

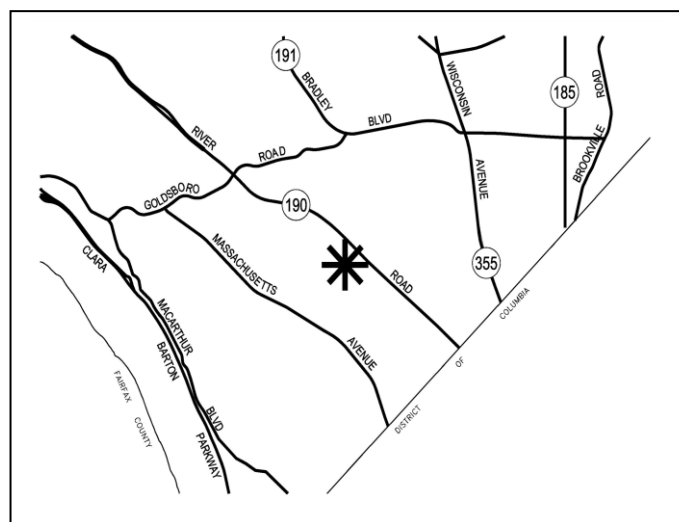
Westwood Shopping Center, Preliminary Plan No. 120170170 and Site Plan No. 820180190

SD	Stephanie Dickel, Planner Coordinator, Area 1, Stephanie.Dickel@montgomeryplanning.org , 301.495.4527
Mat	Matthew Folden, Planner Coordinator, Area 1, Matthew.Folden@montgomeryplanning.org , 301.495.4539
CA	Elza Hisel-McCoy, Supervisor, Area 1, Elza.Hisel-McCoy@montgomeryplanning.org , 301.495.2115
MP	Mark Pfefferle, Interim Chief, Area 1, Mark.Pfefferle@montgomeryplanning.org , 301.495.4730

Description

Completed: 3.4.2019

- Preliminary Plan: Creation of 111 lots for up to 852,915 square feet of new development, including 647,378 square feet of residential uses (up to 410 multi-family units and up to 104 single-family attached units), and up to 205,537 square feet of non-residential uses (including 29,305 square feet of existing commercial uses on Bowlmor site to remain) as well as dedication for future implementation of the Willett Branch Greenway
- Site Plan: 70 single-family attached residential units, up to 200 multi-family residential units and up to 171,232 square feet of non-residential uses, including 12.5% MPDUs
- Current use: commercial uses and associated surface parking
- Located along Westbard Avenue between River Road and Westbard Circle and Massachusetts Avenue
- Preliminary Plan: 23 gross acres zoned CRT 2.0, C 0.75, R 1.25, H 60; CRT 1.0, C 0.25, R 1.0, H 45; CRT 1.5, C 0.5, R 1.5, H 75; CRT 2.5, C 0.5, R 2.0, H 75; and CRT 2.5, C 0.5, R 2.0, H 110
- Site Plan: 12.4 gross acres zoned CRT 2.0, C 0.75, R 1.25, H 60
- 2016 *Westbard Sector Plan*
- Applicant: Equity One (Northeast Portfolio), LLC
- Preliminary Plan Acceptance date: December 20, 2016
- Site Plan Acceptance date: June 14, 2018



Summary

- Staff recommends approval of the Preliminary and Site Plans, with conditions.
- Sketch Plan No. 320170010 that the Planning Board approved on April 26, 2017, by resolution was withdrawn prior to the submittal of the Site Plan. The HOC property included within that approval is not part either of these applications.
- The Preliminary Plan includes three areas to be conveyed to M-NCPPC for new parkland.
- In accordance with Section 59.7.3.4.C of the Zoning Ordinance, the Site Plan received two Planning Board extensions to the public hearing date, the postponing the hearing date from October 11, 2018, to December January 31, 2018 and from January 31, 2019 until March 21, 2019.
- Staff received correspondence from community groups and citizens. Copies of the correspondence are attached and discussed herein.

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EXECUTIVE SUMMARY

Equity One (Northeast Portfolio), LLC, also commonly referred to as Regency Centers, (the Applicant), requests approval of Preliminary Plan No. 120170170 and Site Plan No. 820180190 (collectively, the Applications). The Preliminary Plan contains a tract area of approximately 23 acres, about half of which (12.4 acres) of which is included in the Site Plan application.

Site Overview

The 23-acre Property is in the Westbard Sector Plan area and is located along Westbard Avenue between River Road and Westbard Circle. It is currently developed with commercial uses including the Westwood Shopping Center, the Westwood II Shopping Center, and Bowlmor; surface parking lots; and an abandoned residential care facility known as Manor Care. The Property contains a small amount forest and steeply sloped areas along the Willett Branch, with areas in the stream valley buffer.

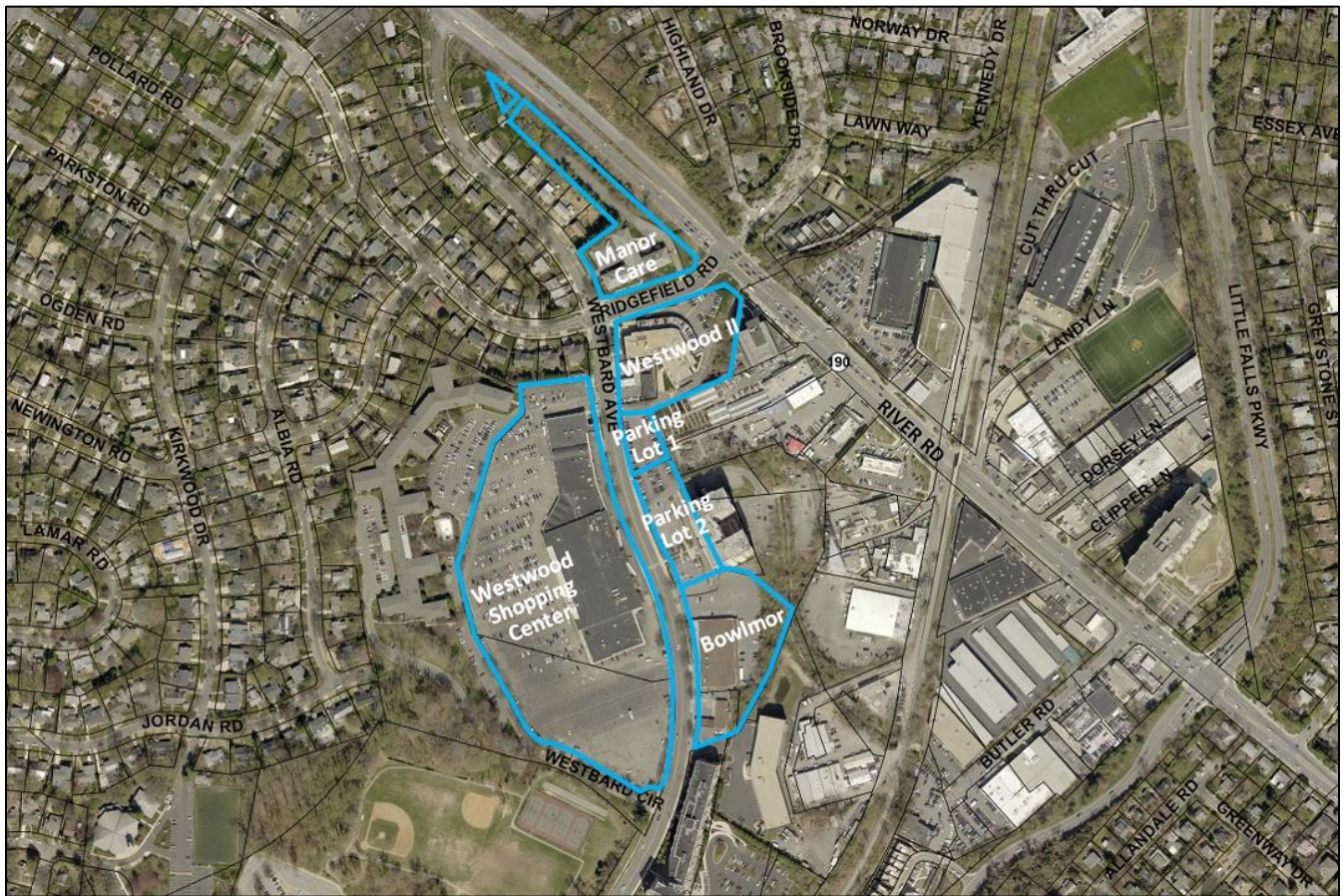


Figure 1 – Aerial Map of Preliminary Plan Properties

Standard v. Optional Method of Development

Private development in Montgomery County generally proceeds along one of two tracks: Standard Method or the Optional Method. Standard Method allows only lower levels of density and does not require public benefits or the 15% MPDUs. The Optional Method allows higher levels of density, but requires developers to provide certain Public Benefits, defined in the Zoning Ordinance, and undergo a more robust Planning Department review process.

Although the Sector Plan places emphasis on Optional Method projects with higher levels of density and accompanying public benefits, these Applications are being reviewed under the Standard Method of development. However, even at the relatively low levels of density proposed, these Applications nevertheless include many of the major benefits recommended in the Sector Plan, including the realignment of Westbard Avenue, the provision of a Civic Green and the Springfield Neighborhood Green Urban Park, as well as conveyance of land to M-NCPPC for future implementation of the Willett Branch Greenway.

The Proposal

As discussed further below, the Applications propose new development only on the Westwood Shopping Center, Manor Care, and Westwood II sites. All other sites will retain their existing development. Additionally, only the Westwood Shopping Center is covered by this Site Plan application. The new development shown on Manor Care and Westwood II is for Preliminary Plan purposes only and will be subject to Site Plan review under a future application.

Preliminary Plan No. 120170170

The total tract area of the Preliminary Plan Application is approximately 23 acres, and includes the properties outlined in Figure 1 above. The properties are zoned CRT with maximum densities ranging from 1.0 to 2.5 and heights ranging from 45 feet to 110 feet (see data table in Section 5 for site-specific breakdown). The Application proposes creation of 111 lots for a maximum total density of up to 852,915 square feet of new development, including approximately 647,378 square feet of residential uses (approximately 410 new multi-family and 104 single-family attached units) and approximately 205,537 square feet of commercial uses (176,232 square feet new and 29,305 square feet existing). As discussed in greater detail in Section 3 of the Staff Report, the Preliminary Plan includes the realignment of Westbard Avenue, and the conveyance of land to M-NCPPC for future implementation of the Willett Branch Greenway.

The Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Code, in effect prior to February 2017, and the Application meets all applicable sections. The size, width, shape, and orientation of the lots is appropriate for the location of the subdivision taking into account the recommendations included in the Sector Plan, and for the type of development or uses contemplated. The Application complies with the land use recommendations for the Property as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. As evidenced by the Preliminary Plan, the Subject Property is sufficiently large to efficiently accommodate the mix of uses. Under Section 59.4.5.4 of the Zoning Ordinance, the dimensional standards for the lot will be determined with approval of the subsequent Site Plans. Staff recommends approval with conditions.

Site Plan No. 820180190

The Site Plan covers the Westbard Shopping Center and has a tract area of approximately 540,524 square feet, or approximately 12.4 acres. The Site Plan Property is zoned CRT 2.0, C 0.75, R 1.25, H 60 and is identified as Site 1 in the *Westbard Sector Plan*. The Site Plan proposes up to 540,524 square feet of total development, including up to 369,292 square feet of residential development for up to 70 single-family attached residential units and up to 200 multi-family residential units, and up to 171,232 square feet of non-residential uses. The Site Plan also includes a Civic Green, the Springfield Neighborhood Green Urban Park, common open space for the townhouse units, as well as a private internal street network. As conditioned, the Site Plan meets all the general requirements and development standards of Section 59.4.5 of the Zoning Ordinance and the general development requirements of Article 59-6 of the Zoning Ordinance. Staff recommends approval with conditions.

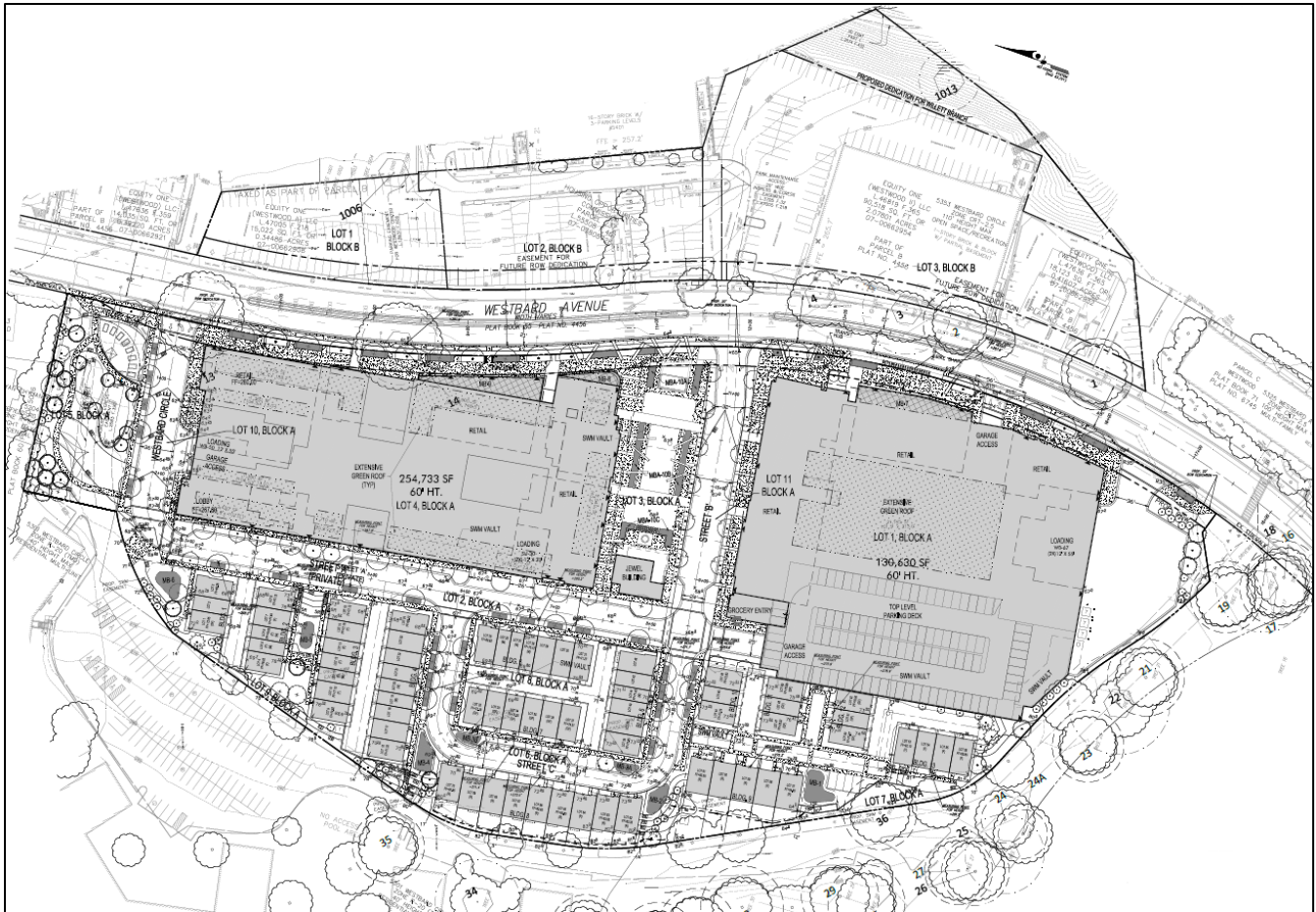


Figure 2 –Site Plan

Phasing

As discussed in greater detail in Sections 1 and 3 of this report, the Preliminary Plan will be implemented in phases, with each phase finalized through a Site Plan Review. The current review includes the Site Plan for the Westwood Shopping Center, as well as the realignment of Westbard Avenue. Unless otherwise specified through a condition of approval, construction phasing for any site covered by the Preliminary Plan or Site Plan can take place in any order, either sequentially or simultaneously. However, specific conditions are recommended to ensure timely delivery of the public amenities associated with the Applications.

Community Correspondence

Staff has received a considerable amount of community correspondence in regard to the Applications, specifically related to the Willet Branch, open space and parks, stormwater management, traffic and safety, realignment of Westbard Avenue, phasing, and parking. Full discussion is provided in Section 4 of this Staff Report.

SECTION 1: RECOMMENDATION AND CONDITIONS

PRELIMINARY PLAN 120170170

General Approval

1. This Preliminary Plan is limited to 111 lots for a total development of up to 852,915 square feet, including up to 647,378 square feet of residential uses (up to 104 townhomes and up to 410 multifamily dwelling units) and up to 205,537 square feet of commercial uses (including the 29,305 square feet of commercial uses to remain on Lot 3 Block B/Bowlmor).

Adequate Public Facilities and Outside Agencies

2. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for one hundred twenty (120) months from the date of mailing of the Planning Board Resolution, phased in the following manner, as illustrated on the Certified Preliminary Plan:
 - a. First Phase - 36 months from the 30th day after the Resolution is mailed; or if an administrative appeal is timely noted by any party authorized to take an appeal, the date upon which the court having final jurisdiction acts, including the running of any further applicable appeal periods.
 - b. Second Phase - 36 months from the expiration date of the validity period for First Phase.
 - c. Third Phase - 24 months from the expiration date of the validity period for Second Phase.
 - d. Fourth Phase - 24 months from the expiration date of the validity period for Third Phase.

Outside Agencies

3. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its Traffic Impact Study and Traffic Signal Warranty Study letter dated February 28, 2019 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
4. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated March 4, 2019 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
5. Before recording any plat for the Subject Property, the Applicant must satisfy MCDOT's requirements for access and improvements.
6. The Planning Board accepts the recommendations of the Maryland State Highway Administration ("SHA") in its letter dated August 23, 2018 and as amended by emails dated January 4, 2019 and January 30, 2019 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
7. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration's requirements for access and improvements.

8. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated February 27, 2019 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval. All future Site Plans will be required to submit updated stormwater management concept plans to reflect proposed development.
9. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated February 14, 2019, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.

Other Approvals

Concurrent Site Plan Approval

10. Prior to approval of a record plat or clearing or grading for the Subject Property, the Applicant must receive certification of Site Plan No. 820180190. The number and location of site elements including but not limited to buildings, dwelling units, on-site parking, site circulation, landscape, hardscape, open space, sidewalks and bikepaths is determined through site plan review and approval.
11. If a proposed site plan amendment for the Subject Property substantially modifies the lots, right-of-way configurations, or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment in conjunction with a site plan amendment.
12. Each site covered by Preliminary Plan 120170170 must obtain Site Plan approval prior to any future development on that particular property.

