

SITE PLAN JUSTIFICATION STATEMENT
Westwood Shopping Center
Site Plan No. 820180190

I. INTRODUCTION

Applicant, Equity One (Northeast Portfolio), LLC (“Applicant”), by its attorneys, Linowes and Blocher LLP, submits this Site Plan Justification Statement to demonstrate conformance of the proposed development with all applicable review requirements and criteria. The subject property, which is owned by the Applicant, contains a gross tract area of approximately 540,524 square feet, or approximately 12.4 acres, and includes the property located at 5400 Westbard Avenue, more particularly known as Lot A-4 on Plat No. 5498 and unplatted Parcel 360 (“Property”). The Property is zoned CRT 2.0, C 0.75, R 1.25, H 60 and is identified as Site 1 in the Westbard Sector Plan, approved and adopted in July 2016 (“Sector Plan”).

Pursuant to the applicable provisions of Section 59.7.3.4 of the Montgomery County Zoning Ordinance (“Zoning Ordinance”), Applicant submits this site plan application for the proposed redevelopment of the Property, under the standard method of development, with approximately 72 single-family attached residential units, approximately 190 multi-family residential units, and approximately 171,232 square feet of commercial/retail uses (“Project”). The Project will significantly revitalize an aging strip shopping center, enhance community connectivity, and create desirable public open spaces in accordance with the recommendations of the Sector Plan, as discussed in more detail below. Applicant therefore respectfully requests that the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission (“Planning Board”) grant approval of the requested site plan application (“Application”).

Contemporaneously with the submission of this Application, the Applicant is also submitting amended plans for Preliminary Plan Application No. 120170170 covering the Property (the “Amended Preliminary Plan”), and requests that these applications be processed concurrently.

II. BACKGROUND AND PRIOR APPROVALS

Preliminary Plan Application No. 12070170 (“Preliminary Plan”), covering a larger, approximately 25.7-acre tract of land, of which the Property is a part, was filed on December 20, 2016 (“Preliminary Plan”), seeking approval of approximately 1,800,000 square feet of new and existing mixed use development, including 510,000 square feet of commercial gross floor area and up to 874 dwelling units on 113 lots. Although a Development Review Committee Meeting on the Preliminary Plan was held on January 10, 2017, and subsequent meetings and resubmissions occurred relative thereto through April 2017, the processing of the Preliminary Plan thereafter stalled, as explained further below.

On April 26, 2017, the Planning Board approved Sketch Plan No. 320170010 (“Sketch Plan”), covering the same area as that encompassed by the Preliminary Plan, for up to 510,000 square feet of non-residential uses, up to 1,290,000 square feet of residential uses, and a total cumulative density limit of up to 1,800,000 square feet. Condition No. 6 of the Sketch Plan approval required the Applicant to perform an archeological assessment of Parcel 175 included in the Preliminary Plan, and Condition No. 6 vi specifically stated that, “[t]he Assessment must be completed prior to the hearing date for the ... Preliminary Plan.” The Applicant thereafter entered into mediation with a number of interested parties regarding, among other issues, the conduct of the assessment and agreed as part of that mediation to not proceed with the required archaeological assessment while mediation was ongoing. As a result of the mediation and

condition of approval, the Preliminary Plan was largely inactive from approximately April 2017 through October 2017.

Mediation ceased in late September 2017, and the Sketch Plan was subsequently abandoned on January 18, 2018. The revised Preliminary Plan being filed contemporaneously herewith removes Parcels P 238, P 240 and P 175¹ from that application and seeks to reduce the proposed density from the original submission by approximately 976,000 square feet to approximately 823,610 overall square feet of mixed-use development, consisting of approximately 176,232 square feet of commercial and 647,378 square feet of residential density, comprised of approximately 410 multi-family and 106 single-family attached dwelling units. As noted above, that revised application is being filed contemporaneously herewith.

III. EXISTING CONDITIONS AND SURROUNDING AREA

The Property is approximately 12.4 acres in size, which includes approximately 44,461 square feet of area from previous dedications for Westbard Avenue. The Property is currently improved with an approximately 104,695-square-foot single-story strip retail shopping center and a large expanse of surface parking. There is very little vegetation on the site and no stormwater controls.

The property abuts Westland Middle School, in the R-60 zone, to the south, the four-story Kenwood Condominium building, in the R-20 zone, to the west, single-family residential uses in the R-60 zone to the north, and Westbard Avenue and confronting commercial and multi-family residential uses in various CRT zones to the east.

