

**JUSTIFICATION STATEMENT
FOR PRELIMINARY PLAN NO. 120170170
*Revised January 2019***

Westwood Shopping Center

I. INTRODUCTION

Applicant, Equity One (Northeast Portfolio), LLC. (“Applicant”), by its attorneys, Linowes and Blocher LLP, submits this Preliminary Plan Justification Statement to demonstrate conformance of the proposed development with all applicable review requirements and criteria. The subject property, which is almost entirely owned by the Applicant,¹ contains a gross tract area of approximately 23 acres, and includes the following properties:

(a) 5400 Westbard Avenue, more particularly known as Lot A-4 on Plat No. 5498, and Parcel 360, both zoned CRT 2.0, C 0.75, R 125, H 60 and referred to as Site 1 in the Westbard Sector Plan, approved and adopted in July 2016 (“Sector Plan”) (“Westwood I Property”);

(b) 5101 Ridgefield Road, more particularly known as Parcel A, Block G on Plat No. 7444, zoned CRT 1.0, C 0.25, R 1.0, H 45 and referred to as Site 2 in the Sector Plan (“Manor Care Property”);

(c) 5110 Ridgefield Road, more particularly known as Lot 3, Block H on Plat No. 10150 and 5471 Westbard Avenue, more particularly known as Parcel N128, both zoned CRT 1.5, C 0.5, R 1.5, H 75 and both of which are collectively referred to as Site 3 in the Sector Plan (“Westwood II Property”);

¹ A portion of Parcel B is now owned by the Housing Opportunities Commission (“HOC”).

(d) The portion of 5401 Westbard Avenue closest to Westbard Avenue, comprised of a portion of Parcel B, zoned CRT 2.5, C 0.5, R 2.0, H 75, and referred to as Site 4b in the Sector Plan (“Site 4b”);

(e) 5353 Westbard Avenue, more particularly known as Parcel N303, and 5335 Westbard Avenue, more particularly known as Parcel N357, both zoned CRT 2.5, C 0.5, R 2.0, H 110, and collectively referred to in the Sector Plan as Site 5 (“Bowlmor Property”) (the Westwood I Property, Manor Care Property, Westwood II Property, Site 4b and Bowlmor Property all collectively referred to herein as the “Property”). The Property is subject to the recommendations of the Sector Plan.

Pursuant to the applicable provisions of Chapter 50 of the Montgomery County Code,² (“Subdivision Regulations”), Applicant submits this preliminary plan for the proposed redevelopment of the Property with up to 823,610 square feet of new development, including approximately 647,378 square feet of residential uses (approximately 410 new multi-family and 106 single-family attached units) and approximately 176,232 square feet of non-residential uses contained on 125 recorded lots (collectively, “the Project”). Contemporaneously herewith, the Applicant is also seeking approval of a site plan application for the Westwood I property and requests that both applications be processed concurrently.

By significantly revitalizing an aging strip shopping center, enhancing community connectivity, and both creating desirable public open spaces on-site and dedicating land for the Willett Branch Greenway, the Project will facilitate a number of important recommendations of

² The initial Preliminary Plan application was submitted on December 20, 2016 and is thus governed by the 2012-2016 Subdivision Staging Policy pursuant to County Council Resolution No. 18-671, Section AP1.

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 preliminary plan application (“Application”).

II. BACKGROUND

The Preliminary Plan Application was initially filed on December 20, 2016, and encompassed a larger, approximately 25.7-acre tract of land. That initial application sought 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 application 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 on 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, and Condition No. 6 vi 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 Sketch Plan 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 Preliminary Plan, as now revised, removes Parcels P238, P 240 and P175³ and seeks to reduce the new proposed density from the original submission by approximately 976,390 square feet.

III. EXISTING CONDITIONS AND SURROUNDING AREA

The Property is approximately 23 acres in size, which includes approximately 3.15 acres from previous dedications for adjacent roadways. As noted above, 5101 Ridgefield Road, the northernmost property included in the Application, is the former site of a Manor Care nursing home and is currently improved with a vacant two-story brick building and associated surface parking. This property is bordered by single-family residences to the north, River Road and portions of the Kenwood Tributary to the east, Ridgefield Road and confronting commercial uses (also included in the Application) to the south, and confronting single-family residential uses to the west.

