

## Westwood Shopping Center Preliminary Plan Amendment No. 12017017A and Kensington of Bethesda Senior Living Site Plan No. 820200200

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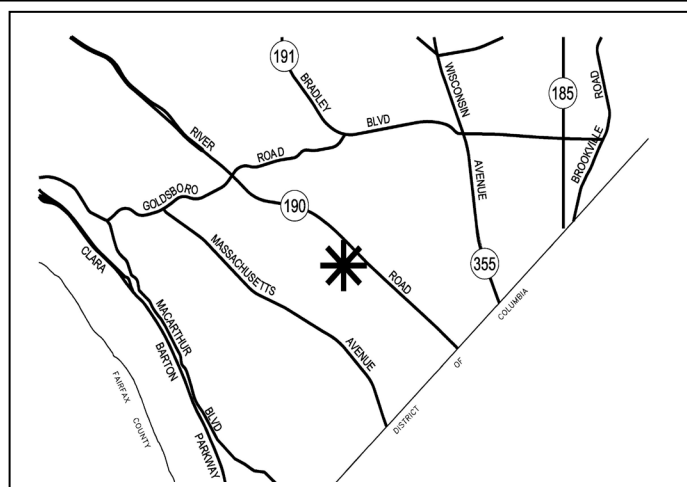
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### Description

Completed: 12.4.20

- Preliminary Plan Amendment: Modify the previously approved site access concept by adding a new access point on the future Westbard Avenue Realignment for loading and service vehicles and modify the density to permit a residential care facility.
- Site Plan: Implement a portion of the Phase II development associated with Preliminary Plan 12017017A, as amended, by constructing a 106,000 square foot residential care facility, with up to 155 beds, measuring up to 75 feet in height on Lot 1 Block H, "Westwood II Shopping Center," and a parking waiver to exceed the maximum number of spaces.
- Current use: commercial uses and associated surface and structured parking
- Located on Ridgely Road between River Road and Westbard Avenue
- Preliminary Plan Amendment: 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: 133,000 square feet (3.05 ac) tract; zoned CRT 1.5 C 0.5 R1.5, H75'
- 2016 *Westbard Sector Plan*
- Applicant: Regency Kensington Bethesda Owner, LLC.
- Application Acceptance: June 17, 2020



### Summary

- Staff recommends approval of the Preliminary Plan Amendment and Site Plan, with conditions, in accordance with the CRT zone Standard Method of Development.
- In accordance with Section 59.7.3.4.C of the Zoning Ordinance, the Site Plan received one Planning Board extension to the public hearing date, from October 15, 2020, through January 14, 2021.
- The Application includes a parking waiver to exceed the maximum number of parking spaces.
- The Application includes a modification to Section 59.4.5.3.C.5 of the Zoning Ordinance for the proposed building transparency and entrance spacing and seeks Alternative Compliance for entry lighting.
- Staff received correspondence from community groups and citizens. Copies of the correspondence are attached and discussed herein.

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## SECTION 1: EXECUTIVE SUMMARY

Regency Kensington Bethesda Owner, LLC. (the Applicant) requests approval of Preliminary Plan Amendment No. 12017017A and Site Plan No. 820200200 (collectively, the Applications) to implement the first portion of Phase II development envisioned under Preliminary Plan No. 120170170. The Subject Applications build on the previously approved Phase I Site Plan for the Westwood Shopping Center, allow redevelopment following the master plan recommended realignment of Westbard Avenue, and accelerate the conveyance of parkland to M-NCPPC for the future Willett Branch Greenway.



Figure 1 – Overall Preliminary Plan Limits

### The Subject Application

Preliminary Plan Amendment No. 12017017A is necessary to amend the approved site access concept for the Westwood II Shopping Center Site by adding a new vehicular access point for loading and service vehicles and modify the previously approved residential density to permit a residential care facility of up to 155 beds. Formerly, this Site had one point of vehicular access and approval to construct up to 144 multifamily dwelling units with up to 138,136 square feet of gross floor area, pending approval of the density averaging provisions of the Zoning Ordinance at Site Plan (not sought through the Subject Application).

Site Plan No. 820200200 proposes a new residential care facility with up to 155 beds (up to 106,000 square feet of gross floor area) in a building of up to 75 feet in height on the site of the Westwood II Shopping Center, located on Ridgefield Road between River Road and Westbard Avenue.

### Previous Approvals

The Applicant received approval of Preliminary Plan No. 120170170 and Site Plan No. 820180190 through MCPB Resolution Nos. 19-032 and MCPB Resolution No. 19-032, dated May 6, 2019. These approvals govern

redevelopment along Westbard Avenue on a tract of approximately 23 acres and a Phase I site area (Westwood Shopping Center) of approximately 12.4 acres. An illustrative rendering of the Phase I Site Plan is shown in Figure 2, below. The Preliminary Plan approval also identified phasing under which each portion of the Preliminary Plan would be approved under its own Site Plan application. Although specific timing mechanisms were conditioned by the Planning Board to ensure timely delivery of public amenities associated with the previous approvals, the phasing could take place in any order, either sequentially or simultaneously. The Subject Applications do not substantially alter these previous approvals.



Figure 2 – Westwood Shopping Center (Phase I) Rendered Site Plan 820180190

As a result of the Subject Application, the maximum density permitted under Preliminary Plan 12017017A, as amended, remains up to 852,915 square feet comprised of up to up to 647,378 square feet of residential uses, as previously approved 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). The residential density is modified through the Subject Application to consist of up to 104 townhomes, up to 266 multifamily dwelling units (MFDUs), and up to a 106,000 square foot (155-bed) residential care facility). After considering the maximum development densities approved through Site Plan Nos. 820180190 and 820200200 (the Subject Application), a maximum of 177,086 square feet comprised of up to 5,000 square feet of commercial and up to 172,086 square feet (up to 34 townhomes and up to 66 multifamily units) will be the subject of future site plan(s). A summary of the overall project density, as amended, is presented in Table 1, below.

<b>Table 1: Westwood Shopping Center Development Density</b>					
<b>Phase</b>	<b>Site</b>	<b>Preliminary Plan Approval (As Amended)</b>		<b>Site Plan Approval(s)</b>	
		<b>Square Footage</b>	<b>Dwelling Units</b>	<b>Square Footage</b>	<b>Dwelling Units</b>
<b>Overall Approval</b>	Commercial	205,537 SF <sup>1</sup>	--	--	--
	Residential	647,378 SF	104 THDUs 266 <sup>2</sup> MFDUs 155 Beds <sup>3</sup>		
	<b>Total</b>	<b>852,915 SF</b>	--		
<b>Existing to Remain</b>	<b>Bowlmor</b>				
	Commercial	29,305 SF	--	--	--
	Residential	0 SF			
	<b>Total</b>	<b>29,305 SF</b>			
<b>Phase I 820180190</b>	<b>Westwood Shopping Center</b>				
	Commercial (FAR)	--	--	171,232 SF (0.31)	--
	Residential (FAR)			369,292 SF (0.68)	70 THDUs 200 MFDUs
	<b>Total</b>			<b>540,524 SF (1.0)</b>	--
<b>Phase II - A 820200200</b>	<b>Westwood II Shopping Center</b>				
	Commercial (FAR)	--	--	0 SF (0.00)	--
	Residential (FAR)			106,000 SF (0.80)	155 Beds
	<b>Total</b>			<b>106,000 SF (0.80)</b>	--
<b>Total</b>	Commercial			171,232 SF	--
	Residential	--		475,292 SF	70 THDUs 200 MFDUs 155 Beds
	<b>Total</b>			<b>646,524 SF</b>	--
<b>Future</b>	<b>Remaining Sites</b>				
	Commercial	5,000 SF	--	--	--
	Residential	172,086 SF	34 THDUs 66 MFDUs 0 Beds		
	<b>Total</b>	<b>177,086 SF</b>	--		

<sup>1</sup> Including 29,305 SF of existing commercial uses to remain on the Bowlmor site.

<sup>2</sup> Preliminary Plan 12017017A converted 144 multifamily dwelling units to a residential care facility of up to 155 beds.

<sup>3</sup> Residential Care Facility

In addition to these prior regulatory approvals, the Planning Board recommended approval of Right-of-Way Abandonment petition No. AB-773, for portions of Westbard Avenue and Ridgefield Road, on November 19, 2020. As of the date of this Staff Report, a virtual public hearing is scheduled for December 15, 2020 before the Hearing Examiner. The Subject Applications, in conjunction with AB-773, are major milestones toward the Sector Plan recommended Westbard Avenue realignment.

### Community Correspondence

Staff received numerous letters from the community raising concerns about elements of the Subject Application, such as architecture and site design, transportation, and the relationship between the Subject Applications and future development of the Willett Branch Greenway. These concerns are addressed in the Staff Report and included in Attachment C.

## SECTION 2: RECOMMENDATION AND CONDITIONS

### PRELIMINARY PLAN AMENDMENT NO. 12017017A

Staff recommends approval of Preliminary Plan Amendment 12017017A, to amend the approved site access concept by adding a new vehicular access point for loading and service vehicles and modify the previously approved residential density to permit a residential care facility. 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. Except as amended by the conditions below, the conditions approved under Preliminary Plan 120170170, remain valid and in full effect.

