



LITTLE FALLS WATERSHED ALLIANCE

EDUCATION - ACTION - STEWARDSHIP

Sarah Morse
Executive Director

Date: July 13, 2018

Board of Directors:

To: Stephanie Dickel
Matthew Folden

Jack Sobel
President

**Re: Comments on Regency Centers Westwood Shopping Center
Site Plan No. 820180190; Preliminary Plan No. 120170170**

Mikel Moore
Vice President

Sara Schneeberg
Robinson
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The Little Falls Watershed Alliance (LFWA) is an environmental stewardship group for the Little Falls Branch, Willett Branch, and surrounding watershed. The group was founded in 2008 by concerned neighbors who wanted to protect the beauty of the natural area. Our mission is to restore and protect the fragile natural environment and to ensure that the natural spaces in our area persist for generations to come. We are a volunteer organization, with only one paid part-time employee, but we have over 2,000 members from all over our watershed. Our members include dog walkers, bird watchers, and nature lovers. They are very supportive of the environment and participate in our weekly habitat restoration events. More than 2,500 volunteers have contributed over 7,000 hours of their time at some 500 events. We are very proud of our role in protecting the Little Falls watershed.

Regency Centers proposed development in Westwood is huge – a total of 23 acres for Phase 1 and Phase 2. It will have a great impact on the environment and on the waterways in the Little Falls watershed. Moreover, the Westbard Sector Plan calls for a new Willett Branch Stream Valley Park as the heart of the Sector, creating a new urban greenway for the area. The naturalized stream is seen as a “major amenity that will become a unifying feature of the community (Westbard Sector Plan, pg 8). The formation of the park is a central theme in the Sector Plan. Care must be taken in development to protect the new park and create conditions for the newly naturalized stream to succeed.

We have engaged Diane Cameron, GreenGrowth, LLC, to review the plans for us and offer comments. Her summary is attached. A detailed set of comment will follow under separate cover.

We offer these comments based on our review and conversations with Ms. Cameron:

Stormwater Management Plan:

To ensure the health of the new park as well as meeting Montgomery County’s obligation to provide clean water for the residents, the strictest application of stormwater management requirements is in order.

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Little Falls Watershed Alliance is a 501(c) (3) non-profit organization. All donations are tax deductible.

The requirements pertaining to this stormwater management Plan are twofold:

ESD requirements in Chapter 5 of the Maryland Stormwater Design Manual: In Chapter 5, mandatory requirements include: Demonstrating that all reasonable opportunities for meeting stormwater requirements using Environmental Site Design (ESD) have been exhausted by using natural areas and landscape features to manage runoff from impervious surfaces and that structural BMPs have been used only where absolutely necessary. (MDE SW Design Manual page 5.4)

Landscaping and stormwater elements of the Westbard Sector Plan (2016).

The need for robust stormwater plans utilizing Environmental Site Design is a constant thread throughout the Sector plan. Specifically, the plan states:

As properties redevelop they will be subject to the current county and state stormwater management regulations. To maximize potential benefits, SWM treatment should be done on-site wherever feasible, and the use of waivers should be limited. (Sector Plan, pg. 58)

. . . Environmental improvements: Address the currently unmitigated storm flows that drain from the Kenwood Place condominium into the Giant Food site (parcels 235 and 360) by installing stormwater buffer strips along and within the perimeter of the Westwood Shopping Center site. (Sector Plan, pg. 76)

Also, on page 42, it suggests the best management practices including curb extensions and pervious pavers for sidewalks.

Full use of Environmental Site Design measures that rely on plants and soils for stormwater infiltration is absolutely essential to the restoration of Willett Branch. Infiltration will recharge the ground water that feeds the newly naturalized stream. Streams get their water from the ground, so a robust stormwater management system that puts the water back into the ground is paramount to the success of the new stream and park. For this reason, while we support the use of green roofs, they do not return the water to the ground and should not be the sole or major method of treating stormwater run-off. The entire site must contribute to the revitalization of the Willett Branch stream through aggressive implementation of a variety of appropriate ESD practices adapted to a dense, urban redevelopment site.

The Regency Centers application includes stormwater plans for both the preliminary plan (120170170) which covers both Phase 1 and Phase 2 of their proposed development and for a site plan (820180190) which covers only the Westwood Shopping Center – Phase 1.

Stormwater Management Plan for Phase 1 is Unacceptable

The proposed stormwater plan for Phase 1, the Westwood shopping center and town houses, addresses the required stormwater management volume using a combination of green roofs; micro-bioretenion; and stormwater vaults. The green roofs and micro-bioretenion are ESD practices and satisfy 54% of the required ESD volume, while the stormwater vaults (structural BMP) would be used to meet the remaining required stormwater volume. Stormwater vaults do not treat the water on-site, nor do they allow for infiltration. The water from the vaults is discharged directly into the Willett Branch.

