



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

MCPB No. 19-033
 Site Plan No. 820180190
 Westwood Shopping Center
 Date of Hearing: March 14, 2019

MAY 06 2019

RESOLUTION

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

WHEREAS, on June 14, 2018, Equity One (Northeast Portfolio), LLC (“Applicant”) filed an application for approval of a site plan for a maximum of 540,524 square feet of total development on the Subject Property, including 369,292 square feet of residential uses, for up to 200 multi-family units and 70 townhouse units, and 171,232 square feet of non-residential uses on 12.4 acres of CRT 2.0, C 0.75, R 1.25, H 60 zoned-land, located along Westbard Avenue between River Road and Westbard Circle and Massachusetts Avenue (“Subject Property”), in the Bethesda/Chevy Chase Policy Area and 2016 Westbard Sector Plan (“Sector Plan”) area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820180190, Westwood Shopping Center (“Site Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated March 4, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on March 14, 2018, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, on March 14, 2018, the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Fani-Gonzalez, seconded by Commissioner Cichy, with a vote of 4-0; Chairman Anderson, Commissioners Cichy, Fani-Gonzalez, and Patterson, voting in favor, with Commissioner Dreyfuss being absent.

Approved as to
 Legal Sufficiency

Christina Sout 4/2/19

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820180190 for a maximum of 540,524 square feet of total development on the Subject Property, including 369,292 square feet of residential uses, including 12.5% MPDUs, for up 200 multi-family units and 70 townhouse units, and 171,232 square feet of non-residential uses the Subject Property, subject to the following conditions:¹

Density, Height & Housing

1. Density

The Site Plan is limited to a maximum of 540,524 square feet of total development on the Subject Property, including 369,292 square feet of residential uses, for up 200 multi-family units and 70 townhouse units, and 171,232 square feet of non-residential uses.

2. Height

The development is limited to a maximum height of 60 feet, as measured from the building height measuring point(s), as illustrated on the Certified Site Plan.

3. Moderately Priced Dwelling Units (MPDUs)

The Planning Board accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated February 14, 2019 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

- a. The development must provide 12.5 percent MPDUs or DHCA-approved equivalent on-site consistent with the requirements of Chapter 25A.
- b. Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and the DHCA must be executed.

Open Space, Facilities and Amenities

4. Open Space, Facilities, and Amenities

- a. As illustrated on the Certified Site Plan, the Applicant must provide on-site a minimum of 38,000 square feet of public open space (11.5% of site area) and a minimum of 16,815 square feet of common open space (10% of net lot area).
- b. As illustrated on the Certified Site Plan, the Applicant must construct streetscape improvements along the Property's frontage on Westbard Avenue.

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

- c. Prior to the issuance of the first Use and Occupancy Certificate for the Multi-Family Building or issuance of the Use and Occupancy Certificate for the 46th townhouse, whichever comes first, the Civic Green public open space area must be completed.
- d. Prior to issuance of the final Use and Occupancy Certificate for the Multi-Family Building or issuance of the Use and Occupancy Certificate for the 46th townhouse, whichever comes first, the Parks Department must accept the completed Springfield Neighborhood Green Urban Park public open space, as illustrated on the Certified Site Plan.
- e. All public common open space areas adjacent to each row of townhouse units must be installed prior to release of any Use and Occupancy Certificate for the respective row of units.

5. Recreation Facilities

- a. Before Certified Site Plan approval, the Applicant must demonstrate conformance with the M-NCPPC Recreation Guidelines.
- b. The Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.

6. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to, the Civic Green, pedestrian pathways, landscaping, hardscape, recreation facilities, and all common open space.

M-NCPPC Department of Parks

7. The Applicant must design, construct, landscape, and convey a Neighborhood Green Urban Park of at least 20,000 square feet in area, as shown on the Certified Site Plan. This parkland must be conveyed at no cost to and accepted by M-NCPPC. The parkland is to be owned, operated, and maintained by M-NCPPC Montgomery County Department Parks.
 - a. The preferred location of the Park is Lot 5, Block A (Westwood Shopping Center). If the land at Lot 5, Block A cannot be conveyed in a manner acceptable to M-NCPPC, the Applicant must provide an alternative park location:
 - i. The alternative park location must be located either at Lot 1, Block H (Westwood II), Lot 1, Block B (Parking Lot 1), Lot 3, Block B (Bowlmor) subject to approval and acceptance by M-NCPPC Staff.
 - ii. The alternate location must be of comparable size and contain equivalent amenities as those shown for the park on Lot 5, Block A.
 - iii. The Applicant must submit a Preliminary Plan Amendment and Site Plan Amendment, for Planning Board approval, to address the alternative condition.

8. The Applicant must obtain a Park Construction Permit prior to any work on existing parkland and/or land to be conveyed to the Parks Department.
 - a. At the time of Park Construction Permit review, the final design of all aspects of the project affecting parkland (existing or future) including, but not limited to, park amenities, encroachments, easements, grading, maintenance access, trails, limits of disturbance, tree removals, and plantings, must be approved by Department of Parks staff.
 - b. Additional improvements and/or modifications to the Site Plan may be required as the result of the permit review, and do not require a Site Plan Amendment as long as they do not conflict with conditions of approval.
 - c. As determined by Planning Department Staff, minor changes may be made to location and construction details of amenities and plantings to be located on parkland during the park permit process without the need to amend the Site Plan.