¹ These parcels have been purchased by the Housing Opportunities Commission (“HOC”) and are no longer under the ownership of the Applicant.

IV. PROPOSED PROJECT

The Application proposes the construction of a three-phase development. The first phase consists of a commercial building with a grocery anchor on the south side of the Property (the "South Building"). The second phase consists of 72 townhouse units on the west side of the Property, adjacent to the Kenwood Place condominium property. The third phase consists of a mixed-use building with street-level retail and approximately 190 multi-family units above the retail on the north side of the Property (the "North Building").

The South Building is proposed at three stories (maximum of 60 feet) in height. On the street level there is structured parking wrapped with retail buildings facing onto Westbard Avenue and a new internal private road. Loading will occur on this level on the south side of the building, via an access point from Westbard Avenue devoted exclusively to loading and refuse functions. The structured parking within the building will be accessed both by a right-in, right out, access point on Westbard Avenue, as well as from a full-movement intersection along the internal private road, at the northwest corner of the building. Elevator access to the grocer, to be located on the third floor, will also be proximate to that intersection and access point. The second level of the South Building will contain additional structured parking wrapped with retail and office uses on the north and east sides. The top floor of the building will contain approximately 100 additional parking spaces, which will be uncovered at that level, as well as the grocery store anchor. The step-down of the proposed South Building from east to west at this top level provides a transition down to the adjacent townhouse community, resulting in a compatible transition between the two uses.

The North Building is proposed at five stories (maximum of 60 feet) in height. The North Building will provide one level of below-ground parking for the residents of the

multifamily component of the building. The ground floor of the North Building will contain parking lined by retail uses on the south, north and east that activate the planned open spaces to the north and south, as well as the Westbard Avenue streetscape. The west side of the building, facing the proposed townhouse community, will be activated by both residential lobbies at the corners of the building

The second level of the North Building will contain parking spaces, and the third, fourth and fifth floors contain approximately 190 residential units framing three courtyard areas. Loading for the retail component of the North Building will occur via the private road along the north side of the building and loading for the commercial component along the private road to the west.

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

The Project also proposes significant new open spaces, as recommended by the Sector Plan. The first space, on the north side of the Project, is the Springfield Neighborhood Park, which is proposed at approximately one-half acre in size. This space includes a tot-lot and is anticipated to be used for both active and passive recreational uses. The second open space is the Civic Green, an urban plaza proposed to be located between the North Building and the South Building. This space, which is also proposed at one-half acre in size, will consist of numerous

focal features and gathering spaces, including a large expanse of lawn, shaded seating areas, a water feature, a stage for concerts and similar activities, and a retail pavilion on the west side to provide constant activity and anchor the space. This green area is located adjacent to the internal drive, which does not have curbs in order to facilitate the incorporation of that space, when closed to vehicular traffic, into the open civic green to accommodate larger events.

The Application will also significantly enhance pedestrian and bicycle circulation to and through the Property via the provision of an improved streetscape along the Property's Westbard Avenue frontage, including the incorporation of bicycle lanes, as well as a series of sidewalk connections into the site and through the open areas and private streets.

Access to the Property will be provided via three primary curb cuts along Westbard Avenue that lead into the internal private street network that runs along the north, west and south sides of the North building, as well as a right-in, right-out entrance to the parking structure within the South Building. An additional curb cut at the Property's southernmost point also provides access to the service and loading area for the South Building.

V. FINDINGS REQUIRED FOR SITE PLAN APPROVAL

Section 59.7.3.4.E.2 of the Zoning Ordinance sets forth the findings that the Planning Board must make before approving a site plan application. The following analysis establishes the Application's satisfaction of, and conformance to, these standards:

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 noted above, the Sketch Plan has been abandoned and is therefore no longer applicable to the Property. There are no other relevant previous approvals for the site. The Application conforms to the Preliminary Plan.

- 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 to the Application, as the Property is not subject to any development plan or schematic development plan.

- 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 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.*

The Project satisfies the applicable use standards, development standards, and general requirements of Chapter 59 of the Zoning Ordinance, as explained more fully below:

Use Standards

Section 59.3.1.6 of the Zoning Ordinance lists the uses that are permitted in the CRT Zone. The Project proposes both non-residential (retail/commercial) and residential (multi-family and single-family dwelling units) uses, which are permitted in the CRT Zone. The Applicant's final identification of the specific non-residential uses to be developed on the site will comply with the use standards provided in Section 59.3.1.6. of the Zoning Ordinance.