1. Original Condition No. 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).

1. Revised Condition No. 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 410 266~~ multifamily dwelling units and a residential care facility of up to 106,000 square feet with up to 155 beds) 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).

4. Original Condition No. 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.

4. Revised Condition No. 4

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated March 4, 2019 and October 26, 2020, 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~~s~~, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

33. Original Condition No. 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.

33. Revised Condition No. 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, as amended, approved by the Planning Board.
- g. Include the Preliminary Plan resolution on the cover sheet(s).



## **SITE PLAN No. 820200200**

Staff recommends approval of Site Plan 820200200. 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.

1. Preliminary Plan

The Applicant must comply with the conditions of approval associated with Preliminary Plan 12017017A, as amended.

2. Density

The Site Plan is limited to a maximum of 106,000 square feet of total development on the Subject Property for a residential care facility of up to 155 beds.

3. Height

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

## **Site Plan**

4. Site Design

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

5. 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 on-site 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 on-site down-lights must have full cut-off or BUG-equivalent fixtures.
- c. Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- d. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way and the areas around the entrances approved through the Alternative Compliance provisions of Section 59.6.8.1 of the Zoning Ordinance.
- 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, the light pole height must not exceed the height illustrated on the Certified Site Plan.

## **Forest Conservation & Tree Save**

6. Prior to certification of Site Plan 820200200, 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 property, on- and off-site Limits of Disturbance (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. Rectify inconsistencies between plan graphics/notes/ figures/tables.
  - d. Revise the forest conservation worksheet to address the following:
    - i. Reflect the acreage for the subject properties and any off-site LOD;
    - ii. Demonstrate for Staff review and approval any plantings to be applied for landscape credit.
7. 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.
  8. 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.
  9. Noise Attenuation
    - a. Before issuance of the any building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatment that:
    - b. The building shell for residential dwelling units affected by exterior noise levels projected above 65 dBA Ldn will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
    - c. If the plan changes in any manner that affects the validity of the noise analysis dated October 31, 2018 for acoustical certifications and noise attenuation features, the Applicant must conduct a new noise analysis to reflect the revised plans, and new noise attenuation features may be required.
    - d. Before issuance of Use and Occupancy Certificate for noise impacted units, the Applicant must certify that the noise impacted units have been constructed in accordance with the certification of an engineer that specializes in acoustical treatments.
  10. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated July 24, 2020 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**

11. Department of Permitting Services-Right-of-Way

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated September 24, 2020 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.
12. Fire and Rescue

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated August 18, 2020, 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.

**13. Pedestrian & Bicycle Circulation**

- a. The Applicant must provide a minimum of 8 long-term and 2 short-term bicycle parking spaces for the residential care facility.
- b. The long-term spaces must be internal to the building, 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.
- c. The Applicant must construct streetscape improvements, as shown on the Certified Site Plan, unless said improvements are to be completed by others in accordance with the Certified Preliminary Plan 12017017A, as amended.

**M-NCPPC Department of Parks**

**14. Prior to issuance of the final Use and Occupancy Certificate on Lot 1 Block H (the Subject Property), the Applicant must complete improvements to Lot 2 Block H (the Willett Branch parkland conveyance), as specified below, and convey fee simple ownership of Lot 2, Block H to M-NCPPC.**

- a. Improvements to Lot 2, Block H include the removal of the existing concrete retaining wall supporting the existing parking lot, pavement, curb and gutter, sight lighting, debris, contamination, and invasive species from Lot 2 Block H, and scarify and amend topsoil to provide a stabilized vegetated condition with an approved native seed mix.
- b. The Applicant must obtain a Park Construction Permit prior to any work on either existing parkland or land to be conveyed to the Parks Department.
- c. At the time of Park Construction Permit review, the final details of grading, easements, maintenance access, limits of disturbance, and tree removals, must be approved by Parks Department staff. Details may be revised without the need for a Site Plan Amendment.
- d. If applicable, the Applicant must comply with Bill 24-17 and Subdivision Regulation Amendment 17-01 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.

**15. Site Plan Surety and Maintenance Agreement**

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

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, 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 and street lights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion

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

16. 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.

17. Certified Site Plan

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

- a. Include agency approval letters, the development program, approved loading management plan, and applicable resolutions on the cover sheet(s);
- b. Submit for approval by M-NCPPC Montgomery Parks Staff a detailed grading plan for Lot 2, Block H, that:
  - i. shows that slopes that shall not exceed 2:1;
  - ii. shows the limits of disturbance associated with demolition, site clean-up, grading, and stabilization;
  - iii. includes grading that extends from the Willett Branch channel edge to the Lot lines (elevation 236', as depicted on Sheet SP-101, the "Site Grading & Utility Plan," dated September 14, 2020);
  - iv. shows building footers, located directly adjacent to the Lot 2 property line, will reach an elevation of 232.5', as depicted on Sheet SP-101, the "Site Grading & Utility Plan," dated September 14, 2020.
- c. Submit for approval by M-NCPPC a Loading Management Plan that addresses on-site loading operations from Westbard Avenue, including delivery times, travel routes, and measures to minimize disruption of the public right-of-way. At a minimum, the Loading Management Plan must minimize on-site loading operations from Westbard Avenue during the weekday peak periods (6:30-9:30 AM and 4:00-7:00 PM), communicate and enforce travel routes that bring trucks to the site via Westbard Avenue northbound by way of Massachusetts Avenue, and designate an on-site loading manager responsible for scheduling deliveries and addressing issues related to loading operations.

### SECTION 3: SITE DESCRIPTION

#### Site Vicinity and Analysis

The limits of the original Preliminary Plan, designated 120170170, comprise several properties on Westbard Avenue, including the Westwood Shopping Center, Manor Care, Westwood II Shopping Center, Parking Lot 1, Parking Lot 2, and Bowlmor.

The limits of Preliminary Plan Amendment No. 12017017A and Site Plan No. 820200200 (“Subject Property” or “Property”) are bounded on the north by Ridgefield Road (future Westbard Avenue Realignment<sup>1</sup>), to the east by River Road, and to the west by present-day Westbard Avenue. The Site is currently improved as the Westwood II Shopping Center commercial building.