Forest Conservation

13. For all properties included under Preliminary Plan 120170170, the Applicant must obtain approval of an overall certified Preliminary/Final Forest Conservation Plan (FFCP) from the Planning Department prior to any clearing, grading or demolition for the applicable phase. Future Site Plan approvals for implementation of subsequent phases of the larger site covered by the Preliminary Plan will address the remaining forest conservation requirements associated with each future phase and will include a Final Forest Conservation Plan for those phases. Each Site Plan or Site Plan amendment covered by this overall FFCP must address the following:
 - a. The locations of trees credited towards variance mitigation plantings must be at least 5 feet away from any structures, stormwater management facilities, PIEs, PUEs, ROWs, utility lines, and/or their associated easements.
 - b. Prior to any clearing, grading and demolition for each applicable phase, the off-site forest conservation requirements for each phase must be addressed by submitting a certificate of compliance to use an off-site forest mitigation bank to satisfy the required credits as determined in the certified Forest Conservation Plan.

14. Before demolition, clearing, or grading on the Manor Care Site, the Applicant must record a Category I Conservation Easement among the Montgomery County Land Records by deed. The deed must be in a form approved by the M-NCPPC Office of the General Counsel, and the Book and Page for the easement must be referenced on the record plat.

Transportation

Existing Frontage Improvements

15. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
 - a. All land necessary to accommodate 55 feet from the existing pavement centerline along the Subject Property frontage for River Road (MD 190);
 - b. All land necessary to accommodate a right-of-way width of 120 feet on Westbard Avenue, between River Road and Private Street A, as shown on the Certified Preliminary Plan; and
 - c. All land necessary to accommodate an ultimate right-of-way width of 110 feet Westbard Avenue, between Private Street A/ Westbard Circle and the southern loading entrance, except along Lot 1, Block B (Parking Lot 1) Lot 2, Block B (Parking Lot 2), Lot 3, Block B (Bowlmor), which will be subject to an easement for future right-of-way dedication, as shown on the Certified Preliminary Plan.
16. Prior to the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS to construct sidewalk(s) and separated bicycle lane along Westbard Avenue as shown on the Certified Preliminary Plan.

Off-Site Improvements

17. Prior to the issuance of the Use and Occupancy Certificate for the Core and Shell for the Commercial Building, the Applicant must construct interim improvements at the intersections of River Road and Ridgefield Road and Westbard Avenue and Ridgefield Road as specified by MCDOT and MDSHA.
18. Prior to Use and Occupancy Certificate for the Commercial Building, the Applicant must file for abandonment of portions of Ridgefield Road and Westbard Avenue.
19. If applicable, prior to plat approval for the Manor Care site and in accordance with the Westbard Sector Plan, the Applicant must file a corrective map amendment (CMA) changing the underlying R-60 zone within the Westbard Avenue abandonment limits to be consistent with the CRT 1.0, C 0.25, R 1.0, H 45' zone associated with the Manor Care site.
20. Prior to issuance of the Use and Occupancy Certificate for the 55th townhouse unit for Site Plan 820180190, the Applicant must construct and dedicate to public use the realigned Westbard Avenue, as illustrated on the Certified Preliminary Plan. In conjunction, the Applicant must:
 - a. Meet all design standards imposed by all applicable road codes; and
 - b. Secure a County Council resolution abandoning the portions of existing Westbard Avenue/ Ridgefield Road rights-of-way that are no longer needed for transportation purposes.

Private Roads

21. The Applicant must provide private roads, "Westbard Circle," "Street A," "Street B," and "Street C," including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by either the Preliminary Plan or the subsequent Site Plan within the delineated private road area (collectively, the "Private Road"), subject to the following conditions:
- a. If there are no structures above or below the Private Road, the record plat must show the Private Road in a separate parcel. If there are structures above or below the private Road, the record plat must clearly delineate the Private Road and include metes and bounds description of the boundaries of the Private Road.
 - b. The Private Road must be designed and constructed according to the Montgomery County Road Code Standard MC-2005.01 per the modified typical section specified by the subsequent Site Plan.
 - c. Prior to issuance the final Use and Occupancy Certificate for the Commercial Building, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Road has been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Preliminary Plan or a subsequent Site Plan, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.
 - d. Prior to recordation of the plat, the Applicant must submit to Staff an agreement or other legal instrument that assigns responsibility for the long-term maintenance of the Private Road. To the extent possible, the agreement must conform to the requirements set forth in the covenant recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338. The agreement must be approved by the Commission's Office of the General Counsel, recorded in the Montgomery County Land Records, and referenced on the plat.
 - e. Prior to issuance of the final Use and Occupancy Certificates for the townhouses on Lots 1-15, Block A at Westwood Shopping Center, all private streets must be completed to base course of asphalt and streetscape improvements completed on the townhouse side of the street and inspected by MCDPS.

Record Plats

22. The Applicant may not perform clearing or grading of any site prior to recordation of the plat for each site.

Easements, Dedications, Open Space

23. The record plat must show necessary easements and dedications.
24. The Applicant must record an easement for the Sector-Plan-recommended pedestrian connection from Westbard Avenue to the future Willett Branch Greenway on Parking Lot 1 (Lot 1, Block B).
25. The record plat must reflect all areas under common ownership.
26. The record plat must reference the Common Open Space Covenant recorded among the Montgomery County Land Records at Book 28045 Page 578 ("Covenant").

Parkland

27. The Applicant must convey in fee simple to the Maryland-National Capital Park and Planning Commission (M-NCPPC), at no cost and via plat at the same time as the first plat for Site Plan 820180190, the following areas for use as public park land for the Willett Branch Greenway, as shown on the Certified Preliminary Plan:
 - i. The portion of unimproved land at Lot 2, Block H, at the existing Westwood II Shopping Center and associated parking lot; and
 - ii. The area shown as Lot 3, Block B.
 - iii. The Applicant must provide for invasive species management in dedicated areas.
28. Prior to the first record plat for Site Plan 820180190, the Applicant must record a covenant to M-NCPPC for future conveyance in fee simple of the portion of land at Lot 2, Block H, currently improved with the existing Westwood II Shopping Center and associated parking lot. The covenant must be shown on the Certified Preliminary Plan and Plan and be recorded in the land records of Montgomery County.
29. At Lot 3, Block B (Bowlmor), the Applicant must grant to M-NCPPC a 20-foot-wide parks maintenance access easement reaching the east side of the Willett Branch conveyance area for access to the Willett Branch Urban Greenway.
30. If applicable, prior to any land disturbance, the Applicant must comply with all relevant laws and regulations concerning burial sites and an inventory of burial sites and coordinate all activity relevant to these laws and regulations with Montgomery County Planning Department's Historic Preservation Section Archaeologist.

Certified Preliminary Plan

31. The Applicant must include the stormwater management concept approval letter, other applicable agency letters and the Preliminary Plan Resolution on the approval or cover sheet(s).
32. The certified Preliminary Plan must contain the following note:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.

33. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
 - a. Revise the Westwood Shopping Center townhouse layout to remove the double 90-degree turn in the proposed alley adjacent to townhouse lots 50-56.
 - b. Create a new common ownership parcel behind townhouse lots 62-70 for stormwater management conveyance in accordance with MCDPS approved Stormwater Management Concept Plan.
 - c. Revise drawings to show a common ownership parcel for stormwater management behind townhouse lots 57-61.
 - d. Revise the Manor Care Category I Easement boundary on all appropriate sheets consistent with the Category I Easement shown on Sheet PP-5.
 - e. Rectify inconsistencies between plan graphics/notes/ figures/tables.
 - f. Modify data table to reflect development standards approved by the Planning Board.

34. Future Coordination Issues for Site Plan Review

- a. Westwood II
Future development must be designed and constructed to minimize adverse impacts on the future implementation of the Willett Branch Greenway.
- b. Manor Care
 - i. Maximize plantings in and along the River Road right-of-way;
 - ii. Obtain the services of a consultant specialized in stream restoration to address the details of the environmental enchantments, including:
 - 1. Bank stabilization/stream enhancements;
 - 2. Invasive control;
 - 3. Re/afforestation planting and planting of supplemental native species within retained forest areas within the Category I Easement area and right-of-way, as applicable;
 - 4. Address fences encroaching into the Category I Conservation Easement on the Manor Care site;
 - 5. Soil restoration for restored areas; and
 - 6. Monitoring and maintenance.
 - iii. Revised noise study updated per proposed design.

SITE PLAN 820180190

Staff recommends approval of Site Plan 820180190. The development must comply with the conditions of approval for Preliminary Plan No. 120170170. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.

Density, Height & Housing

- 1. Density
The Site Plan is limited to a maximum of 540,524 square feet of total development on the Subject Property, including 369,292 square feet of residential uses, for up 200 multi-family units and 70 townhouse units, and 171,232 square feet of non-residential uses.
- 2. Height
The development is limited to a maximum height of 60 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.
- 3. Moderately Priced Dwelling Units (MPDUs)
The Planning Board accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated February 14, 2019 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.
 - a. The development must provide 12.5 percent MPDUs or DHCA-approved equivalent on-site consistent with the requirements of Chapter 25A.
 - b. Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and the DHCA must be executed.

Open Space, Facilities and Amenities

4. Open Space, Facilities, and Amenities

- a. As illustrated on the Certified Site Plan, the Applicant must provide on-site a minimum of 38,000 square feet of public open space (11.5% of site area) and a minimum of 16,815 square feet of common open space (10% of net lot area).
- b. As illustrated on the Certified Site Plan, the Applicant must construct streetscape improvements along the Property's frontage on Westbard Avenue.
- c. Prior to the issuance of the first Use and Occupancy Certificate for the Multi-Family Building or issuance of the Use and Occupancy Certificate for the 55th townhouse, the Civic Green public open space area must be completed.
- d. Prior to issuance of the final Use and Occupancy Certificate for the Multi-Family Building or issuance of the Use and Occupancy Certificate for the 55th townhouse, whichever comes first, the Parks Department must accept the completed Springfield Neighborhood Green Urban Park public open space, as illustrated on the Certified Site Plan.
- e. All public common open space areas adjacent to each row of townhouse units must be installed prior to release of any Use and Occupancy Certificate for the respective row of units.

5. Recreation Facilities

- a. Before Certified Site Plan approval, the Applicant must demonstrate conformance with the M-NCPPC Recreation Guidelines.
- b. The Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.

6. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to, the Civic Green, pedestrian pathways, landscaping, hardscape, recreation facilities, and all common open space.

M-NCPPC Department of Parks

7. The Applicant must design, construct, landscape, and convey a Neighborhood Green Urban Park of at least 20,000 square feet in area, as shown on the Certified Site Plan. This parkland must be conveyed at no cost to and accepted by M-NCPPC. The parkland is to be owned, operated, and maintained by M-NCPPC Montgomery County Department Parks.
 - a. The preferred location of the Park is Lot 5, Block A (Westwood Shopping Center). If the land at Lot 5, Block A cannot be conveyed in a manner acceptable to M-NCPPC, the Applicant must provide an alternative park location:
 - i. The alternative park location must be located either at Lot 1, Block H (Westwood II), Lot 1, Block B (Parking Lot 1), Lot 3, Block B (Bowlmor) subject to approval and acceptance by M-NCPPC Staff. Location and design of the alternative park must be approved by M-NCPPC prior to Certified Site Plan.
 - ii. The alternate location must be of comparable size and contain equivalent amenities as those shown for the park on Lot 5, Block A.
 - iii. The Applicant must submit a Preliminary Plan Amendment and Site Plan Amendment to address the alternative condition.

8. The Applicant must obtain a Park Construction Permit prior to any work on existing parkland and/or land to be conveyed to the Parks Department.
 - a. At the time of Park Construction Permit review, the final design of all aspects of the project affecting parkland (existing or future) including, but not limited to, park amenities, encroachments, easements, grading, maintenance access, trails, limits of disturbance, tree removals, and plantings, must be approved by Department of Parks staff.
 - b. Additional improvements and/or modifications to the Site Plan may be required as the result of the permit review, and do not require a Site Plan Amendment as long as they do not conflict with conditions of approval.
 - c. As determined by Planning Department Staff, minor changes may be made to location and construction details of amenities and plantings to be located on parkland during the park permit process without the need to amend the Site Plan.
9. Prior to the issuance of the Use and Occupancy Certificate for the 55th townhouse, the Applicant must contribute \$500,000 to the Montgomery County Department of Parks for the planning, design and implementation of the Willett Branch Greenway.

Site Plan

10. Site Design

- a. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan.
- b. The exterior architectural character, proportion, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market-rate units.
- c. Prior to certification of the Site Plan, the Applicant must revise the townhouse layout in accordance with Preliminary Plan condition 33.
- d. Prior to certification of the Site Plan the Applicant must provide a full utility plan which addresses all applicable utilities such as proposed electric, gas, water and sewer, fiber optic etc. and locates the new utilities to minimize potential conflicts with street tree plantings and /or SWM features.
- e. Prior to Certified Site Plan approval, the Applicant will coordinate with the M-NCPPC Historic Preservation staff to ensure the Sector Plan recommendations pertaining to historically-oriented interpretive signage, building materials, markers and/or commemorative art incorporated in the Site Plan area are addressed.
- f. The Streetscape shall utilize techniques such as Silva Cells, continuous soils panels or other techniques subject to MCDPS approval, which will maximize the available spaces for root growth and/or SWM features as applicable, as shown on the Certified Site Plan.
- g. The Applicant must make good-faith efforts to obtain permission to remove the off-site dead-end driveway stubs along the Site boundary with Kenwood Place Condominium and expand the landscape beds accordingly. Minor alterations to the Certified Site Plan to accommodate these improvements may be made without a Site Plan Amendment. Upon demonstrating that a timely request for permission has been denied, close to the driveway stubs, the Applicant will have met the requirement of this Condition.

11. Lighting

- a. Prior to certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in

accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).

- b. All onsite down-lights must have full cut-off fixtures or BUG equivalent.
- c. Deflectors will be installed on all necessary fixtures to prevent excess illumination and glare.
- d. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting residentially developed properties.
- e. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f. On the rooftop of the building and garage, the light pole height must not exceed the height illustrated on the Certified Site Plan.

12. Landscaping

- a. Prior to issuance of any residential Use and Occupancy Certificate for the Multi-Family Building, all on-site amenities associated with the Multi-Family Building including, but not limited to, streetlights, sidewalks/pedestrian pathways, hardscape, benches, trash receptacles, bicycle facilities, recreation amenities must be installed.
- b. Prior to release of any Use and Occupancy Certificate for the respective row of townhouse units, on-site amenities including, but not limited to, lighting, sidewalks/pedestrian pathways, hardscape, benches, trash receptacles, and recreation amenities adjacent to each row of townhouse units must be installed.
- c. Revise planting schedule to utilize a minimum of 70% native plant materials.
- d. The Applicant must install the landscaping associated with each row of townhouse units no later than the next growing season after completion of each phase and site work.

Environment

- 13. Before certification of Site Plan 820180190, the Applicant will coordinate with Staff on any necessary plan revisions, clarifications and corrections within the certified Preliminary/Final Forest Conservation Plan including but not limited to the following:
 - a. Include a plan sheet clearly depicting all of the subject properties, on- and offsite LOD, forest retention, clearing and replanting areas and the appropriate locations/quantities of the mitigation trees.
 - b. Show existing and proposed easements for stormwater management, utilities, and PIEs/PUEs.
 - c. Shift the plan elements and/or the locations of trees credited towards variance mitigation plantings as applicable so that all the subject tree plantings are at least 5 feet away from any structures, stormwater management facilities, PIEs, PUEs, ROWs, utility lines, and/or their associated easements.
 - d. Rectify inconsistencies between plan graphics/notes/ figures/tables.
 - e. Revise the forest conservation worksheet to address the following:
 - i. Reflect the acreage for the subject properties and any offsite Limits of Disturbance (LOD);
 - ii. Address R-60 portion of the Manor Care site in a separate worksheet;
 - iii. Demonstrate for Staff review and approval any plantings to be applied for landscape credit.
 - f. Revise plans so that all Critical Root Zones (CRZs) are based on the formula of 1-inch Diameter Breast Height (DBH) equals 1.5 foot of radius of the critical root zone.
- 14. For the trees along the site boundary with Kenwood Place condominium, the Applicant must provide for Staff review and approval a detailed Tree Save Plan prior to any demolition, land disturbance or grading to addresses the following elements:
 - a. Survey-locate and provide an arborist assessment for all trees 6 inches or greater in diameter;
 - b. No LOD/equipment disturbance within the existing landscape beds associated with the subject trees;

- c. Hand-work/restricted equipment access within 10 feet from the base of tree under direction of the project arborist;
 - d. 5-year maintenance and monitoring program;
 - e. Replacement of lost trees with native canopy trees measuring at least 5-inch caliper, with soil profile rebuilding;
 - f. Air spaded soil enhancements for retained trees (updated soil amendment plan).
 - g. All tree protection measures shown on the plans must be certified by an International Society of Arboriculture certified arborist who is also a Maryland Licensed Tree Care Expert.
15. Consistent with the recommendations of the Sector Plan for managing storm flows from the adjacent Kenwood Place Condominium site, enhance the landscaping along the site boundary to increase infiltration. Potential strategies to be implemented include:
- a. Maximize plantings, particularly native vegetation, within and along the proposed swale(s);
 - b. Perform soil restoration;
 - c. Include check-dams or similar features;
 - d. Remove fences from the swale channel; and
 - e. Shift locations to minimize tree impacts as applicable.
16. Prior to scheduling a pre-construction meeting with M-NCPPC inspection staff, the Applicant must receive approval from the M-NCPPC Office of the General Counsel for a Certificate of Compliance to use an off-site forest mitigation bank to satisfy the equivalent credits as established with the Final Forest Conservation Plan.
17. Prior to demolition, clearing, or grading on the Property, the Applicant must record a Certificate of Compliance to use an off-site forest mitigation bank easement in the Montgomery County Land Records. The Certificate of Compliance must be in a form approved by the M-NCPPC Office of the General Counsel.
18. Noise Attenuation
- a. Prior to the first above-grade building permits for the Multi-Family Building, the Applicant must provide certification from an engineer specializing in acoustics that the building shell(s) have been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn, and that the location of the noise mitigation techniques to attenuate current noise levels to no more than 60 dBA Ldn for the areas of common outdoor activity are adequate. The Applicant must commit to construct the units in accord with these design specifications, with any changes that may affect acoustical performance approved by the engineer and staff in advance of installation.
 - b. Before final residential inspection or final Use and Occupancy Certificate for each unit covered by this condition, the Applicant must provide certification that interior noise levels do not exceed 45 dBA Ldn. The testing of units must include at least 5 representative covered units from the Multi-Family Building.
19. Stormwater Management
- The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated February 27, 2019 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

Transportation & Circulation

20. Pedestrian & Bicycle Circulation

- a. The Applicant must provide 96 long-term and 9 short-term bicycle parking spaces for the Multi-Family Building.
- b. The Applicant must provide 4 long-term and 11 short-term bicycle parking spaces for the Commercial Building.
- c. The long-term spaces must be in a secured, well-lit bicycle room adjacent to the covered parking area, and the short-term spaces must be inverted-U racks (or approved equal) installed along the building's frontage or in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- d. The Applicant must provide a minimum 5-foot wide sidewalk along all private and public streets as shown on the Certified Site Plan.
- e. The Applicant must provide the following master planned pedestrian and bicycle facilities, the exact location, design and construction of which must comply with requirements set forth by the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations, prior to final Use and Occupancy Certificate for the Commercial Building:
 - i. Separated bike lanes along Westbard Avenue;
 - ii. Transit Hub along Westbard Avenue.

