such applications (and opposition filings) and to indicate how much your meetings with us helped us understand the realities of the Special Exception process.

Yours sincerely,



Mark R. Adelman
Webmaster, The Stop Costco Gas Coalition
3206 University Blvd. W.
Kensington, MD 20895
webmaster@stopcostcogas.org

**Costco's Business Model Will Create Several Non-Inherent Adverse Effects
if S-2863 is Approved**

by

The Stop Costco Gas Coalition

Essentially all of the points made here have been discussed in one or more of our other filings. However, we are concerned that the detailed nature of those filings, as well as their collective length, may not have made the critical points clear. So we have chosen to submit this supplemental filing to provide a synopsis in a single short document.

Restatement and Summary: *[All numbers refer to Endnotes - some of which are quite long - in which details are provided. Our objective here is to keep the narrative clear and brief. .]*

Part of Costco's current business model is to provide to its members the option of buying inexpensive gas, along with their shopping at its warehouse store [1].

The mega station it proposes to build and operate in Westfield's Wheaton Mall will place a 16 nozzle gas station in a portion of a Mall parking lot that is now underutilized but will, when the Costco store opens, be heavily used [2].

Adding the gas station at the proposed location will increase traffic congestion in and around the location [2], because Costco's stations attract large numbers of cars to a facility that must operate very close to the maximum pumping capacity in order to service the regional demand created by the Costco operation. [3]. In turn, this high-demand, capacity-limited operation leads to a situation where many cars wait in line many minutes, with their engines idling [1-3].

The idling cars, and the cars attempting to find parking spaces in the congested parking lot result in air pollution (due to the components of automobile exhaust) [4]. This localized air pollution is in addition to the general level of air pollution in the vicinity (Wheaton/Kensington) [5].

The cumulative effect of the air pollution constitutes a disproportionate health risk to the people who live in the neighborhood, who use or work at the Kenmont Swim Club, who attend or work at the Stephen Knolls School, and who shop or work at the Mall stores closest to the proposed gas station. All of the negative effects stated above are not inherent to a large gas station. They are "non-inherent adverse effects" [6] that will occur if this particular gas station is placed in the specific location proposed in Special Exception application S-2863.

All of those adverse effects are exacerbated by the fact that this station is not needed under any criteria that may be applied to it [7]. It is one thing to accept some burdens as an unavoidable consequence of an activity that is needed by the community; it is quite another to impose them when the community is already amply served.

Conclusion: Strict adherence to the relevant County Code requires that S-2863 be disapproved.

ENDNOTES

1. Costco operates on a members-only warehouse store (big-box) business model. Many Costco stores have extremely large automobile gas stations associated with them. The stations are located very close to the stores and provide gasoline, to members only, but no additional services. Recent versions of the business model involve placing both the store and the gas station in densely populated urban areas, in existing shopping malls.

People choose to become Costco members because of the low prices of the many products sold by the warehouse store. Members are also attracted by the low cost of gas at the stations, although Costco's gas is not always the lowest available on any given day, and even when it is, the price differential may only be a few cents per gallon. One way Costco is able to keep the price of its merchandise and its the gasoline relatively low is by operating a limited number of stores with very high volume patronage. As regards the stations, this means structuring each station so as to attract, and dispense gas to, as many cars as possible, using the minimum space and number of pump nozzles possible. As Costco makes clear in its application, it has stripped out every amenity offered by other stations so that nothing will interfere with pushing as many cars as possible through the station

Gas stations vary greatly in size (footprint) and numbers/configuration of the pump islands and nozzles. It is difficult to find consistent definitions of gas stations in terms of size or other properties. What is clear is that there is no such thing as an average gas station unless one is only interested in the amount of gasoline dispensed per year. If amount of gas dispensed per year is considered, the average (nationwide) would be somewhat more than 1 million gallons per year; in Montgomery County the average is closer to 1.5 million gallons per year. The amount of gasoline sold may vary from as little as several hundred thousand gallons a year to as much as 19 million gallons. Equally important though, in terms of assessing the impact of the station, is to consider how the gas station is configured and how its available pumping capacity relates to the expected volume of sales.