We do not believe that Regency Centers has fulfilled their obligation to use ESD to the maximum extent possible. In particular, the applicant has not shown that they evaluated all of the Westbard Sector Plan elements comprising landscape features and natural areas, in order to exhaust the ability to use ESD on-site including: pervious sidewalks and BMPs, Tree Canopy, and the stormwater buffer. Further, the developer has not provided stormwater management between the new town houses and the Kenwood Place Condos.

The site is over 85 percent impervious, 9.7 acres total. That is a lot of stormwater run-off. To send almost half of it into the stream is not in the spirit of the Sector Plan and does not serve the interest of the Willett Branch. We believe that the stream, the neighborhood, and the residents deserve a full robust stormwater plan that treats all water on-site and that Regency Centers must be required to do so. We should note that Westbard Self Storage, the first redevelopment to be approved under the new Sector Plan met 100 percent of their ESD requirement. This should be the standard for the entire Westbard Sector.

Stormwater Management Plan for Phase 2 is Unacceptable

The stormwater management plan for Phase 2 also falls short in its use ESD to the maximum extent possible. The developer further suggests a fee-in-lieu arrangement for some 10,000 CF of treatment in Phase 2A. They propose to treat only 17% of the required ESD and suggest a “monetary contribution . . . to accommodate remaining 9,789 of volume of ESDv for Phase 2A” (SWM-1, preliminary plan no. 120170170). In effect, the applicant is requesting a waiver for 83% of their stormwater management requirements in this area.

In Phase 2B, the required ESDv is 7,605 CF and the applicant proposes to treat only 4,905 CF with ESD,; the remaining water (35% of the total) to be treated with structural facilities. As the primary ESD method is green roofs for the building in Phase 2B, this means that little water will be infiltrated and most will flow directly to the stream. The new development in Phase 2B abuts both the Willett Branch and its un-named tributary. Infiltration and treatment in this area is especially critical to the health of the new stream.

For Phase 2C, the applicant is asking to use structural facility for 45% of the stormwater run-off. Phase 2C is the Manor Care site which lies along the un-named tributary of the Willett Branch. Treatment of the water directly entering the stream, again is critical. ESD limits the volume and velocity of the water entering the stream, mitigating erosion and other ill effects that a stream suffers during a rain event. This area will be town houses with many opportunities for curb cut bioorientations, pervious pavement for driveways, and other ESD techniques that will complement the landscaping.

Willett Branch and the Westbard Sector deserve the best stormwater management plan possible. Montgomery County has the finest stormwater management in the State and one of the strictest MS4 permits. The County’s commitment to the health of our waterways, the Potomac and the Chesapeake Bay start here with robust ESD. The applicant’s plans for Phase 1 and Phase 2 should be rejected until the applicant has proven that they have used ESD to the maximum extent possible. No monetary fees should be accepted in lieu of treatment.

Tree Canopy Must Remain Intact:

Regency Centers has submitted a forest conservation tree variance request. We do not believe that there is sufficient justification for removing trees except where the road is being realigned. The Sector Plan calls for a 50% tree canopy. Regency Centers should be required to plant more trees, but even with more plantings, without mature trees, it is almost impossible to achieve the canopy goal. Trees are important for controlling stormwater run-off, lowering the urban heat index, and providing important food and shelter for birds, mammals, and pollinators. We would also support the use of trees for ESD credit.

Up until 1950s, the entire Westwood was forested. We should honor that history by saving the remaining trees and replanting.

History of Area Must be Recognized:

The Sector Plan calls for honoring the rich history of the African American Community. The Sector Plan states:

2.7.1 Goals

Today's Westbard Sector Plan area is a mixed-use neighborhood of primarily mid-20th-century structures. Its physical fabric gives few clues as to its earlier history and new development may remove much of its mid-20th century character.

This Sector Plan proposes making Westbard's past more evident, both to ensure its history is remembered and strengthen its sense of place. Specific recommendations and historical background are provided below.

2.7.2 Recommendations

- Recognize and preserve the African-American heritage of the neighborhood through historical markers.
- Recognize and capitalize on the Native American, agricultural, industrial, suburban, transportation and mid-20th-century architectural history of the area through interpretive signage. (Sector Plan, pg. 63)

We expect the County to hold the developer accountable to this. The current plan does not appear to address this requirement.