9. Within 60 days of issuance of the final Use and Occupancy certificate for the Commercial Building, the Applicant must contribute \$500,000 to the Montgomery County Department of Parks for the planning, design and implementation of the Willett Branch Greenway.

Site Plan

10. Site Design

- a. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan.
- b. The exterior architectural character, proportion, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market-rate units.
- c. Prior to certification of the Site Plan, the Applicant must revise the townhouse layout in accordance with Preliminary Plan condition 33.
- d. Prior to certification of the Site Plan the Applicant must provide a full utility plan which addresses all applicable utilities such as proposed electric, gas, water and sewer, fiber optic etc. and locates the new utilities to minimize potential conflicts with street tree plantings and /or SWM features.
- e. Prior to Certified Site Plan approval, the Applicant will coordinate with the M-NCPPC Historic Preservation staff to ensure the Sector Plan recommendations pertaining to historically-oriented interpretive signage, building materials, markers and/or commemorative art incorporated in the Site Plan area are addressed.
- f. The Streetscape shall utilize techniques such as Silva Cells, continuous soils panels or other techniques subject to MCDPS approval, which will maximize

the available spaces for root growth and/or SWM features as applicable, as shown on the Certified Site Plan.

- g. The Applicant must make good-faith efforts to obtain permission to remove the off-site dead-end driveway stubs along the Site boundary with Kenwood Place Condominium and expand the landscape beds accordingly. Minor alterations to the Certified Site Plan to accommodate these improvements may be made without a Site Plan Amendment. Upon demonstrating that a timely request for permission has been denied, to close the driveway stubs, the Applicant will have met the requirement of this Condition.

11. Lighting

- a. Prior to certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b. All onsite down-lights must have full cut-off fixtures or BUG equivalent.
- c. Deflectors will be installed on all necessary fixtures to prevent excess illumination and glare.
- d. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting residentially developed properties.
- e. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f. On the rooftop of the building and garage, the light pole height must not exceed the height illustrated on the Certified Site Plan.

12. Landscaping

- a. Prior to issuance of any residential Use and Occupancy Certificate for the Multi-Family Building, all on-site amenities associated with the Multi-Family Building including, but not limited to, streetlights, sidewalks/pedestrian pathways, hardscape, benches, trash receptacles, bicycle facilities, recreation amenities must be installed.
- b. Prior to release of any Use and Occupancy Certificate for the respective row of townhouse units, on-site amenities including, but not limited to, lighting, sidewalks/pedestrian pathways, hardscape, benches, trash receptacles, and recreation amenities adjacent to each row of townhouse units must be installed.
- c. Revise planting schedule to utilize a minimum of 70% native plant materials.

- d. The Applicant must install the landscaping associated with each row of townhouse units no later than the next growing season after completion of each phase and site work.

Environment

13. Before certification of Site Plan No. 820180190, the Applicant will coordinate with Staff on any necessary plan revisions, clarifications and corrections within the certified Preliminary/Final Forest Conservation Plan including but not limited to the following:
 - a. Include a plan sheet clearly depicting all of the subject properties, on- and offsite LOD, forest retention, clearing and replanting areas and the appropriate locations/quantities of the mitigation trees.
 - b. Show existing and proposed easements for stormwater management, utilities, and PIEs/PUEs.
 - c. Shift the plan elements and/or the locations of trees credited towards variance mitigation plantings as applicable so that all the subject tree plantings are at least 5 feet away from any structures, stormwater management facilities, PIEs, PUEs, ROWs, utility lines, and/or their associated easements.
 - d. Rectify inconsistencies between plan graphics/notes/ figures/tables.
 - e. Revise the forest conservation worksheet to address the following:
 - i. Reflect the acreage for the subject properties and any offsite Limits of Disturbance (LOD);
 - ii. Address R-60 portion of the Manor Care site in a separate worksheet;
 - iii. Demonstrate for Staff review and approval any plantings to be applied for landscape credit.
 - f. Revise plans so that all Critical Root Zones (CRZs) are based on the formula of 1-inch Diameter Breast Height (DBH) equals 1.5 foot of radius of the critical root zone.
14. For the trees along the site boundary with Kenwood Place condominium, the Applicant must provide for Staff review and approval a detailed Tree Save Plan prior to any demolition, land disturbance or grading to addresses the following elements:
 - a. Survey-locate and provide an arborist assessment for all trees 6 inches or greater in diameter;
 - b. No LOD/equipment disturbance within the existing landscape beds associated with the subject trees;
 - c. Hand-work/restricted equipment access within 10 feet from the base of tree under direction of the project arborist;
 - d. 5-year maintenance and monitoring program;

