



**Westfield Montgomery Mall- Preliminary Plan Amendment 12005018B**

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*JAC* John Carter, Chief, Area 3

Staff Report Date: 8/22/14

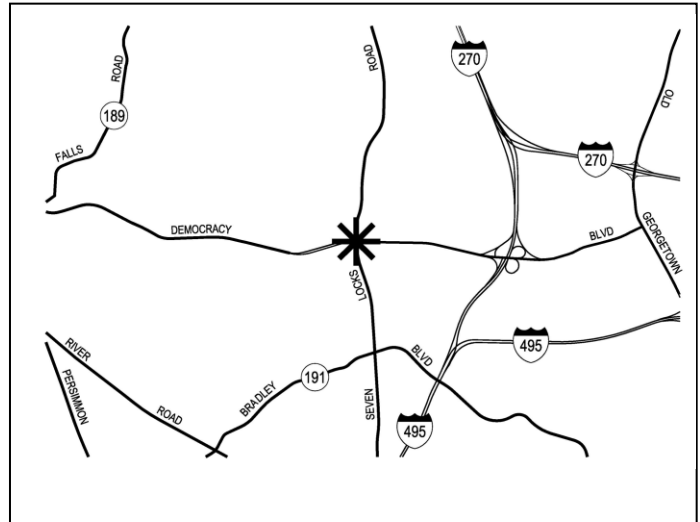
**Description**

**Westfield Montgomery Mall (Lakeview Parcel P)  
Democracy Boulevard, Bethesda:  
Preliminary Plan Amendment 12005018B**

A request to modify Condition No. 11(a) of Preliminary Plan 120050180, Westfield Montgomery Mall; 60.02 acres; C-2 Zone; Potomac Subregion Master Plan.

**Staff Recommendation:** Approval with conditions

**Applicant:** Montgomery Mall, LLC  
**Submitted date:** January 16, 2014  
**Review Basis:** Chapter 50



**Summary**

As indicated above, Applicant is required under its previous Preliminary Plan approval to add both northbound and southbound turn lanes from Seven Locks Road to Democracy Boulevard. This plan amendment would eliminate the requirement for the southbound right turn. A new traffic analysis has confirmed that a northbound right turn lane is required but that a southbound right turn lane is unnecessary. Removing the southbound right turn lane requirement would eliminate the need to use parkland and will reduce environmental impacts. The Applicant has, as part of this review process, also been able to reconfigure the northbound lane improvements to minimize environmental impacts in the south east quadrant of the intersection. The Montgomery County Department of Transportation (MCDOT) concurs with the amendment and has approved the proposed concept plan. The amendment is also supported by the Department of Parks.

Staff recommends that the Planning Board approve a modification to Condition No. 11 (a) of Preliminary Plan 120050180, Westfield Montgomery Mall to eliminate the requirement for the southbound turn lane.

## STAFF RECOMMENDATION

11. *“Satisfy Local Area Transportation Review by constructing the following intersection improvement(s):*

- a. *Add a northbound ~~and a southbound~~ right-turn lane from Seven Locks Road to Democracy Boulevard.*

*If the final design of the northbound right-turn lane has any encroachment or disturbance to the adjacent park properties, the Applicant must obtain a Park Construction Permit from the Department of Parks prior to commencement of any construction activities on parkland.”*

## PRELIMINARY PLAN HISTORY

### Previous Approvals

The original Montgomery Mall opened as a regional shopping center in March of 1968, pursuant to approval of a subdivision of Parcel F, Lakeview, recorded as Plat No. 8390. The mall was expanded in 1991 with adequate public facilities addressed as part of the building permit process.

Preliminary Plan 120050180 was approved at a Planning Board hearing on January 27, 2005, Resolution dated April 28, 2005 (Attachment 1) for a total of 1,742,172 square feet of Gross Leasable Area (GLA), to accommodate up to 500,000 square feet of future expansion.

Preliminary Plan 12005018A was approved at a Planning Board hearing on September 20, 2007, Resolution No. 07-225 dated December 11, 2007 (Attachment 2) to incorporate an acquired Parcel B, Westlake Crossing lot, consisting of an existing 25,005 square feet of retail space, into the Westfield Montgomery lot. The property was recorded in August 29, 2013 as Plat No. 24655, creating Parcel P, Lakeview. It is currently zoned C-2 (General Commercial). The zoning conversion applicable to Westfield Montgomery and effective October 30, 2014, is to GR 1.5, H 45' (General Retail), but the mall is subject to a Regional Shopping Center Overlay (RSC) Zone that allows, for example, higher buildings for theaters and hotels.

## CURRENT APPLICATION

The Planning Board approval of Preliminary Plan 120050180 in 2005 was subject to 21 conditions. Condition 11 was in three parts (Page 8 of Attachment 1). Part (a) reads as follows:

11. *“Satisfy Local Area Transportation Review by constructing the following intersection improvement(s):*

- a. *Add a northbound and a southbound right-turn lane from Seven Locks Road to Democracy Boulevard.”*

The Planning Board approval of Preliminary Plan 12005018A in 2007 modified certain conditions but left Condition 11(a) unchanged.

The Applicant has requested that Condition 11(a) be modified to eliminate the requirement for a southbound right turn lane along Seven Locks Road at its approach to Democracy Boulevard, and has

provided a Justification Statement in support. (Attachment 3) A northbound right turn lane will still be required, and has been reconfigured by the Applicant to eliminate disturbance to parkland and preclude major environmental impacts. All four quadrants of the intersection are within Cabin John Regional Park. The Cabin John Creek flows southward through the north-east, south-east and south-west quadrants. (See Figure 1)



**Figure 1 Existing Intersection of Seven Locks Road and Democracy Boulevard**

## **DISCUSSION**

Although the addition of the southbound lane was not required to meet the Local Area Transportation Review (LATR) Guidelines in effect in 2005, the Applicant agreed to Condition 11(a), believing that there was sufficient existing right-of-way available for Seven Locks Road to construct both turning lanes and at most requiring a minimum amount of private property.

Page 2 of the Justification Statement states as follows:

*“In conducting the engineering work necessary to permit and bond these two right turn lane improvements, the Applicant has discovered several facts:*

- 1. There is insufficient right-of-way to add right turn lanes in both the north and south bound directions.*

2. *The property affected by the need for the additional right-of-way to install the northbound lane is owned by Montgomery County Parks. Additional land needed for the southbound right turn lane at this intersection is owned by Montgomery County but managed by the Parks Department as parkland. Some private property is also needed for the new southbound lane.*
3. *Because of the topography in this area, both of the new lanes will necessitate the installation of lengthy, fairly tall retaining walls along Seven Locks Road. At some points the walls will reach a height of 16 feet.*
4. *The additional roadway area requires the loss of several large trees and existing vegetation along the roadway.*
5. *The new northbound lane approaches a streambed on parkland, and there is concern about that waterway.*
6. *The extent of new impervious area necessitates a storm water management facility, also to be located on parkland, which will further encroach into pristine forest.*
7. *The need for two retaining walls, each over 200 feet in length, will place a maintenance burden on County government once the road improvements are completed by Westfield – something neither MCDOT nor the County Parks Department relish.”*

Following these discoveries, and bearing in mind that LATR Guidelines encourage creative approaches to reducing traffic impacts, the Applicant was asked by the Planning and Parks Departments to:

1. Re-evaluate the need for the improvements;
2. Explore creative design alternatives to reduce the amount of parkland needed; and
3. Mitigate the overall environmental impact.

### **TRAFFIC IMPACT ANALYSIS**

The Traffic Impact Analysis prepared for the 2005 Preliminary Plan application was dated June 16, 2004. The results indicated that the intersection would operate at a satisfactory level of service during the peak periods with the construction of northbound and south bound right turn lanes.

The Applicant conducted Intersection Capacity Analyses for the intersection for existing, background, and total traffic conditions as depicted in the 2004 approved traffic study (See Figure 2 and Attachment 4). The total traffic conditions were evaluated assuming the northbound and southbound right turn lanes, and also for the construction of just the northbound right turn lane. Figure 2 illustrates that the provision of both lanes resulted in acceptable levels of service during the peak periods. It also indicates that the provision of only the northbound right turn lane would have been sufficient to mitigate the impact of the subject property and would have complied with the LATR Guidelines.

At the request of staff, the Applicant conducted new turning counts at the intersection on November 7 and 19, 2013. Based on the updated intersection counts, the Applicant conducted critical lane volume (CLV) intersection capacity analysis of total traffic conditions, including background traffic and the traffic projected to be generated by the Westfield Montgomery Mall. The results of these analyses indicate that the intersection is still projected to operate at a satisfactory level of service during both the morning and evening peak periods, even with the elimination of the southbound right turn lane (Figure

2). The traffic volumes at the intersection today are less than the 2004 counts. With existing traffic conditions, the addition of the northbound right turn alone will result in a CLV below the 2005 CLV standard of 1,475 for this intersection, as well as today's standard of 1,450.

## **CONCEPT PLAN**

The previous concept for this intersection improvement was revisited at the request of staff from both the Planning and Parks Departments. The Applicant was asked to investigate a reduction in impact to parkland and to ameliorate other visual impacts of the improvement. Further study resulted in:

1. Elimination of the southbound right turn lane requirement which removes the need for taking 2,285 square feet of Parkland, environmentally damaging grading, removal of 4 large trees of 26" diameter or greater and the construction of a visually dominating retaining wall over 300 feet long and 9 feet high at its highest point.
2. Reconfiguration of the northbound lanes in a manner acceptable to MCDOT which will result in considerably less environmental damage, removing the need for a retaining wall 250 feet long and up to 16 feet high, and a storm water management facility of almost 5,300 square feet within the existing stream valley park.