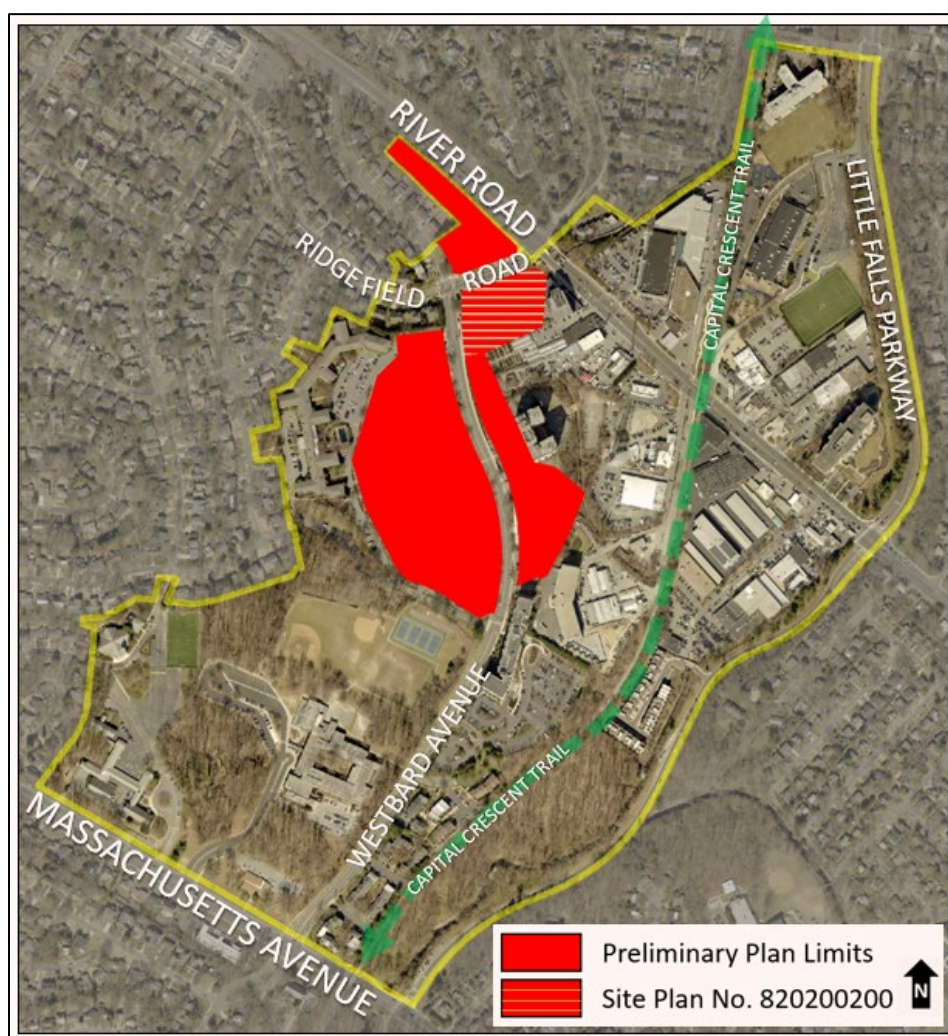


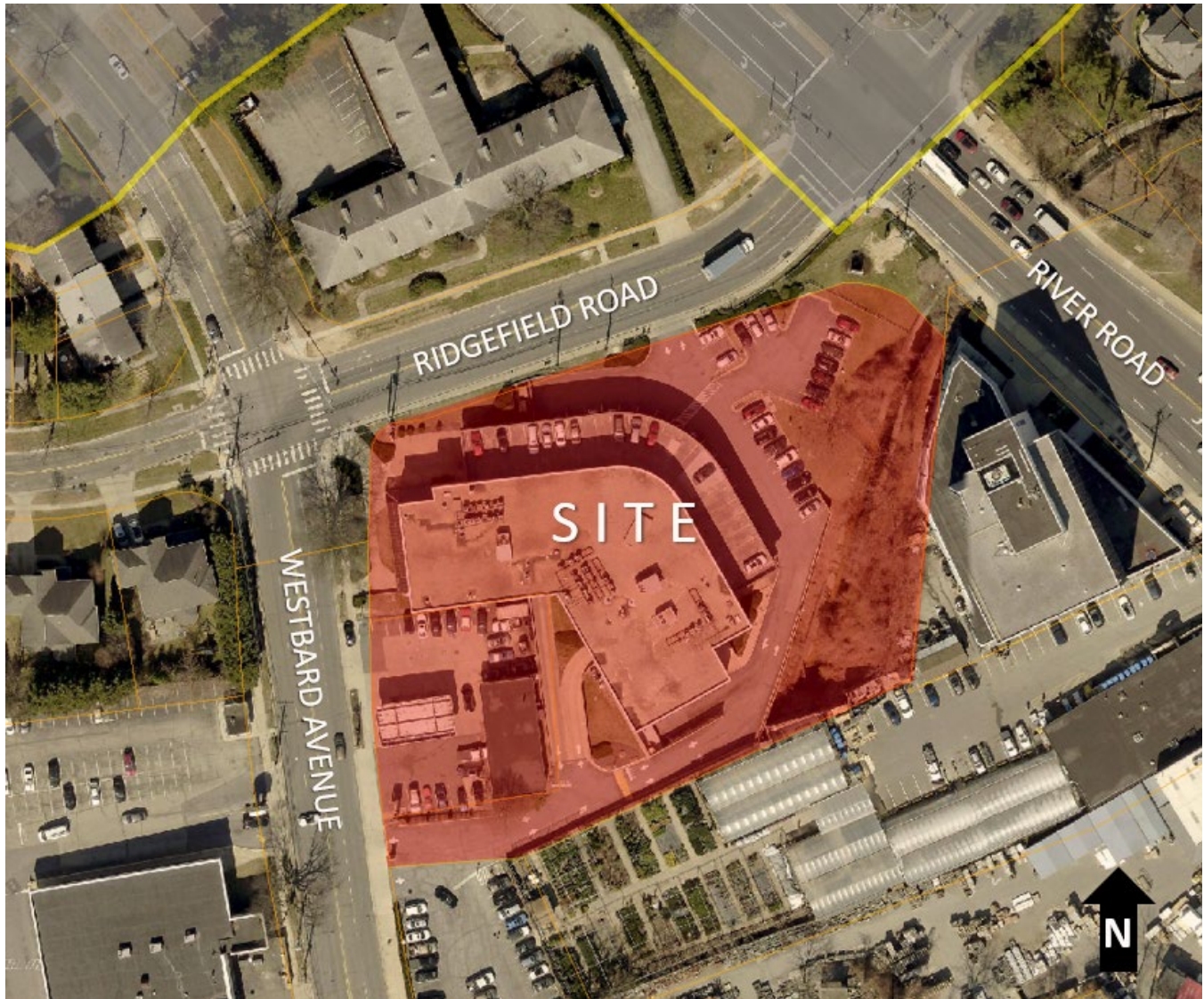
Figure 3 – Preliminary Plan Vicinity Map

The vacant Manor Care property, subject to the common Preliminary Plan No. 120170170 approval (MCPB Resolution No. 19-032, dated May 6, 2019), and the Springfield residential community lie to the northwest of the

<sup>1</sup> The Westbard Avenue realignment is currently in the design phase and is anticipated to be completed prior to, or in conjunction with, development proposed through the Subject Application on Lot 1 Block H.



Site, across Ridgefield Road. Single-family detached residential uses dominate the development pattern to the north, west, and east, while commercial and mixed-use development comprises the majority of the Westbard Avenue corridor to the south. Westwood Shopping Center, to the southwest of the Site, across Westbard Avenue, will be the subject of future redevelopment in accordance with Site Plan No. 820180190 (MCPB Resolution No. 19-032, dated May 6, 2019).



*Figure 4 – Preliminary Plan Amendment and Site Plan Vicinity Map*

The Subject Property is comprised of Lot 3 Block H, as recorded on Plat 10150, dated 1971, and Part of Parcel B, as recorded on Plat 4456, dated 1956. The Site is currently in the process of being re-platted as Lot 1 Block H, (a 0.74-acre developable lot), and Lot 2 Block H, a 0.64-acre parkland conveyance toward the future Willett Branch Greenway, pursuant to Preliminary Plan No. 120170170 (Figure 5). The Subject Property is within the 2016 *Westbard Sector Plan* (Sector Plan) and is zoned CRT 1.5 C 0.5 R 1.5, H75'.

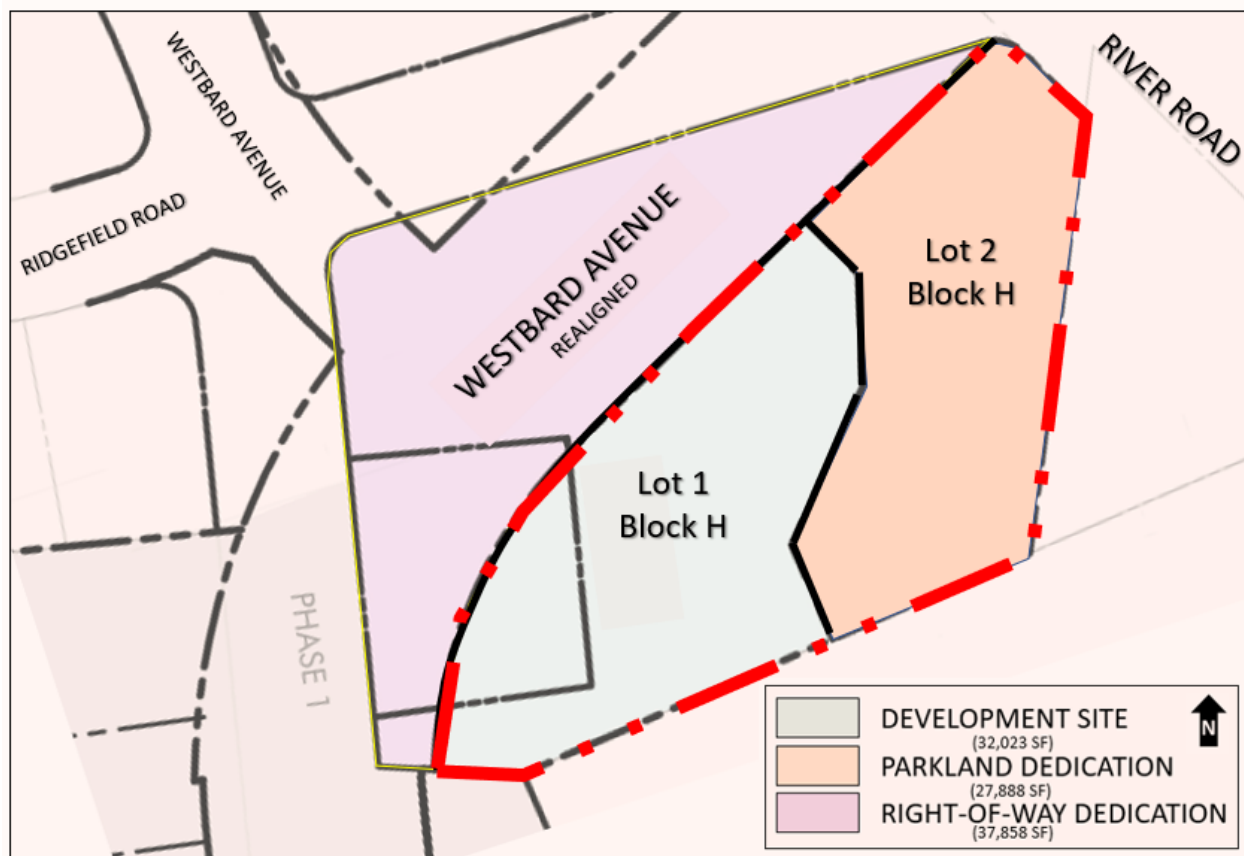


Figure 5 – Lotting Diagram

#### Site Analysis

The original Preliminary Plan has a site area of approximately 863,414 square feet or 19.82 acres. Including prior dedications, the Preliminary Plan Property has a total tract area of approximately 1,008,486 square feet or 23.15 acres. The Site Plan Property, currently the site of the Westwood II Shopping Center commercial building, has a Site Area of approximately 32,264 square feet or 0.74 acres (Lot 1 Block H). Including prior dedications, the Site Plan Property has a tract area of approximately 133,000 square feet or 3.05 acres. In addition to the Westwood II Shopping Center commercial building site, the Tract Area includes 27,888 square feet or 0.64 acres of land to be conveyed to M-NCPPC as part of the future Willett Branch Greenway and 37,858 square feet or 0.87 acres of right-of-way dedication to the realignment of Westbard Avenue.