21. Off-Site Interim Improvements

Prior to the issuance of the Use and Occupancy Certificate for the Core and Shell for the Commercial Building, the Applicant must construct interim improvements at the intersections of River Road and Ridgefield Road and Westbard Avenue and Ridgefield Road as specified by MCDOT and MDSA.

22. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated February 14, 2019, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.

23. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to the Civic Green, Springfield Neighborhood Park, plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees, street lights, private streets and private alleys. The surety must be posted before issuance of any building permit of development, sediment control permit, or Use and Occupancy Certificate.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion

inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

24. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

25. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Provide an interim access plan during construction to ensure continuous and uninterrupted access to the adjacent Kenwood Place Condominium property.
- b. Include the stormwater management concept approval letter and other applicable agency letters, development program, Preliminary Plan and Site Plan resolutions on the approval or cover sheet(s).
- c. Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- d. Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- e. Modify data table to reflect development standards approved by the Planning Board.
- f. Clarify the graphics of all applicable sheets to clearly distinguish the existing trees to remain, existing trees to be removed and new plantings.
- g. Ensure consistency of all details and layout between Site, Landscape plans, Architectural sheets, and the FFCP.
- h. Illustrate on the Landscape Plan the extent of all the plantings in and along the grass swale.
- i. Provide additional permeable pavement and buffer swale improvements on-site.
- j. Remove the artificial turf within the Civic Green and replace with grass.

SECTION 2: SITE DESCRIPTION

Site Vicinity and Analysis

The overall subject site (Subject Property or Property) for the Preliminary Plan comprises several properties on Westbard Avenue, including Westwood Shopping Center, Manor Care, Westwood II, Parking Lot 1, Parking Lot 2, and Bowlmor as shown in Figure 3 below. The Subject Property is within the 2016 *Westbard Sector Plan*.

The Property is bound generally on the north by River Road, on the south by Westland Middle School, on the east by the Willett Branch Stream, and to the west by the Springfield community.



Figure 3 – Aerial Map of Subject Properties

Site Vicinity

The neighborhoods surrounding the Subject Property to the north and west include the single-family community of Springfield and the multi-family garden apartments of Kenwood Place. The Crescent at Westbard, a high-rise apartment building, and Westbard Mews, a townhouse community are located to the south and east of the Property. Westland Middle School is located directly southwest of the Property along with other institutional uses further south, including the Little Flower Catholic Church and the Little Falls Library. Light industrial uses are located predominately to the south and east of the Subject Property and directly to the east are office and retail uses including the Kenwood Office Building, the American Plant Food Company, the Roof Center and a McDonald's restaurant. These adjacent properties front onto River Road.

The initial Preliminary Plan application submitted in December 2016 and included the property currently owned by the Montgomery County Housing Opportunities Commission (HOC). The HOC property extends east from the "Parking Lot 2" property on Westbard Avenue across Willett Branch and historical records indicate the presence of an African-American cemetery on Parcel 177. When the Application was revised in June 2018, the HOC property was removed from the properties included and is not a part of the Subject Applications.

Site Analysis

The Preliminary Plan Property has a site area of approximately 858,876 square feet or 19.71 acres. Including prior dedications, the Preliminary Plan Property has a total tract area of approximately 996,144 square feet or 22.86 acres. The Site Plan Property, the Westwood Shopping Center, has a site area of approximately 496,096 square feet or 11.38 acres. Including prior dedications, the Site Plan Property has a tract area of approximately 540,524 square feet or 12.4 acres.

Westbard Avenue is lined with commercial structures from Ridgefield Road to the southern boundaries of the Westbard Shopping Center and the Bowlmor site. The shopping center backs onto Westbard Avenue with a significant amount of surface parking between the center and the Kenwood Place garden apartments to the west. To the east of Westbard Avenue is a series of low-rise commercial buildings and the 13-story high-rise residential building known as Westwood Towers (owned by HOC). The intersection of Ridgefield Road and River Road includes the now-vacant 5-story Manor Care building to the north and the 2-story Westwood II commercial building to the south. The Willett Branch, a use class I-P¹ stream is channelized from the River Road/Ridgefield Road intersection to the Capital Crescent Trail, parts of which are included in the Site.

The Planning Department approved a Natural Resource Inventory Forest Stand Delineation (NRI/FSD) for the Project on September 2, 2016. The NRI/FSD established the Stream Valley Buffer (SVB) for the portion of the Willett Branch and its tributaries associated with the Application. The SVB varies from 100 feet up to 150 feet or more based on the relative slope gradients within various portions of the site. The Property has a significant amount of steep slopes ranging from 15-25 percent primarily on the eastern property boundary proximate to the Willett Branch. Most of the steep slopes are contained within the established stream valley buffer. Currently, portions of the existing Westwood II building, the Bowlmor building and the Manor Care site, as well as ancillary parking and other structures are located within the SVB. There are areas of forest setting along some portions of the SVB which generally occupy areas of steep slopes, as well as groves of trees not meeting forest definition. There are no known rare, threatened, or endangered species on Site; there are no 100-year floodplains or wetlands on Site.

Willett Branch is a channelized, highly degraded stream originating in downtown Bethesda and flowing in and out of piped culverts along its course. The stream runs through, or directly alongside several lots within the Property, including Westwood II and the Bowlmor site, before joining Little Falls stream approximately two miles upstream from the Potomac River.

There are no local or neighborhood parks offering recreational and cultural opportunities such as outdoor gathering spaces, playgrounds, and open fields near the Property. Parkland in the immediate project area consists of two linear M-NCPPC parkland corridors: Little Falls Stream Valley Unit 2 and the Capital Crescent Trail (CCT) corridor. Recreation in these corridor parks is limited to walking, running and biking. Westland middle school is adjacent to the Property and has ballfields and green space but is used by MCPS students for their activities.

¹ Use I-P:

WATER CONTACT RECREATION & PROTECTION OF AQUATIC LIFE, AND PUBLIC WATER SUPPLY

Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply, industrial water supply, and use as a public water supply.

Previous Approval

On April 26, 2017, the Planning Board approved Sketch Plan No. 320170010 by resolution No. 17-011, for an Optional Method development of up to 1.8 million square feet of new and existing mixed-use development, including 1.29 million square feet of residential uses and up to 510,000 square feet of commercial uses, over approximately 25.7 acres of land.

Several months before the Planning Board approved the Sketch Plan, Equity One filed an application for a Preliminary Plan of Subdivision for the 25.7-acre tract, seeking approval of the 1.8 million square feet of mixed-use development, including 510,000 square feet of commercial uses and up to 874 dwelling units, on 113 lots. The Development Review Committee (DRC) reviewed the application and provided comments on January 10, 2017. The Preliminary Plan was not updated in response to DRC comments and was inactive until a new Site Plan and revised Preliminary Plan (The Subject Applications) were submitted in June of 2018.

In January 2018 and prior to the submittal of the Subject Applications, the Applicant abandoned the Planning Board's approval of Sketch Plan 320170010.

The current Applicant, Equity One (Northeast Portfolio), LLC, took over the Project and in June 2018 resubmitted the proposal as a Standard Method development on the smaller site described above, updating the 2016 Preliminary Plan application and submitting a new Site Plan application.

SECTION 3: PROJECT DESCRIPTION

Proposal

Preliminary Plan

The Preliminary Plan proposes an overall total of 852,915 square feet, including up to 410 new multi-family units and 104 single-family-attached units, 12.5% of which will be moderately priced dwelling units (MPDUs) in accordance with the requirements of Chapter 25A of the Montgomery County Code, and up to 205,537 square feet of non-residential uses (including 29,305 square feet of existing commercial uses to remain on the Bowlmor site) on 111 recorded lots. The total Preliminary Plan includes three areas to be conveyed to M-NCPPC for new parkland: two for the future Willett Branch Greenway on the Westwood II and Bowlmor sites; and a third for the Springfield Neighborhood Green Urban Park at the Westwood Shopping Center.

Future development covered by this Preliminary Plan, but not subject to the concurrent Site Plan 820180190, (i.e. Westwood II, Manor Care, or any other property subject to Preliminary Plan 120170170) must obtain Site Plan approval prior to any future development on that particular property.



Figure 4 – Preliminary Plan

Site Plan

Buildings

The Site Plan is limited to the Westwood Shopping Center site and proposes 540,524 square feet of total development, with:

- up to 129,163 square feet of commercial development, including a supermarket, on the south end of the site;
- up to 411,361 square feet of mixed residential and commercial development with up to 200 multi-family units above street-level retail on the north side of the site; and
- 70 townhouse units on the west side of the Site Plan Property, adjacent to the Kenwood Place condominium property.



Figure 5 – Rendered Site Plan

The Commercial Building is proposed at three stories, up to 60 feet in height. On the street level there are retail uses fronting Westbard Avenue and the new private street, with structured parking. The second level will contain additional structured parking wrapped with retail and office uses on the north and east sides. The top floor of the building will contain approximately 100 additional parking spaces, which will be uncovered at that level, as well as the grocery store anchor.



Figure 6 – Commercial Building from Westbard Avenue



Figure 7 – Supermarket Garage Entrance from internal private street

The Multi-Family Building is proposed at five stories, up to 60 feet in height. It will provide one level of below-ground parking for residents. The ground floor will contain parking lined by retail uses on the south, north and east that activate the planned open spaces to the north and south, as well as the Westbard Avenue streetscape. The west side of the building, facing the proposed townhouse community, will be activated by both residential lobbies at the corners of the building. The second level of the Multi-Family Building will contain parking spaces, with the upper floors providing up to 200 residential units framing three courtyard areas.



Figure 8 – Residential Building Site Plan view from Westbard Avenue looking SW



Figure 9 – Perspective view south down internal private street



Figure 10 – Perspective view north up internal private street



Figure 11 – Perspective of the Multi-Family Building from the Neighborhood Park (design in progress)

The 70 townhouses proposed on the western portion of the Property will enhance the larger redevelopment by adding a single-family housing option in close proximity to the new retail uses and will serve as a buffer between the retail and adjacent residential community. These units also help to frame the private street on the west side of the Multi-Family Building. This townhouse community includes a number of open spaces for the enjoyment of residents and is integrated into the larger redevelopment in such a way as to provide easy access for residents to the amenities located throughout the larger property and in the adjacent area.



Figure 12 – Perspective View of southern entrance into Townhouse Area



Figure 13 – Perspective of Townhouse Alley Condition

As conditioned, the proposed alley serving townhouse lots 50-56 will be revised at the time of Certified Site Plan to eliminate the double 90-degree turn proposed by the Applicant. Staff does not support the alley geometry shown on the e-plans submittal as of the date of this Staff Report because the design does not contribute to safe, adequate, and efficient transportation network. The double 90-degree turn, as submitted by the Applicant is depicted in Figure 14, below. Staff provided the Applicant an alternate layout that addresses the alley geometry and is expected to be included in the Certified Site Plan.

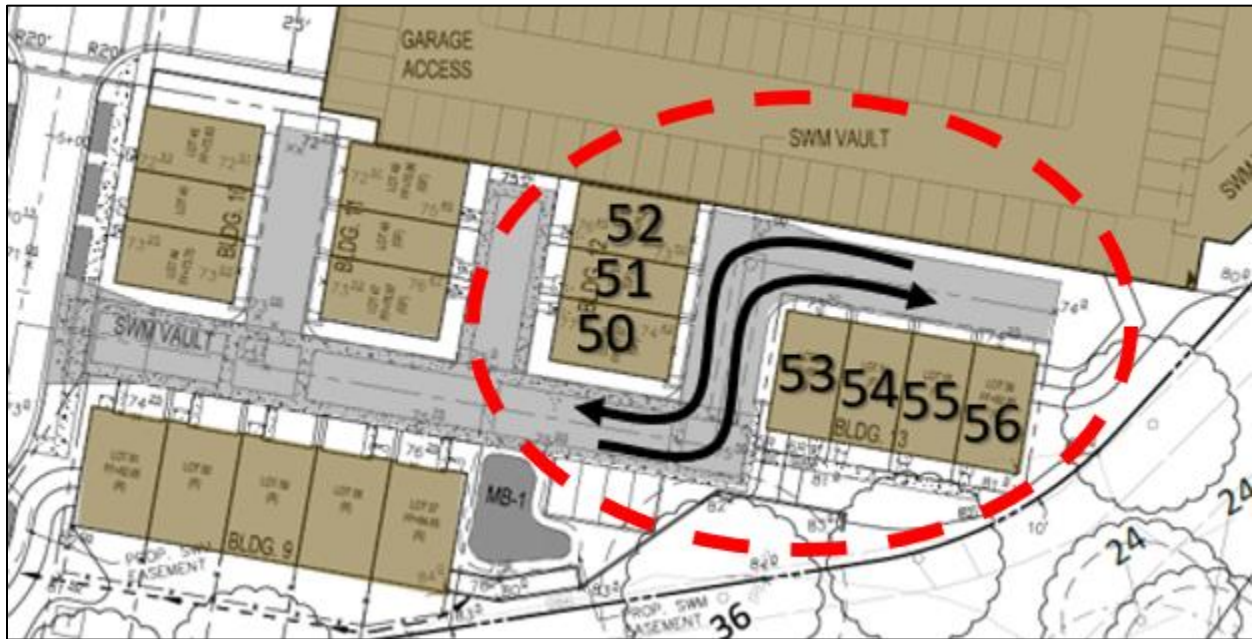


Figure 14 – Townhouse Double 90-degree alley geometry

Open Space

The Project proposes significant new open spaces, as recommended by the Sector Plan, available for use by all residents of the greater community, as well as visitors to and new residents of the proposed development.



Figure 15 – Open Space Plan

The Springfield Neighborhood Green Urban Park is proposed at approximately one-half acre in size and is located at the northern end of the site. This space includes play areas and a garden and is anticipated to be used for both active and passive recreational uses. The final design will be coordinated with the Applicant, the Springfield Neighborhood and Montgomery Parks Department.



Figure 16 – Conceptual Design of Springfield Neighborhood Green Urban Park

The Civic Green, an urban plaza proposed to be located between the Multi-Family Building and the Commercial Building and is proposed at one-half acre in size. The design includes numerous focal features and gathering spaces, including a large expanse of lawn, shaded seating areas, a water feature, a stage for concerts and similar activities, and a retail pavilion on the west side to provide constant activity and anchor the space. This green area is located adjacent to the internal drive, which does not have curbs in order to facilitate the incorporation of that space, when closed to vehicular traffic, into the open civic green to accommodate larger events.

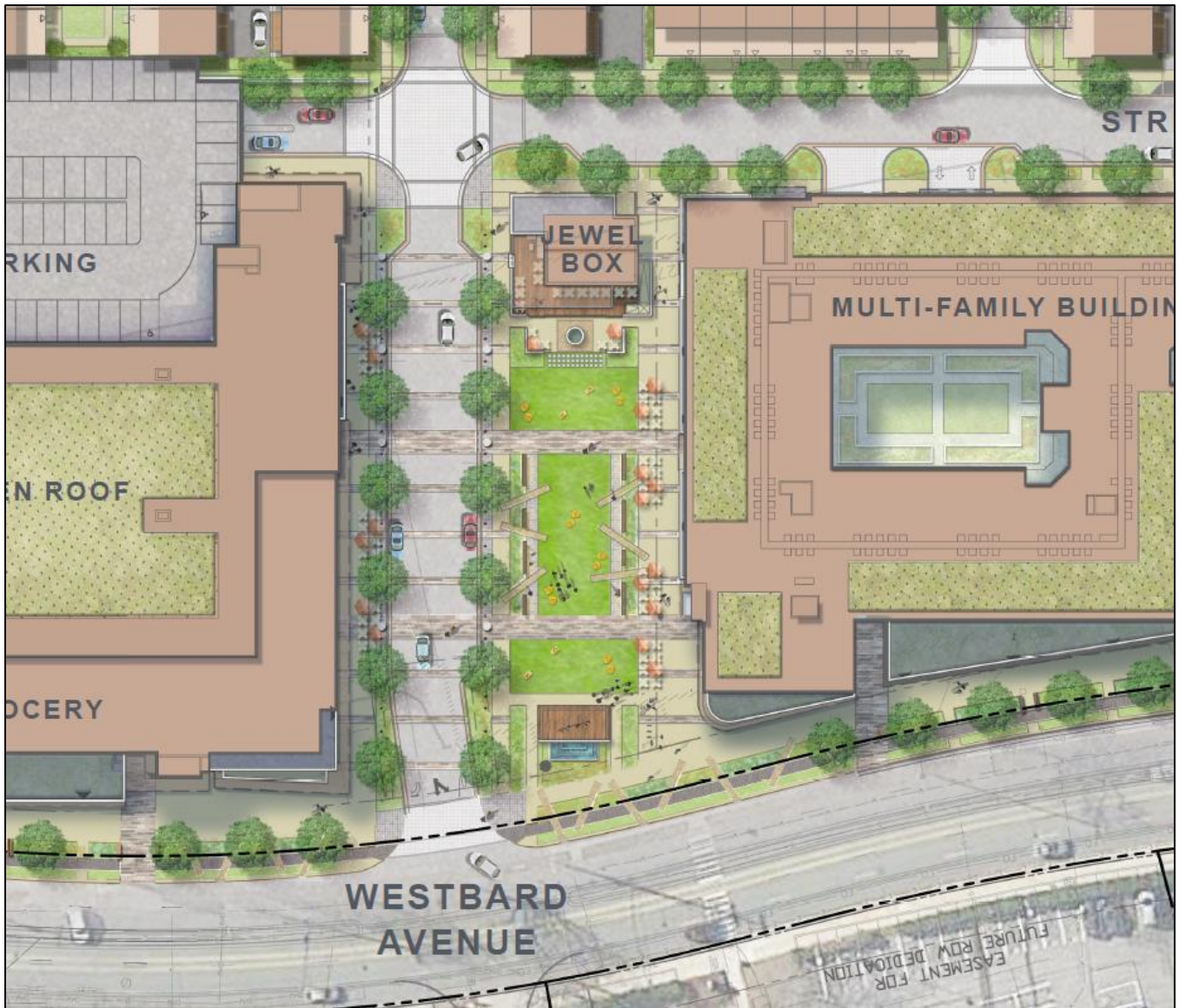


Figure 17 – Civic Green Landscape Plan

Additionally, as conditioned, the Applicant will convey to M-NCPPC certain areas of land along the planned Willett Branch Greenway, recording covenants for future conveyance, as well as making a financial contribution of \$500,000 towards its realization. The areas to be conveyed now are undeveloped, while those under covenant are currently improved with buildings and parking and will be conveyed at a future date. The Sector Plan envisions the Willett Branch Greenway as an accessible, walkable, ecologically improved and naturalized stream corridor. The creation of this Greenway will naturalize areas of the concrete lined channel, improve the ecological functioning of Willett Branch, and thus Little Falls and the Potomac, Chesapeake Bay, and provide greatly needed pedestrian and bicycle linkages across the plan area and between the two existing linear parks. Once a critical mass of land is acquired for the Greenway, the Parks Department can begin detailed design and implementation, including planning for the historical and cultural resources stewardship of all parcels conveyed.