The Applicant has prepared a Concept Plan for adding the northbound right-turn lane. The concept provides an 11 foot northbound left-turn lane, two 11 feet through lanes, and a 13 foot right-turn lane.

Figure 3 depicts the existing and proposed configurations; Figure 4 depicts the existing and proposed design for the south side; Figure 5 similarly for the north side; Figure 6 depicts the alternative cross sections; Figure 7 provides more detail for the north bound proposed improvements; and Figure 8 graphically illustrates the considerable reduction in the limits of disturbance.

On July 23, 2014, the Montgomery County Department of Transportation formally approved the proposed concept plan (Attachment 5) subject to the following comments:

- We support Planning Board approval to delete the previously required southbound right turn lane on Seven Locks Road at this intersection.
- Although there does not currently exist a sidewalk on the east side of Seven Locks Road, there is evidence of a worn path approaching this intersection. MCDOT defers the specifics of the plan (with respect to the need for formal or informal accommodation of pedestrians) to the Department of Permitting Services at the permit stage, including design treatment of the guardrail at the culvert headwall.
- Milling and overlaying of the existing pavement on Seven Locks Road may be required by the Department of Permitting Services at the permit stage.

On August 18, 2014, the Montgomery County Department of Parks recommended approval of the amendment, (Attachment 6) subject to the following comment:

- If the final design of the required northbound right-turn lane along Seven Locks Road at its approach to Democracy Boulevard has any encroachments or disturbance to the adjacent park properties, the Applicant must obtain a Park Construction Permit from the Department of Parks prior to commencement of any construction activities on parkland.

## **COMMUNITY OUTREACH**

The Applicant has met all proper signage and noticing requirements. To this date, staff has received no citizen or community group comments regarding this Application.

## **STAFF RECOMMENDATION**

Staff recommends that Condition 11(a) of Planning Board approval of Preliminary Plan 120050180 be amended as follows:

### **Recommended condition**

11. *“Satisfy Local Area Transportation Review by constructing the following intersection improvement(s):*

- b. Add a northbound ~~and a southbound~~ right-turn lane from Seven Locks Road to Democracy Boulevard.*

*If the final design of the northbound right-turn lane has any encroachment or disturbance to the adjacent park properties, the Applicant must obtain a Park Construction Permit from the Department of Parks prior to commencement of any construction activities on parkland.”*

## **RATIONALE**

1. The southbound right turn lane is not necessary for the Applicant to satisfy the LATR requirement.
2. Traffic conditions do not warrant the taking of stream valley parkland nor the ensuing environmental impacts.
3. The proposed alternative concept plan has been approved by the Montgomery County Department of Transportation, and is supported by the Department of Parks.

## **ATTACHMENTS**

1. MCPB Opinion, Preliminary Plan No. 1-05018 Westfield Shoppingtown Montgomery, April 28, 2005.
2. Resolution MCPB No. 07-225 Preliminary Plan No. 12005018A, Westfield Montgomery, Parcel A. Date of Hearing: September 20, 2007.
3. Justification Statement, Elsie L. Reid, Furey, Doolan & Abell, LLP – January 7, 2014.
4. Intersection capacity analysis and comparisons – The Traffic Group July 1, 2014.
5. Montgomery County Department of Transportation approval letter - July 23, 2014.
6. Montgomery County Department of Parks approval memo – August 18, 2014.

CLV

Intersection	Existing Traffic		Background Traffic		Total Traffic	
	AM	PM	AM	PM	AM	PM
	CLV	CLV	CLV	CLV	CLV	CLV
Seven Locks Rd & Democracy Blvd						
1. June, 2004 TIS	1110	1439	1147	1500	1156	1542
w/NB & SB Right Turn Lanes	---	---	---	---	1053	1413
w/NB Right Turn Lane	---	---	---	---	1058	1492
2. 11/07/2013 Traffic Count	1010	1259	1048	1320	1057	1362
w/NB Right Turn Lane	---	---	---	---	958	1360
3. 11/19/2013 Traffic Count	1121	1236	1159	1297	1168	1339
w/NB Right Turn Lane	---	---	---	---	1058	1204

Note: CLV Standard for this intersection is 1475.

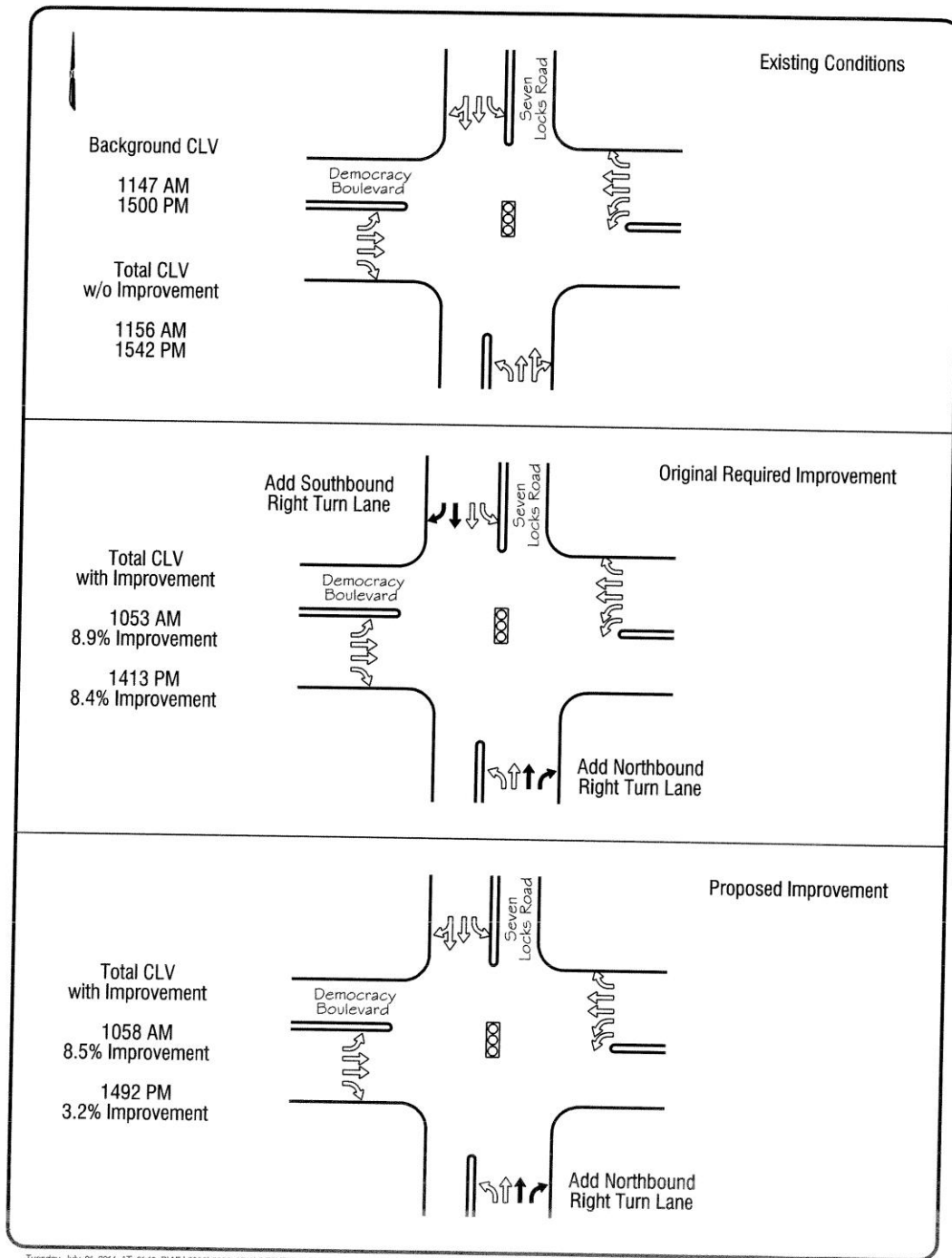


EXHIBIT  
RESULTS OF INTERSECTION  
CAPACITY ANALYSES & COMPARISON

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Figure 2 Intersection Capacity Analyses and Comparison