- e. Replacement of lost trees with native canopy trees measuring at least 5-inch caliper, with soil profile rebuilding;
 - f. Air spaded soil enhancements for retained trees (updated soil amendment plan).
 - g. All tree protection measures shown on the plans must be certified by an International Society of Arboriculture certified arborist who is also a Maryland Licensed Tree Care Expert.
15. Consistent with the recommendations of the Sector Plan for managing storm flows from the adjacent Kenwood Place Condominium site, enhance the landscaping along the site boundary to increase infiltration. Potential strategies to be implemented include:
- a. Maximize plantings, particularly native vegetation, within and along the proposed swale(s);
 - b. Perform soil restoration;
 - c. Include check-dams or similar features;
 - d. Remove fences from the swale channel; and
 - e. Shift locations to minimize tree impacts as applicable.
16. Prior to scheduling a pre-construction meeting with M-NCPPC inspection staff, the Applicant must receive approval from the M-NCPPC Office of the General Counsel for a Certificate of Compliance to use an off-site forest mitigation bank to satisfy the equivalent credits as established with the Final Forest Conservation Plan.
17. Prior to demolition, clearing, or grading on the Property, the Applicant must record a Certificate of Compliance to use an off-site forest mitigation bank easement in the Montgomery County Land Records. The Certificate of Compliance must be in a form approved by the M-NCPPC Office of the General Counsel.
18. Noise Attenuation
- a. Prior to the first above-grade building permits for the Multi-Family Building, the Applicant must provide certification from an engineer specializing in acoustics that the building shell(s) have been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn, and that the location of the noise mitigation techniques to attenuate current noise levels to no more than 60 dBA Ldn for the areas of common outdoor activity are adequate. The Applicant must commit to construct the units in accord with these design specifications, with any changes that may affect acoustical performance approved by the engineer and staff in advance of installation.
 - b. Before final residential inspection or final Use and Occupancy Certificate for each unit covered by this condition, the Applicant must provide certification

that interior noise levels do not exceed 45 dBA Ldn. The testing of units must include at least 5 representative covered units from the Multi-Family Building.

19. Stormwater Management

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated February 27, 2019 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Stormwater Management easements and facilities.

Transportation & Circulation

20. Pedestrian & Bicycle Circulation

- a. The Applicant must provide 96 long-term and 9 short-term bicycle parking spaces for the Multi-Family Building.
- b. The Applicant must provide 4 long-term and 11 short-term bicycle parking spaces for the Commercial Building.
- c. The long-term spaces must be in a secured, well-lit bicycle room adjacent to the covered parking area, and the short-term spaces must be inverted-U racks (or approved equal) installed along the building's frontage or in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- d. The Applicant must provide a minimum 5-foot wide sidewalk along all private and public streets as shown on the Certified Site Plan.
- e. The Applicant must provide the following master planned pedestrian and bicycle facilities, the exact location, design and construction of which must comply with requirements set forth by the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations, prior to final Use and Occupancy Certificate for the Commercial Building:
 - i. Separated bike lanes along Westbard Avenue;
 - ii. Transit Hub along Westbard Avenue.

21. Off-Site Interim Improvements

Prior to the issuance of the Use and Occupancy Certificate for the Core and Shell for the Commercial Building, the Applicant must construct interim improvements at the intersections of River Road and Ridgefield Road and Westbard Avenue and Ridgefield Road, or if the construction of the realignment

of Westbard Avenue, as defined by demolition of existing Ridgefield Road, provide maintenance of traffic as needed to facilitate truck and construction traffic prior to completion of the realignment, with priority to construct the geometric improvements to the intersection of River Road and Ridgefield Road as specified by MCDOT and MDSHA.

22. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated February 14, 2019, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.

23. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to the Civic Green, Springfield Neighborhood Park, plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees, street lights, private streets and private alleys. The surety must be posted before issuance of any building permit of development, sediment control permit, or Use and Occupancy Certificate.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

24. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

25. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Provide an interim access plan during construction to ensure continuous and uninterrupted access to the adjacent Kenwood Place Condominium property.
- b. Include the stormwater management concept approval letter and other applicable agency letters, development program, Preliminary Plan and Site Plan resolutions on the approval or cover sheet(s).
- c. Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- d. Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- e. Modify data table to reflect development standards approved by the Planning Board.
- f. Clarify the graphics of all applicable sheets to clearly distinguish the existing trees to remain, existing trees to be removed and new plantings.
- g. Ensure consistency of all details and layout between Site, Landscape plans, Architectural sheets, and the FFCP.
- h. Illustrate on the Landscape Plan the extent of all the plantings in and along the grass swale.
- i. Provide additional permeable pavement and buffer swale improvements on-site.
- j. Remove the artificial turf within the Civic Green and replace with grass.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 820180190, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

1. *The development satisfies any previous approval that applies to the site.*

As conditioned, the Site Plan conforms to the conditions and findings of Preliminary Plan No. 120170170.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

This section is not applicable as there are no binding elements of an associated development Plan or schematic development Plan in effect on October 29, 2014.

3. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

This section is not applicable as the Subject Property's zoning classification on October 29, 2014, was not the result of a Local Map Amendment.

