



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

MCPB No. 20-136
Site Plan No. 820200200
Kensington of Bethesda Senior Living
Date of Hearing: December 17, 2020

JAN 21 2021

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on June 17, 2020, Regency Kensington Bethesda Owner, LLC ("Applicant") filed an application for approval of a site plan for a 106,000 square foot residential care facility, with up to 155 beds, measuring up to 75 feet in height on 3.05 acres of CRT 1.5 C 0.5 R1.5, H75' zoned-land, located on Ridgefield Road between River Road and Westbard Avenue ("Subject Property"), in the Bethesda/ Chevy Chase Policy Area and 2016 *Westbard Sector Plan* ("Sector Plan") area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820200200, Kensington of Bethesda Senior Living ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated December 4, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on December 17, 2020, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, on December 17, 2020, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Cichy, seconded by Commissioner Verma, with a vote of 4-1; Commissioners Anderson, Cichy, Patterson, and Verma voting in favor and Commissioner Fani-Gonzalez opposed.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Site Plan No. 820200200 for a 106,000 square foot residential care facility, with up to 155 beds, measuring up to 75 feet in height, on the Subject Property, subject to the following conditions:¹

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

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

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 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.

- b. 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.
- c. 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); and
 - 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.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan No. 820200200, Kensington of Bethesda Senior Living, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The development 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.

2. *The development satisfies 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.

3. *The development satisfies 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.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

- a. 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 is for redevelopment of the Site Plan Property, under the Standard Method of development, which limits the total FAR to 1.0. The Site Plan includes 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 Application

satisfies the applicable development standards as shown in the following data table:

Table 1: Site Plan Data Table (Section 59.4)		
Development Standard	Permitted/ Required	Approved
Tract Area (Square Feet/ Acres) CRT 1.5 C 0.5 R 1.5 H75'	n/a	133,000 (3.05)
Site Area (Square Feet/ Acres) Prior Right-of-Way Dedication Proposed Right-of-Way Dedication Parkland Conveyance Site Area (Tract Area – Dedications & Conveyance)	n/a	34,990 (0.80) 37,858 (0.87) <u>27,888 (0.64)</u> 32,264 (0.74)
Commercial Density (GFA/ FAR)	66,500 (0.5)	0 (0.00)
Residential Density (GFA/ FAR)	133,000 (1.0)¹	106,000 (0.80) (Up to 155 Beds)
Total Mapped Density (GFA/FAR)	Commercial 66,500 (0.5) Residential 133,000 (1.0) ¹ 133,000 (1.0)¹	0 (0.00) 106,000 (0.80) 106,000 (0.80)
Building Height	75 feet	75 feet
Placement: Build-to Area (BTA, max setback and min % of building façade) Front setback Building in front street BTA	20 feet (max.) 70% (min.)	5 feet 100%
Form-Entrance Spacing (max.)	100 feet; facing street	216 feet ² ; facing street
Form-Transparency 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 feet 54 feet ²
Public Open Space (min)	10%	0% ³
Minimum Setbacks	n/a	0

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

² The Application includes 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 residential care facility use and Site constraints.

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

Table 1 (Continued): Site Plan Data Table: Parking		
Development Standard	Permitted/ Required	Approved
Vehicle Parking Residential Care Facility Beds: 155 Employees: 70	(39 minimum/ 39 maximum) (35 minimum/ 35 maximum)	39 51
Total Parking⁴	(74 minimum/ 74 maximum)	90⁵
Bicycle Parking (95% Long Term/ 5% Short Term) Residential Care Facility 70 Employees ⁶	(7/1) 8	(8/2) 10
Loading Spaces	1	1

⁴ The final number to be provided at the time of Certified Site Plan

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

⁶ 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

The Application meets the majority of the form-based 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 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*

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's use of decorative architectural grilles over the masonry in this area, in a pattern

similar to the window openings located elsewhere on the building, provides visual interest along this portion of the façade facing the Parkland.

- *Modification to Section 59.4.5.3.C.5: Form, Building Orientation, Entrance Spacing (max.)*

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 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."

b. General Requirements

i. *Site Access*

Access to the Project is 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.

ii. *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 includes 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 requested 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 asserted 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 requested 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. The Planning Board approved the waiver, as requested by the Applicant.

iii. *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 will meet open space requirements 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..."

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.

iv. *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 requested alternative compliance through Section 59.6.8.1. Alternative compliance for lighting in these areas 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 streetlighting along the realigned Westbard Avenue. The Planning Board approved alternative compliance, as requested by the Applicant.

v. *Screening*

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.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

A Stormwater Management Concept Plan was approved by the Montgomery County Department of Permitting Services on July 24, 2020. The Plan meets 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.

b. 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.

6. *The development 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 loading entrance is designed in such a way that vehicles with 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 development will provide a safe and well-integrated development.

7. *The development substantially conforms to 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* 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.

8. *The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

As discussed in the Preliminary Plan No. 120170170 findings, as amended by Preliminary Plan Amendment No. 12017017A, the 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 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.

9. *The development is compatible with existing and approved or pending adjacent development.*

The Site Plan represents the first part of the Phase II development associated with the Westbard Shopping Center redevelopment, approved through Preliminary Plan No. 120170170, 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 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.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 21 2021 (which is the date that this resolution is mailed to all parties of record); and

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

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Fani-González, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor, at its regular meeting held on Thursday, January 14, 2021, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board