**Figure 3 Existing and Proposed Improvement Configurations**

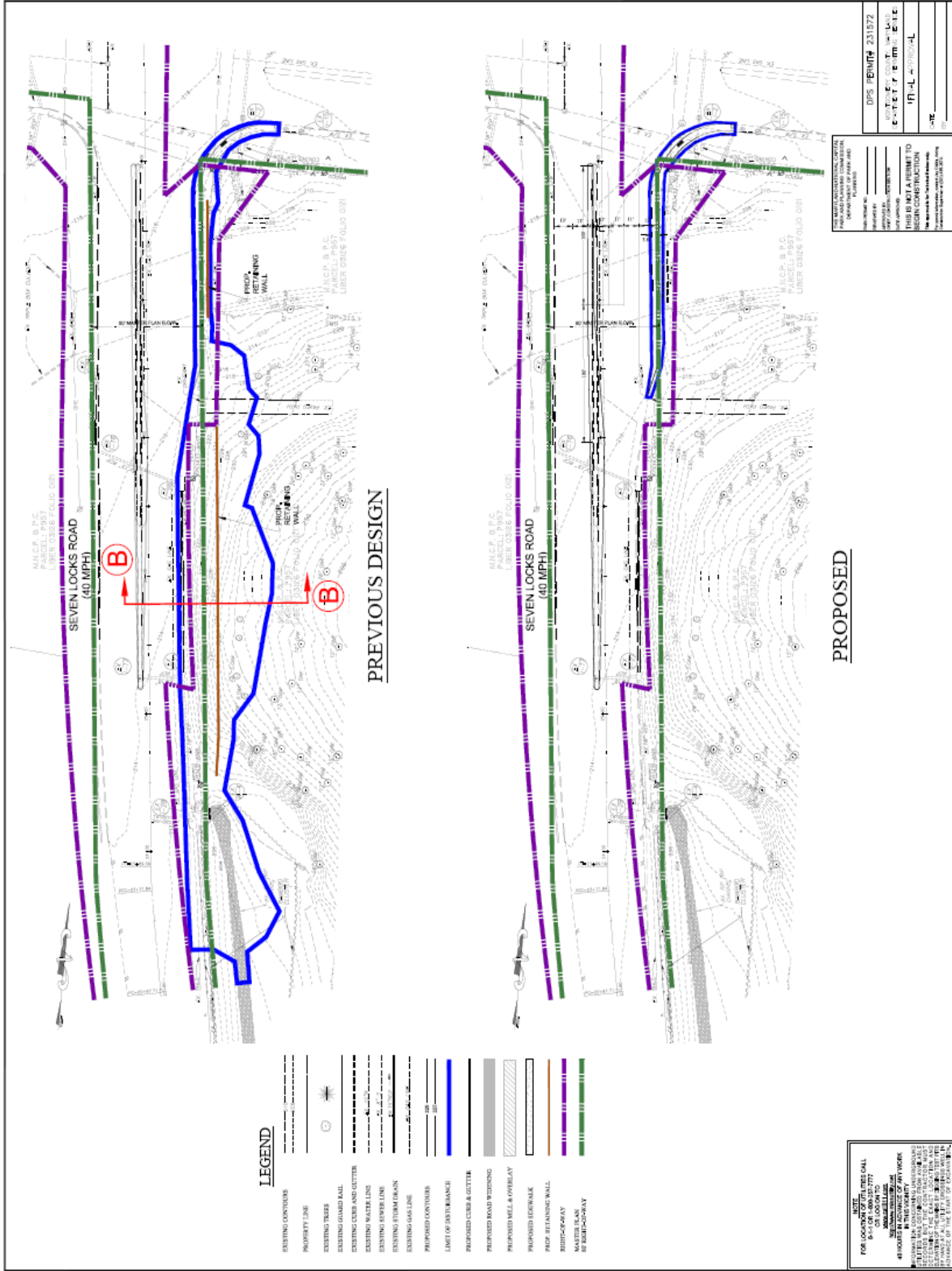


Figure 4 Existing and Proposed Design – South Side of Intersection (Northbound Lanes)

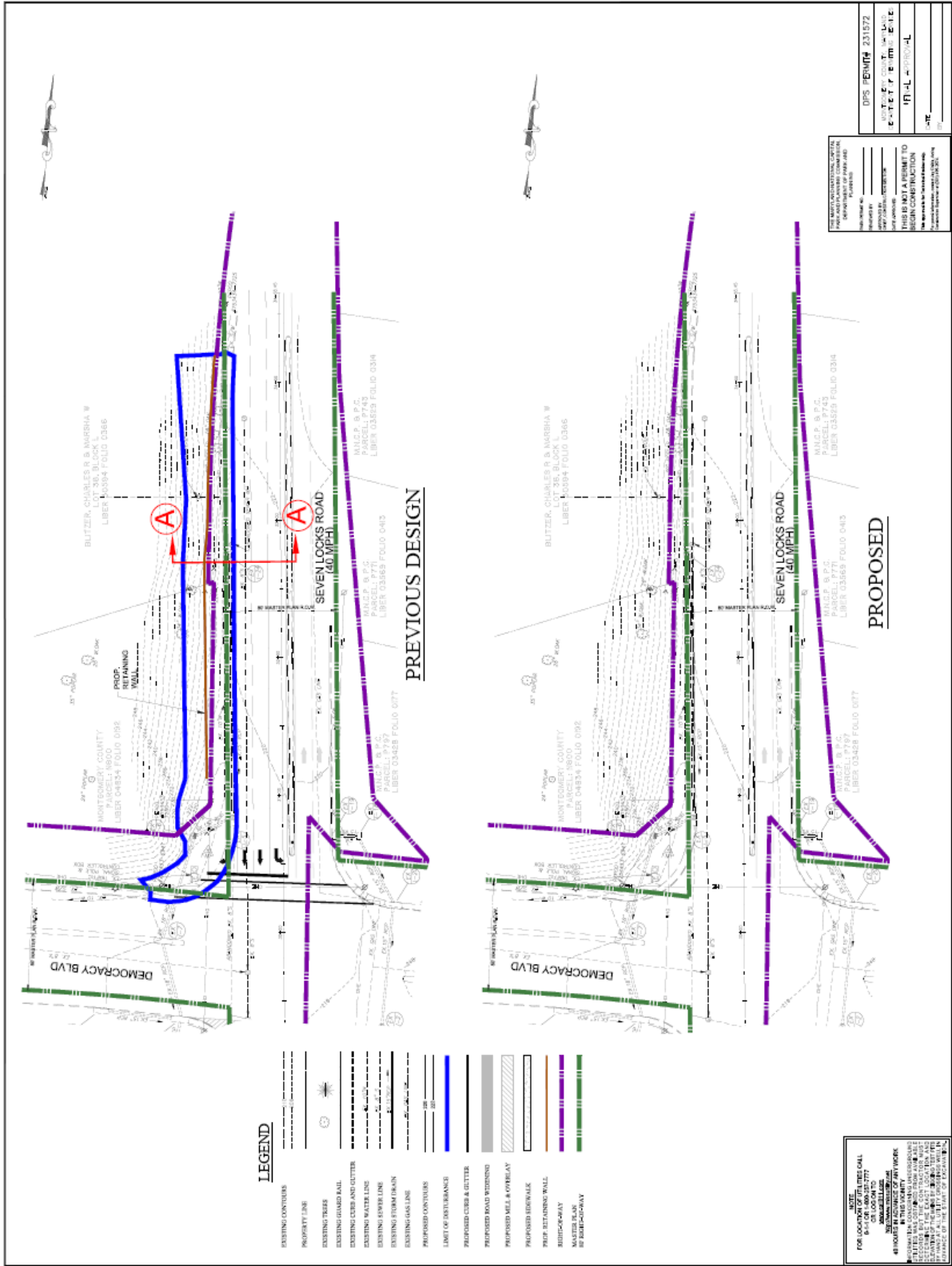


Figure 5 Existing and Proposed Design North side of Intersection (Southbound Lanes)