The Westwood II Shopping Center site contains an existing two-story commercial building and associated parking contained in a surface parking lot and structured parking within the existing building. The Site is bisected by the Willett Branch, a channelized, highly degraded stream originating in downtown Bethesda and flowing in and out of piped culverts along its course. The stream runs through the Site before joining the Little Falls stream, just south of the Site and approximately two miles upstream from the Potomac River. The Willett Branch is a characterized as a Use Class I-P<sup>1</sup> stream that will be the subject of future improvements and naturalization by the M-NCPPC Parks Department.

<sup>1</sup> Use Class 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 Approvals

### Sketch Plan 320170010: Westwood Shopping Center

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. This approval was abandoned in January 2018.

### Preliminary Plan 120170170: Westwood Shopping Center

On March 14, 2019, the Planning Board held a public hearing and approved Preliminary Plan No. 120170170 by Resolution No. 19-032, dated May 6, 2019, for a Standard Method development of up 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) on approximately 23 acres of land.

### Site Plan 820180190: Phase I – Westwood Shopping Center

Concurrent with Preliminary Plan No. 120170170, on March 14, 2019, the Planning Board held a public hearing and approved Site Plan No. 820180190 by Resolution No. 19-033, dated May 6, 2019, for a Standard Method development of up to 540,524 square feet of total development, including up to 369,292 square feet of residential uses on approximately 12.4 acres of land (the “Westwood Shopping Center”).

### Right-of-Way Abandonment No. AB-773

Equity One (Northeast Portfolio), LLC, Applicant for the overall Preliminary Plan 120170170 and Phase I Site Plan No. 820180190, submitted Right-of-Way Abandonment Petition No. AB-773 in accordance with Section 49-62(g) of the County Code. The Petition requested abandonment of portions of Westbard Avenue and Ridgefield Road that will no longer be necessary for public use as right-of-way following realignment of Westbard Avenue. Submittal of this abandonment petition fulfilled Preliminary Plan No. 120170170 Condition No. 18, which stated,

18. *“Prior to Use and Occupancy Certificate for the [Phase I] Commercial Building, the Applicant must file for abandonment of portions of Ridgefield Road and Westbard Avenue.”*

Abandonment Petition AB-773 was endorsed by the Planning Board at its regular meeting on November 19, 2020 and, as of the date of this Staff Report, a virtual public hearing is scheduled for December 15, 2020 before the Hearing Examiner.



## SECTION 4: PROJECT DESCRIPTION

### Proposal

The Subject Preliminary Plan Amendment and Site Plan applications are consistent with the previously approved phasing envisioned as part of Preliminary Plan 120170170. This Site Plan Application comprises a portion of the Phase II development that was approved by the original Preliminary Plan and subject to a future Site Plan (the Subject Application). Improvements to the Subject Property contribute to the realization of both the Westbard Avenue realignment, the Willett Branch Greenway, and are within the land use density recommended by the *Westbard Sector Plan*.

### Preliminary Plan Amendment No. 12017017A

The Preliminary Plan Amendment proposes to modify the previously approved site access point on Lot 1 Block H by adding a second point of access on the future Westbard Avenue Realignment for loading and service vehicles (Figure 6). The Preliminary Plan Amendment also modifies the land use density on Lot 1 Block H to reduce the previously approved 410 multifamily dwelling units, by 144 multifamily units, in favor of a 106,000 square foot residential care facility for up to 155 beds. As a result, the revised overall density for the Preliminary Plan, as amended, will be 852,915 square feet, including up to 647,378 square feet of residential uses (up to 104 townhomes, up to 266 multifamily dwelling units, and up to 106,000 square foot residential care facility with up to 155 beds) 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). Aside from these minor modifications, there are no other changes to the previously approved Preliminary Plan.

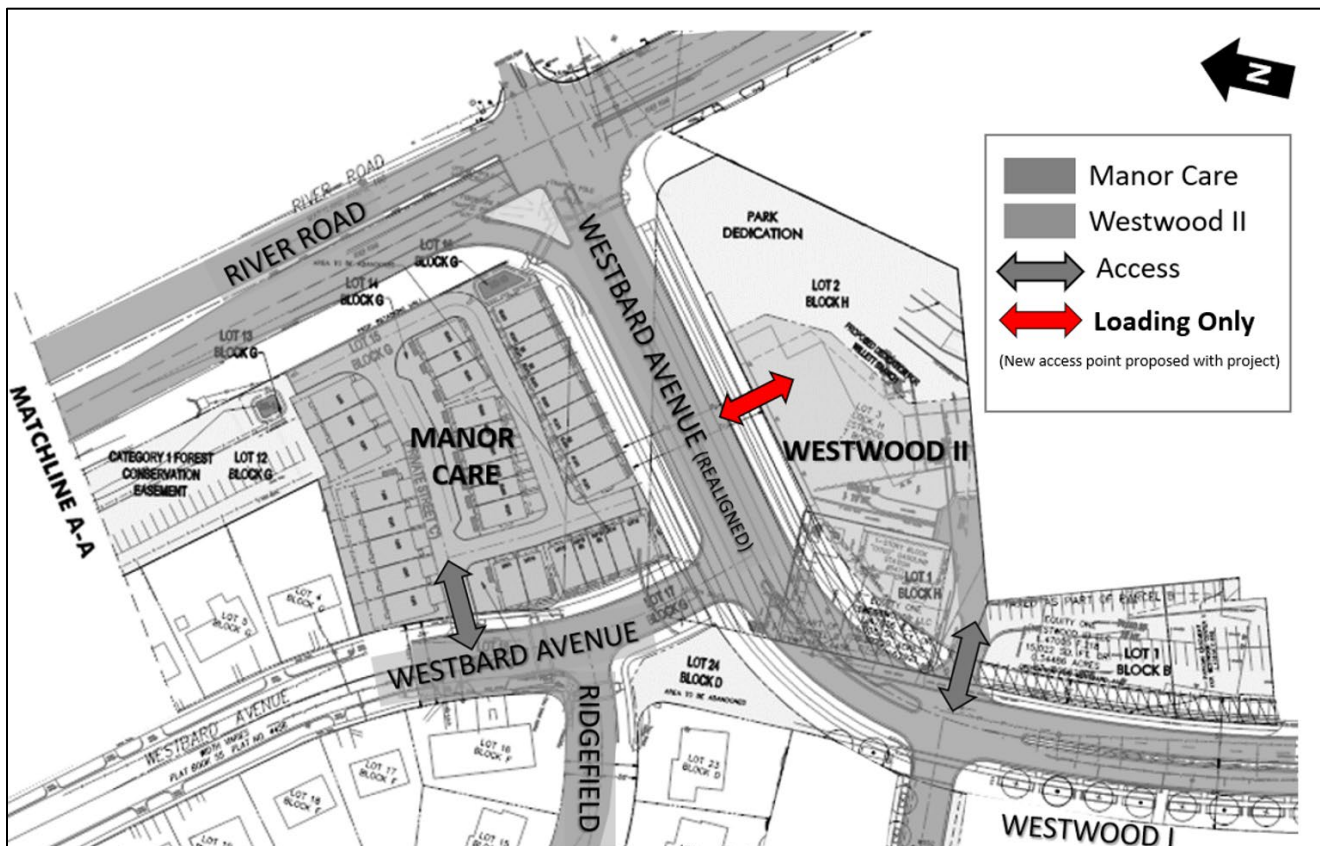


Figure 6 – Preliminary Plan Amendment  
Phase II Access Modifications

Site Plan No. 820200200

The Site Plan application proposes a new 106,000 square foot residential care facility, with up to 155 beds, measuring up to 75 feet in height. As proposed through the Subject Application, the Project represents a reduction in overall project density, from the previously approved 144 multifamily dwelling units on the Subject Property. This reduction in the previously approved density for the Site has a corresponding decrease in its impacts to adequate public facilities and adequate public facilities capacity exists to serve the Project.



*Figure 7 – Rendered Site Plan*

The proposed building will have a maximum height of 75 feet in accordance with the zone. The building has been carefully designed and situated on the Property to be compatible and in scale with both the existing and future surrounding uses, including the future Willett Branch Greenway. The building fronts onto the realigned Westbard Avenue at a major gateway into the redeveloped Westbard Avenue District.

At the street level, the building is adjacent to the sidewalk and provides architectural detail to enhance the pedestrian experience. Upper floors include architectural features, such as pergolas and trellises to signify the presence of plazas and balconies available to residents of the Project. The building will be served by structured parking, which will not be visible from the public street (Figure 8).



*Figure 8 – Proposed Building: Western Façade  
(As Viewed from Westbard Avenue, looking east)*

As viewed from the future Willett Branch Greenway (Figures 9 – 10), the building has a series of relatively large elevated courtyards and smaller terraces to maximize residents' views into the Park and present an activated façade for those looking at the building from the Park. By virtue of the Site's topography sloping away from the future Westbard Avenue toward the Willett Branch, the building's ground level façade along the Park will be dedicated to the parking garage's circulation and will necessitate an adjustment to the Form Requirements, as set forth on Section 59.4.5.3.C.5 of the Zoning Ordinance. Staff supports the modification, as requested by the Applicant, due to the constraints present on this Site.