Figure 18 – Parks, Trails, and Open Space Sector Plan Recommendations

Recreational Facilities

The proposed Site Plan for the Westwood Shopping Center will provide on-site recreation facilities including bikeways, indoor community space, indoor fitness space, playground for ages 2-5, a tot lot, interior courtyard, garden and lawn areas, a lounge pool, civic green, and a community use urban park. The development will provide adequate, safe, and efficient recreation facilities to allow residents to lead an active and healthy life.

Circulation

In accordance with the Sector Plan recommendations, the Project will implement the realignment of Westbard Avenue at Ridgfield Road prior to issuance of the first Use and Occupancy Certificate associated with the Multi-Family Building or the 50th Use and Occupancy Certificate for the townhouse units on the Westwood Shopping

Center site, whichever comes first. Completion of the road at this stage is necessary to accommodate traffic generated by the Westwood Shopping Center redevelopment.

The realignment of Westbard Avenue is a multi-step process involving a number of agencies. As conditioned, the Applicant will submit a petition for abandonment to the County Council, prior to issuance of the Use and Occupancy Certificate for the Commercial Building on the Westwood Shopping Center site. This realignment is a major goal of the Sector Plan and will help facilitate the direct flow of traffic between the Westwood Shopping Center site and River Road as well as regional traffic between River Road and Massachusetts Avenue.

Additionally, the Applicant will construct interim improvements at the intersections of:

- a) Ridgefield Road and River Road (a new channelized right-turn lane), and
- b) Ridgefield Road at Westbard Avenue (increased curb radius)

These intersection improvements are necessary to address existing intersection geometry issues and accommodate large delivery trucks for the Giant supermarket.



Figure 19 – Westbard Avenue Realignment Plan Detail

Along the realigned Westbard Avenue, access to the Manor Care and Westwood II sites, shown in Figure 20 below, will be provided as follows:

- Manor Care (Phase II):
Vehicular access to the Manor Care site is proposed as a new full movement intersection directly from Ridgefield Road via a new internal (private) street network. This access configuration eliminates the

existing Manor Care driveway near River Road and promotes a safe and efficient circulation systems for the new townhouse development. Pedestrian and bicycle access will be provided from both the Ridgefield Road and realigned Westbard Avenue sidewalk and separated bicycle network.

- Westwood II (Phase II):

Vehicular access to the Westwood II site, shown in Figure 20, is proposed directly from Westbard Avenue opposite the northern Westwood Shopping Center access point. This intersection is anticipated to be full-movement and will accommodate both loading and passenger vehicle access to the new building on Westwood II. This alignment promotes a safe and efficient circulation system for the new commercial development. Pedestrian and bicycle access will be provided from both the Ridgefield Road and realigned Westbard Avenue sidewalk and separated bicycle network.

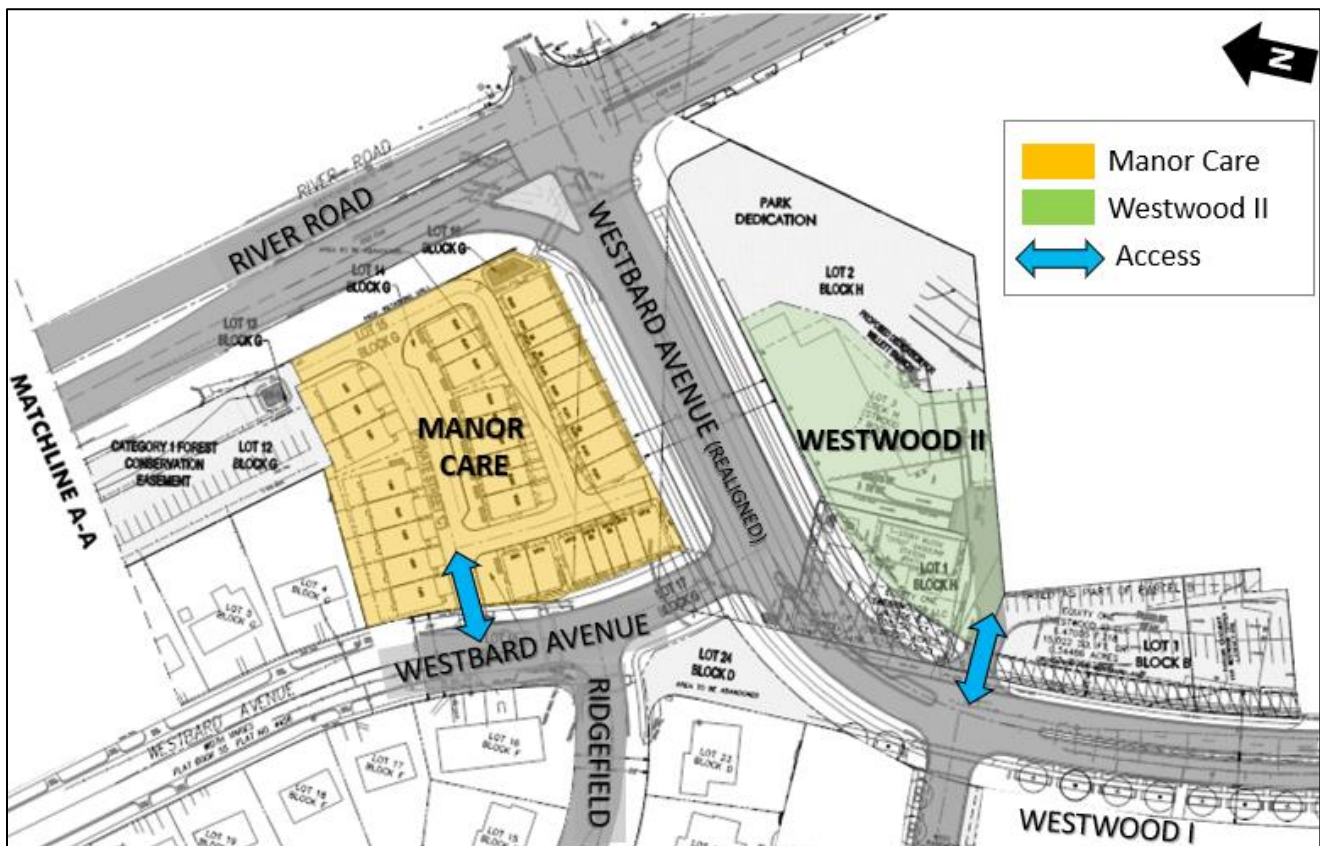


Figure 20 – Pedestrian and Vehicular Circulation (Phase II: Westwood II and Manor Care)

Westwood Shopping Center (Phase I):

Vehicular access to the Shopping Center site is proposed directly from Westbard Avenue via a new internal (private) street network. This access configuration allows the Site to function with three consolidated access points and an independent loading access point for the Commercial Building, which presents a safe and highly efficient development proposal:

- The first access point, located at the northern end of the Site (#17 in Figure 21), is a new private street (Street A or Westbard Circle¹) intersection with Westbard Avenue. This access point is anticipated to operate as a full-movement intersection with Westbard Avenue and provide primary passenger vehicle

¹ Given the existing address of Kenwood Place Condominiums as 5301 Westbard Circle, Staff recommends that New Street A be designated “Westbard Circle.”

access to the townhomes, mixed-use Multi-Family Building, and Commercial Building. This intersection will also provide access for loading vehicles serving the mixed-use Multi-Family Building;

- The second access point, located at the center of the Site, (#19 in Figure 21), is a new private street (Street B) intersection with Westbard Avenue. This access point is anticipated to operate as a full-movement intersection with Westbard Avenue. Since Street B is designed as a flexible space and may be closed periodically for events, such as farmers' markets, this access point is anticipated to be secondary to #17 described above;
- The third access point, located at the southern end of the Site (#20 in Figure 21), provides direct right-in/ right-out access into/ out of the parking structure associated with the southern commercial building. This access point also provides an alternative route to Private Street B when that street is closed for special events; and
- Loading access for the Commercial Building is provided south of intersection #20 ("L" in Figure 21). This intersection is designed as a full-movement access point and improves the overall circulation concept for the Westwood Shopping Center site by eliminating the largest trucks from the pedestrian and passenger vehicle traffic on the new private street network.



Figure 21 – Pedestrian and Vehicular Circulation (Westwood Shopping Center)

Pedestrian access to the Westwood Shopping Center is proposed directly from enhanced sidewalks along Westbard Avenue and the new private street network. Westbard Avenue will be improved as part of the development application to include new center medians adjacent to the Property, which will provide traffic calming and some pedestrian refuge from vehicular traffic. Bicycle access to the Property is provided from new separated bicycle lanes on Westbard Avenue and via shared roadways on the new internal street network.

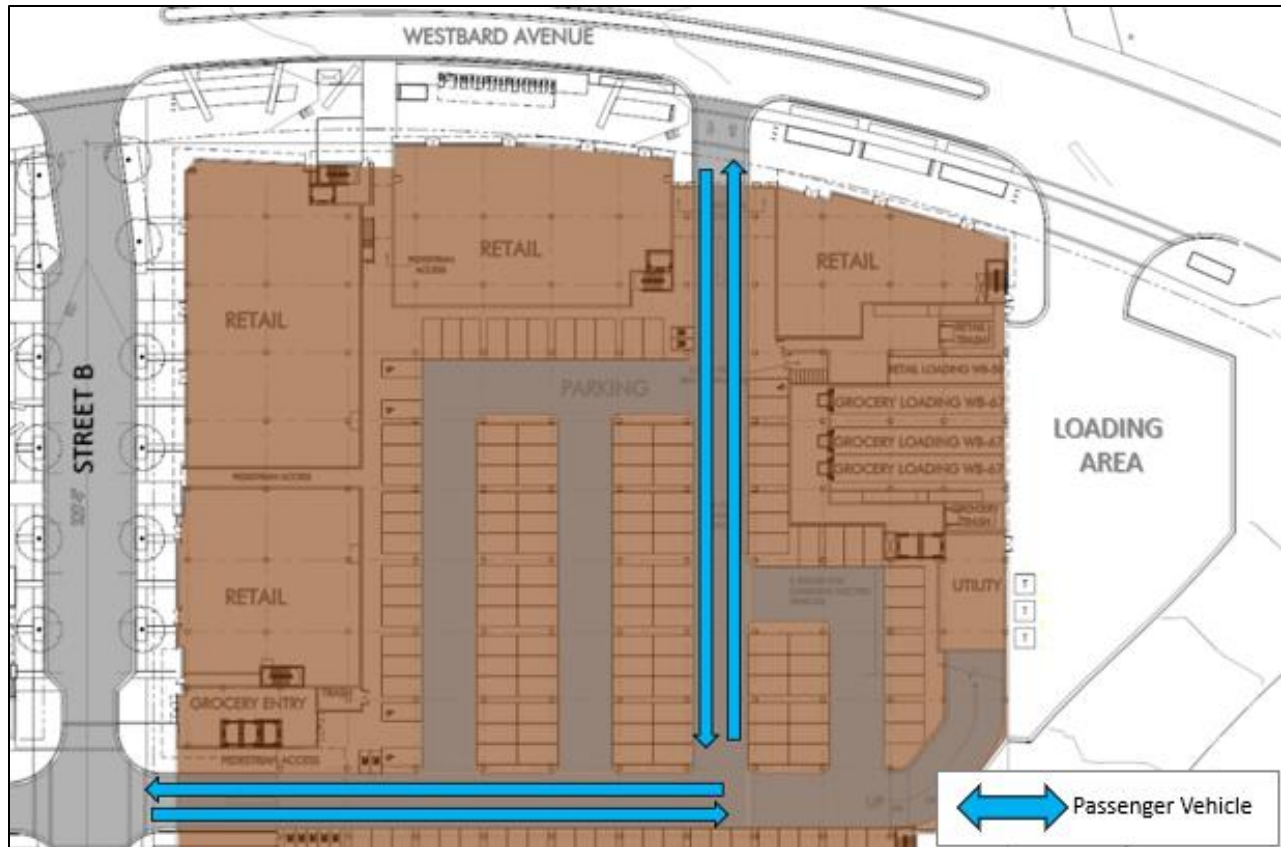


Figure 22 – Alternative Circulation via Parking Garage

Loading for the retail space in the Multi-Family Building will occur via the private road along the north side of the building. In this location, the loading dock and trash collection areas have now been consolidated to minimize the width of the loading area. Loading for the remainder of the commercial components of the Multi-Family Building will occur along the private road on the west side of the building.

Transit Connectivity

The immediate area is served by transit that includes Metrobus and RideOn. The Site is located 1.5 miles from the Bethesda Metrorail station (approximately 2.5 miles by car via Little Falls Parkway/ Bradley Boulevard/ Wisconsin Avenue; approximately 2 miles via the Capital Crescent Trail) and slightly over a mile from the Friendship Heights Metrorail station (approximately 2 miles via River Road and Western Avenue). Although not immediately adjacent to Metrorail, the Sector Plan recognized the Site's proximity to transit and recommended that a transit hub be provided within the Westwood Shopping Center site to improve the Project's connection with the Metrorail system. As conditioned, the transit hub will be provided near the Central Civic Green. Specific transit routes near the Site include the Montgomery County RideOn Bus Route 23 and WMATA Metrobus Routes T2.

Master Plan Roadways and Pedestrian/Bikeway Facilities

The 2016 *Westbard Sector Plan* recommends the following master plan facilities along property frontage:

1. River Road (MD 190). Along the north site frontage, as a major highway (M-2) with a minimum right-of-way of 110 feet (55' from centerline);
2. Westbard Avenue, along the east site frontage of the Westwood Shopping Center and Manor Care and the west site frontage of Westwood II, as a business district roadway (B-1) with a minimum right-of-way width of 100' (50' from center line) and separated bicycle lanes;

3. Westwood I Private Street Network, internal to the Westwood Shopping Center site, as a “local” street within a minimum variable width paving section (excluding sidewalk areas) measuring between 34’ and 38’.

Phasing

As conditioned, the Preliminary Plan will be implemented in phases, with each phase finalized through a Site Plan Review. The current review includes the Site Plan for the Westwood Shopping Center, as well as the realignment of Westbard Avenue. Unless otherwise specified through a condition of approval, construction phasing for any site covered by the Preliminary Plan or Site Plan can take place in any order, either sequentially or simultaneously. However, specific conditions are recommended to ensure timely delivery of the public amenities associated with the Applications.

Westwood Shopping Center

The Applicant anticipates redeveloping the Shopping Center in three phases as shown below, with each phase generally including the adjoining road, sidewalk, and landscaping improvements:

- Phase IA – the Commercial Building;
- Phase IB – the townhouse community and its associated Common Open Space; and
- Phase IC – the Multi-Family Building, the Civic Green, and the Springfield Neighborhood Park.

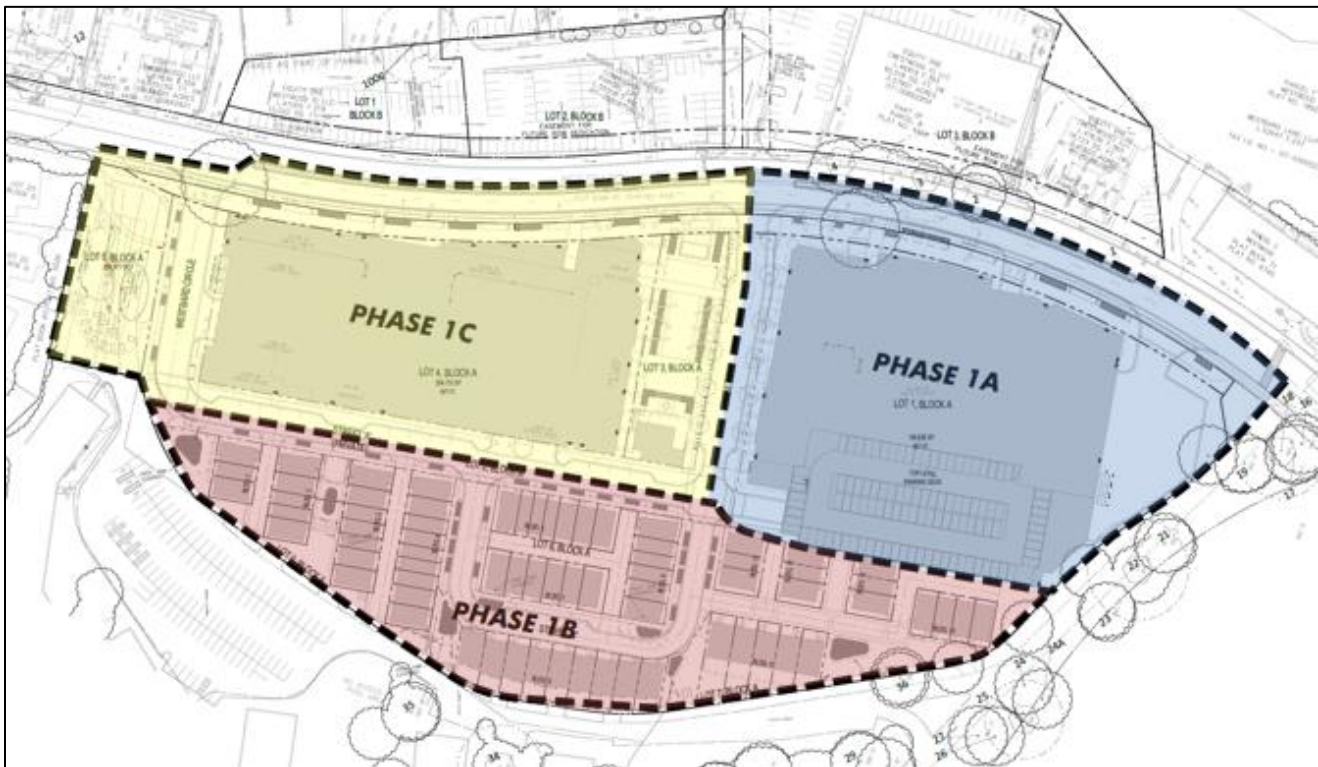


Figure 23 – Westwood Shopping Center Redevelopment, Anticipated Phasing

Willett Branch Greenway

The conveyances of land to M-NCPPC for the Willett Branch Greenway, as described above, will be completed prior to the first plat associated with the Westwood Shopping Center. Covenants for future conveyance to M-NCPPC will also be completed and recorded prior to building permits for the Shopping Center redevelopment. Finally, the Applicant’s financial contribution toward the Greenway will be made prior to Use and Occupancy Certificate for the Commercial Building.