5110 Ridgefield Road, the Westwood II Property, is improved with a three-story brick commercial office/retail building and associated structured and surface parking that confronts the Manor Care Property to the north and is bordered by River Road, an eight-story commercial office building and portions of the Willett Branch Stream to the east, a nursery (American Plant

³ These parcels have been purchased by HOC and are no longer under the ownership of the Applicant.

Food) to the south, an adjacent gas station (also included in the Application) and Westbard Avenue to the west, and confronting single-family residential uses to the northwest.

The Citgo gas station, located at 5471 Westbard Avenue, is directly to the south and east of the Westwood II building and abuts Westbard Avenue and confronting commercial uses (also included in the Application) to the west, confronting single-family residential uses to the northwest, and a surface parking area to the south.

Site 4b is currently improved with surface parking. This property abuts a roofing center to the north, the Westwood Towers Building to the east, the one-story Bowlmor Bowling center (also included in the Application) to the south, and Westbard Avenue and confronting commercial uses to the west.

5353 Westbard Avenue, which adjoins Site 4b to the south, is currently improved with a one-story bowling center (Bowlmor) and associated surface parking. This property adjoins the Willett Branch stream and existing and proposed commercial uses beyond to the east, a Citgo gas station (also included in the Application) to the south, and Westbard Avenue and confronting commercial uses (also included in the Application) to the west.

5471 Westbard Avenue is improved with the second Citgo gas station and adjoins the Bowlmor building to the north, a three-story self-storage facility to the east, a nine-story multi-family residential building to the south, and Westbard Avenue and confronting commercial uses (also included in the Application) to the west.

Finally, the Property includes the Westwood Shopping Center (5400 Westbard Avenue) that is currently improved with an approximately 101,637-square-foot single-story strip retail shopping center and associated surface parking. This property abuts Westland Middle School to

the south, the four-story Kenwood Condominium building to the west, single-family residential uses to the north, and Westbard Avenue and confronting commercial and multi-family residential uses to the east.

IV. PROPOSED PROJECT AS REFLECTED IN PRELIMINARY PLAN

As noted on the included plans, the Applicant proposes to construct up to 647,378 square feet of residential uses projected to constitute approximately 410 new multi-family residential units and 104 single-family attached units, 12.5% of which will be moderately priced dwelling units (“MPDUs”) in accordance with the requirements of Chapter 25A of the Montgomery County Code, and approximately 176,232 square feet of new commercial uses.

The proposed commercial and mixed-use buildings on the Westwood I Property will be a maximum of 60 feet in height. The proposed townhouses on the Manor Care Property will be a maximum of 45 feet in height, the residential building on the Westwood II Property will be a maximum of 75 feet in height, the new mixed-use building on Site 4b will be a maximum of 75 feet in height, and the existing one-story commercial building on the Bowlmor Property will remain in its current configuration.

As indicated on the Preliminary Plan Cover Sheet, the Project is anticipated to be constructed in two phases: Phase I consists of three sub-phases, with the first (Phase IA) being the development of the southern commercial building on the Westwood I Property, the second (Phase IB) being the development of the residential area on the western portion of the Westwood I Property, and the third (Phase IC) being the remainder of the Westwood I Property. Phase II constitutes the residential developments on the Manor Care and Westwood II Properties, and the development of Site 4b.

The Project includes significant open spaces for community enjoyment and enhanced streetscaping within and adjacent to the Project to promote pedestrian activity and enhance connections throughout the area. The Project also includes the dedication of land along the Willett Branch stream to further one of the primary objectives of the Sector Plan regarding the restoration of this area as an amenity for the community. Additionally, in Phase II the Project allows for the realignment of Westbard Avenue at the Ridgefield Road intersection.