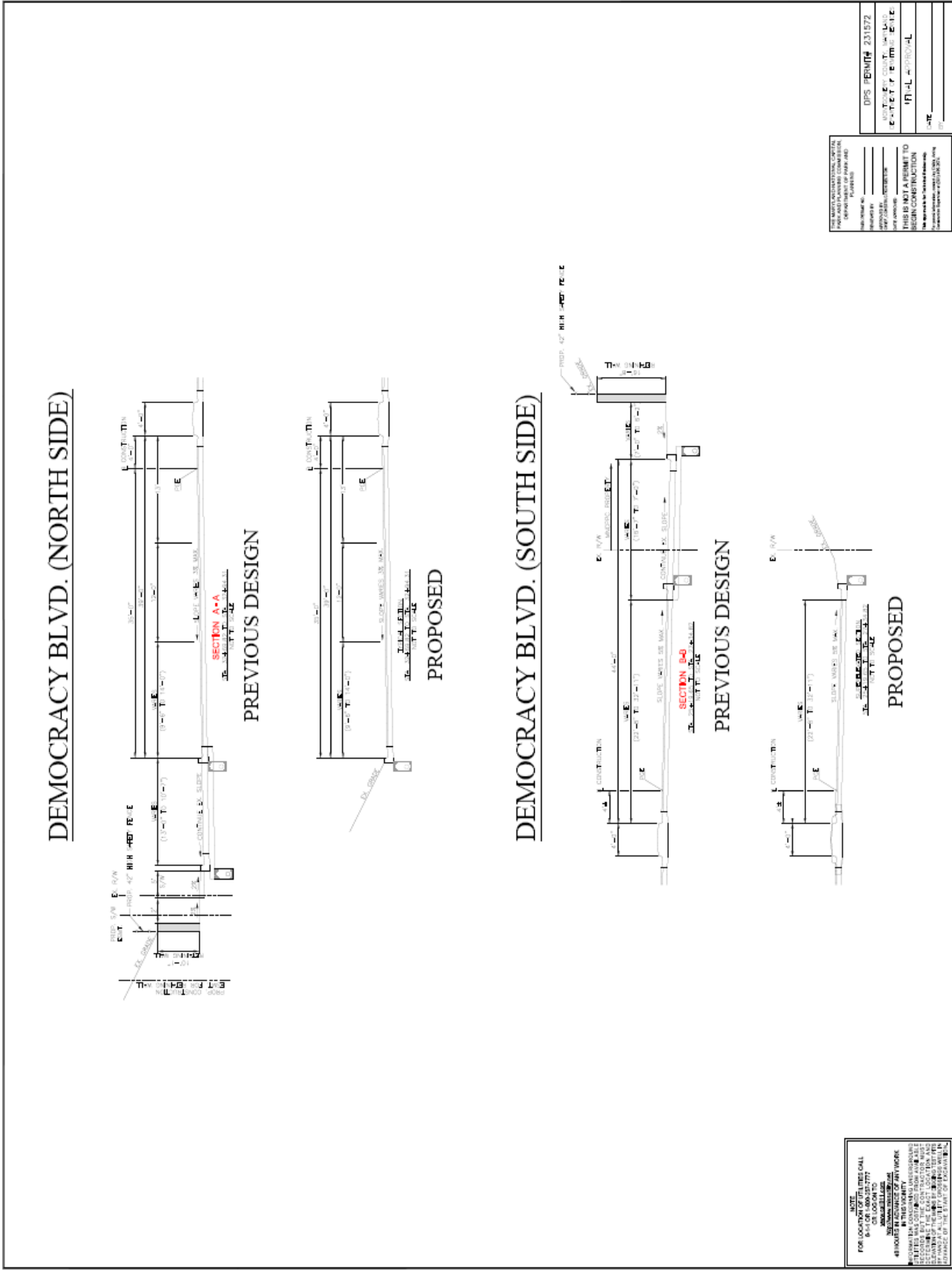


Figure 6 Existing and Proposed Cross Sections



Figure 7 Proposed Configuration of North Bound Lanes



Figure 8 Reductions in Limits of Disturbance

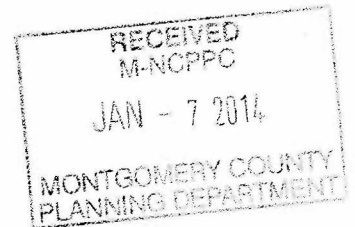
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## MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4560, www.mncppc.org**Date Mailed: APR 28 2005****Action:** Approved Staff  
Recommendation**Motion** of Commissioner Bryant,  
seconded by Commissioner  
Wellington, with a vote of 5-0;  
Chairman Bertage and  
Commissioners Perdue, Bryant,  
Wellington, and Robinson, voting  
in favor.

**MONTGOMERY COUNTY PLANNING BOARD**  
**OPINION**



Preliminary Plan 1-05018

NAME OF PLAN: Westfield Shoppingtown Montgomery

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

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

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

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

### THE SUBJECT PROPERTY

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

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

### PROJECT DESCRIPTION

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



### SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies<sup>2</sup>; the Applicant's position;

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

<sup>2</sup> The application was referred to outside agencies for comment and review, including the

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

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

#### CONDITIONS OF APPROVAL

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

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

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

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

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

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

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

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

CERTIFICATION OF BOARD VOTE ADOPTING OPINION

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



Certification As To Vote of Adoption  
Technical Writer

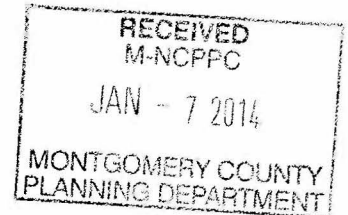




# MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 07-225  
 Preliminary Plan No. 12005018A  
 Westfield Montgomery, Parcel A  
 Date of Hearing: September 20, 2007



## MONTGOMERY COUNTY PLANNING BOARD

### RESOLUTION<sup>1</sup>

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review Preliminary Plan applications; and

WHEREAS, on June 7, 2007, Montgomery Mall LLC ("Applicant"), filed an Application for approval of an amendment to the previous approval of a Preliminary Plan of subdivision for 60.02 acres of land located in the northeast quadrant of the intersection of Democracy Boulevard and Westlake Drive ("Property" or "Subject Property"), in the Potomac and Vicinity Master Plan area ("Master Plan"); and

WHEREAS, the proposed amendment includes modification of the previous acreage included in the Application, from 57.72 acres to 60.02 acres, and a 25,005 square foot increase in the previously approved maximum square footage of general retail use; and

WHEREAS, Applicant's Preliminary Plan Amendment Application was designated Preliminary Plan No. 12005018A, Westfield Montgomery, Parcel A ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated September 10, 2007, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on September 20, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

APPROVED: \_\_\_\_\_ AGENCY  
 M-NCPPC  
 3/1/07

<sup>1</sup> This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

- 3) The Applicant must reconstruct Westlake Drive between Westlake Terrace and Democracy Boulevard with the following cross-section from east to west:
- a. A two-foot-wide offset from the shared use path/off-road bike path outside the public right-of-way within a PIE. Per condition 2b above, Applicant will increase PIE as necessary (up to five feet wide) to accommodate an additional on-street bike lane on the eastern side of Westlake Drive if it is acceptable to all governmental agencies.
  - b. An eight-foot-wide shared use path/off-road bike path along the east side.
  - c. A five-foot-wide landscaped panel with street trees and utilities on the east side adjacent to the curb, that may be different on the intersection approach to Democracy Boulevard.
  - d. A four-foot-wide on-road bike lane that includes the one-foot-wide curb/gutter on the east side, if approved by DPWT and DPS.
  - e. A ten-foot-wide outer northbound through lane on the west side.
  - f. A ten-foot-wide inner northbound through lane.
  - g. An eight-foot-wide raised median with one-foot curbs on each side or a ten-foot-wide center left-turn lane with a non-standard pavement treatment to delineate it from the through travel lanes, except on the intersection approach to Democracy Boulevard. This center median along Westlake Drive would restrict access from many of the side streets/drives on the west side to right-turns-in and right-turns-out.
  - h. Two ten-foot-wide southbound through lanes.
  - i. A four-foot-wide on-road bike lane that includes the one-foot-wide curb/gutter on the west side.
  - j. A five foot-wide sidewalk on the west side, unless the property owners along the western side of Westlake Drive agree to provide a PIE of up to five feet wide described in Recommendation No. 2c above. With the five-foot-wide PIE, the sidewalk can be relocated such that the cross-section should include a landscaped panel up to five feet wide with street trees (i.e., only if the PIE is a full five feet wide) and utilities between the bike lane and relocated sidewalk.

The Planning Board finds that roads and transportation facilities will be safe and adequate to support and service the Property. The impacts of vehicle trips generated by combining the acreage and general retail square footage of the adjacent Westlake Crossing property with the Westfield Montgomery Mall are fully addressed by the previous Adequate Public Facilities (APF) approvals. The APF reviews for both shopping centers were based on traffic studies submitted to satisfy Local Area Transportation Review (LATR). A traffic study was required to satisfy LATR, because the proposed land use on both shopping centers generated 50 or more peak-hour trips within the weekday morning (6:30 to 9:30 a.m.) and evening (4:00 to 6:00 p.m.) peak periods. The results of these analyses indicate that roads and transportation facilities will be safe and adequate to support and service the proposed development with the required roadway improvements.

2. *All previous conditions remain in full force and effect.*

The Planning Board further finds that the Preliminary Plan Amendment does not affect the previous findings of the Board regarding the Preliminary Plan, and all other previous conditions of approval remain in full force and effect.

BE IT FURTHER RESOLVED, that the Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in connection with the originally approved Preliminary Plan; and

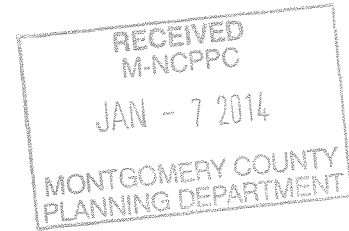
BE IT FURTHER RESOLVED, that the date of this Resolution is DEC 11 2007 (which is the date that this Resolution is mailed to all parties of record); and

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

\* \* \* \* \*

CERTIFICATION

At its regular meeting, held on Thursday, December 6, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Commissioner Bryant, seconded by Vice Chairman Robinson, with Commissioner



## MEMORANDUM

**TO:** Montgomery County Planning Department  
Limited Plan Amendment for Preliminary Plan 1-20050180A

**FROM:** Elsie L. Reid, Furey, Doolan & Abell, LLP

**DATE:** January 7, 2014

**RE:** Justification Statement

---

Montgomery Mall, LLC, as the developer and applicant for preliminary plan approval for the expansion of Montgomery Mall (Preliminary Plan 1-20050180 as amended 1-20050180A), submits this justification for a limited plan amendment to the preliminary plan approvals. The property at issue has now been recorded (August 29, 2013) as Plat No. 24655 among the Land Records of Montgomery County, Maryland creating "Parcel P, Lakeview: (The MNCPPC record plat file number is 634-108.)

For purposes of this limited plan amendment, the applicant requests that one offsite road improvement no longer be required of the applicant, specifically that Condition No. 11(a) of the Preliminary Plan Approval be amended to eliminate the requirement for a southbound right turn lane along Seven Locks Road at its approach to Democracy Boulevard (for purposes of this Limited Plan Amendment, the "Condition"). A northbound right turn lane at that same location will still be required.

### Discussion

Among the conditions of the preliminary plan approval are those which require the developer to make or fund certain offsite road improvements at three intersections. Of concern for this limited plan amendment are the road improvements at the intersection of Democracy Boulevard and Seven Locks Road. Condition No. 11(a) of the 2005 Preliminary Plan Opinion reads:

**"11. "Satisfy local area transportation review by constructing the following intersection improvements:**

(a) **Add a northbound and a southbound right-turn lane from Seven Locks Road to Democracy Boulevard....”**

The 2007 Amendment to the Preliminary Plan left this condition unchanged. The Developer requests modification of Condition No. 11(a) to delete the requirement for a new *southbound* lane at this particular intersection because the traffic conditions at this intersection do not warrant the installation of this lane improvement—an improvement which would require the taking of parkland and result in major environmental impacts.