*Figure 9 – Proposed Building: Northern Façade  
(As Viewed from River Road, looking southwest)*





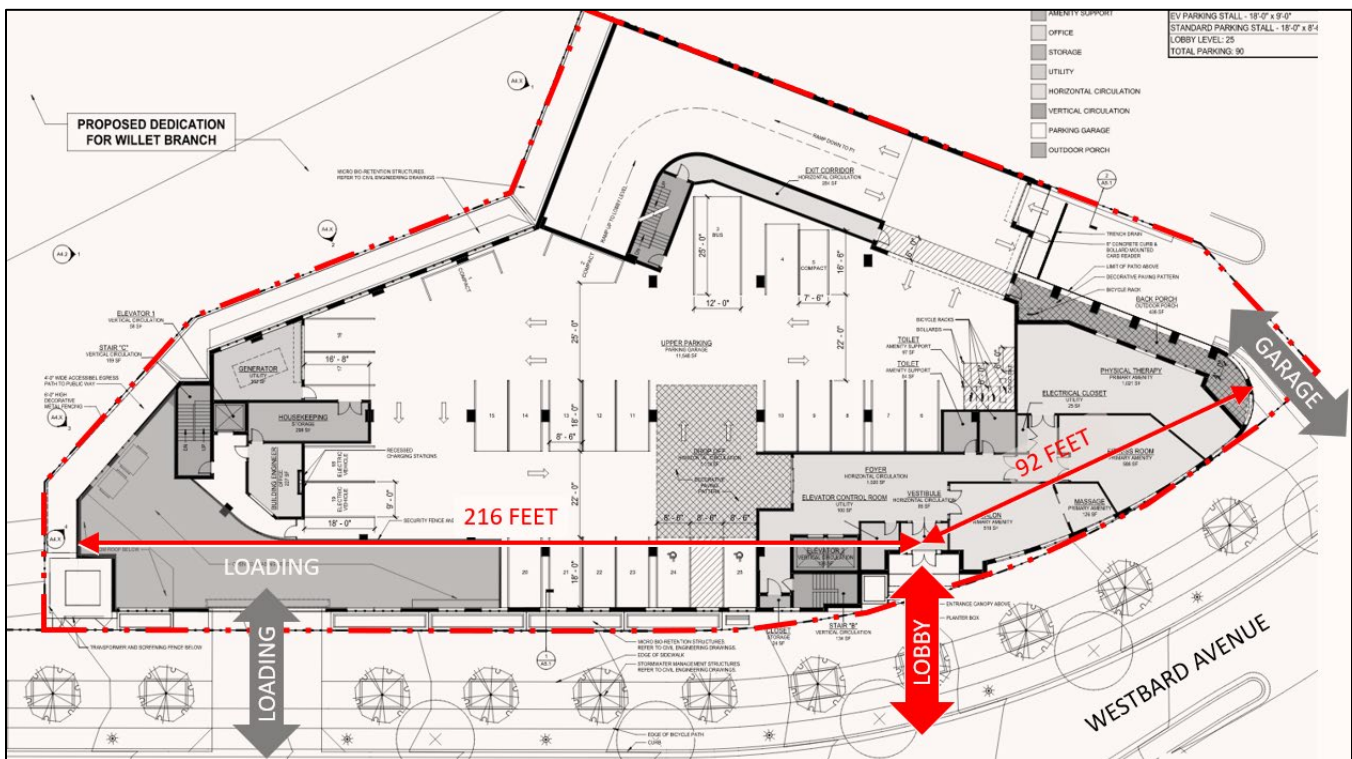
*Figure 10 – Proposed Building: Eastern Facade  
(As Viewed from Future Willett Branch Greenway, looking northwest)*

#### Building Form and Transparency Requirements Modification

As part of the Subject Application, the Applicant requests modification of Section 59.4.5.3.C.5 of the Zoning Ordinance, as it pertains to CRT zone Building Orientation and Transparency Requirements, for the maximum amount of blank wall on the side/ rear façade and the maximum spacing between building entrances. As stated in Section 59.4.5.3.C5.a of the Zoning Ordinance, the Board may modify any requirements within this Section if the Board finds that the plan:

- 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.

Detailed analysis of the requested modification to both the Building Orientation and Transparency Requirements are provided in Section 6 of this Staff Report. Illustrative images of the areas affected by these modifications are provided in Figures 11 and 12, below.



### *Open Space*

As set forth in Section 59.4.5.3.C of the Zoning Ordinance, a standard method general development on a tract over 10,000 square feet is required to provide a minimum of 10% of the Site Area as public open space. Based on the Tract Area of 133,000 square feet and a Site Area of 32,264 square feet, the Subject Application has a public open space requirement of 3,226 square feet. This open space cannot be accommodated on-site due to the large amount of land conveyance toward the future Willett Branch Greenway and realigned Westbard Avenue, so the Applicant has proposed to provide the open space off-site in accordance with 59.6.3.6.C.1 of the Zoning Code, "Off-site Options." That provision states:

*"The Planning Board may find that the requirement for public open space is satisfied in whole or in part by: 1) making public park or public open space improvements in an area at least as large as the required public open space located within or near the applicable master plan area..."*

Staff supports the provision of open space off-site and justification of the open space off-site is provided in Section 6 of this Staff Report.

### *Willett Branch*

The Willett Branch stream and stream buffer bisect the Subject Property and future improvement of the Willett Branch Greenway is a major recommendation of the Sector Plan. 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 improve 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. In the future, the Willett Branch Urban Greenway will include a hard surface trail offering users an alternative more contemplative trail experience than the Capital Crescent Trail. Additionally, the Willett Branch Greenway will offer increased trail connections within the immediate *Westbard Sector Plan* area, community cultural gathering spaces, and interpretive history elements.

A core strategy of the Willett Branch Greenway implementation is to require the conveyance of areas, containing the stream and stream buffer, to the Parks Department during the regulatory review process. 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. As conditioned, the Applicant will demolish and remove existing structures within Lot 2, Block H, the "parkland conveyance," and will grade and stabilize the land in a manner suitable to Parks Staff. Final details of the grading and stabilization will be determined prior to issuance of a Park Construction Permit.





Figure 13 – Sector Plan Parks, Trails, and Open Space Recommendations

As outlined in the *Westbard Sector Plan*, the Willett Branch Greenway is one of the key public amenities recommended for the Westbard area. The M-NCPPC has numerous ecological, stewardship, and programmatic goals for the future Willett Branch Greenway on the Subject Property, including a trailhead, a hard-surface trail, benches, landscaping, and interpretive signage. The 2016 *Westbard Sector Plan* specifically recommends that future improvements on the Site, “Explore opportunities to stabilize and/or daylight the Kenwood tributary. Artfully re-engineer and enhance the existing water features on the east side of Ridgefield Road as an amenity” (pg. 76). Since the Kensington Bethesda project is a standard method, rather than optional method project, there are fewer requirements for the applicant to provide public benefits and off-site public open space improvements. Despite this, M-NCPPC Montgomery Parks requests that the Applicant explore opportunities to daylight and enhance the Kenwood tributary as part of their land conveyance to the Commission, though improvement of the



Kenwood Tributary is not required as part of the grading and stabilization work to be completed prior to conveyance of Lot 2, Block H.

Although the Applicant will not be daylighting the Kenwood Tributary as part of the Subject Application and associated parkland conveyance, the land conveyance, demolition, invasive species management, grading, and stabilization of Lot 2, Block H represent major contributions to the future Willett Branch Greenway. As conditioned, the Applicant's conveyance and parkland improvements satisfy both the Sector Plan recommendations and CRT zone off-site open space requirements.

### **Circulation**

The Subject Preliminary Plan Amendment proposes a second point of vehicular access into the Property, located approximately 180 feet south of River Road. The new access point will be limited to use by loading and service vehicles only and will be limited to right-in/right-out turning movements due to the presence of a center median along the realigned Westbard Avenue. The new access point has been designed so that vehicles have room to maneuver within the off-street loading dock and, as a result, will eliminate backing-maneuvers from the vehicles serving the Site's loading operations. This configuration will ensure that no adverse affects will occur on Westbard Avenue as a result of the new access point. The loading service access point will also be separated from the rest of the Site's garage ensuring no conflicts will occur with passenger vehicles in the garage.

The location of this loading access point was evaluated for safety, sight-lines, and potential queuing on Westbard Avenue and River Road and determined to be acceptable to Planning Staff as well as staff at the Montgomery County Departments of Permitting Services and Transportation.

Based on the Applicant's Statement of Justification, the loading dock expects to serve approximately 15 trucks per week, with an average of two per day. As conditioned, the Applicant will enter into a Loading Management Plan that limits both the size of the trucks allowed on-site and prohibits scheduled deliveries during the morning and evening peak travel periods (6:30-9:30 AM and 4:00-7:00 PM). Routine deliveries and service vehicles will be instructed to access the property from northbound Westbard Avenue to avoid U-turns on Westbard Avenue.

### ***Transit Connectivity***

The immediate area is served by transit that includes Metrobus and RideOn. As conditioned through Site Plan No. 820180190, a transit station will be provided along the Westbard Avenue frontage of the Westwood Shopping Center site.

### ***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 feet from centerline); and
2. Westbard Avenue, realigned along the west site frontage, as a business district roadway (B-1) with a minimum right-of-way width of 100 feet (50 feet from centerline) and separated bicycle lanes.

