



Johnson ♦ Bernat ♦ Associates, Inc.

January 14, 2019

Ms. Rebecca Torma
Development Review Team
Executive Office Building
Office Transportation Policy
101 Monroe Street, 10th Floor
Rockville, MD 20850

RE: Westwood Shopping Center
Preliminary Plan 120170170
Design Exceptions Request
JBA Project – 17-055

Dear Rebecca,

On behalf of our client, Equity One, Inc. (Northeast Portfolio) (the ‘Applicant’), we are requesting the following Design Exceptions to the Montgomery County Department of Transportation’s (DOT) design standards.

We have listed the design exceptions that we would like you to consider below:

- A. Special paving materials in the public right of way
- B-1. Right of way truncation reduction (Street A to Westbard Avenue)
- B-2. Right of way truncation reduction (Westbard Ave to relocated Westbard Avenue)
- C. Minimum Tangential Centerline between curves
- D. Median Length
- E. Modification to the context sensitive road sections (Public Street A)
- F. Stormwater management devices in the public right of way
- G. Dry utilities in public right of way

Design Exception A. Special Paving Materials in Public Right of Way

The Applicant requests to use specialty pavers and/or pavement at time of site plan along the Site’s frontage on Westbard Avenue. Non-standard materials will be used to enhance the streetscape and help foster a sense of place, and unify the project design, bringing a more inviting aesthetic to the general public, as outlined in the Sector Plan.

There is no adverse impact to vehicular, pedestrian, or bicycle traffic by approving this exception, and all non-standard improvements will be installed and maintained by the Applicant under the County’s standard License and Maintenance Agreement.

Design Exception B-1. Right of way truncation reduction (Street A to Westbard Avenue)

The Applicant is seeking a waiver from the standard truncation requirement for the two (2) intersections of private Street "A" on Westbard Avenue. Under Section 50-26 of the County Code,¹ the right of way of corner lots at an intersection are required to be truncated by straight lines joining points 25 feet from the theoretical property line intersection in each quadrant.

The applicant is seeking an exception to this requirement, as permitted under Section 50-38 of the Code, to allow the design of the right-of-way lines to intersect without any truncation.

Standard truncation at the corners would have an adverse impact on the design of the public use space at the Civic Green and Springfield Park, and would require the corner of the proposed building to be pulled back, resulting in a diminished architectural presence along Westbard Avenue. One of the key components to establishing a pedestrian-friendly urban environment is the creation of a defined street wall with building faces sufficiently close to the street to create a pedestrian-scale public realm. The building location facing the corner will help to create this desired edge for the streetscape and, as a result, help to promote decreased vehicular speeds while re-emphasizing the importance of the pedestrian.

Given the wider twenty-nine foot (29') right-of-way area behind the curb to provide for both sidewalk and bicycle facilities, and the recommended build-to line at the right-of-way, the waiver of truncation is needed. Adequate sight distance will still be provided. Accordingly, there is no adverse impact to vehicular, pedestrian, or bicycle traffic as a result of this exception.

Design Exception B-2. Right-of-Way Truncation Reduction (Westbard Avenue to Relocated Westbard Avenue)

The Applicant is seeking a waiver from the standard truncation requirement for the new intersection of Westbard Avenue with the relocated Westbard Avenue. Under Section 50-26 of the County Code, the right-of-way of corner lots at an intersection are required to be truncated by straight lines joining points 25 feet from the theoretical property line intersection in each quadrant.

The applicant is seeking a waiver of this requirement, as permitted under Section 50-38 of the Code, to allow the design of the right-of-way lines to intersect without any truncation.

Standard truncation at the corners would have an adverse impact on the design of the public use space and the townhouse design. There is a strong recommendation in the Sector Plan to have the build-to line at this prominent location be at the right-of-way to create a defined street wall.

Given the wider twenty-nine foot (29') right-of-way area behind the curb to provide for both sidewalk and bicycle facilities, and the recommended build-to line at the right-of-way, the waiver of truncation is needed. Adequate sight distance will still be provided. Accordingly, there is no adverse impact to vehicular, pedestrian, or bicycle traffic.

¹ The Preliminary Plan application was submitted on December 20, 2016 and is thus governed by the 2012-2016 Subdivision Staging Policy and Subdivision Regulations in effect prior to February 2017 pursuant to County Council Resolution No. 18-671, Section AP1.

Design Exception C. Minimum Tangential Centerline Between Curves

The Applicant has proposed horizontal alignments which do not include the requisite tangent between curves in all cases. Montgomery County Code Section 50-26, Roads and Streets-Design Standards prescribe that:

- A) The minimum tangent length between two reverse curves for any road is 100', except for a secondary or tertiary residential street.
- B) In primary, secondary, and tertiary residential streets, the alignment must be designed so that all deflections in horizontal alignment are accomplished through segments of circular curves properly incorporated into the design. The minimum permitted centerline radii must be 300' for a Primary Street, 150' for a Secondary Street, and 100' for a tertiary Street.