As required by the Preliminary Plan and pursuant to a Public Improvements Agreement with Montgomery County dated May 24, 2013, and identified as PIA No. 13-016 at the Department of Permitting Services, the developer is in the process of commencing some of the required road improvements. These improvements are to be built as phases of the expansion of Westfield Mall proceed; Phase 1a is now underway.

With respect to the Condition 11(a) improvements, the developer has been working with its engineering consultants, Dewberry Consultants LLC, and its traffic consultant, The Traffic Group, to evaluate the topographical, engineering, environmental, traffic and other design challenges to effect these intersection improvements along Seven Locks Road. In addition, Westfield has been meeting with representatives of the Montgomery County Parks Department and the Planning Department to discuss these lane improvements.

At the time the Condition was agreed to in 2005, it was believed by the applicant and its consultants that the north and southbound right turn lanes could be built almost entirely within the existing right of way for Seven Locks Road and at most require only a minimum amount of private property. So, while addition of the southbound lane was not needed to meet the LATR guidelines in effect at the time, the developer agreed to build both turning lanes.

In conducting the engineering work necessary to permit and bond these two right turn lane improvements, the applicant has discovered several facts:

1. There is insufficient right of way to add right turn lanes in both the north and south bound directions.
2. The property affected by the need for the additional right of way to install the northbound lane is owned by Montgomery County Parks. Additional land needed for the southbound right turn lane at this intersection is owned by Montgomery County but managed by the Parks Department as parkland. Some private property is also needed for the new southbound lane.
3. Because of the topography in this area, both of the new lanes will necessitate the installation of lengthy, fairly tall retaining walls along Seven Locks Road. At some points the walls will reach a height of 16 feet.
4. The additional roadway area requires the loss of several large trees and existing vegetation along the roadway.
5. The new northbound lane approaches a streambed on parkland, and there is concern about that waterway.

6. The extent of new impervious area necessitates a storm water management facility, also to be located on parkland, which will further encroach into pristine forest.
7. The need for two retaining walls, each over 200 feet in length, will place a maintenance burden on County government once the road improvements are completed by Westfield—something neither MCDOT nor the County Parks Department relish.

As a result of these discoveries, the Parks Department and the Planning Department Area 3 Team asked the developer to explore creative alternatives to reduce the amount of parkland needed and to mitigate the overall environmental impacts. Consequently, Westfield asked its consultants to re-evaluate the need for the improvements and to consider design alternatives for these intersection improvements.

Based upon new traffic data obtained by The Traffic Group, the applicant has learned that the southbound lane is not needed to satisfy its LATR requirements. Traffic conditions do not warrant the taking of County parkland nor the environmental impacts this additional southbound lane would have.

The analysis of the applicant's traffic consultant is contained in the accompanying letter of The Traffic Group, dated December 2, 2013. In brief, the letter reports that: (1) the traffic volumes at this intersection today are less than the 2004 counts; and (2) with existing traffic conditions, the addition of the northbound right turn lane alone will result in a CLV well below the 2005 CLV standard of 1,475 for this intersection, as well as today's standard of 1,450.

Removing the Condition means that a taking of 2,285 square feet of County land at the northwest quadrant of the intersection, as well as 2,156 square of private owner property (from an owner who has not responded to calls) becomes unnecessary. Nor will several large trees which the Parks Department identified as ones it wishes to save be lost. The construction of a retaining wall, approximately 310 feet long with a height of 9 feet at its highest point on the western edge of Seven Locks Road, will no longer be necessary. Moreover, eliminating this Condition alleviates the public burden of maintaining the retaining wall in future years.

The northbound right turn lane will be installed by the developer. With further study by its consultants, the applicant now believes that it can build the northbound lane *without encroaching on parkland*, as Mr. Guckert's letter explains. The northbound right turn lane and the additional pavement required for that lane can be accommodated by shifting the roadway slightly to the west where additional unpaved right of way is available. This "shift" would avoid any encroachment onto parkland at the southeast quadrant of the intersection, thus avoiding the nearby stream and eliminating both a storm water management facility of over 5,280 square feet within the existing park and a new retaining wall 250 feet in length whose height would have reached 16 feet at its highest point. Approval of MCDOT for this layout will be required. Because Seven Locks is very straight along its approaches to Democracy Boulevard, the developer believes the new layout will be safe for traffic within the speeds allowed. Modifications to the pedestrian signalization for crossing the roadway can be effected to allow safe passage of pedestrians across the intersection.

Information Supplied by The Traffic Group (July 1, 2014)Democracy Boulevard and Seven Locks Road

It has been agreed that the improvement required at the Democracy Boulevard and Seven Locks Road intersection is the construction of a northbound right turn lane along Seven Locks Road. Based on the Traffic Study previously conducted for this project dated June 16, 2004, *with the background traffic conditions, the intersection was projected to operate at a CLV of 1147 during the morning peak hour.* With the addition of the traffic generated by the Mall, the AM Peak CLV will increase to 1156. The addition of the northbound right turn lane will lower the AM Peak CLV to 1058 which represents an 8.5% improvement to the Total AM Peak CLV. During the evening peak hour, the background CLV is projected to be 1500. With the addition of the traffic from the Mall, the PM Peak CLV will increase to 1542. The addition of the northbound right turn lane will result in a PM Peak CLV of 1492 or a 3.2% improvement during the evening peak hour over the total traffic conditions at this location.

CLV

Intersection	Existing Traffic		Background Traffic		Total Traffic	
	AM	PM	AM	PM	AM	PM
	CLV	CLV	CLV	CLV	CLV	CLV
Seven Locks Rd & Democracy Blvd						
1. June, 2004 TIS	1110	1439	1147	1500	1156	1542
w/NB & SB Right Turn Lanes	---	---	---	---	1053	1413
w/NB Right Turn Lane	---	---	---	---	1058	1492
2. 11/07/2013 Traffic Count	1010	1259	1048	1320	1057	1362
w/NB Right Turn Lane	---	---	---	---	958	1360
3. 11/19/2013 Traffic Count	1121	1236	1159	1297	1168	1339
w/NB Right Turn Lane	---	---	---	---	1058	1204

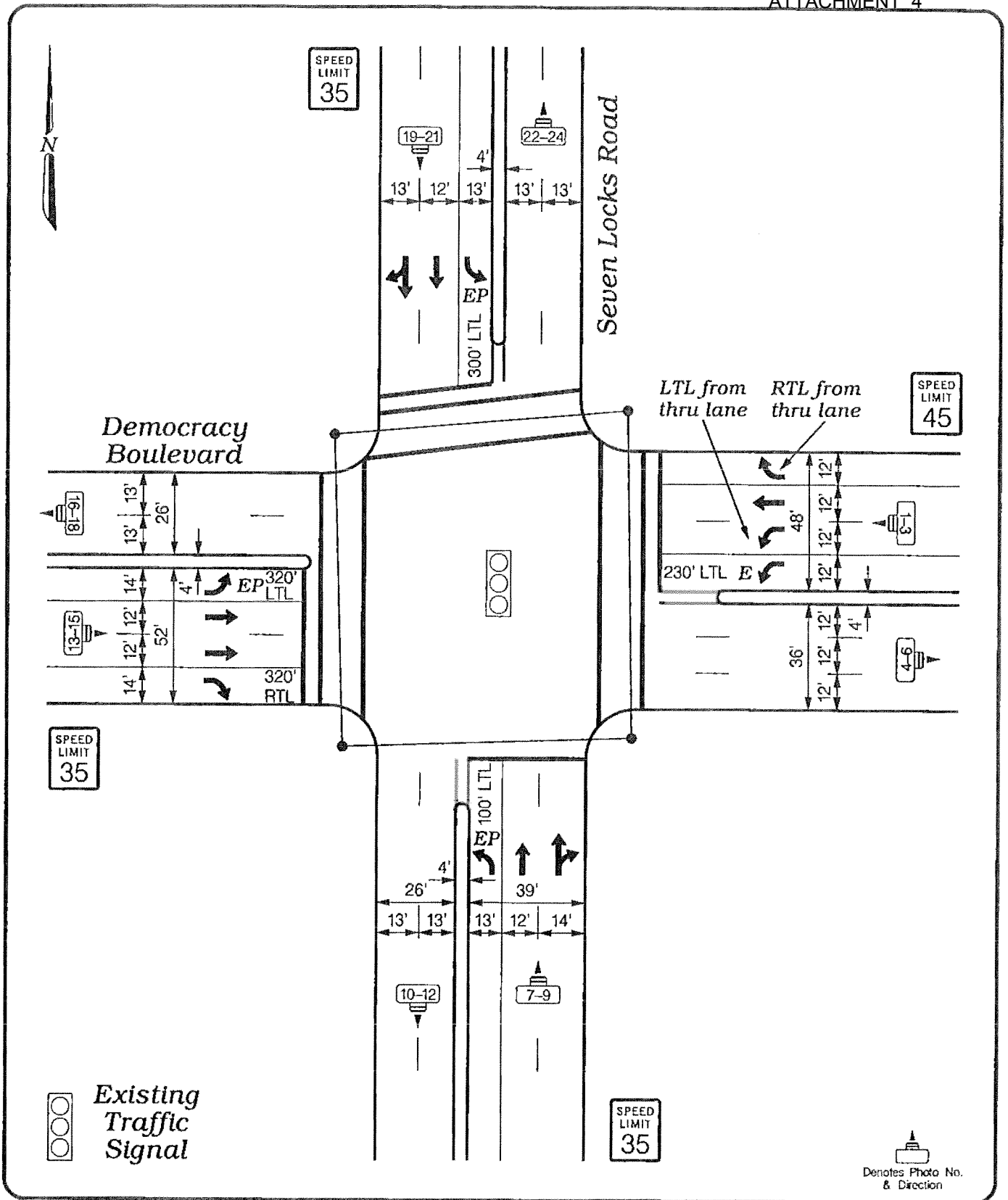
Note: CLV Standard for this intersection is 1475.