### **Environment**

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 number 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 and parking lot 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.

#### *Forest Conservation*

There is no forest on-site or adjacent to the Property, however there is an afforestation requirement of 0.34 acres. The Applicant is proposing to meet all of the forest conservation requirements through the purchase of off-site forest bank credits within the watershed. As conditioned, all forest conservation requirements for this Application are satisfied.

#### *Noise*

The Project includes residential units near major 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) affect the margins of the Subject Property, 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. As conditioned, noise mitigation for noise affected units will be required prior to the issuance of Use and Occupancy Certificates. The outdoor areas are generally not noise-impacted except for the extreme fringes closest to the streets.

#### *Stormwater Management*

A Stormwater Management Concept Plan was approved by the Montgomery County Department of Permitting Services (MCDPS) on July 24, 2020. The approved plan proposes to meet stormwater management requirements through the use of micro-bioretenention planter boxes and at least 430 square feet of 8-inch green roof. This approval letter supplements the Combined Stormwater Management Concept approval letter for Phase 2B dated February 27, 2019 and revised on July 22, 2020. MCDPS will provide a detailed review of the stormwater management computations at the time of detailed plan review (Attachment B).

#### **Community Outreach**

Due to the on-going COVID-19 pandemic, the Applicant held their pre-submittal public meeting for the Subject Application virtually on April 23, 2020 at 7:00 PM. The meeting was held over the phone with a copy of the presentation available to the public online via the Internet. According to the Applicant's submittal materials, approximately 47 people attended the meeting. The Applicant has complied with all submittal and noticing requirements.

As of the date of this Staff Report, Staff received numerous letters from the community raising concerns about elements of the Subject Application, such as architecture and site design, transportation, and the relationship between the Subject Applications and future development of the Willett Branch Greenway. These concerns are briefly summarized below and are provided in their original format in Attachment C.

## Architecture and Site Design

### Architecture

Correspondence expressed concern that the proposed building is too large for the Site and does not actively contribute to the future Willett Branch Greenway through the use of balconies, windows or other activating uses. These concerns were exacerbated by the Applicant's requested form modification for a reduction in the minimum transparency requirements along the ground floor facing the parkland. Additionally, the correspondence raised concerns about how the Site would be served by emergency fire access given the building face-on-line condition adjacent to the American Plant site.

*Staff response: The proposed building has a series of relatively large elevated courtyards and smaller terraces to maximize residents' views into the Park and present an activated façade for those looking at the building from the Park. Due to the significant change in elevation, from the realigned Westbard Avenue to the Willett Branch, portions of the internal garage circulation preclude the ability to have windows in that area. For this limited portion of the ground floor façade, the Applicant has requested a waiver to the form standards set forth in the Zoning Ordinance and staff recommends approval of that modification. Additional technical details are provided in the body of the Staff Report.*

*With regard to emergency access, the Applicant received approval from the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section on August 18, 2020.*

### Open Space

Correspondence expressed concern that the Project did not include on-site public open space as part of the development proposal since the Site has a 10% open space requirement, as set forth in the Zoning Ordinance.

*Staff response: Based on the Subject Property's tract size, the Project is required to provide a minimum of 10% of the site area (3,226 square feet) as open space. This open space cannot be accommodated on-site due to the large amount of land conveyance toward the future Willett Branch Greenway and realigned Westbard Avenue, so the Applicant has proposed to provide the open space off-site in accordance with 59.6.3.6.C.1 of the Zoning Code, "Off-site Options."*

*Staff supports this off-site approach to public open space because the Applicant will convey approximately 27,888 square feet of land to the M-NCPPC Parks Department for the future Willett Branch Greenway and that conveyance includes improvements, ranging from demolition of existing elements within Lot 2, Block H, environmental clean-up and invasive species management to grading and stabilization of the parkland, prior to acceptance by Parks staff. These improvements represent major contributions to the future Willett Branch Greenway. As conditioned, the Applicant's conveyance and parkland improvements satisfy both the Sector Plan recommendations and CRT zone off-site open space requirements.*

### **Willett Branch**

Correspondence expressed concern that the Applicant was not contributing enough toward the realization of the Willett Branch Greenway, as recommended in the Sector Plan, and that the state of the parkland at the time of conveyance would be a long-term condition until future park improvements are completed by the Parks Department.

*Staff response: As discussed in the Staff Report, Lot 2, Block H (27,888 square feet or 0.64 acres of land) will be conveyed to M-NCPPC as part of the future Willett Branch Greenway. This property represents 21% of the total tract area of the Subject Property and will be a significant step toward realization of the Willett Branch Greenway. In addition to the fee simple conveyance, the Applicant will be removing existing structures from the property, managing invasive species, grading, and stabilizing the land for future improvement. Future improvement of the Willett Branch as a public park will begin once a critical mass of properties has been acquired by parks and design work has been completed. As conditioned, the Applicant's conveyance and parkland improvements satisfy both the Sector Plan recommendations and CRT zone off-site open space requirements.*

## **Transportation**

### Traffic Signal and Site Access

Correspondence expressed concern that the roadway realignment and redevelopment require new traffic signals on Westbard Avenue to ensure safe access to both the Springfield neighborhood and the redeveloped properties. The letters also raised concern that the newly proposed loading and service access point may cause trucks bound for the site from River Road to complete U-turn maneuvers to access the Site.

*Staff response: As discussed in the Staff Report for Preliminary Plan No. 120170170, 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 MCDOT has not approved traffic signals in these locations, Equity One (Northeast Portfolio), LLC, (Applicant for the overall Preliminary Plan 120170170 and Phase I Site Plan No. 820180190) 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.*

*In response to concerns raised about the increased potential for trucks to U-turn into the Site from River Road, Staff has conditioned that the Site be subject to a transportation management plan that specifies preferred deliver routes (from Massachusetts Avenue) and limits the periods during which service vehicles may access the Site to non-peak midday periods.*

### Parking

Correspondence expressed concern that the Site does not provide enough parking to accommodate the needs of the residential care facility staff, guests, and residents.

*Staff response: In accordance with the Zoning Ordinance, the Subject Application has a minimum/maximum requirement of 74 parking spaces. The Applicant has requested a parking waiver to exceed the maximum number of parking spaces, by 16, for a total of 90 parking spaces on-site. As discussed in this Staff Report, Staff recommends approval of the parking waiver to meet the needs of the Applicant during the beginning and end of the largest employee shift.*

## SECTION 5: PRELIMINARY PLAN AMENDMENT ANALYSIS AND FINDINGS

The Planning Board found that Preliminary Plan 120170170 met the requirements of the CRT 1.5 C0.5 R1.5, H75' zone; satisfied Forest Conservation and water quality requirements and complied with other applicable regulatory requirements. The Planning Board further determined that the Project was compatible with other uses and other site plans when considering existing and proposed adjacent development.

The Amendment complies with the general requirements and development standards of the Zoning Ordinance, Subdivision Regulations and substantially conforms with the goals and recommendations of the 2016 *Westbard Sector Plan*. The elements of proposed Preliminary Plan Amendment No. 12017017A remain consistent with the original findings, as modified to add a new vehicular access point for loading and service vehicles on Westbard Avenue and revise the previously approved density from 144 multifamily dwelling units to a 106,000 square foot residential care facility with up to 155 beds. The findings are modified as follows:

1. *The Preliminary Plan substantially confirms to the Master Plan*

The Approved and Adopted 2016 *Westbard Sector 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. Site-specific recommendations are summarized below.

Westwood II Shopping Center is identified as Site 3 in the Sector Plan and recommended for redevelopment in accordance with the CRT zone with a maximum building height of up to 75 feet. The Sector Plan envisioned that this Site would contribute to both the naturalization of the Willett Branch, which runs through the northern portion of the Subject Property, as well as the realignment of Westbard Avenue. As a result of the Site’s contributions, in the form of right-of-way dedication and parkland conveyance, the Project conforms to the recommendations of the Sector Plan.

2. *Public facilities will be adequate to support and service the area of the approved subdivision.*

### School Adequacy Analysis

The proposed development 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 situated in the Walt Whitman School Cluster. Pursuant to both the FY18 and FY19 Annual School Test (which were in place at the time of the original Preliminary Plan Approval), the Walt Whitman School Cluster, as well as the individual school test for Wood Acres Elementary School and Thomas W. Pyle Middle School, are adequate under applicable capacity criterion. Additionally, the residential care facility use proposed through the Subject Application has less of an impact on the transportation network and school system when compared to the originally approved multifamily residential use. 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.

### Transportation

The Applicant proposes a 155-bed residential care facility in place of the previously approved 144 multifamily residential building. Based on trip generation guidance included in the 2017 *Local Area Transportation Review Guidelines (LATR)*, the Project is estimated to generate fewer trips than the previously approved multifamily residential use; 32 fewer person trips in the morning peak hour and 36 fewer person trips in the evening peak hour. Since the proposed amendment would result in an overall decrease from what was previously evaluated and approved, the LATR was satisfied with a transportation exemption statement, dated July 27, 2020<sup>1</sup>.