Deviations from the prescribed standards occur at:

- 1. Westbard Avenue: Compound Curve at stations 6+00 without the use of a tangent
 - a. Westbard Avenue is being realigned to intersect with River Road (MD-190), replacing the current alignment of Ridgefield Road, in accordance with the alignment indicated in the Sector Plan. The realignment uses a 300' radius to tie into the existing curve on the current Westbard Avenue alignment which is to remain. This tie-in point is near station 6+00.
 - b. The radius of the existing Westbard Avenue alignment is 1,365 feet, which allows for proper sight distances.
- 2. Westbard Avenue: A reverse curve with less than 100' at existing Ridgefield Road tie-in.
 - a. A shorter tangent is used to minimize impact to the existing right-of-way tie-in point as there are single family homes on both sides.
 - b. Less than optimal tangent length allows for maximizing the distance between the intersection of Ridgefield Road/Westbard Avenue and the intersection of Westbard Avenue and River Road.

No alternatives have been identified as viable, and the proposal is supported by the recommendations in the Sector Plan. Strict adherence to a minimum tangent length would prevent the application of the master planned right-of-way for the Westbard Avenue realignment and the associated intersection with Ridgefield Road. Both the public and private sectors will benefit significantly from allowing this modification, and there is no adverse impact to vehicular, pedestrian, or bicycle traffic.

Design Exception D. Median Length

Montgomery County Code Section 50-26, Roads and Streets-Design Standards prescribe that proposed intersections with an arterial or major highway must be spaced no closer together than

600 feet. The Applicant is proposing multiple intersections, requiring median breaks, along Westbard Avenue that are spaced less than the prescribed 600’.

The proposed spacing is to accommodate the three (3) proposed intersections. Given the urban context of this development, shorter blocks and full movement intersections are important to increase vehicular access to both the shopping center and surrounding neighborhoods. Without the median breaks, creating right in/right out turning movements at these intersections would disrupt pedestrian and vehicular access throughout the corridor.

Design Exception E. Modification of the Context Sensitive Road Section

Westbard Avenue is requested to be a 120’ right-of-way from the intersection with River Road to approximately station 6+00 and a 110’ right-of-way from approximate station 6+00 to the end of the project at approximate station 16+00 which deviates from the standard Business District Street in the context sensitive road section. The Sector plan suggests two (2) travel lanes in each direction, with the southbound lane used as parking during non-peak hours, a six-foot median, a separated five-foot bike lane, landscape buffer and minimum 13-foot sidewalk. The reduced median, along with the four travel ways which deviates from the typical section, allows for the wider sidewalks and the dedicated bikeways

The proposed section creates a safer pedestrian environment and sense of place by incorporating the Sector Plan recommendations that were fully vetted by all relevant agencies and adopted by the County Council.

Design Exception F. Stormwater Management Devices in the Public Right-of-Way

Stormwater management is required for the public road system for the development based on the approved Stormwater Management Concept Plan reviewed and approved by the Montgomery County Department of Permitting Services. To meet stormwater requirements, installation of roadside micro-bio retention facilities to treat and store runoff, are necessary.

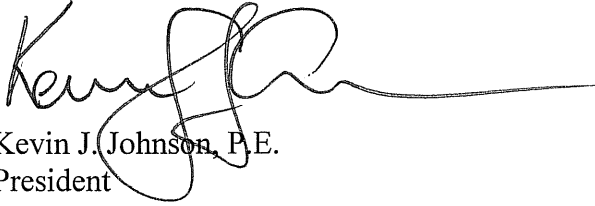
As noted above, in conformance with the recommendations of the Sector Plan, the buildings proposed in the project are sited directly at the right-of-way line, leaving only the landscape buffer within the right-of-way able to accommodate stormwater management. The proposed roadside micro-bio retention also provides the best environmental site design available.

Design Exception G. Dry Utilities in the Public Right-of-Way

There are existing overhead utilities within the current Westbard Avenue which include Pepco poles and underground electric and gas services in the right-of-way. The applicant proposes that the poles and existing underground service remain in the right-of-way. The proposed improvements to Westbard Avenue will allow for the dry utilities to remain without impact to vehicular and pedestrian access and will not impact any other utilities. Moreover, the retention of the utilities within the right-of-way was explicitly acknowledged by the Sector Plan. *See* Sector Plan, p. 38. Relocating all utilities would be cost prohibitive and infeasible.

Sincerely,

Johnson ♦ Bernat ♦ Associates, Inc.

A handwritten signature in black ink, appearing to read 'Kevin J. Johnson', with a long horizontal flourish extending to the right.

Kevin J. Johnson, P.E.
President

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