Some effects of a gas station are directly proportional to their size and gallons pumped; a small station that only pumps a million gallons a year or less will simply not generate the volume of emissions that is likely to cause significant concerns. Nor is it likely to draw sufficient customers that they would overwhelm its pumping capacity since a station with as few as four pumps can easily satisfy that demand. For the purposes of this discussion we use the three categories that several studies have chosen. "Small" stations may dispense less than 1 million gallons per year, with a limited clientele and sufficient nozzles that no car ever has to wait before filling up. "Large" gas stations dispense more gas; some regulatory bodies have defined these as dispensing up to 3.6 million gallons per year. [Virtually all of the stations currently found in Montgomery County sell from about 1 million gallons up to about 3 million gallons per year; the Freestate station on Viers Mill is an example of the largest size such stations tend to be.] These "large" stations still do not necessarily generate large levels of emissions; they operate with a large enough number of pump islands and nozzles (and for a sufficient number of hours a day) - and are so configured - that it is extremely rare for any car to have to wait at all to find space to fill up. These stations, moreover, comply with the requirement in the Zoning Code that they satisfy a neighborhood need; as such, they do not necessarily generate large

volumes of customers.

Finally, Costco operates what have been called "mega" gas stations (or "hyper" gas stations): these pump anywhere from 3.6 million gallons to as much as 19 million gallons per year (and have become increasingly "popular" since the late 1990s). Costco's typical station falls squarely within this category, with station sales volumes ranging from 8 to 14 million gallons per year. Costco projects that the station it will place in Westfield's Wheaton Plaza will dispense about 12 million gallons per year. The station will have four islands, each with two pumps, each pump with 2 nozzles, for a total of 16 nozzles.

2. Costco's proposed mega gas station will occupy the space previously allocated for 90-100 parking spaces (the number varies depending on which plan is examined) in the parking lot that is closest to Costco's store, Target, and many other stores that are tenants in Westfield's Wheaton Mall. The parking lot is now well-used, but only rarely congested. When the Costco store opens, the congestion level will increase: how much is impossible to determine, but those who have used the Costco store in Beltsville know that such stores attract a large number of customers who, because they purchase large quantities of goods, are loath to park far from the store and thus often drive around for many minutes looking for a close-in parking spot. If the proposed mega gas station is actually built in the proposed location, congestion will increase even more for several reasons:

a. There will be some 90-100 fewer parking spots available near the stores.

b. Many of the spots that will be "sacrificed" for the gas station are directly adjacent to the Costco store. As a result, those who need to park further away (including on the space that Westfield will apparently reclaim from the landscaped area that now exists) will have to walk through the traffic and emissions created by the cars using the station. The same is true, of course, for those coming from the homes to the south and west and seeking to use the Mall or walk through to the Metro. They will encounter far more traffic than currently uses that area of the mall and the ring road – and far more than would be the case even when the warehouse opens.

c. People who choose to shop at the Costco store first, then return to their cars, and then drive to the gas station will have to leave the parking area and enter the gas station via a path that takes them close to - and may in fact require crossing and re-crossing - the traffic using the ring road adjacent to the gas station, because flow through the gas station is one way: from the ring-road side towards the parking lot side.

d. The gas station has a very small footprint relative to the volume of sales and the number of cars to be processed.. The 4 islands, with a total of 16 dispensing nozzles are squeezed into a space sufficiently limited that all cars must enter one of eight lines (queues) and must proceed via the queue they entered until they reach a dispensing nozzle. Cars in such queues will not tend not to turn off their motors; instead they will idle for many minutes, as they slowly advance in the queues. Because the pumps are operating very near capacity [3], the queues can quickly become very long: in total anywhere up to 60 or more cars at peak times. The plans for the proposed gas station indicate queues up to a total of about 50 cars can be

accommodated, at which point the rear-most cars will be very close to the ring road or spilling out onto it should the backups exceed the allowed space. By comparison, a typical WaWa or Royal Farms or similar station with an equivalent number of pumps will have a far larger footprint providing much easier access for cars to reach the pumps without delay.