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

- a. Development Standards

The Subject Property includes approximately 12.4 acres zoned CRT 2.0, C 0.75, R 1.25, H 60'. The Application satisfies the applicable development standards as shown in the following data table:

| Data Table | | | |
|----------------------|--------------------------|------------------------|--------------------------|
| Site Plan Data Table | | | |
| Section 59.4 | Development Standard | Permitted/ Required | Approved |
| | Tract Area (Square Feet) | n/a | 540,524 sf (12.4 acres) |
| | Proposed ROW Dedication | n/a | 23,844 sf |
| | Previous ROW Dedication | n/a | 20,584 sf |
| | Site Area | n/a | 496,096 sf (11.38 acres) |

| Site Plan Data Table | | | | |
|----------------------|--|----------------------------------|--------------------|--------------------|
| 4.5.3.C.2 | Lot (min) Townhouse | Lot area | 800 sf | 800 sf |
| | | Lot width at front building line | 12' | 14' |
| | Maximum Density (FAR/SF) CRT 2.0, C 0.75, R 1.25 H 60' | Residential | n/a | 0.68/369,292 |
| | | Non-Residential | n/a | 0.31/171,232 |
| | | TOTAL | 1.0/540,524 | 1.0/540,524 |
| MPDUs (%/unit total) | Multi-Use-Multi-Family Building (200 total units) | 12.5%/25 | 12.5%/25 | |
| | Townhouses (70 townhouses) | 12.5%/9 | 12.5%/9 | |
| 4.5.3.C.3 | Placement: Build-to Area (BTA, max setback and min % of building façade) Townhouse | Front setback | 15' | 14' |
| | | Building in front street BTA | 70% | 100% |
| | Multi-Use (Multi-Family Building) | Front setback | 15' | 8' |
| | | Building in front street BTA | 70% | 95% |
| | | Side street setback | 15' | N/A |
| | General (Commercial Building) | Building in side street BTA | 35% | N/A |
| | | Front setback | 20' | 15' |
| | | Building in front street BTA | 70% | 95% |
| | | Side street setback | 20' | N/A |
| | Building in side street BTA | 35% | N/A | |
| 4.5.3.C.4 | Building Height (feet) CRT 2.0, C 0.75, R 1.25, H 60' | 60 feet | 60 feet | |
| 4.5.3.C.1 | Open Space (minimum of site area) | | | |
| | Public Open Space (% of Site area for mixed-use/sf.) | 10/32,794 | 11.5/38,000 | |
| | Common Open Space (% of Site area for townhouses/sf.) | 10/16,815 | 10/16,815 | |
| 4.5.3.C.3 | Minimum setbacks Multi-Use (Multi-Family Building)/General (Commercial Building) | | 0 feet | 0 feet |
| | | Townhouse | | |
| | | Front | 5 feet | 5 feet |
| | | Side Street | 5 feet | 5 feet |
| | | Side | 0 feet | 0 feet |
| | | Side, End unit | 2 feet | 2 feet |
| | | Rear, alley | 4 feet | 4 feet |
| | | Rear, adjacent to R-20 | 10 feet | 10 feet |

| Site Plan Data Table | | | |
|-------------------------|------------------------------------|---|---|
| 4.5.3.C.5 | Form-Entrance Spacing (max) | | |
| | Multi-Use (Multi-Family Building) | 75' | East/South elevation 75' North elevation 110' ² West elevation 120'* |
| | General (Commercial Building) | 100' | All elevations 100' |
| | Form-Transparency | | |
| | Multi-Use (Multi-Family Building) | | |
| | Ground story, front (min) | 60% | 60% |
| | Ground story, side/rear (min) | 30% | North (side) 29%* All others 30% |
| | Upper story (min) | 20% | North elevation 8%/20% ³ All others 20% |
| | Blank wall, front (max) | 25' | 25' |
| | Blank wall, side/rear (max) | 35' | North (side) 92' ⁴ |
| | General (Commercial Building) | | |
| | Ground story, front (min) | 40% | 40% |
| | Ground story, side/rear (min) | 25% | 25% |
| Upper story (min) | 20% | North elevation 18%/20% ⁵ East elevation 16%/26% ⁶ | |
| Blank wall, front (max) | 35' | 35' | |

² Section 59.4.5.3.C.5 of the Zoning Ordinance allows the Planning Board to adjust the Form requirements at the time of Site Plan where certain findings are made. For justification for this modification, see the Site Plan Statement of Justification.

* Section 59.4.5.3.C.5 of the Zoning Ordinance allows the Planning Board to adjust the Form requirements at the time of Site Plan where certain findings are made. For justification for this modification, see the Site Plan Statement of Justification.

³ All upper stories of this elevation collectively exceed 20%, but the second story alone is 8%. A modification to the transparency requirement pursuant to Section 59.4.5.3.C.5 of the Zoning Ordinance is only needed if the Planning Board determines each upper story level must be viewed independently.

⁴ Modification requested pursuant to Section 59.4.5.3.C.5 of the Zoning Ordinance.

⁵ All upper stories of this elevation collectively exceed 20%, but the third story alone is 18%.