V. MASTER PLAN CONFORMITY

A. § 50-35(1) – Relation to Master Plan

In determining the acceptability of a preliminary plan submitted under this Chapter, the Planning Board must consider the applicable master plan, sector plan, or urban renewal plan. A preliminary plan must substantially conform to the applicable master plan, sector plan, or urban renewal plan, including maps and text, unless the Planning Board finds that events have occurred to render the relevant master plan, sector plan, or urban renewal plan recommendation no longer appropriate.

The Preliminary Plan substantially conforms to the Sector Plan’s specific guidance for the Property as well as its area-wide planning goals. 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 significant new mixed-use development offering residents a range of retail, office and housing options. *See* Sector Plan, p. 8.

The provision of open and recreational space and improvements to 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 civic green, approximately

½ acre, but no less than 1/3 acre in size, on the Westwood I Property, the creation of a neighborhood park, also to be approximately ½ acre, but no less than 1/3 acre in size, on the north side of the Westwood I Property, adjacent to the Westbard Avenue and Ridgefield Road intersection, and the restoration of Willett Branch as a stream amenity with pedestrian trail connections. *See, e.g., Id.* at pp. 12, 74-75. To achieve these goals, the Application proposes an approximately ½-acre civic green on the Westwood I Property, an approximately ½-acre neighborhood park on the north side of the Westwood I Property, adjacent to the intersection of Westbard Avenue and Ridgefield Road, and the dedication of land for the Willett Branch Greenway. The proposed dedication of land within the stream valley buffer for Willett Branch will also further advance the environmental vision of the Sector Plan and contribute to the ultimate improvement of that stream’s ecology. *Id.* at 75.

The Sector Plan also recommends other significant environmental improvements such as increasing canopy cover, preserving large trees, and incorporating stormwater best practices in the area. *Id.* at 76. The environmental features of the Project promote these objectives. Specifically, the Sector Plan recommends the establishment of “a minimum 50 percent canopy cover for all roads, on-street parking and ground level parking lots.” *Id.* at 76. As shown on the Tree Canopy exhibit included with the Application, the Project will achieve a minimum of 50 percent canopy cover over the private roads and on-street parking internal to the Project. The Sector Plan also makes a specific recommendation to “[r]educe impervious surface parking areas,” which the Project will achieve through replacement of acres of existing surface parking with the proposed redevelopment. *Id.*

With regard to stormwater, the Sector Plan acknowledges that much of the existing development in Westbard was completed prior to stormwater regulations and that projects will be subjected to the current County and State regulations as redevelopment occurs. *Id.* at 58. To maximize the benefits of upgraded stormwater management, the Sector Plan also recommends that “SWM treatment [] be done on-site wherever feasible, and the use of waivers should be limited.” *Id.* These objectives are achieved with the proposed redevelopment, which will treat 100 percent of the stormwater from the Project on-site without the need for waivers. The realignment of Westbard Avenue may require a partial waiver request for a fee-in-lieu due to insufficient area to treat the new roadbed. With regard to Westwood I in particular, the Sector Plan also recommends that any future redevelopment of that property “address the currently unmitigated storm flows that drain from the Kenwood Place condominium into the Giant Food site...by installing stormwater buffer strips along and within the perimeter of the Westwood Shopping Center site.” *Id.* The revised plan moves the townhouse units proposed along the property line shared with Kenwood further east to accommodate a buffer between the units and the property line to assist in the collection of stormwater. In accordance with the Sector Plan’s recommendation, the storm flows from Kenwood Place will be collected in a swale along the joint property line and directed to stormwater facilities or to the receiving stormdrain systems.

With regard to tree and forest preservation, in addition to more general recommendations, the Sector Plan recommends that “[a]ny redevelopment should make efforts to preserve the large trees along the entrance driveway to the Kenwood Place Condominium and the property boundary between the condominium and Westwood Shopping Center.” *Id.* As shown on the Forest Conservation Plan included with the Application, these large trees are all preserved and, where practicable, the smaller trees along the Kenwood driveway are also preserved, as shown on the current layout. The Plan also recommends that the linear parking lot on the Manor Care property be deconstructed and reforested. *Id.* As shown on the plans included with the Application, this objective is achieved, and a 36,938 square foot forested area proposed in this area.