SECTION 4: COMMUNITY CORRESPONDENCE

On January 31, 2018, the Applicant held a pre-submittal public meeting at Westland Middle School. The Applicant has complied with all submittal and noticing requirements.

Throughout the course of the review, Staff has met numerous times in our offices and on-site with the Little Falls Watershed Alliance, the Citizens Coordinating Committee for Friendship Height, the Springfield Neighborhood Association, the Kenwood Place condominium board, and other community groups and members (Attachment A).

Staff also has received correspondence from community groups and citizens, both letters of support and opposition (Attachment B). The correspondence primarily focuses on the following areas:

Stormwater Management

Staff received concerns that the Project's proposed stormwater falls short of the Sector Plan's recommendations. The Sector Plan acknowledges that much of the existing development in Westbard was completed prior to stormwater regulations and that projects will be subjected to the current County and State regulations as redevelopment occurs. To maximize the benefits of upgraded stormwater management, the Sector Plan also recommends that "SWM treatment should be done on-site wherever feasible, and the use of waivers should be limited". These objectives are achieved with the proposed redevelopment, which will treat 100 percent of the stormwater from the Site Plan on-site without the need for waivers. Although the realignment of Westbard Avenue includes a waiver of part of the stormwater management requirement, the Applicant must continue to look for ways of providing additional ESD and structural treatment, with the goal of achieving full stormwater management compliance, and reflect those in the stormwater management concept revision to be submitted at the time of Site Plan(s) submissions, as conditioned by DPS. A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on February 27, 2019. As the Applicant proceeds with future development of the properties covered by this Preliminary Plan, DPS will be reviewing updated stormwater concept plans at the time of Site Plan(s).

With regard to the Westwood Shopping Center in particular, the Sector Plan also recommends that any future redevelopment of that property "address the currently unmitigated storm flows that drain from the Kenwood Place condominium into the Giant Food site by installing stormwater buffer strips along and within the perimeter of the Westwood Shopping Center site". The Site Plan accommodates a modest buffer between the units and the property line to assist in the collection of stormwater. In accordance with the Sector Plan's recommendation, the storm flows from Kenwood Place will be collected in a swale along the joint property line and directed to stormwater facilities or to the receiving storm drain system. The Sector Plan also recommends the use of green roofs on buildings, which the Site Plan provides and at the time of subsequent Site Plan submissions. The Applicant will need to meet these goals of the Sector Plan as well.

Trees

Some concerns were raised that the tree canopy proposed on the Site Plan does not meet the Sector Plan recommendations to preserve, restore and enhance particular environmental features while minimizing the impact of future development including the naturalization of the Willett Branch as discussed above, adding to the almost non-existent SWM facilities, and reducing the heat island effect by meeting tree canopy goals and promoting green roofs. The environmental features of the Site Plan promote these objectives. Specifically, the Sector Plan recommends the establishment of "a minimum 50 percent canopy cover for all roads, on-street parking and ground level parking lots" (Sector Plan, page 76). As shown on the Tree Canopy exhibit included with the Site Plan Application, the Project will achieve a minimum of 50 percent canopy cover over the roads and on-street parking internal to the Project.

Traffic

Concerns were raised regarding the deferred phasing of the realignment of Westbard Avenue, the limited connectivity between Massachusetts Avenue and River Road, and the future traffic operation of Westbard Avenue, particularly traffic signalization.

Realignment Phasing

Some raised concerns that the realignment of Westbard Avenue will happen too late in the overall project phasing. In accordance with the Sector Plan recommendations, the Project will implement the realignment of Westbard Avenue at Ridgefield Road prior to issuance of the Use and Occupancy Certificate for the 55th townhouse unit for Site Plan 820180190. Completion of the road at this stage is necessary to accommodate traffic generated by the Westwood Shopping Center redevelopment. Additionally, the Applicant will construct interim improvements at the existing River Road/Ridgefield Road intersection to address existing intersection geometry issues and accommodate large delivery trucks for the Giant supermarket. These interim improvements are conditioned to be implemented in the first phase, with the construction of the new supermarket building.

Overloaded streets

Staff received concerns that the existing street network is over capacity due to insufficient connections between River Road and Massachusetts Avenue, of which Westbard Avenue is one. The traffic study evaluated transportation impacts associated with the Subject Applications and determined that adequate roadway capacity exists to serve the proposed development. MCDOT has conditionally approved on-street, off-peak parking and will evaluate and monitor the parking following the opening of the Westwood Shopping Center redevelopment. On-street parking along Westbard Avenue may be removed by MCDOT at any time, at their discretion.

Traffic Signal

The Westbard Avenue realignment necessitates removal of the existing traffic signal at the intersection of Westbard Avenue and Ridgefield Road. Staff received concerns with regard to the prospect of no new traffic signals along Westbard Avenue following the realignment. Although none of the new intersections along Westbard Avenue satisfy the signal warrant analysis and have not been approved by MCDOT, the Applicant will be responsible for reevaluating the signal warrants following completion of the Westbard Shopping Center Development. As conditioned in the MCDOT letter, the Applicant will post a bond for any potential signal work if determined by MCDOT.

School Capacity

Staff received concerns regarding school overcrowding and school bus operations occurring at the Westwood Shopping Center.

As detailed in the Preliminary Plan findings, based on the school cluster and individual school capacity analysis performed, using the FY2019 Annual School Test, there is adequate school capacity for the amount and type of development proposed by this application.

In regard to the school bus operations, Staff spoke with the MCPS Bethesda Area Transportation Depot Manager, who is responsible for establishing school bus stops in the Westbard area. Based on those conversations, there is no MCPS school bus stop on the shopping center side of Westbard Avenue because MCPS has a policy that students must be picked-up and dropped-off on the residence side of the street when the street in question is a four-lane roadway. Any new school bus stop locations will be established by MCPS in accordance with their standard practices once residential uses are built and occupied on the site.

Private Easements

Kenwood Place Condominium (KPC), abutting the Site Plan Property to the west, is party to certain private easements on the Westwood Shopping Center site. These include an access easement located between Westbard

Avenue and the KPC site, running through the area designated by the Sector Plan as the Springfield Neighborhood Urban Park, and certain common access parking spaces in the existing supermarket parking lot. As private agreements to which M-NCPPC is not party, these easements are not within the scope of the Planning Department's review.

For the private access easement, the Site Plan provides separate vehicular access from Westbard Avenue to KPC through the new private street network that connects at the northern and southern ends of the site. Unfortunately, if the private easement is not able to be removed from the recommended Park site, the Park may need to be relocated off-site. Staff has encouraged the KPC board and the Applicant to work together to remove the superfluous easement so that the neighborhood park may be implemented as recommended in the Sector Plan.

Civic Green

Others raised concerns that the Civic Green and its adjacency to principal commercial vehicular ingress/egress would pose a safety hazard and unnecessarily complicate circulation. The Sector Plan recommends the Civic Green to be approximately one-half acre in size and function as a flexible gathering space with a mix of amenities and opportunities for programmed uses. As designed, the Civic Green includes a paved roadway that may be closed down for events including farmers markets or festivals. When the street is closed down, the park is approximately one-half acre. During such closures, vehicular traffic can be routed temporarily through the commercial above-grade parking garage, with separate access to Westbard Avenue. This design meets the size and functional intents of the Sector Plan and will create a lively and energized public space.

Parking

Staff received concerns that the parking proposed with the Westwood Shopping Center Site Plan is insufficient to meet the needs of the expected resident and customer population.

The Site Plan provides adequate vehicle parking spaces, as required by the Zoning Ordinance. The Multi-family building proposes 420 spaces, the Commercial building proposes 444 spaces with the option to increase the provided spaces to 474 at the time of Certified Site Plan, with 140 parking spaces for the townhouses, all within the ranges set forth in the Zoning Ordinance. The Project is within a Reduced Parking Area, as defined in the Zoning Ordinance. All of the proposed parking spaces will comply with the design standards identified in Section 59.6.2.5 of the Zoning Ordinance.

Construction/Phasing

Staff received concerns about the impact of construction traffic at the Shopping Center site.

To address this concern, the Applicant proposes a row of jersey barriers on their Property to separate the existing parking lot from the interim construction traffic, so visitors can continue to use the shopping center during the construction phasing. On-site construction activities, including the final determination of the access road and traffic control will be under the jurisdiction of the Department of Permitting Services. The "construction road" shown on the Application drawings will utilize the existing parking lot asphalt, which has very little delineation of drive aisles. The proposed construction road and separation measures should help improve safety. Construction traffic and sediment control measures are reviewed and approved by the Department of Permitting Services.

SECTION 5: PRELIMINARY PLAN ANALYSIS AND FINDINGS

Sector Plan Conformance

The Approved and Adopted 2016 *Westbard Sector Plan* (“Sector Plan” or “Plan”) envisions Westbard as a vibrant walkable village center adjacent to an enhanced Willett Branch Greenway (Sector Plan, p. 6). Toward that vision, the Sector Plan provided specific recommendations for development of the Subject Property and amenities for the entire Sector Plan area (e.g. the realignment of Westbard Avenue and establishment of the Willett Branch Greenway). Both the site-specific and Sector Plan area recommendations are incorporated in the Subject Application and discussed in more detail below.

The Site is located within the area designated by the Sector Plan as “the Westbard Avenue District.” Specific Sector Plan recommendations include transforming the existing surface parking lots into an inviting, livable, walkable village with stores and apartments and providing new open spaces. Each of the site-specific recommendations are summarized below.

Land Use

Westwood Shopping Center

For the Shopping Center site, designated Site 1, the Sector Plan envisioned a mixed-use commercial and residential redevelopment with a maximum building height of 60 feet. In support of the redevelopment on this site, the Sector Plan recommends a central civic green (measuring approximately 1/3 of an acre), a new neighborhood park, and an internal circulation network.

The Application proposes a new mixed-use development with a Multi-Family Building with ground-floor retail, a new Commercial Building (expected to accommodate the new Giant supermarket), and up to 70 townhomes. The Applicant will also design and construct a new central civic green, the new Springfield Neighborhood Green Urban Park to be conveyed to M-NCPPC, and a new internal circulation system. The development on the Westwood Shopping Center site conforms to the recommendations of the Sector Plan.

Manor Care

For this site, identified as Site 2, the Sector Plan recommends residential townhouse development, limited to 45 feet in height, with commercial uses on this site strongly discouraged. The development of this site is significantly enlarged by the Sector-Plan-recommended realignment of Westbard Avenue and its intersection with Ridgefield Road, discussed below, and the site layout reflects this major public improvement. The Sector Plan also provides specific restrictions on the location of the townhouses, including behind the existing single-family homes and limiting encroachment into the Stream Valley Buffer around the Kenwood Tributary, except where removal of existing paved areas is necessary to mitigate and replant the northerly strip along River Road. As conditioned, the development conforms to these recommendations for the purposes of Preliminary Plan review. Development on this site will be the subject of a future Site Plan application and Preliminary Plan will be reevaluated for Sector Plan conformance at that time. The Sector Plan (p. 73) also identifies the possibility for a Corrective Map Amendment that would involve the Manor Care site combined with the road abandonment.

Westwood II

For this site, identified as Site 3, the Sector Plan recommends a mixed-use development with a maximum building height of 75 feet coupled with the naturalization of the Willett Branch, which runs through the northern portion of the property. This site is also significantly impacted by the recommended realignment of Westbard Avenue and Ridgefield Road. The reduced site is reflected on the Preliminary Plan and as conditioned at this stage conforms to the recommendations of the Sector Plan. Development on this site will be the subject of a future Site Plan application and will be re-evaluated then.

For the remaining properties covered by the Preliminary and Site Plan applications, they are to remain as existing and will be reevaluated for Sector Plan conformance based on the specific proposal advanced at Site Plan review.

In order to ensure that all elements of future proposed development are consistent with the specific recommendations of the Sector Plan, Staff recommends a condition of approval requiring Site Plan review for future development for all sites covered by this Preliminary Plan.

Transportation Network

As a major improvement to the circulation system of the Plan Area, the Sector Plan recommends the realignment of Westbard Avenue (Street B-1), and its intersection with Ridgefield Road. As part of the Subject Application, in coordination with County and State transportation agencies, the Applicant will construct the realigned Westbard Avenue. Additionally, the Applicant will implement Sector-Plan-recommended streetscape improvements along Westbard Avenue to improve the safety and comfort of all roadway users. As conditioned, the Applicant has will provide the necessary improvements to the transportation network and satisfies the Sector Plan recommendations.

Open Space and Environment

As discussed above, the Public Open SpacePublic Open Spaces are consistent with the Sector Plan recommendations. Specific discussion of each of these elements is discussed below:

- Central Civic Green: The Sector Plan recommends a new Central Civic Green, measuring between one-half acre and one-third acre, to be located on the Westwood Shopping Center site. The Sector Plan envisions this Public Open SpacePublic Open Space as a gathering place supported by amenities necessary to make the space an appealing destination for the entire community.
- Springfield Neighborhood Green Urban Park: The Sector Plan recommends a new neighborhood park, measuring between one-half acre and one-third acre, at the intersection of Ridgefield Road and Westbard Avenue. Although this space is envisioned as a buffer between the Westwood Shopping Center site and adjacent Springfield Neighborhood, the Sector Plan specifically recommends that it be programmed to serve both workers from the Westbard Avenue District and residents from the neighborhood and designed for more activity than an urban buffer park.
- Willett Branch Greenway: The Sector Plan envisions rehabilitation of the Willett Branch to improve both its ecology and community benefit. Toward this goal, the Sector Plan recommends that the Willett Branch be buffered from development, naturalized, and improved with environmentally sensitive public amenities.

As conditioned, the open spaces and Willett Branch accommodations satisfy the Sector Plan recommendations.

Housing

The Sector Plan places a high priority on the provision of new affordable housing for Optional Method development. Since the proposed development is under the Standard Method, this recommendation does not strictly apply. However, with over 500 new dwelling units, the development will provide 63 total new MPDUs in both the multi-family and townhouse units.

Transportation

The Department accepted the Preliminary Plan application on December 20, 2016, so it is being reviewed under the Subdivision Regulations in effect prior to February 13, 2017, and the *2012 – 2016 Subdivision Staging Policy* (SSP). For this reason, technical evaluation of the intersection capacity is based on the Critical Lane Volume (CLV)

methodology and is limited to vehicular impacts rather than the Highway Capacity Manual (HCM) methodology and multi-modal analysis associated with the current 2016-2020 SSP. The Applicant submitted a transportation study, dated June 14, 2018, estimating the proposed development's impact to the transportation network. Based on that analysis, the Project is estimated to generate 618 new morning peak-hour trips and 968 new evening peak-hour trips (Table 1).

Based on the transportation analysis submitted with the Application, sufficient intersection capacity exists to serve the Project. The Applicant will implement interim improvements to improve existing transportation issues on Westbard Avenue and will implement the Westbard Avenue Realignment, which is anticipated to improve traffic flow in the immediate vicinity of the project.

Table 1: Project Peak Hour Trip Generation Summary ¹						
Phase I	AM			PM		
	In	Out	Total	In	Out	Total
127,480 SF Retail	155	144	299	621	573	1194
21,247 SF High Turnover Rest.	116	95	211	129	79	208
21,247 SF Quality Restaurant	13	3	16	111	55	166
5,074 SF Office	6	1	7	2	9	11
190 Apartments ²	17	47	64	50	28	78
72 Townhomes	6	26	32	40	20	60
Phase I Credits/ Adjustments ³	(48)	(61)	(109)	(487)	(407)	(898)
Phase I Total	265	255	520	466	357	823⁴
Phase II	AM			PM		
	In	Out	Total	In	Out	Total
5,000 SF Retail	5	4	9	18	17	35
220 Apartments	19	55	74	57	32	89
34 Townhomes	3	12	15	19	9	28
Phase II Credits/Adjustments	0	0	0	(6)	(6)	(12)
Phase II Total	27	71	98	88	52	145⁵
Total Buildout	AM			PM		
	In	Out	Total	In	Out	Total
Phase I Total + Phase II Total	292	326	618	554	409	968⁶

¹ Trip Generation summary table generated by Staff to represent multiple tables of information presented in the Wells & Associates Traffic Study, dated June 14, 2018.

² The original TIS evaluated 190 Apartments in Phase I and 220 Apartments in Phase II. However, this figure was revised in a supplemental memo to reflect 200 Apartments proposed in Phase I and 210 Apartments in Phase II. This revision does not change the transportation impact as the total number of Apartments remains the same.

³ Internal reductions applied to person trips; pass-by reductions applied to vehicle trips. Person trips converted to vehicle trips in accordance with the ITE Trip Generation Manual 10th Edition.

⁴ The Phase I PM total calculates to 819 trips, however, based on rounding and other factors, 823 trips were shown in the TIS trip generation table.

⁵ The Phase II PM total calculates to 140 trips, however, based on rounding and other factors, 145 trips were shown in the TIS trip generation table.

⁶ The Total Future PM calculates to 963 trips, however, based on rounding and other factors, 968 trips were shown in the TIS trip generation table.