e. The portion of the ring road closest to the Costco store and the proposed gas station is currently very lightly used. That will change when the store opens (even more if the gas station opens). Much of the increased traffic on that portion of the ring road will exit the Mall at the point where the ring road intersects with Valley View Avenue, the main point of ingress to and egress from the Mall for patrons traveling via University Boulevard. That intersection (Ring Road/Valley View) is already a bottle-necking point (for example most people going to the Giant use it for access); it can only get worse.

3. While most "small" and "large" gas stations operate at only a small percentage of their pumping capacity (15-30%), Costco's mega gas stations operate at approximately 80-90% of their total pumping capacity (the exact number for the one Costco proposes in S-2863 cannot be determined until it opens). The fact that it designs its stations to operate so close to capacity is inherently related to the business model [1] and is in fact what makes the congestion and queuing/idling problems posed by such mega gas stations [2] totally predictable. While such an operational model is undoubtedly highly economical and contributes to Costco's bottom lines, it is also unquestionably a reason why the stations are so inherently problematic for the surrounding community

4. All automobiles emit pollutants in their exhaust. These include various chemicals (e.g. volatile organic compounds like benzene) as well as particulate materials (both the large particles in "soot" and the micro-fine particles that are not seen, but penetrate deeply into the lungs and can in fact cross the linings of blood vessels). All of these have been shown to increase health risks: risks of cancer, cardiovascular problems, respiratory system disorders, and impaired physical and mental development in children. Cars that are moving slowly (as in zones of traffic congestion) or are idling, burn gasoline much less efficiently than do cars traveling at optimal speed - and they thus contribute more exhaust fumes to the already present levels of air pollution.

5. The Washington Metropolitan area has a very poor level of air quality. The background levels of certain air pollutants in the State of Maryland (especially urban regions like the down-county parts of Montgomery County) is higher than many other regions in the country. The local increase in air pollution in the vicinity around the proposed gas station will be superimposed on the general background levels of air pollution. It is our understanding that even Costco's own modeling shows that current background levels for particulates, specifically, are above current EPA levels. As our expert, Dr. Henry Cole, has shown, those levels are almost certainly not conservative, but probably underestimate the existing levels of pollution. The correct response to that situation is clear - 'when you are in a hole, stop digging!' Whether or not the additional pollution is large or small compared to background, it is clear that we should not be adding to those levels, we should be trying to reduce them. Again, this is *not* a situation where this station is needed to satisfy any lack of capacity in the area. This is a station what will be added onto an areas that is already served by 25 other

stations in a 7 minute driving radius. Nor is this a situation where one must decide where to site a school that must be built somewhere and may need to accept some level of risk. This is a situation where the applicant seeks to impose a burdensome use on homes, a swim club, and a public school that houses not just vulnerable children, but the most hypersensitive population in the county. This cannot be what good planning allows.

6. The law that determines how Costco's application must be evaluated is found in Chapter 59 of the Montgomery County Code, specifically sections 59-G-1 and 59-G-2.06. The detailed elements of these sections of the Code make it explicitly clear that the applicant must prove that siting/operating the proposed gas station at the proposed location will not have adverse effects (either inherent or non-inherent) on the neighborhood in which the applicant proposes the specific land use (i.e. the mega gas station). Not only has Costco failed to prove there will be no non-inherent adverse effects, by virtue of the information available it **cannot** prove the absence of such effects.

7. As discussed in our detailed rebuttal of Costco's "Needs Analysis".