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 frontages that will include areas for cars, pedestrians and bicycles. The Sector Plan also calls for a “transit hub” on or near the Westwood I Property that is to include space for “a bikeshare station” and a “[r]eal-time information display for transit service.” *Id.* at 44. As part of the resubmitted plans, a transit hub is now shown along Westbard Avenue proximate to the office entrance for the Southern Building. This hub will feature a new bus shelter with a real-time information display, as well as a bikeshare station, in conformance with the Sector Plan

recommendations. As part of Phase II, the Project also envisions the realignment of a portion of Westbard Avenue to tie directly to River Road, as called for in the Sector Plan (*Id.* at 74).

On the Westwood I 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 Westwood I Property into two mixed-use blocks as well as multiple townhouse blocks, as shown on the Preliminary Plan, with street-facing retail, a civic green, and upper-level residential uses.

The Sector Plan also emphasizes the desire to “[p]reserve[e] and enhance[e] local retail” and preserve some space for small businesses within the Sector Plan area as redevelopment occurs. *Id.* at 8, 19. In this regard, the Applicant is actively engaging with existing tenants to explore opportunities for some to continue serving the community in the new development.

For all the foregoing reasons, the Project will achieve the Sector Plan’s objective of “enhancing Westbard’s community character and identity” through placemaking. *Id.* at 54. As noted above, the Project includes significant and attractive open spaces framed by buildings with materials echoing the area’s history, and activated streets featuring wide sidewalks, outdoor seating, and significant landscaping and tree canopy. The Applicant believes that, as designed, the Project will create “great public spaces for gathering, events and play.” *Id.*

VI. COMPLIANCE WITH SUBDIVISION REGULATIONS

A. § 50-35(e) *Sites for other than single-family dwellings.*

- (1) *All sites proposed for uses such as churches, public utilities, shopping centers, multi-family dwellings, general commercial or industrial shall be indicated for such use on the preliminary plan, together with scaled dimensions and approximate area of each such site. The proposed use shall be in accordance with the uses for which the property is actually zoned or recommended for zoning on a duly adopted zoning plan. Nothing herein shall be construed to limit actual development to such proposed uses.*

All such proposed uses are noted as required on the Preliminary Plan. The Preliminary Plan's proposed uses are in accordance with the existing CRT zoning.

- (2) *When the property is included in more than one zoning classification, the lines showing the limits of each classification shall be clearly indicated.*

This extent of the various zones are clearly indicated on the Preliminary Plan.

- (3) *Interior road or street access, whether private or proposed to be dedicated, shall be shown.*

Street access and proposed dedications are so noted on the Preliminary Plans.

B. § 50-34(f) *Wells and septic systems.*

This section is not applicable to the Preliminary Plan as the Property is served by public water and sewer.

C. § 50-34(g) *Staging Schedule for plat recordation and building permit.*

The applicant or his agent must submit with the written application a recording and construction schedule which must indicate those portions of the area covered by the preliminary plan for which record plats and building permits will be sought and obtained during each of the succeeding years, up to the validity period of the APFO approval required by Sec. 50-35(k). Where a project is proposed to be built out in phases cumulatively exceeding three years, the applicant must submit a phasing schedule for approval by the Board as part of the preliminary plan. The preliminary plan establishes the validity period for the entire project.

When applicable, the phasing schedule should specifically identify the timing for the completion of construction and conveyance to unit owners of such things as common open areas and recreational facilities. In addition, the phasing schedule should indicate the timing for the provision of moderate priced dwelling units, and infrastructure improvements associated with each phase. Such a phasing schedule must be designed to have as little dependence on features (other than community-wide facilities) to be provided in subsequent phases and have minimal impact during construction on phases already built and occupied.

For projects that require site plan review, the applicant may submit the final phasing schedule, detailing the information required in this section, provided the implementation of the phasing schedule does not exceed the validity period established in the preliminary plan.