⁶ All upper stories of this elevation collectively exceed 20% but the third story alone is 16%.

| Site Plan Data Table | | | |
|--|---|-------------------|------------------|
| | Blank wall, side/rear (max) | 35' | 35' |
| 6.2.4.B | Vehicular Parking spaces (minimum/maximum)⁷ | | |
| | Multi-Use – Multi-Family Building ⁸ | | |
| | Studio-market rate units (20) | 20/20 | |
| | Studio-MPDU (3) | 3/3 | |
| | 1 Bedroom- market rate units (96) | 96/120 | |
| | 1 Bedroom-MPDU (14) | 7/18 | |
| | 2 Bedrooms-market rate units (55) | 55/83 | |
| | 2 Bedrooms-MPDU (8) | 4/12 | |
| | 3 Bedrooms-market rate units (4) | 4/8 | |
| | Retail/Service Establishment (41,065 sf) | 144/247 | |
| | TOTAL | 332/511 | 420 ⁸ |
| | Commercial Building | | |
| | Retail/Service Establishment (118,809) | 416/713 | |
| | Office (5,074) | 11/16 | |
| TOTAL | 427/729 | 444 ⁹ | |
| Townhouse | | | |
| Market-rate units (61) | 61/122 | | |
| MPDUs (9) | 5/18 | | |
| TOTAL | 66/140 | 140 ¹⁰ | |
| Bicycle Parking spaces (long term/short term) | | | |
| Multi-Use (Multi-Family Building) | | | |
| Residential (200 units) | 95/5 | 95/5 | |
| Retail/Service Establishment (42,069 sf) | 1/4 | 1/4 | |
| TOTAL | 96/9 | 96/9 | |
| Commercial Building | | | |
| Retail/Service Establishment (124,089 sf) | 2/11 | 2/11 | |
| Office (5,074 sf) | 2/0 | 2/0 | |
| TOTAL | 4/11 | 4/11 | |

⁷ Gross leasable area is used for determining the required parking for retail/service establishments in accordance with Section 59.6.2.4.B.

⁸ The Site Plan is within a Reduced Parking Area, the baseline parking minimum for the MPDUs is reduced in accordance with Section 59.6.2.3.I.2.b. of the Zoning Ordinance.

⁸ Parking for multi-family units to be leased separately from units.

⁹ Provided parking spaces may be increased at time of Certified Site Plan up to 30 additional spaces, for a total of up to 474 parking spaces for the Commercial Building, depending on garage construction type.

¹⁰ Eight (8) surface parking spaces provided on private street or HOA parcel for visitor parking per Section 6.2.3.H.2.b. and are not included in the total parking provided for the townhouses in the data table.

Section 59.4.5.3.C: Development Standards for the Standard Method of Development in the CRT Zone

This section lists the form-based development standards for development under the Standard Method in the CRT Zone. The Application meets the majority of these development standards, as detailed above in the data table. But the Applicant requests modifications for building entrance spacing and transparency, per Section 59.4.5.3.C.5.a, which allows the Building Orientation and Transparency requirements to be modified by the Planning Board in a site plan under Section 7.3.4. The Zoning Ordinance allows the Planning Board to adjust the Form requirements at the time of Site Plan where the Planning Board find that the design:

- 1) deviates from the Building Orientation and Transparency requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and
- 2) incorporates design elements that engage the surrounding publicly accessible spaces, such as streets, sidewalks, and parks.

Multi-Family Building

The Zoning Ordinance specifies that multi-use buildings should have entrances spaced no more than 75 feet apart. Due to topography and grading constraints, multiple entrances on the north elevation are not feasible, and the only entrance along the north elevation is the parking structure access, which is approximately 110 feet from the eastern side of the building. Despite the lack of entrances, however, the design of this elevation does engage the public realm, including the provision of a courtyard that will overlook the confronting Springfield Neighborhood Green Urban Park, and the entrance spacing only deviates to the extent necessary due to the physical topography and grading constraints.

The arrangement of the Multi-Family Building site creates a building with four “fronts”. Limitations on the location of service, parking, and similar elements limit areas available for transparency. As illustrated on the Site Plan, to address this the Applicant is undertaking a number of approaches, including architectural articulation and plantings to minimize blank walls and the requested accommodation is minimal.

Commercial Building

Similar to the Multi-Family Building, the arrangement of the Commercial building on the site and the necessity of locating the service elements of the planned grocery store and associated loading and parking limit opportunities for transparency. As above, as illustrated on the Site Plan,

the Applicant has used architectural articulation, modulated building massing, and other approaches to reduce the visual bulk of the building. These elements are well employed and are the requested accommodation that is the minimum necessary to meet the requirement.

b. General Requirements

i. *Site Access*

Access to the Project (vehicular, loading, pedestrian, and bicyclist) is provided 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 Commercial Building's garage, and access to the Commercial Building's loading area.

The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.

ii. *Parking, Queuing, and Loading*

The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. The parking associated with the Project will be located primarily in structured parking. The Commercial 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 Multi-Family Building's parking will be accessed entirely from the private road network on the north and west sides.