EXHIBIT  
RESULTS OF INTERSECTION  
CAPACITY ANALYSES & COMPARISON

2/28/letter to Greg back

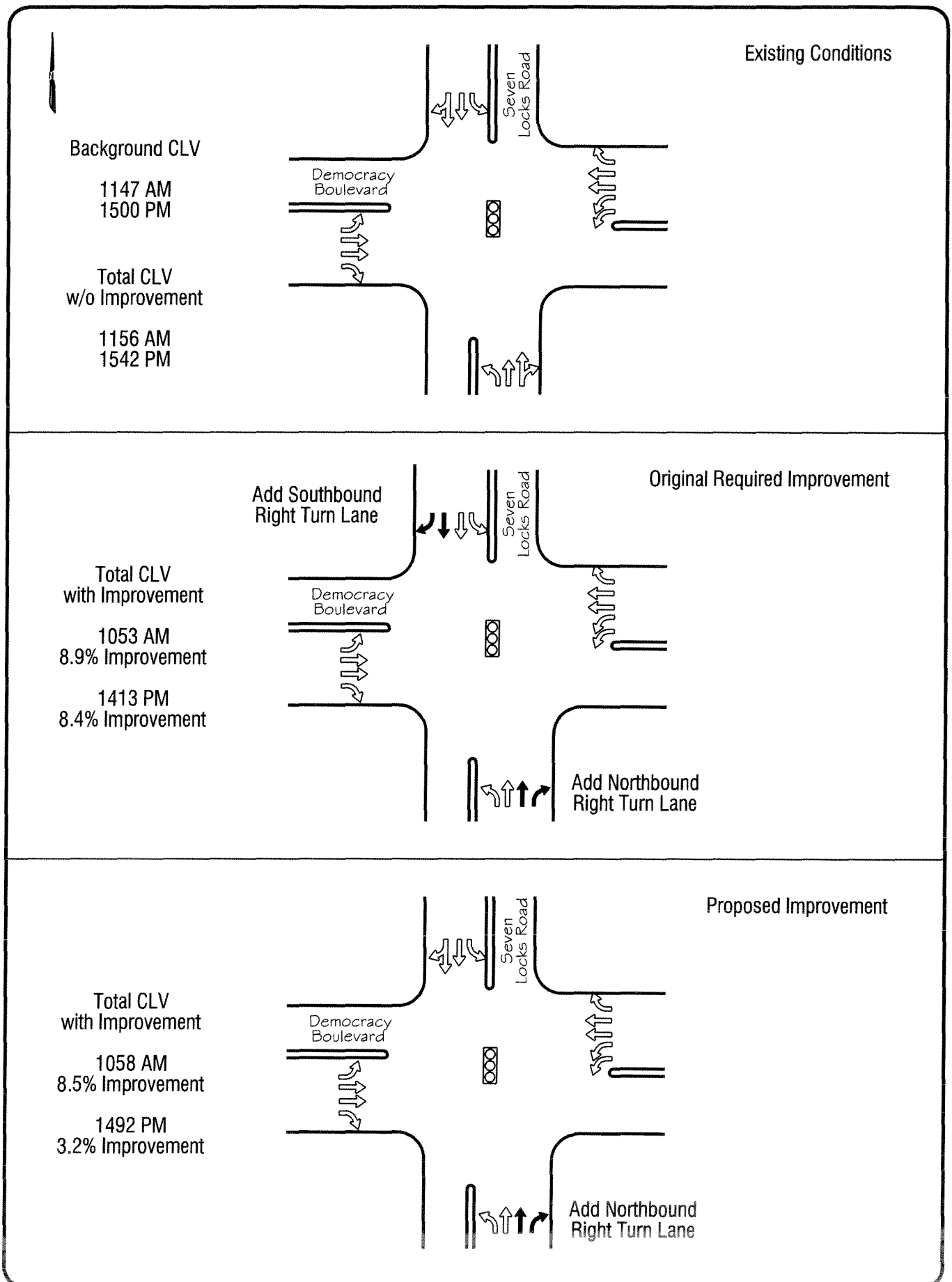




*Democracy Boulevard at  
Seven Locks Road*

FIELD WORK BY: *S. Scalza*  
 DRAWN BY: *S. Langley*  
 DATE: *October, 2003*  
 SCALE: *N/A*

JOB NO.: *2003-0719*  
 DWG NAME: *CD8.DGN*  
 LOCATION: *Montgomery Co., MD*  
 SHEET NO.: *8 OF 13*



Background CLV

1147 AM  
1500 PM

Total CLV  
w/o Improvement

1156 AM  
1542 PM

Existing Conditions

Add Southbound  
Right Turn Lane

Total CLV  
with Improvement

1053 AM  
8.9% Improvement

1413 PM  
8.4% Improvement

Original Required Improvement

Add Northbound  
Right Turn Lane

Total CLV  
with Improvement

1058 AM  
8.5% Improvement

1492 PM  
3.2% Improvement

Proposed Improvement

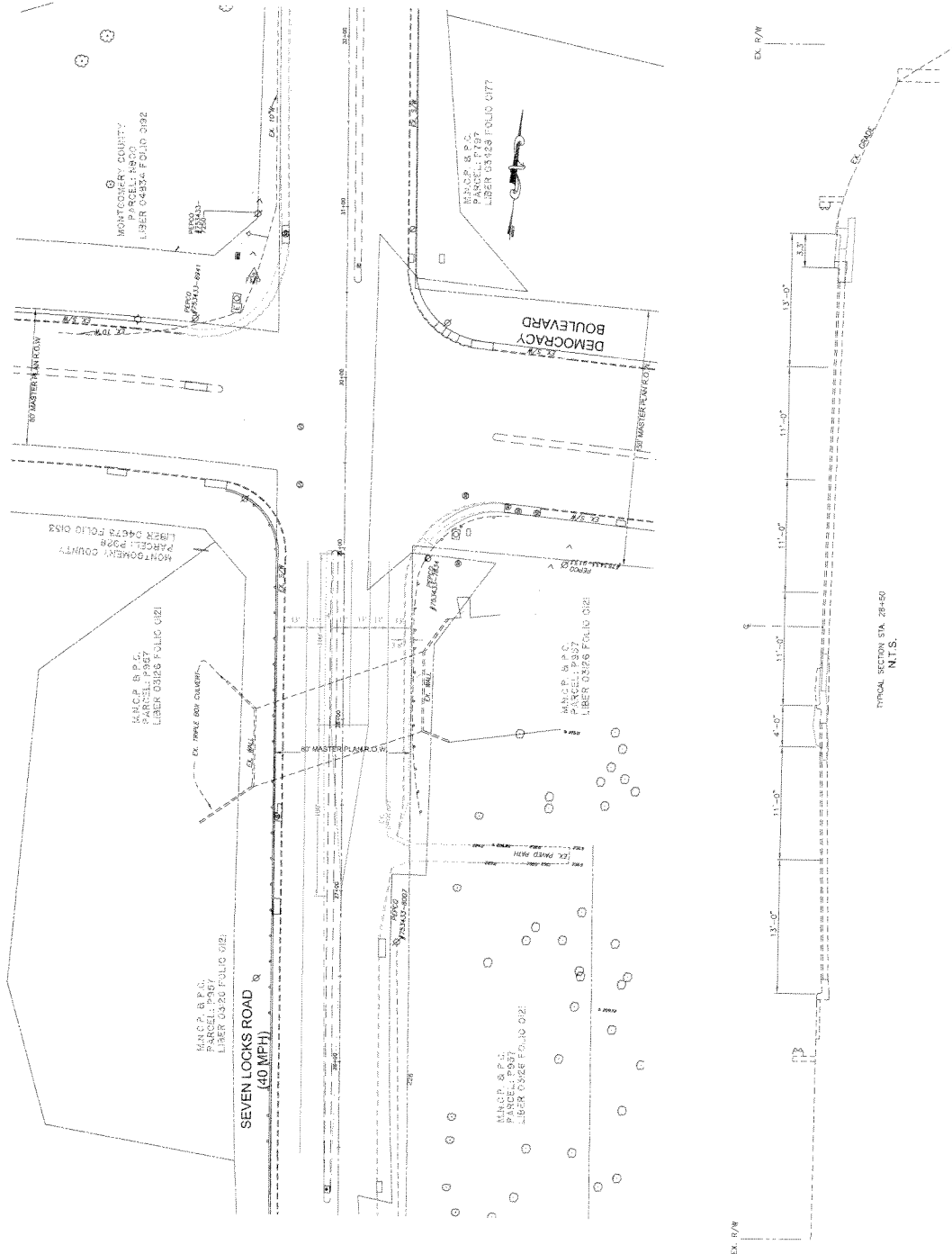
Add Northbound  
Right Turn Lane

SUBMITTED FOR MCDOT APPROVAL 6-13-2014

**Dewberry**  
 301 ERY PARKWAY  
 SUITE 100  
 GAITHERSBURG, MD 20878  
 PH: 301-948-5000  
 FAX: 301-948-5001  
 WWW.DEBERRY.COM