Subject to modification at the time of site plan, Applicant proposes the following phasing schedule for the Preliminary Plan:

Phase IA – Recordation of plats and issuance of building permits for a total of at least 70,000 square feet of commercial uses, which uses include structured parking, within 36 months from the 30th day after the Resolution is mailed, or if an administrative appeal is timely noted by any party authorized to take an appeal, the date upon which the court having final jurisdiction acts, including the running of any further applicable appeal periods;

Phase IB – Recordation of plats and issuance of building permits for at least 24 single-family attached residential units, within 24 months from the expiration date of the Phase IA validity period.

Phase IC – Recordation of plats and issuance of building permits for at least an additional 30,000 square feet of commercial uses and 100 multi-family residential units, within 36 months from the expiration date of the Phase IB validity period.

Phase II – Recordation of plats and issuance of building permits for up to an additional 46,232 square feet of commercial uses and 18 single-family attached and 100 multi-family residential units, including MPDUs, within 24 months from the expiration date of the Phase IC validity period.

See also Section VII below regarding preliminary plan and APF validity phasing.

D. § 50-34(h) Staging schedule for land containing an arts or entertainment use as a public use space.

If a phasing plan for a preliminary plan of subdivision includes land or building space that the County has accepted for an arts or entertainment use under Section 59-C-6.2356, approval of a site plan under Section 59-D-3 for the phase containing that land or building space validates all remaining phases of the preliminary plan and the project plan for the purpose of Section 59-D-2.7(b).

This section is not applicable to the Preliminary Plan as it does not include land or building space that the County has accepted for an arts or entertainment use.

E. § 50-34(i) Increase of density.

A preliminary subdivision plan for a property in a receiving area which proposes to increase the density of the property by a utilization of development rights shall indicate, in addition to the number of lots permitted by the base density, the number of development rights to be conveyed to the receiving property, the total density, in dwelling units, of the proposed subdivision, the number of moderately priced dwelling units to be provided in accordance with the provisions of Chapter 25A, and the density recommended by the approved and adopted general, master, sector or functional plan.

This section is not applicable to the Preliminary Plan as it does not propose to increase density by utilizing development rights.

F. § 50-34(j) Development rights.

Such a preliminary subdivision plan must include at least two-thirds of the number of development rights permitted to be transferred to the property under the provisions of the appropriate general, master, sector or functional plan. However, upon a finding by the Planning Board that for environmental reasons it would be desirable to permit a lower density, the two-thirds requirement may be waived.

This section is not applicable to the Preliminary Plan as it does not propose to increase density by utilizing development rights.

G. § 50-34(k)

A preliminary subdivision plan application for a subdivision to be located in a transportation management district, as designated under Chapter 42A, Article II, must contain a draft traffic mitigation agreement that meets the requirements of that article

unless one has previously been submitted at the time of project plan submittal under the optional method of development.

This section is not applicable to the Preliminary Plan as it is not located within a transportation management district.

H. § 50-35(d) Road grade and road profile.

Before the Board finally approves a preliminary plan, the subdivider must furnish road, and pedestrian path grades and a street profile approved in preliminary form by the County Department of Transportation.

The Preliminary Plan application includes all required road and pedestrian path grades and street profiles.

I. § 50-35(c) Wells and septic systems.

Before the Board approves a plan for lots with individual wells or septic systems, the plan must be approved by the Department of Permitting Services.

This section is not applicable to the Preliminary Plan as the Property is served by public water and sewer.

J. § 50-35(j) Sediment control.

All preliminary plans and extensions of previously approved plans must provide for erosion and sediment control, in accordance with all applicable laws and regulations governing sediment control.

Applicant will comply with all applicable sediment control requirements.

K. § 50-35(o) Forest Conservation.

If a forest conservation plan is required under Chapter 22A, the Board must not approve a preliminary plan or any extension until all requirements of that law for plan approval are satisfied. Compliance with a required forest conservation plan, including any plan reviewed on a preliminary or final basis, must be made a condition of any approved preliminary plan.