Table 2: Project Peak Hour Person Trip Generation Estimate						
	ITE Vehicle Trips		Adjusted Vehicle Trips		Peak Hour Person Trips	
	AM	PM	AM	PM	AM	PM
<b>Previously Approved</b>						
Multifamily Units (mid-rise) 144 units	49	63	43	55	77	98
<b>Proposed</b>						
Assisted Living 155 beds	29	40	25	35	45	62
Net New	-20	-23	-18	-20	-32	-36

Source: Wells & Associates, LLC Traffic Exemption Statement, dated July 27, 2020.

As stated previously, the only change to the previously approved Preliminary Plan, aside from the conversion of 144 multifamily residential dwelling units to a residential care facility use of up to 155 beds, is the addition of a new access point on Westbard Avenue for loading activities only. The design of the loading access point emphasizes safety for all users along Westbard Avenue and within the Site garage. The driveway is proposed as 28 feet in width, which is the minimum width that will accommodate the truck-turning radii of an SU-30 vehicle. All ingress and egress maneuvers will occur within the site loading area (head-in, head-out), so as not to adversely impact the Westbard Avenue right-of-way. The loading area is completely separated from the parking garage and therefore eliminates any potential conflicts with users of the garage. As conditioned, a Loading Management Plan is required to address the frequency and timing of deliveries, as well as the travel routes delivery vehicles must use to access the Site safely.

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<sup>1</sup> Unused peak hour trips evaluated in the Transportation Impact Study associated with Preliminary Plan 120170170 are reserved and may be applied to future development phases.

Table 3: Preliminary Plan Data Table		
Development Standard	Permitted/Required	Proposed
<b>Tract Area (sf)</b>		
Manor Care		128,011
Westwood II		133,000
Parking Lot 1	N/A	34,417
Parking Lot 2		47,053
Bowlmor		125,481
Westwood Shopping Center		540,524
<b>TOTAL</b>		<b>1,008,486</b>
<b>Tract Area (sf)</b>		<b>1,008,486</b>
<b>Previous Dedications (sf)</b>	N/A	<b>145,072</b>
<b>Total Site Area of Preliminary Plan (sf)</b>		<b>863,414</b>
<b>Density</b>		
Manor Care (CRT 1.0 C 0.25 R 1.0 H 45')		
Commercial FAR/GFA	0.25/32,002	0
Residential FAR/GFA	1.0/128,011	0.58/74,950
Westwood II (CRT 1.5 C 0.5 R 1.5 H 75')		
Commercial FAR/GFA	0.5/66,500	0
Residential FAR/GFA	1.5/199,500	0.80/106,000 <sup>1</sup>
Parking Lot 1 (CRT 2.5 C 0.5 R 2.0 H 75')		
Commercial FAR/GFA	0.5/17,208	0.14/5,000
Residential FAR/GFA	2.0/68,834	1.88/65,000 <sup>2</sup>
Parking Lot 2 (CRT 2.5 C 0.5 R 2.0 H 75')		
Commercial FAR/GFA	0.5/23,526	0
Residential FAR/GFA	2.0/94,106	0
Bowlmor (CRT 2.5 C 0.5 R 2.0 H 110')		
Commercial FAR/GFA	0.5/62,740	0.23/ 29,305 <sup>3</sup>
Residential FAR/GFA	2.0/250,962	0
Westwood Shopping Center (CRT 2.0 C 0.75 R 1.25 H 60')		
Commercial FAR/GFA	0.75/405,393	0.31/171,232
Residential FAR/GFA	1.25/675,655	0.68/369,292
<b>TOTAL FAR/GFA</b>		
<b>Commercial GFA (FAR)</b>	<b>N/A</b>	<b>(0.20) 205,537<sup>3</sup></b>
<b>Residential GFA (FAR)</b>		<b>(0.64) 647,378</b>
<b>Total (FAR)</b>		<b>(0.84) 852,915<sup>1</sup></b>
<b>Setbacks</b>	<b>TBD</b>	<b>TBD at Site Plan(s)</b>
<b>Open Space (min. percent of Site area)</b>	<b>TBD at Site Plan(s)</b>	<b>TBD at Site Plan(s)</b>
<b>Site Plan Required</b>	<b>YES</b>	<b>YES</b>

<sup>1</sup> 32,136 SF of previously approved residential density (up to 66 multifamily dwelling units) from the Westwood II Site remains available for FAR Averaging at the time of future site plan(s) pursuant to the requirements set forth in 59.4.5.B. of the Zoning Ordinance. This density is not included in the 106,000 SF, however, it is included in the overall project density of 852,915 SF.

<sup>2</sup> Standard Method projects in the CRT zone may average FAR across different properties in accordance with Section 59.4.5.B. of the Zoning Ordinance. Final details of any potential FAR averaging will be evaluated through a future site plan application.

<sup>3</sup> Existing 29,305 SF of commercial space to remain on Bowlmor property (Lot 3, Block B)

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



## SECTION 6: SITE PLAN 820200200 ANALYSIS AND FINDINGS

### 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. 12017017A, as amended.

- 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 Property is on a tract of approximately 133,000 square feet (3.05 ac), zoned CRT 1.5 C.05 R 1.5 H75'. 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 106,000 square feet of total development on the Subject Property (0.80 FAR) for residential care facility of up to 155 beds. The following data table shows the Application's conformance to the development standards of the zone.

**Table 4: Site Plan Data Table (Section 59.4)**

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Proposed</b>
<b>Tract Area (Square Feet/ Acres)</b> CRT 1.5 C 0.5 R 1.5 H75'	n/a	<b>133,000 (3.05)</b>
<b>Site Area (Square Feet/ Acres)</b> Prior Right-of-Way Dedication Proposed Right-of-Way Dedication Parkland Conveyance <b>Site Area</b> (Tract Area – Dedications & Conveyance)	n/a	34,990 (0.80) 37,858 (0.87) <u>27,888 (0.64)</u> <b>32,264 (0.74)</b>
<b>Commercial Density (GFA/ FAR)</b>	<b>66,500 (0.5)</b>	<b>0 (0.00)</b>
<b>Residential Density (GFA/ FAR)</b>	<b>133,000 (1.0)<sup>1</sup></b>	<b>106,000 (0.80)</b> (Up to 155 Beds)
<b>Total Mapped Density (GFA/FAR)</b>	Commercial 66,500 (0.5) Residential 133,000 (1.0) <sup>1</sup> <b>133,000 (1.0)<sup>1</sup></b>	0 (0.00) 106,000 (0.80) <b>106,000 (0.80)</b>
<b>Building Height</b>	75 feet	75 feet
<b>Placement: Build-to Area</b> (BTA, max setback and min % of building façade) Front setback Building in front street BTA	20 feet (max.) 70% (min.)	5 feet 100%
<b>Form-Entrance Spacing (max.)</b>	100 feet; facing street	216 feet <sup>2</sup> ; facing street
<b>Form-Transparency</b> Ground story, front (min) Ground story, side/rear (min) Upper story (min)  Blank wall, front (max) Blank wall, side/rear (max)	40% 25% 20%  35 feet 35 feet	45% 33% Front: 30% Side: 38%  35' 54 feet <sup>2</sup>
<b>Public Open Space (min)</b>	10%	0% <sup>3</sup>
<b>Minimum Setbacks</b>	n/a	0

<sup>1</sup> Maximum density limited to 1.0 FAR in accordance with the Standard Method of Development.

<sup>2</sup> The Applicant requests a modification to Section 59.4.5.3.C.5 for the maximum spacing between entrances and for the blank wall along a portion of the eastern façade along the Willett Branch Greenway due to the needs of the proposed use and Site constraints.

<sup>3</sup> Public Open Space improvements provided off-site in accordance with Section 59.6.3.6.C.

<b>Table 4 (Continued): Site Plan Data Table: Parking</b>		
<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Proposed</b>
<b>Vehicle Parking</b>		
Residential Care Facility		
Beds: 155	(39 minimum/ 39 maximum)	39
Employees: 70	(35 minimum/ 35 maximum)	51
<b>Total Parking<sup>4</sup></b>	<b>(74 minimum/ 74 maximum)</b>	<b>90<sup>5</sup></b>
<b>Bicycle Parking (95% Long Term/ 5% Short Term)</b>		
Residential Care Facility		
70 Employees <sup>6</sup>	(7/1) 8	(8/2) 10
<b>Loading Spaces</b>	<b>1</b>	<b>1</b>

<sup>4</sup> The final number to be provided at the time of Certified Site Plan

<sup>5</sup> The Project includes a request for parking waiver pursuant to 59.6.2.10 of the Zoning Ordinance

<sup>6</sup> Residential Care Facility bicycle parking requirements were amended, through ZTA – 19-08, to be 0.10 bicycle parking spaces/employee (up to a maximum of 25 spaces).

*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 through a site plan under Section 59.7.3.4. 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.
- *Modification to Section 59.4.5.3.C.5: Form, Transparency for Walls Facing an Open Space*  
As proposed, the eastern building façade along the Willett Branch Greenway is exposed as the terrain falls away from the realigned Westbard Avenue toward the Willett Branch. As a result of the physical constraint presented by this grade change, a 54-foot portion of the structured parking circulation ramp is at-grade with the Parkland (behind the masonry façade). The Applicant proposes use of decorative architectural grilles over the masonry in this area, in a pattern similar to the window openings located elsewhere on the building, to provide visual interest along this portion of the façade facing the Parkland. Given the Site constraints and efforts to activate the façade, Staff supports the Applicant's requested modification.
  - *Modification to Section 59.4.5.3.C.5: Form, Building Orientation, Entrance Spacing (max.)*  
As proposed, the building façade along Westbard Avenue contains only one pedestrian entrance along its approximately 308-foot long façade. This configuration exceeds the Zoning Ordinance maximum of an entrance every 100 feet, as set forth in Section 59.4.5.3.C.5. This condition exists, in large part, due to the Site's proposed use as a residential care facility and also as a result of the loading space and garage configuration.