The Site Plan provides adequate vehicle parking spaces, as required by the Zoning Ordinance. As depicted in the data table above, the Multi-Family Building provides 420 spaces, the Commercial building provides 444 spaces with the option to increase the provided spaces to 474 at the time of Certified Site Plan and 140 parking spaces are provided for the townhouses. The Project is within a Reduced Parking Area, as defined in the Zoning Ordinance. The baseline parking minimum is reduced for MPDUs, in accordance with Section 59.6.2.3.I.2.b. The minimum parking requirements shown in the data table reflect those reductions. All of the provided parking spaces will comply with the design standards identified in Section 59.6.2.5 of the Zoning Ordinance. Similarly, the provided loading spaces will comply with the dimensional, location and maneuvering requirements identified in Section 59.6.2.8 of the Zoning Ordinance.

iii. *Open Space and Recreation*

Under the Standard Method of development, the Project is required to provide 10% public open space for the multi-use portions of the development and the Site Plan will meet this requirement, exceeding it slightly by providing a minimum of 11.5% public open space. The public open space will be provided primarily in the new Civic Green and the new Springfield Neighborhood Green Urban Park.

In addition to the Public Open Space requirement, the Applicant must also provide 10% of the townhouse portion of the development as Common Open Space, intended for the recreational use by residents and visitors and meeting the following requirements (Zoning Ordinance Section 59.6.3.5):

1. Common open space must be located in a central position or central positions in the neighborhood bordered by streets or building lots. It may be public or private. Common Open Space may also be placed in a location taking advantage of an important adjacent natural feature or open space.
2. The minimum width for any required Common Open Space is 50 feet unless the deciding body grants an exception for items such as a trail easement, a mid-block crossing, or a linear park, by finding that its purpose meets the intent of Division 6.3.
3. A minimum of 50% of the required Common Open Space must be in one contiguous area or only separated by a residential street. Any other areas must be a minimum of 2,000 square feet each and connected by sidewalks, paths, or trails.

As designed, the development's Common Open Space is provided as a series of smaller, more intimate spaces placed throughout the townhouse development. The Applicant is requesting Alternative Compliance, per Section 59.6.8.1 of the Zoning Ordinance for these requirements. The Planning Board may approve an alternative method of compliance with any requirement of Division 6.3 Open Space if it is determined that there is a unique site, a use characteristic, or a development constraint, such as grade, visibility, and existing building or structure, an easement or a utility line. The Planning Board must also determine that the unique site, use characteristic, or a development constraint precludes safe or efficient development under the requirements of Division 6.3 and the alternative design will:

- A. satisfy the intent of the applicable Division;
- B. modify the applicable functional results or performance standards the minimal amount necessary to accommodate the constraints;
- C. provide necessary mitigation alleviating any adverse impacts; and
- D. be in the public interest.

This Site Plan meets all of the above criteria. The area of the Subject Property on which the townhouse units are shown has a unique, curved shape that also has significant grade change. To allow for a more logical layout of the units within these circumstances, as well as safe and efficient pedestrian and vehicular circulation, the open spaces are necessarily in the nature of pocket park areas, some of which do not meet the strict standards of Section 59.6.3.5.B either due to their location or size. These areas do, however, meet the intent of the open space requirement to provide recreational open space for residents and visitors, who will be able to walk, wander, sit and enjoy these spaces in close proximity to their units, and the spaces are only modified to the extent necessary to adjust to the unique characteristics of the site. The modification to the requirements will not create any adverse impacts, but rather will help to create a series of attractive smaller, intimate, green nodes that interconnect to form a more cohesive whole. Importantly, these spaces provide a complement to the two much larger Public Open Spaces, the Springfield Neighborhood Green Urban Park and the Civic Green, located directly adjacent to the townhouse development. The modifications sought to the Common Open Space requirements through this alternative compliance request will serve the public interest by allowing for the development envisioned in the Westbard Sector Plan to proceed while also taking into account for the unique characteristics of the Subject Property while providing a series of intimate spaces for the residents and visitors of the townhouses to enjoy.

The development meets the standards and requirements for recreational facilities pursuant to Section 59.6.3.9. The development will provide the following on-site recreation facilities: bikeways, indoor community space, indoor fitness space, playground for ages 2-5, a tot lot, interior courtyard, garden and lawn areas, a lounge pool, civic green, and a community use urban park. The development meets the required supply of recreation

facilities based on the calculation methods in the M-NCPPC Recreation Guidelines. The development will provide adequate, safe, and efficient recreation facilities to allow residents to lead an active and healthy life.

iv. *General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other Site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for residents and visitors to the Project. 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 Subject 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*

Pursuant to Section 59.6.5.2.C.2 of the Zoning Ordinance, the Project is required to provide screening between the Multi-Family Building and the single-family neighborhood to the north that is within the R-60 zone. This area will contain the Springfield Neighborhood Park Green Urban and will have plantings that meet or exceed the requirements of this section.

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

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

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on February 27, 2019. The Plan proposes to meet stormwater management goals via ESD to the MEP with green roof, micro-bioretenion, permeable pavement, enhanced filters, and structural filtration treatment. Full stormwater management treatment is provided for the Site Plan and no waivers are associated with the Project.

b. Chapter 22A, Forest Conservation

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law. As conditioned the Site Plan meets the requirements. There are impacts to four trees (which will be retained) and removal of six trees which are subject to a Forest Conservation variance (affecting a total of ten subject trees). The findings for granting the variance request are addressed with approved Preliminary Plan No. 120170170. The afforestation/reforestation requirements will be met by the establishment of an onsite Category I Easement at the Manor Care site and also by the purchase of equivalent credits in an offsite forest conservation bank.