Table 2: Intersection Capacity, Critical Lane Volume

Intersection	Congestion Standard	Existing		Background		Total Future	
		AM	PM	AM	PM	AM	PM
Massachusetts Avenue/ Sangamore Rd	1,600	880	870	1,039	1,011	1,054	1,025
Massachusetts Avenue/ Cromwell Dr	1,600	706	541	733	552	749	560
Massachusetts Avenue/ Westbard Avenue	1,600	957	967	1,012	992	1,075	1,095
Massachusetts Avenue/ Little Falls Pkwy	1,600	1,027	927	1,129	986	1,155	1,034
Mass. Avenue/ Falmouth Rd/ Baltimore Pkwy	1,600	1,085	922	1,130	931	1,141	949
River Rd/ Springfield Rd	1,600	946	1,043	1,006	1,052	996	1,061
River Rd/ Westbard Avenue	1,600	784	883	843	891	835	900
River Rd/ Ridgefield Rd/ Brookside Dr ¹	1,600	1,030	1,024	1,099	1,033	1,080	1,026
River Rd/ Kenwood Station Shopping Center	1,600	751	1,156	805	1,166	802	1,173
River Rd/ Little Falls Pkwy	1,600	1,108	1,311	1,232	1,354	1,233	1,371
Westbard Avenue/ Ridgefield Rd	1,600	512	718	529	723	514	903
Future Ridgefield Rd/ Future Westbard Avenue	1,600	-	-	-	-	-	-
Future Ridgefield Rd/ Old Westbard Avenue	1,600	-	-	-	-	-	-
Westbard Avenue/ Westbard Circle	1,600	279	333	282	337	291	387
Future Site Access/ Westbard Avenue	1,600	56	78	56	78	71	87
Ridgefield Road/ Westbard II Access	1,600	305	418	306	427	-	-
Westbard Avenue/ Gas Station North Access	1,600	300	391	309	393	-	-
Future Site Access II/ Westbard Avenue	1,600	430	548	439	551	282	411
Future Site Access III/ Westbard Avenue	1,600	308	349	309	351	410	747
Shopping Cntr Loading/ Westbard Avenue	1,600	228	284	229	286	-	-
Future Site Access IV/ Westbard Avenue	1,600	258	291	260	294	530	879
Future Site Access V/ Westbard Avenue	1,600	368	543	377	546	306	446

¹Future conditions assume implementation of Westbard Avenue realignment

Source: Wells & Associates Transportation Study, dated June 14, 2018.

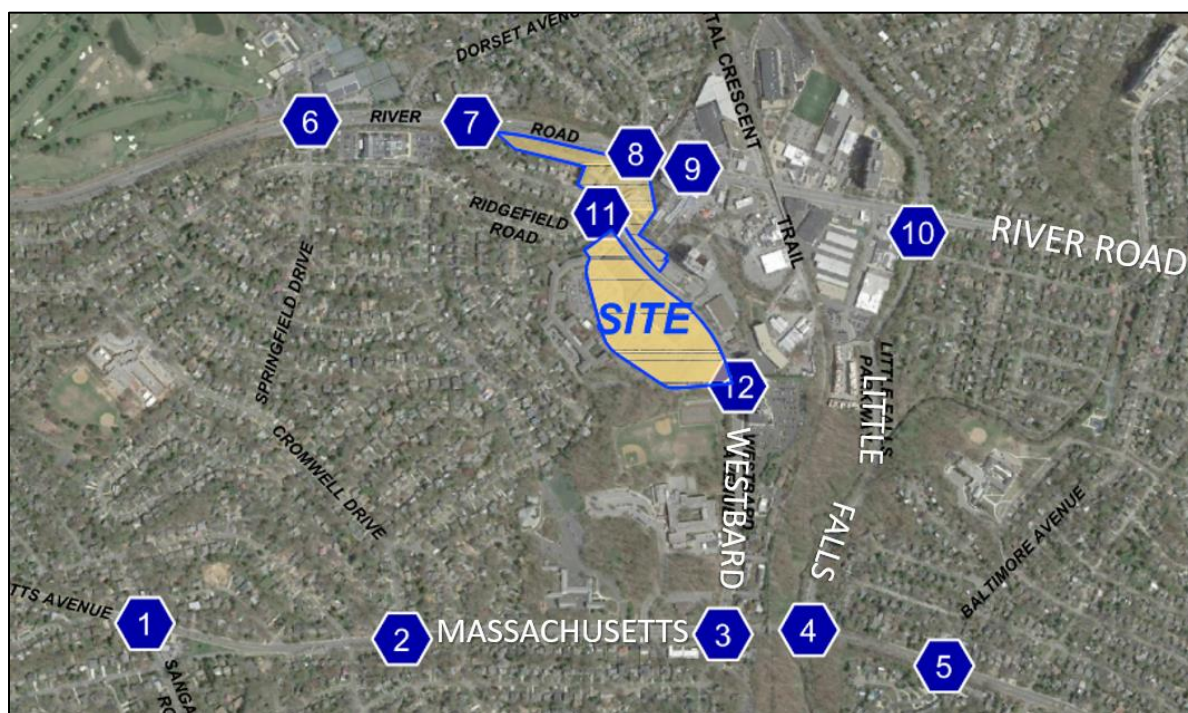


Figure 24 – Intersection Analysis Map (Regional)

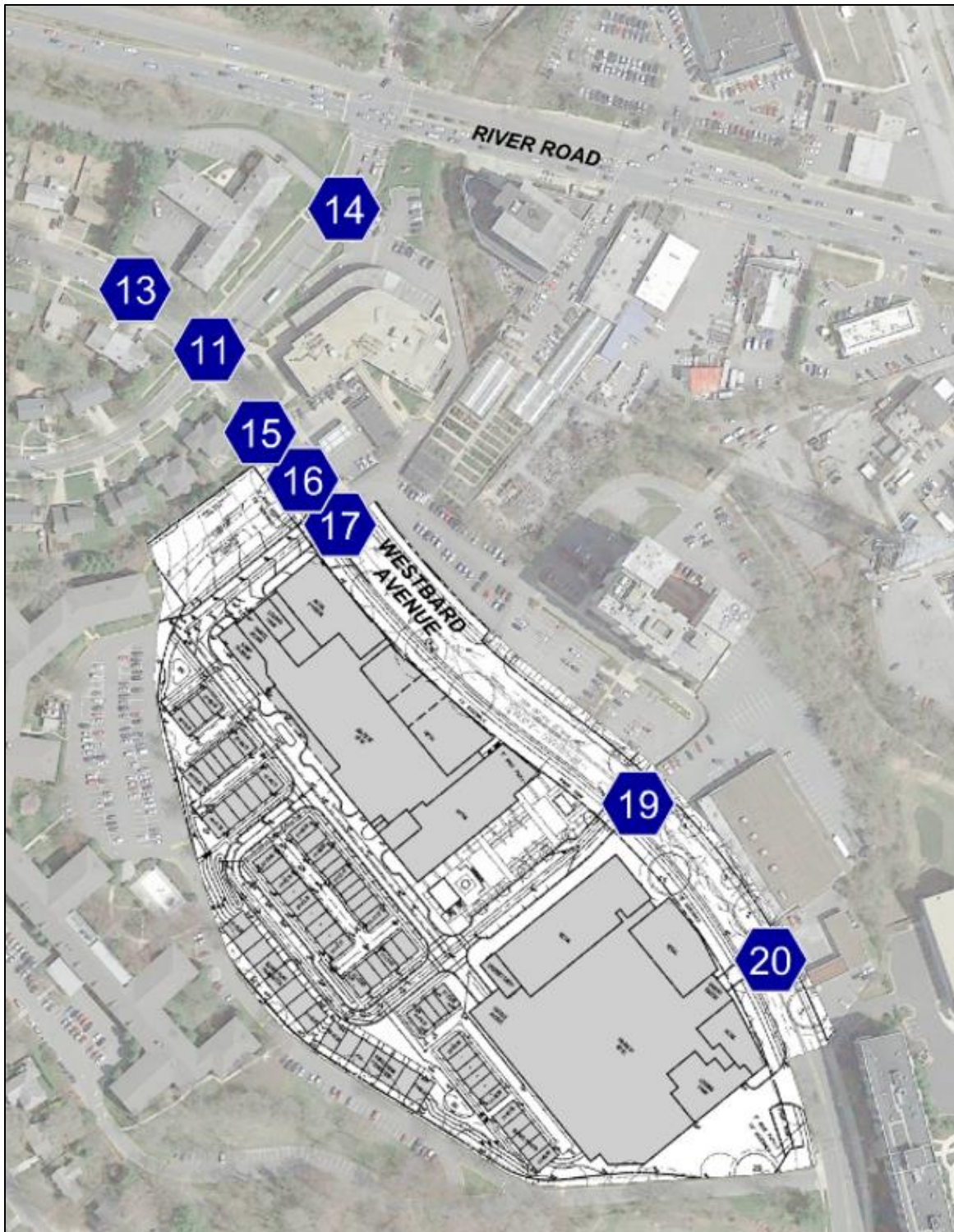


Figure 25 – Intersection Analysis Map (Westbard Avenue)

School Adequacy Analysis

Overview and Applicable School Test

Preliminary Plan application #120170170 for Westwood Shopping Center is scheduled for Planning Board review on March 14, 2019, therefore the applicable annual school test is the FY19 Annual School Test, approved by the

Planning Board on June 21, 2018 and effective July 1, 2018. The Application proposes development of 410 multifamily high-rise dwelling units and 106¹ single family attached dwelling units on land with no dwelling units currently.

Calculation of Student Generation

To calculate the number of students generated by the proposed development, the number of dwelling units is multiplied by the applicable regional student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low- to mid-rise multifamily unit, or high-rise multifamily unit. The Subject Property is located in the southwest region of the County.

Table 3 - Per Unit Student Generation Rates – Southwest Region

	Elementary School	Middle School	High School
SF Detached	0.193	0.111	0.147
SF Attached	0.191	0.094	0.124
MF Low- to Mid-Rise	0.146	0.063	0.083
MF High-Rise	0.055	0.022	0.031

With a net of 410 new multifamily high-rise dwelling units and 106 new single family attached dwelling units, the proposed project is estimated to generate the following number of students:

Table 4

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
SF Attached	106	0.191	20.246	0.094	9.964	0.124	13.144
MF High-rise	410	0.055	22.550	0.022	9.020	0.031	12.710
TOTAL	516		42		18		25

This project is estimated to generate 42 new elementary school students, 18 new middle school students, and 25 new high school students.

Cluster Adequacy Test

The project is located in the Walt Whitman High School Cluster. The student enrollment and capacity projections from the FY19 Annual School Test for the Whitman Cluster are noted in the following table:

Table 5

School Level	Projected Cluster Totals, September 2023			Moratorium Enrollment Threshold	Projected Enrollment + Application Impact
	Enrollment	Program Capacity	% Utilization		
Elementary	2,410	2,539	94.9%	3,047	2,452
Middle	1,336	1,502	88.9%	1,803	1,354
High	2,129	2,397	88.8%	2,877	2,154

The Moratorium Enrollment Threshold identified in the table is the enrollment at which the 120% utilization threshold is exceeded, resulting in a cluster-wide residential development moratorium. As indicated in the last column, the projected enrollment plus the estimated impact of this Application fall below the moratorium thresholds at all three school levels. Therefore, there is sufficient capacity at the elementary, middle and high school cluster levels to accommodate the estimated number of students generated by this project.

¹ School capacity analysis tested for 106 SF Attached, however the latest submitted plans proposed 104 SF Attached.

Individual School Adequacy Test

The applicable elementary and middle schools for this project are Wood Acres ES and Thomas W. Pyle MS, respectively. Based on the FY19 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 6

School	Projected School Totals, September 2023				Moratorium Enrollment Thresholds		Projected Enrollment + Application Impact
	Enrollment	Program Capacity	% Utilization	Surplus/ Deficit	120% Utilization	Surplus/ Deficit	
Wood Acres ES	641	725	88.4%	+84	871	835	683
Pyle MS	1,336	1,502	88.9%	+166	1,803	1,682	1,354

Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120% and if the school seat deficit meets or exceeds 110 seats for the elementary school or 180 seats for the middle school. If a school's projected enrollment exceeds *both* thresholds, then the school service area is placed in a residential development moratorium.

The Moratorium Enrollment Thresholds identified in the table above are the enrollments at which the 120% utilization threshold and the seat deficit threshold are exceeded. As indicated in the last column, the projected enrollment plus the estimated impact of this application falls below both applicable moratorium thresholds for both Wood Acres ES and Pyle MS. Therefore, there is sufficient anticipated school capacity to accommodate the estimated number of students generated by this project.

School Capacity Analysis Conclusion

Based on the school cluster and individual school capacity analysis performed, using the FY2019 Annual School Test, there is adequate school capacity for the amount and type of development proposed by this application.

Other Public Facilities

Public facilities and services are available and will be adequate to serve the proposed development. The Property is proposed to be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, schools, and health services are operating according to the *Subdivision Staging Policy* resolution currently in effect and will be adequate to serve the Property. Electrical, telecommunications, and gas services are also available to serve the Property.

Adequate Public Facility Validity Period

In accordance with Section 50-20(c)(3)(B) of the Subdivision Code, the Applicant requested a validity period longer than the minimum specified in the Code. That request set forth a detailed phasing plan demonstrating when each phase of development would be completed. As conditioned, the Adequate Public Facility review for the Preliminary Plan will remain valid for one hundred twenty (120) months, phased in the following manner:

1. First Phase - 36 months from the 30th day after the Resolution is mailed; or if an administrative appeal is timely noted by any party authorized to take an appeal, the date upon which the court having final jurisdiction acts, including the running of any further applicable appeal periods.
2. Second Phase - 36 months from the expiration date of the validity period for First Phase.
3. Third Phase- 24 months from the expiration date of the validity period for Second Phase.
4. Fourth Phase - 24 months from the expiration date of the validity period for Third Phase.

Compliance with Zoning Ordinance and Subdivision Code

The Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Code, in effect prior to February 2017. The proposed size, width, shape, and orientation of the lots are appropriate for the location of the subdivision taking into account the recommendations included in the Sector Plan, and for the type of development or use contemplated. The Application complies with the land use recommendations for the Subject Property as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. As evidenced by the Preliminary Plan, the Subject Property is sufficiently large to efficiently accommodate the mix of uses.

Table 7: Preliminary Plan Data Table

Preliminary Plan Data Table				
Zone	CRT	C	R	H
Manor Care	1.00	0.25	1.00	45'
Westwood II	1.50	0.50	1.50	75'
Parking Lot 1	2.50	0.50	2.00	75'
Parking Lot 2	2.50	0.50	2.00	75'
Bowlmor	2.50	0.50	2.00	110'
Westwood Shopping Center	2.00	0.75	1.25	60'

Development Standard		Permitted/Required	Proposed
Tract Area (sf)			
Manor Care			128,011
Westwood II			133,000
Parking Lot 1			34,417
Parking Lot 2			47,053
Bowlmor			125,481
Westwood Shopping Center			540,524
TOTAL			1,008,486
Tract Area (sf)			1,008,486
Previous Dedications (sf)			145,072
Total Site Area of Preliminary Plan (sf)			863,414
Density			
Manor Care	Commercial FAR/GFA	0.25/32,002	0
	Residential FAR/GFA	1.0/128,011	0.58/74,950
Westwood II	Commercial FAR/GFA	0.5/66,500	0
	Residential FAR/GFA	1.5/199,500	1.03/138,136
Parking Lot 1	Commercial FAR/GFA	0.5/17,208	0.14/5,000
	Residential FAR/GFA	2.5/86,042	1.88/65,000
Parking Lot 2	Commercial FAR/GFA	0.5/23,384	0
	Residential FAR/GFA	2.0/93,536	0
Bowlmor	Commercial FAR/GFA	0.5/62,741	0.23/29,305 ¹
	Residential FAR/GFA	2.0/250,962	0

¹ Existing commercial space to remain on Bowlmor property (Lot 3, Block B).

Table 7 continued

Westwood Shopping Center	Commercial FAR/GFA Residential FAR/GFA	0.75/405,393 1.25/675,655	0.31/171,232 0.68/369,292
TOTAL FAR/GFA	Commercial FAR/GFA Residential FAR/GFA	0.6/607,228 1.42/1,433,706	0.20/205,537 0.64/647,378
Setbacks		TBD	TBD at Site Plan(s)
Open Space (min. percent of Site area)		10	10
Site Plan Required		YES	YES

As conditioned, each Property included within the Preliminary Plan application will be required to submit a Site Plan. Setbacks and open space requirements will be determined at the time of each Site Plan.

Environment

Environmental Guidelines

Staff approved a Natural Resource Inventory Forest Stand Delineation (NRI/FSD) (420161340) for the combined tract on September 2, 2016.

The Site contains numerous environmentally sensitive features such as steep slopes, high priority forests, streams and associated stream valley buffer (SVB) areas, a 100-year flood plain and associated building restriction lines, and a few significant and specimen trees. There are no known occurrences of rare threatened or endangered species related to the Property.

The Site is located with the Willett Branch watershed which is a tributary to Little Fall Branch; a Use I-P watershed. The Willett Branch stream itself flows through portions of the subject Properties including the Westwood Center II site and the Bowlmor site. The Kenwood Branch tributary (which is a tributary to Willett Branch) passes along the Manor Care on the south side of River Road.

The SVBs associated with the Westwood Center II, Bowlmor, and Manor Care sites were established by the NRI/FSD. Ideally the extents of the SVB are naturalized/planted and protected within a Category I Easement on privately owned land, or within a Conservation Park when associated with park dedication areas. However, there are provisions in the Environmental Guidelines and the Westbard Sector Plan that allow limited encroachments into the SVB (pages 57, 75-6, and 101 of the Sector Plan).

Although the ultimate buildout of the subject properties associated with the stream buffers will have impacts to the SVBs, the overall modifications will provide significant environmental enhancements and be vastly superior to the existing conditions, which largely consist of commercial/industrial uses and extensive paving along and within the streambanks. The forested portion of the SVB on the Bowlmor site is proposed for conveyance to M-NCPPC and will be incorporated into the Willett Branch Greenway. Although there is no forest on the Westwood Center II property, a significant portion of the site will also be conveyed for the Willett Branch Greenway. Due to the existing structures within the land to be ultimately conveyed, the conveyance will be phased, with some occurring now and additional conveyance occurring when a site plan is submitted for that property.

The Kenwood Branch stream area along Manor Care was not envisioned as part of the Greenway Park under the Sector Plan. However, the Sector Plan recommends comprehensive environmental enhancements for the Kenwood Branch tributary/Manor Care area which is generally described on Section 3.1.3, Pages 75 and 76 of the Sector Plan (along with other general references in the Sector Plan). As conditioned, the stream tributary and its associated SVB will be enhanced with numerous environmental retrofits and protected within a Category I Easement as recommended in the Sector Plans. Nearly all the onsite SVB at the Manor Care site will

protected/enhanced and contained within a new conservation easement. Staff notes that forest clearing is anticipated as part of the bank stabilization and stream enhancement project, however the areas will also be restored as part of the work.

Forest Conservation

The entire site is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code). A Preliminary Forest Conservation Plan (PFCP) has been submitted for the all the properties under ownership of the Applicant in the Westbard area and a Final Forest Conservation Plan (FFCP) has been included for the Westwood Shopping Center site. As typical with other phased projects, the forest conservation requirements for any particular phase must be satisfied before any clearing or grading occurs within that phase. The afforestation requirements will be satisfied in part by the establishment of an onsite Category I Easement at the Manor Care site and also by the purchase of equivalent credits in an offsite forest conservation bank. Staff has recommended conditions of approval addressing the forest conservation requirements.