As a residential care facility, the use has many internally-serving components, such as a fitness room, physical therapy room, and salon, each of which will have windows facing out onto the public sidewalk. These uses are not open to the public and therefore do not have doors that would open onto the adjacent street frontage. Additionally, visitors to the Site will be directed into a single centralized lobby for safety and security purposes. Lastly, the size of the internal loading dock (located behind the building's masonry façade) occupies approximately 109 linear feet of the frontage and does not provide opportunities for pedestrian access within that area.

The Entrance Spacing requirement has been mitigated through the use of architectural façade elements, loading dock doors, which will be closed when not in use, and through the provision of landscaped planters along the façade to provide visual interest for pedestrians on the street. Furthermore, the safety of pedestrian, bicyclist, and adjacent street traffic is improved through the enlarged loading dock, which will permit all traffic to enter and exit the Site "head-in/ head-out." Staff supports the Applicant's requested modification.

ii. *Division 6.1. Site Access*

Access to the Project is proposed from realigned Westbard Avenue. There will be a total of two curb-cuts along Westbard Avenue that will provide access to the loading area, to the north, and the garage, to the south. The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.

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

Parking associated with the Project will be located in a structured parking garage, accessed via the southwest corner of the Site on Westbard Avenue. This garage proposes 90 parking spaces, which will exceed the maximum quantity of parking set forth in the Zoning Ordinance for a residential care facility of this size. The Site will have one loading space, accessed via the northwest side of the Site on Westbard Avenue. All parking and loading will comply with the design standards identified in Sections 59.6.2.5 and Section 59.6.2.8, respectively, of the Zoning Ordinance.

*Section 59.6.2.10 Parking Waiver*

The Applicant is requesting a Parking Waiver as part of the Subject Application to exceed the maximum number of parking spaces required by the Zoning Ordinance, 74, by 16 spaces for a maximum of up to 90 parking spaces.

*The deciding body may waive any requirement of Division 6.2, except the required parking in parking Lot District under Section 59.6.2.3.H.1, if the alternative design satisfies Section 59.6.2.1. Any request for a waiver of the vehicle parking space requirement under Section 59.6.2.4.B. requires application notice under Section 59.7.5.2.D.*

The Applicant asserts that the requested Parking Waiver is necessary in order to accommodate parking demand that occurs during employee shift changes, when up to 70 employees can be on-site during a shift change associated with the beginning or end of the peak shift. This employee parking demand is in addition to daily visitor parking and the need for some resident parking. The Application therefore requests a waiver to Section 59.6.2.10 of the Zoning Ordinance to exceed the maximum baseline parking. The final number of parking spaces will be determined at the time of Certified Site Plan. The Applicant has complied with all noticing requirements for the parking waiver. Staff supports the requested waiver.

iv. *Division 6.3. Open Space and Recreation*

As set forth in Section 59.4.5.3.C of the Zoning Ordinance, a standard method general development on a tract over 10,000 square feet is required to provide a minimum of 10% of the Site Area as public open space. Based on the Tract area of approximately 133,000 square feet and a Site Area of approximately 32,264 square feet, the Subject Application has a public open space requirement of 3,226 square feet. This open space cannot be accommodated on-site due to the large amount of land conveyance toward the future Willett Branch Greenway and realigned Westbard Avenue, so the Applicant has proposed to provide the open space off-site in accordance with 59.6.3.6.C.1 of the Zoning Code, "Off-site Options." That provision states:

*"The Planning Board may find that the requirement for public open space is satisfied in whole or in part by: 1) making public park or public open space improvements in an area at least as large as the required public open space located within or near the applicable master plan area..."*

Staff supports this off-site approach to public open space because the Applicant will convey approximately 27,888 square feet of land to the M-NCPPC Parks Department for the future Willett Branch Greenway and that conveyance includes improvements, ranging from demolition of existing elements within Lot 2, Block H, environmental clean-up and invasive species management to grading and stabilization of the parkland, prior to acceptance by Parks staff. As conditioned, the final details of these parkland improvements will be determined by Parks Staff prior to issuance of the Park Construction Permit.

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

Landscaping and lighting, as well as other Site amenities, will be provided to ensure that the Project will be safe, adequate, and efficient for residents and visitors. Landscaping and lighting will be provided in accordance with Section 59.6.4.1 of the Zoning Ordinance, as amended through Alternative Compliance for entry lighting, to ensure that the Project is safe, compatible with the surrounding community, and improves water and air quality. The Project will include new entrance lighting along the Property's Westbard Avenue frontage and appropriate lighting for the courtyards and terraces, all designed to be attractive and safe.

The maximum number of foot candles (0.5fc) will be exceeded at the building's lobby entrance on Westbard Avenue, at the loading dock, and at the Site Driveway in order to provide adequate lighting for safety and security. In order to exceed the lighting levels in this location, the Applicant has requested alternative compliance through Section 59.6.8.1. Staff supports alternative compliance for lighting in these areas because it helps address lighting requirements set forth in Section 59.6.4.4.C.4 which states, "Any entrance to a residential building or multi use building with more than 4 residential units must be adequately lighted to ensure the safety of persons and the security of the building." The increased lighting levels will nominally exceed the standard and will be along the main façade of the building adjacent to or within the right-of-way, and will not have adverse impacts on the surrounding community. Furthermore, lighting in these areas will satisfy the intent of 59.6.4.4.C.4 and will blend with proposed streetlighting along the realigned Westbard Avenue.

vi. *Division 6.5. Screening Requirements*

Not applicable. The Site does not abut property in an Agricultural, Rural Residential, or Residential zone that is vacant or improved with an agricultural or residential use.

As shown in the Development Standards table, the Site Plan meets all of the general requirements and development standards of Section 59.4.6 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 Management Concept Plan was approved by the Montgomery County Department of Permitting Services on July 24, 2020. The Plan proposes to meet stormwater management goals via ESD to the MEP with green roof, and micro-bioretenention planter boxes. 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. There is no forest on-site or adjacent to the property, however there is an afforestation requirement of 0.34 acres. The Applicant is proposing to meet all of the forest conservation requirements through the purchase of off-site forest bank. As conditioned, all forest conservation requirements are satisfied.

*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 location and overall site design will be adequate, safe and efficient. Parking provided for the Project is located internal to the building and screened from view. The proposed loading entrance is designed in such a way that vehicles will maneuver completely within the site (head-in/ head-out) reducing conflicts with pedestrians and bicyclists and eliminating queuing on Westbard Avenue and River Road. A Loading Management Plan is required at the time of Certified Site Plan to ensure that an employee is on-site to coordinate deliveries and supervise the safe and efficient operations of deliveries and trash collection. The Loading Management Plan will also ensure that deliveries will occur outside peak travel hours and that the drivers abide by the prescribed travel route to the site (northbound on Westbard Avenue by way of Massachusetts Avenue). 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, overall, the proposed development will provide a safe and well-integrated development.

*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 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. Site-specific recommendations are summarized below.

Westwood II Shopping Center, identified as Site 3 in the Sector Plan and recommended for redevelopment in accordance with the CRT zone with a maximum building height of up to 75 feet. The Sector Plan envisioned that this Site would contribute to both the naturalization of the Willett Branch, which runs through the northern portion of the Subject Property, as well as the realignment of Westbard Avenue. As a result of the Site's contributions, in the form of right-of-way dedication and parkland conveyance, the Project 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, as amended by Preliminary Plan Amendment No. 12017017A, the proposed Site Plan development 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 Walt Whitman School Cluster. Pursuant to both the FY18 and FY19 Annual School Test (which were in place at the time of the original Preliminary Plan Approval), the Walt Whitman School Cluster, as well as the individual school test for Wood Acres Elementary School and Thomas W. Pyle Middle School, are adequate under applicable capacity criterion. Additionally, the residential care facility use proposed through the Subject Application has less of an impact on the transportation network and school system when compared to the originally approved multifamily residential use. Water and sewer and other utilities are available to and currently serve the Property.

- 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 represents the first part of Phase II development associated with the Westbard Shopping Center redevelopment, approved through Preliminary Plan No. 12017017A, as amended. The Subject Application will allow the existing aging Westwood II building to be removed from the Site and advances the process of improving the Willett Branch and realigning Westbard Avenue. The Project is compatible with existing and proposed adjacent development. The proposed building has been carefully designed and situated on the Property to be compatible and in scale with the existing and future surrounding uses, including the future Willett Branch Greenway. The building fronts onto the realigned Westbard Avenue at a major gateway into the redeveloped Westbard Avenue District.

- 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 Amendment 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 Amendment No. 12017017A with the conditions specified at the beginning of this report.

The Site Plan complies with the general requirements and development standards of Section 59.4.5 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. 820200200 with the conditions specified at the beginning of this report.

## **ATTACHMENTS**

- A. Previous Approvals
- B. Agency Letters
- C. Citizen Correspondence