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

The Project provides adequate, safe, and efficient parking and circulation patterns, building massing, open spaces and Site amenities. The building locations and overall site design included in the Application, including the 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 development will provide a high degree of safety, convenience, and amenity for site residents, as well as for area residents generally.

7. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

The Site Plan Property is within the boundaries of the 2016 *Westbard Sector Plan*. The general goals of the Sector Plan are to provide land use, zoning and urban design recommendations that will incentivize property owners to make investments and improve the quality of life in Westbard. The Sector Plan provided specific recommendations for the development of the Site Plan Property, which incorporates the following provisions:

Westwood Shopping Center (CRT2.0, C0.75 R1.75, H60)

The Sector Plan recommends a maximum building height of 60 feet which is on the western side of Westbard Avenue. The Sector Plan vision was for a mix of commercial and residential uses specifically to revitalize the aging shopping

center. Residential uses do not currently exist on this portion of the Subject Property. The Site Plan provides for the creation of a significant new mixed-use development offering residents a range of retail, office and housing options. The Site Plan provides two buildings, a Multi-Family Building with retail on the ground floor and a Commercial Building with fronts onto Westbard Avenue served by an internal loop road that provides access to both these buildings as well as the townhouses on the portion of the Westwood Shopping Center adjacent to the existing Kenwood Place garden apartments. The Site Plan shows building heights of up to 60 feet, an appropriate scale given the proximity to the adjacent garden apartments. The Project's scale will provide a sense of enclosure along Westbard Avenue and will indicate that the section of Westbard Avenue between Ridgefield Road and Westbard Circle is a distinct and identifiable Center.

The Site Plan substantially conforms to the Sector Plan's specific guidance for the Subject Property as well as its area-wide planning goals. One of the Sector Plan goals includes "designing mixed-use buildings that offer residents a range of retail, office and housing options," (Sector Plan, page 8) which the Application achieves. 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. Regarding the Site Plan Property in particular, the Sector Plan calls for "dividing the existing super-block composed of the Westwood Shopping center (parcels 235 and 360) and associated large surface parking lots (approximately 11 acres) into smaller streets and blocks with ground floor, street-facing retail and residential and community uses." (Sector Plan, page 74). The Project conforms to this recommendation, proposing the division of the Subject Property into two blocks, with street-facing retail and various residential uses.

The provision of open and recreational space and improvement of connectivity are major themes of the Sector Plan, which calls for "Adding a network of green open spaces connected by trails and bikeways that provide places for outdoor recreation, gathering and relaxation" (Sector Plan, page 8). The Sector Plan recommends that the site include a Public Open Space, to be approximately 1/3-acre in size, which will be privately owned and maintained. The Sector Plan recommends this civic green as a central, green, gathering space, to be built, owned and maintained by the Applicant. The vision for this space is a formally planned, flexible, programmable open space that provides a place for informal gathering, quiet contemplation or large special event gatherings. It should support community activities, including open air markets, concerts, festivals and special events, but will not be used for programmed recreational purpose. This planned, flexible, and programmable open space should serve as a gathering place for existing as well as new residents and should have the amenities

necessary to make it an appealing destination for the entire community. The project includes the Willett Branch Greenway, Springfield Neighborhood Green Urban Park, and the Westbard Central Civic Green, all key recommendations in the *Westbard Sector Plan*.

The Sector Plan recommends the creation of a neighborhood park, no less than 1/3 acre in size, on the north side of the Subject Property, adjacent to the Westbard Avenue and Ridgefield Road intersection. The Westbard Sector Plan envisions the Springfield Neighborhood Green Urban Park as an open space that will primarily serve the residents and workers from the surrounding neighborhood or district. It may be designed for more activity than an urban buffer park. It may be designed for more activity than an urban buffer park. The purpose of this park is to provide a needed transition between the planned Westwood Center development and the Springfield neighborhood and is recommended for the north side of the shopping center area (Lot 5, Block A). This park is essential to the community in that it will provide space for facilities needed inside the sector, such as a playground, a community open space, and shaded seating. The park will establish a place for informal gathering, lunchtime relaxation or small special event gatherings. The Site Plan provides a neighborhood park, approximately 1/2 acre in size, on the north side of the Subject Property, adjacent to the intersection of Westbard Avenue and Ridgefield Road. The Applicant has worked with Park and Planning staff on the design of this park. The Springfield Neighborhood Green Urban Park will include a green open lawn space for flexible uses, play areas for a variety of ages, walking paths, a shade structure with seating, benches and landscaping. It may include an additional facility such as community garden space. As conditioned, the preferred location of the Park is Lot 5, Block A, Westwood Shopping Center. If the land at Lot 5, Block A cannot be conveyed in a manner acceptable to M-NCPPC, the Applicant must provide an alternative park location, to be located either at Lot 1, Block H (Westwood II), Lot 1, Block B (Parking Lot 1), Lot 3, Block B (Bowlmor) subject to approval and acceptance by M-NCPPC Staff. If the Park is not provided at Lot 5, Block A, Lot 5 Block A could be redeveloped with non-residential uses, subject to the Adequate Public Facilities impact evaluated as part of Preliminary Plan No. 120170170 and the Applicant will be required to submit a Preliminary Plan Amendment and Site Plan Amendment, for Planning Board approval, to address the alternative condition.