Applicant will comply with all applicable requirements of Chapter 22A of the Montgomery County Code as detailed in the included Forest Conservation Plan.

L. § 50-35(c) Water quality.

If a water quality plan is required under Chapter 19, the Planning Board must not approve a preliminary plan or any extension until all requirements of Chapter 19 for plan approval are satisfied. Compliance with a required water quality plan, including any plan reviewed on a preliminary or final basis, must be made a condition of any approved preliminary plan.

This section is not applicable to the Preliminary Plan as a water quality plan is not required. A concept stormwater management plan has been submitted with this application. As noted in Section V above, in addition to meeting the technical stormwater management requirements, the Project will also conform with the specific recommendations of the Section Plan regarding stormwater improvements.

VII. DURATION OF VALIDITY PERIOD FOR DETERMINATION OF ADEQUATE PUBLIC FACILITIES AND PRELIMINARY PLAN APPROVAL

A. § 50-20(c)(3)

(A) A determination of adequate public facilities made under this Chapter is timely and remains valid:

* * *

(iv) for no less than 5 and no more than 10 years after the preliminary plan is approved, as determined by the Planning Board at the time of approval, for any plan approved on or after April 1, 2007, and before April 1, 2009, or on or after April 1, 2017; and

(B) If an applicant requests a validity period that is longer than the minimum specified in this paragraph, the applicant must submit a development schedule or phasing plan for completion of the project to the Board for its approval. At a minimum, the proposed development schedule or phasing plan must show the minimum percentage of the project that the applicant expects to complete in the first 5 or 7 years, as appropriate, after the preliminary plan is approved. To allow a validity period longer than the

minimum specified in this paragraph, the Board must find that the extended validity period would promote the public interest. The Board may condition a validity period longer than the minimum specified in this paragraph on adherence to the proposed development schedule or phasing plan, and may impose other transportation improvement or mitigation conditions if those conditions are needed to assure adequate levels of transportation service during the validity period.

The Application requests a ten (10)-year APFO validity period pursuant to § 50-20(c)(3)(A)(iv) of the Subdivision Regulations and proposes the following phasing plan:

Phase IA – 36 months from the 30th day after the Resolution is mailed; or if an administrative appeal is timely noted by any party authorized to take an appeal, the date upon which the court having final jurisdiction acts, including the running of any further applicable appeal periods.

Phase IB – 36 months from the expiration date of the validity period for Phase IA.

Phase IC – 24 months from the expiration date of the validity period for Phase IB.

Phase II – 24 months from the expiration date of the validity period for Phase IC.

B. § 50-35(h)(2) *Duration of Validity Period.*

(A) An approved preliminary plan for a single phase project remains valid for 60 months after its Initiation Date for any preliminary plan approved on or after April 1, 2009, but before April 1, 2017, and for 36 months after its Initiation Date for any preliminary plan approved on or after April 1, 2017. Before the validity period expires, the applicant must have secured all government approvals necessary to record a plat, and a final record plat for all property delineated on the approved preliminary plan must have been recorded in the County Land Records.

(B) An approved preliminary plan for a multi-phase project remains valid for the period of time allowed in the phasing schedule approved by the Planning Board. The Planning Board must assign each phase a validity period on a case-by-case basis, the duration of which the applicant must propose as part of an application for preliminary plan approval, revision, or amendment, after considering such factors as the size, type, and location of the project. The time allocated to any phase must not exceed 60 months after the initiation date for that particular phase for any preliminary plan approved on or after April 1, 2009, but before April 1, 2017, and 36 months after the initiation date for

that particular phase for any preliminary plan approved on or after April 1, 2017. The cumulative validity period of all phases must not exceed the APFO validity period which begins on the date of the initial preliminary plan approval, including any extension granted under Section 50-20(c)(5). A preliminary plan for a phase is validated when a final record plat for all property delineated in that phase of the approved preliminary plan is recorded in the County Land Records.