The Project proposes to impact four trees and remove six trees (affecting a total of 10 trees) that are subject to a Forest Conservation Variance discussed in detail further below.

Forest Conservation Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ), requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. Unless the variance is granted, the law requires no impact to trees that measure 30 inches DBH or greater; are part of a historic site or designated with a historic structure; are designated as national, state, or county champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or to trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. The affected resources that have been identified on the current Plan include trees with a DBH of 30 inches or greater.

The Applicant submitted the variance request documents on February 8, 2019, for the impacts and removals of subject trees (see Attachment C for variance request letter). The Applicants' request is to impact (but retain) four trees and remove six subject trees that are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law (affecting a total of ten subject trees).

Table 8: VARIANCE TREES AS PROPOSED FOR **REMOVAL**

Tree #	Scientific Name/ Common Name	D.B.H (inches)	Field Condition	CRZ Impacts (%)	Disposition
12	<i>Quercus palustris</i> /pin oak	38	Good	N/A	Removal
13	<i>Quercus palustris</i> /pin oak	30	Fair/Poor	N/A	Removal
14	<i>Quercus palustris</i> /pin oak	30	Poor	N/A	Removal
37	<i>Quercus palustris</i> /pin oak	34	Good	N/A	Removal
1014	<i>Prunus serotina</i> /black cherry	40	Fair	N/A	Removal
1006	<i>Robina psuedocacia</i> / black locust	30	Fair	N/A	Removal

Table 9: VARIANCE TREES AS PROPOSED FOR IMPACT

Tree #	Scientific Name/ Common Name	D.B.H (inches)	Field Condition	CRZ Impacts (%)	Disposition
3	<i>Quercus palustris</i> /pin oak	31	Good	25.2	Save
4	<i>Quercus palustris</i> /pin oak	30	Good	30.1	Save
22	<i>Quercus palustris</i> /pin oak	36	Good	4.3	Save
1018	<i>Robina psuedocacia</i> / black locust	30	Fair	23.2	Save

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. In addition to the required findings outlined numerically below, the Applicant has demonstrated that enforcement of the variance provision would result in an unwarranted hardship because the Westbard Sector Plan has extensive recommendations for significant redevelopment and other changes within the plan area, such as the realignment of Westbard Avenue and Ridgefield Road. Many of the general and site-specific recommendations of Sector Plan could not be implemented without impacts and even removal of subject trees. Therefore, based on the existing circumstances on the Site, there is an unwarranted hardship.

Variance Findings

Staff has made the following determination based on the required findings that granting of the requested variance:

1. Will not confer on the Applicant a special privilege that would be denied to other Applicants.

Most of the proposed removals are for subject trees in the ROW and their retention would otherwise preclude the Sector-planned ROW modifications. Furthermore, the impacts to tree 1018 are needed to implement an environmental enhancement project which is also recommended by the Sector plan. Therefore, (as conditioned) the variance request would be granted to any Applicant in a similar situation.

2. Is not based on conditions or circumstances which are the result of actions by the Applicant;

The requested variance is based on proposed development allowed under the existing zoning and recommended by the Sector Plans. The variance can be granted under this finding if the impacts are avoided or minimized and that any necessary mitigation is provided as conditioned.

3. Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.

The requested variance is generally a result of the implementation of the Sector Plan recommendations and not as a result of land or building use on a neighboring property.

4. Will not violate State water quality standards or cause measurable degradation in water quality.

Granting this variance request will not violate State water quality standards or cause measurable degradation in water quality. The subject area currently contains widespread areas of impervious surfaces with no known SWM facilities. The redevelopment will include green roofs and other formal SWM treatments in addition to environmental enhancements within the SVB at the Manor Care site (such as the removal of a linear parking lot and replacement with forest plantings in addition to stream bank stabilization work). Other water quality aspects of the project include dedication of land for the Willett Branch Greenway which will ultimately remove the existing concrete channel as part of the overall for

stream naturalization. The DPS review and approval of the sediment and erosion control and storm water management plans will help ensure that appropriate standards are met. Additionally, the variance mitigation plantings will contribute to the water quality goals.

Mitigation for Trees Subject to the Variance

Planting mitigation for the removal should be at a rate that approximates the form and function of the trees removed, at a ratio of approximately 1" DBH for every 4" DBH removed, using trees that are a minimum of 3" caliper. This means that for the 202 diameter inches of tree to be removed, the Applicant must provide mitigation of at least 50.5 inches of caliper replacements. Therefore, the mitigation requirements will be addressed by the planting of seventeen 3" caliper trees. Staff notes that the submitted plans do not currently provide appropriate quantity and settings to mitigate for the proposed removals, however the appropriate mitigation is addressed by the conditions of approval.

The areas along the Kenwood Condominium property associated with the vegetated swale are a suitable setting for mitigation plantings, where possible, and would help to maximize the effectiveness of the Sector Plan recommended stormwater buffer strip feature. Note: The swale is not anticipated to be part of the formal SWM features as recognized by DPS and would therefore not be placed in an associated SWM easement where variance mitigation trees would be precluded.

Staff does not recommend mitigation plantings for variance trees that are not removed or overly impacted.

County Arborist Recommendation

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The Applicants' request has been accessible to the County Arborist through Eplans and their response to the variance request is anticipated to be available for the Planning Board hearing and will be presented at that time.

Staff Recommendation on Variance

As a result of the above findings, Staff recommends (with conditions) that the Board approve the Applicant's request for a variance from Forest Conservation Law to impact four subject trees and remove six subject trees (affecting a total of 10 subject trees) associated with the project.

Noise

The Project includes residential units near arterial roadways (River Road, Ridgefield Road, and Westbard Avenue) and is therefore subject to the Noise regulations associated with residential development. A noise analysis dated October 31, 2018, was prepared by Phoenix Noise & Vibration, LLC. The analysis shows that excessive noise impacts (measured at 65 dBA Ldn) do affect the margins of the Subject Properties, with future projected noise levels slightly higher. The report concluded that interior noise levels for the affected residential units can be mitigated to appropriate levels (less than 45 dBA Ldn) by suitable building shell construction and other treatments such as installation of windows designed to mitigate the sound. Standard conditions of approval are recommended to address the interior noise mitigation.

The outdoor areas of common open space are generally not noise-impacted except for the extreme fringes closest to the streets. Therefore, no mitigation is recommended for the areas of open space.

Stormwater Management (SWM)

To maximize the benefits of upgraded stormwater management, the Sector Plan recommends that "SWM treatment should be done on-site wherever feasible, and the use of waivers should be limited". These objectives are achieved with the proposed Westwood Shopping Center redevelopment, which will treat 100 percent of the

stormwater from the concurrent Site Plan on-site without the need for waivers. Although the realignment of Westbard Avenue includes a waiver of part of the stormwater management requirement, the Applicant must continue to look for ways of providing additional ESD and structural treatment, with the goal of achieving full stormwater management compliance, and reflect those in the stormwater management concept revision to be submitted at the time of Site Plan(s) submissions, as conditioned by DPS. A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on February 27, 2019. As the Applicant proceeds with future development of the properties covered by this Preliminary Plan, DPS will be reviewing updated stormwater concept plans at the time of Site Plan.

SECTION 6: SITE PLAN 820170140

ANALYSIS AND FINDINGS

1. *When reviewing an application, the approval findings apply only to the Site covered by the application.*
2. *To approve a Site Plan, the Planning Board must find that the proposed development:*

- a. satisfies any previous approval that applies to the Site;*

As conditioned, the Site Plan conforms to the conditions and findings of Preliminary Plan No. 120170170.

- b. satisfies under Section 7.7.1.B.5 the binding elements of any development Plan or schematic development Plan in effect on October 29, 2014;*

This section is not applicable as there are no binding elements of an associated development Plan or schematic development Plan in effect on October 29, 2014.

- c. satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014, for a Property where the zoning classification on October 29, 2014, was the result of a Local Map Amendment;*

This section is not applicable as the Subject Property's zoning classification on October 29, 2014, was not the result of a Local Map Amendment.

- d. satisfies applicable use standards, development standards, and general requirements under this Chapter;*
- i. Division 4.5. Commercial/Residential Zones*

Development Standards

The Subject Project for Site Plan is approximately 12.4 acres, zoned CRT 2.0, C 0.75, R 1.25, H 60'. The Site Plan proposes redevelopment of the Site Plan Property, under the Standard Method of development, which limits the total FAR to 1.0. The Site Plan proposes up to 540,524 square feet of total development, including up to 369,292 square feet of residential development for up to 70 single-family attached residential units and up to 200 multi-family residential units, and up to 171,232 square feet of non-residential uses. The following data table shows the Application's conformance to the development standards of the zone.

Table 10 - Site Plan Data Table			
Section 59.4	Development Standard	Permitted/ Required	Proposed
	Tract Area (Square Feet) Proposed ROW Dedication Previous ROW Dedication Site Area	n/a n/a n/a n/a	540,524 sf (12.4 acres) 23,844 sf 20,584 sf 496,096 sf (11.38 acres)
4.5.3.C.2	Lot (min) Townhouse Lot area Lot width at front building line Maximum Density (FAR/SF) CRT 2.0, C 0.75, R 1.25 H 60' Residential Non-Residential TOTAL	 800 sf 12' n/a n/a 1.0/540,524	 800 sf 14' 0.68/369,292 0.31/171,232 1.0/540,524
	MPDUs (%/unit total) Multi-Use-Multi-Family Building (200 total units) Townhouses (70 townhouses)	12.5%/25 12.5%/9	12.5%/25 12.5 %/9
4.5.3.C.3	Placement: Build-to Area (BTA, max setback and min % of building façade) Townhouse Front setback Building in front street BTA Multi-Use (Multi-Family Building) Front setback Building in front street BTA Side street setback Building in side street BTA General (Commercial Building) Front setback Building in front street BTA Side street setback Building in side street BTA	 15' 70% 15' 70% 15' 35% 20' 70% 20' 35%	 14' 100% 8' 95% N/A N/A 15' 95% N/A N/A
4.5.3.C.4	Building Height (feet) CRT 2.0, C 0.75, R 1.25, H 60'	60 feet	60 feet
4.5.3.C.1	Open Space (minimum of site area) Public Open Space (% of Site area for mixed-use/sf.) Common Open Space (% of Site area for townhouses/sf.)	10/32,794 10/16,815	11.5/38,000 10/16,815
4.5.3.C.3	Minimum setbacks Multi-Use (Multi-Family Building)/General (Commercial Building) Townhouse Front Side Street Side Side, End unit Rear, alley Rear, adjacent to R-20	0 feet 5 feet 5 feet 0 feet 2 feet 4 feet 10 feet	0 feet 5 feet 5 feet 0 feet 2 feet 4 feet 10 feet

Table 10 continued

4.5.3.C.5	Form-Entrance Spacing (max)		
	Multi-Use (Multi-Family Building)	75'	East/South elevation 75' North elevation 110' ¹ West elevation 120'*
	General (Commercial Building)	100'	All elevations 100'
	Form-Transparency		
	Multi-Use (Multi-Family Building)		
	Ground story, front (min)	60%	60%
	Ground story, side/rear (min)	30%	North (side) 29%* All others 30%
	Upper story (min)	20%	North elevation 8%/20% ² All others 20%
	Blank wall, front (max)	25'	25'
	Blank wall, side/rear (max)	35'	North (side) 92' ³
	General (Commercial Building)		
	Ground story, front (min)	40%	40%
	Ground story, side/rear (min)	25%	25%
	Upper story (min)	20%	North elevation 18%/20% ⁴ East elevation 16%/26% ⁵
	Blank wall, front (max)	35'	35'
	Blank wall, side/rear (max)	35'	35'
6.2.4.B	Vehicular Parking spaces (minimum/maximum)⁶		
	Multi-Use – Multi-Family Building ⁷		
	Studio-market rate units (20)	20/20	
	Studio-MPDU (3)	3/3	
	1 Bedroom- market rate units (96)	96/120	
	1 Bedroom-MPDU (14)	7/18	

¹ Section 59.4.5.3.C.5 of the Zoning Ordinance allows the Planning Board to adjust the Form requirements at the time of Site Plan where certain findings are made. For justification for this modification, see the Site Plan Statement of Justification.

* Section 59.4.5.3.C.5 of the Zoning Ordinance allows the Planning Board to adjust the Form requirements at the time of Site Plan where certain findings are made. For justification for this modification, see the Site Plan Statement of Justification.

² All upper stories of this elevation collectively exceed 20%, but the second story alone is 8%. A modification to the transparency requirement pursuant to Section 59.4.5.3.C.5 of the Zoning Ordinance is only needed if the Planning Board determines each upper story level must be viewed independently.

³ Modification requested pursuant to Section 59.4.5.3.C.5 of the Zoning Ordinance.

⁴ All upper stories of this elevation collectively exceed 20%, but the third story alone is 18%.

⁵ All upper stories of this elevation collectively exceed 20% but the third story alone is 16%.

⁶ Gross leasable area is used for determining the required parking for retail/service establishments in accordance with Section 59.6.2.4.B.

⁷ The Site Plan is within a Reduced Parking Area, the baseline parking minimum for the MPDUs is reduced in accordance with Section 59.6.2.3.I.2.b. of the Zoning Ordinance.

Table 10 continued

	2 Bedrooms-market rate units (55)	55/83	420 ⁸
	2 Bedrooms-MPDU (8)	4/12	
	3 Bedrooms-market rate units (4)	4/8	
	Retail/Service Establishment (41,065 sf)	144/247	
	TOTAL	332/511	444 ⁹
	Commercial Building		
	Retail/Service Establishment (118,809)	416/713	
	Office (5,074)	11/16	
	TOTAL	427/729	140 ¹⁰
	Townhouse		
	Market-rate units (61)	61/122	
	MPDUs (9)	5/18	
Bicycle Parking spaces (long term/short term)			
Multi-Use (Multi-Family Building)			
	Residential (200 units)	95/5	95/5
	Retail/Service Establishment (42,069 sf)	1/4	1/4
	TOTAL	96/9	96/9
	Commercial Building		
	Retail/Service Establishment (124,089 sf)	2/11	2/11
	Office (5,074 sf)	2/0	2/0
	TOTAL	4/11	4/11

Section 59.4.5.3.C: Development Standards for the Standard Method of Development in the CRT Zone

This section lists the form-based development standards for development under the Standard Method in the CRT Zone. The Application meets the majority of these development standards, as detailed above in the data table. But the Applicant requests modifications for building entrance spacing and transparency, per Section 59.4.5.3.C.5.a, which allows the Building Orientation and Transparency requirements to be modified by the Planning Board in a site plan under Section 7.3.4. The Zoning Ordinance allows the Planning Board to adjust the Form requirements at the time of Site Plan where the Planning Board find that the proposed design:

- 1) deviates from the Building Orientation and Transparency requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and
- 2) incorporates design elements that engage the surrounding publicly accessible spaces, such as streets, sidewalks, and parks.

Multi-Family Building

The Zoning Ordinance specifies that multi-use buildings should have entrances spaced no more than 75 feet apart. Due to topography and grading constraints, multiple entrances on the north elevation are not feasible, and the only entrance proposed along the north elevation is the parking

⁸ Parking for multi-family units to be leased separately from units.

⁹ Provided parking spaces may be increased at time of Certified Site Plan up to 30 additional spaces, for a total of up to 474 parking spaces for the Commercial Building, depending on garage construction type.

¹⁰ Eight (8) surface parking spaces provided on private street or HOA parcel for visitor parking per Section 6.2.3.H.2.b. and are not included in the total parking provided for the townhouses in the data table.

structure access, which is approximately 110 feet from the eastern side of the building. Despite the lack of entrances, however, the design of this elevation does engage the public realm, including the provision of a courtyard that will overlook the confronting Springfield Neighborhood Green Urban Park, and the entrance spacing only deviates to the extent necessary due to the physical topography and grading constraints.

The arrangement of the Multi-Family Building site creates a building with four “fronts”. Limitations on the location of service, parking, and similar elements limit areas available for transparency. As illustrated on the Site Plan, to address this the Applicant is undertaking a number of approaches, including architectural articulation and plantings to minimize blank walls and the requested accommodation is minimal.

Commercial Building

Similar to the Multi-Family Building, the arrangement of the Commercial building on the site and the necessity of locating the service elements of the planned grocery store and associated loading and parking limit opportunities for transparency. As above, as illustrated on the Site Plan, the Applicant has used architectural articulation, modulated building massing, and other approaches to reduce the visual bulk of the building. These elements are well employed and are the requested accommodation is the minimum necessary to meet the requirement.

ii. *Division 6.1. Site Access*

Access to the Project (vehicular, loading, pedestrian, and bicyclist) is proposed from Westbard Avenue. There will be a total of four curb-cuts along Westbard Avenue that will provide access to the private road network, direct access into the Commercial Building’s garage, and access to the Commercial Building’s loading area.

The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.

iii. *Division 6.2. Parking, Queuing, and Loading*

The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. The parking associated with the Project will be located primarily in structured parking. The Commercial Building’s parking will be accessed either from the northwest corner of the building, via an internal private street, or from the east side of the building, directly from Westbard Avenue. The Multi-Family Building’s parking will be accessed entirely from the private road network on the north and west sides.

The Site Plan provides adequate vehicle parking spaces, as required by the Zoning Ordinance. As depicted in the data table above, the Multi-Family Building proposes 420 spaces, the Commercial building proposes 444 spaces with the option to increase the provided spaces to 474 at the time of Certified Site Plan and 140 parking spaces are proposed for the townhouses. The Project is within a Reduced Parking Area, as defined in the Zoning Ordinance. The baseline parking minimum is reduced for MPDUs, in accordance with Section 59.6.2.3.I.2.b. The minimum parking requirements shown in the data table reflect those reductions. All of the proposed parking spaces will comply with the design standards identified in Section 59.6.2.5 of the Zoning Ordinance. Similarly, the proposed loading spaces will comply with the dimensional, location and maneuvering requirements identified in Section 59.6.2.8 of the Zoning Ordinance.

Bicycle parking will also be provided in accordance with Section 59.6.2.4.C of the Zoning Ordinance and will satisfy the bicycle parking design standards identified in Section 59.6.2.6 of the Zoning Ordinance.

iv. *Division 6.3. Open Space and Recreation*

Under the Standard Method of development, the Project is required to provide 10% public open space for the multi-use portions of the development and is the Site Plan proposes to meet this requirement, exceeding it slightly by providing a minimum of 11.5% public open space. The public open space will be provided primarily in the new Civic Green and the new Springfield Neighborhood Green Urban Park.