Development Standards for the Standard Method of Development in the CRT Zone

Section 59.4.5.3.C of the Zoning Ordinance lists the development standards for development under the standard method in the CRT Zone. The Application meets all of these development standards, as delineated in the development standards chart included on the Site Plan Cover Sheet.

General Development Requirements

Article 59.6 of the Zoning Ordinance contains general development requirements. The Application meets all of these requirements, as follows:

(i) Site Access (Division 6.1)

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

(ii) Parking, Queuing, and Loading (Division 6.2)

The parking associated with the Project will be located primarily in structured parking. The South Building's parking will be accessed either from the northwest corner of the building, via an internal private street, or from the east side of the building, directly from Westbard Avenue. The North Building's parking will be accessed entirely from the private road network on the north and west sides.

More than the minimum number of vehicle parking spaces required for the Project pursuant to Section 59.6.2 of the Zoning Ordinance is provided, as shown on the tables included on the Site Plan Cover Sheet. All of the proposed parking spaces will comply with the design standards identified in Section 59.6.2.5 of the Zoning Ordinance. Similarly, the proposed loading spaces will comply with the dimension, location and maneuvering requirements identified in Section 59.6.2.8 of the Zoning Ordinance.

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

(iii) Open Space and Recreation (Division 6.3)

Section 59.6.3.2 of the Zoning Ordinance references Division 4.5 as the controlling standard for open space requirements in the CRT Zone. Under the standard method of development, the Project will require 10% open space for the multi-use portions of the development and is proposing more than this amount, as shown on the Public Open Space Plan included with the Application. The public open space will be provided primarily in the new Civic Green, the new neighborhood park, and along the open areas fronting the internal street network.

The single-family attached portion of the development also requires 10% common open space and proposes in excess of this amount, as shown on the Open Space Plan included with the Application. As reflected on the Site Plan, the Application will also comply with the standards and requirements for recreational facilities pursuant to Section 59.6.3.9.

(iv) General Landscaping and Outdoor Lighting (Division 6.4)

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

(v) Screening Requirements (Division 6.5)

Pursuant to Section 59.6.5.2.C.2 of the Zoning Ordinance, the Project is required to provide screening between the North Building and the single-family neighborhood to the north

that is within the R-60 zone. This area will contain the proposed Springfield Neighborhood Park and will have plantings that meet or exceed the requirements of this section.

(vi) *Outdoor Display and Storage (Division 6.6)*

This Division is inapplicable because the Project does not propose any outside display or storage.

(vii) *Signs (Division 6.7)*

The Applicant will obtain all necessary approvals from the Montgomery County Department of Permitting Services (“MCDPS”) for proposed signage on the Property.

e. *satisfies the applicable requirements of:*

(i) *Chapter 19, Erosion, Sediment Control, and Stormwater Management;
and*

Pursuant to Chapter 19 of the Montgomery County Code, the Applicant will provide sediment and erosion control and water quality and quantity treatment for stormwater in accordance with applicable laws. As urban redevelopment, sediment control measures will not conflict with the proposed Site Plan.

(ii) *Chapter 22A, Forest Conservation*

Pursuant to Chapter 22A of the Montgomery County Code, the Applicant will provide forest conservation in accordance with applicable laws and regulations. A Forest Conservation Plan demonstrating compliance with applicable codes is included in the Application.

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

The building locations and overall site design proposed in the Application, including the proposed open spaces, circulation systems and landscaping, will be adequate, safe and efficient. As noted above, the majority of the parking provided for the Project is located internal to the buildings and screened from view. The circulation patterns to the parking and around the site are

logical and safe, and open spaces and amenities are located in highly visible locations easily accessed by pedestrians and cyclists. Finally, building massing is arranged on the site so as to provide an appropriate street edge along Westbard Avenue, as envisioned by the Sector Plan, while stepping down in height to the west to ensure maximum compatibility. Overall, the proposed development will provide a high degree of safety, convenience, and amenity for site residents, as well as for area residents generally.

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

The Site Plan substantially conforms to the Sector Plan's specific guidance for the Property as well as its area-wide planning goals.² A stated objective of the Sector Plan is "[d]esigning mixed-use buildings that offer residents a range of retail, office and housing options," which the Application achieves through the proposed creation of a significant new mixed-use development offering residents a range of retail, office and housing options. *See* Sector Plan, p. 8. The Sector Plan also places special emphasis on the need for affordable housing within the Sector Plan area, and the Application will contribute to this objective by providing additional MPDU units in the planning area. *Id.* at 24.