Applicant proposes the following phasing schedule for the plat recordation and the

Preliminary Plan:

Phase IA – Recordation of plats covering at least 70,000 square feet of commercial uses within 36 months from the 30th day after the Resolution is mailed, or if an administrative appeal is timely noted by any party authorized to take an appeal, the date upon which the court having final jurisdiction acts, including the running of any further applicable appeal periods;

Phase IB – Recordation of plats covering at least 24 single-family attached residential units within 24 months from the expiration date of the Phase IA validity period.

Phase IC – Recordation of plats covering at least an additional 30,000 square feet of commercial uses and 100 multi-family residential units within 36 months from the expiration date of the Phase IB validity period.

Phase II – Recordation of plats covering at least an additional 46,232 square feet of commercial uses and 18 single-family attached and 100 multi-family residential units, including MPDUs, within 24 months from the expiration date of the Phase IC validity period.

VIII. DETERMINATION OF ADEQUATE PUBLIC FACILITIES

§ 50-35(k) Adequate public facilities.

The Planning Board must not approve a preliminary plan of subdivision unless the Board finds that public facilities will be adequate to support and service the area of the proposed subdivision. Public facilities and services to be examined for adequacy include roads and public transportation facilities, sewerage and water service, schools, police stations, firehouses, and health clinics.

A. Roads and Public Transportation Facilities

Vehicular circulation to the Property from nearby major highways such as River Road and Massachusetts Avenue is provided by Ridgefield Road and Westbard Avenue. Access to Westwood I is further provided by three driveways accessing an internal private street, and the parking structure within the South Building and loading access is provided via a fourth curb cut at the southernmost point of the Westwood Property. The proposed private street located between the multi-family and commercial buildings is designed such that it can be closed for a limited period of time for events such as Farmer's Markets or holiday celebrations. These closures would typically not be more frequent than twice a month. Even with such limited closures, however, circulation to and through the site will remain adequate. Those vehicles that otherwise would have entered or exited the site via this street can either use the entrance directly into the southern building's parking structure, which provides access directly to the parking areas as well as clear through access to the loop road, or the northern entrance to the site.

The remainder of the properties along the east side of Westbard Avenue will be served by driveways and access drives from Westbard Avenue, with the exception of Manor Care, whose driveway will access Westbard Drive. These existing and planned roadways and access points will provide efficient and adequate circulation throughout the Project as shown on the Preliminary Plan.

The Property is also located just over a mile from the Friendship Heights Metrorail Station and approximately 1 ½ miles from the Bethesda Metrorail Station, which both offer Red Line service between Shady Grove and Glenmont via downtown Washington, D.C. Additionally, the Property is near many bus lines. Ride-On bus routes are provided along

MD 396 (Massachusetts Avenue), MD 190 (River Road) and Westbard Avenue, and WMATA bus routes are provided on MD 396 (Massachusetts Avenue), MD 190 (River Road) and Westbard Avenue, and provide service between the Friendship Heights Metro Station and Sibley Hospital.

Local Area Transportation Review (LATR): As more fully described in the Revised Traffic Study included with the Application, implementation of the Preliminary Plan will not result in any of the study intersections operating in excess of the Bethesda-Chevy Chase Policy Area congestion standard threshold.

B. Sewerage and Water Service, Schools, Police Stations, Firehouses, and Health Clinics

Other available public facilities and services are adequate to serve the proposed Preliminary Plan. As the Property is located in the S-1 and W-1 sewer and water categories, there is adequate on-site sewer and water service to serve the Preliminary Plan. The Property is also situated in the Whitman School Cluster. Under both the FY18 and the FY19 Annual School Tests, including the individual school test for Wood Acres Elementary School and Pyle Middle School, the Whitman Cluster has adequate capacity to accommodate the Project 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.

IX. CONCLUSION

Applicant respectfully requests that the Planning Board grant approval of this Preliminary Plan. The above analysis and submitted plans establish that the Preliminary Plan satisfies the required findings that the Planning Board must make to approve a Preliminary Plan application in accordance with the Subdivision Regulations.

Respectfully submitted,

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