In addition to the Public Open Space requirement, the Applicant must also provide 10% of the townhouse portion of the development as Common Open Space, intended for the recreational use by residents and visitors and meeting the following requirements (Zoning Ordinance Section 59.6.3.5):

1. Common open space must be located in a central position or central positions in the neighborhood bordered by streets or building lots. It may be public or private. Common Open Space may also be placed in a location taking advantage of an important adjacent natural feature or open space.
2. The minimum width for any required Common Open Space is 50 feet unless the deciding body grants an exception for items such as a trail easement, a mid-block crossing, or a linear park, by finding that its purpose meets the intent of Division 6.3.
3. A minimum of 50% of the required Common Open Space must be in one contiguous area or only separated by a residential street. Any other areas must be a minimum of 2,000 square feet each and connected by sidewalks, paths, or trails.

As designed, the development's Common Open Space is provided as a series of smaller, more intimate spaces placed throughout the townhouse development. The Applicant is requesting Alternative Compliance, per Section 59.6.8.1 of the Zoning Ordinance for these requirements. The Planning Board may approve an alternative method of compliance with any requirement of Division 6.3 Open Space if it is determined that there is a unique site, a use characteristic, or a development constraint, such as grade, visibility, and existing building or structure, an easement or a utility line. The Planning Board must also determine that the unique site, use characteristic, or a development constraint precludes safe or efficient development under the requirements of Division 6.3 and the alternative design will:

- A. satisfy the intent of the applicable Division;
- B. modify the applicable functional results or performance standards the minimal amount necessary to accommodate the constraints;
- C. provide necessary mitigation alleviating any adverse impacts; and
- D. be in the public interest.

This Site Plan meets all of the above criteria. The area of the Property on which the townhouse units are proposed has a unique, curved shape that also has significant grade change. To allow for a more logical layout of the units within these circumstances, as well as safe and efficient pedestrian and vehicular circulation, the open spaces are necessarily in the nature of pocket park areas, some of which do not meet the strict standards of Section 59.6.3.5.B either due to their location or size. These areas do, however, meet the intent of the open space requirement to provide recreational open space for residents and visitors, who will be able to walk, wander, sit and enjoy these spaces in close proximity to their units, and the spaces are only modified to the extent necessary to adjust to the unique characteristics of the site. The modification to the requirements will not create any adverse impacts, but rather will help to create a series of attractive smaller, intimate, green nodes that

interconnect to form a more cohesive whole. Importantly, these spaces provide a complement to the two much larger Public Open Spaces, the Springfield Neighborhood Green Urban Park and the Civic Green, located directly adjacent to the townhouse development. The modifications sought to the Common Open Space requirements through this alternative compliance request will serve the public interest by allowing for the development envisioned in the Westbard Sector Plan to proceed while also taking into account for the unique characteristics of the Property while providing a series of intimate spaces for the residents and visitors of the townhouses to enjoy.



Figure 26 – Common Open Space areas

The development meets the standards and requirements for recreational facilities pursuant to Section 59.6.3.9. The proposed development will provide the following on-site recreation facilities: bikeways, indoor community space, indoor fitness space, playground for ages 2-5, a tot lot, interior courtyard, garden and lawn areas, a lounge pool, civic green, and a community use urban park. The development meets the required supply of recreation facilities based on the calculation methods in the M-NCPPC Recreation Guidelines. The development will provide adequate, safe, and efficient recreation facilities to allow residents to lead an active and healthy life.

v. *Division 6.4. General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other Site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for residents and visitors to the Project. Landscaping and lighting will be provided in accordance with Section 59.6.4.1 of the Zoning Ordinance to ensure that the Project is safe, compatible with the surrounding community, and improves water and air quality. The Project will include new street lighting along the Property's Westbard Avenue frontage and a comprehensive lighting scheme within the Project using a combination of lighting techniques, all designed to be attractive and safe. As shown on the landscape plans included with the Application, the Project also includes significant landscaping, utilizing a variety of tree and shrub species, that provides significant tree canopy and screening where appropriate.

vi. *Division 6.5. Screening Requirements*

Pursuant to Section 59.6.5.2.C.2 of the Zoning Ordinance, the Project is required to provide screening between the Multi-Family Building and the single-family neighborhood to the north that is within the R-60 zone. This area will contain the proposed Springfield Neighborhood Park Green Urban and will have plantings that meet or exceed the requirements of this section.

As shown in the Development Standards table, the Site Plan meets all of the general requirements and development standards of Section 4.8 of the Zoning Ordinance and the general development requirements of Article 59-6 of the Zoning Ordinance.

e. satisfies the applicable requirements of:

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on February 27, 2019. The Plan proposes to meet stormwater management goals via ESD to the MEP with green roof, micro-bioretenment, permeable pavement, enhanced filters, and structural filtration treatment. Full SWM treatment is provided for the Site Plan and no waivers are associated with the Project.

ii. Chapter 22A, Forest Conservation.

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law. As conditioned the plans meet the requirements. There are impacts proposed to four trees (which will be retained) and removal of six trees which are subject to a Forest Conservation variance (affecting a total of ten subject trees). The findings for granting the variance request are addressed in the Preliminary Plans section of the overall Staff report. The afforestation/reforestation requirements will be met by the establishment of an onsite Category I Easement at the Manor Care site and also by the purchase of equivalent credits in an offsite forest conservation bank.

f. provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and Site amenities;

The Project provides adequate, safe, and efficient parking and circulation patterns, building massing, open spaces and Site amenities. The building locations and overall site design proposed in the Application, including the proposed open spaces, circulation systems and landscaping, will be adequate, safe and efficient. As noted above, the majority of the parking provided for the Project is located internal to the buildings and screened from view. The circulation patterns to the parking and around the site are logical and safe, and open spaces and amenities are located in highly visible locations easily accessed by pedestrians and cyclists. Finally, building massing is arranged on the site so as to provide an appropriate street edge along Westbard Avenue, as envisioned by the Sector Plan, while stepping down in height to the west to ensure maximum compatibility. Overall, the proposed development will provide a high degree of safety, convenience, and amenity for site residents, as well as for area residents generally.

g. substantially conforms with the recommendations of the applicable master Plan and any guidelines approved by the Planning Board that implement the applicable Plan;

The Site Plan Property is within the boundaries of the 2016 *Westbard Sector Plan*. The general goals of the Sector Plan are to provide land use, zoning and urban design recommendations that will incentivize property owners to make investments and improve the quality of life in Westbard. The Sector Plan provided specific recommendations for the development of the Site Plan Property, which incorporates the following provisions:

Westwood Shopping Center (CRT2.0, CO.75 R1.75, H60)

The Plan recommends a maximum building height of 60 feet which is on the western side of Westbard Avenue. The Plan vision was for a mix of commercial and residential uses specifically to revitalize the

aging shopping center. Residential uses do not currently exist on this portion of the Property. The Site Plan proposes the creation of a significant new mixed-use development offering residents a range of retail, office and housing options. The Site Plan proposes two buildings, a Multi-Family Building with retail on the ground floor and a Commercial Building with fronts onto Westbard Avenue served by an internal loop road that provides access to both these buildings as well as the proposed townhouses on the portion of the Westwood Shopping Center adjacent to the existing Kenwood Place garden apartments. The Site Plan proposes building heights of up to 60 feet, an appropriate scale given the proximity to the adjacent garden apartments. The Project's scale will provide a sense of enclosure along Westbard Avenue and will indicate that the section of Westbard Avenue between Ridgefield Road and Westbard Circle is a distinct and identifiable Center.

The Site Plan substantially conforms to the Sector Plan's specific guidance for the Property as well as its area-wide planning goals. One of the Sector Plan goals includes "designing mixed-use buildings that offer residents a range of retail, office and housing options," (Sector Plan, page 8) which the Application achieves. The Sector Plan also places special emphasis on the need for affordable housing within the Sector Plan area, and the Application will contribute to this objective by providing additional MPDU units in the planning area. Regarding the Site Plan Property in particular, the Sector Plan calls for "dividing the existing super-block composed of the Westwood Shopping center (parcels 235 and 360) and associated large surface parking lots (approximately 11 acres) into smaller streets and blocks with ground floor, street-facing retail and residential and community uses." (Sector Plan, page 74). The Project conforms to this recommendation, proposing the division of the Property into two blocks, with street-facing retail and various residential uses.

The provision of open and recreational space and improvement of connectivity are major themes of the Sector Plan, which calls for "Adding a network of green open spaces connected by trails and bikeways that provide places for outdoor recreation, gathering and relaxation" (Sector Plan, page 8). The Sector Plan recommends that the site include a Public Open Space, to be approximately 1/3-acre in size, which will be privately owned and maintained. The Sector Plan recommends this civic green as a central, green, gathering space, to be built, owned and maintained by the Applicant. The vision for this space is a formally planned, flexible, programmable open space that provides a place for informal gathering, quiet contemplation or large special event gatherings. It should support community activities, including open air markets, concerts, festivals and special events, but will not be used for programmed recreational purpose. This planned, flexible, and programmable open space should serve as a gathering place for existing as well as new residents and should have the amenities necessary to make it an appealing destination for the entire community. The project includes the Willett Branch Greenway, Springfield Neighborhood Green Urban Park, and the Westbard Central Civic Green, all key recommendations in the *Westbard Sector Plan*.

The Sector Plan recommends the creation of a neighborhood park, no less than 1/3 acre in size, on the north side of the Property, adjacent to the Westbard Avenue and Ridgefield Road intersection. The Westbard Sector Plan envisions the Springfield Neighborhood Green Urban Park as an open space that will primarily serve the residents and workers from the surrounding neighborhood or district. It may be designed for more activity than an urban buffer park. It may be designed for more activity than an urban buffer park. The purpose of this park is to provide a needed transition between the planned Westwood Center development and the Springfield neighborhood and is recommended for the north side of the shopping center area (Lot 5, Block A). This park is essential to the community in that it will provide space for facilities needed inside the sector, such as a playground, a community open space, and shaded seating. The park will establish a place for informal gathering, lunchtime relaxation or small special event gatherings. The Site Plan proposes a neighborhood park, proposed at 1/2 acre in size, on the north side of the Property, adjacent to the intersection of Westbard Avenue and Ridgefield Road. The Applicant has

worked with Park and Planning staff on the design of this park. The Springfield Neighborhood Green Urban Park will include a green open lawn space for flexible uses, play areas for a variety of ages, walking paths, a shade structure with seating, benches and landscaping. It may include an additional facility such as community garden space. As conditioned, the preferred location of the Park is Lot 5, Block A, Westwood Shopping Center. If the land at Lot 5, Block A cannot be conveyed in a manner acceptable to M-NCPPC, the Applicant must provide an alternative park location, to be located either at Lot 1, Block H (Westwood II), Lot 1, Block B (Parking Lot 1), Lot 3, Block B (Bowlmor) subject to approval and acceptance by M-NCPPC Staff. Location and design of the alternative park must be approved by M-NCPPC prior to Certified Site Plan and must be of comparable size and contain equivalent amenities as those shown for the park on Lot 5, Block A. If the Park is not provided at Lot 5, Block A, Lot 5 Block A could be redeveloped with non-residential uses, subject to the Adequate Public Facilities impact evaluated as part of Preliminary Plan No. 120170170 and the Applicant will be required to submit a Preliminary Plan Amendment and Site Plan Amendment to address the alternative condition.

The Sector Plan contains several recommendations to preserve, restore and enhance particular environmental features while minimizing the impact of future development including the naturalization of the Willett Branch as discussed above; adding to the almost non-existent SWM facilities, and reducing the heat island effect by meeting tree canopy goals and promoting green roofs. The environmental features of the Site Plan promote these objectives. Specifically, the Sector Plan recommends the establishment of “a minimum 50 percent canopy cover for all roads, on-street parking and ground level parking lots” (Sector Plan, page 76). As shown on the Tree Canopy exhibit included with the Site Plan Application, the Project will achieve a minimum of 50 percent canopy cover over the roads and on-street parking internal to the Project. The Sector Plan also makes a specific recommendation to reduce impervious surface parking areas, which the Project will achieve through replacement of acres of existing surface parking with the proposed redevelopment.

With regard to stormwater, the Sector Plan acknowledges that much of the existing development in Westbard was completed prior to stormwater regulations and that projects will be subjected to the current County and State regulations as redevelopment occurs. To maximize the benefits of upgraded stormwater management, the Sector Plan also recommends that “SWM treatment should be done on-site wherever feasible, and the use of waivers should be limited” (Sector Plan, page 58). These objectives are achieved with the proposed redevelopment, which will treat 100 percent of the stormwater from the Project on-site without the need for waivers. With regard to Westwood Shopping Center Site Plan in particular, the Sector Plan also recommends that any future redevelopment of that property “address the currently unmitigated storm flows that drain from the Kenwood Place condominium into the Giant Food site (parcels 235 and 360) by installing stormwater buffer strips along and within the perimeter of the Westwood Shopping Center site” (Sector Plan, page 76). The Site Plan moves the townhouse units proposed along the property line shared with Kenwood further east to accommodate a buffer between the units and the property line to assist in the collection of stormwater. In accordance with the Sector Plan’s recommendation, the storm flows from Kenwood Place will be collected in a swale along the joint property line and directed to stormwater facilities or to the receiving storm drain system.

With regard to tree and forest preservation, in addition to more general recommendations, the Sector Plan recommends that “any redevelopment should make efforts to preserve the large trees along the entrance driveway to the Kenwood Place Condominium and the property boundary between the condominium and Westwood Shopping Center” (Sector Plan, page 76). As shown on the Final Forest Conservation Plan included with the Site Plan Application, these large trees are preserved and, where practicable, the smaller trees along the Kenwood driveway are also preserved, as shown on the current layout.

The Sector Plan recommends improvement of Westbard Avenue as a multi-modal road, with wide sidewalks, street trees, off-street cycle tracks, off-peak, on-street parking and a planted median with pedestrian refuge. The Sector Plan also recommends the creation of a grid of streets on the site of the Westwood Shopping Center. This grid will facilitate the creation of short blocks, sidewalks for walking, shopping and outdoor dining while also providing to canopy and SWM features in the roadways (per the Sector Plans recommendations). In furtherance of these objectives, the Site Plan proposes significant streetscape improvements along the Property's frontage that will include areas for cars, pedestrians and bicycles, and create a welcoming pedestrian area along Westbard Avenue, with the possibility of outdoor dining. The Applicant has proposed a network of streets consistent with the Sector Plan goals. The Sector Plan also calls for a "transit hub" on or near the Westwood Shopping Center site that is to include space for "a bikeshare station" and a "real-time information display for transit service should be incorporated into the transit hub" (Sector Plan, page 44). As part of the Site Plan, a transit hub is shown along Westbard Avenue proximate to the office entrance for the Commercial Building. This hub will feature a new bus shelter with a real-time information display, as well as a bikeshare station, in conformance with the Sector Plan recommendations.

To acknowledge the history of the Westbard area, the Sector Plan also recommends that projects "Use building materials for new construction that have significance to the area and, if they are unavailable, use similar substitutes" (Sector Plan, page 63). The Sector Plan specifically recognizes "brick and Stoneyhurst stone," "Indiana limestone," and "Westbard granite" as such significant materials. Because the procurement of these materials is difficult and will be uncertain throughout the life of the Project, the townhomes will be designed using materials that are compatible in appearance, size and shape. The primary exterior material of the front of the townhouses units will be brick veneer with pre-cast banding and accents, both reflective of the history of the Westbard area. The remainder of the Project will also be predominantly masonry, with brick heavily utilized on both the Multi-Family and Commercial Buildings. Additionally, the small retail kiosk in the Civic Green will heavily feature a stone exterior, reminiscent of the history of the area. Both the Multi-Family and Commercial Buildings will also include masonry detailing common to local historic examples.

The Sector Plan also states that "historically-oriented interpretive signage, markers and commemorative art" should be incorporated throughout the Sector Plan area and that developers should coordinate the content and location of such signage, markers and art with the County Historic Preservation Office (Sector Plan, pages 63-64). In conformance with the Sector Plan, as conditioned, the Applicant will coordinate with the M-NCPPC Historic Preservation staff to ensure these recommendations are addressed prior to Certified Site Plan.

The Sector Plan's recommended "enhancing Westbard's community character and identity" through placemaking (Sector Plan, page 54). The Site Plan includes significant and attractive open spaces framed by buildings with materials echoing the area's history, and activated streets featuring wide sidewalks, outdoor seating, and significant landscaping and tree canopy.

The Site Plan conforms to the recommendations of the Sector Plan.

- h. will be served by adequate public services and facilities including police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

As discussed in the Preliminary Plan No. 120170170 findings, the proposed development in the Site Plan will be served by adequate public facilities, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. The Property is also situated in the Whitman School Cluster. Pursuant to both the FY18 and FY19 Annual School Test, the Whitman Cluster, as well as the individual school test for Wood Acres Elementary School and Pyle Middle School, are adequate under applicable capacity criterion. Water and sewer and other utilities are available to and currently serve the Property. The Property is adequately served by public water and sewer as well as police and fire protection.

- i. *on a Property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The Subject Property is not located in a Rural Residential or Residential zone.

- j. *on a Property in all other zones, is compatible with existing and approved or pending adjacent development.*

The Site Plan is compatible with existing and proposed adjacent development. The buildings included in the Application have been carefully designed and situated on the Property to be compatible and in scale with the existing and future surrounding uses. The Multi-Family and Commercial Buildings front onto Westbard Avenue, across from which are existing multi-family and commercial uses. The Commercial Building steps down to the west to provide an appropriate transition to the adjacent proposed townhomes, and the Project transitions to single-family residential on the west side to provide a compatible relationship with the adjacent Kenwood Place condominium project.

- 3. *To approve a Site Plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to 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 general neighborhood.*

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

- 4. *For a Property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

Not applicable, the Subject Property is not zoned C-1 or C-2.

SECTION 7: CONCLUSION

The Preliminary Plan application satisfies the findings of the Subdivision Regulations and substantially conforms to the recommendations of the *Westbard Sector Plan*. Access and public facilities will be adequate to serve the proposed lot, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Plan. Therefore, Staff recommends approval of the Preliminary Plan No. 120170170 with the conditions specified at the beginning of this report.

The Site Plan application complies with the general requirements and development standards of Section 4.5 and the general development requirements of Article 59-6 of the Zoning Ordinance. The Project substantially

conforms with the goals and recommendations of the *Westbard Sector Plan*. Therefore, Staff recommends approval of Site Plan No. 820180190 with the conditions specified at the beginning of this report.

ATTACHMENTS

- A. Meeting List
- B. Citizen Correspondence
- C. Forest Conservation Tree Variance Request
- D. Agency Letters