Land to the Willett Branch Park Must be Dedicated without Delay

Regency Centers has indicated that it will dedicate the Bowlmor land in the stream buffer to the County for the Willett Branch Stream Valley Park and we are grateful for their contribution. However, as Montgomery Parks is in the process of acquiring land for the Park (the first parcel has already been dedicated by Westbard Self Storage), it is essential that this land be dedicated immediately and before Phase 1 construction begins.

Westwood II abuts the Willett Branch and the land there will be part of the new Park. Dedication of this land should be as soon as possible too without waiting for Phase 2 to break ground. We feel that the developer should put money into restoring the stream on this parcel. While the parcels are being developed as standard option, they are getting benefits from the Sector Plan that was written with considerable input from Equity One based on an optimal method.

No New Building in the Stream Buffers

Existing buildings in Phase 2 are adjacent to or in the stream buffer. The existing Westwood II building is only 50 feet or less from the stream bank. We understand that to require NO building in the stream buffer in this location would create an undue hardship for Regency Centers. However, we do not think the applicant should be allowed to build beyond the existing foot print or locate any new buildings in the buffer. Manor Care also abuts an unnamed tributary of the Willett Branch which runs alongside it parallel to River Road. The new town houses should not encroach on the 100 foot stream buffer.

The naturalization of the Willett Branch and creation of the new stream valley is something that all of Montgomery County can be proud of. The current stream is a blight on the area; its concrete banks littered with trash and covered in graffiti. But with careful planning and mindful development, we will have a world class park, a national model for urban stream restoration. It starts today with development that honors the environment.

We appreciate your time and attention to these details.

Sarah Morse
Executive Director
Little Falls Watershed Alliance

cc: Gwen Wright, Director, Montgomery Parks
Roger Berliner, Montgomery County Council
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To: Sarah Morse, Little Falls Watershed Alliance
Fr: Diane Cameron, GreenGrowth LLC
Date: Friday, July 13, 2018
Re: Stormwater-related comments – proposed Westwood Shopping Center

Executive Summary

These comments are in response to your request to review the proposed Stormwater Management Plan for Westwood Shopping Center, including the portion located at 5400 Westbard Ave in Bethesda. Following this Executive Summary, detailed comments will also be provided, highlighting key aspects of each point described below. The 23-acre project includes Planning Department application numbers: 120170170 (Preliminary Plan) and 820180190 (Phase One Site Plan).

For the Phase One Site Plan (a subset of the Preliminary Plan comprised of 12.4 acres), the Applicant proposes to address the required stormwater volume by use of: green roofs; micro-bioretenion; stormwater vaults; fee-in-lieu; and discharge of untreated runoff. The green roofs and micro-bioretenion are Environmental Site Design (ESD) practices (54% of ESD volume), while the stormwater vaults (a “structural BMP”) would be used to meet the bulk of the remaining required stormwater volume. For Phase 2A, only 18% of the ESDv would be treated by micro-bioretenion with a fee-in-lieu requested for the remaining 9789 cubic feet; for Phase 2B, 64% of the ESDv would be treated by a green roof with the remaining 2701 cubic feet to simply be discharged. The applicant has not exhausted use of ESD measures to fully treat the entire ESD volumes for Phases 2A and 2B.

Key Requirements for the Stormwater Plan and Related Landscaping Elements

The requirements pertaining to this Stormwater Management Plan are twofold: ESD requirements in Chapter 5 of the Maryland Stormwater Design Manual , and landscaping and stormwater elements of the Westbard Sector Plan (2016). In Chapter 5, mandatory requirements include: *Demonstrating that all reasonable opportunities for meeting stormwater requirements using ESD have been exhausted by using natural areas and landscape features to manage runoff from impervious surfaces and that structural BMPs have been used only where absolutely necessary.* (MDE SW Design Manual, page 5.4)

The Westbard Sector Plan establishes the goal of naturalizing Willett Branch; in order to accomplish this, it’s necessary to both dedicate sufficient land for the stream and its buffer, and to provide Willett Branch with sufficient baseflow in dry weather. The latter requires use of infiltration practices, as part of conformance with Westbard Sector Plan landscape and streetscape elements.

Conclusion: The applicant has not shown exhaustion of the ability to use natural areas and landscape features to manage runoff from the proposed impervious surfaces, thus they have not met ESD to the MEP. In particular, the applicant has not shown that they evaluated all of the Westbard Sector Plan elements comprising landscape features and natural areas, in order to exhaust the ability to use ESD on-site, including: pervious sidewalks and BMPs; Tree Canopy; and the stormwater buffer. The remedy for this gap is for the applicant to be required to analyze all of these elements in combination, in order to show an exhaustive attempt to meet the entire ESD volume on-site using ESD and landscape elements; and in so doing, to downsize or eliminate the use of the stormwater vaults.