The provision of open and recreational space and improvement of connectivity are major themes of the Sector Plan, which calls for "[a]dding a network of green open spaces connected by trails and bikeways that provide places for outdoor recreation, gathering and relaxation." *Id.* at 8. More specifically, the Sector Plan recommends the creation of a neighborhood park, no less than 1/3 acre in size, on the north side of the Property, adjacent to the Westbard Avenue and

² Although many recommendations of the Sector Plan pertaining to the Property are linked to the Optional Method of development, numerous Sector Plan objectives can still be achieved under the standard method currently being applied, as described herein.

Ridgefield Road intersection. *See, e.g., Id.* at pp. 12, 74-75. The Application would result in the realization of this objective through the provision of such a neighborhood park, proposed at ½ acre in size, on the north side of the Property, adjacent to the intersection of Westbard Avenue and Ridgefield Road. Additionally, the Sector Plan calls for the creation of a civic green, no less than one-third acre in size, on the Property to “provid[] a central town green” and to serve as “a place for informal gatherings, quiet contemplation or large special event gatherings.” *See, e.g., Id.* at pp. 8, 74-75. In furtherance of this objective, the Application proposes a civic green approximately one-half acre in size on the Property that will “incorporate[] a central lawn as the main focus with adjacent spaces providing complementary uses” and will likely “include gardens, water features, [and] shade structures.” *Id.* at 74.

The Sector Plan also recommends significant environmental improvements such as increasing canopy cover, preserving large trees, promoting green roofs, reducing impervious surface parking areas and incorporating stormwater best practices in the area. *Id.* at 10-11, 76. The environmental features of the Project promote these objectives. Tree canopy will be substantially increased on the Property with development of the Project, a significant amount of impervious area will be removed, the proposed buildings will include significant green roof area, and new stormwater measures will be incorporated where none currently exist.

From a transportation perspective, the Sector Plan recommends “[t]ransforming existing streets into multi-modal transitways and adding new connections.” *Id.* at 8. The Sector Plan also contains specific recommendations regarding the streetscape associated with Westbard Avenue, including a cross section on page 38, aimed at addressing the Sector Plan’s goals of “enhance[ing] roadways to accommodate multi-modal transportation options” and “improve[ing] bicycle and pedestrian infrastructure.” *Id.* at 33-34. In furtherance of these objectives, the

Application proposes significant streetscape improvements along the Property's frontage that will include areas for cars, pedestrians and bicycles, and create a welcoming pedestrian area along Westbard Avenue, with the possibility of outdoor dining.

With regard to the Property in particular, the Sector Plan calls for "dividing the existing super-block composed of the Westwood Shopping center...and associated large surface parking lots...into smaller streets and blocks with ground floor, street-facing retail and residential and community uses." *Id.* at 74. The Project conforms to this recommendation, proposing the division of the Property into two blocks, as shown on the Site Plan, with street-facing retail and various residential uses.

- h. 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. 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.*

Because the Preliminary Plan for the Property was filed prior to January 1, 2017, the Project is subject to the 2013 LATR Guidelines. As more fully described in the Traffic Study included with the Application, the Project will be served by adequate transportation facilities.

Other available public facilities and services are also adequate to serve the proposed Site Plan. With regard to schools, the Property is also situated in the Whitman School Cluster. On June 22, 2017, the Planning Board approved the FY18 Annual School Test, under which the Whitman Cluster, as well as the individual school test for Wood Acres Elementary School and Pyle Middle School, are adequate under applicable capacity criterion. Police stations, firehouses, and health clinics are considered adequate under the 2016-2020 Subdivision Staging Policy

unless there is evidence that a local area problem will be generated. There are no circumstances present that would rebut this presumption of adequacy.

The Property is served by public water and sewer and is assigned WSSC categories W-1 and S-1. The existing water and sewer lines will be adequate to serve the additional development proposed by the Project. Dry utilities including electricity, gas, and telephone are also available to the Property.

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

The Property is located in the CRT zone. Therefore, this section is inapplicable to the Project.

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

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

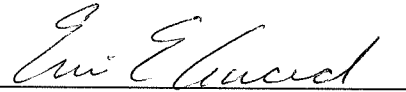
VI. CONCLUSION

For the foregoing reasons, the Application conforms to all necessary requirements and criteria for approval. The Applicant therefore respectfully requests that the Planning Board grant approval of this Site Plan Application. The above analysis and submitted plans establish that the

Application satisfies the required findings that the Planning Board must make to approve a Site Plan Application in accordance with the Zoning Ordinance.

Respectfully submitted,

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