**APPLICANT:**  
 WESTFIELD LLC  
 UNIVERSITY BLVD, W  
 SUITE 200  
 WHEATON, MD 20842  
**CONTACT:** JIM AGUILA  
 410-228-8888  
 JAGUILA@WESTFIELD.COM

**INTERSECTION IMPROVEMENT  
 SEVEN LOCKS ROAD AND DEMOCRACY BLVD**  
 MONTGOMERY COUNTY  
 MARYLAND  
 TASK MAP CP12



SCALE: 1" = 30'

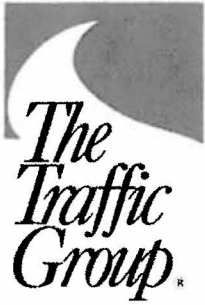
NO.	DATE	BY	DESCRIPTION

DESIGNED BY: [ ]  
 DRAWN BY: [ ]  
 CHECKED BY: [ ]  
 DATE: 03/20/14  
 TITLE: CONCEPT PLAN

PROJECT NO.: 3000000

TYPICAL SECTION STA. 28+4.50  
 N.T.S.

**NOTE:**  
 FOR LOCATION OF UTILITIES CALL  
 811 OR VISIT WWW.CALL811.CITY.MD  
 OR WWW.CALL811.MD  
 48 HOURS IN ADVANCE OF ANY WORK  
 INFORMATION CONCERNING UNDERGROUND  
 UTILITIES IS THE CONTRACTOR'S RESPONSIBILITY  
 AND SHALL BE OBTAINED BY THE CONTRACTOR  
 PRIOR TO THE START OF CONSTRUCTION.  
 CONTRACTOR SHALL BE RESPONSIBLE FOR  
 PROTECTING ALL UTILITIES FROM DAMAGE  
 PRIOR TO THE START OF CONSTRUCTION.



A VETERAN-OWNED  
SMALL BUSINESS

**CORPORATE OFFICE**  
**Baltimore, MD**

Suite H  
9900 Franklin Square Drive  
Baltimore, Maryland 21236  
410.931.6600  
fax: 410.931.6601  
1.800.583.8411

**FIELD OFFICE LOCATIONS**

Arkansas  
Maryland  
New York  
Texas  
Virginia

December 2, 2013

Mr. Greg Leck, Manager  
Traffic Engineering and Operations Section  
Montgomery County  
Department of Transportation  
100 Edison Park Drive, 4th Floor  
Gaithersburg, Maryland 20878

RE: Westfield – Montgomery Mall  
Montgomery County, Maryland  
Our Job No.: 2003-0719

Dear Greg:

This is a follow-up to conversations and discussions that took place within the last few months dealing with off-site intersection improvements for Montgomery Mall.

- 1) The intersection of Tuckerman Lane & Seven Locks Road is already under design.
- 2) We are waiting for your response on the cost estimate for Democracy & Westlake Drive.
- 3) For the intersection of Seven Locks Road & Democracy Boulevard; discussions have taken place regarding the environmental and land challenges in the southeast quadrant for a northbound right turn lane and in the northwest quadrant for a southbound right turn lane.

### **Seven Locks Road & Democracy Boulevard**

We have undertaken new counts (two occasions in November, 2013) and analyses and we believe that the southbound right turn lane can be eliminated and the northbound right turn lane can be built in such a way that it substantially avoids impact to the environment, especially in the southeast quadrant. The following tasks were undertaken:

1. New traffic counts dated November 7, 2013 at the intersection (attached).
2. Conducted a second turning movement count dated November 19, 2013 (attached).
3. Prepared a Concept Plan for improvements for a northbound right turn lane with a 11 ft northbound left turn lane, 11 ft thru lanes, and 13 ft curb lanes.
4. Conducted critical lane volume intersection capacity analysis for existing 2013 traffic conditions for the two traffic counts with the northbound right turn lane.

Based upon our analysis, we have determined that the southbound right turn lane is not required and only a northbound right turn lane is required.

**2004 L.A.T.R.**

At the time of our 2004 report, traffic conditions were abnormally high and do not reflect conditions that exist today. As you know, sometimes a one-day traffic count could be an anomaly and, in this particular case, it appears that, indeed, traffic was quite a bit higher in 2004 than it is based upon two separate counts in 2013.

We believe that the information contained in this letter is sufficient to allow for government to reconsider the southbound right turn lane. We also believe that the concept we prepared could be considered acceptable by the Montgomery County Department of Transportation.

Sincerely,



John W. Guckert, PTP  
President

JWG:smb

cc: Jim Agliata  
Peter Okafer  
Elsie Ried  
John Dirndorfer

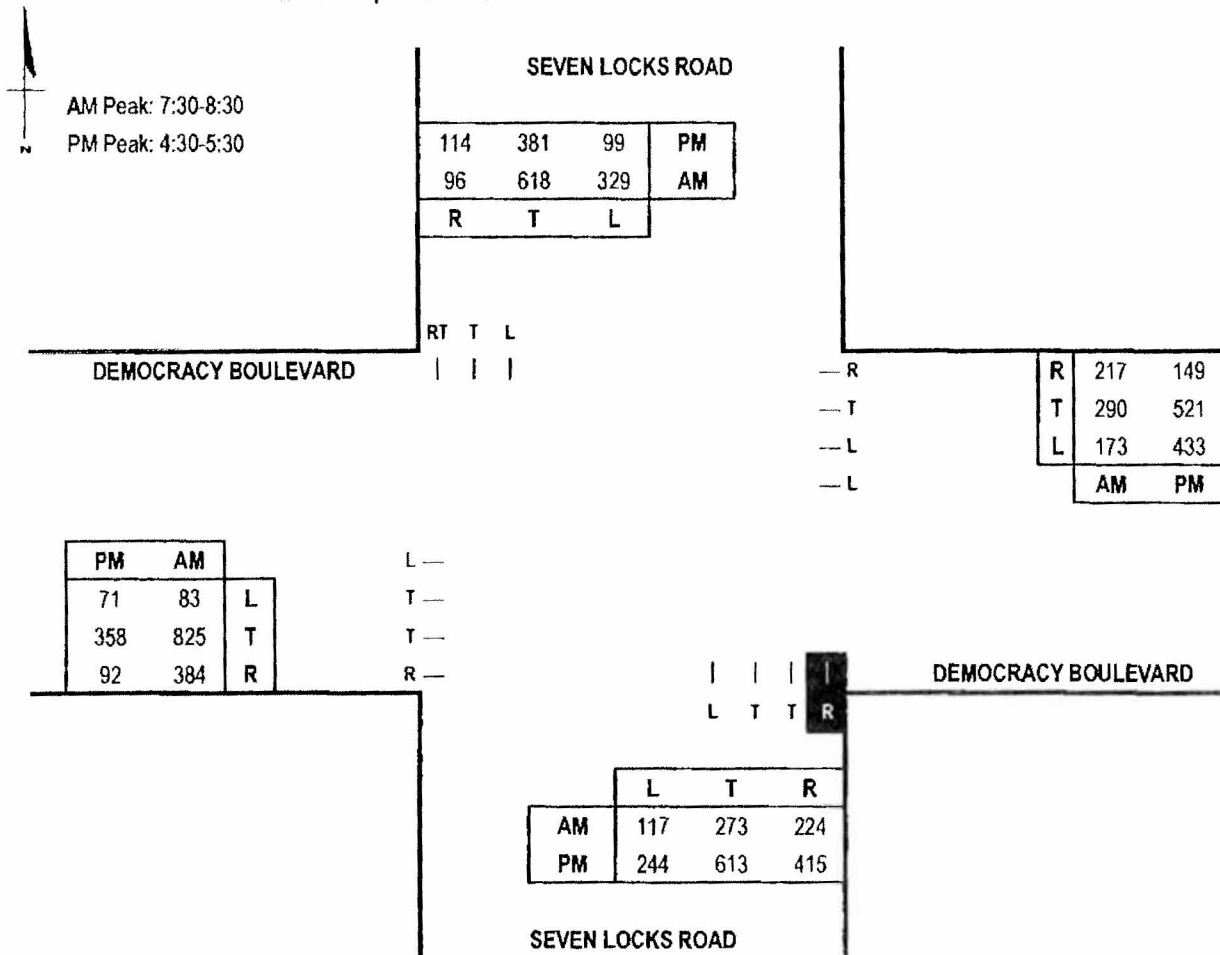
(F:\2003\2003-0719\Wp\TripGenLtr\_Leck.docx)

qt. f:\2013\qtseven locks rd & democracy blvd.xls-clv, f11/27/13

## CRITICAL LANE VOLUME (CLV) METHODOLOGY for Montgomery County

**EW Road:** Democracy Boulevard  
**N/S Road:** Seven Locks Road  
**Conditions:** Existing Traffic  
 w/ NB improvement