The Sector Plan contains several recommendations to preserve, restore and enhance particular environmental features while minimizing the impact of future development including the naturalization of the Willett Branch as discussed above; adding to the almost non-existent SWM facilities, and reducing the heat island effect by meeting tree canopy goals and promoting green roofs. The environmental features of the Site Plan 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” (Sector Plan, page 76). As shown on the Tree Canopy exhibit included with the Site Plan Application, the Project will achieve a minimum of 50 percent canopy cover over the roads and on-street parking internal to the Project. The Sector Plan also makes a specific recommendation to reduce impervious surface parking areas, which the Project will achieve through replacement of acres of existing surface parking with the redevelopment.

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. To maximize the benefits of upgraded stormwater management, the Sector Plan also recommends that “SWM treatment should be done on-site wherever feasible, and the use of waivers should be limited” (Sector Plan, page 58). These objectives are achieved with the redevelopment, which will treat 100 percent of the stormwater from the Project on-site without the need for waivers. With regard to Westwood Shopping Center Site Plan 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 (parcels 235 and 360) by installing stormwater buffer strips along and within the perimeter of the Westwood Shopping Center site” (Sector Plan, page 76). The Site Plan moves the townhouse units shown 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 storm drain system.

With regard to tree and forest preservation, in addition to more general recommendations, the Sector Plan recommends that “any 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” (Sector Plan, page 76). As shown on the Final Forest Conservation Plan included with the Site Plan Application, these large trees are preserved and, where practicable, the smaller trees along the Kenwood driveway are also preserved, as shown on the current layout.

The Sector Plan recommends improvement of Westbard Avenue as a multi-modal road, with wide sidewalks, street trees, off-street cycle tracks, off-peak, on-street parking and a planted median with pedestrian refuge. The Sector Plan also recommends the creation of a grid of streets on the site of the Westwood

Shopping Center. This grid will facilitate the creation of short blocks, sidewalks for walking, shopping and outdoor dining while also providing tree canopy and SWM features in the roadways (per the Sector Plans recommendations). In furtherance of these objectives, the Site Plan provides significant streetscape improvements along the Subject 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. The Applicant has provided a network of streets consistent with the Sector Plan goals. The Sector Plan also calls for a "transit hub" on or near the Westwood Shopping Center site that is to include space for "a bikeshare station" and a "real-time information display for transit service should be incorporated into the transit hub" (Sector Plan, page 44). As part of the Site Plan, a transit hub is shown along Westbard Avenue proximate to the office entrance for the Commercial 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.

To acknowledge the history of the Westbard area, the Sector Plan also recommends that projects "Use building materials for new construction that have significance to the area and, if they are unavailable, use similar substitutes" (Sector Plan, page 63). The Sector Plan specifically recognizes "brick and Stoneyhurst stone," "Indiana limestone," and "Westbard granite" as such significant materials. Because the procurement of these materials is difficult and will be uncertain throughout the life of the Project, the townhomes will be designed using materials that are compatible in appearance, size and shape. The primary exterior material of the front of the townhouse units will be brick veneer with pre-cast banding and accents, both reflective of the history of the Westbard area. The remainder of the Project will also be predominantly masonry, with brick heavily utilized on both the Multi-Family and Commercial Buildings. Additionally, the small retail kiosk in the Civic Green will heavily feature a stone exterior, reminiscent of the history of the area. Both the Multi-Family and Commercial Buildings will also include masonry detailing common to local historic examples.

The Sector Plan also states that "historically-oriented interpretive signage, markers and commemorative art" should be incorporated throughout the Sector Plan area and that developers should coordinate the content and location of such signage, markers and art with the County Historic Preservation Office (Sector Plan, pages 63-64). In conformance with the Sector Plan, as conditioned, the Applicant will coordinate with the M-NCPPC Historic Preservation staff to ensure these recommendations are addressed prior to Certified Site Plan.

The Sector Plan's recommended "enhancing Westbard's community character and identity" through placemaking (Sector Plan, page 54). The Site Plan

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 Site Plan conforms to the recommendations of the Sector Plan.

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

Per the approved Preliminary Plan No. 120170170, the development in the Site Plan will be served by adequate public facilities, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. The Subject Property is also situated in the Whitman School Cluster. Pursuant to both the FY18 and FY19 Annual School Test, 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. Water and sewer and other utilities are available to and currently serve the Subject Property. The Subject Property is adequately served by public water and sewer as well as police and fire protection.

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

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

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

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

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

MAY 06 2019 (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Vice Chair Dreyfuss, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González and Cichy voting in favor, and Commissioner Patterson absent at its regular meeting held on Thursday, April 25, 2019, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board