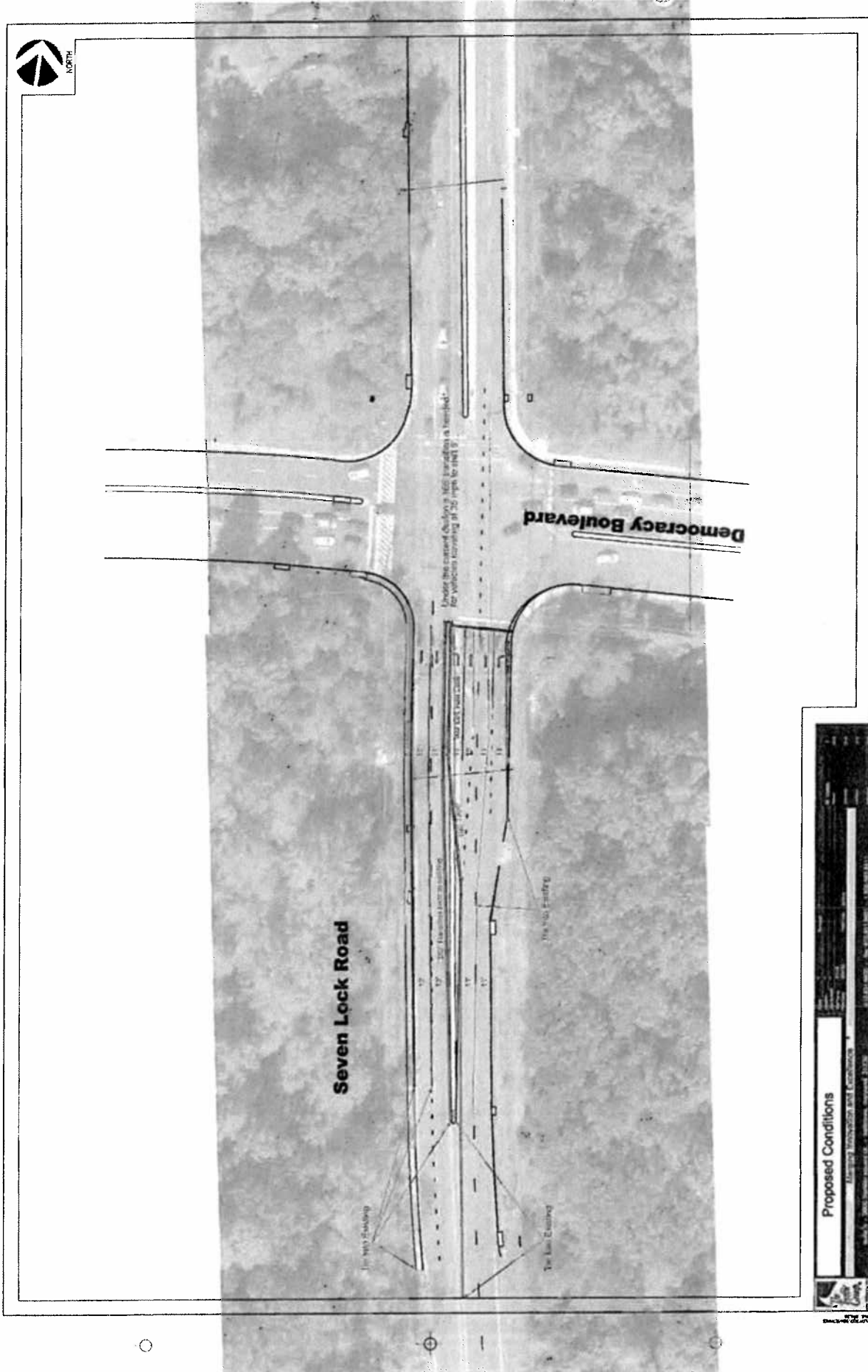
**Date of Count:** 11/19/2013  
**Day of Count:** Tuesday  
**Analyst:** Qiang Tian



### Capacity Analysis

Morning Peak Hour							
Dir	Thru Volumes			+ Opposing Lefts			AM
	VOL	x LUF	= Total	VOL	x LUF	= Total	CLV
NB	273	0.53	145	329	1.00	329	495
SB	714	0.53	378	117	1.00	117	
EB	825	0.53	437	173	0.53	92	529
WB	290	1.00	290	83	1.00	83	
CLV TOTAL =							1,024

Evening Peak Hour							
Dir	Thru Volumes			+ Opposing Lefts			PM
	VOL	x LUF	= Total	VOL	x LUF	= Total	CLV
NB	613	0.53	325	99	1.00	99	506
SB	495	0.53	262	244	1.00	244	
EB	358	0.53	190	433	0.53	229	592
WB	521	1.00	521	71	1.00	71	
CLV TOTAL =							1,098



Boulevard

Under the current design a 11' for vehicles traveling at 35 mi

5' sidewalk

13'

11'

11' 100' Left Turn Lane

11'

11'

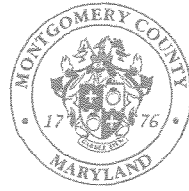
13'

100' taper

position back to existing

into Existing





## DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

July 23, 2014

Arthur Holmes, Jr.  
Director

Mr. Callum Murray, Supervisor  
Area 3 Planning Division  
The Maryland-National Capital  
Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan 12005018B  
Westfield Montgomery Mall

Limited Preliminary Plan Amendment for  
Seven Locks Road/Democracy Boulevard  
Off-Site Intersection Improvements

*Callum*  
Dear Mr. Murray:

We have completed our review of the June 13, 2014 edition of the applicant's concept plan to implement a northbound right turn lane on Democracy Boulevard at its intersection with Seven Locks Road. In our May 15, 2014 letter to the applicant's attorney, Ms. Elsie L. Reid, we indicated that "Intuitively, we support approval of the proposed modification and the Limited Preliminary Plan Amendment." In subsequent discussions with the applicant, we agreed with the base geometric layout of the applicant's plan. We have been requested to provide you a letter which formally confirms MCDOT's position on the conceptual intersection improvement plan.

We approve the proposed concept plan subject to the following comments.

- We support Planning Board approval to delete the previously required southbound right turn lane on Seven Locks Road at this intersection.
- Although there does not currently exist a sidewalk on the east side of Seven Locks Road, there is evidence of a worn path approaching this intersection. MCDOT defers the specifics of the plan (with respect to the need for formal or informal accommodation of pedestrians) to the Department of Permitting Services at the permit stage, including design treatment of the guardrail at the culvert headwall.
- Milling and overlaying of the existing pavement on Seven Locks Road may be required by the Department of Permitting Services at the permit stage.

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878  
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080  
trafficops@montgomerycountymd.gov



Mr. Callum Murray  
 Preliminary Plan No. 12005018B  
 July 23, 2014  
 Page 2

Thank you for the opportunity to review this plan. Should you have any questions or comments regarding this letter, please contact me at [greg.leck@montgomerycountymd.gov](mailto:greg.leck@montgomerycountymd.gov) or at 240-777-2190.

Sincerely,



Gregory M. Leck, Manager  
 Development Review

M:/corres/FY15/Traffic/Active/12005018B, Montgomery Mall Limited PPA for Seven Locks-Democracy, MCDOT concept approval ltr.doc

CC:	Elsie L. Reid	Furey Doolan & Abell, LLP
	Jim Agliata	Westfield Corporation
	Peter Okafor	Dewberry Consultants, LLC
	Brandon Fritz	Dewberry Consultants, LLC
	Wes Guckert	The Traffic Group
	Glenn Cook	The Traffic Group
	Mickey Cornelius	The Traffic Group
	John Dirndorfer	The Traffic Group
	John Carter	M-NCPPC Area 3
	Katherine Holt	M-NCPPC Area 3
cc-e:	Atiq Panjshiri	MCDPS RWPR
	Arthur Holmes	MCDOT DO
	Al Roshdieh	MCDOT DO
	Emil Wolanin	MCDOT DO
	Bruce Johnston	MCDOT DTE
	Fred Lees	MCDOT DTEO
	Dan Sanayi	MCDOT DTEO
	David Moss	MCDOT DTEO
	Bruce Mangum	MCDOT DTEO
	Kyle Liang	MCDOT DTEO
	Monet Lea	MCDOT DTEO



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

**MEMORANDUM**

**DATE:** August 18, 2014  
**TO:** Callum Murray, Community Planning Area 3, Planning Department  
**FROM:** Michael Ma, Park Development Division, Department of Parks  
**SUBJECT:** Amendment to Preliminary Plan 120050180, Westfield Montgomery Mall

---

Parks staff has reviewed the proposed modification to Condition No. 11 (a) of Preliminary Plan 120050180, Westfield Montgomery Mall, and recommends approval of the amendment.

The Applicant was required to provide certain road improvements under Condition No. 11 to support the Westfield Montgomery Mall redevelopment project. The road improvements include a northbound and a southbound right-turn lanes along Seven Locks Road at its approach to Democracy Boulevard. Construction of the right-turn lanes would result in substantial encroachments and disturbances to adjacent park properties and create significant impact on existing natural environment.

The requested plan amendment would delete the requirement for the southbound right-turn lane along Seven Locks Road, which would allow modifications to the northbound lanes and reconfiguration of the median. These changes would eliminate the need of parkland encroachment and disturbance in both directions. Parks Department welcomes the proposed changes and supports the limited Preliminary Plan amendment.

However, if the final design of the required northbound right-turn lane along Seven Locks Road at its approach to Democracy Boulevard has any encroachments or disturbances to the adjacent park properties, the applicant must obtain a Park Construction Permit from the Department of Parks prior to commencement of any construction activities on parkland.